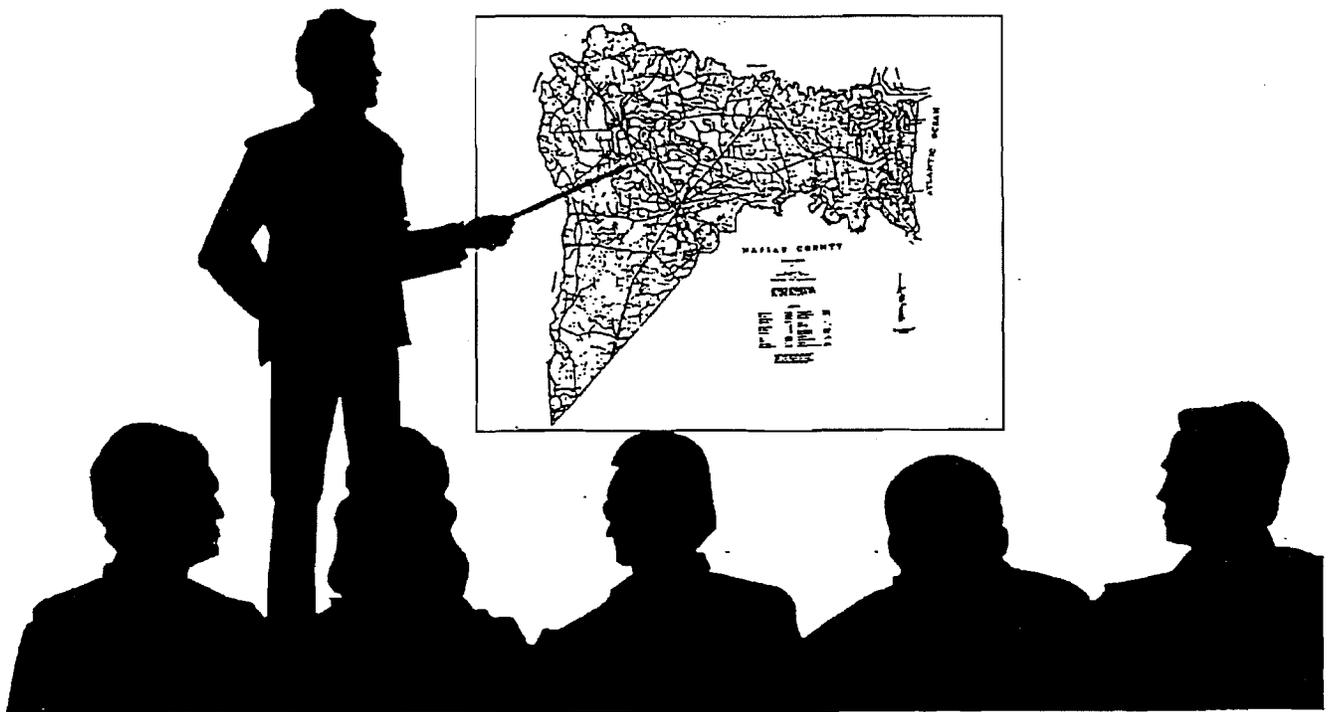


ZONING CODE

County Ordinance No. 97-19



Nassau County, Florida

Adopted on July 28 , 1997

NASSAU COUNTY ZONING ORDINANCE

Adopted September 27, 1983

(Revised January, 1990)
(Revised June 15, 1992)
(Revised April 1993)
(Revised July, 1993)
(Revised March, 1994)
(Revised August, 1994)
(Revised October 1, 1994)
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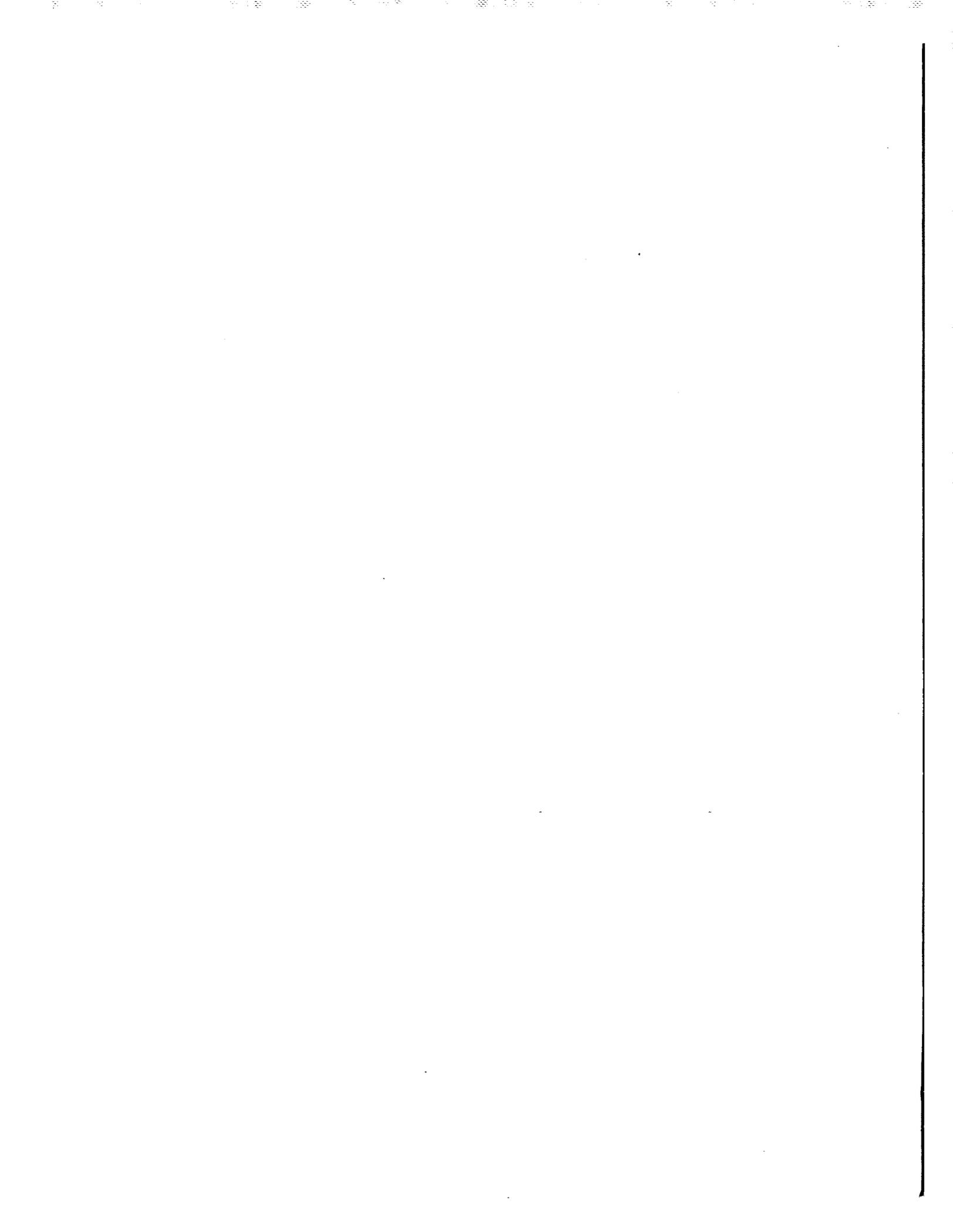


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ARTICLE 1: SHORT TITLE

This ordinance shall be known and may be cited as the "Nassau County Zoning Ordinance". This ordinance shall supersede any and all prior and existing zoning ordinances, district restrictions and requirements to carry on any business and non-business activities, laws or resolutions for the unincorporated area of Nassau County, Florida. The provisions of this ordinance shall become effective immediately upon adoption.

ARTICLE 2: LEGAL STATUS

Section 2.01 - Authority: This ordinance, together with any and all future amendments thereto, is adopted under the provisions and terms granted by Chapter 125, Florida Statutes.

Section 2.02 - Purpose and Policy: This ordinance is adopted for the purpose of guiding and accomplishing coordinated, adjusted and harmonious development in accordance with existing and future needs, and in order to protect, promote and improve, public health, safety, comfort, order, appearance, convenience, morals and general welfare of the citizens of the unincorporated area of Nassau County, Florida.

The districts and regulations contained herein are designed to lessen the traffic congestion on public streets and highways; to provide adequate provisions for light and air; to promote civic amenities of beauty and usual interest; to prevent loss of health, life or property from fire, flood or other dangers; to regulate density of population and thus prevent the overcrowding of lands in order to facilitate the provisions for adequate community facilities such as water, sewer, schools, police protection, fire protection and recreational uses.

