

**ORDINANCE NO. 2017 - 21**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING THE 2030 NASSAU COUNTY COMPREHENSIVE PLAN; AMENDING THE RECREATION AND OPEN SPACE, REGIONAL COORDINATION, FUTURE LAND USE, AND CAPITAL IMPROVEMENTS ELEMENTS; AMENDING THE FUTURE LAND USE MAP SERIES (FLUMS); ESTABLISHING THE WILLIAM BURGESS MIXED USE ACTIVITY CENTER OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the 2030 Nassau County Comprehensive Plan requires updates to the goals, objectives, and policies of the Plan in order to remain current in its references and in compliance with the requirements of Ch. 163 Florida Statutes; and

**WHEREAS**, Policy FL.10.05 of the Nassau County Comprehensive Plan requires the County to review existing regulations in the Land Development Code and revise as necessary in order to implement the Future Land Use Plan; and

**WHEREAS**, the Goals, Objectives and Policies of the Nassau County Comprehensive Plan encourage the construction of master planned and mixed use developments by providing incentives such as density bonuses, flexible design standards and funding options for required infrastructure improvements; and

**WHEREAS**, the Goals, Objectives and Policies of the Nassau County Comprehensive Plan support urban development patterns that create a functional mix of residential, supporting civic and commercial uses that will reduce vehicle miles traveled, and reduce traffic impacts on the major road network; and

**WHEREAS**, the Planning and Zoning Board, acting in their capacity as Local Planning Agency for Nassau County, conducted a public hearing on this application on June 20, 2017 and voted to recommend approval to the Board of County Commissioners and for transmittal of this application; and

**WHEREAS**, the Florida Division of Community Planning conducted a limited interagency review of this application in accordance with the expedited review procedures pursuant to Sec. 163.3184(3)(b) and 163.3180(a), F.S.; and

**WHEREAS**, the Board of County Commissioners held a public hearing for adoption of this amendment on August 28, 2017; and

**WHEREAS**, due public notice of all public hearings has been provided in accordance with Chapter 163, F.S.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA:**

#### **SECTION 1. FINDINGS**

This action complies with Chapter 163, Part II, Florida Statutes, as amended, and is consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan.

#### **SECTION 2. AMENDMENTS**

1. The Policies of the Regional Coordination, Future Land Use, and Capital Improvements Elements of the Nassau County Comprehensive Plan are hereby amended and adopted as set forth in Exhibit "A" attached hereto and made a part hereof.
2. Policy FL.02.05, establishing the William Burgess Mixed Use Overlay District, is hereby adopted as set forth in Exhibit "B" attached hereto and made a part hereof.
3. Map FLUMS-10, depicting the William Burgess Mixed Use Overlay District, is hereby adopted as part of the Future Land Use Map Series (FLUMS) as set forth in Exhibit "C" attached hereto and made a part hereof.

This amendment affects only those policies and maps referenced in Exhibits A-C; all other maps, goals, objectives and policies of the adopted Nassau County Comprehensive Plan shall remain as currently adopted.

#### **SECTION 3. SEVERABILITY**

It is the intent of the Board of County Commissioners of Nassau County, Florida, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

#### **SECTION 4. EFFECTIVE DATE**

This Ordinance shall be filed with the Office of the Secretary of State. This Ordinance shall become effective 31 days after the state land planning agency notifies Nassau County that the plan amendment package is complete. However,


if timely challenged, this Ordinance shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this amendment to be in compliance.

Adopted this 28th day of August, 2017 by the Board of County Commissioners of Nassau County, Florida.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

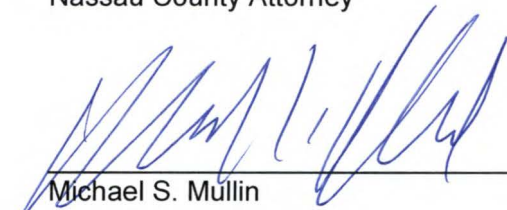
  
\_\_\_\_\_  
DANIEL B. LEEPER  
Its: Chair

ATTEST as to Chairman's Signature:

  
\_\_\_\_\_  
John A. Crawford  
Its: Ex-Officio Clerk

MES  
08-30-17

Approved as to form by the  
Nassau County Attorney

  
\_\_\_\_\_  
Michael S. Mullin  
County Attorney

## EXHIBIT A

*The following Policies of the Regional Coordination Element (RC) are hereby amended to read as follows:*

**Policy RC.01.10**

The County shall recognize airport master plans for public-use airports prepared pursuant to Sec. 333.06 Florida Statutes and shall, in conjunction with its municipalities, consider the establishment of interlocal agreements to adopt, administer, and enforce airport protection zoning regulations for areas in adjacent jurisdictions upon which an obstruction may be constructed or altered which underlies any surface of the airport as provided in 14 C.F.R. part 77, subpart C.

