

ORDINANCE NO. 2007-14

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA; AMENDING ORDINANCE 97-19; AMENDING THE DEFINITION OF BUILDING HEIGHT IN ARTICLE 32 OF THE LAND DEVELOPMENT CODE TO ADDRESS PROJECTIONS OF ARCHITECTURAL FEATURES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners adopted the Nassau County Zoning Code by enacting Ordinance 97-19; and

WHEREAS, the *Florida Building Code*, Section 504.3, Roof Structures, references Chapter 15 that contains provisions for towers, spires, steeples and other roof structures which are not intended for habitation or storage allowing such structures to extend above the allowable height; and contains design requirements for certain structures to extend above a roofline; and

WHEREAS, the intent of Florida Building Code “ is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations “; and

WHEREAS, it is a standard practice for zoning and development regulations to include a provision that excludes architectural, ornamental, and mechanical features from building height measurement; and

WHEREAS, the Nassau County Board of County Commissioners recognizes the need to amend the definition of building height zoning requirements to contain such a provision finds that it is in the best interest of the citizens of Nassau County to further amend Ordinance 97-19, as amended.

WHEREAS, public notice of this action has been provided in accordance with Chapter 125, F.S.; and

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

SECTION 1. FINDINGS

- A. This Ordinance is consistent with the Nassau County Comprehensive Plan, in particular Policy 3.07.01.

SECTION 2. ADOPTION

That the definition of *Building Height* contained in Article 32, DEFINITIONS of the Nassau County Zoning Code is amended to read as follows:

Building Height: The vertical distance from grade to the highest roof surface, in the case of flat roofs, or to a point at the average height of the highest roof having a pitch. For the purposes of measuring height, the following are not included: 1) parapet walls which do not extend more than five (5) feet above the roof line; 2) uninhabited stair towers, chimneys, vents, ventilators and enclosures for machinery of elevators may exceed the height limitation in accordance with the Florida Building Code; and 3) In addition to the foregoing, cupolas, widows walks, steeples, spires and other architectural features (excepting therefrom signs) shall not exceed in aggregate area ten (10) percent of the area of the roof and not to exceed ten (10) feet above the allowable roof height.

SECTION 3. CODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall be included and incorporated into the Land Development Code (LDC) of Nassau County, Florida. The codifier may re-letter or renumber sections to conform to the uniform numbering and style of the LDC.

SECTION 4. SEVERABILITY

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

SECTION 5. EFFECTIVE DATE

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

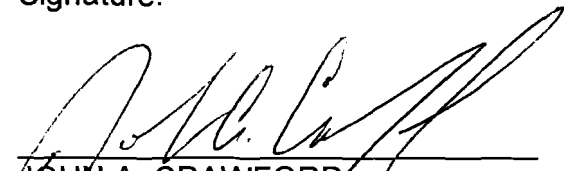
ENACTED AND ADOPTED BY THE NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS, this 11th day of June, 2007.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



JIM B. HIGGINBOTHAM
Its: Chairman

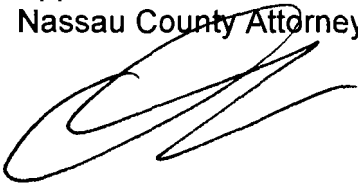
Attest as to Chairman's
Signature:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

REVIEWED BY GENE KNAGA
DEPUTY COMPTROLLER
Gene Knaga DATE 6/1/07

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



DAVID A. HALLMAN