

ORDINANCE 2015 - 22

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING THE CODE OF ORDINANCES, AMENDING ARTICLE 15 OF THE LAND DEVELOPMENT CODE, COMMERCIAL NEIGHBORHOOD (CN) ZONING DISTRICT; AMENDING ARTICLE 28 OF THE LAND DEVELOPMENT CODE, SUPPLEMENTARY REGULATIONS; AMENDING ARTICLE 32 OF THE LAND DEVELOPMENT CODE, DEFINITIONS; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Goals, Objectives and Policies of the Nassau County Comprehensive Plan encourage and support urban development patterns that create a functional mix of residential, supporting civic and commercial uses that will reduce vehicle miles traveled, and reduce traffic impacts on the major road network.

WHEREAS, Policy FL.10.05 of the Nassau County Comprehensive Plan requires the County to review existing regulations in the Land Development Code and revise as necessary in order to implement the Future Land Use Plan; and

WHEREAS, the Board of County Commissioners has found it in the best interest of the citizens of Nassau County to amend the Code of Ordinances; and

WHEREAS, the Planning and Zoning Board conducted a public hearing on this Ordinance on November 3, 2015, and voted to recommend approval.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Nassau County, Florida:

SECTION 1. FINDINGS

This Ordinance is consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan, in particular, Policies FL.01.01, FL.01.02(C), FL.10.05 and ED.05.02.

SECTION 2. AMENDMENT

- A. Article 15 of the Land Development Code is amended as set forth in Exhibit "A" attached hereto and made a part hereof.
- B. Article 28, Section 28.11 of the Land Development Code is amended as set forth in Exhibit "B" attached hereto and made a part hereof.
- C. Article 32 of the Land Development Code is amended as set forth in Exhibit "C" attached hereto and made a part hereof.

SECTION 3. EFFECTIVE DATE


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

PASSED and ADOPTED this 14th day of December, 2015.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


PAT EDWARDS,
Its: Chairman

ATTEST as to Chairman's Signature:


JOHN A. CRAWFORD
Its: Ex-Officio Clerk

MES
12.16.15

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

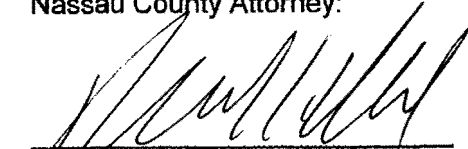

MICHAEL S. MULLIN,
County Attorney

EXHIBIT A**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 (1) 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, dry cleaning 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 soundproofed structure.

(D) Churches (except temporary revival establishments).

(E) Libraries.

(F) Nursing homes, convalescent homes, rest homes, or homes for the aged or orphans, provided no such facility shall have a lot area of less than one (1) acre, no such facility shall be located in a mobile home and all other federal (i.e. Americans with Disabilities Act), state and county regulations in regard to such establishments are met.

(G) Lawn or Landscape Maintenance Service.

(GH) All uses permitted in the Commercial, Professional and Office (CPO) District.

Section 15.02. - Special restrictions.

Unless otherwise noted, the following restrictions apply to all permitted and conditional uses in this zoning district. Supplementary regulations for development of certain uses may be required by Article 28 of this code.

(A) Sale, display, preparation and storage shall be conducted within a completely enclosed building and no more than twenty (20) percent of floor space to be devoted to storage.

(1) For a lawn or landscape maintenance service, outdoor storage of light- or medium-duty vehicles and equipment used for the business is permitted subject to the requirements of Article 28, Section 28.08

(B) Products to be sold only at retail.

(C) No sale, display or storage of secondhand merchandise except as incidental to sale of new merchandise.

EXHIBIT A

(D) An opaque buffer or visual barrier shall be required as stipulated in Article 2837, Section 28-08.37.06

(E) In areas designated as Conservation (Wetlands) on the future land use map, only passive recreation and silviculture will be permitted.

Section 15.03. - Permitted accessory uses and structures.

(A) See Article 28, section 28.15.

(B) Parking lots complying with Article 28, Section 28.17, 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 must be attached to the principal permitted structure.

Section 15.04. - Conditional uses.

(A) Antique shops.

(B) Plant nurseries.

(C) Sale of alcoholic beverages with alcoholic content not more than fourteen (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 four (4) gasoline and/or fuel pumps; provided no repairs or other automobile services are permitted.

(E) Multifamily 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.

