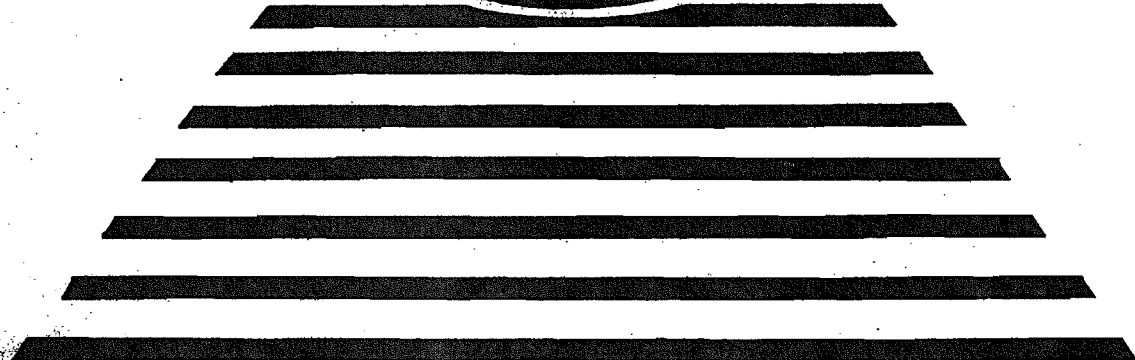
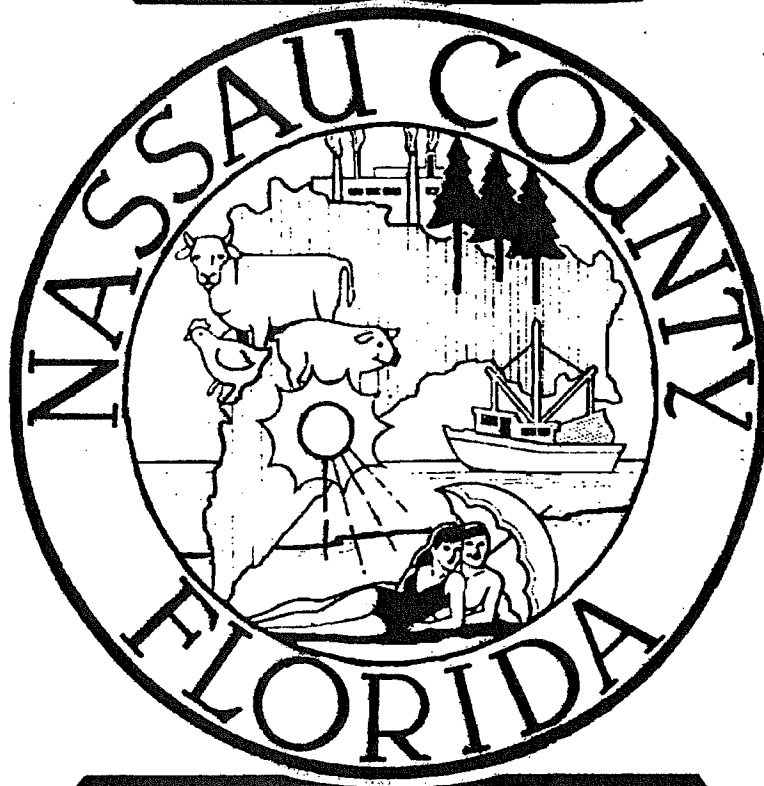
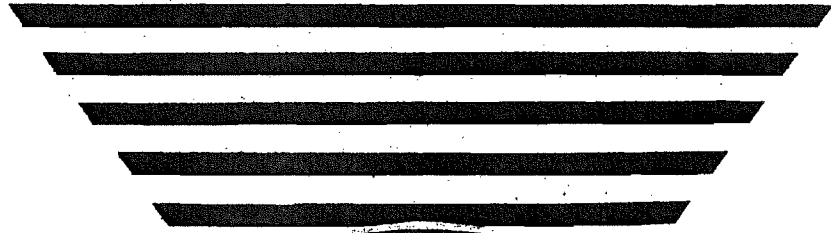




83-19

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# ZONING ORDINANCE



SEP 27 1983

**T.J. GREESON  
CLERK OF THE CIRCUIT COURT  
NASSAU COUNTY  
POST OFFICE BOX 458  
FERNANDINA BEACH, FLORIDA 32034**

**NASSAU COUNTY ZONING ORDINANCE**

September 27, 1983

THE PREPARATION OF THIS REPORT AND MAP WAS FI-  
NANCED IN PART BY A LOCAL GOVERNMENT COMPREHEN-  
SIVE PLANNING ASSISTANCE GRANT ADMINISTERED BY  
THE DEPARTMENT OF VETERAN AND COMMUNITY AFFAIRS.

ORDINANCE NO. 83-19

NASSAU COUNTY, FLORIDA

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AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE ZONING CODE AND ZONING MAPS FOR THE UNINCORPORATED PORTION OF NASSAU COUNTY, FLORIDA; DIVIDING THE COUNTY INTO DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF AND WITHIN SUCH DISTRICTS REGULATING AND RESTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES, OR LAND OR WATER; REGULATING AND RESTRICTING THE HEIGHT; NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, REGULATING AND RESTRICTING THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED; REGULATING AND RESTRICTING THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACE; REGULATING AND RESTRICTING THE DENSITY OF POPULATION; REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND AND WATER FOR TRADE, INDUSTRY, RESIDENCE, AGRICULTURE, AND OTHER PURPOSES; PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT OF THIS CODE; ESTABLISHING AND SETTING OUT THE POWERS AND DUTIES OF THE PLANNING BOARD; SETTING A SCHEDULE OF FEES, CHARGES, AND EXPENSES; DECLARING THAT THE PROVISIONS OF THIS ZONING CODE ARE MINIMUM OR MAXIMUM REQUIREMENTS AS THE CASE MAY BE; SETTING PENALTIES FOR VIOLATION OF THIS ZONING CODE AND AUTHORIZING RESORT TO OTHER REMEDIES TO PREVENT OR ABATE VIOLATION; DEFINING CERTAIN TERMS HEREIN USED; PROVIDING THAT THIS ZONING CODE SHALL SUPERSEDE ANY AND ALL PRIOR AND EXISTING ZONING ORDINANCES, DISTANCE RESTRICTIONS AND REQUIREMENTS TO CARRY ON ANY BUSINESS AND NONBUSINESS ACTIVITIES, LAWS OR RESOLUTIONS FOR THE UNINCORPORATED AREA OF NASSAU COUNTY, FLORIDA AND FOR OTHER PURPOSES.

TABLE OF CONTENTS

	<u>Page</u>
ARTICLE 1: SHORT TITLE	1
ARTICLE 2: LEGAL STATUS	1
Section 2.01 - Authority	1
Section 2.02 - Purpose and Policy	1
Section 2.03 - Validity	1
ARTICLE 3: ADMINISTRATION	2
Section 3.01 - General Grant of Power	2
Section 3.02 - Board of County Commissioners	2
Section 3.03 - Zoning Administrator	3
Section 3.04 - Planning Commission	4
ARTICLE 4: ENFORCEMENT OF ZONING VIOLATIONS	8
Section 4.01 - Zoning Administrator	8
Section 4.02 - Notification of Violations	8
Section 4.03 - Legal Remedies for Violations	8
Section 4.04 - Penalties for Violators	8
ARTICLE 5: PROCEDURES	9
Section 5.01 - General	9
Section 5.02 - Rezoning	9
Section 5.03 - Conditional Use	11
Section 5.04 - Conditional Use Review Criteria	12
Section 5.05 - Variance	13
Section 5.06 - Procedure For Appealing Decisions Of The Planning Commission and Zoning Administrator	13
ARTICLE 6: GENERAL REGULATIONS	15
Section 6.01 - Compliance with this Ordinance	15
Section 6.02 - Encroachment and Reduction of Lot Area	15
Section 6.03 - Zoning Districts Exclusive	15
ARTICLE 7: ZONING DISTRICT AND ZONING ATLAS	16
Section 7.01 - Reference to District Names	16
Section 7.02 - Interpretation of District Boundaries	17
ARTICLE 8: RESIDENTIAL, SINGLE FAMILY ESTATE	18
Section 8.01 - Permitted Uses	18
Section 8.02 - Accessory Uses and Structures	18
Section 8.03 - Conditional Uses	18
Section 8.04 - Lot Requirements	18
Section 8.05 - Yard Requirements	18
Section 8.06 - Building Restrictions	18

	<u>Page</u>
ARTICLE 9: RESIDENTIAL, SINGLE FAMILY: RS-1 and RS-2	19
Section 9.01 - Permitted Uses	19
Section 9.02 - Accessory Uses	19
Section 9.03 - Conditional Uses	19
Section 9.04 - Lot Requirements	19
Section 9.05 - Yard Requirements	19
Section 9.06 - Building Restrictions	20
ARTICLE 10: RESIDENTIAL, MIXED: RM	21
Section 10.01 - Permitted Uses	21
Section 10.02 - Accessory Uses	21
Section 10.03 - Conditional Uses	21
Section 10.04 - Lot Requirements	21
Section 10.05 - Yard Requirements	21
Section 10.06 - Building Restrictions	21
ARTICLE 11: RESIDENTIAL, TOWNHOUSE: RT	22
Section 11.01 - Permitted Uses	22
Section 11.02 - Accessory Uses	22
Section 11.03 - Conditional Uses	22
Section 11.04 - Lot Requirements	22
Section 11.05 - Yard Requirements	22
Section 11.06 - Building Restrictions	22
Section 11.07 - Special Requirements	23
ARTICLE 12: RESIDENTIAL, GENERAL 1: RG-1	24
Section 12.01 - Permitted Uses	24
Section 12.02 - Accessory Uses	24
Section 12.03 - Conditional Uses	24
Section 12.04 - Lot Requirements	24
Section 12.05 - Yard Requirements	25
Section 12.06 - Building Restrictions	25
ARTICLE 13: RESIDENTIAL, GENERAL 2: RG-2	26
Section 13.01 - Permitted Uses	26
Section 13.02 - Accessory Uses and Structures	26
Section 13.03 - Conditional Uses	26
Section 13.04 - Lot Requirements	27
Section 13.05 - Yard Requirements	27
Section 13.06 - Building Restrictions	28
ARTICLE 14: RESIDENTIAL, MOBILE HOME: RMH	29
Section 14.01 - Permitted Uses	29
Section 14.02 - Accessory Uses	29
Section 14.03 - Establishment Procedure	29
Section 14.04 - Conditional Uses	30
Section 14.05 - Lot Requirements	30
Section 14.06 - Maximum Lot Coverage By All Buildings and Structures	30
Section 14.07 - Yard Requirements	30
Section 14.08 - Streets, Roads, and Parking	31

	<u>Page</u>
<b>ARTICLE 15: COMMERCIAL, NEIGHBORHOOD: CN</b>	32
Section 15.01 - Permitted Uses	32
Section 15.02 - Special Restrictions	32
Section 15.03 - Accessory Uses	33
Section 15.04 - Conditional Uses	33
Section 15.05 - Lot Requirements	33
Section 15.06 - Yard Requirements	33
Section 15.07 - Building Restrictions	34
<b>ARTICLE 16: COMMERCIAL, GENERAL: CG</b>	35
Section 16.01 - Permitted Uses and Structures	36
Section 16.02 - Permitted Accessory Uses	36
Section 16.03 - Conditional Uses	36
Section 16.04 - Minimum Lot Requirements	36
Section 16.05 - Minimum Yard Requirements	36
Section 16.06 - Building Restrictions	37
<b>ARTICLE 17: COMMERCIAL INTENSIVE: CI</b>	38
Section 17.01 - Permitted Uses	38
Section 17.02 - Accessory Uses and Structures	39
Section 17.03 - Conditional Uses	39
Section 17.04 - Lot Requirements	40
Section 17.05 - Yard Requirements	40
Section 17.06 - Building Restrictions	41
<b>ARTICLE 18: COMMERCIAL, HIGHWAY AND TOURIST: CHT</b>	42
Section 18.01 - Permitted Uses	42
Section 18.02 - Accessory Uses	42
Section 18.03 - Conditional Uses	42
Section 18.04 - Lot Requirements	42
Section 18.05 - Yard Requirements	43
Section 18.06 - Building Restrictions	43
<b>ARTICLE 19: COMMERCIAL, PROFESSIONAL AND OFFICE: CPO</b>	44
Section 19.01 - Permitted Uses	44
Section 19.02 - Accessory Uses and Structures	44
Section 19.03 - Conditional Uses	44
Section 19.04 - Lot Requirements	45
Section 19.05 - Yard Requirements	45
Section 19.06 - Building Restrictions	45
<b>ARTICLE 20: INDUSTRIAL, WAREHOUSING: IW</b>	46
Section 20.01 - Permitted Uses	47
Section 20.02 - Accessory Uses	47
Section 20.03 - Conditional Uses	47
Section 20.04 - Lot Requirements	47
Section 20.05 - Yard Requirements	47
Section 20.06 - Building Restrictions	48

	<u>Page</u>
ARTICLE 21: INDUSTRIAL, HEAVY: IH	49
Section 21.01 - Permitted Uses	49
Section 21.02 - Accessory Uses	49
Section 21.03 - Conditional Uses	49
Section 21.04 - Lot Requirements	50
Section 21.05 - Yard Requirements	50
Section 21.06 - Building Restrictions	50
ARTICLE 22: OPEN RURAL: OR	51
Section 22.01 - Permitted Uses	51
Section 22.02 - Accessory Uses	51
Section 22.03 - Conditional Uses	51
Section 22.04 - Lot Requirements	52
Section 22.05 - Yard Requirements	53
Section 22.06 - Building Restrictions	53
ARTICLE 23: GOVERNMENT USE	54
ARTICLE 24: PLANNED UNIT DEVELOPMENT: PUD	55
Section 24.01 - PUD Defined	55
Section 24.02 - Permitted Uses	55
Section 24.03 - Site Requirement	56
Section 24.04 - Special Requirements	56
Section 24.05 - Procedures	58
Section 24.06 - Bonding	65
Section 24.07 - Deviation From The Approved Final Development Plan	65
Section 24.08 - Permits	65
ARTICLE 25: SUPPLEMENTARY REGULATIONS	66
Section 25.01 - Fences, Walls and Hedges	66
Section 25.02 - Nassau County Airports	66
Section 25.03 - Erection of More Than One Principal Structure on a Lot	70
Section 25.04 - Lot To Have Access	71
Section 25.05 - Use of Residentially Zoned Property for Access	71
Section 25.06 - Parking of Heavy Vehicles in Residential Districts	71
Section 25.07 - Parking, Storage, or Use of Major Recreational Equipment	72
Section 25.08 - Service Stations	72
Section 25.09 - Buffers	72
Section 25.10 - Travel Trailer Parks and Campgrounds	72
Section 25.11 - Mobile Homes	73
Section 25.12 - Mobile Home Parks	74
Section 25.13 - Agricultural Zoning	75
Section 25.14 - Essential Public Services	75
Section 25.15 - Supplementary Regulations for Certain Use	76
Section 25.16 - Accessory Use and Structures	78
Section 25.17 - Site Plan Requirements	80
Section 25.18 - Landscape Requirements	82



	Page
ARTICLE 26: NONCONFORMING LOTS, USES, AND STRUCTURES	89
Section 26.01 - Enlargement and Incompatibility	89
Section 26.02 - Work in Progress	89
Section 26.03 - Nonconforming Use of Open Land	89
Section 26.04 - Nonconforming Use of Buildings	89
Section 26.05 - Discontinuance of Nonconforming Uses	89
Section 26.06 - Destruction of Nonconforming Use	90
Section 26.07 - Nonconforming Lot or Record	90
Section 26.08 - Nonconforming Characteristics of Use	91
Section 26.09 - Repairs and Maintenance	91
Section 26.10 - Nonconforming Structures Unsafe Because of Maintenance	91
ARTICLE 27: SIGN REGULATIONS	92
Section 27.01 - Construction Requirements	92
Section 27.02 - Governmental Signs Excluded	92
Section 27.03 - General Requirements for all Signs and Districts	92
Section 27.04 - Measurement of Sign Area	92
Section 27.05 - Signs Permitted in all Districts	92
ARTICLE 28: REQUIRED OFF-STREET PARKING AND OFF-STREET LOADING	93
Section 28.01 - Continuation Required	93
Section 28.02 - Existing Uses	93
Section 28.03 - Required Off-Street Parking and Loading Facilities	93
Section 28.04 - Off-Street Parking and Loading: Location	93
Section 28.05 - Off-Street Parking and Loading: Access	93
Section 28.06 - Off-Street Parking and Loading: Design Standards	93
Section 28.07 - Off-Street Parking and Loading: Non-Conforming Use	95
Section 28.08 - Off-Street Parking and Loading: Uses Not Specifically Mentioned	95
Section 28.09 - Off-Street Parking and Loading: Fractional	95
Section 28.10 - Off-Street Parking: Measurement	95
Section 28.11 - Off-Street Parking: Minimum Requirements	96
Section 28.12 - Off-Street Parking Spaces: Number Required	96
Section 28.13 - Off-Street Loading: Requirements	98
ARTICLE 29: DEFINITIONS	100
ARTICLE 30: Effective Date	117
APPENDIX - Schedule of Fees	118

## ARTICLE 1: SHORT TITLE

This ordinance shall be known and may be cited as the "Nassau County Zoning Ordinance". This ordinance shall supercede any and all prior and existing zoning ordinances, district restrictions and requirements to carry on any business and non-business activities, laws or resolutions for the unincorporated area of Nassau County, Florida. The provisions of this ordinance shall become effective immediately upon adoption.

## ARTICLE 2: LEGAL STATUS

Section 2.01 - Authority

This ordinance, together with any and all future amendments thereto, is adopted under the provisions and terms granted by Chapter 125, Florida Statutes.

Section 2.02 - Purpose and Policy

This ordinance is adopted for the purpose of guiding and accomplishing coordinated, adjusted and harmonious development in accordance with existing and future needs, and in order to protect, promote and improve, public health, safety, comfort, order, appearance, convenience, morals and general welfare of the citizens of the unincorporated area of Nassau County, Florida.

The districts and regulations contained herein are designed to lessen the traffic conjection on public streets and highways; to provide adequate provisions for light and air; to promote civic amenities of beauty and usual interest; to prevent loss of health, life or property from fire, flood or other dangers; to regulate density of population and thus prevent the overcrowding of lands in order to facilitate the provisions for adequate community facilities such as water, sewer, schools, police protection, fire protection and recreational uses.

Section 2.03 - Validity

If any section, part of a section, paragraph, sentence, clause, phrase or word of this ordinance is, for any reason, held or declared to be unconstitutional, inoperative, void or invalid by any court having jurisdiction, such holding or invalidity shall not affect the validity of any other provision of this ordinance.

## ARTICLE 3: ADMINISTRATION

Section 3.01 - General Grant of Power

It shall be within the powers of the Governing Body, hereinafter known as the Board of County Commissioners, to adopt zoning regulations for all of the unincorporated area of Nassau County, Florida and to divide the unincorporated area of Nassau County, Florida into districts or classifications of such number, shape and size as may be deemed best suited, and to regulate the uses of lands, water, buildings and other structures for trade, industry, residence and other purposes within the districts or classifications, and to regulate the height, number of stories, size, bulk, location, erection, construction, repair, reconstruction, alteration, and use of buildings and other structures within the districts or classifications; and to regulate the size of lots, tracts of land, yards, courts and other open spaces and the percentage and portion of lots that may be occupied in connection with the construction and location of buildings or other structures within the district classifications.

Section 3.02 - Board of County Commissioners

It shall be the responsibility of the Board of County Commissioners to perform the following duties and responsibilities in accordance with this ordinance.

## A. Adopt Zoning Ordinance

Adopt this ordinance, and any amendments thereto, in accordance with, and based upon the adopted Nassau County Comprehensive Plan.

## B. Make Amendments to the Zoning Ordinance and Map

A simple majority vote of the Board of County Commissioners is needed to amend the provisions of this ordinance and the zoning map after holding the required public hearing. The Planning Commission must review all proposed amendments, hold a public hearing, and submit written recommendations to the Board of County Commissioners before any official action can be taken. A simple majority vote of the Board of County Commissioners is also needed to override any recommendation of the Planning Commission.

## C. Establish Schedule of Fees (See Appendix)

The established schedule of fees shall apply to action under this ordinance. A receipt showing payment of the applicable fee shall accompany an application prior to consideration thereof. Such fees are to offset costs incidental to holding the public hearing and do not include the cost of advertisement in a newspaper of general circulation. Such advertisement shall be paid for by the applicant.

D. Review and Decide Appeals of Planning Commission. Any person or persons, jointly or severally, aggrieved by any decision of the Planning Commission shall file an appeal with the Board of County Commissioners within thirty (30) days after the Planning Commission has rendered its decision.

E. Appropriation of Funds

Appropriate, as deemed necessary, funds to defray the cost of administering this ordinance.

#### Section 3.03 - Zoning Administrator

The Zoning Administrator, appointed by the Board of County Commissioners, shall administer the provisions of this ordinance. The responsibilities of the Zoning Administrator are as follows:

- A. The day-to-day administration of this ordinance.
- B. Assist applicants in understanding the provisions of this ordinance.
- C. Receive and begin the processing of all applications for zoning changes, variances and conditional uses.
- D. Collect the required zoning fees and deposit with the appropriate county fiscal officer.
- E. Assist the Planning Commission in maintaining and keeping updated the zoning regulations, the zoning map, and all records relative to the zoning regulations and their administration as set forth in this ordinance or as may otherwise be necessary.
- F. Suggest to the Planning Commission and the Board of County Commissioners modifications to the zoning ordinance and map, with a written statement outlining the need for such changes.
- G. Conduct the necessary field inspections required to make rational zoning decisions and to adequately advise the Planning Commission and Board of County Commissioners on zoning matters.
- H. Mail notices of zoning requests to be considered at the regularly scheduled meetings to members of the Planning Commission at least seven days prior to the meeting date. This will allow members ample time to review the various zoning requests.
- I. Review all applications for building permits, including site plans, to determine whether the proposed construction, alteration, repair or enlargement of a structure is in compliance with the zoning ordinance. The Zoning Administrator's signature, stating approval or disapproval, is required on all building applications before issuing a permit.

- J. Submit notices of all zoning meetings and hearings, in a manner prescribed by law, to the local newspaper.
- K. Post signs on property undergoing zoning proceedings. These signs shall be promptly removed after the zoning process is completed.
- L. Periodically canvass the county for zoning violators. Promptly notify persons or establishments that are in violation of this ordinance.
- M. Request the State Attorney's Office to initiate proceedings against violators of this ordinance in accordance with the provisions of Article 4.
- N. Provide the minutes to be taken for the Planning Board.
- O. Mail notices to persons owning property within three hundred (300) feet of a parcel which an application for rezoning, variance or conditional use has been submitted to the Planning Commission for review or approval.

#### Section 3.04 - Planning Commission

The Planning Commission shall serve as an advisory body to the Board of County Commissioners on all planning and zoning related matters.

##### A. Establishment of the Planning Commission

The Board of County Commissioners shall appoint the members of the Planning Commission. The Planning Commission shall be composed of seven (7) members. Each member shall serve a three (3) year staggered term whereby, the terms of three (3) members shall expire one (1) year, the terms of three (3) members shall expire the following year and the term of one (1) member shall expire the next year.

##### B. Powers and Duties

- 1. Review all requests for rezoning of property, zoning amendments and district boundary changes.
- 2. Review and approve requests for conditional uses.
- 3. Review and approve requests for variances from the terms of this ordinance which will not be contrary to the public interest when, due to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary and undue hardship upon the owner of the subject property or structure or the applicant for the variance. In order to authorize any variance from the terms of this ordinance, the Planning Commission must find evidence of the following:
  - a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district.