Section 2.03 - Validity: If any section, part of a section, paragraph, sentence, clause, phrase or word of this ordinance is, for any reason, held or declared to be unconstitutional, inoperative, void or invalid by any court having jurisdiction, such holding or invalidity shall not affect the validity of any other provision of this ordinance.

ARTICLE 3: ADMINISTRATION

Section 3.01 - General Grant of Power: It shall be within the powers of the Governing Body, hereinafter known as the Board of County Commissioners, to adopt zoning regulations for all of the unincorporated area of Nassau County, Florida, and to divide the unincorporated area of Nassau County, Florida, into districts or classifications of such number, shape and size as may be deemed best suited, and to regulate the uses of lands, water, buildings and other structures for trade, industry, residence and the purposes within the districts or classifications, and to regulate the height, number of stories, size, bulk, location, erection, construction, repair, reconstruction, alteration, and use of buildings and other structures within the districts or classifications; and to regulate the size of lots, tracts of land, yards, courts and other open spaces and the percentage and portion of lots that may be occupied in connection with the construction and location of buildings or other structures within the district classifications.

Section 3.02 - Board of County Commissioners: It shall be the responsibility of the Board of County Commissioners to perform the following duties and responsibilities in accordance with this ordinance.

- A. **Adopt Zoning Ordinance:** Adopt this ordinance, and any amendments thereto in accordance with, and based upon the adopted Nassau County Comprehensive Plan.
- B. **Make Amendments to the Zoning Ordinance and Map:** A simple majority vote of the Board of County Commissioners is needed to amend the provisions of this ordinance and the zoning map after holding the required public hearing. The Planning and Zoning Board must review all proposed amendments, hold a public hearing, and submit written recommendations to the Board of County Commissioners before any official action can be taken. A simple majority vote of the Board of County Commissioners is also needed to override any recommendation of the Planning and Zoning Board.
- C. **Establish Schedule of Fees (See Appendix):** The established schedule of fees shall apply to action under this ordinance. A receipt showing payment of the applicable fee shall accompany an application prior to consideration thereof. Such fees are to offset costs incidental to holding the public hearing and to not include the cost of advertisement in a newspaper of general circulation. Such advertisement shall be paid for by the applicant.
- D. **Review and Decide Appeals of Planning and Zoning Board:** Any person or persons, jointly or severally, aggrieved by any decision of the Planning and Zoning Board shall file an appeal with the Board of County Commissioners within thirty (30) days after the Planning and Zoning Board has rendered its decision.
- E. **Appropriation of Funds:** Appropriate, as deemed necessary, funds to defray the cost of administering this ordinance.

Section 3.03 - Senior Planner: The Senior Planner shall administer the provisions of this ordinance. The responsibilities of the Senior Planner are as follows:

- A. The day-to-day administration of this ordinance.
- B. Assist applicants in understanding the provisions of this ordinance.
- C. Receive and begin the processing of all applications for zoning changes, variances and conditional uses.
- D. Collect the required zoning fees and deposit with the appropriate county fiscal officer.
- E. Assist the Planning and Zoning Board in maintaining and keeping updated the zoning regulations, the zoning map, and all records relative to the zoning regulations and their administration as set forth in this ordinance or as may otherwise be necessary.
- F. Ensure that Zoning Districts, as they appear on the adopted Zoning District Map, are consistent with the density and intensity of uses identified on the County Adopted Future Land Use Map 2005.
- G. Suggest to the Planning and Zoning Board and the Board of County Commissioners modifications to the zoning ordinance and map, with a written statement outlining the need for

such changes.

- H. Conduct the necessary field inspections required to make rational zoning decisions and to adequately advise the Planning and Zoning Board and Board of County Commissioners on zoning matters.
- I. Mail notices of zoning requests to be considered at the regularly scheduled meetings to members of the Planning and Zoning Board at least seven (7) days prior to the meeting date. This will allow members ample time to review the various zoning requests.
- J. Review all applications for building permits, including site plans, to determine whether the proposed construction, alteration, repair or enlargement of a structure is in compliance with the County Comprehensive Plan and zoning ordinance. The Director of Public Works or his designee shall sign off on new construction and substantial improvement, and all building applications to attest that "Concurrency" will be met by such development and that such development is consistent with the County's Adopted Comprehensive Plan .
- K. The Senior Planner shall provide written recommendation to the Planning and Zoning Board and the Board of County Commissioners regarding the consistency of proposed rezonings and land use changes with the County Zoning Code and Comprehensive Plan.
- L. Submit notices of all zoning meetings and hearings, in a manner prescribed by law, to the local newspaper.
- M. Post signs on property undergoing zoning proceedings and ensure that these signs shall be promptly removed after the zoning process is completed.
- N. Periodically canvass the county for zoning violators. Promptly notify the Code Enforcement Officer of persons or establishments that are in violation of this ordinance.
- O. Code Enforcement shall initiate proceedings against violators of this ordinance in accordance with the provisions of Article 4.
- P. Provide the minutes to be taken for the Planning and Zoning Board.
- Q. Mail notices to persons owning property within three hundred (300) feet of a parcel which an application for rezoning, variance or conditional use has been submitted to the Planning and Zoning Board for review or approval according to Florida Statutes.

