

ORDINANCE NO. 2006 - 76

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ORDINANCE NO. 97-19, AS AMENDED, KNOWN AS THE NASSAU COUNTY ZONING CODE; SPECIFICALLY AMENDING ARTICLE 33, DISTANCE RESTRICTIONS OF VENDORS OF ALCOHOLIC/INTOXICATING BEVERAGES FROM CHURCHES AND SCHOOLS; SPECIFICALLY AMENDING SECTION 33.01 TO INCLUDE SEXUALLY ORIENTED BUSINESSES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 2005-38, amended Ordinance No. 97-19, known as the Nassau County Zoning Code, to provide that it shall be unlawful to establish, operate or cause to operate a sexually oriented business within twenty five hundred feet (2500') from a business licensed by the State of Florida to sell alcohol, at the premises, whether for on- or off- premise consumption; and

WHEREAS, the Board of County Commissioners of Nassau County, finds that it is in the best interest of the citizens to amend Section 33.01 of Ordinance No. 97-19, the Nassau County Zoning Code, to include the twenty five hundred foot (2500') distance restriction of sexually oriented businesses from vendors of alcoholic/intoxicating beverages.

NOW, THEREFORE BE IT ORDAINED this 23rd day of October 2006, by the Board of County Commissioners of Nassau County, Florida, that Ordinance 97-19, as amended, be further amended as follows:

Section I

ARTICLE 33

DISTANCE RESTRICTIONS FOR CERTAIN LAND USES

Section 33.01 Vendors of Alcoholic/Intoxicating Beverages and Bottle Clubs

A. It shall be unlawful for any person, firm, association or corporation to establish, maintain or carry on the business of vendor of alcoholic/intoxicating beverages or for a bottle club, as defined per Ordinance 71-13, to allow the consumption of alcoholic/intoxicating beverages within one thousand (1000) feet in airline distance measured from building to building at their closest points to any established school or church, except as may be provided in Ordinance 81-22, as amended, or within twenty five hundred feet (2500') from a Sexually oriented business as defined and more particularly described in Section 33.02 Sexually Oriented Businesses; provided that nothing herein contained shall affect any such business, vending intoxicating beverages both for sale or for consumption on or off the premises, which was actually being legally carried on within such distance of any established school or church at the time of the passage of these regulations.

- B. Any Bottle Club operating within one (1) year of the date of the adoption of this amendment shall be grandfathered in subject to the provisions herein. To be grandfathered in the Bottle Club shall demonstrate by receipts and affidavit(s) that they have operated as a Bottle Club and those receipts and affidavit(s) shall be tendered to the County Administrator who shall render a decision within fifteen (15) days after receipt. If there is a disagreement as to the County Administrator's decision, it can be appealed to the Board of County Commissioners.
- C. Section 5.03, Conditional Use and Section 5.05, Variance shall not apply to this Section.

Section 33.02 Sexually Oriented Businesses

- A. It shall be unlawful to establish, operate or cause to be operated a sexually oriented business in Nassau County unless said sexually oriented business is at least:
- 1) Two thousand five hundred (2,500) feet from any parcel occupied by another sexually oriented business or a business licensed by the State of Florida to sell alcohol, at the premises, whether for on- or off- premise consumption; and

2) Two thousand five hundred (2,500) feet from any parcel occupied by a church, house of worship, public or private elementary or secondary school, kindergarten, licensed daycare center or any residence.

B. For the purpose of this Section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) identified above.


C. Sexually oriented businesses are subject to additional requirements as provided by Ordinance 2005-10, an Ordinance establishing licensing requirements and regulations for sexually oriented businesses within Nassau County.

D. Section 5.03, Conditional Use and Section 5.05, Variance shall not apply to this Section.

Section II: Effective Date


This ordinance shall become effective upon receipt in the Office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



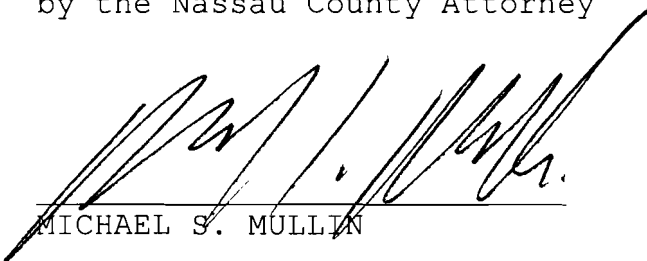
THOMAS D. BRANAN, JR.
Its: Chairman

ATTEST:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form and legality
by the Nassau County Attorney



MICHAEL S. MULLIN