- b. The special conditions and circumstances do not result from actions of the applicant.
  - c. Granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings, or structures in the same zoning district.
  - d. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would place unnecessary and undue hardship on the applicant.
  - e. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure; and
  - f. The granting of the variance will be in harmony with the general intent and purpose of this ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
4. In granting any variance, the Planning Commission may attach appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the zoning ordinance.
  5. The Planning Commission may establish a reasonable time limit within which the action for which the variance is required shall be started and completed.
  6. Under no circumstances, except as permitted above, shall the Planning Commission grant a variance to permit a use not generally or conditionally permitted in the zoning districts involved or any use expressly or by implication prohibited by the terms of this ordinance in the zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.
  7. Review and approve all site plans, with the exception of those approved by the Zoning Administrator as stated in Article 25, Section 25.17(B) (4), for all proposed development and redevelopment in Nassau County.
  8. Submit written recommendations relative to the various requests reviewed by the Board of County Commissioners where applicable.
  9. Elect a chairman and vice-chairman from Planning Commission members. Establish the time, place and date of the monthly Planning Commission meeting.

10. Develop rules and procedures for the conduct of hearings related to the rezoning request, the granting of zoning exceptions, zoning variances, and appeals which shall include the right of any party to:
- (1) Present his case or defense by oral and documentary evidence;
  - (2) Submit rebuttal evidence, and conduct such cross-examination as may be required for a full and true disclosure of the facts;
  - (3) Submit proposed findings and conclusions and supporting reasons therefor;
  - (4) Make offers of compromise or proposals of adjustment;
  - (5) Be accompanied, represented and advised by counsel or represent himself;
  - (6) Be promptly notified of any action taken on any zoning exception, request for a zoning variance, or appeal of any action of the Planning Commission affecting substantive or procedural rights taken in connection with any proceedings.
  - (7) The Planning Commission shall receive into evidence that which could be admissible in civil proceedings in the courts of this state, but in receiving evidence, due regard shall be given to the technical and highly complicated subject matter which must be handled and the exclusionary rules of evidence shall not be used to prevent the receipt of evidence having substantial probative effect. Otherwise, however, effect shall be given to rules of evidence recognized by the law of Florida.
  - (8) The Planning Commission shall promulgate appropriate rules and regulations provided for the establishment and maintenance of a record of all requests for zoning exceptions, zoning variances, and appeals considered by it. A verbatim transcript of the record is not required, but the Planning Commission shall establish such record in a sufficient degree to disclose the factual basis for its final determination with respect to such requests and appeals.
  - (9) A final order on each request for a zoning exception or zoning variance and each appeal shall be made within thirty (30) calendar days of the last hearing at which such request or appeal was considered. Each final order shall contain findings upon which the board's order is based, and may include such conditions and safeguards as prescribed by the Planning Commission as are appropriate in the matter including reasonable time limits within which action pursuant to such order shall be begun or completed or both. The originals of the application and all orders of the Planning Commission and one copy of the final order shall be furnished to the zoning administrator and to the applicant.

11. Majority of the Board shall constitute a quorum for the purpose of meetings and transacting business. No recommendations of the Board for amendment of the Zoning Code or the Rezoning of Land and no final action of the Board on the granting of zoning exceptions or zoning variances shall be taken without the affirmative vote of four (4) members. Failure to receive four (4) affirmative votes shall act as a denial by the Board.
12. Hear and decide appeals where it is alleged there is error in any Order, requirement, decision or determination by an administrative official in the enforcement of this Zoning Code. Provided such appeal is filed with the planning board within thirty (30) days of the date of the action which is the subject of the appeal.



## ARTICLE 4: ENFORCEMENT OF ZONING VIOLATION

Section 4.01 - Zoning Administrator

The Zoning Administrator is hereby designated and authorized to enforce this section, except as otherwise herein specifically provided.

Section 4.02 - Notification of Violations

Upon determination of the Zoning Administrator that the zoning ordinance has been violated, he shall send a written notice to the owner of the property and/or building involved and to the person responsible for the violation. This notification shall include:

- A. The section of the zoning ordinance being violated.
- B. An order to cease such violation.
- C. A list of remedial actions indicating the necessary steps to abate such violation or violations.
- D. Information concerning penalties for violation of the zoning ordinance.

Section 4.03 - Legal Remedies for Violations

If any violation shall continue, after receiving a written notice, the Zoning Administrator, after consultation with the County Attorney, may institute an appropriate action or proceedings with the State Attorney's Office. The Board of County Commission, in addition to the other remedies, may institute any appropriate action or proceedings of a civil action in the Circuit Court, to enjoin and restrain any person violating the provisions of this ordinance.

Section 4.04 - Penalties for Violations

It shall be unlawful for any person or persons to violate any of the provisions of this code or to use said land, structure, or building in violation of any provisions of this code. Any person found guilty of violating this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisoned in the county jail for a period not to exceed sixty (60) days or both. Each day that a violation exists or continues shall be deemed a separate offense.

## ARTICLE 5: PROCEDURES

Section 5.01 - General

The Board of County Commissioners may, from time to time, amend, supplement or repeal the zoning regulations and district boundaries established by this ordinance. Proposed changes and amendments may be suggested by the Board of County Commissioners, the Planning Commission, a property owner for his own land, or by petition of the owners of fifty-one (51) percent or more of the area involved in the proposed zoning change.

All proposed zoning amendments must be submitted to the Planning Commission before final action can be taken by the Board of County Commissioners. The Planning Commission shall review the proposed zoning amendment within sixty (60) days from the filing date and submit written recommendations to the Board of County Commissioners. A public hearing, with due public notice, must be held by both the Planning Commission and the Board of County Commissioners before final action can be taken on any zoning amendment. Approval or disapproval of any amendment to this ordinance shall require a simple majority vote of the Board of County Commissioners. In order to override a recommendation of the Planning Commission, a simple majority vote of the entire Board of County Commissioners is also required. If a petition for a zoning amendment is denied, the Board of County Commissioners shall not take any further action on an application for basically the same amendment within twelve (12) months after the last application was denied.

Any person or persons jointly or severally aggrieved by a zoning amendment decision made by the Board of County Commissioners may file an appeal in the circuit court which serves the County in which the Board of County Commissioners is located. This appeal must be filed within thirty (30) days after the Board of County Commissioners has rendered its decision.

Section 5.02 - Rezoning

The procedure for rezoning property in Nassau County is as follows:

- A. Person or party desiring to rezone property must file an application with the Zoning Administrator. Applications are available in the Zoning Administrator's office. The Zoning Administrator will collect the established zoning fee and submit the application to the Planning Commission for review at its next meeting.
- B. When applying for a rezoning, the applicant shall provide the following information:
  1. Legal description of the property to be rezoned, lot and block numbers included;
  2. Names and addresses of all owners of the property to be rezoned;
  3. Existing and proposed zoning classification of the property;

4. A statement of the petitioner's interest in the property to be rezoned, including a copy of the last recorded warranty deed; and
  - a. If joint or several ownership, all owners of record must consent, in writing, to the rezoning petition.
  - b. If a contract purchase, a copy of the purchase contract and the written consent of the seller/owner must be submitted.
  - c. If an authorized agent for the property owner, a copy of the agency agreement or the written consent of the owner is required.
  - d. If a corporation or other business entity, the name of the officer or person responsible for the application and written proof that said representative has the delegated authority to represent the corporation or other business entity is required.
  - e. If a group of property owners requesting the rezoning of the area in which their property is located, the written consent of at least fifty-one (51) percent of the people owning property in the area described in the application is required.
  - f. A complete list of all property owners, mailing addresses and legal description of all property within three hundred (300) feet of the parcel to be rezoned. This information must be taken from the latest county tax rolls which are kept in the County Tax Assessor's Office in the Nassau County Courthouse.
  - g. The signature of the owner or owners of the property and the person or agent filing the application.
- C. The Planning Commission and the Zoning Administrator shall review all applications for zoning classification changes for consistency with the Nassau County Comprehensive Plan.
- D. The Planning Commission shall study each rezoning request and submit a written recommendation to the Board of County Commissioners within sixty (60) days after receiving the request. The Planning Commission shall hold a public hearing, or hearing with due public notice, to consider rezoning requests and to receive public input.
  1. The planning boards written report to the Board of County Commissioners shall contain a recommendation for denial or approval. Said report shall show that the planning board has studied and considered:
    - a. the need and justification for the change; and,
    - b. the relationship of the proposed amendment or rezoning to the County's general planning program.
- E. The Board of County Commissioners shall review the Planning Commission's recommendations and hold a public hearing, with due public notice, to consider the rezoning request.
- F. The Zoning Administrator shall be responsible for giving due public notice of the public hearings held by the Planning Commission and the Board of County Commissioners.
- G. Following said public hearings, the Board of County Commissioners, by ordinance, may amend, modify or change the existing zoning requirements for the petitioner's property, or it may deny the petition. If the application is denied, the Board of County Commissioners shall not take any further action on another application for basically the same proposal

on the same property, until twelve (12) months after the date the last application was denied.

- H. Any person or persons jointly or severally aggrieved by a rezoning decision made by the Board of County Commissioners may file an appeal in the Circuit Court which serves the County in which the Board of County Commissioners is located. This appeal must be filed thirty (30) days after the Board of County Commissioners has rendered its decision.

#### Section 5.03 - Conditional Uses

The following procedure shall be followed when requesting a conditional use:

- A. An applicant requesting a conditional use must submit an application to the Zoning Administrator. The applicant shall provide the following information as part of the conditional use application.
1. The legal description of the property for which the conditional use is requested;
  2. Description of the property according to street;
  3. The names and addresses of the owners of the property;
  4. A detailed description of the conditional use requested;
  5. Current zoning classification of the property;
  6. Reason for requesting the conditional use;
  7. Any other data which the Planning Commission may deem necessary such as architectural drawings or sketches of all buildings showing front, side, rear elevations and setbacks, etc.
  8. The signature of the applicant or his authorized agent.
  9. A complete list of all property owners, mailing addresses and legal descriptions of all property within three hundred (300) feet of the parcel for which the conditional use is requested. This information must be taken from the latest Nassau County tax rolls.
- B. Upon completion and receipt of the application, the Zoning Administrator shall place the request on the agenda of the next Planning Commission meeting. The Planning Commission shall hold a public hearing to review conditional use requests and shall make a decision within sixty (60) days from the date the request was received.
- C. The applicant or his representative shall appear before the Planning Commission to answer any questions concerning the proposed conditional use.
- D. The Zoning Administrator shall be responsible for giving due public notice of public hearing held by the Planning Commission.
- E. The Planning Commission has the power to deny, approve or disapprove with conditions, any conditional use requested. When a conditional use has been approved with conditions, the Planning Commission may, as it deems necessary for the protection of public health, safety and general welfare,

impose certain conditions, limitations, or restrictions on the use requested and its premises. Conditional uses along with all conditions and safeguards attached thereto shall be non-transferable and granted to the applicant only, unless determined otherwise by the Planning Commission.

- F. Any conditional use permit granted by the Planning Commission shall allow only those use or uses specially described in the application and is subject to the terms or conditions expressed therein. The expansion or extension of the conditional use beyond the scope or terms of the conditional use permit shall be unlawful and is in violation of this ordinance.
- G. If the Planning Commission denies a petition for a conditional use permit, the denied petition can not be resubmitted nor can any action be taken on a new petition for basically the same conditional use on the same premises, within twelve (12) months after the date the last petition was denied.

#### Section 5.04 - Conditional Use Review Criteria

When considering conditional use requests, the Planning Commission shall make a written finding that the conditional use satisfied the following criteria:

- A. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare and is not contrary to established standards, regulations, or ordinances of other governmental agencies.
- B. Each structure or improvement is so designed and constructed that it is not unsightly, undesirable, or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of Nassau County and the zoning district in which it is proposed.
- C. The conditional use will not adversely impact the permitted uses in the zoning district nor unduly restrict the enjoyment of other property in the immediate vicinity nor substantially diminish or impair property values within the area.
- D. The establishment of the conditional use will not impede the orderly development and improvement of the surrounding property for uses permitted in the zoning district.
- E. Adequate water supply and sewage disposal facilities will be provided in accordance with state and county health requirements.
- F. Adequate access roads, on-site parking, on-site loading and unloading berths, and drainage have been or will be provided where required.
- G. Adequate measures have been taken to provide ingress and egress to the property which is designed in a manner to minimize traffic congestion on local streets.
- H. Adequate screening and buffering of the conditional use will be provided, if needed.
- I. The conditional use will not require signs or exterior lighting which will cause glare, adversely impact area traffic safety or have a negative economic effect on the area. Any signs or exterior lighting required by the conditional use shall be compatible with development in the zoning district.

- J. The conditional use will conform to all applicable regulations of the zoning district in which it is proposed.

Section 5.05 - Variance

A variance from the provisions of this ordinance is granted when practical difficulties or unnecessary hardships will result from carrying out the strict letter of this zoning ordinance. The following must be completed when requesting a variance:

- A. File an application with the Zoning Administrator. The necessary forms and instructions can be obtained from the Zoning Administrator's Office.
- B. The application for a variance shall include, but not limited to, the following information which shall be provided by the applicant:
  1. If the applicant is other than the owner(s) of the property, the signed written consent of the property owner(s) must be attached.
  2. A complete legal description of the property for which the variance is requested, along with a scaled diagram showing the setbacks and the location of the proposed construction.
  3. The location and current zoning classification of the property being considered for the variance.
  4. Describe the variance requested.
  5. A complete list of all property owners, mailing addresses and legal description of all property within three hundred (300) feet of the parcel for which the variance is requested. This information must be taken from the latest Nassau County tax rolls.
- C. Upon receipt of the completed application and the required zoning fee, the Zoning Administrator will submit the application to the Planning Commission for action.
- D. The Planning Commission shall establish a date and time to hear the variance request and the Zoning Administrator shall advertise the public hearing in a manner prescribed by law.
- E. Before making a final decision on a variance request, the Planning Commission shall consider the criteria established in Section 3.04 (B) (3) (a) (b) (c) (d) (e) and (f) of this ordinance. The Planning Commission has sixty (60) days from the date the application is received to make a final decision. Variances along with all conditions and safeguards attached thereto shall be non-transferable and granted to the applicant only, unless determined otherwise by the Planning Commission.
- F. If the Planning Commission denies a variance application, the denied application, the denied application can not be resubmitted, nor can any action be taken on a new application for basically the same variance on the same property, until twelve (12) months after the date the last petition was denied.

Section 5.06 - Procedure for Appealing Decisions of the Planning Commission and Zoning Administrator.

Any person or agency aggrieved by any decision of the Planning Commission may file an appeal with the Board of County Commissioners. The appeals procedure shall include the following actions:

A. Filing of Appeal

A notice of appeal, stating the grounds for the appeal, must be filed with the County Clerk within thirty (30) days of the date the action being appealed was rendered. The notice of appeal shall be filed on forms established and provided by the Zoning Administrator and shall include all pertinent information required thereon. The Zoning Administrator, upon notification of the filing of the appeal, shall transmit to the County Clerk all materials constituting the record upon which the action appealed was taken.

B. Stay of Work

An appeal to the Board of County Commissioners stays all work on the project and all proceedings in furtherance of the action being appealed until final determination has been made by the Board of County Commissioners.

C. Hearing of Appeals

The Board of County Commissioners, within fifteen (15) days after receipt of the notice of appeal, shall set a reasonable date for hearing the appeal and give due public notice. Published notice of the hearing shall be in a form prescribed by the Board of County Commissioners and placed in the designated newspaper at the applicant's expense. The applicant shall file proof of publication with the Clerk of Court prior to the hearing. The Zoning Administrator and applicant must be given due notice of the hearing and either party may appear in person at the hearing or be represented by his agent or attorney.

D. Decisions

In exercising the powers granted by this ordinance, the Board of County Commissioners, by majority vote of its members, may reverse, affirm, or modify the order, requirement, decision or determination being appealed, and to that end shall have the powers of the Planning Commission or Zoning Administrator and may issue the necessary permit. Rulings and decisions to the Board of County Commissioners shall become effective thirty (30) days after the date of such ruling or decision. This will allow either party ample time to file an appeal with the circuit court.

E. Appeal of Board of County Commissioners Decisions

Any person or persons jointly or severally aggrieved by an decision of the Board of County Commissioners may file an appeal in the circuit court which serves the jurisdiction in which the Board of County Commissioners is located. This appeal must be filed within thirty (30) days after the Board of County Commissioners has rendered its decision.

ARTICLE 6: GENERAL REGULATIONS

Section 6.01 - Compliance with this Ordinance

All buildings or structures hereafter erected, reconstructed, altered, enlarged or moved in the unincorporated area of Nassau County, Florida shall be in conformity with the provisions of this ordinance.

Section 6.02 - Encroachment and Reduction of Lot Area

The minimum yards, off-street parking and loading spaces, open spaces, including lot area for each dwelling unit required by this ordinance for all buildings in existence at the time of passage of these regulations or for all buildings hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, except as hereinafter provided, nor shall any lot area be reduced below the requirements of these regulations.

Section 6.03 - Zoning Districts Exclusive

The use provisions in the various zoning districts are exclusive and any use not included under the permitted or permissible uses shall be prohibited in such districts. However, there are some uses which may be permitted if developed according to certain conditions. These conditional uses must be approved by the Planning Commission prior to development. The Planning Commission will prescribe the conditions which must be adhered to by any conditional use.



## ARTICLE 7: ZONING DISTRICTS AND ZONING ATLAS

INTENT

In order to regulate and restrict the location of agriculture, trades, industries, public and semi-public uses, residences and the location of buildings erected or altered for specific uses, the unincorporated area of Nassau County, Florida is hereby divided into districts as shown on the Zoning Atlas, entitled, Zoning Atlas for Nassau County, Florida. The Zoning Atlas is hereby declared a part of this ordinance. Districts delineated on the Zoning Atlas are as follows:

<u>District</u>	<u>Abbreviation</u>
Residential, Single Family Estate	RS-E
Residential, Single Family 1	RS-1
Residential, Single Family 2	RS-2
Residential, Mixed	RM
Residential, Townhouses	RT
Residential, General 1	RG-1
Residential, General 2	RG-2
Residential, Mobile Homes	RMH
Commercial, Neighborhood	CN
Commercial, General	CG
Commercial, Intensive	CI
Commercial, Highway and Tourist	CHT
Commercial, Professional and Office	CPO
Industrial, Warehousing	IW
Industrial, Heavy	IH
Open Rural	OR
Government Use	GU
Planned Unit Development	PUD

Section 7.01 - Reference to District Names

- A. Where the phrases "all residential districts", "residential districts", "zoned residentially" are used in this ordinance, the phrases shall be construed to include RS-E, RS-1, RS-2, RM, RT, RG-1, RG-2 and RMH Districts and no others.
- B. Where the phrase "commercial districts" is used in this Zoning Ordinance, the phrase shall be construed to include the CN, CI, CHT, CPO, CG Districts and no others.

- C. Where the phrase, "open use district" appears in this Zoning Ordinance, the phrase shall be construed to include the OR (Open Rural) District and no others.

Section 7.02 - Interpretation of District Boundaries

- A. Boundaries indicated as approximately following center lines of streets, highways or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as following shore lines shall be construed to follow such shorelines. If a change in the shorelines occur, the boundaries shall be construed as moving with the shorelines except where such moving would change the zoning status of a lot or parcel. In such case, the boundary shall be interpreted in such a manner as to avoid changing the zoning status of any lot or parcel.
- F. Boundaries indicated as parallel to the extension of features indicated in Subsections "A" through "E" hereof shall be so construed. Distances not specifically indicated on the Zoning Atlas shall be determined by the scale of the map.
- G. Where a district boundary divides a lot of record which was in single ownership at the time the ordinance was adopted, the Planning Commission may permit, as a conditional use, the extension of the regulations for either portion of the lot, up to a distance of fifty (50) feet beyond the district line into the remaining portion of the lot.

ARTICLE 8: RESIDENTIAL, SINGLE FAMILY ESTATE: RS-E

INTENT

The provisions of this district are intended to establish areas where very low residential densities may be maintained which will protect the investment in single family homes from some of the adverse effects sometimes found in agricultural districts.

Section 8.01 - Permitted Uses

- A. Single family dwellings
- B. Keeping and raising horses and ponies for the use of occupants, not to exceed one (1) horse or pony per acre exclusive of area required for other uses. Structures for horses or ponies shall be located in rear yards only. No structure used for the keeping of horses or ponies shall be located closer than fifty (50) feet to any property line of different ownership.

Section 8.02 - Permitted Accessory Uses and Structures

- A. See Article 25, Section 25.16

Section 8.03 - Conditional Uses

- A. See Article 25, Section 25.15

Section 8.04 - Minimum Lot Requirements

- A. 1. Minimum lot width: 100 feet
- B. 2. Minimum lot area: one (1) acre (43,560 sq. ft.)

Section 8.05 - Minimum Yard Requirements

- A. Front yard: 50 feet
- B. Side yard: 15 feet
- C. Rear yard: 25 feet

Section 8.06 - Building Restrictions

- A. Maximum lot coverage: 20%
- B. Maximum building height: 35 feet

## ARTICLE 9: RESIDENTIAL, SINGLE FAMILY: RS-1 AND RS-2

97

INTENT

The purpose of the Residential Single Family Districts, RS-1 and RS-2, is to provide for the orderly expansion of low and medium density development in those areas where public services, utilities and transportation facilities are adequate or may be made available; and to exclude uses not compatible with such low and medium density residential development thereby preserving and protecting the characteristics of single-family neighborhoods.

Section 9.01 - Permitted Uses and Structures

- A. Single family dwellings

Section 9.02 - Permitted Accessory Uses and Structure

- A. See Article 25, Section 25.16

Section 9.03 - Conditional Uses

- A. See Article 25, Section 25.15
- B. Keeping and raising horses and ponies for the use of occupants, not to exceed one (1) horse or pony per acre. A minimum lot size of one (1) is required. Structures for horses or ponies shall be located in rear yards only.

Section 9.04 - Minimum Lot Requirements

- A. RS-1:
  - 1. Minimum lot width: 90 feet
  - 2. Minimum lot area: 10,800 square feet
- B. RS-2:
  - 1. Minimum lot width: 75 feet
  - 2. Minimum lot area: 7,500 square feet

Section 9.05 - Minimum Yard Requirements

- A. Front yard:
  - 1. RS-1, 30 feet
  - 2. RS-2, 25 feet
- B. Side yard:
  - 1. RS-1, 10 feet
  - 2. RS-2, 10 feet

C. Rear yard:

1. RS-1, 15 feet
2. RS-2, 10 feet

Section 9.06 - Building Restrictions

A. Maximum building height

1. RS-1, 35 feet
2. RS-2, 35 feet

B. Maximum lot coverage

1. RS-1, 30%
2. RS-2, 35%

## ARTICLE 10: RESIDENTIAL, MIXED: RM

INTENT

Existing residential development in certain areas of the County has been extremely haphazard, resulting in frequent incompatibility of residential land uses. Such areas cannot be equitably classified under other residential categories in this ordinance, for to do so would create innumerable nonconformities, would work hardship on present occupants, and would make zoning enforcement difficult. Classification of lands into RM Districts is applied only to the areas developed or almost developed at the date of passage of this ordinance. Once initial boundary lines for these districts are established upon adoption of this ordinance, no additional RM Districts shall be created or any existing RM district boundaries enlarged or extended.

Section 10.01 - Permitted Uses and Structures

- A. Single family dwellings
- B. Mobile homes on individual lots

Section 10.02 - Permitted Accessory Uses and Structures

- A. See Article 25, Section 25.16

Section 10.03 - Conditional Uses

- A. See Article 25, Section 25.15

Section 10.04 - Minimum Lot Requirements

- A. Minimum lot width: 75 feet
- B. Minimum lot area: 7,500 square feet

Section 10.05 - Minimum Yard Requirements

- A. Front yard: 25 feet
- B. Side yard: 10 feet
- C. Rear yard: 10 feet

Section 10.06 - Building Restrictions

- A. Maximum building height: 35 feet
- B. Maximum lot coverage: 35%

ARTICLE 11: RESIDENTIAL, TOWNHOUSE: RT

INTENT

The provisions of this district are intended to apply to an area predominantly developed for townhouse dwellings; or other uses, which by its location, trend of development or planned development designated by the Nassau County Comprehensive Plan is appropriate for such areas.