Section 3.04 - Planning and Zoning Board: The Planning and Zoning Board shall act as the Local Planning Agency (LPA) which serve as an advisory body to the Board of County Commissioners on all planning and zoning related matters.

- A. Establishment of the Planning and Zoning Board: The Board of County Commissioners shall appoint the members of the Planning and Zoning Board. The Planning and Zoning Board shall be composed of seven (7) members. Each member shall serve a three (3) year staggered term whereby, the terms of three (3) members shall expire one (1) year, the terms of three (3)

members shall expire the following year and the term of one (1) member shall expire the next year.

B. Powers and Duties:

1. Review all requests for rezoning of property, zoning amendments and district boundary changes and make approval/non-approval recommendations to the Board of County Commissioners for their final determination.
2. Review and make approval determinations regarding requests for conditional uses.
3. Review and make approval determinations regarding requests for variances from the terms of this ordinance which will not be contrary to the public interest when, due to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary and undue hardship upon the owner of the subject property or structure or the applicant for the variance. In order to authorize any variance from the terms of this ordinance, the Planning and Zoning Board must find evidence of the following:
 - a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district.
 - b. The special conditions and circumstances do not result from actions of the applicant.
 - c. Granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings, or structures in the same zoning district.
 - d. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would place unnecessary and undue hardship on the applicant.
 - e. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - f. The granting of the variance will be in harmony with the general intent and purpose of this ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
 - g. The granting of the variance will not exceed the density or intensity of land use as designated on the Future Land Use Map 2005 or the underlying land use.
4. In granting any variance, the Planning and Zoning Board may attach appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the zoning ordinance.

5. The Planning and Zoning Board may establish a reasonable time limit within which the action for which the variance is required shall be started and completed.
6. Under no circumstances, except as permitted above, shall the Planning and Zoning Board grant a variance to permit a use not generally or conditionally permitted in the zoning districts involved or any use expressly or by implication prohibited by the terms of this ordinance in the zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.
7. Review all site plans, with the exception of those approved by the Senior Planner as stated in Article 28, Section 28.16(B)(4), and make determinations of approval for all proposed development and redevelopment in Nassau County.
8. Submit written recommendations to the Board of County Commissioners relative to the various requests where applicable that fall within the purview of the Board of County Commissioners to approve/deny.
9. Elect a chairman and vice-chairman from Planning and Zoning Board members. A new chairman and vice-chairman shall be selected each year by the members of the Planning and Zoning Board. No person shall serve two (2) consecutive terms as chairman. Establish the time, place and date of the monthly Planning and Zoning Board regular meeting plus workshops.
10. Based upon an accepted reference, develop rules and procedures for the conduct of hearings related to the rezoning request, the granting of zoning conditional uses, zoning variances, Comprehensive Plan amendments, and appeals which shall include the right of any party to:
 - a. Present his case by oral and documentary evidence;
 - b. Submit rebuttal evidence, and conduct such cross-examination as may be required for a full and true disclosure of the facts;
 - c. Be accompanied, represented and advised by counsel or represent himself;
 - d. Be promptly notified of any action taken on any zoning conditional use, request for a zoning variance, or appeal of any action of the Planning and Zoning Board affecting substantive or procedural rights taken in connection with any proceedings.
 - e. The Planning and Zoning Board shall receive into evidence that which could be admissible in civil proceedings in the courts of this state, but in receiving evidence, due regard shall be given to the technical and highly complicated subject matter which must be handled and the exclusionary rules of evidence shall not be used to prevent the receipt of evidence having substantial probative effect. Otherwise, however, effect shall be given to rules of evidence recognized by the law of Florida.