*The following Policies of the Recreation and Open Space Element (ROS) are hereby amended to read as follows:*

**Policy ROS.01.03**

Parks shall be defined in this Plan as follows:

- A) "Neighborhood Park" shall mean a local park, which is typically less than 10 acres in size and may include landscaping and recreational improvements such as sandboxes, play sculpture, playground equipment, benches, shelters, trees and fencing. These parks are used by the residents of one or more nearby neighborhoods, typically those within a half-mile radius of the park.
- B) "Community Park" shall mean a park, which is designed to serve the recreation needs of several communities in the unincorporated areas of the County generally within a 1-5 mile service radius. They may include restrooms, onsite parking, large landscaped areas, community centers, lighted sports fields, athletic complexes, large swimming pools, and other specialized recreational facilities. These parks are generally at least 10 acres in size.
- C) "Regional Park" shall mean either water-based recreation sites or a large, resource-based park of at least 30 acres or more in size and intended to serve residents of the entire unincorporated area, as well as residents of the municipalities. These parks contain recreation uses, such as water-based recreation, beach access sites, boating facilities, camping, fishing, trails and nature study, but may also provide specialized recreational facilities, such as a sports complex.



## EXHIBIT A

## Policy ROS.01.0304

The County shall acquire, maintain, or manage through agreement, community and regional park facilities to achieve and maintain the adopted levels of service (LOS) shown below. ~~The County shall adopt the following Level of Service (LOS) standards for community and regional parks. These standards may be revised or replaced by location or design criteria based on the recommendations of the Parks & Recreation Master Plan described in Policy ROS.01.01.~~

| Type                          | Service Radius                                  | Minimum Size | Area /1000 Residents | Site Characteristics and Facilities <del>Other Requirements</del>  |
|-------------------------------|---|--------------|----------------------|--|
| Community Parks               | 1-2 <del>5</del> miles                          | 10 Acres     | 3.35 Acres           | <del>May include areas suited for intense recreation facilities such as athletic complexes and large swimming pools. Easily accessible to nearby neighborhoods and other neighborhoods</del>         |
| Regional Parks- General       | Count y-wide: <del>30 miles/ 1 hour drive</del> | 30 Acres     | 10 Acres             | <del>Size and location may vary with the primary purpose of the park. May include areas suited for camping, nature and bridle paths, picnicking, fishing, and other resource based facilities.</del> |
| Regional Parks- Beach Access  | Count y-wide                                    | Variable     | .25 Acre             | At .5 mile linear increments with adequate space for parking   |
| Regional Parks- Boat Facility | Count y-wide                                    | Variable     | .40 Acre             | 1 ramp lane per 5,000 population   |

## Policy ROS.01.0405

In general, the County shall not seek to acquire neighborhood park facilities. Land and improvements for neighborhood parks shall be provided by new development through the site plan review process. Criteria for the location and design of such facilities shall be included in the Land Development Code (LDC), Planned Unit Development (PUD) or Development of Regional Impact (DRI) development order.

~~Policy ROS.01.05~~

~~The County shall acquire, maintain, or manage through agreement, community and regional park facilities to achieve and maintain the adopted level of service (LOS).~~

## EXHIBIT A

*The following Policies of the Future Land Use Element (FL) are hereby amended to read as follows:*

**Policy FL.02.02**

**SR 200/A1A Access Management Overlay District**

The SR 200/A1A Access Management Overlay District provides a further means for the County to manage development along SR 200/A1A. This district is shown in map form as part of the Future Land Use Map Series. It lies generally within 1000 feet of each side of SR 200/A1A and stretches from Edwards Road (which is one mile west of the I-95 and SR 200/A1A interchange) to the Intracoastal Waterway. The following policies, in addition to the countywide access management requirements specified by the Transportation Element shall also apply to development within the 200/A1A Access Management Overlay District:

- A) Direct access to SR 200/A1A shall be controlled to preserve the safety, efficiency, and character of this regionally important transportation route. Individual property access shall not be provided to SR 200/A1A where alternative access is available, or can be provided by the land developers, as defined in the Land Development Code (LDC).
- B) Accessibility to land development along SR 200/A1A shall be provided through the use of parallel roads side streets, joint access driveways and cross access easements connecting adjacent developments. Adjacent non-residential properties shall provide a cross access drive and pedestrian access to allow circulation between sites.
- ~~C) In accordance with the State Road 200/A1A Access Management Study, (Florida Department of Transportation, 1995) future developments should be set back an additional 25 feet on each side of the existing right-of-way.~~

**Policy FL.10.07**

The Land Development Code shall set standards for minimum setback distances, buffers and other methods to protect ports, airports and related facilities from encroachment by incompatible land uses.

**Policy FL.10.08**

The County shall enforce height restrictions and encroachment limitations in the unincorporated portions of Nassau County surrounding the Fernandina Beach Municipal Airport and Hilliard Air Park.