Section 11.01 - Permitted Uses and Structures

- A. Duplexes
- B. Townhouses

Section 11.02 - Permitted Accessory Uses and Structures

- A. See Article 25, Section 25.16

Section 11.03 - Conditional Uses

- A. See Article 25, Section 25.15
- B. Public and private recreation facilities
- C. Single family dwellings

Section 11.04 - Minimum Lot Requirements

- A. Minimum lot width:
  - 1. Interior lot: 20 feet
  - 2. Exterior lot: 30 feet
  - 3. Single family and duplexes: 75 feet
- B. Minimum lot area:
  - 1. Interior lots: 2,500 square feet
  - 2. Exterior lots: 3,500 square feet
  - 3. Single family and duplexes: 7,500 square feet

Section 11.05 - Minimum Yard Requirements

- A. Front yard: 25 feet

- B. Side yard:
  - 1. Interior unit: 0 feet
  - 2. Exterior unit: 15 feet
- C. Rear yard: 20 feet

Section 11.06 - Building Restrictions

- A. Maximum building height: 35 feet
- B. Maximum lot coverage: 35%
- C. Maximum Density: eight (8) units per acre

Section 11.07 - Special Requirements

- A. No more than six (6) units shall be constructed contiguous to each other without an open space separation of at least thirty (30) feet between structures.



## ARTICLE 12: RESIDENTIAL, GENERAL 1: RG-1

INTENT

The provisions of this district provide for medium density residential areas with adequate open areas where it is desirable to encourage such type of development or as may be designated in the Nassau County Comprehensive Plan as adopted or in such future amendments as may be made. Due to the higher than average concentrations of persons and vehicles, this district is situated where it can properly be served by public and commercial services and utilities together with convenient access to thoroughfares and collector streets. Site area requirements reflect the relative need for open space of the various types of residences based on expected density of use.

Section 12.01 - Permitted Uses and Structures

- A. Single family dwellings
- B. Duplexes and townhouses
- C. Multiple family dwellings

Section 12.02 - Permitted Accessory Uses and Structures

- A. See Article 25, Section 25.16

Section 12.03 - Conditional Uses

- A. See Article 25, Section 25.15
- B. Marinas, clubs, beach clubs and cabanas and similar uses provided such uses will be used primarily by the residents of the development of which it is a part.

Section 12.04 - Minimum Lot Requirements

- A. Single family dwellings and duplexes
  - 1. Minimum lot width: 75 feet
  - 2. Minimum lot area: 7,500 square feet
- B. Townhouses
  - 1. Minimum lot width:
    - a. Interior lot: 20 feet
    - b. Exterior lot: 30 feet

2. Minimum lot area:
    - a. Interior lot: 2,000 square feet
    - b. Exterior lot: 3,000 square feet
  3. Maximum density: 8 dwelling units/acre
- C. Multiple family dwellings:
1. Minimum lot width: 75 feet
  2. Minimum lot area: 7,500 square feet plus 5,500 square feet for each dwelling unit in excess of two (2)

Section 12.05 - Minimum Yard Requirements

- A. Single family dwellings and duplexes
1. Front yard: 25 feet
  2. Side yard: 10 feet
  3. Rear yard: 10 feet
- B. Townhouse:
1. Front yard: 25 feet
  2. Side yard:
    - a. Interior unit: 0 feet
    - b. Exterior unit: 15 feet
  3. Rear yard: 20 feet
- C. Multiple family dwellings
1. Front yard: 25 feet
  2. Side yard: 20 feet
  3. Rear yard: 20 feet

Section 12.06 - Building Restrictions

- A. Maximum building height
1. Single family: 35 feet
  2. Duplexes and townhouses: 35 feet
  3. Multiple family dwellings: 35 feet
- B. Maximum lot coverage: 35%
- C. Maximum Density: Eight (8) dwelling units per acre

## ARTICLE 13: RESIDENTIAL, GENERAL 2: RG-2

INTENT:

The provisions of this district are to provide for medium to high density residential areas where it is desirable to encourage such development. Due to the higher than average concentrations of persons and vehicles, this district is situated where it can be served by public and commercial facilities and utilities and have convenient access to thoroughfares and collector streets. Site area requirements reflect the relative need for adequate open space for the various types of residences based on expected density of use.

Section 13.01 - Permitted Uses and Structures

- A. Single family dwellings
- B. Duplexes and townhouses
- C. Multiple family dwellings
- D. Housing for the elderly
- E. Group home (containing eight (8) or less residents requiring low intensity of care. Homes for delinquent youth, drug and alcohol abusers not permitted.)
- F. Rooming or boarding houses
- G. Churches (not to include temporary revival establishments)
- H. Foster homes

Section 13.02 - Permitted Accessory Uses and Structures

- A. See Article 25, Section 25.16
- B. Signs as approved by the Planning Commission in accordance with the provisions of this ordinance.

Section 13.03 - Conditional Uses

- A. See Article 25, Section 25.15
- B. Nursing homes, convalescent homes, rest homes, or homes for the aged or orphans, provided no such facility have a lot area of less than one (1) acre and all other state and county regulations in regard to such establishment are met.
- C. Monasteries, convents and similar uses
- D. Hotels and Motels
- E. Group homes (containing more than eight (8) residents, including homes for delinquent youths, drug and alcohol abusers.)

Section 13.04 - Minimum Lot Requirements

- A. Single family dwellings and duplexes
  - 1. Minimum lot width: 75 feet
  - 2. Minimum lot area: 7,500 square feet
  - 3. Townhouses
    - a. Minimum lot width:
      - (1) Interior lot: 20 feet
      - (2) Exterior lot: 30 feet
    - b. Minimum lot area:
      - (1) Interior lot: 2,000 square feet
      - (2) Exterior lot: 3,000 square feet
    - c. Maximum density: 10 dwelling units/acre
  - 4. Multiple family dwellings and other permitted structures:
    - a. Minimum lot width: 125 feet
    - b. Minimum lot area: 15,000 square feet plus 4305 square feet for each dwelling unit in excess of four (4), exclusive of land dedicated or reserved for street right-of-ways, marshland and other similar open space as may be determined by the Planning Commission in the site plan review.

Section 13.05 - Minimum Yard Requirements

- A. Single family dwellings and duplexes:
  - 1. Front yard: 25 feet
  - 2. Side yard: 10 feet
  - 3. Rear yard: 10 feet
- B. Townhouses
  - 1. Front yard: 25 feet
  - 2. Side yard:
    - a. Interior units: 0 feet
    - b. Exterior units: 15 feet
  - 3. Rear yard: 20 feet
- C. Multiple family dwellings and other permitted structures:
  - 1. Front yard: 25 feet
  - 2. Side yard: 20 feet (See "D" below)
  - 3. Rear Yard: 20 feet
    - Provided those structures constructed along the Atlantic Coast-line shall utilize the "Coastal Construction Setback Line", as adopted, or a measurement of one hundred and fifty (150) feet measured from the "Mean High Water Line", whichever is the greater distance.

- D. Structures exceeding thirty-five (35) feet or three (3) stories in height shall increase the minimum side yard by one (1) foot for every two (2) feet of building height exceeding thirty-five (35) feet. Also, those structures constructed along the Atlantic Coastline shall increase the minimum rear yard by one (1) foot for every two (2) feet of building height exceeding thirty five (35) feet, utilizing the "Coastal Construction Setback Line", as adopted, as the minimum rear yard, or one hundred fifty (150) feet from the "Mean High Water Line", which ever is greater.

Section 13.06 - Building Restrictions

A. Maximum building height

1. Single family dwellings, duplexes, and townhouses: 35 feet
2. Multiple family dwellings and other permitted structures may exceed a height of 35 feet, subject to meeting all requirements specified herein provided that no structure shall exceed eighty-five (85) feet or seven (7) stories.

B. Maximum lot coverage

1. Single family dwellings, duplexes, and townhouses: 35%
2. Multiple family dwellings exceeding 35 feet in height shall comply with the following lot coverage percentages:
  - a. 35 feet - 26%
  - b. 45 feet - 25%
  - c. 55 feet - 23%
  - d. 65 feet - 21%
  - e. 75 feet - 19%
  - f. 85 feet - 17%

C. Maximum Density: Ten (10) dwelling units per acre

## ARTICLE 14: RESIDENTIAL, MOBILE HOME: RMH

INTENT

The provisions of the RMH District provide for the development of areas for individual mobile homes, parks and subdivisions for residents desiring the unique environments characteristic of mobile home living. Further, it is the purpose of this district to provide for these areas the community services deemed necessary for their orderly development.

Section 14.01 - Permitted Uses and Structures

- A. Single family dwelling, single family manufactured home or single family mobile home on individual lot.
- B. Mobile home parks
- C. Mobile home subdivisions

Section 14.02 - Permitted Accessory Uses and Structures

- A. See Article 25 , Section 25.16
- B. Each mobile home park shall be permitted to display one identifying sign at each park entrance, provided said sign does not exceed thirty-two (32) square feet and is lighted by indirect lighting only.
- C. Each mobile home park shall be permitted to contain accessory or support facilities customarily incidental to the operation of the mobile home park as approved on the site plan. Such facilities to include recreational facilities, maintenance facilities and laundry facilities for use by the park residents.

Section 14.03 - Establishment Procedure

- A. New or revised mobile home subdivisions shall comply with the provisions of the Nassau County Subdivision Regulations.
- B. Developers of mobile home parks shall file site plans for review as required in Article 25, Section 25.12. Said site plan shall be supplemented with a legal description of the property, a sketch plan (drawn to scale) showing the intended overall development plan, mobile home spaces, open space, recreational and other support facilities with all dimensions, together with a description of the manner in which the water and sewer facilities shall be provided with attached approval of the Nassau County Health Department.

Section 14.04 - Conditional Uses

- A. See Article 25, Section 25.15
- B. Single family dwellings

Section 14.05 - Minimum Lot Requirements

A. Mobile Home Park

- 1. Minimum site width
  - a. One hundred (100) feet at site ingress and egress points
  - b. Two hundred (200) feet at the portion of the site used for mobile home stands
- 2. Minimum site area
  - a. Ten (10) acres
  - b. Maximum density of eight (8) mobile homes per gross acre

B. Mobile Home Subdivision or Individual Lot

- 1. Minimum lot width: 75 feet
- 2. Minimum lot area: 7,500 square feet

Section 14.06 - Maximum Lot Coverage By All Buildings and Structures: 35%

Section 14.07 - Minimum Yard Requirements

A. Mobile Home Park

- 1. Front yard: 25 feet from boundary of park to any mobile home stand or accessory building.
- 2. Side and rear yards: 15 feet from any boundary of park to any mobile home stand or accessory building.
- 3. Each mobile home shall be located a minimum of twenty (20) feet from all interior streets and at least seven and one-half (7 1/2) feet from any side or rear lot line. In no case shall any mobile home be located closer than fifteen (15) feet to any other mobile home.

B. Mobile Home Subdivision or Individual Lot

- 1. Front yard: 25 feet
- 2. Side yard: 10 feet
- 3. Rear yard: 15 feet

Section 14.08 - Streets, Roads and Parking

A. Mobile Home Parks

1. All interior streets and roads shall have a minimum width of forty (40) feet with a minimum paved surface of twenty (20) feet and shall meet the paving and drainage requirements of the County Engineer.
2. Parking spaces shall be provided in accordance with the provisions in Article 28.

B. Mobile Home Subdivisions and Individual Lots

1. All streets and roads in mobile home subdivisions shall be constructed in accordance with the Nassau County Subdivision Regulations.



## ARTICLE 15: COMMERCIAL, NEIGHBORHOOD: CN

INTENT

This district is intended to apply to areas where small groups of selected establishments may be appropriately located to serve within convenient traveling distance from one or several neighborhoods. The Commercial Neighborhood District is not intended for use by major commercial or service establishments. However, professional and business offices and similar uses are encouraged.

Section 15.01 - Permitted Uses and Structures

- A. Retail outlets for sale of food and drugs, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry (including watch repair but not pawnshop), art supplies, camera repair, sporting goods, hobby shops and pet shops (but not animal kennels), musical instruments, television and radio shops (including repairs), florist or gift shops, delicatessens, bake shops (but not wholesale bakeries), drugs and similar products.
- B. Service establishments such as barber or beauty shops, shoe repair shops, restaurants (but not drive-in restaurants), interior decorators, photographic studios, dance or music studios, reducing salons or gymnasiums, self-service laundries or dry cleaners, tailors or dressmakers, drycleaning and laundry package plants in completely enclosed buildings using nonflammable liquids such as perchloroethylene and with no odor, fumes, or steam detectable to normal senses from off the premises, and similar activities.
- C. Medical and dental offices and clinics; animal hospitals or veterinary clinics, provided that no animals are permitted to be kept except in a completely enclosed and sound proofed structure.
- D. Churches (except temporary revival establishments), provided that minimum parcel size shall not be less than two (2) acres.
- E. Libraries

Section 15.02 - Special Restrictions

- A. Sale, display, preparation and storage shall be conducted within a completely enclosed building and no more than 20% of floor space to be devoted to storage.
- B. Products to be sold only at retail.
- C. No sale, display or storage of second hand merchandise except as incidental to sale of new merchandise.

- D. An opaque buffer or visual barrier shall be required as stipulated in Article 25, Section 25.09.

Section 15.03 - Permitted Accessory Uses and Structures

- A. See Article 25 , Section 25.16
- B. Parking lots complying with Article 25, Section 25.18, and landscape provisions.
- C. On the same premises and in connection with permitted principal uses and structures, a single family dwelling unit, only for occupancy by an owner or employee thereof. Said single family dwelling unit may be attached or detached from the principal permitted use.
- D. Mobile home for the occupancy of the owner or employee of permitted principal use.

Section 15.04 - Conditional Uses

- A. Antique shops
- B. Plant nurseries
- C. Sale of alcoholic beverages with alcoholic content not more than 14 percent for consumption, either on-premises or off-premises.
- D. Gasoline dispensing facility containing not more than one (1) pump island with not more than three (3) gasoline and/or fuel pumps; provided no repairs or other automobile services are permitted.
- E. Multi-family dwelling when located above a permitted principal use as listed above.
- F. Fraternal clubs, lodges, and social and recreational clubs.
- G. Video game parlor, and/or game rooms

Section 15.05 - Minimum Lot Requirements

- A. Minimum lot width: 100 feet
- B. Minimum lot area: 10,000 square feet

Section 15.06 - Minimum Yard Requirements

- A. Front yard: 25 feet
- B. Rear yard: 20 feet
- C. Side yard: 15 feet except where the Commercial Neighborhood District abuts a residential district, the minimum side yard shall be increased

114

to thirty (30) feet. No side yard shall be required where two or more commercial buildings adjoin side by side, however, in the case of a series of adjoining buildings of lots of single and/or separate ownership abutting and paralleling a public right-of-way, a passage of not less than thirty (30) feet in width shall be provided at grade levels at intervals not more than four hundred (400) feet apart where required for public access.

Section 15.07 - Building Restrictions

- A. Maximum building height: 35 feet
- B. Maximum lot coverage
  - 1. Lot coverage by all buildings, including accessory buildings and structures shall be not more than fifty (50) percent of the lot.
  - 2. The minimum landscape area shall not be less than ten (10) percent of the total lot area and shall be in conformance with the standards in Article 25, Section 25.18.

## ARTICLE 16: COMMERCIAL, GENERAL: CG

INTENT

The provisions of this district are intended to designate areas for general commercial uses which will meet the retail sales and service needs of Nassau County residents. This district is intended to encourage the concentration of general commercial uses and not the extension of strip commercial areas. The areas designated in this district shall be readily accessible to the County's major road system.

Section 16.01 - Permitted Uses and Structures

- A. Uses permitted in the Commercial Neighborhood District.
- B. Retail outlets for the sale of food and pharmaceuticals, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry (including watch repair), art, cameras or photographic supplies (including camera repair), sporting goods, home furnishings and appliances (including repairs incidental to sales), office equipment or furniture, used merchandise, hardware and similar uses.
- C. Hobby and gift shops, delicatessens and bakeries (not wholesale bakery), florist shops, antique shops, and similar uses.
- D. Service establishments such as home equipment rentals, barber and beauty shops, shoe repair shops, reducing salons and gymnasiums, tailors or dressmakers, radio and television repair shops, travel agencies, laundry or drycleaning establishments, pick up stations or package plants in completely enclosed buildings using nonflammable liquids such as perchlorethylene, with no odor, fumes or steam detectable to normal senses from off the premises, and other similar uses.
- E. Funeral homes.
- F. Outdoor fruit, vegetable, poultry or fish markets.
- G. Hotels and motels and commonly associated facilities.
- H. Palmist, astrologists, psychics, clairvoyants, phrenologists, and similar uses.
- I. Indoor commercial recreation centers, video games, arcades, billiard room, bowling alleys, skating rinks and similar uses.
- J. Private clubs, fraternal organizations and lodge halls.
- K. Restaurants and commonly associated facilities.

Section 16.02 - Permitted Accessory Uses

- A. See Article 25, Section 25, Section 25.16
- B. On the same premises and in connection with permitted principal uses and structures, a single family dwelling unit only for occupancy by an owner or employee thereof. Said single-family dwelling unit may be attached or detached from the principal permitted use.

Section 16.03 - Conditional Uses

- A. Drive-in restaurants and theaters
- B. Auto service stations and repair garages
- C. Auto sales lots
- D. Child care centers, church or private schools, and uses as provided for in Article 25, Section 25.15.
- E. Establishments or facilities selling alcoholic beverages for on-site or off-site consumption.
- F. Any use listed as a Permitted Use in the Commercial Intensive District Section.

Section 16.04 - Minimum Lot Requirements

- A. Minimum lot area: 20,000 square feet
- B. Minimum lot width: 100 feet

Section 16.05 - Minimum Yard Requirements

- A. Front yard: 25 feet
- B. Rear yard: 20 feet (Those structures constructed along the Atlantic Coastline shall utilize the adopted "Coastal Construction Control (Setback) Line", or a measurement of one hundred and fifty (150) feet, measured from the Mean High Water line (MHL), whichever is the greater distance).
- C. Side yard: 20 feet except where the CG District abuts a residential district, the side yard shall be increased to thirty (30) feet. No side yard shall be required where two or more commercial buildings adjoin side by side, however, in the case of a series of adjoining buildings or lots of single and/or separate ownership abutting and paralleling a public right-of-way, a passage of not less than thirty (30) feet in width shall be provided at grade level at intervals of not more than four hundred (400) feet apart as may be required for public access.

Section 16.06 - Building Restrictions

A. Maximum building height : Seven (7) Stories

1. - providing that for structures exceeding thirty-five (35) feet or three (3) stories in height shall increase the the minimum side yard by one(1) foot for every two (2) feet of building height exceeding thirty-five (35) feet. Also, those structures constructed along the Atlantic Coastline, or major water body, shall increase the minimum rear yard setback by one(1) foot for every two(2) feet of building height exceeding thirty-five (35) feet, utilizing the "Coastal Control Line" as adopted, as the minimum rear yard, or one hundred and fifty (150) feet from the Mean High Water Line (MHL).
2. The minimum landscape area shall be not less than ten (10) percent of the total lot area and shall be in conformance with Article 25, Section 25.18.

## ARTICLE 17 COMMERCIAL INTENSIVE: CI

INTENT

The provisions of this district are intended to designate areas for the orderly development of these commercial uses which will provide local and regional commercial services and needs. Certain establishments which will provide for the social, cultural and civic needs of county residents will also be encouraged to develop. Consumer related retail and service establishments, and wholesale, light manufacturing and warehouse uses, will be permitted to develop where appropriate. Areas in this district should have direct access to major thoroughfares suitable for efficiently carrying large volumes of traffic.

Section 17.01 - Permitted Uses and Structures

- A. Retail outlets for the sale of general merchandise including new or used automobiles, trucks and tractors, motorcycles, mobile homes, boats, automotive vehicle parts (but not automobile wrecking or storage yards, junk yards, or scrap processing yards), heavy machinery and equipment, dairy supplies, feed, fertilizer, plant nursery (including outside display) or landscape contractor, lumber and building supplies, food and drugs, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry (including watch repair), art, cameras or photographic supplies (including camera repair), sporting goods, hobby shops and pet shops, musical instruments, florist or gift shop, delicatessen, bakery (but not wholesale bakery), home furnishing and appliances (including repair incidental to sales), office equipment or furniture, antiques, second-hand merchandise, hardware, and similar uses.
- B. Service establishments of all kinds including automobile service stations or truck stops, repair and service garages, motor vehicle body shops, rental of automotive vehicles, trailers, and trucks, auto laundries, small engine repair, restaurants (including drive-in restaurants), veterinarian or animal boarding kennels in sound proofed buildings, pest control, carpenter or cabinet shops, home equipment rental, ice delivery stations, marinas, radio or television broadcasting studios, offices, transmitter and antenna facilities, barber or beauty shops, shoe repair shops, interior decorator, reducing salons or gymnasiums, tailors or dressmakers, laundry or dry cleaning establishments, pick up stations or package plants in completely enclosed buildings using nonflammable liquids such as perchlorethylene and with no odor, fumes or steam detectable to normal senses from off the premises, funeral homes (including crematory), blueprinting, job printing (including newspaper), radio and television repair shops, travel agencies and similar uses.
- C. Commercial, recreational and entertainment facilities such as carnivals or circuses, shooting galleries, video games, game rooms, arcades, billiard rooms, skating rinks, pony rides, go-kart tracks, athletic complexes, arenas, auditorium convention centers, dance halls and similar uses.

- D. Palmists, astrologists, psychics, clairvoyants, phrenologists and similar uses.
- E. Outdoor fruit, vegetable, poultry or fish markets.
- F. All types of professional and business offices.
- G. Establishments or facilities for the retail sale and service of all alcoholic beverages, either for on-premises or off-premises consumption, or both.
- H. Any type of wholesale, jobber or distributorship business where the total operation does not require more than four thousand (4,000) square feet of floor space; no vehicle is used in excess of one and one-half ton capacity; all merchandise is stored within an enclosed building; and no heavy machinery or manufacturing is located on the premises, Mini-Storage Facility.
- I. Hotels and motels (including convention facilities).
- J. Building trades contractors not requiring outside storage; nor the use of any vehicle in excess of one and one-half ton capacity; nor any machinery, ditching machines, tractors, bulldozers, or other heavy construction equipment.
- K. Theaters (including drive-in or open air theaters).
- L. Express or parcel delivery offices, telephone exchanges, commercial parking lots, motor bus or other transportation terminals (but not truck terminal) and similar uses.

#### Section 17.02 - Permitted Accessory Uses

- A. See Article 25, Section 25.16
- B. On the same premises and in connection with permitted principal uses and structures, a single family dwelling unit only for occupancy by an owner or employee thereof. Said single-family dwelling unit may be attached or detached from the principal permitted use.

#### Section 17.03 - Conditional Uses.

- A. Child care centers, church or private schools, uses as provided in Article 25, Section 25.15.
- B. Hospitals, sanitariums, nursing homes, home for the aged or orphans, and similar uses.
- C. Wholesale, warehouse, or storage uses.



- D. Building trades contractors with outside storage yards and heavy construction equipment. 120
- E. Boat yards, boat repair or construction facilities, drydocks, boat railways and similar uses.
- F. Light manufacturing, processing (including food processing but not slaughter houses), packaging or fabricating.
- G. Bulk storage yards including bulk storage of flammable liquids.
- H. Automobile wrecking or storage yards (but not scrap processing yards or junk yards).
- I. Race tracks for animals or vehicles.
- J. Travel trailer parks and campgrounds, subject to site plan review by the Planning Commission as required in Article 25, Section 25.17.