- f. The Planning and Zoning Board shall promulgate appropriate rules and regulations provided for the establishment and maintenance of a record of all requests for zoning conditional uses, zoning variances, and appeals considered by it. A verbatim transcript of the record is not required, but the Planning and Zoning Board shall establish such record in a sufficient degree to disclose the factual basis for its final determination with respect to such requests and appeals.
- g. A final order on each request for a zoning conditional use or zoning variance and each appeal shall be made within thirty (30) calendar days of the last hearing at which such request or appeal was considered. Each final order shall contain findings upon which the Planning and Zoning Board's order is based, and may include such conditions and safeguards as prescribed by the Planning and Zoning Board as are appropriate in the matter including reasonable time limits within which action pursuant to such order shall be begun or completed or both. One copy of the final order shall be furnished to the applicant.
- h. Majority of the Planning and Zoning Board shall constitute a quorum for the purpose of meetings and transacting business. Failure to receive a majority vote shall constitute denial.
- i. Hear and decide appeals where it is alleged there is error in any Order, requirement, decision or determination by an administrative official in the enforcement of this Zoning Code. Provided such appeal is filed with the Planning and Zoning Board within thirty (30) days of the date of the action which is the subject of the appeal.

ARTICLE 4: ENFORCEMENT OF ZONING VIOLATION

Section 4.01 - Code Enforcement: The Director of Public Works shall designate and authorize enforcement of this section to the Code Enforcement Officer, per Resolution 96-78, except as otherwise herein specifically provided.

Section 4.02 - Notification of Violations: Upon determination of the Director of Public Works that the zoning ordinance has been violated, and upon consultation with the Senior Planner, the Code Enforcement Officer shall send a written notice to the owner of the property and/or building involved and to the person responsible for the violation. This notification shall include:

- A. The section of the zoning ordinance being violated.
- B. An order to cease such violation.
- C. A list of remedial actions indicating the necessary steps to abate such violation or violations.
- D. Information concerning penalties for violation of the zoning ordinance.

Section 4.03 - Legal Remedies for Violations: The Board of County Commission, in addition to the other remedies, may institute any appropriate action or proceedings of a civil action in the Circuit Court, to enjoin and restrain any person violating the provisions of this ordinance.

ARTICLE 5: PROCEDURES

Section 5.01 - General: The Board of County Commissioners may, from time to time, amend, supplement or repeal the zoning regulations and district boundaries established by this ordinance. Proposed changes and amendments may be suggested by the Board of County Commissioners, the Planning and Zoning Board, a property owner for his own land, or by petition of the owners of fifty-one (51) percent or more of the area involved in the proposed zoning change.

All proposed zoning amendments must be submitted to the Planning and Zoning Board before final action can be taken by the Board of County Commissioners. The Planning and Zoning Board shall review the proposed zoning amendment within sixty (60) days from the filing date to determine consistency with the Adopted Comprehensive Plan and submit written recommendations to the Board of County Commissioners. A public hearing, with due public notice, must be held by both the Planning and Zoning Board and the Board of County Commissioners before final action can be taken on any zoning amendment. Approval or disapproval of any amendment to this ordinance shall require a simple majority vote of the Board of County Commissioners. In order to override a recommendation of the Planning and Zoning Board, a simple majority vote of the Board of County Commissioners is also required. If a petition for a zoning amendment is denied, the Board of County Commissioners shall not take any further action on an application for basically the same amendment within twelve (12) months after the last application was denied.

Any person or persons jointly or severely aggrieved by a zoning amendment decision made by the Board of County Commissioners may file an appeal in the Circuit Court which serves the County in which the Board of County Commissioners is located. This appeal must be filed within thirty (30) days after the Board of County Commissioners has rendered its decision.

Section 5.02 - Rezoning: The procedure for rezoning property in Nassau County is as follows:

- A. Person or party desiring to rezone property must file an application with the Senior Planner. Applications are available in the Senior Planner's office. The Senior Planner shall determine whether or not the requested zoning change is consistent with the underlying land use shown on the adopted Future Land Use Map 2005. If the land use is consistent, the Senior Planner will collect the established zoning fee and submit the application to the Planning and Zoning Board for review at its next meeting. If the requested rezoning is not consistent with the underlying land use shown of the Future Land Use Map 2005, the Senior Planner will provide the applicant with the procedures for requesting a land use amendment to the Comprehensive Plan.
- B. When applying for a rezoning, the applicant shall provide the following information:
 1. Legal description of the property to be rezoned, lot and block numbers included;
 2. Names and addresses of all owners of the property to be rezoned;
 3. Existing and proposed zoning classification of the property;
 4. The Future Land Use Map 2005 designation from the adopted Comprehensive Plan.