(H) Day nursery, child care center, or private school, as provided in section 28.14.

Section 15.05. - Special restrictions.

The sale of alcoholic or intoxicating beverages shall not be permitted within one thousand (1,000) feet in airline distance measured from building to building at their closest points to any established school or church.

Section 15.06. - Minimum lot requirements.

(A) Minimum lot width: One hundred (100) feet.

(B) Minimum lot area: Ten thousand (10,000) square feet.

Section 15.07. - Minimum yard requirements.

(A) Front yard: Twenty-five (25) feet.

(B) Rear yard: Twenty (20) feet.

EXHIBIT A

(C) Side yard: Fifteen (15) feet except where the Commercial Neighborhood District abuts a residential district, the minimum side yard shall be increased to thirty (30) feet. No side yard shall be required where two (2) 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 15.08. - Building restrictions.

(A) Maximum building height: Thirty-five (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 28, section 28.17.

EXHIBIT B**Section 28.08. - Reserved: Lawn or Landscape Maintenance Services**

The following regulations shall apply in the to the location, design, construction and operation, and maintenance of lawn or landscape maintenance services, as defined in Article 32 of this code, that are located in the Commercial Neighborhood (CN) zoning district:

(A) Permitted Activities: The following activities are permitted on site for this type of establishment:

- (1) Office activities.
- (2) Parking or storage of light and medium duty vehicles and equipment used in the lawn or landscape maintenance business (i.e. light- or medium- duty vehicles, mowers, weed or hedge trimmers, garden tools and other equipment).
- (3) Routine maintenance and cleaning of vehicles and equipment as described above.

(B) Prohibited Activities: The following activities are prohibited on site for this type of establishment:

- (1) Parking or storage of heavy-duty vehicles or construction equipment.
- (2) Bulk storage of plants or landscaping materials (i.e. mulch, stone, soil, etc.).
- (3) Retail sale of plants or landscaping materials.

(C) Outdoor Storage Areas:

- (1) Interior contents of outdoor storage areas shall not be visible from the public right-of-way and preferably located within the rear yard of the principal structure.
- (2) Outdoor storage areas shall not exceed 50 percent of the total site area.
- (3) Outdoor storage is limited to light- or medium-duty vehicles and equipment used in the lawn or landscape maintenance business.

(D) Screening and Buffering:

- (1) Outdoor storage areas shall be screened from the public right-of-way by a Medium Density buffer, as defined in Article 37, Sec.37.06
- (2) A Medium Density buffer, as defined in Article 37, Sec.37.06 is required between outside storage areas and residential zoned property.
- (3) For other areas of the site, screening and buffering is as required by Article 37, Sec.37.06
- (4) ~~Buffer footage requirements may be satisfied in conjunction with required setbacks, and shall not be in addition to the setback requirements~~

EXHIBIT C**ARTICLE 32. – DEFINITIONS**

(in alphabetical order)

Gross Vehicle Weight (GVW) - the actual weight of the fully loaded vehicle or trailer, including all cargo, fluids, passengers, and optional equipment, as measured by a scale.

Heavy-duty vehicle - any motor vehicle with a USDOT Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or more.

Lawn or Landscape Maintenance Service- an establishment primarily engaged in providing lawn and/or landscape care and maintenance services to buildings or dwellings. Such services typically include (but are not limited to): Mowing, fertilizing, and seeding of lawns and landscape areas; trimming, pruning and other maintenance of ornamental plants trees and shrubs; installing trees, shrubs, plants, lawns, or gardens.

Landscape contractor - an establishment primarily engaged in providing landscape construction, installation, and/or maintenance services. Such services typically include (but are not limited to): Constructing walkways, retaining walls, decks, and similar items or structures; installing trees, shrubs, plants, lawns, or gardens; landscape care and maintenance services (mowing, fertilizing, trimming and pruning, etc.). Pursuant to the applicable zoning district regulations, this type of establishment may also include the use and storage of heavy vehicles or construction equipment; bulk storage of plants or landscaping materials (i.e. mulch, stone, soil, etc.); and the retail sale of plants or landscaping materials.

Light-duty vehicle - any motor vehicle with a USDOT Gross Vehicle Weight Rating (GVWR) of 10,000 pounds GVWR or less

Medium-duty vehicle - any motor vehicle with a USDOT Gross Vehicle Weight Rating (GVWR) between 10,001 and 26,000 pounds