Section 17.04 - Minimum Lot Requirements

- A. Minimum lot area: 20,000 square feet
- B. Minimum lot width: 100 feet

Section 17.05 - Minimum Yard Requirements

- A. Front yard: 25 feet
- B. Rear yard: 20 feet

Those structures constructed along the Atlantic Coastline shall utilize the adopted "Coastal Construction Control (Setback) Line", or a measurement of one hundred and fifty (150) feet, measured from the Mean High Water Line (MHL), whichever is the greater distance.

- C. Side yard: 20 feet except where the CI District abuts a residential district, the side yard shall be increased to thirty (30) feet. No side yard shall be required where two or more commercial buildings adjoin side by side, however, in the case of a series of adjoining buildings or lots of single and/or separate ownership abutting and paralleling a public right-of-way, a passage of not less than thirty (30) feet in width shall be provided at grade level at intervals of not more than four hundred (400) feet apart as may be required for public access.

Section 17.06 - Building Restrictiions

A. Maximum building height : Seven(7) Stories

- Providing that for structures exceeding thirty-five (35) feet or three (3) stories in height shall increase the minimum side yard by one (1) foot for every two (2) feet of building height exceeding thirty-five (35) feet. Also, those structures constructed along the Atlantic Coastline, or major water body, shall increase the minimum rear yard setback by one (1) foot for every two (2) feet of building height exceeding thirty-five (35) feet, utilizing the "Coastal Construction Control Line" as adopted, as the minimum rear yard, or one hundred and fifty (150) feet from the Mean High Water Line (MHL).

B. Maximum lot coverage

1. Lot coverage by all buildings and structures shall not be more than fifty (50) percent of the lot.
2. The minimum landscape area shall be not less than ten (10) percent of the total lot area and shall be in conformance with Article 25 Section 25.18.

## ARTICLE 18 : COMMERCIAL, HIGHWAY AND TOURIST: CHT

INTENT

This district is primarily intended to apply to areas where adequate lot depth is available to provide meaningful development for service oriented automotive use, tourist accommodations, and supporting facilities. It is not intended that this district become or be used for strip commercial purposes.

Section 18.01 - Permitted Uses and Structures

- A. Automobile service stations, truck stops.
- B. Hotels and motels.
- C. Restaurants, including drive-in restaurants.
- D. Gift, novelty and curio shops and similar uses catering to tourist trade.
- E. Travel trailer parks and camp grounds.

Section 18.02 - Permitted Accessory Uses and Structures

- A. See Article 25, Section 25.16
- B. On the same premises and in connection with permitted principal uses and structures, a single-family dwelling unit for the occupancy by an owner or employee thereof. Said single family dwelling unit may be attached or detached from the principal permitted use.

Section 18.03 - Conditional Uses

- A. Any retail or service use which can be shown to be primarily service oriented to automobile uses, tourist accommodations and supporting facilities.
- B. An establishment or facility for the retail sale and service of all alcoholic beverages for consumption either on-premises or off-premises or both.
- C. Mobile home for the occupancy of the owner or employee of permitted principal use.

Section 18.04 - Minimum Lot Requirements

- A. Lot width: 100 feet

- B. Lot area: 15,000 feet

Section 18.05 - Minimum Yard Requirements

- A. Front yard: 50 feet  
B. Side yard: 15 feet  
C. Rear yard: 15 feet

Those structures constructed along the Atlantic Coastline shall utilize the adopted "Coastal Construction Control (Setback) Line", or a measurement of one hundred and fifty (150) feet, measured from the Mean High Water Line (MHL), whichever is the greater distance.

Section 18.06 - Building Restrictions

- A. Maximum lot coverage
1. Coverage by all buildings, including accessory buildings and structures shall be not more than fifty (50) percent of the lot.
  2. The minimum landscape area shall not be less than ten (10) percent of the total lot area and shall be in conformance with the standards in Article 25, Section 25.18.
- B. Maximum Building Height: Seven(7) Stories
1. - Providing that for structures exceeding thirty-five (35) feet or three (3) stories in height shall increase the minimum side yard by one (1) foot for every two (2) feet of building height exceeding thirty-five (35) feet. Also, those structures constructed along the Atlantic Coastline, or major water body, shall increase the minimum rear yard setback by one (1) foot for every two (2) feet of building height exceeding thirty-five (35) feet, utilizing the "Coastal Construction Control Line" as adopted, as the minimum rear yard, or one hundred and fifty (150) feet from the Mean High Water Line (MHL).

## ARTICLE 19: COMMERCIAL, PROFESSIONAL AND OFFICE: CPO

INTENT

The provisions of this district are intended to apply to urban areas with convenient access to a major thoroughfare and to other business areas, wherein activities are restricted to financial, professional and business office operations. The district is intended to accommodate office parks and may serve as a buffer or transitional zone between residential development and more intensive commercial or industrial development.

Section 19.01 - Permitted Uses and Structures

- A. Medical and dental offices (but not clinic or hospital), chiropractor (but not masseur).
- B. Professional offices such as accountants, architects, attorneys, engineers, land surveyors, optometrists and similar uses.
- C. Business offices, such as: real estate, insurance, stock brokers, manufacturer's agents and similar uses.
- D. All of the permitted uses in the CPO District are limited by the following conditions:
  1. No retail sales, display or storage of merchandise shall be permitted.
  2. No vehicles other than passenger automobiles or trucks of not more than three-quarter ton capacity shall be utilized.
  3. No manufacture, repair, or work of a mechanical nature shall be permitted and no machinery shall be used other than normal office equipment, e.g., typewriters, calculators, computers, bookkeeping machines.

Section 19.02 - Permitted Accessory Uses and Structures

- A. See Article 25, Section 25.16

Section 19.03 - Conditional Uses

- A. Uses permitted in the CPO District which are excluded by limitations on such uses.
- B. Medical or dental clinics, hospitals, sanitariums, child care centers and churches (except temporary revival establishments), provided that minimum parcel size is not less than two (2) acres.

- C. Medical or dental laboratories and establishments, manufacturing prosthetic appliances, dentures, eye glasses, hearing aids and similar products.

Section 19.04 - Minimum Lot Requirements

- A. Minimum lot width: 60 feet
- B. Minimum lot area: 7,500 square feet

Section 19.05 - Minimum Yard Requirements

- A. Front yard: 25 feet
- B. Side Yard: 10 feet
- C. Rear Yard: 10 feet

Those structures constructed along the Atlantic Coastline shall utilize the adopted "Coastal Construction Control (Setback) Line", or a measurement of one hundred and fifty (150) feet, measured from the Mean High Water Line (MHL), whichever is the greater distance.

Section 19.06 - Building Restrictions

- A. Maximum lot coverage: 65%
- B. Maximum building height: 35 feet

INTENT

The provisions of this district are intended to apply to an area developed for a variety of storage, warehousing and light industrial operations, or other use which its location, trend of development of planned development designated in the Nassau County Comprehensive Plan, is appropriate for such areas. The provisions are intended to permit the normal operation of such light industrial uses under such conditions that will not be harmful to surrounding uses.

Section 20.01 - Permitted Uses and Structures

- A. Wholesaling, warehousing, storage, or distribution establishments and similar uses.
- B. Light manufacturing, processing (including food processing, but not slaughterhouses), packaging or fabricating.
- C. Printing, lithographing, publishing or similar establishments.
- D. Cemeteries
- E. Building trades contractors with outside storage yards and heavy construction equipment.
- F. Outdoor storage yards and lots including automobile wrecking or storage yards and junk yards (but not scrap processing yards). Junkyards as defined herein shall be completely screened by a fence or other suitable visual barrier at least six (6) feet in height and shall be located no closer than 150 feet to a public right-of-way.
- G. Service establishments catering to commerce and industry including linen supply, laundry, dry cleaning plants, freight movers, communications services, business machine services, restaurants (including drive-in restaurants), hiring and union halls, employment agencies, sign companies, automobile service stations and truck stops and similar uses.
- H. Vocational, technical, trade or industrial schools and similar uses.
- I. Medical clinics in connection with industrial activities.
- J. Bus, truck or other transportation terminals, commercial parking lots and garages, express offices and terminal facilities; telephone exchanges, repair or installation facilities; and similar uses.
- K. Radio or television broadcasting offices, studios, transmitters, or antennas.

Section 20.02 - Permitted Accessory Uses

- A. See Article 25, Section 25.16
- B. Residential facility (including not more than one mobile home) located on the same premises as an industrial use for the use of watchmen or caretakers whose employment required residence on the premises.

Section 20.03 - Conditional Uses

- A. Any industrial or commercial use which is not otherwise permitted and is not listed as a conditional use in the Industrial Heavy District.
- B. Establishments for the retail or wholesale of all types of merchandise including new or used vehicles of all kinds, mobile homes, automotive parts and accessories, heavy machinery and equipment, boats, farm equipment, machinery, and supplies, lumber and building supplies, and similar uses.
- C. Establishments or facilities for the retail sale of beer or wine for either on-site or off-site consumption, or both.
- D. Any use which is potentially dangerous, noxious or offensive to neighboring uses or the public in general by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter or radiation.
- E. Bulk Storage of petroleum products and other flammable liquids and acids.
- F. Business and professional offices.

Section 20.04 - Minimum Lot Requirements: NoneSection 20.05 - Minimum Yard Requirements:

- A. Front yard: 50 feet
- B. Side yard: 20 feet
- C. Rear yard: 25 feet

Those structures constructed along the Atlantic Coastline shall utilize the adopted "Coastal Construction Control (Setback) Line", or a measurement of one hundred and fifty (150) feet, measured from the Mean High Water Line (MHL), whichever is the greater distance.



Section 20.06 - Building Restrictions

A. Maximum building height:

None - Providing that for structures exceeding thirty-five (35) feet or three (3) stories in height shall increase the minimum side yard by one (1) foot for every two (2) feet of building height exceeding thirty-five (35) feet. Also, those structures constructed along the Atlantic Coastline, or major water body, shall increase the minimum rear yard setback by one (1) foot for every two (2) feet of building height exceeding thirty-five (35) feet, utilizing the "Coastal Construction Control Line" as adopted, as the minimum rear yard, or one hundred and fifty (150) feet from the Mean High Water Line (MHL).

B. Maximum lot coverage: 50%

A minimum of ten (10) percent of the total lot areas shall be landscaped and shall be in conformance with Article 25, Section 25.18.

## ARTICLE 21: INDUSTRIAL, HEAVY: IH

INTENT

The provisions of this district are intended to apply to areas suitable for heavy industrial development or related uses. These areas should be readily accessible to major county roads, adequately served by the necessary public facilities, publicly or privately owned, and adequately buffered to prevent adverse impacts on surrounding uses.

Section 21.01 - Permitted Uses and Structures

- A. Any industrial, manufacturing, distribution or storage use which is otherwise lawful except those uses which are permissible conditional uses.
- B. Railroad switching facilities, repair and storage areas for railway equipment.
- C. Service establishments catering to commerce and industry including linen supply, laundry, dry cleaning plant, freight movers, communications services, business machine services, restaurant (including drive-in restaurant), hiring and union halls, employment agency, sign company, automobile service station and truck stop and similar uses.
- D. Freight, trucking, shipping or other terminal.
- E. Outdoor storage yards and lots including automobile wrecking or storage yards and junk yards (but not scrap processing yard).

Section 21.02 - Permitted Accessory Uses

- A. See Article 25, Section 25.16.
- B. Residential facility (including not more than one mobile home) located on the same premises as an industrial use for the use of watchmen or caretakers whose employment requires residence on the premises.

Section 21.03 - Conditional Uses

- A. Scrap processing yards
- B. Chemical and fertilizer manufacture
- C. Explosives manufacturing or storage
- D. Paint, oil (including linseed), shellac, turpentine, lacquer or varnish manufacture .

- E. Paper and pulp manufacture
- F. Petroleum refining and/or bulk storage of petroleum products, including flammable liquids and acids.
- G. Stockyards or feeding pens, livestock auctions
- H. Establishments for the retail or wholesale sale of all types of merchandise including all types of new or used vehicles, mobile homes, automotive parts and accessories, heavy machinery and equipment, boats, farm equipment, machinery, and supplies; lumber and building supplies, and similar uses.
- I. Any use which is potentially dangerous, noxious or offensive to neighboring uses or the public in general, by reason of smoke, odor, noise, glare, fumes, gas vibration, threat of fire or explosion, emission of particulate matter or radiation.
- J. An establishment or facility for the retail sale and service of beer or wine either for consumption on-site, or both.

Section 21.04 - Minimum Lot Requirements: None

Section 21.05 - Minimum Yard Requirements

- A. Front yard: 50 feet
- B. Side yard: 20 feet
- C. Rear yard: 25 feet

Those structures constructed along the Atlantic Coastline shall utilize the adopted "Coastal Construction Control (Setback) Line", or a measurement of one hundred and fifty (150) feet, measured from the Mean High Water Line (MHL), whichever is the greater distance.

Section 21.06 - Building Restrictions

- A. Maximum building height:

None - Providing that for structures exceeding thirty-five (35) feet or three (3) stories in height shall increase the minimum side yard by one (1) foot for every two (2) feet of building height exceeding thirty-five (35) feet. Also, those structures constructed along the Atlantic Coastline, or major water body, shall increase the minimum rear yard setback by one (1) foot for every two (2) feet of building height exceeding thirty-five (35) feet, utilizing the "Coastal Construction Control Line" as adopted, as the minimum rear yard, or one hundred and fifty (150) feet from the Mean High Water Line (MHL).

- B. Maximum Lot Coverage: 50%

- 1. A minimum of 10 percent of the total lot area shall be landscaped and shall be in conformance with Article 25, Section 25.18.

## ARTICLE 22: OPEN RURAL: OR

INTENT

This district is intended to apply to areas which are sparsely developed and including uses as normally found in rural areas away from urban activity. It is intended that substantial residential, commercial, or industrial development shall not be permitted in the OR district, but lands in such district may be rezoned to the proper district to accommodate such uses when conditions warrant rezoning.

Section 22.01 - Permitted Uses and Structures

- A. Agricultural, horticultural and forestry uses, including the keeping and raising of farm animals and poultry, provided structures for same shall not be located within 100 feet of any property line; and, further, provided that goats, sheep, or swine shall not be kept or permitted within 200 feet of any residence under different ownership.
- B. Permanent or temporary housing of farm labor. All housing for such use shall be in compliance with the county's building and housing codes and in the case of mobile homes as per state requirements.
- C. Roadside stands where the major portion of products offered for sale are grown on the premises.
- D. Dude ranch, riding academy, or boarding stable, provided structures for the housing of animals shall not be located within 100 feet of any property line.
- E. Public parks, camping grounds and recreational areas, playgrounds, playfields and government structures.
- F. Game preserves, wildlife management areas, fish hatcheries and refuges, watershed, water reservoirs, control structures and wells.
- G. Churches, monasteries, convents, temporary revival establishments.
- H. Schools, colleges and universities with conventional academic curriculums.
- I. Single family dwellings and mobile homes on individual lots.
- J. Day nurseries and kindergartens
- K. Governmental uses.

Section 22.02 - Permitted Accessory Uses and Structures

- A. See Article 25, Section 25.16
- B. Accessory buildings and uses incidental to any of the above listed uses, when located on the same property.

Section 22.03 - Conditional Uses

- A. See Article 25, Section 25.15

- B. Radio or television broadcasting office, studio, transmitter, antenna, and line of sight relay device.
- C. Garbage dump and sanitary landfill, provided state and county health requirements are met.
- D. Race track for vehicles or animals.
- E. Animal hospital, veterinary clinic, animal boarding place, fur farm, dog kennel, provided no structure for the housing of animals shall be located within 200 feet of any residence of different ownership.
- F. Rifle, shotgun or pistol shooting range, field archery range, golf course, golf driving range, and par three golf course.
- G. Private parks and playgrounds, camps, camping areas and recreational areas.
- H. Marina, bait and tackle shop, commercial hunting or fishing camp.
- I. Sanitariums, rest homes, nursing homes, convalescent homes, and homes for orphans and aged.
- J. General store or convenience store.
- K. Cemeteries, crematories, columbariums, and mausoleums.
- L. Sawmills, borrow pits, railroad yards.
- M. Aircraft landing fields, provided all Federal Aviation Administrative (FAA) rules and regulations are met.
- N. Poultry slaughtering and dressing facility, livestock auction facility.

Section 22.04 - Minimum Lot Requirements

- A. Single family dwelling or mobile home on individual lot:
  - 1. Minimum lot width: 100 feet
  - 2. Minimum lot area: 1 acre (43560 square feet)
- B. Churches including temporary revival establishments:
  - 1. Minimum lot width: 100 feet
  - 2. Minimum lot area: 2 acres
- C. Golf course (other than par 3):
  - 1. Minimum lot area: 100 acres
- D. Other permitted or permissible uses or structures: NONE

Section 22.05 - Minimum Yard Requirements

A. The following minimum building line setbacks measured from the property lines are required for all principal and accessory buildings.

1. Front yard: 35 feet
2. Side yard: 15 feet
3. Rear yard: 25 feet

Section 22.06 - Building Restrictions

A. Maximum building height: None

B. Maximum lot coverage:

1. All buildings, including accessory buildings, shall not cover more than 20% of the total lot area.

ARTICLE 23: GOVERNMENT USE: GU

Section 23.01 - Government Use

It is the intent of this ordinance that certain lands, which are owned by federal, state or local government and are used for a purpose which is particularly and peculiarly related to governmental functions, should be placed in a Government Use - GU District. Any lawful governmental activity is permitted upon such lands without restriction so long as the title to the land is vested in the government. Any lands in a GU District which are converted to private ownership shall be rezoned to a district other than GU, as lands in the GU District are restricted exclusively to governmental functions. This provision shall not, however, be deemed to prevent the use by any government of lands located in districts other than GU, provided such use is in compliance with all provisions of this code applicable to such other districts.

## ARTICLE 24: PLANNED UNIT DEVELOPMENT: PUD

INTENT

The application of flexible land use controls to the development of land is often difficult or impossible within traditional zoning district regulations. In order to permit the use of more flexible land use regulations and to facilitate use of the most advantageous techniques of land development, it is often necessary to establish Planned Unit Developments (PUDs), in which, development is in harmony with the general purpose and intent of this ordinance and the adopted Nassau County Comprehensive Plan. However, development in a PUD differs in one or more respects from the usual application of provisions of this ordinance. The objective of a PUD is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers, to produce developments which are in keeping with overall land use intensity and open space objectives of this ordinance, while departing from the strict application of use, setback, height, and minimum lot size requirements of the various zoning districts. The intent of this district is to permit such flexibility and provide performance criteria for planned unit development which:

1. Permit a creative approach to the development of land;
2. Accomplish a more desirable environment than would be possible through the strict application of minimum requirements of this ordinance;
3. Provides for an efficient use of land, resulting in small networks of utilities and streets and thereby lower development costs;
4. Enhances the appearance of the area through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation areas and open space in excess of existing zoning and subdivision requirements;
5. Provides an opportunity for new approaches to ownership;
6. Provides an environment of stable character compatible with surrounding areas;
7. Retains property values over the years.

Section 24.01 - PUD Defined

For the purpose of this ordinance, a Planned Unit Development (PUD) shall mean the development of land under unified control which is planned and developed as a whole in a single or programmed series of operations with uses and structures substantially related to the character of the entire development. A PUD must



also include a program for the provision, maintenance, and operation of all areas, improvements, facilities, and necessary services for the common use of all occupants thereof.

Section 24.02 - Permitted Uses

Any use which is permitted or permissible as a conditional use in any zoning district may be included in a PUD. Cluster Development, Patio Lot and/or Zero lot line development may be included in a P.U.D.

Section 24.03 - Site Requirement

All PUDs should have a minimum site area of ten (10) acres. The ten (10) acre requirement may be waived by the Planning Commission to insure orderly development of a particular area.

Section 24.04 - Special Requirements

A. Unified ownership or control

The title to all land within a proposed site for a planned unit development (PUD) shall be owned or controlled by the developer submitting the applications provided for under this section. The term "controlled by" shall be interpreted to mean that such developer shall have the written consent of all owners of property within the proposed site not wholly owned by the developer. Such consent shall contain a statement that such developer is authorized to represent such owners in the submission of an application under the provisions of this section and that such owners shall agree to be bound by the decision of the Board of County Commissioners in the event such application is approved.

B. Access

Each dwelling unit or other permitted use shall be provided access, either directly or indirectly, by a public right-of-way, private vehicular or pedestrian way or commonly owned easement. County owned vehicles shall be permitted access on privately owned roads, easements and common open spaces in order to perform basic county services such as fire and police protection and emergency service need of PUD residents.

C. Off-street parking and loading

All off-street parking and loading requirements in Article 28 of this ordinance shall apply.

D. Community Facilities

1. All community facilities, e.g., water and sewerage systems, proposed for dedication to Nassau County must be acceptable by the County, as to the size, shape, construction, location, and shown by the applicant to be of benefit to the general public.
2. All utilities, e.g., electrical, telephone, etc., shall be underground, where possible, unless stated otherwise. These utilities shall be provided in accordance with the rules, resolutions and/or regulations established by the appropriate governmental agency.

## E. Development standards

All streets, sidewalks, sewer facilities, utilities and drainage shall be constructed according to the requirements of the Nassau County Sub-division Regulations.

## F. Common recreation and open space

1. A minimum of twenty (20) percent of the gross site acreage shall be reserved for common recreation and meaningful open space.
2. Parking areas, road rights-of-way or minimum yards and spacings between dwelling units may not be included in determining usable open space unless waived by the Planning Commission. Water bodies may be used to partially fulfill open space requirements, calculations for such may not exceed fifty (50) percent of the required open space.
3. When a proposed PUD is adjacent to a public beach or other water bodies, the Planning Commission shall determine the amount of credit given for such water bodies toward meeting the development's open space requirements.
4. All privately owned common open space shall continue to conform to its intended use as specified in the final development plan. To ensure that all the common open space in the PUD will be used as intended, the necessary restrictions or covenants will be put in each deed. Such deed restrictions shall run with the land in order to protect both present and future property owners. The deed restrictions shall prohibit the partition of any common open space.
5. All common open space and recreational facilities shall be included in the preliminary and final development plans. Such common open space and recreational facilities shall be constructed and fully improved according to the development scheduled established for each development phase of the PUD.
6. If the developer elects to administer common open space through an association or nonprofit corporation, such organization shall conform to the following requirements.
  - a. The developer must establish the association or nonprofit corporation prior to the sale of any lots or units within the PUD.
  - b. Membership in the association or nonprofit corporation shall be mandatory for all property owners within the PUD.
  - c. The association or nonprofit corporation shall manage all common open space and recreational and cultural facilities that are not dedicated to the public; shall provide for the maintenance, administration and operation of such land and any other land within the PUD not publicly or privately owned; and shall secure adequate liability insurance on the land.

Section 24.05 - Procedures

A. General

1. To develop a planned unit development (PUD) in Nassau County, the property must be rezoned to PUD. Rezoning shall be subject to approval of the preliminary development plan by the Board of County Commissioners. Within one (1) year after approval of the preliminary development plan, the developer must submit a final development plan to the Planning Commission for review and to the Board of County Commissioners for approval. The Board of County Commissioners, upon request from the developer and for good cause shown, may extend the one (1) year time period for submitting the final development plan. Such extension shall not exceed one (1) year.
2. If the developer fails to submit a final development plan within the one (1) year period specified by this ordinance and has not been granted an extension, the approved preliminary plan shall be revoked, and the site shall revert back to its previous zoning classification(s). A notice of such revocation, containing a legal description of the site, shall be recorded into the public records of Nassau County. A copy of this revocation shall be sent to the developer.
3. If development actions required by the ordinance creating a PUD are not taken within any time limits set by Board of County Commissioners in such ordinance, the approval of a PUD as provided in such ordinance shall become invalid and no further action shall be permitted under same. The Board of County Commissioners may extend such time limits for a reasonable length of time if probable cause is shown.

