

ORDINANCE NO. 2015-12

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ARTICLE 28.21 OF THE LAND DEVELOPMENT CODE "OUTDOOR SALES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2007, the Board of County Commissioners passed an ordinance creating Section 28.21 "Outdoor Sales" which sales also addressed seasonal outdoor retail sales that may be conducted outside of an approved existing retail business; and

WHEREAS, the Board of County Commissioners has been advised that amendments should be addressed as to seasonal outdoor sales in the existing ordinance; and

WHEREAS, the Planning and Zoning Board has considered amendments and forwarded certain recommended amendments to Article 28.21; and

WHEREAS, public notice of this action has been provided in accordance with Chapter 125, Florida Statutes.

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 Objective FL. 11

SECTION 2. AMENDMENT

That Article 28, SUPPLEMENTARY REGULATIONS, is hereby amended with the creation of section 28.21, Outdoor Sales Permits, to read as follows:

Section 28.21. - Outdoor sales permits.

This section shall not apply to musical or entertainment festivals governed by chapter 19½ of the Nassau County Code of Ordinances, sidewalk cafes or to agricultural roadside stands, or to mobile food vending which is regulated by chapter 18½ Code of Ordinances.

1. An outdoor retail sale, which is temporary in nature, and occurs on the same lot or parcel as an approved existing retail business is allowed if permitted consistent with the following:
 - (a) It is conducted in compliance with applicable Nassau County Land Development Code, County Ordinances, Building and Fire Code requirements; and
 - (b) Conducted by the owner or lessee of the premises; and
 - (c) Limited to the goods and services normally offered by the owner or lessee, or goods and services that are seasonal in nature; and
 - (d) Consistent with the zoning for that parcel; and
 - (e) Required access to the premises is not hindered; and
 - (f) Parking spaces are not reduced to less than the required minimum; and
 - (g) The total number of temporary outdoor sales events per site, lot or shopping center during a calendar year is limited to two (2) events which shall not run consecutively; and
 - (h) The maximum time limit per site or lot for seasonal sales events and all other temporary outdoor sales events shall be thirty (30) days per calendar year, per event. The time limit includes, setup and dismantling of all activities, sales displays, and merchandise and completion of all site clean-up activities; and
 - (i) No display shall be erected or installed, nor shall any temporary outdoor activities take place, within fifty (50) feet of a county or state right-of-way; and
 - (j) No operator, employee, or representative of the operator of a temporary outdoor activity shall solicit directly from the motoring public; and
 - (k) No more than one (1) temporary outdoor activity shall be permitted simultaneously on a parcel of less than four (4) acres; and
 - (l) One (1) additional freestanding ground sign of up to twenty-eight (28) square feet shall be permitted during a temporary outdoor retail sales event provided that the sign is not located within fifteen (15) feet from any property line; and
 - (m) ~~Seasonal sales shall mean outside sales vendors who are marketing seasonal goods that are not typically offered year round.~~ Seasonal outdoor retail sales events are limited to: New Year's, Memorial Day, Fourth of July, Labor Day, Halloween, Thanksgiving and Christmas. Seasonal outdoor retail sales shall mean outdoor sales vendors who are marketing a product traditionally associated with the holidays listed above (temporary seasonal uses ie., Christmas tree sales, pumpkin sales, and firework sales. These are illustrative and a final determination of seasonal will be made by the Planning and Economic Opportunity Department), and shall only be operated twenty-six (26) days before to three (3) days after any of the holidays listed above.
 - (n) The seasonal outdoor sales permit applicant shall submit a signed notarized affidavit identifying all products to be marketed in conformance with subsection (m) above as a precondition to the issuance of an outdoor sales permit.

- (o) Seasonal outdoor sales vendors not in compliance with subsection (m) or (n) above shall have their permit revoked for failure to remedy any non-compliance within three (3) days of notice of non-compliance. Said revocation shall be issued by a member of the Planning and Economic Opportunity Department.
- 2. Outdoor sales permits shall be issued by the ~~growth management~~ Planning and Economic Opportunity department upon application not less than ninety (90) days in advance of the event. No permit shall be required for non-profit or bona fide charitable sales or for outside display of merchandise incidental to an existing business. This permit shall be displayed at all times during the outdoor retail sales event.
- ~~3. Penalty. Violation of this section shall constitute a misdemeanor of the first degree.~~
- 4~~3~~. The ninety-day advance applicant requirements in paragraph (2) above shall not apply to fireworks and fireworks related sales in June and July 2013.

SECTION 3. APPEAL.

Any appeal of a decision of the Planning and Economic Opportunity Department shall be filed with the County Manager's Office within three (3) days of the decision. Said hearing shall be conducted by the County Manager or his or her designee and the hearing shall occur within five (5) days of the filing of the appeal. The decision of the County Manager or his or her designee shall be final and provided in written form.

SECTION 34. 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 45. 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 56. 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 24th day of August, 2015.



BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



PAT EDWARDS

Its: Chairman

ATTEST AS TO CHAIRMAN'S SIGNATURE:

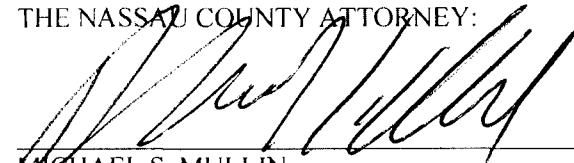



JOHN A. CRAWFORD *CSO*

Its: Ex-Officio Clerk

MES
08-26-15

APPROVED AS TO FORM AND LEGALITY BY
THE NASSAU COUNTY ATTORNEY:



MICHAEL S. MULLIN