

ORDINANCE 2003 - 34

AN ORDINANCE AMENDING ORDINANCE 97-19, AS AMENDED, KNOWN AS THE "NASSAU COUNTY COMPREHENSIVE ZONING CODE"; SPECIFICALLY, RENUMBERING ARTICLE 35, ST. MARYS RIVER OVERLAY DISTRICT; AND ADDING ARTICLE 36; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the St. Marys River is one of the most beautiful and unique streams in the Northeast Florida-Southeast Georgia area, which possesses excellent water quality, outstanding natural habitats, diverse wildlife and considerable recreational value; and

**WHEREAS**, the St. Marys River borders Nassau and Baker Counties in Florida, as well Camden and Charlton Counties in Georgia, thereby affecting economic and quality of life issues for the residents of those counties in both States; and

**WHEREAS**, the St. Marys River Management Committee (SMRMC) is appointed by the Boards of County Commissioners of Nassau and Baker Counties in Florida, as well as Camden and Charlton Counties in Georgia, and is tasked with developing a river management plan for protecting the long-term viability of the environmental, economic, and aesthetic resources of the St. Marys River; and

**WHEREAS**, the SMRMC has stated that one key to protecting those resources is controlling development

density and providing adequate setbacks from the river bank; and

**WHEREAS,** Camden County, Georgia, has already moved proactively for river protection by creating a zoning overlay district along the river, which prohibits septic systems within one hundred (100) feet of the river bank; and

**WHEREAS,** the Board of County Commissioners has determined that it is in the best interest of the citizens of Nassau County, that Ordinance 97-19 as amended, be further amended.

**NOW, THEREFORE, BE IT ORDAINED** the 23<sup>rd</sup> day of June, 2003, by the Board of County Commissioners of Nassau County, Florida, that Ordinance 97-19, as amended, is hereby amended as follows:

1. **ARTICLE 35: ST. MARYS RIVER OVERLAY DISTRICT**

**Purpose:** The intent of the St. Marys River Overlay District is to protect and preserve the beautiful and unique St. Marys River, which possess excellent water quality, outstanding natural habitats, diverse wildlife, and have considerable recreational value.

**Section 35.01 - Applicability.**

The St. Marys River Overlay District applies to those properties along the St. Marys River within the upper and

lower St. Marys River Basin that lie within Nassau County, Florida. The Overlay District shall be applicable to all Zoning Districts and may be supplemental to the requirements of each Zoning District. If the language of this Ordinance is in conflict with the language of any other Ordinance, this Ordinance shall take precedence.

**Section 35.02 - Permitted Uses and Structures.**

The permitted uses and structures of the underlying zoning shall apply; as set forth in Article 28, Section 28.15.

**Section 35.03 - Permitted Accessory Uses and Structures.**

The permitted accessory uses and structures of the underlying zoning shall apply; as set forth in Article 28, Section 28.15.

**Section 35.04 - Conditional Uses.**

The conditional uses of the underlying zoning designation shall apply; as set forth in Article 28, Section 28.14.

**Section 35.05 - Minimum Lot Requirement.**

**A. Minimum lot width:**

1. One hundred (100) feet for lots directly adjacent to the riverbank.

2. Lots not directly adjacent to the riverbank shall be the same as the underlying zoning district; see Ordinance 97-19, as set forth herein.

**B. Minimum lot area:**

1. Lots directly located on the riverbank - One acre.

2. Lots not located directly on the riverbank shall be the same as the underlying zoning district; see Ordinance 97-19, as set forth herein.

**Section 35.06 - Minimum Yard Requirements**

A. Front yard: The front yard requirements of the underlying zoning district shall apply, as set forth herein.

B. Side yard: The side yard requirements of the underlying zoning district shall apply, as set forth herein.

C. Rear yard: The rear yard requirements of the underlying zoning district shall apply, as set forth herein.

**Section 35.07 - Building Restrictions.**

The building restrictions of the underlying zoning district shall apply; as set forth herein.

**Section 35.08 - Special requirements**

On-site sewage and disposal systems are prohibited within one hundred (100) feet of the riverbank, measured from the mean high-water line of the tidally influenced portions or from the normal annual flood line of the St. Marys River (whichever is more restrictive). "Tidally influenced"

shall mean subject to the ebb and flow of the tides and has as its boundary a mean high-water line as defined in Section 177.27(15), Florida Statutes.

**Section 35.09 - Other Agency Requirements.**

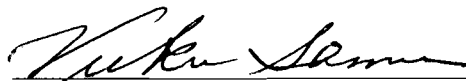
All other State, Federal, and local regulations shall be applicable.

**Section 35.10 - Grandfather Provisions.**

Existing lots of one acre or less and existing structures, as of the date of the adoption of this Ordinance, are hereby grandfathered in.

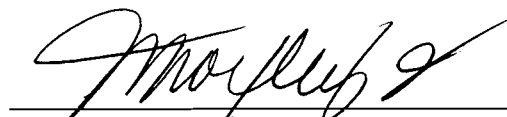
**ARTICLE 36 - EFFECTIVE DATE:** This Ordinance shall become effective upon its being filed in the office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA



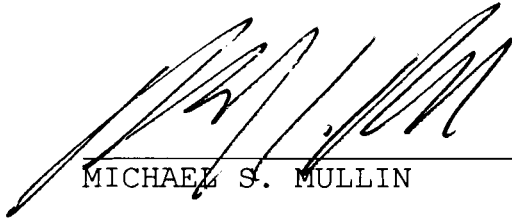
VICKIE SAMUS  
Its: Chairman

ATTEST:



J. M. "CHIP" OXLEY, JR.  
Its: Ex-Officio Clerk

Approved as to form by the  
Nassau County Attorney



---

MICHAEL S. MULLIN

h/anne/ords/st-marys-river