B. Preliminary development plan approval procedure

1. Preapplication conference

Before submitting the preliminary development plan application for approval as a PUD, the developer shall meet with the Zoning Administrator, County Engineer and Health Department Official and such other personnel as may be necessary to determine the feasibility and suitability of the application. This step is required so that the developer may obtain information and guidance from county personnel before entering into any binding commitments or incurring substantial expenses of the site and plan preparation.

2. Five copies of the preliminary development plan application shall be submitted to the Zoning Administrator at least thirty (30) days prior to the meeting of the Planning Commission, at which meeting such application is to be considered in a public hearing. The application fee established by the Board of County Commissioners shall be collected.

3. The Zoning Administrator and County Engineer shall review the preliminary development plan application to determine its conformity with the Nassau County Comprehensive Plan, county policies, and the requirements of this section.
4. Upon completion of the review of the preliminary development plan application and all exhibits, the Planning Commission shall recommend to the Board of County Commissioners the approval, approval subject to conditions, or disapproval of the preliminary plan application. The Planning Commission shall consider the review criteria established in this section when making its recommendations.
5. Upon receiving the recommendations of the Planning Commission, the Board of County Commissioners shall hold a public hearing to review the Planning Commission's recommendations and review the preliminary development plan application. The Board of County Commissioners shall approve, approve subject to conditions, or disapprove the preliminary development plan application. Approval of the preliminary development plan indicates approval of the PUD zoning, subject to acceptance of the final development plan. The decision of the Board of County Commissioners shall take into consideration the review criteria established in this section.
6. If the preliminary development plan application is approved by the Board of County Commissioners, a copy of the application and required exhibits, if deemed necessary by the County, shall be recorded in the public records.

C. Preliminary development plan review criteria

The Planning Commission and the Board of County Commissioners shall consider the following criteria when reviewing the preliminary development plan for a PUD.

1. Degree of consistency of the proposed PUD with the surrounding area in terms of character and density.
2. Provision for and adequacy of future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation.
3. The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of open space.
4. The feasibility and compatibility of the specified stages contained in the preliminary development plan to exist as an independent development.
5. The benefits inherent in a PUD classification to the general public that justify the requested departure from standard land use requirements.

6. The conformity and compatibility of the proposed PUD with the Nassau County Comprehensive Plan.

D. Preliminary development plan application

1. General

The preliminary development plan application shall contain the names of the developer, surveyor and engineer who prepared the development plan and topographic data map, and the name of the proposed PUD. It must also contain a written description of the intended plan of development, clearly indicating where approval of the PUD would benefit the community as a whole and fulfill the intent of PUD.

2. Exhibits

The following exhibits shall be attached to the preliminary development plan application.

- a. Vicinity map indicating the relationship between the PUD and its surrounding area, including adjacent streets and thoroughfares.
- b. The preliminary development plan shall also contain, but not be limited to, the following information:
  - (1) Proposed name or title of project, the name of the engineer, architect and developer.
  - (2) North arrow, scale of one inch equals two hundred feet (1" = 200') or larger, date and legal description of the proposed site.
  - (3) Boundaries of the tract shown with bearings, distances, closures and bulkhead lines. All existing easements, section lines, streets and physical features in and adjoining the project and zoning.
  - (4) Names and locations of adjoining developments and subdivisions.
  - (5) Proposed parks, school sites or other public and private open space.
  - (6) Vehicular and pedestrian circulation systems, including off-street parking and loading areas, driveways and access points.
  - (7) Site data, including tabulation of the total number of gross acres in the project, the acreage to be devoted to each of the several types of primary residential, secondary non-residential uses and open space uses, the total

number of dwelling units and square feet of gross non-residential building area.

- (8) Proposed common open space, including the proposed improvements and any complementary structures, and the tabulation of the percent of the total area devoted to common open space. Areas qualifying for common open space shall be specifically designated on the site plan.
  - (9) General statement indicating proposed means of drainage for the site to ensure conformity with natural drainage within the vicinity area or with the drainage plan established within the vicinity area.
  - (10) Delineation of specific areas designated as a proposed stage.
  - (11) General location within the site of each primary residential and secondary nonresidential use, and the proposed amount of land to be devoted to individual ownership.
  - (12) General statement indicating source of potable water and wastewater disposal.
  - (13) The proposed method of dedication and administration of the proposed common open space.
- c. Topographic data map drawn to a scale of one inch equals two hundred feet (1" = 200') or larger by a registered surveyor and/or engineer, showing:
- (1) The location of the existing property lines for private property and public property, streets, buildings, water courses, transmission lines, sewers, bridges, culverts and drain pipes, water mains and any public utility easements.
  - (2) Wooded areas, streams, lakes, marshes, flood prone areas and any other physical conditions affecting the site.
  - (3) Existing contours, based on U. S. Coast and Geodetic data with a contour interval of two (2) feet, and proposed finished elevations.

E. Final development plan approval procedure

1. Five (5) copies of the final development plan shall be submitted to the Zoning Administrator thirty (30) days prior to the next Planning Commission meeting. During this thirty (30) day period, the Zoning Administrator shall distribute copies of the final development plan to the appropriate county departments for review and comment. Each department shall conduct its review and submit

written comments to the Zoning Administrator within fifteen (15) days after receipt of the final development plan.

2. The Zoning Administrator shall submit the final development plan along with a written analysis and recommendations to the Planning Commission for review at its next meeting. The analysis and recommendations submitted to the Planning Commission shall reflect the review and comments of the other county departments involved in the review of the final development plan.
3. The Planning Commission shall hold a public hearing to review the final development plan for consistency with the preliminary development plan, conformance with the provisions of this ordinance and other related county regulations. The Planning Commission shall submit written recommendations to the Board of County Commissioners.
4. The Board of County Commissioners shall hold a public hearing to review the final development plan and consider the recommendations of the Planning Commission. The Board of County Commissioners shall approve, approve with conditions, or deny the final development plan.
5. Upon approval by the Board of County Commissioners, the Nassau County Clerk of the Circuit Court shall record the final development plan in the public records.

F. Final development plan

The final development plan shall include the following exhibits, which shall be prepared for each development phase:

1. Engineering plans

All engineering plans shall be in conformance with the requirements and specifications of the Nassau County Subdivision Regulations.

- a. Subsurface conditions of the tract stating the depth of the ground water table unless test pits are dry at the depth of three (3) feet, the results of soil percolation tests, and soil profile to show hard pan, muck, clay strato, etc.
- b. Typical cross-sections of proposed grading, streets and sidewalks, canals and waterways.
- c. Type of pavement to be used. All paving and pavement types shall be in conformance with the Nassau County Subdivision Regulations.
- d. Final engineering drawings of water, sanitary sewer and storm drainage systems; sidewalks; streets; bulkheads; street name signs and lighting.

2. Additional information required in final development plan.

- a. A statement of dedication signed by the owner of the PUD dedicating any improvements to Nassau County.
- b. A certificate of surveyor completed by a professional land surveyor registered in the State of Florida certifying the final development plan.
- c. The location, dimensions and character of construction of all proposed streets, driveways, points of ingress and egress, loading areas, number of parking spaces and areas, primary residential areas and structures, secondary nonresidential areas and structures, recreational areas and structures and common open space.
- d. Proposed lot lines (if any), lot and block numbers and dimensions of all primary nonresidential uses and secondary non-residential uses and common open space.
- e. The proposed architectural and landscape deed restrictions that clearly reflect the compatibility of the variety of primary and secondary uses proposed.
- f. Location and width of canals, waterways and flood prone areas.
- g. Reservations, easements, alleys and any areas to be dedicated for public use and sites for other than residential use, with notes stating their purpose and any limitations.
- h. A legal description of the PUD boundaries with bearings, distances and tie point.
- i. Accurate location and description of all monuments and markers.
- j. All linear dimensions are to be given to the nearest one-hundredth (1/100) of a foot and angular dimensions to the nearest second. The final development plan shall be properly signed and executed by the developer as required for recording.
- k. The final development plans shall meet the platting requirements of the Nassau County Subdivision Regulations adopted pursuant to Chapter 177, Florida Statutes: If the final development plan requires two (2) or more sheets, the sheets are to be numbered, and the numbers and titles of the sheets are to be indicated on the cover title page.

3. Development schedule

- a. Delineation of areas to be developed according to their order of construction.
- b. Proposed dates for beginning and completing construction of



each development phase or stage.

- c. Proposed schedule for the construction and improvement of common open space, streets, utilities, and any other necessary improvements for each development phase or stage.

4. Required legal documents (where applicable)

- a. Deed restrictions

Any deed restrictions proposed by the developer of the PUD to preserve the character of the development's common open space and to establish compatible architectural and landscape design of structures.

- b. Property owners' association or non-profit corporation. If the developer elects this method of administering common open space, the proposed bylaws of the property owners association or the certificate of incorporation and the corporate bylaws of the nonprofit corporation shall be submitted for approval by the Board of County Commissioners.

- c. Bill of sale

A bill of sale conveying to Nassau County, the property owners association or nonprofit corporation, or some other authority all water and sewer lines, mains, lift stations and any other improvements required to be installed by this section. Acceptance by the County is entirely dependent on the discretion of the Board of County Commissioners.

- d. Title opinion

A signed statement from an attorney stating the status of the title of the site encompassed by the final development plan and all liens, encumbrances and defects, if any.

- e. Tax receipts

Paid tax receipts from the proper taxing authority, indicating that current taxes on the proposed site have been paid in full.

- f. Other documents

A document signed by all persons having interest in the proposed site, dedicating all right-of-ways, easements, and other public land shown on the final development plan. Also a document signed by the developer indicating that all necessary off-site easements or dedications have been acquired.

Section 24.06 - Bonding

Prior to beginning construction of each development phase of the PUD, the Board of County Commissioners shall require the developer to post a performance Bond guaranteeing that all public improvements and common open areas will be constructed according to the approved final development plan. The Board of County Commissioners shall establish reasonable time limits for completing construction of the necessary improvements. The Board of County Commissioners shall have the sole right to extend such time limits if sufficient evidence is provided by the developer to substantiate an extension. The performance bond shall have a face value equal to the cost of constructing the required improvements.

Section 24.07 - Deviation From The Approved Final Development Plan

Any adjustments which may be required to the approved final development plan during the development of the PUD, must be approved by the Planning Commission. Any changes in the following criteria:

1. There is no increase in the number of units.
2. There is no increase in the number of stories or floor area.
3. There is no decrease in the amount of open space and the open space is in the same general location.
4. There is no major change in the location of traffic routes.

Section 24.08 - Permits

No permits, building permits included, shall be issued until the final development plan for the particular development phase has been approved by the Board of County Commissioners and duly recorded.

ARTICLE 25: SUPPLEMENTARY REGULATIONS

Section 25.01 - Fences, Walls and Hedges

A. Visibility at intersections in residential districts.

On a corner in any residential district, nothing shall be erected, placed, or planted or allowed to grow in such a manner as materially to impede vision between a height of two and one half (2 1/2) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.

B. Height

Notwithstanding other provisions of this zoning ordinance, fences, walls and hedges may be permitted in any required yard or along the edge of any yard; provided that no solid fence or wall in excess of six (6) feet shall be permitted within fifty (50) feet of the front property line of any lot in residential use or in any residential district; and further provided that no fence, wall, hedge or other visual barrier exceeding four (4) feet in height shall be permitted in any required front yard.

Section 25.02 - Nassau County Airports

Introduction

In order to carry out the provisions of this Section, there are hereby created and established certain zones which include all of the land lying beneath the approach, transitional, horizontal and conical surfaces as they apply to a particular airport. Such zones are shown on the Fernandina Beach and Hilliard Airport Zoning Maps which are attached to this ordinance as Attachment A and Attachment B and made a part hereof.

Attachment "A"  
Fernandina Beach Airport

Attachment "B"  
Hilliard Airpark

An area located in more than one of the described zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows.

A. Public civil airport height zones and limitations

1. Primary zone

An area longitudinally centered on a runway, extending two hundred (200) feet beyond each end of that runway with the width so specified or planned for either end of the runway. No structure or

obstruction will be permitted within the primary zone, that is not part of the landing and take-off area, and is of a greater height than the nearest point on the runway centerline. The width of the primary zone is as follows:

a. Hilliard Airpark

- (1) Runways 18 and 36;  
Two hundred fifty (250) feet for utility runways having only visual approaches.

b. Fernandina Beach Municipal

- (1) Runways 17, 35, 13, 31, 08 and 26;  
Five hundred (500) feet for visual runways having only visual approaches.
- (2) Runways 04 and 22;  
Five hundred (500) feet for non-precision instrument runways having visibility minimums greater than three-fourths statute mile.

The width of the primary zone of a runway will be that width prescribed in this Section for the most precise approach existing or planned for either end of that runway.

No structure or obstruction will be permitted within the primary zone, that is not part of the landing and take-off facilities and is of a greater height than the nearest point on the runway centerline.

2. Horizontal zone

The area around each civil airport with an outer boundary the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone of each airport's runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

a. Hilliard Airpark

- (1) Runways 18 and 36;  
Five thousand (5,000) feet for all runways designated as utility or visual.

b. Fernandina Beach Municipal

- (1) Runways 17, 35, 13, 31, 08 and 26;  
Five thousand (5,000) feet for all runways designated as utility or visual.
- (2) Runways 04 and 22;  
Ten thousand (10,000) feet for all runways not designated as utility or visual.

The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest composite value determined for either end of the runway. When a five thousand (5,000) foot arc is encompassed by tangents connecting two adjacent ten thousand (10,000) foot arcs, the five thousand (5,000) foot arc shall be disregarded on the construction of the perimeter of the horizontal zone.

No structure or obstruction will be permitted in the horizontal zone that has a height greater than one hundred fifty (150) feet above the airport height.

## 3. Conical zone

The area extending outward from the periphery of the horizontal zone for a distance of four thousand (4,000) feet. Height limitations for structures in the conical zone are one hundred fifty (150) feet above airport height at the inner boundary with permitted height increasing one foot vertically for every twenty (20) feet of horizontal distance measured outward from the inner boundary to a height of three hundred fifty (350) feet above airport height at the outer boundary.

## 4. Approach zone

An area longitudinally centered on the extended runway centerline and extending outward from each end of the primary surface. An approach zone is designated for each runway based upon the type of approach available or planned for that runway end.

- a. The inner edge of the approach zone is the same width as the primary zone and it expands uniformly to a width of:
  - (1) Hilliard Airpark
    - (a) Runways 18 and 36;
 

One thousand two hundred fifty (1,250) feet for that end of a utility runway with only visual approaches.
  - (2) Fernandina Beach Municipal
    - (a) Runways 17, 35, 13, 31, 08 and 26;
 

One thousand five hundred (1,500) feet for that end of a runway other than a utility runway with only visual approaches.
    - (b) Runways 04 and 22;
 

Three thousand five hundred (3,500) feet for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile.
- b. The approach surface extends for a horizontal distance of:
  - (1) Hilliard Airpark
    - (a) Runways 18 and 36;
 

Five thousand (5,000) feet for all utility and visual runways.
  - (2) Fernandina Beach Municipal
    - (a) Runways 17, 35, 13, 31, 08 and 26;
 

Five thousand (5,000) feet for all utility and visual runways.
    - (b) Runways 04 and 22;
 

Ten thousand (10,000) feet for all non-precision instrument runways other than utility.
- c. The outer width of an approach zone to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
- d. Permitted height limitation within the approach zones is the same as the runway and height at the inner edge and increases with horizontal distance outward from the inner edge as follows:
  - (1) Hilliard Airpark
    - (a) Runways 18 and 36;
 

Permitted height increases one foot vertically for

every 20 feet horizontal distance for all utility and visual runways.

(2) Fernandina Beach Municipal

(a) Runways 17, 35, 13, 31, 08 and 26;

Permitted height increases one foot vertically for every 20 feet horizontal distance for all utility and visual runways.

(b) Runways 04 and 22;

Permitted height increases one foot vertically for every thirty-four (34) feet horizontal distance for all non-precision instrument runways other than utility.

5. Transitional zone

The area extending outward from the sides of the primary zones and approach zones connecting them to the horizontal zone. Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary line where it adjoins and increases at a rate of one (1) foot vertically for every seven (7) feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height of the horizontal zone or conical zone or for a horizontal distance of five thousand (5,000) feet from the side of the part of the precision approach zone that extends beyond the conical zone.

6. Other areas

In addition to the height limitation imposed in Paragraphs A through E, above, no structure or obstruction will be permitted within Nassau County that would cause a minimum obstruction clearance altitude, a minimum descent altitude or a decision height to be raised.

B. Airport land use restrictions

1. Use restrictions

NOTWITHSTANDING any other provision of this ordinance, no use may be made of land or water within any zones established by this ordinance in such a manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use:

- a. All lights or illumination used in conjunction with street, parking, signs, or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from a public airport or in vicinity thereof.
- b. No operations from any type shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of a public airport.
- c. No operations from any type shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

d. Use of land within the accident potential hazard area shall prohibit high density residential use, schools, hospitals, storage of explosive material, assemblage of large groups of people or any other use that could produce a major catastrophe as a result of an aircraft crash.

2. Lighting

NOTWITHSTANDING the preceding provisions of this section, the owner of any structure over two hundred (200) feet above ground level shall install lighting in accordance with Federal Aviation Advisory Circular 70-7460-1 and amendments thereto on such structure. Additionally, high intensity white obstruction lights shall be installed on a high structure which exceeds seven hundred forty-nine (749) feet above mean sea level. The high intensity white obstruction lights must be in accordance with Federal Aviation Administration Advisory Circular 70-7460-1 and Amendments.

3. Variances

Any person desiring to erect or increase the height of any structures, or use his property not in accordance with the regulations prescribed in this ordinance, may apply to the Board of Adjustment for a variance in accordance with other provisions of this zoning ordinance. No application for variance to the requirements of this ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Zoning Administrator.

4. Hazard marking and lighting

Any permit or variance granted shall require the owner to mark and light the structure in accordance with the Federal Aviation Administration Advisory Circular 70-7460-1 or subsequent revisions. The permit may be conditioned to permit Nassau County or the appropriate City at its own expense to install, operate and maintain such markers and lights as may be necessary to indicate to pilots the presence of an airspace hazard if special conditions so warrant.

5. Airport noise zones

No person shall sell, lease or offer to sell or lease any land within the airport noise zone (100 CNR 85dBA contour) unless the prospective buyer or lessee has been given the following notice in writing:

"Noise Warning" - This land lies beneath the aircraft approach and departure routes for Fernandina Beach or Hilliard Airport as applicable, and is subject to noise that may be objectionable."

Section 25.03 - Erection of More Than One Principal Structure on a Lot

More than one principal structure for a permitted or principal use shall not be erected on a single lot except as follows:

- A. More than one structure may be erected on a single lot provided yard, area and other requirements of this ordinance are met for each structure as though it were on an individual or separate lot, or;
- B. More than one structure used for multiple-family residential purposes may be erected on a single lot provided that an open space of not less than ten (10) feet is provided between each structure, required yards are provided between any structures and all lot lines, minimum and maximum lot coverage for all of such buildings taken together complies with district regulations.

Section 25.04 - Lot To Have Access

No lot or parcel of land shall be used for the construction, location, or erection of any building, structure or mobile home where such lot does not abut, for a distance of not less than thirty-five (35) feet, upon a public county maintained right-of-way or a private street which has been approved by the County Engineer, provided; however, that no more than three (3) single family dwelling or mobile home shall be erected or moved on a lot or portion of a lot which abuts upon a continuous access easement of record for a distance of not less than thirty (30) feet, unless a conditional use permit has been granted for such use in accordance with the provisions of Article 5, Section 5.03 and all other requirements of the Zoning Code are met and further provided, that such conditional uses shall not be granted on an access easement of record less than thirty (30) feet in width unless such easement was recorded prior to the effective date of this ordinance.

Section 25.05 - Use of Residentially Zoned Property for Access

No land which is residentially zoned shall be used for driveway, walkway or access purposes to any land which is nonresidentially zoned, or used for any purpose not permitted in a residential district except for ingress and egress to an existing use which does not abut on a street.

Section 25.06 - Parking of Heavy Vehicles in Residential Districts

Heavy vehicles such as tractors, trucks and school buses (including CV, GW, K.S, and P Florida license classifications) shall not be parked in any residential district except as may be required for normal loading or unloading of such vehicles and during the time normally required for service at dwellings, or at structures or activities permitted or permissible in such residential districts by the terms of the zoning ordinance.

Section 25.07 - Parking, Storage, or Use of Major Recreational Equipment

No major recreational equipment shall be used for living, sleeping, or house-keeping purposes when parked or stored in a residentially zoned lot or in any other location not approved for such use. Major recreational equipment may be parked or stored in a required rear or side yard, but not in required front yards; provided, however, that such equipment may be parked anywhere on



residential premises for not to exceed twenty-four (24) hours during loading and unloading.

Section 25.08 - Service Stations

The following regulations shall apply to the location, design, construction and operation, and maintenance of service stations, and/or gasoline dispensing facilities:

A. Lot dimensions

A service station lot shall be of adequate width and depth to meet all setback requirements; but in no case shall a corner lot have less than two (2) street frontages of at least one hundred (100) feet each and an interior lot shall have a street frontage of at least one hundred (100) feet.

B. Lighting

All lights and lighting located on a service station shall be so designed and arranged so that no source of light shall be directly visible from any residential district; this provision shall not be construed to prohibit interior-lighted signs.

C. Location of pumps and structures

No main or accessory buildings, no sign of any type, and no gasoline pump shall be located within twenty (20) feet of the lot line of any property that is residentially zoned. No gasoline pump shall be located within twenty (20) feet of any street right-of-way.

Section 25.09 - Buffers

All commercial, industrial and mobile home park development, and off-street parking and loading areas, shall be separated from adjacent residential property by an opaque buffer at least six (6) feet in height. Such buffer must be constructed and maintained by the owners of the development stated above. Buffers may be a solid wall, fence or compact permanent shrubbery which will grow to the required height within twelve (12) months. If the shrubbery has not reached the required height within twelve (12) months, the shrubbery shall be replaced with mature plants of the required height.

Section 25.10 - Travel Trailer Parks and Campgrounds

A. Development guidelines

1. Location and access

A travel trailer park or campground shall be so located that no entrance nor exit from a park shall discharge traffic into any residential district. A travel trailer park or campground fronting on a public street shall have a minimum of one hundred-fifty

(150) feet of frontage.

2. Permitted use

Spaces in the travel trailer parks and campground shall be used exclusively for temporary portable housing. Permanent occupancy for dwelling purposes is prohibited. Spaces shall be rented by the day or week only.

3. Accessory uses

Management headquarters, recreational facilities, toilets, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to the operation of a travel trailer park or campground are permitted as accessory uses.

4. Yard requirements

Twenty-five (25) feet front, rear and side yards shall be provided for travel trailer parks or campgrounds.

5. Relation of spaces to exterior streets

No space intended for occupancy shall be so located that any part intended for occupancy for sleeping purposes shall be within fifty (50) feet of the right-of-way line of any arterial street or within twenty-five (25) feet of the right-of-way line of any other street.

6. Design of access to park

All traffic into or out of the park shall be through entrances and exits designed for the safe and convenient movement of traffic.

7. Off-street parking, loading and maneuvering space

Each travel trailer park or campground shall provide adequate off-street parking, loading and maneuvering space. In connection with the use of any travel trailer park or campground, no parking, loading, or maneuvering incidental to parking, or loading shall be permitted on any public street, sidewalk or public right-of-way.

B. Site plan

A site plan is required for all travel trailer park and campground development in Nassau County. All site plans shall be in accordance with Article 25, Section 25.17 of this ordinance.

Section 25.11 - Mobile Homes

A. Temporary office

A mobile home may be used in any zoning district as a temporary office or shelter for materials or tools incidental to construction or development of the premises upon which the mobile home is located, provided a permit for such construction or development has been issued. Such use of a mobile home shall not be permitted for more than one (1) month after the completion of such construction or development.

