

ORDINANCE 2012- 04

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING SECTION 28.15 OF THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 32 OF THE LAND DEVELOPMENT CODE; PROVIDING FOR DEFINITIONS OF TEMPORARY PERSONAL STORAGE UNIT AND SHIPPING CONTAINER; PROVIDING STANDARDS FOR TEMPORARY PERSONAL STORAGE UNITS AND SHIPPING CONTAINERS AS ACCESSORY USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the County's Land Development Code establishes permitted accessory uses and standards for such uses for each zoning district within the County, in Ordinance 97-19 (Zoning Code), as amended; and

WHEREAS, the County desires to amend the applicable provisions of the Land Development Code to provide standards for temporary personal storage units and shipping containers as accessory uses within the County; and

WHEREAS, the Planning and Zoning Board conducted a public hearing on this Ordinance on September 20, 2011 and recommended approval; and

WHEREAS, the Board of County Commissioners conducted public hearings on this Ordinance on December 12, 2011 and January 9, 2012; and

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

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

SECTION 1. FINDINGS

This Ordinance is consistent with and furthers the goals, objectives and policies of the Nassau County Comprehensive Plan; in particular, Future Land Use Policies FL.01.02 (A-H), FL.03.01, FL.03.02, FL.07.01, and FL.10.05.

SECTION 2. AMENDMENT

Section 28.15 of the Land Development Code, Accessory Uses and Structures, is hereby amended to include the following:

(I) Temporary Personal Storage Unit; provided, however, that temporary personal storage units may be parked or located on private property in any district subject to the following limitations:

- (1) The of size of the unit or units may not exceed 150 square feet in area each (length multiplied by width) in a residential district; and
- (2) The duration of placement of the unit or units is limited to thirty days, the duration of an active building permit for the property the unit or units are located on, or a reasonable amount of time for emergency cleanup after a natural disaster as determined by local, state, or federal government emergency preparedness agencies; and
- (3) The unit or units may be located in driveways, front yards, side yards, or back yards and may be located in a required setback; and
- (4) The unit may not be located within a right-of-way, access easement, or fire lane.

(J) Shipping Containers

- (1) Prohibited in all residential districts and PUDs, unless used as a structural element, see definitions .
- (2) Permitted in Commercial districts. However, units must be shielded from view of adjacent roadways and adjacent properties in a manner consistent with the minimum standards of Sections 37.05 and 37.06, respectively. Under no circumstances may a container be placed in a required parking area. Stacking of containers is not permitted.
- (3) Permitted in all Industrial districts, provided setbacks are met. *This section is not intended to place limitations on approved bonafide industrial warehousing, high cube storage, shipping terminals, shipping ports, rail yards, distribution centers, or other similar industrial uses operating legally within Nassau County.*
- (4) Permitted in the Open Rural district in support of bonafide agricultural activities protected by the right to farm act as defined in FS 823.14, provided setbacks are met
- (5) Permitted in non-farm Open Rural zoned property, provided setbacks are met, and provided that Containers may not be placed between the primary structure and the immediately adjacent road or access easement (front of property).
- (6) The following shall apply to all districts where permitted:
 - (a) Shipping Containers must meet principle-use setbacks for the respective zoning district in which the container is placed.
 - (b) Under no circumstances shall a Shipping Container be used for human or animal habitation, unless adaptively re-used in a construction project

signed and sealed by an engineer or architect licensed in the state of Florida.

- (c) Under no circumstances may a Shipping Container be leased, rented, or utilized by a third party not associated with the business or residence on which the container is located.
- (d) Shipping Containers shall not be located in any easements, jurisdictional wetlands, upland buffers, landscape buffers, buffers between adjacent uses, access lanes, or fire lanes
- (e) This section shall be construed to permit standard or high-cube Shipping Containers but not tanks, platform, flat tracks, or reefer (refrigerated) containers.
- (f) This section shall not be construed to permit truck bodies, semi-trailers or permanent placement of Temporary Personal Storage Units.
- (g) Placement shall not require a building permit from the County.

SECTION 3. AMENDMENT

Article 32 of the Land Development Code, Definitions, is hereby amended to include the following:

Shipping Container: a metal shipping container, ranging in length from 20 to 53 feet and manufactured according to specifications from the International Standards Organization (ISO). Used primarily for trans-ocean shipping of goods, they are also delivered empty via truck on a particular site for storage purposes. However, a shipping container shall be considered a Universal or International Building Code (UBC or IBC) structural element if integrated into a building design by a licensed engineer or architect.

and:

Temporary Personal Storage Unit: a pre-fabricated unit, made of metal and/or wood, fully fabricated off-site and delivered via truck that is located on a particular site on a temporary basis.

SECTION 4. AMENDMENT

Section 29.05 of the Land Development Code, Discontinuance of Non-conforming Uses, is hereby amended to include the following:

(C) The non-conforming use of a shipping container shall be considered grandfathered if such grandfathering is requested in writing before January 30, 2013. The written request shall be submitted to the Code Enforcement Department and shall include a detailed description of the container(s), their location, and materials stored. Notwithstanding, the grandfathering of a shipping container shall not survive the change in ownership of a property.

SECTION 5. 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 6. 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 6. EFFECTIVE DATE

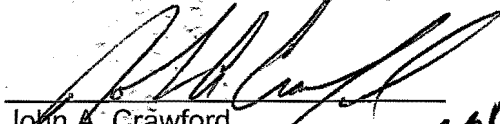
This ordinance shall take effect upon filing with the Secretary of State as provided in Section 125.66, Florida Statutes.

Adopted this 23rd day of January, 2012 by the Board of County Commissioners of Nassau County, Florida.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



Stacy T. Johnson
Its: Chair

ATTEST as to Chairman's Signature:


John A. Crawford
Its: Ex-Officio Clerk

*ack
1/23/12*

Approved as to form by the
Nassau County Attorney:


David A. Hallman,
County Attorney