**Policy FL.11.09**

The County shall not amend its comprehensive plan, land use map, zoning districts, or land development regulations in a manner that would conflict with the classification a fuel terminal, as defined in Sec. 163.3206, F.S. as a permitted and allowable use, including, but not limited to, an amendment that causes a fuel terminal to be a nonconforming use, structure, or development. In the event of damage to or destruction of a fuel terminal as a result of a natural disaster or other catastrophe, a local government shall allow the timely repair of the fuel terminal to the capacity of the fuel terminal as it existed before the natural disaster or catastrophe.



## EXHIBIT A

*The following Policy of the Capital Improvements Element is hereby amended to read as follows:*

**Policy CI.02.01**

Nassau County adopts the Level of Service (LOS) standards for public facilities and services as shown below:

C) Recreation and Open Space

| Type                          | Service Radius                       | Minimum Size | Area /1000 Residents | <del>Site Characteristics and Facilities</del> <u>Other Requirements</u>   |
|-------------------------------|--------------------------------------|--------------|----------------------|--|
| Community Parks               | <del>1-2</del> 5 miles               | 10 Acres     | 3.35 Acres           | <del>May include areas suited for intense recreation facilities such as athletic complexes and large swimming pools. Easily accessible to nearby neighborhoods and other neighborhoods</del>         |
| Regional Parks- General       | Count y-wide: 30 miles/ 1 hour drive | 30 Acres     | 10 Acres             | <del>Size and location may vary with the primary purpose of the park. May include areas suited for camping, nature and bridle paths, picnicking, fishing, and other resource based facilities.</del> |
| Regional Parks- Beach Access  | Count y-wide                         | Variable     | .25 Acre             | At .5 mile linear increments with adequate space for parking   |
| Regional Parks- Boat Facility | Count y-wide                         | Variable     | .40 Acre             | 1 ramp lane per 5,000 population   |



## EXHIBIT B

*The following Policy is hereby added to the Future Land Use Element (FL) in conjunction with Map FLUMS-10 -William Burgess Mixed Use Overlay District (see Exhibit C):*

**Policy FL.02.05**

**William Burgess Mixed Use Activity Center Overlay District**

One of the specific goals expressed in the County's Vision 2032 final report is to encourage mixed-use developments designed to accommodate multiple community activities and services in close proximity. By reducing infrastructure demand, mixed-use developments can generate a positive fiscal impact on County's financial resources. It is the County's objective to coordinate community efforts to develop high-value mixed-use developments that achieve this goal.

As depicted in Future Land Use Map Series Map FLUMS-10, The William Burgess Mixed Use Activity Center establishes a model activity center that will be designed to create a quality of place that is integral for quality of life, while also serving to alleviate traffic from the State Road 200/ A1A Corridor.

Centered within ½ mile of the intersection of William Burgess Boulevard and the CSX rail line running parallel to U.S. Hwy. 17, development within the William Burgess Mixed Use Activity Center shall promote sustainable, compact mixed use development. It will include residential, commercial, office, and employment-generating uses. It will promote multi-modal transportation including walking, biking, and future transit systems. This includes the identification and reservation of a future commuter rail station.

A) Specific incentives and design guidelines will be adopted into the Land Development Code that will incorporate the following goals and principles for development of this Overlay:

1. A high level of interconnectivity of multiple modes of transportation to redirect traffic and alleviate the burden on SR 200/A1A.
2. Higher density, mixed use development that provides a strong work-life balance and opportunities for affordable housing and economic development.
3. Strong pedestrian and bicycle orientation that also welcomes potential commuter rail along the US Hwy 17 Corridor.
4. High quality public spaces that create opportunities for cultural experiences and outdoor interaction, entertainment, and play for all ages and ability levels.
5. Diversity of land uses, spaces, building types and styles designed to create a sustainable, compact development and community.
6. Serve as a template for the creation of a Mixed Use Future Land Use Category and mixed-use zoning districts that will serve to guide other compact nodes of development.

B) Within the boundaries of this overlay, the High-Density Residential (HDR) and Commercial (COM) Future Land Use Map (FLUM) designations, residential development may be permitted up to a maximum of twenty (20) units per acre, subject to conformance with goals and principles described above and with adopted design guidelines and performance standards in the Land Development Code.

C) Within the boundaries of this overlay, the High-Density Residential (HDR) and Commercial (COM) Future Land Use Map (FLUM) designations shall have a maximum Floor Area Ratio (FAR) of 2.0. Where residential and non-residential uses are vertically integrated within the same structure, FAR calculation will exclude those portions devoted to residential dwelling units.

EXHIBIT B

D) Impervious Surface Ratio (ISR) requirements for properties within the overlay will be determined on a case-by-case basis.



EXHIBIT C