B. Temporary public use

Any agency of local, municipal, state or federal government may utilize a mobile home for temporary public purposes in any zoning district, provided such use shall not include a residential use.

C. Sales office

A mobile home may be used as a sales office on a mobile home sales lot in any zoning district permitting such use.

D. Mobile home on individual lot in certain districts

Mobile homes shall not be located in any district which does not specifically allow mobile homes as a permitted or permissible use.

Section 25.12 - Mobile Home Parks

All mobile home parks developed in Nassau County shall meet the following minimum standards:

- A. All mobile home parks shall have a minimum area of ten (10) acres.
- B. Each mobile home lot shall have a minimum area of three thousand (3,000) square feet.
- C. The maximum density of any mobile home park shall not exceed eight (8) mobile home units per acre.
- D. Each mobile home lot shall have the following front, rear and side yards:
  1. Front yard: 25 feet
  2. Rear yard: 15 feet
  3. Side yard: 7½ feet
- E. Each mobile home space shall be provided with two (2) paved off-street parking spaces.
- F. Each mobile home shall be placed on supports or pillars which rest on concrete pads. Each mobile home shall be securely anchored to the ground.
- G. Prior to occupancy, skirts shall be installed around every mobile home.
- H. Each mobile home park shall be provided with adequate park or recreational areas for residents based on a recreation standard of one hundred and fifty (150) square feet per mobile home lot.
- I. All streets and roads within a mobile home park shall have a minimum

width of forty (40) feet. Cul-de-sac or dead end streets shall have a turning radius of at least forty (40) feet.

- J. All streets shall have a minimum paved surface width of twenty (20) feet and a minimum thickness of six (6) inches. The following pavement bases shall be utilized:
  - 1. Sand-bituminous road mix
  - 2. Florida limerock base
  - 3. Limerock stabilized base (#300 per square yard)
  - 4. Shell cement mix
  - 5. Soil cement mix
- K. All drainage plans for the mobile home park shall be approved by the County Engineer.
- L. Sidewalks shall be provided along major streets in mobile home parks. Sidewalks shall be at least three (3) feet wide.
- M. A landscaped buffer at least eight (8) feet wide and six (6) feet high shall be maintained along the exterior boundary of the mobile home park.
- N. Each mobile home park shall contain adequate management, maintenance, space, and storage areas.
- O. If a mobile home sales lot or area is operated in conjunction with any mobile home park, such area shall not exceed ten (10) percent of the gross mobile home park area. The sales area shall be separated from the remainder of the mobile home park by a solid fence, wall or hedge with a minimum height of six (6) feet. The sales area shall also be located in a manner which will not impede the ingress and egress to the mobile home park.

Section 25.13 - Agricultural Zoning

All lands which become classified as open rural for ad valorem tax purposes by the Nassau County Tax Assessor, shall be considered to be in the Open Rural (OR) District during the time such classification is maintained regardless of the zoning district shown on the Zoning Atlas for such lands. All uses, restrictions and regulations provided in the OR District shall apply to such lands during the time such classification is maintained.

Section 25.14 - Essential Public Services

Essential public services may be permitted in any zoning district. Essential public services are hereby defined as, and are limited to certain installations of water, sewer, gas, telephone or electrical systems, and similar installations; provided however:

- A. That this section shall not be deemed to permit the location in a district of such major installations as electrical or gas generating plants, sewage treatment plants, water pumping or aeration facilities and other similar major installation, unless such facilities were constructed or construction was started prior to the adoption of this ordinance. Otherwise, such uses shall be permissible only as conditional uses.
- B. That this section shall not be deemed to permit the erection of structures for commercial activities such as sales of related merchandise or collection of bills in districts from which such activities would otherwise be prohibited.

Section 25.15 - Supplementary Regulations for Certain Uses

In addition to the permissible conditional uses listed in the schedule of district regulations, the following uses shall be permissible conditional uses in the districts indicated. Unless specific provisions are made otherwise in the grant of the conditional use, such uses shall conform to all supplementary regulations listed under such use.

A. Home occupations

Home occupations are a permissible conditional use in any residential district which does not include such occupation as a permitted use, subject to all the following conditions:

1. No person other than members of the family residing on the premises shall be engaged in such occupation.
2. The use of the premises shall be clearly incidental and subordinate to its use for residential purposes and shall under no circumstances change the residential character thereof.
3. There shall be no change in outside appearance of building or premises, or other visible evidence of the conduct of such home occupation, except that one sign shall be permitted, not exceeding one square foot in area, non-illuminated, mounted flat against the wall of the principal building at a position not more than two (2) feet from the main entrance to the residence.
4. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
6. The giving of art, music or other instructions or lessons shall be limited to not more than four (4) persons at any one time.

7. Fabrication of articles such as are commonly classified under the terms of arts and handicrafts shall be deemed a home occupation and can be sold on the premises.
8. All goods and services offered for sale in conjunction with a home occupation shall be produced on the premises, and all services shall be performed by a member of the immediate family on the premises.

B. Day nurseries

Day nurseries, including kindergartens and child care centers, shall be permissible conditional use in all residential districts subject to all the following conditions:

1. Minimum lot area shall be not less than seven thousand five hundred (7,500) square feet and lot width in portion used for fenced play area shall be not less than seventy-five (75) feet.
2. A fenced outdoor play area of not less than six hundred (600) square feet shall be provided in the rear yard.
3. All facilities, operation and maintenance shall meet all applicable County or State regulations for such use.
4. The conditional use application shall state the maximum number of children to be accommodated and in no case shall the number of children approved in the conditional use application be exceeded.
5. Off-street parking, loading and unloading areas shall be maintained as provided in the site plan approved with the conditional use application for such use.

C. Parking lots

Off-street parking lots shall be a permissible conditional use in all residential districts when such lot adjoins a site requiring off-street parking, provided there is no intervening street or alley and further provided:

1. A six (6) foot solid masonry wall or fence shall be erected along property lines adjacent to property zoned for residential uses.
2. No source of illumination for such lots shall be directly visible from any window in any residence in the residential district.
3. There shall be no movement of any vehicles on such lots between the hours of 11 p.m. and 7 a.m.
4. There shall be no sales or service activity of any kind on such lots.
5. Vehicles prohibited from being parked in residential districts by Article 25, Section 25.06, shall not be permitted to be parked on such lot.

D. Cemeteries

Cemeteries and mausoleums (but not funeral homes or mortuaries) are permissible conditional uses in all residential districts. Such uses must be buffered from adjacent residential areas in accordance with Article 25, Section 25.09. A fence is required in all other districts.

E. Schools

Private elementary and high schools with academic curriculum similar to those of public elementary and high schools are permissible conditional uses in all residential districts.

F. Churches

Churches (but not temporary revival establishments) are permissible conditional uses in all residential districts. Whether permitted or permissible as a conditional use, churches shall not occupy a site containing less than two (2) acres.

G. Golf courses

Golf courses are permissible conditional uses in any residential district provided it is located on a site containing a minimum of fifty (50) acres.

H. Water and sewage treatment plants

Water and sewage treatment plants are permissible conditional uses in all districts. These uses must be buffered from adjacent areas in accordance with the provisions of Article 25, Section 25.09.

I. Mobile Homes

A mobile home on an individual lot shall be permitted as a conditional use in any residential district in which such use is not otherwise permitted. Such conditional use shall be granted to the applicant only, shall not be transferable and shall not run with the title to the property unless otherwise specified in the grant of the conditional use.

J. Mother-In-Law Dwelling

A dwelling located on a lot or parcel of land, together with the principal use structure, for the care of aged, infirm or impecunious parent(s). In the case of a medical hardship, a medical certification shall be required with the application. All yard requirements, lot size requirements, height and lot coverage requirements shall apply for the appropriate district unless otherwise waived by the Planning Commission.

Section 25.16 - Accessory Uses and Structures

A. Accessory uses and structures are permitted in all districts provided such uses and structures are of a nature customarily incidental to a permitted principal use or structure and is located on the same lot (or contiguous lot in the same ownership) with such use. Any structure or portion thereof, attached to the principal structure on a lot, shall be considered a part of the principal structure and not an accessory building. Accessory uses shall not involve operations or structures not in keeping with the character of the district where located.

B. Accessory uses and structures shall not be located in required front or side yards in any zoning district except as follows:

- 1. Accessory structures for the housing of persons such as guests house or servant quarters, shall not be located in any required yard.

- 2. In residential districts, detached accessory structures (other than as in 1 above) which are separated from the principal structure by at least ten(10) feet, may be located in a required side or rear yard, but not less than six (6) feet from any lot line.
  - 3. Air conditioning compressors or other equipment designed to serve the main structure may be located in any required side or rear yard, but must be at least six (6) feet from any lot line.
- C. Dog houses, pens and similar structures for the keeping of commonly accepted household pets allowed in all districts. In residential districts, the number of such pets over ten (10) weeks of age shall not exceed four (4) unless a conditional use permit has been granted allowing a greater number.
- D. The following accessory uses and structures shall be permitted in any residential district:
- 1. Noncommercial greenhouses and/or plant nurseries.
  - 2. Servants quarters and/or guest houses.
  - 3. Private garages and carports, provided no garage or carport be designed to accommodate more than two (2) vehicles, unless a conditional use permit has been granted for such and all other requirements of this ordinance are met.
  - 4. Private boat houses or shelters, provided such structures do not exceed one thousand (1,000) square feet in area.
  - 5. Tool and/or garden sheds, pump houses, barbeque pits.
  - 6. Swimming pools and related bathhouses, subject to conditions, Section 25.16(E), below.
  - 7. Facilities for security guards and caretakers and similar structures which:
    - a. Do not involve the conduct of business of any kind.
    - b. Are of a nature not likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood.
    - c. Do not involve operations or structures not in keeping with the character of a residential neighborhood.
  - 8. Multifamily districts (RG-1 and RG-2).
    - a. Temporary or permanent sales or rental offices provided such sales or rentals are for the dwelling units or lots located on the same premises.
- E. Swimming pools and bathhouses are permitted as accessory uses in any district. Private swimming pools, as regulated herein, shall be any pool, pond, lake, open tank located either above or below the existing finished grade of the site, not located within a completely enclosed building, and exceeding one hundred and fifty (150) square feet in surface area and two (2) feet in depth, designed to be used for swimming or bathing purposes. A private swimming pool shall be allowed in any residential district as an accessory use only if it fully complies with the following conditions:
- 1. The pool is to be used solely for the enjoyment of the occupants or bona fide guests.
  - 2. The pool is not located closer than five feet to any property line, and is not located in the required front yard. If the pool is enclosed by a screened enclosure (i.e., screening material), the screened enclosure shall not be closer than ten (10) feet to any side or rear property line.



- 3. The pool shall be enclosed by a retaining wall, fence or other structure having a minimum height of four (4) feet and constructed or installed in a manner which will prevent access of unauthorized persons. All gates installed in the pool's enclosure shall be self-latching with latches operable from the inside only, placed at least four (4) feet above the underlying ground. Gates shall be kept securely closed and latched at all times. If the property upon which the pool is located is otherwise adequately fenced, the requirement of this subsection may be waived by the Zoning Administrator.

Section 25.17 - Site Plan Requirements

A. General

Developers of sites for multi-family dwellings, commercial establishments, offices, mobile home parks and travel trailer parks and campgrounds are required to submit site plans for review by the appropriate county agency. A building permit will not be issued for any of the uses stated above until such site plan has been approved.

B. Procedure

The following procedure shall be used when submitting a site plan for review:

- 1. A pre-application conference between the developer and the Zoning Administrator shall be held to discuss basic site plan requirements, site features and the proposed development.
- 2. Four (4) copies of the proposed site plan shall be submitted to the Zoning Administrator for review and distribution to other governmental departments involved in the review process.
- 3. Prior to distribution of the proposed site plan, the Zoning Administrator shall conduct a sufficiency review to determine if the developer addressed the site plan requirements stated in this ordinance. If all requirements have been addressed, the Zoning Administrator shall proceed with the distribution of the site plan. If all the requirements have not been addressed, the site plan should be returned to the developer to make the necessary additions in order to resume the site plan review process.
- 4. Each governmental department involved in the site plan review process shall conduct its review and submit signed, written recommendations to the Zoning Administrator within fifteen (15) days after receipt of the site plan. All site plan recommendations shall be signed by department heads.

Note: If the proposed site plan is for multi-family development containing ten (10) or less dwelling units, or for commercial or office uses consisting of less than fifteen thousand (15,000) total square feet, the Zoning Administrator shall approve or disapprove

the site plan. If such development exceeds the limits specified, the following procedure must be adhered to.

- 5. The Zoning Administrator shall submit the proposed site plan along with a written analysis and recommendations to the Planning Commission for consideration at its next meeting. The site plan analysis and recommendations shall reflect the review and comments of all governmental departments involved in the site plan review process. The Planning Commission shall review the proposed site plan at a regularly scheduled meeting.
- 6. Following the said review, the Planning Commission shall approve, approve with conditions, or deny the proposed site plan.
- 7. Upon approval of the proposed site plan and if the proposed site is properly zoned, a building permit shall be issued.

C. Site plan requirements

The following information shall be provided by the developer when submitting a site plan for approval:

- 1. Vicinity map
  - a. Site location
  - b. Legal description of the site (names and addresses of adjacent property owners shall also be attached).
  - c. Abutting streets and easements
  - d. Natural site features
  - e. Site boundaries
  - f. Utilities
  - g. Existing structures
  - h. Adjacent land uses
- 2. Site plan - including but not limited to:
  - a. Name, location, owner and architect of the proposed development
  - b. Present zoning and conditional use permit (if applicable) for subject site
  - c. Tabulation of gross site acreage and proposed density
  - d. Number of units proposed
  - e. Date, north arrow and graphic scale (one (1) inch equals fifty (50) feet)
  - f. Dimensions of all structures and major features including setbacks, distances between structures, floor area, driveway widths, parking spaces, property or lot lines, and percent of lot coverage
  - g. Internal automotive and pedestrian circulation including driveways, sidewalks, curb and gutters, and site ingress and egress. (MUST BE CONSTRUCTED ACCORDING TO COUNTY ENGINEERING STANDARDS AND APPROVED BY THE COUNTY ENGINEER.)
  - h. Location, number and dimension of off-street parking and loading facilities. (MUST BE CONSTRUCTED ACCORDING TO COUNTY ENGINEERING STANDARDS AND APPROVED BY THE COUNTY ENGINEER.)
  - i. Location and dimension of water supply and sewage disposal

- facilities. (MUST BE CONSTRUCTED ACCORDING TO COUNTY HEALTH DEPARTMENT STANDARDS AND APPROVED BY THE COUNTY SANITARIAN.)
- j. Location of electrical service lines, easements, transformers and fire hydrants
- k. Location, size and design of landscaped or open space areas including existing trees and buffers
- l. Location of any on-site lighting and signs
- m. Site Drainage Plan (MUST BE APPROVED BY THE COUNTY ENGINEER)
  - (1) Existing and proposed ground contours and elevations
  - (2) Existing and proposed drainage facilities with their size, elevations, and slopes
  - (3) Design calculations which support the proposed drainage design
  - (4) Elevations and slope of surrounding property
  - (5) Location and size of existing and proposed easements and right-of-ways.
- n. Location of flood hazard boundaries

Section 25.18 - Landscape Requirements

A. Off-street parking areas

All off-street parking areas in Nassau County containing five or more parking spaces shall comply with the following landscape requirements:

1. General

It is essential that proper plant specimens be chosen for each specific condition (consult the County Agent For Assistance). In choosing plant materials consideration should be given to the amount of sun or shade, the wetness or dryness of the soil, the effects of salt spray (where applicable), the amount of maintenance required, the ultimate growth size of plants chosen, and the aesthetics of the planting areas.

Preserving existing trees and shrubs within the parking area is encouraged. Discretionary credit will be given for each existing plant or tree preserved. All trees shall be planted in a planting area of at least twenty-five (25) square feet with a minimum dimension of five (5) feet. This five foot square minimum planting area must be free of all bumper overhang in order to prevent possible tree damage resulting from auto bumpers striking trees. All trees shall have a minimum trunk diameter of two (2) inches measured at a point four and one-half (4.5) feet above ground line, and a minimum crown spread of five (5) feet diameter.

Shrubs used for screening off-street parking areas from adjacent properties shall have a minimum height of thirty (30) inches when planted. These shrubs shall be planted in a manner which will form a visual barrier between the off-street parking area and adjacent property. All shrubs used for screening shall be of a plant species that is capable of reaching the required

height of six (6) feet within twenty-four (24) months under normal growing conditions. (See Suggested Plant List). Shrubs used as accent ground cover and vines may vary in size depending on the type of plant material and the desired effect.

The location of all trees and shrubs shall be reviewed and approved by the Zoning Administrator.

2. Adjacent to public right-of-ways

a. A landscaped area at least five (5) feet wide shall be located between the parking area and the abutting right-of-way. Wheel stops or curbing shall be used, where necessary, to assure that this five (5) foot strip is not overhung by car bumpers (SEE FIGURE A). This landscaped area shall include one (1) tree for every twenty-five feet of frontage or fraction thereof, and one shrub for every five (5) feet of frontage or fraction thereof. All shrubs shall have a minimum height of two (2) feet at planting and shall attain a maximum height three (3) feet within twelve (12) months under normal growing conditions.

b. The required landscaped area may also be defined by the use of a barrier of non-living materials in lieu of living materials. Such barrier shall not exceed three (3) feet in height. An average of one (1) shrub or vine for every ten (10) feet or fraction thereof, shall be planted abutting such barrier. These shrubs or vines may be clustered rather than spaced evenly apart. Such shrubs or vines shall be planted along the street side of such barrier. Also, one (1) tree shall be planted for every twenty-five (25) feet of frontage or fraction thereof. A planting area of four (4) feet must be maintained between this barrier and the right-of-way line.

3. Sight distance for landscaping adjacent to public right-of-ways and points of access. (See FIGURE B).

When an access intersects a public right-of-way, clear unobstructed cross visibility shall be provided within the sight triangle formed by such intersection. The sight triangle shall be measured from the point of intersection, ten (10) feet along the accessway and then ten (10) feet along the right-of-way, with the third side being a line connecting the two (2) points. Cross visibility within the sight triangle shall be unobstructed between the height of two (2) feet and eight (8) feet measured from the ground line. Trees and palms shall have their limbs and foliage trimmed in a manner that no limbs or foliage will extend in to the cross visibility area. To ensure proper visibility at the intersection of accessways with public right-of-ways, excluding properly trimmed trees as previously stated, only ground cover type plants shall be allowed within the sight triangle.

4. Adjacent to other properties

a. Residential areas (See FIGURE C)

When off-street parking areas are adjacent to residential uses or properties, a landscaped buffer at least five (5) feet wide shall separate them. The landscaped buffer shall contain an opaque screen composed of either living plant materials or durable nonliving materials, e.g., fences, walls, etc., having a minimum height of six (6) feet. When located on side lot lines, such screen shall terminate within ten (10) feet of its intersection within the street right-of-way line. All living plant materials shall be planted in a manner which will form a visual barrier and must be at least thirty (30) inches when planted and shall attain the required height of six (6) feet within twenty-four (24) months under normal growing conditions. If a barrier composed of nonliving materials is used for screening, the barrier shall be accented with shrubbery. A minimum of one (1) tree shall be planted for every fifty (50) feet of common lot line or fraction thereof. The required landscaped area shall be protected from vehicle encroachment by the use of wheel stops or curbs.

b. Nonresidential areas

When off-street parking areas are adjacent to nonresidential uses or property containing a conforming hedge, wall, or other durable landscape feature, the provisions stated in Subsection 4(a) excluding the tree planting requirements, shall not apply to rear or side lot lines.

c. A landscaped buffer area is not required for off-street parking areas that are screened from adjacent property by intervening buildings.

5. Interior landscaping regulations

a. Off-street parking areas shall contain ten (10) square feet of interior landscaping for each parking space.

b. Each separate interior landscaped area shall contain a minimum of one hundred (100) square feet and shall be at least five (5) feet wide. A minimum of one (1) tree shall be planted for every two hundred (200) square feet of interior landscaping with the remaining area adequately planted with shrubs, ground cover, or other approved landscaping materials.

c. All interior landscaping shall be protected from vehicle encroachment by curbing or wheel stops.

d. Interior landscaping shall be located in a manner which will divide or interrupt the broad expanse of paving. Landscaped areas shall subdivide parking areas into parking bays containing a maximum of forty (40) spaces, provided that no more than twenty (20) spaces shall be in an uninterrupted row.

e. Interior landscaping layout or design shall be reviewed and approved by the Zoning Administrator.

