

**ORDINANCE 2021 - 20**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ORDINANCE 2021-08, SPECIFICALLY, ARTICLE 6 OF THE LAND DEVELOPMENT CODE, GENERAL REGULATIONS, TO REVISE SECTION 6.04, BUILDING AND STRUCTURE HEIGHT CALCULATION; AMENDING ARTICLE 13 OF THE LAND DEVELOPMENT CODE, RESIDENTIAL GENERAL-2 (RG-2), TO REVISE SECTION 13.06(A), BUILDING RESTRICTIONS; AMENDING ARTICLE 16 OF THE LAND DEVELOPMENT CODE, COMMERCIAL, GENERAL (CG), TO REVISE SECTION 16.07(D), BUILDING RESTRICTIONS; AMENDING ARTICLE 17 OF THE LAND DEVELOPMENT CODE, COMMERCIAL INTENSIVE (CI), TO REVISE SECTION 17.07(D), BUILDING RESTRICTIONS; AMENDING ARTICLE 19 OF THE LAND DEVELOPMENT CODE, COMMERCIAL, PROFESSIONAL OFFICE (CPO), TO REVISE SECTION 19.06(B), BUILDING RESTRICTIONS; AMENDING ARTICLE 20 OF THE LAND DEVELOPMENT CODE, INDUSTRIAL WAREHOUSE (IW), TO REMOVE SECTION 20.07(C), BUILDING RESTRICTIONS; AMENDING ARTICLE 21 OF THE LAND DEVELOPMENT CODE, INDUSTRIAL HEAVY (IH), TO REMOVE SECTION 21.07(C), BUILDING RESTRICTIONS; AMENDING ARTICLE 22 OF THE LAND DEVELOPMENT CODE, OPEN RURAL (OR), TO REMOVE SECTION 22.06(C), BUILDING RESTRICTIONS; AMENDING ARTICLE 23 OF THE LAND DEVELOPMENT CODE, GOVERNMENT/PUBLIC USE (GPU), TO REVISE SECTION 23.06(C), BUILDING RESTRICTIONS; AMENDING ARTICLE 32 OF THE LAND DEVELOPMENT CODE, DEFINITIONS, TO REVISE THE DEFINITIONS FOR *GRADE*; AMENDING ARTICLE 29 OF THE LAND DEVELOPMENT CODE, NONCONFORMING LOTS, USES AND STRUCTURES, TO REVISE SECTION 29.06(B), DESTRUCTION OF A NONCONFORMING USE; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners, at a duly noticed public hearing, adopted Ordinance 2021-08 on June 14, 2021; and

**WHEREAS**, staff, at the hearing, provided an amendment to Section 29.06, non-conforming use, that was adopted at the June 14, 2021 hearing; and

**WHEREAS**, staff, after a review of 2021-08 and considering public comments, is proposing amendments to Ordinance 2021-08 in order to clarify certain sections; and

**WHEREAS**, the Board of County Commissioners of Nassau County, Florida finds it is in the best interests of the citizens of Nassau County to amend Ordinance 2021-08.

**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, FL.10.05 and ED.05.02.

**SECTION 2. AMENDMENTS**

A. Article 6, Section 6.04, General Requirements, is hereby amended as set forth herein:

**Section 6.04. – Building and structure height calculation.**

- (A) Building height shall be measured from the lower of:
    - 1. the average natural grade; or
    - 2. the average grade of the crown of the adjacent roadway.
  - (B) Properties located within a flood hazard area shall measure from:
    - 1. The higher of the base flood elevation or approved finished grade for buildings and structures in a special flood hazard area of 02 percent annual chance of flood hazard area.
    - 2. The approved finished grade for building and structures in coastal high hazard areas (Zone V) and Coastal A zones.
  - (C) Building height calculation from natural grade shall be measured in the same manner as it is from grade.
  - (D) Building height shall be measured to the highest point on the structure in the case of flat roofs, or to a point at the average height of the highest roof having a pitch, unless the property is located within a flood hazard area as provided herein.
- B. Article 13, Section 13.06(A), Residential, General 2 (RG-2) Building Restrictions, is amended as set forth herein:

**Section 13.06. - Building restrictions.**

- (A) Maximum building height:
    - (1) Single-family dwellings, duplexes, and townhouses: Thirty-five (35) feet.
    - (2) Multiple-family dwellings and other permitted structures may exceed a height of thirty-five (35) feet, subject to meeting all requirements specified herein provided that no structure shall exceed eighty-five (85) feet or seven (7) stories. Within the unincorporated areas of Amelia Island, maximum building height is forty-five (45) feet. For buildings on Amelia Island and in existence on June 14, 2021, the applicable maximum height in the event of reconstruction shall be the building height prior to reconstruction.
- C. Article 16, Section 16.07(D), Commercial General (CG) Building Restrictions, is amended as set forth herein:

**Section 16.07. - Building restrictions.**

- (D) Within the unincorporated areas of Amelia Island, maximum building height is forty-five (45) feet.
- D. Article 17, Section 17.07(D), Commercial Intensive (CI) Building Restrictions, is amended as set forth herein:

**Section 17.07. - Building restrictions.**

- (D) Within the unincorporated areas of Amelia Island, maximum building height is forty-five (45) feet.
- E. Article 19, Section 19.06(B), Commercial Professional Office (CPO) Building Restrictions, is amended as set forth herein:

**Section 19.06. - Building restrictions.**

(B) Maximum building height: Thirty-five (35) feet. Within unincorporated Amelia Island, maximum building height is forty-five (45) feet.

F. Article 20, Section 20.07(C), Industrial Warehouse (IW) Building Restrictions, is amended as set forth herein:

**Section 20.07. - Building restrictions.**

G. Article 21, Section 21.07(C), Industrial Heavy (IH) Building Restrictions, is amended as set forth herein:

**Section 21.07. - Building restrictions.**

H. Article 22, Section 22.06(C), Open Rural (OR) Building Restrictions, is amended as set forth herein:

**Section 22.06. - Building restrictions.**

I. Article 23, Section 23.06(C), Government/Public Use (GPU) Building Restrictions, is amended as set forth herein:

**Section 23.06. - Building restrictions.**

(C) Within the unincorporated areas of Amelia Island, maximum building height is forty-five (45) feet.

J. Article 32, Definitions, is amended as set forth herein:

*Grade:* A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or between the building and six (6) feet (1829 mm) from the building, whichever is closer to the building. The use of fill to establish finished ground level shall be in accordance with section 10.8.2 of Ordinance No. 99-17, as amended, known as the "Nassau County Roadway and Drainage Standards". Within the unincorporated areas of Amelia Island, grade is defined in the same manner, except that the reference plane shall reference natural grade instead of finished grade.

K. Article 29, Section 29.06(B), Destruction of a Nonconforming Use of the Land Development Code, is amended as set forth herein:

(B) Buildings in existence or with approved construction permits, on or before the effective date of this amendment, may be completed, repaired, or rebuilt to a height not to exceed the previously existing height provided that:

1. The reconstruction does not result in an increase in the nonconformity of the lot area, yards, setbacks or density; and
2. The number of dwelling units in such reconstructed structure does not exceed the number of units in existence at the time of damage or destruction.

**SECTION 3. SEVERABILITY**

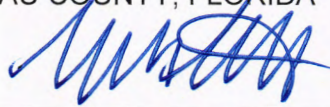
It is the intent of the Board of County Commissioners of Nassau County, Florida, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality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

**SECTION 4. EFFECTIVE DATE**

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

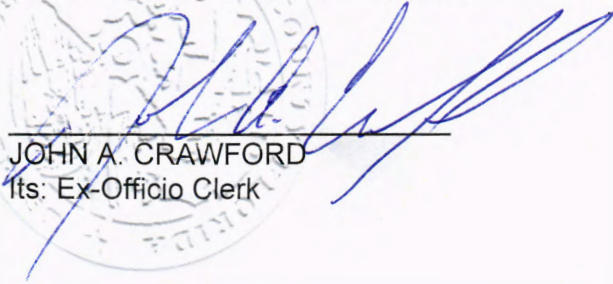
**PASSED and ADOPTED this 27th day of September, 2021.**

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA



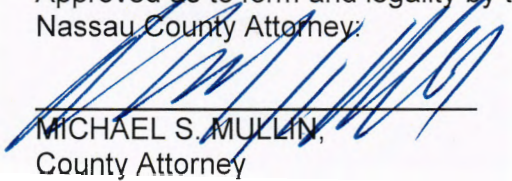
\_\_\_\_\_  
THOMAS FORD,  
Its: Chairman

ATTEST as to Chairman's Signature:



\_\_\_\_\_  
JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

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



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MICHAEL S. MULLIN,  
County Attorney



**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

October 1, 2021

Honorable John A. Crawford  
Clerk of the Circuit Court  
Nassau County  
76347 Veteran's Way, Suite 456  
Yulee, Florida 32097

Attention: Jennifer Marlatt

Dear Mr. Crawford:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Nassau County Ordinance No. 2021-20, which was filed in this office on September 30, 2021.

Sincerely,

Anya Owens  
Program Administrator

AO/lb