

## ORDINANCE 2019 -01

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ARTICLE 22 OF THE LAND DEVELOPMENT CODE, OPEN RURAL (OR) ZONING DISTRICT; AMENDING ARTICLE 28 OF THE LAND DEVELOPMENT CODE, SUPPLEMENTARY REGULATIONS; AMENDING ARTICLE 32 OF THE LAND DEVELOPMENT CODE, DEFINITIONS, ALLOWING FOR RETAIL PLANT NURSERIES SUBJECT TO SUPPLEMENTARY DEVELOPMENT STANDARDS; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**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 Board of County Commissioners has found it in the best interest of the citizens of Nassau County to amend the Code of Ordinances; and

**WHEREAS**, the Planning and Zoning Board conducted a public hearing on this Ordinance on November 8, 2018 and voted to recommend approval.

**NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Nassau County, Florida:**

### **SECTION 1. FINDINGS**

This Ordinance is consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan, in particular, Policies FL.01.01, FL.01.02, FL.10.05 and ED.05.02.

### **SECTION 2. AMENDMENT**

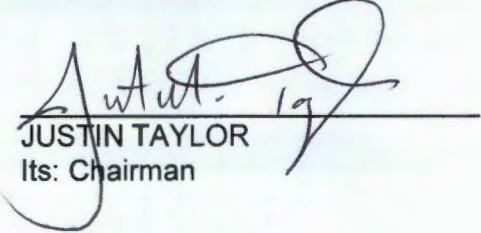
- A. Article 22, Article 28, Section 28.16 and Article 32 of the Land Development Code are amended as set forth in Exhibit "A" attached hereto and made a part hereof.

### **SECTION 3. EFFECTIVE DATE**

This Ordinance shall take effect upon filing with the Secretary of State as provided in Florida Statutes, Section 125.66.

PASSED and ADOPTED this 14th day of January, 2019.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA



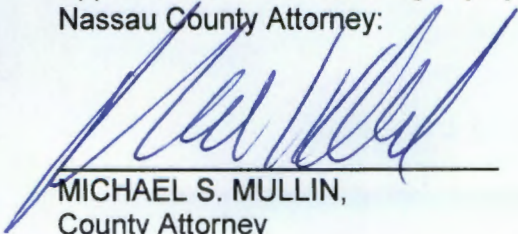
JUSTIN TAYLOR  
Its: Chairman

ATTEST as to Chairman's Signature:



JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

Approved as to form and legality by the  
Nassau County Attorney:



MICHAEL S. MULLIN,  
County Attorney



## EXHIBIT A

### ARTICLE 22 OPEN RURAL (OR)

#### Section 22.01. - Permitted uses and structures.

- (M) Wholesale or retail plant nurseries, subject to supplementary development standards found in Section 28.16 ~~provided that all associated structures (ie: greenhouses, shade houses, raised starting tables etc.) shall not be closer than fifty (50) feet to the property line of an adjoining residential use unless there is an intervening opaque buffer per section 28.08.~~

### ARTICLE 32 DEFINITIONS

Nursery, Plant: The use of land and buildings for the purpose of growing various ornamental plants, grasses, shrubs, flowers, and horticultural specialties for sale on-site, and which may include the sale of landscaping accessories such as lawn ornaments, fertilizer, tools, and similar commodities as accessory to the propagation and growth of plants. This definition includes both wholesale and retail nurseries as defined herein.

Retail: The sale of goods to the public in relatively small quantities for use or consumption rather than for resale.

Wholesale: The sale of goods in bulk or large quantities, typically for resale (retail) by others.

### ARTICLE 28 SUPPLEMENTARY REGULATIONS

#### Section 28.16 ~~Reserved~~ Plant Nurseries

The following regulations shall apply to the location, design, construction and operation, and maintenance of wholesale or retail plant nurseries, as defined in Article 32 of this Code:

- (A) Minimum lot area. The minimum lot area shall be as per the zoning district (see section 22.04(D) regarding lot size requirements in the Open Rural district).
- (B) Permitted activities. The following activities are permitted on site for this type of establishment:
- (1) Office activities.
  - (2) Parking or storage of light- and medium-duty vehicles and equipment used in the business (i.e., light- or medium-duty vehicles, mowers, weed or hedge trimmers, garden tools and other equipment).
  - (3) Routine maintenance and cleaning of vehicles and equipment as described above.
  - (4) Bulk storage of plants or landscaping materials for sale (i.e., mulch, stone, soil, etc.).
  - (5) Retail sale of plants or landscaping materials, garden tools and other equipment.
- (C) Prohibited activities. The following activities are prohibited on site for this type of establishment:
- (1) Parking, storage or sales of heavy-duty vehicles, farming or construction equipment (For wholesale nurseries only, vehicles associated with transportation of plants or materials may be permitted).
  - (2) Storage or disposal of construction and demolition debris or solid waste.
  - (3) Bulk storage of pesticides, chemical fertilizers or other hazardous materials not used in the conduct of the nursery operations.
- (D) Access and Parking
- (1) Retail nurseries must provide paved access to a County maintained road classified as a collector or higher and constructed in accordance with County standards.

## EXHIBIT A

- (2) Parking areas for retail sales areas must be paved and constructed in accordance with Article 31 of this Code.
- (E) Outdoor storage areas.
  - (1) Interior contents of outdoor storage areas shall not be visible from the public right-of-way preferably located within the rear yard of the principal structure.
  - (2) Outdoor storage areas shall not exceed fifty (50) percent of the total site area (does not include growing areas).
- (F) Screening and buffering.
  - (1) Outdoor storage areas shall be screened from the public right-of-way by a medium density buffer, as defined in Article 37, Section 37.06.
  - (2) For required landscape areas and buffers adjacent to public rights-of way, plant nurseries may utilize plants or materials that are sold on the premises.
  - (3) A medium density buffer, as defined in Article 37, Section 37.06. is required between outside storage areas and property in residential use.
  - (4) For other areas of the site, screening and buffering is as required by Article 37, section 37.06.