## SUGGESTED PLANT LIST

	<u>Botanical Name</u>
A. Canopy Trees	
1. Live Oak	<i>Quercus virginiana</i> (Full Sun)
2. Sycamore	<i>Platanus occidentalis</i> (Full Sun)
B. Accent Trees	
1. American Holly	<i>Ilex opaca</i> (Full or Part Sun)
2. Cherry Laurel	<i>Prunus caroliniana</i> (Full Sun)
C. Palms	
1. Cabbage Palm	<i>Sabal major</i> (Full or Part Sun)
2. Lady Palm	<i>Raphis excelsa</i> (Part-Full Shade)
3. European Fan Palm	<i>Chamaerops humilis</i> (Full Sun or Partial Shade)
D. Accent Shrubs	
1. Pampas Grass	<i>Cortaderia selloana</i> (Full Sun or Partial Shade)
2. Oleander	<i>Nerium oleander</i> (Full Sun)
3. Hetzi Juniper	<i>Juniperus chinensis hetzi</i> (Full Sun)
4. Mint Julip Juniper	<i>Juniperus chinensis mint julip</i> (Full Sun)
5. Century Plant	<i>Agave americana</i> (Full Sun)
6. Indian Hawthorn	<i>Raphiolepis indica</i> (Full Sun)
7. Fiejoa Guava	<i>Fiejoa sellowiana</i> (Full Sun)

Botanical Name

## E. Hedges

- |              |                    |
|--------------|--------------------|
| 1. Ligustrum | Ligustrum japonica |
| 2. Viburnum  | Viburnum suspensum |

## F. Low Shrubs, Ground Cover and Vines

- |                        |   |
|------------------------|---|
| 1. Shore Juniper       | Juniperus conferta<br>(Full Sun)                            |
| 2. Blue Rug Juniper    | Juniperus chinensis blue rug<br>(Full Sun)                  |
| 3. Bar Harbor Juniper  | Junipersus chinensis bar harbor<br>(Full Sun)               |
| 4. Dwarf Yaupon        | Ilex vomitoria nana<br>(Full Sun or Partial Shade)          |
| 5. Dwarf Pittosporum   | Pittosporum tobira wheelerii<br>(Full Sun or Partial Shade) |
| 6. Border Grass        | Liriope muscari<br>(Shade)                                  |
| 7. Algerian Ivy        | Hedera canariensis<br>(Shade)                               |
| 8. Confederate Jasmine | Trachaelospermum jasminoides<br>(Vine) (Full Sun)           |
| 9. Fig Vine (on walls) | Ficus repens (Vine)<br>(Full Sun or Shade)                  |

Figures

Figure A

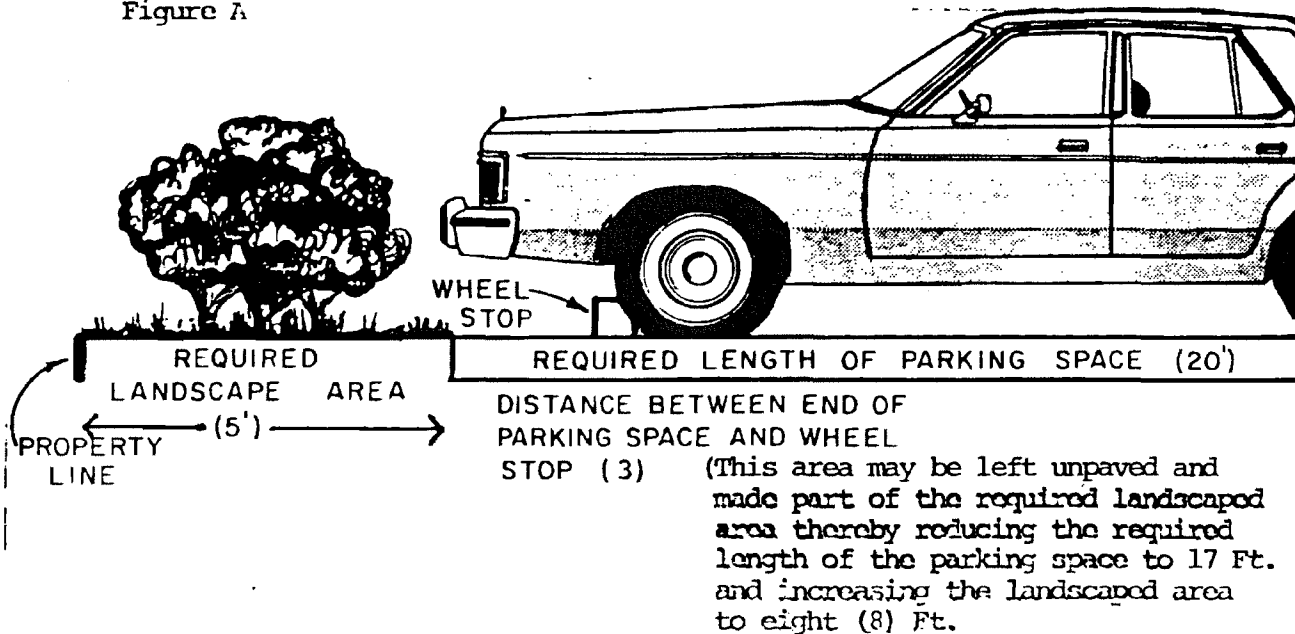


Figure B

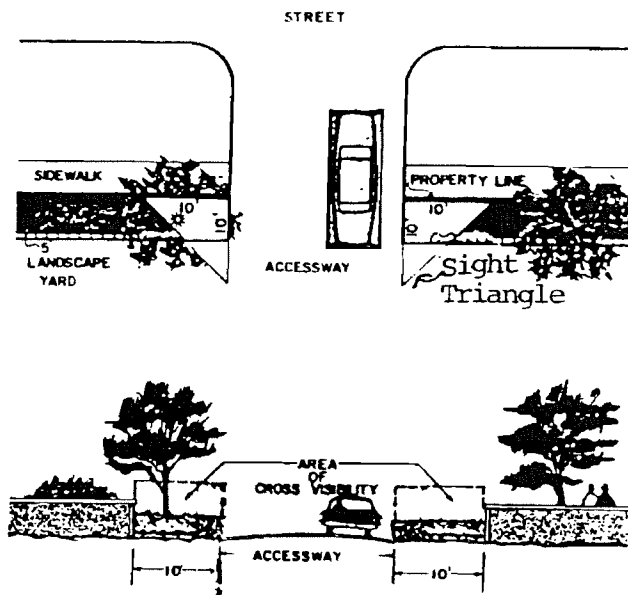
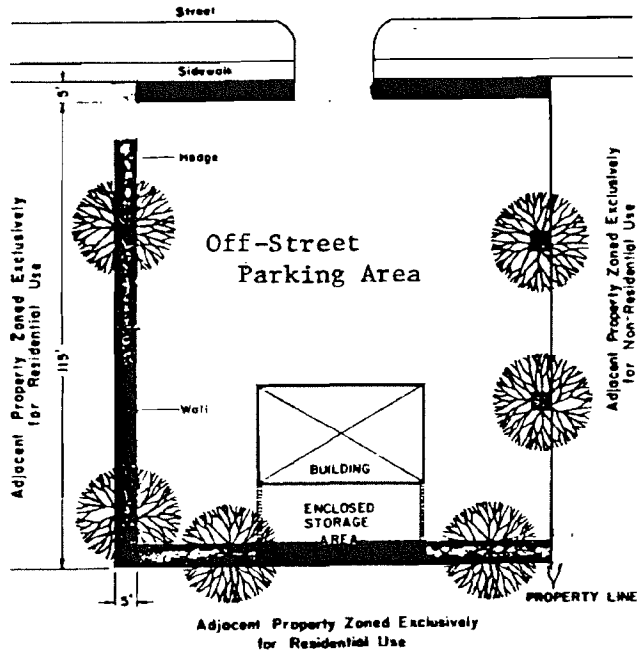




Figure C



## ARTICLE 26: NONCONFORMING LOTS, USES AND STRUCTURES

Intent

Within the districts established by this ordinance, there exists lots, structures, uses of land or water and characteristics of use which were lawful before the passage of these regulations, but would be prohibited, regulated or restricted under the terms of this ordinance or its future amendments. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Nonconforming uses shall not be enlarged upon, expanded, intensified, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. It is further the intent of this ordinance that changes in nonconforming uses shall not be permitted.

Section 26.01 - Enlargement and Incompatibility

Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, structure and land or water in combination shall not be extended or enlarged after the adoption of this ordinance.

Section 26.02 - Work in Process

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which a building permit has been issued prior to the adoption of this ordinance. If actual construction has not begun within six (6) months of the date of issuance of the permit, such permit shall become invalid and shall not be renewed except in conformity with this ordinance.

Section 26.03 - Nonconforming Use of Open Land

Where open land, e.g., land not enclosed by buildings, is being used for nonconforming use, such use shall not be extended or enlarged either on the same or adjoining property.

Section 26.04 - Nonconforming Use of Buildings

Except as otherwise provided herein, the lawful use of a building existing at the effective date of this ordinance may be continued even though such use does not conform to the provisions hereof.

Section 26.05 - Discontinuance of Nonconforming Uses

- A. No building or portion thereof, used in whole or part for a nonconforming

use, which remains idle or unused for a continuous period of one (1) full calendar year, whether or not the equipment or fixtures are removed, shall not be used again except in conformity with the regulations of the zoning district in which it is located.

- B. The removal of a nonconforming mobile home from any district, except where such use is permissible by this ordinance, shall no longer be deemed a nonconforming use. The placement or replacement of a mobile home shall not be permitted unless a conditional use permit has been granted by the Planning Commission in compliance with Article 5, Section 5.03 of this ordinance.

Section 26.06 - Destruction of a Nonconforming Use

No building which has been damaged by any means to an extent of more than sixty percent (60%) of the fair market value of the building immediately prior to damage, shall be restored except in conformity with the regulations of this ordinance, and all rights as a nonconforming use are terminated. If a building is damaged by less than sixty percent (60%) of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repair or reconstruction be substantially completed within twelve (12) months after the date of such damage.

Section 26.07 - Nonconforming Lots of Record

- A. In any zoning district in which single family dwellings or mobile homes are permitted, such a use and customary accessory uses may be erected, expanded, or altered on any single lot of record, which was recorded on or before the effective date of this ordinance even though such lot failed to meet the requirements for area or width, or both that are generally applicable in the zoning district, provided that yard dimensions and requirements other than those applying to area or width, or both of the lot shall conform to the regulations for the zoning district in which such lot is located. It is further provided that this provision shall apply even though such lot does not abut upon a dedicated public street or a private street, which has been approved by the County Engineer provided, however, that such lot abuts a 30 foot continuous access easement of record for a distance of not less than thirty-five (35) feet.
- B. In any zoning district, a conforming use or structure on a nonconforming lot of record which was so recorded on or before the effective date of adoption of the ordinance may be expanded or altered provided other requirements of the ordinance are met. After the effective date of adoption of the ordinance, no lot or parcel in any district shall be so divided as to create a lot with area or width below the requirements of the ordinance; and no lot or parcel or portion of a lot or parcel shall be used or sold in a manner which diminishes compliance with lot area and width requirements established by the ordinance.

Section 26.08 - Nonconforming Characteristics of Use

If characteristics of use such as off-street loading, or other matters pertaining to the use of land, structures, or premises are made nonconforming by this ordinance as adopted or amended, no change shall thereafter be made in such characteristics of use which increases nonconformity with the regulations set out in this ordinance; provided, however, that changes may be made which do not increase, or which decrease, such nonconformities.

Section 26.09 - Repairs and Maintenance

On any nonconforming structure or portion of a structure and on any structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of fifteen (15) percent of the current just value of the structure (or of the nonconforming portion of the structure if a nonconforming portion of the structure is involved), provided that the cubic content of the structure existing after the date it became nonconforming shall not be increased.

Section 26.10 - Nonconforming Structures Unsafe Because of Maintenance

If a nonconforming structure or portion of a structure or any structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance and is declared by any duly authorized official of Nassau County, to be an unsafe building or structure, it shall not thereafter be resolved, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

## ARTICLE 27: SIGN REGULATIONS

The following limitations on signs shall apply in the indicated Zoning Districts:

Section 27.01 - Residential Districts

- A. No off-site sign shall be permitted in any residential district.
- B. No sign in any residential district shall be animated or flashing and roof signs, neon signs and strip lighting are prohibited.
- C. In single-family residential districts, on-site signs shall be limited to one (1) sign not exceeding nine (9) square feet.
- D. On-site signs in connection with a permitted or permissible use in any residential district shall be limited to those specifically approved in the grant of zoning exception.

Section 27.02 - Commercial Districts

On-site signs are permitted in all commercial districts. Off-site signs are permitted in all commercial districts except CN and CPO. No sign erected after the adoption of the Zoning Ordinance in any commercial district shall project beyond the property line over any public street, right-of-way, walk or alley.

Section 27.03 - Industrial Districts

On-site and off-site signs are permitted in all industrial districts, provided no such sign erected after the adoption of the Zoning Ordinance shall project beyond the property line over any public street, right-of-way, walk or alley.

Section 27.04 - Open Rural District

One (1) on-site sign not exceeding thirty-two (32) square feet in area shall be permitted for any permitted or permissible use in OR districts. Off-site signs shall be permitted provided such signs shall:

- A. Not be so located as to encroach in any manner on, over or across any public right-of-way, street or sidewalk or be located closer than thirty (30) feet to the intersection of any two street right-of-way lines.
- B. Meet all federal and state regulations concerning the set-back requirements of signs from public rights-of-way.
- C. Not be located nearer than five hundred (500) feet to any other off-site sign previously erected.

Section 27.05 - Excluded Signs Permitted

All signs, flags, posters, insignia, and other items excluded from the definition of the work "sign" in Article 29, shall be permitted in all zoning districts.

ARTICLE 28: REQUIRED OFF-STREET PARKING AND OFF-STREET LOADING

Section 28.01 - Continuation Required

- A. Off-street parking or off-street loading facilities shall be maintained and continued, so long as the main use continues.
- B. Parking spaces on lots of more than four (4) spaces, shall be marked by painted lines or curbs or other means to indicate individual spaces and shall be maintained, so long as the main use continues.

Section 28.02 - Existing Uses

A. Repair

Conforming buildings and uses existing as of the effective date of this ordinance may be modernized, altered, or repaired without providing additional off-street parking or off-street loading facilities, providing there is no increase in area or capacity.

B. Enlargement

Where a conforming building or use existed as of the effective date of this ordinance and such building or use is enlarged in floor area, volume, capacity, or space occupied, off-street parking or off-street loading as specified in this ordinance shall be provided for the additional floor area, volume, capacity, or space created or used. All off-street loading or parking spaces actually existing on the effective date of this ordinance shall be maintained and additional required spaces shall be provided for the additional floor area, except where the sum of existing and new parking spaces exceed the number required by this ordinance for the existing building or use and such enlargement combined.

C. Change in use

Change in use of a conforming or non-conforming building or use existing as of the effective date of this ordinance, shall require the off-street parking and/or off-street loading spaces which would have been required for the new use had the regulations of this ordinance been applicable thereto.

Section 28.03 - Required Off-Street Parking and Loading Facilities

A. General

The required off-street parking or loading facilities shall be:

- 1. Identified as to purpose and location when not clearly evidenced;

- 2. All off-street parking areas, except those serving single family or two-family development, shall be paved, striped, properly drained, maintained and landscaped. All landscaping shall be in accordance with Article 25. Section 25.18.
- 3. A drainage plan for off-street parking areas shall be submitted to the County Engineer prior to construction. The County Engineer shall determine the size parking area a drainage plan will be required.
- 4. If lighted, lighting shall be designed and installed so as to prevent glare or excessive light on adjacent property; and,
- 5. Arranged for convenient access and safety of pedestrians and vehicles.

B. Barriers

Where off-street parking or loading areas for four (4) or more vehicles are located on the perimeter of a lot, barriers shall be provided to insure that all or no portion of a parked vehicle shall encroach over and onto any adjacent private property and separate ownership or over and onto any public street or sidewalks; and, further, barriers shall be provided so that no parked motor vehicle door, when open, can make such encroachment. Barriers may consist of fences, walls, hedges, chains, wheel stops, shrubs, ditches (when necessary to the drainage plan of a lot only) or other method of barrier satisfactory to the Zoning Administrator.

Section 28.04 - Off-Street Parking and Loading: Location

The required off-street parking or loading spaces shall be located on the same lot or parcel of land they are intended to serve, when feasible. If practical difficulties prevent the placing of parking facilities on the same lot with the structure they are designed to serve, such facilities shall be located on another site not more than four hundred (400) feet away.

Section 28.05 - Off-Street Parking and Loading: Access

Each off-street parking or loading space shall be directly accessible from a street or alley without crossing or entering any other required off-street parking or loading space. Each loading space shall be accessible from the interior of the building it serves and shall be arranged for convenient and safe egress and ingress by motor truck and/or trailer combination.

Section 28.06 - Off-Street Parking and Loading: Design Standards

A. Space dimensions

Minimum dimensions of off-street parking and loading spaces shall be

as follows:

- 1. Off-street parking: 9' x 20'
- 2. Off-street loading: 12' x 25'

B. Interior drives

Minimum width of interior drives shall be related to the angle of parking stalls and use of one-way or two-way traffic as follows:

<u>Parking Angle</u>	<u>Width of Aisle</u>	<u>Traffic Direction</u>
30°	12 feet	One-way
45°	13 feet	One-way
60°	18 feet	One-way
90°	24 feet	Two-way

Note: 24' minimum for two-way circulation

Section 28.07 - Off-Street Parking and Loading: Non-Conforming Use

Where enlargement of facilities or extensions of use are to be made in a building occupied by non-conforming use, no such enlargement of facilities or extensions shall be permitted unless and until existing off-street parking or loading is retained and additional off-street parking or loading is provided. The additional off-street parking or loading required shall be in such amount as is required for said enlargement or extension.

Section 28.08 - Off-Street Parking and Loading: Uses Not Specifically Mentioned

Requirements for off-street parking and loading for uses not specifically mentioned in this article, shall be the same as provided for the use most similar to the one sought, it being the intent of this ordinance to require all uses to provide off-street parking and loading.

Section 28.09 - Off-Street Parking and Loading: Fractional Measurements

When units or measurements determining the number of required off-street parking or loading spaces result in requirement of a fractional space, such fraction equal to or greater than one-half shall require a full off-street parking or loading space.

Section 28.10 - Off-Street Parking: Measurement

Floor area shall mean the gross floor area inside the exterior walls, where floor area is indicated as a basis for determining the amount of off-street parking or loading required. In hospitals, bassinets shall not be counted as beds. In stadiums, sport arenas, churches, and other places of public assembly in which occupants utilize benches, pews, or other similar seating arrangements,



each twenty-four lineal inches of such seating facilities shall be counted as one seat for the purpose of computing off-street parking requirements.

Section 28.11 - Off-Street Parking: Minimum Requirements

Irrespective of any other requirement of this ordinance, each and every separate individual store, office, or other business shall be provided with at least two (2) off-street parking spaces.

Section 28.12 - Off-Street Parking Spaces: Number Required

Off-street parking spaces shall be provided and maintained in all districts as follows:

A. Residential uses

1. Dwellings up to four (4) units located on an individual lot: two (2) spaces for each dwelling unit.
2. Multi-family dwellings in excess of four (4) units: two (2) spaces for each dwelling unit, plus one (1) space for owner or operator and one (1) space for each two (2) employees.
3. Mobile home park: two (2) spaces for each mobile home lot.
4. Mobile home subdivision or mobile home on individual lot: two (2) spaces per mobile home.
5. Housing for elderly: one (1) space for each two (2) dwelling units.
6. Nurses home, convent, monasteries: one (1) space for each four (4) lodging units.
7. Fraternity and sorority houses: one (1) space for each two (2) residents.
8. Hotels and motels: one (1) space for each sleeping room plus spaces required for accessory uses such as restaurant, etc.

B. Institutional uses

1. Sanitariums, rest homes, nursing home, convalescent homes, homes for the aged: one (1) space for each four (4) beds plus one (1) space for each employee.
2. Hospitals: one and one-half (1 1/2) spaces for each bed.
3. Churches and funeral homes: one (1) space for each four (4) seats in sanctuary or chapel area.
4. Art gallery, library, museum: one (1) space for every six hundred (600) square feet of gross floor area.
5. Orphan's home: one (1) space for each employee, plus one (1) space for each six (6) beds.

C. Schools and educational uses

1. Elementary and junior high schools: two (2) spaces for each classroom, office room and kitchen.
2. Senior high schools: six (6) spaces for each classroom, office room, kitchen, gymnasium and auditorium.
3. Day nursery and kindergarten: two (2) spaces for each employee plus adequate provision for the loading and unloading of children.
4. Dance, art and music studios: one (1) space for every three hundred (300) square feet of gross floor area.
5. Vocational, trade and business school: one (1) space for every three (3) seats of seating capacity.

D. Assembly: recreational and similar uses

1. Private clubs: one (1) space for each four (4) seats, or one (1) space for each two hundred (200) square feet of gross floor area, whichever is greater.
2. Restaurant, night club, bar or tavern: one (1) space for each four (4) seats in public rooms plus one (1) space for each two (2) employees.
3. Theaters: one (1) space for every four (4) seats.
4. Bowling alleys: two (2) spaces per alley.
5. Stadiums and arenas: one (1) space for each four (4) seats.
6. Community center, recreational facility: one (1) space for each two hundred (200) square feet of gross floor area or one (1) space for each three (3) seats, whichever is greater.
7. Billiard parlor: two (2) spaces for each three (3) tables.
8. Public, private and commercial parks, campgrounds and recreational areas: one (1) space for each campsite or picnic area.

E. Business and professional uses

1. Medical and dental office or clinic: one (1) space for each doctor; plus one (1) space for each two (2) employees, plus one and one-half (1 1/2) spaces for each consultation room or examining room, provided the maximum number of required spaces for each doctor shall not exceed seven (7).
2. Research laboratory: one (1) space for each two (2) employees plus one (1) space for each company vehicle plus two (2) spaces for patron parking.
3. Professional and business offices (other than medical or dental): one (1) space for each three hundred (300) square feet of gross floor space, plus one (1) space for every two (2) occupants or employees.
4. Radio or television broadcasting office or studio: one (1) space

for every five hundred (500) square feet of gross floor area.

F. Commercial uses

1. Business, commercial, or personal service establishments (not otherwise listed): one (1) space for each three hundred (300) square feet of gross floor area, plus, where applicable, one (1) space for every one thousand (1,000) square feet of lot or ground area outside the buildings used for any type of sales or display.
2. Marinas: one (1) space for each boat berth plus one (1) space for each two (2) employees.
3. Bus, railroad or other transportation terminals: one (1) space for each five hundred (500) square feet of gross floor area plus one (1) space for each two (2) employees.
4. Wholesale, warehouse or storage use: one (1) space for every two (2) employees on peak shifts, plus one (1) space for each vehicle based at the facility.
5. Commercial shopping centers: one (1) space for each one hundred fifty (150) square feet of non-storage floor area.

G. Industrial and similar uses

1. All uses in industrial districts not otherwise listed: one (1) space for every two (2) employees on peak shifts, plus one (1) space for every company vehicle operating from the premises.

H. Handicap parking space requirements

1. Handicap parking spaces shall be reserved and posted in all commercial and professional districts and in any other district which has a principal, accessory or conditional use of a building or structure open to the public.
2. Handicap parking spaces shall be conveniently located with respect to main and secondary entrances, and ramps to sidewalks shall be provided and conveniently located in relationship to the handicap spaces.
3. The required number of handicap parking spaces shall be:
  - a. 0 to 20 required spaces - one (1) handicap space.
  - b. 21 to 50 required spaces - two (2) handicap spaces.
  - c. Required parking which exceeds fifty (50) spaces shall include a minimum of four (4) percent of those spaces as handicap spaces.

Section 28.13 - Off-Street Loading: Requirements

Off-street loading spaces shall be provided and maintained as follows:

A. Businesses

Each retail store, storage warehouse, wholesale establishment, industrial

plant, factory, freight, terminal, merchant, restaurant, mortuary, laundry, dry cleaning establishment, or similar use which has an aggregate floor area of:

	<u>Square Feet</u>	<u>Square Feet</u>	<u>No. of Spaces</u>
Over	5,000 but not over	25,000	1
	25,000 but not over	60,000	2
	60,000 but not over	120,000	3
	120,000 but not over	200,000	4
	200,000 but not over	290,000	5

Plus one (1) additional off-street loading space for each additional ninety thousand (90,000) square feet over 290,000 feet or major fraction thereof.

B. Public buildings

For each auditorium, convention hall, exhibition hall, museum, motel, hotel, or office building, sports arena, stadium, hospital, sanitarium, welfare institution, or similar use which has an aggregate floor area of: over ten thousand (10,000) square feet, but not over forty thousand (40,000) square feet: one (1) space, plus one (1) space for each additional sixty thousand (60,000) square feet or major fraction thereof.

C. Others

For any use not specifically mentioned, the requirements for off-street loading facilities for a use which is so mentioned and to which the unmentioned use is similar shall apply.

ARTICLE 29: DEFINITIONS

For the purpose of this Zoning Ordinance, certain words and terms used herein shall be interpreted to have meanings as defined below. When words or terms are not defined, they shall have their ordinarily accepted meaning or such as the context may imply. Words used in the present tense include the future tense; the singular number includes the plural and the plural includes the singular. The word shall is mandatory; the word may is permissive. The words used or occupied include the words intended, designed or arranged to be used or occupied. The word lot includes the words plot or parcel. The word structure includes the word building as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground. The word land includes the words marsh, water or swamp.

1. Abutting Property

Any property that is immediately adjacent to or contiguous to property that may be subject to any hearing required to be held under this act, or that is located immediately across any road or public right-of-way from the property subject to any hearing under this act.

2. Accessory Buildings and Uses

A subordinate building or portion of a main building, the use of which is incidental to that of the dominant use of the main building or land, including accessory signs, bona fide servants' quarters and greenhouses operated on a nonprofit basis. An accessory use is one that is incidental to the main use of the premises.

3. Accident Potential Hazard Area

An area within five thousand (5,000) feet of the approach or departure end of a runway or in proximity to an airport in which aircraft may maneuver after takeoff or before landing and are subject to the greatest potential to crash into a structure or the ground.

4. Airport

Any runway, land area or other facility designed and used, either publicly or privately, by any person, for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

5. Airport Elevation

The highest point of an airport's usable landing area measured in feet above mean sea level.

6. Airport Obstruction

Any structure or object of natural growth or use of land which would exceed the federal obstruction standards as contained in 14 CFR ss. 77.21,

77.23, 77.25 and 77.28 or which obstruct the airspace required for flight of aircraft in landing and take-off at an airport or is otherwise hazardous to such landing or take-off of aircraft.

7. Airspace Height

To determine the height limits in all zones set forth in this ordinance, the datum shall be mean sea level elevation (AMSL) unless otherwise specified.

8. Alley

A public or private way, which affords only a secondary means of access to property abutting thereon, which is not otherwise designated a thoroughfare or for general traffic, and which is not otherwise designated as a street.

9. Alteration

Any change in the arrangement of a building; any work affecting the structural parts of a building; or any change in wiring, plumbing or heating and air-conditioning systems.

10. Application

Forms completed by individuals when making zoning requests. (Same as petition)

11. Applicant

The owner, or his authorized representative, of a tract of land which is the subject of a request for a change in zoning classification, a variance, or an appeal. (Same as petitioner)

12. Auditorium

The room, hall, building, or part of a building used for public gatherings.

13. Automobile Service Station

See Service Station, Automotive.

14. Automobile Repair

The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

15. Automotive Wrecking and Salvage Yards (See Junk Yard)

The dismantling or wrecking of used motor vehicles, mobile homes or other vehicles, or the storage, sale or dumping of such wrecked or dismantled vehicles or parts. (Must Be Completely Screened By A Visual Barrier At Least Six (6) Feet In Height.)

16. Bar, Saloon, Cocktail Lounge, or Tavern

Any establishment devoted primarily to the selling or dispensing and drinking of malt, vinous or other alcoholic beverages or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable within or thereon and where such beverages are consumed on the premises.

17. Block

A block shall be deemed to be all that property frontage along one highway, lying between the two nearest intersecting or intercepting streets and railroad right-of-way or waterway, golf course, campus, park or similar open space.

18. Boarding House, Rooming House, Lodging House or Dormitory

A building or part thereof, other than a hotel, motel or restaurant, where meals and/or lodging are provided for compensation for three (3) or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

19. Board of Adjustment

A local body, created by ordinance, whose responsibility is to hear appeals from the decisions of the administrative official and to consider requests for variances.

20. Buffer

A solid wall, fence, or shrubbery at least six (6) feet in height which separates incompatible land uses. This ordinance requires some buffers to be a certain width and properly landscaped.

21. Buildable Area

The space remaining on a lot after the minimum open space requirements (lot coverage, yards, setbacks) have been met.

22. Building

Any structure designed or built for support, enclosure, shelter or protection of persons, animals, chattels or property of any kind. The word "building" shall include "structure". Any structure constructed or used for a residence, business, industry or other private or public purposes, including structures that are accessory to such uses.

23. Building Height

"The vertical distance of a building measured from the average elevation of the finished grade within twenty feet of the structure to the highest point of the roof."

24. Building Line

An imaginary line across the property, defined in each district by the setback requirement on which the front wall of a building may be built. For the purpose of measuring, setbacks shall be determined by measuring from any vertical support of a covered roof section to the nearest point to the lot line.

25. Building, Principal

A building in which is conducted the main or principal use of the lot or parcel on which said building is situated.

26. Building Setback

The minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or side lines of the building. When two (2) or more lots under one (1) ownership are used, the exterior property lines so grouped shall be used in determining building setback when the interior common lot line is straddled by the principal structure.

27. Caliper

Caliper shall be the diameter at breast height (DBH) of the trunk of all trees four and one-half (4½) feet above the ground.

28. Carport

An accessory structure or portion of a principal structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two sides, and designed or used for the storage of motor driven vehicles owned and used by the occupants of the building to which it is accessory.

29. Cemetery

Land used or intended to be used for the burial of the animal or human dead.

30. Church

A building used for nonprofit purposes by a recognized or established religion as its place of worship. Such building may include a residential area for the pastor or minister of the sect.

31. Clinic

An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one (1) person or a group of persons practicing any form of healing or health buidling services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, chiroprpodists, naturopaths, optometrists, dentists or any such profession, the practice of which is lawful in the State of Florida.



32. Club, Private

An association or organization of a fraternal or social character, not operated or maintained for profit. The term private club shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

33. Club, Night

A restaurant, dining room, bar, or other similar establishments serving alcoholic beverages, wherein paid floor shows or other forms of paid entertainment are provided for customers as a part of the commercial enterprise.

34. Cluster

A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. (See planned Unit Development - PUD)

35. Cluster Subdivision

A form of development for single-family residential subdivisions that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space. (See Planned Unit Development - PUD)

36. Comprehensive Plan

The Nassau County Comprehensive Plan which was adopted by the Nassau County Board of County Commissioners pursuant to Chapter 163, Florida Statutes, as amended.

37. Conditional Use

A use that would not be appropriate generally or without restriction throughout the zoning classification or district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning classification or district as conditional uses, if specific provisions for such conditional use is made in this ordinance.

38. Day Nurseries and Kindergartens

Any service which during all or part of the day regularly gives care to six or more children, not of common parentage, who are under six years of age, whether or not it has a stated educational purpose, and whether the service is known as a day care service, day nursery, day care agency, nursery school, kindergarten, play school, progressive school, or by any other name. The total number of children receiving care shall be counted including children or foster children of the owner or person in charge, in determining the applicability of this definition.

The number of residential dwelling units permitted per acre of land, excluding land for street right-of-ways, drainage ditches, etc.

40. Drive-In Restaurant or Refreshment Stand

Any place or premises where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverages in automobiles on the premises, or in other than a completely enclosed building on the premises. A restaurant which provides drive-in facilities of any kind in connection with regular restaurant activities shall be deemed a drive-in restaurant. A barbecue stand or pit having the characteristics noted in this definition shall be deemed a drive-in restaurant.

41. Due Public Notice

As used in connection with the phrase "public hearing" or "hearings with due public notice", shall mean publication of notice of the time, place and purpose of such hearing at least twice (2) in a newspaper of general circulation in the area, with the first such publication to be at least fifteen (15) days prior to the date of the hearing and the second such publication to be at least five (5) days prior to the hearing. In addition, except where the hearing applies to all of the lands within the area, similar notices setting forth the time, place and purpose of such hearing shall be mailed to the last known address of the owners of the property involved in or whose land is within three hundred (300) feet of the periphery of the lands subject to rezoning; and such notices shall also be posted in a conspicuous place or places on or around such lots, parcels or tracts of land as may be involved in or directly affected by the hearing. Affidavit proof of the required publication, mailing and posting of the notice shall be presented at the hearing. Failure of any owner to receive such notice shall in no way affect the validity of any action taken in a public hearing.

42. Dwelling

Any building or portion thereof which is designed for or used for residential purposes but does not include a trailer coach or converted trailer, hotel, motel, lodginghouse or boardinghouse.

43. Dwelling, Multi-Family

A residential building designed for or occupied exclusively by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

44. Dwelling, One-(Single)Family

A private residence building used or intended to be used as a home or residence in which the use and management of all sleeping quarters and appliances for sanitation, cooking, ventilation, heating and lighting are designed primarily for the use of one (1) family unit, and with partitioning so that any substantial interior portion of the dwelling, without resort to exterior access and the building, shall have only one kitchen and one electrical meter.

This term is not to be construed as including mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, houseboats, or other forms of temporary or portable housing.

45. Dwelling, Two-Family

Art. 29

186

A residential building designed for or occupied by two (2) families, with the number of families in residence not exceeding the number of dwelling units provided (duplexes).

46. Dry Storage of Pleasure Watercraft

A commercial facility for removing from water, watercraft used for recreation and pleasure purposes and storing such craft on land or water on boat lifts.

47. Easement

A grant from a property owner for the use of land for a specific purpose or purposes by the general public, by a corporation or by a certain person or persons.

48. Erected

The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operation on the premises required for building. Excavations, fill, drainage, demolition of an existing structure, and the like shall be considered part of erection.

49. Family

One or more persons, related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons, but not exceeding two (2) living and cooking together as a single housekeeping unit, though not related by blood, adoption or marriage, shall be deemed to constitute a family. The term "family" shall not be construed to mean a fraternity, sorority, club, monastery, or convent, or institutional group.

50. Floor Area

The sum of the gross horizontal areas of several floor(s) of a building or buildings, measured from exterior faces of exterior walls or from the center line of walls separating two (2) attached buildings.

51. Foster Home

Any establishment which provides care, including supervision and care necessary to meet residents' physical, emotional, and social life needs, for not more than five children or adults. Excluding the foster parents, there shall not be more than five (5) other residents in the home, whether they are part of the foster parents' family or Health and Rehabilitation Services (HRS) clients or a combination of both.

52. Garage, Private

An accessory structure designed or used for inside parking of private passenger vehicles by the occupants of the main building. A private garage attached to or a part of the main structure is to be considered part of the main building. An unattached private garage is to be considered as an accessory building.

53. Garage, Repair

A building or portion thereof, other than private storage, or parking garage or service station, designed or used for repairing, equipping or servicing of motor vehicles. Such garages may also be used for hiring, renting, storing, or selling of motor vehicles.

54. Garage, Storage

A building or portion thereof designed and used exclusively for the storage of motor vehicles, and within which temporary parking may also be permitted.

55. Group Home

A congregate living facility which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social life needs of residents. A group home may or may not provide education or training, many do. Group homes shall not be occupied by more than eight (8) residents, excluding the staff.

56. Guest Cottage or House

Living quarters within a detached accessory building located on the same lot or parcel of land as the main building, used exclusively for housing members of the family occupying the main building and their nonpaying guests. Such quarters shall not be rented or otherwise used as a separate dwelling.

57. Height of Buildings

The vertical distance from the established grade at the center or front of a building to its highest point of the roof or parapet.

58. Home for the Aged

A facility for the care of the aged with routine nursing or medical care provided.

59. Home Occupation

Any use conducted entirely within a dwelling and carried out by an occupant thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

60. Hospital

Any institution, including a sanitarium, which maintains and operates facilities for overnight care and treatment of two (2) or more unrelated persons as patients suffering mental or physical ailments, but not including any dispensary or first aid treatment facilities maintained by a commercial or industrial plant, educational institution, convent or convalescent home, as previously defined.

61. Hotel, Motel, Motor Lodge or Tourist Court

A building as licensed by the State of Florida containing individual guest rooms for which daily or weekly lodging is provided as the more or less transient residence of individuals, and ingress and egress to and from all rooms are made through an inside lobby.

62. Housing for the Elderly

A facility in the nature of multiple family housing, with no provision for routine nursing or medical care. Where this ordinance permits housing for the elderly, such housing shall be used only for this purpose; if housing for the elderly is changed to multiple family use, then the provisions of this ordinance shall be met before such multiple family use is permitted.

63. Junk

Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage storage, bailing, disposal or other use or disposition. Junk includes vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush wood, lumber and similar items.

64. Junkyard

Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery, two or more unregistered or inoperable motor vehicles or other type of junk as defined herein. However, establishments for the sale, purchase or storage of second hand refrigerators, stoves, plumbing fixtures, and similar merchandise shall be considered a junk yard for the sole purpose of requiring that such establishments display their merchandise behind a visual barrier as may be required for junk yards by this ordinance.

65. Kennel

The keeping of any pet or pets, regardless of number, for sale or for breeding, boarding or treatment purposes, except in an animal hospital, animal grooming parlor or pet shop.

66. Landscaping

Any of the following or combination thereof: living materials, such as but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms; and nonliving durable materials commonly used in landscaping, such as but not limited to, rocks, pebbles, sand, walls, fences, berms, sculptures and fountains, but excluding paving.

67. Laundry, Self-Service

A business that provides home-type clothes washing and drying or ironing machines for hire to be used by customers on the premises.

68. Loading Space

A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks or other motor vehicles.

69. Lot

A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a public or private street.

70. Lot Coverage

The amount of land covered or permitted to be covered by a building, usually measured in terms of percentage of a lot.

71. Lot Depth

The distance measured from the middle point of the front line to the middle point of the opposite rear line of the lot.

72. Lot, Double Frontage

A double frontage or through lot is defined as a lot that has frontage on two nonintercepting streets. The applicable front setback requirement shall apply to both frontages regardless of which line the land owner elects as the front line, unless such lot has a permanent solid face subdivision perimeter buffer wall precluding access along one (1) frontage.

73. Lot Line

The legal boundary line of a lot.

74. Lot of Record

A lot which is part of a subdivision, the map of which has been recorded in the office of the Clerk of the Circuit Court of Nassau County, or a parcel of land the deed of which was recorded in the office of the Clerk of the Circuit Court prior to the adoption of this ordinance.

75. Lot Width

The mean horizontal distance between the side lot lines, measured at right angles to its depth.

76. Manufactured Housing

A manufactured building or portion of a building designed for long-term residential use (see: Mobile Home and Modular Factory Built Home)

77. Marina

An establishment with a waterfront location for the purpose of storing watercraft and pleasure boats on land, in buildings, in slips or on boat lifts, and including accessory facilities for purposes such as refueling, minor repair and launching.

78. Mean High Water

The average height of the high waters over a nineteen (19) year period or for shorter periods of observations; the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean nineteen (19) year value, as defined in Florida Statutes, Chapter 253.

79. Minimum Descent Altitude

Means the lowest altitude expressed in feet above mean sea level, to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach procedure where no electronic glide slope is provided.

80. Minimum Enroute Altitude

The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

81. Minimum Obstruction Clearance Altitude

The specific altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 27 miles of a VOR.

82. Mobile Home

Manufactured Housing built on a chassis with following characteristics:

A movable or portable detached single-family dwelling designed for and capable of being used for long-term occupancy, designed to be transported after fabrication on its own permanent chassis and wheels, arriving at the site substantially complete, of such size and weight as to require special highway movements permits, and in excess of eight (8) feet in width and thirty-two (32) feet overall length, as measured from the ball joint to the rear bumper, but not exceeding twenty-four (24) feet in width and seventy-five (75) feet in length. A mobile home shall be defined by Chapter 320, Florida Statutes, and shall be transportable, manufactured, suitable for real estate and utilized for nontransient purposes. The mobile home shall contain the same water supply, waste disposal and electrical conveniences as conventional housing.

For the purpose of these regulations, mobile homes are divided into the following classifications:

1. Class A - New mobile homes certified as meeting the Mobile Home Construction and Safety Standards of the Department of Housing and Urban Development and approved as meeting "acceptable similarity" appearance standards.
2. Class B - New mobile homes certified as meeting HUD Mobile Home Construction and Safety Standards, but not approved as meeting "acceptable similarity" appearance standards.
3. Class C - New or used mobile homes, whether or not certified as meeting HUD prior codes, found on inspection to be in fair to good habitable condition.
4. Class D - Used mobile homes, whether or not certified as meeting HUD or prior codes, found on inspection to be in poor condition and unsafe and/or unfit for residential occupancy.

83. Mobile Home Park

A mobile home park is a parcel of land set aside and rented by any person for the parking and accommodation of mobile homes which are to be occupied for sleeping or eating in exchange for a consideration or benefit to the owner of the mobile home park. This includes all land, buildings, structures, or facilities used by occupants or mobile homes on such premises.

84. Mobile Home Subdivision

A mobile home subdivision is a parcel of land set aside where lots are sold to mobile home owners for the purpose of placing mobile homes thereon for living and sleeping purposes, including any land, building structure, or facilities used by occupants of mobile homes on such premises.

85. Modular Factory Built Homes

A modular unit residential building comprised of one (1) or more dwelling units, or habitable rooms or component parts thereof, which is either wholly manufactured or is a substantial part constructed in central manufacturing facilities and bears the approval of the Department of Community Affairs under the provisions of the Housing Act of 1971. However, this term does not apply to mobilehomes, as defined by Chapter 320, Florida Statutes. Modular homes are regulated by this ordinance as single family dwellings.

86. Nonconforming Use or Building

The use of a building or portion thereof, or land or portion thereof, which does not conform with the use regulations of the district in which the building is located, the use of which was legally established and



existed prior to the effective date of such use regulations.

87. Nursing Home

A public or private home, institution, building, residence, or other place, profit or non-profit, which undertakes through its ownership or management to provide for a period exceeding twenty-four hours, maintenance, personal care, or nursing for three or more persons not related by blood or marriage to the operator, who by reason of illness or physical infirmity or advanced age are unable to care for themselves; provided that this definition shall include homes offering services for less than three persons when the homes are held out to the public to be establishments which regularly provide nursing and custodial services. Only those homes, buildings or places licensed under the laws of the State of Florida as nursing homes shall be included within this definition.

88. Occupied

The word occupied includes arranged, designed, built, altered, converted to, or intended to be used or occupied.

89. Office, Business or Professional

An office for such operations as real estate agencies, advertising agencies (but not sign shop, insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureau, abstract and title insurance companies, management consultants, stockbroker, and the like; or an office for the use of a person or persons generally classified as professionals such as architects, engineers, attorneys, accountants, doctors, lawyers, dentists, veterinarians (but not including treatment or boarding of animals on the premises), psychiatrists, psychologists, and the like.

90. Package Store

A place where alcoholic beverages with an alcoholic content in excess of fourteen percent are dispensed or sold in containers for consumption off the premises.

91. Open Space

An area open to the sky, which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts or any other recreational facilities. Streets, structures for habitation and the like shall not be included.

92. Parcel

A tract of land which may be described by metes and bounds or plat. See lot.

93. Parking, Handicapped

Parking spaces designed and provided in quantities consistent with handicapped requirements.

94. Parking Lot

An open area used exclusively for the storage of motor vehicles, whether or not a fee is charged.

95. Parking Space, Off-Street

For the purpose of this ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but located totally outside of any street or alley right-of-way. Size shall conform to specifications in this code and may be divided into spaces for standard size vehicles and compact cars.

96. Pet, Household

Any domestic animal normally owned or kept as a pet including cats, dogs, rabbits, raccoons, parrots, pigeons, and other animals deemed by the Zoning Administrator to be appropriate as domestic pets; provided such animals are confined to the limits of the residential property occupied by the owner of such pets. Household pets shall not include any animals or birds maintained for commercial purposes, whether or not such animals or birds may be appropriate as a domestic pet.

97. Planned Unit Development (PUD)

A planned unit development:

- a. is land under unified control, planned and developed as a whole in a single development operation or approved programmed series of development operations, for dwelling units and related uses and facilities;
- b. includes principal and accessory uses and structures substantially related to the character of the development itself and the surrounding area of which it is a part;
- c. is developed according to a comprehensive and detailed plan, which includes not only streets, utilities, lots or building sites and the like, but also site plans, for all buildings intended to be located, constructed, used and related to each other, and detailed plans for other uses and improvements, facilities and services, as will be for common use by some or all of the occupants of the planned unit development, but will not be provided, operated or maintained at public expense.

98. Planning Commission

A body appointed by the Nassau County Board of County Commissioners to prepare and keep updated the Nassau County Comprehensive Plan. The Planning Commission shall review and advise the Board of County Commissioners on all planning and zoning related matters.

99. Porch  
A roofed-over space, with the roof impervious to weather, attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior walls of such buildings. Open mesh screening shall not be considered an enclosure.
100. Poultry  
Any chickens, turkeys, ducks, geese, guineas, or other fowl.
101. Principal Building or Use  
A main use of land, as distinguished from an accessory use; the building housing the main or principal use.
102. Recreational Vehicle  
A vehicular portable structure built on a chassis with its own wheels, either self-propelled or towed by another vehicle, designed to be used as a temporary dwelling for travel, vacation, camping or recreational purposes and including travel trailers, camping trailers, pick-up campers, converted buses, motor homes, tent trailers, pop-up trailers, boats and boat trailers and similar devices.
103. Restaurant  
An establishment where food is ordered from a menu, prepared, and served for pay primarily for consumption on the premises in a completely enclosed room, under the roof of the main structure, or in an anterior or exterior court. A drive-in restaurant as defined here is not a restaurant. A cafeteria shall be deemed a restaurant as defined herein.
104. Right-of-Way  
The area of a highway, road, street, way, parkway or other such strip of land reserved for public use, whether established by prescription, easement, dedication, gift, purchase, eminent domain or any other legal means.
105. Sanitary Landfill - Garbage  
Addition or deposit of any garbage and organic matter upon or within any lot or parcel as regulated by the State Department of Environmental Regulation.
106. Sanitary Landfill - Non-Garbage  
Addition or deposit of any dry trash, refuse or solid waste material, upon or within any lot or parcel. Allowed materials shall include tree, shrub and grass cuttings, metal items, construction materials, natural vegetation materials from land clearing and other similar items as regulated by the State Department of Environmental Regulation.

107. Sanitarium

See Hospital.

108. Seat

For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated.

109. Servants Quarters

See Guesthouse or Cottage

110. Service Station, Automotive

Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuel, oils or accessories, and in connection with which is performed general automotive servicing, as distinguished from automotive repairs.

111. Setback

The distance between the lot line and the building setback line.

112. Setback Line

See Building Line

113. Shopping Center

A group of retail stores or service establishments, planned, developed, owned and managed as an integral unit, with off-street parking provided on the property, and related in location, size and type of shops to the trade area which the unit serves.

114. Sign

Any structure, part thereof or device, whether or not attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trademark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation of an enterprise or industry, which is located upon any land, on any building, in or upon a window or indoors, in such manner as to attract attention from outside the building.

115. Story

That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and ceiling next above it.

116. Street

A public or private thoroughfare which affords the principal means of access to abutting property. This includes lane, place, way or other means of ingress or egress, regardless of the term used to describe it.

117. Structural Alteration

Any change, except for repair or replacement, in the supporting members of a structure, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

118. Structure

Anything constructed, erected or placed, the use of which requires more or less permanent location on the ground, or anything attached to something having a permanent location on the ground.

119. Truck Stop

An establishment principally used for refueling and servicing trucks and tractor-trailer rigs, but may include restaurants and snack bars and facilities for repair and maintenance of trucks and tractor-trailers.

120. Use

The purpose for which land or water or the structure thereon is designated to the extent covered by the zoning ordinance.

121. Variance

A device which grants a property owner relief from certain provisions of this ordinance, when because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money. A variance shall be authorized only for height, lot area, size of structure or yards, and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by a variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or in adjoining districts. All variances must be approved by the Board of Adjustment.

122. Veterinary Clinic or Hospital

Any building or portion thereof designed or used for the veterinary care, surgical procedures or treatment of animals, but not the boarding of well animals.

123. Yard

An open space at grade between a main building and the adjoining lot lines. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

124. Yard, Front

A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the principal building or any projections thereof, other than the projections of uncovered steps, uncovered balconies or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least demension. In the case of corner lots or lots with more than one street frontage, a front yard of the required depth shall be provided on one (1) frontage as to be determined by the Zoning Administrator. The required front yard of the other frontage may be reduced by twenty (20%) percent, unless the prevailing front yard pattern on adjoining lots indicates otherwise. In such case the Zoning Administrator may waive the requirement for the normal front yard and substitute, therefore, a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

125. Yard, Rear

A yard extending across the rear of a lot between the rear of the principal building or any projections thereof, other than the projections of uncovered steps, balconies or porches. On all corner lots, the rear yard shall be at the opposite end of the lot from the front yard.

126. Yard, Side

A yard between the main building and the side line of the lot, extending from the front yard to the rear yard and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof.

Appendix

SCHEDULE OF FEES

- 1. Application for Rezoning Land . . . . . \$ 100.00
- 2. Application for Rezoning to Planned Unit Development (PUD)  
\$7.50 per acre (or part thereof) with a minimum fee of  
\$150.00
- 3. Application for Conditional Use . . . . . \$ 50.00
- 4. Application for Zoning Variance . . . . . \$ 50.00
- 5. Application for Appeal . . . . . \$ 35.00
- 6. Site Plan Review(Required by Section 25.17.) . . . . . \$ 25.00
- 7. Photo Copying (per page) . . . . . \$ 1.00
- 8. Zoning Map/Atlas (per page) . . . . . \$ 5.00
- 9. Zoning Ordinance . . . . . \$ 15.00

Article 30. - Effective Date.

This Ordinance shall become effective upon being signed by the Chairman of the Board of County Commissioners of Nassau County, Florida.

ADOPTED this 28th day of September, 1983.

BOARD OF COUNTY COMMISSIONERS  
OF NASSAU COUNTY, FLORIDA

By: Gene Blackwelder  
GENE BLACKWELDER  
Its: Chairman

ATTEST:  
By: T. J. Greeson  
T. J. GREESON  
Its: Ex-Officio Clerk