5. A statement of the petitioner's interest in the property to be rezoned, including a copy of the last recorded warranty deed; and
 - a. If joint or several ownership, all owners of record must consent, in writing, to the rezoning petition.
 - b. If a contract purchase, a copy of the purchase contract and the written consent of the seller/owner must be submitted.
 - c. If an authorized agent for the property owner, a copy of the agency agreement or the written consent of the owner is required.
 - d. If a corporation or other business entity, the name of the officer or person responsible for the application and written proof that said representative has the delegated authority to represent the corporation or other business entity is required.
 - e. If a group of property owners requesting the rezoning of the area in which their property is located, the written consent of at least fifty-one (51) percent of the people owning property in the area described in the application is required.
 - f. A complete list of all property owners, mailing addresses and legal description of all property within three hundred (300) feet of the parcel to be rezoned. This information must be taken from the latest county tax rolls which are kept in the County Property Appraiser's Office.
 - g. The signature of the owner or owners of the property and the person or agent filing the application.
 - h. Any other pertinent information as deemed necessary.

C. The Senior Planner shall review all applications for zoning classification changes for consistency with the Nassau County Comprehensive Plan and provide a written recommendation to the Planning and Zoning Board regarding the merits of the request based upon the Goals, Objectives and Policies of the adopted Comprehensive Plan.

D. The Planning and Zoning Board shall study each rezoning request and submit a written recommendation to the Board of County Commissioners within sixty (60) days after receiving the request. The Planning and Zoning Board shall hold a public hearing, or hearing with due public notice, to consider rezoning requests and to receive public input. The applicant shall be responsible for arranging and showing proof that public notice requirements have been met.

The Planning and Zoning Board's written report to the Board of County Commissioners shall contain a recommendation for denial or approval. Said report shall show that the Planning and Zoning Board has studied and considered:

1. the need and justification for the change; and,

2. the relationship of the proposed amendment or rezoning to the County's general planning program.
- E. The Board of County Commissioners shall review the Planning and Zoning Board's recommendations and hold a public hearing, with due public notice, to consider the rezoning request.
- F. The Senior Planner shall be responsible for giving due public notice of the public hearings held by the Planning and Zoning Board and the Board of County Commissioners.
- G. Following said public hearings, the Board of County Commissioners, by ordinance, may amend, modify or change the existing zoning requirements for the petitioner's property, or it may deny the petition. If the application is denied, the Board of County Commissioners shall not take any further action on another application for basically the same proposal on the same property, until twelve (12) months after the date the last application was denied.
- H. Any person or persons jointly or severally aggrieved by a rezoning decision made by the Board of County Commissioners may file an appeal in the Circuit Court which serves the County in which the Board of County Commissioners is located. This appeal must be filed thirty (30) days after the Board of County Commissioners has rendered its decision.

Section 5.03 - Conditional Uses: The following procedure shall be followed when requesting a conditional use:

- A. An applicant requesting a conditional use must submit an application to the Senior Planner. The applicant shall provide the following information as part of the conditional use application.
 1. The legal description of the property for which the conditional use is requested;
 2. Description of the property according to street;
 3. The names and addresses of the owners of the property;
 4. A detailed description of the conditional use requested;
 5. Current zoning classification of the property;
 6. Reason for requesting the conditional use;
 7. Any other data which the Planning and Zoning Board may deem necessary such as architectural drawings or sketches of all buildings showing front, side, rear elevations and setbacks, etc.
 8. The signature of the applicant or his authorized agent.
 9. A complete list of all property owners, mailing addresses and legal descriptions of all

property within three hundred (300) feet of the parcel for which the conditional use is requested. This information must be taken from the latest Nassau County tax rolls.

10. The Future Land Use Map 2005 designation contained in the adopted Comprehensive Plan.
 - B. Upon completion and receipt of the application, the Senior Planner shall review the application and provide written recommendation based upon the Goals, Objectives and Policies of the Comprehensive Plan and existing land use regulations. The Senior Planner shall place the application for Conditional Use as well as his written recommendation on the agenda of the next Planning and Zoning Board meeting. The Planning and Zoning Board shall hold a public hearing to review conditional use requests and shall make a decision within sixty (60) days from the date the request was received.
 - C. The applicant or his representative shall appear before the Planning and Zoning Board to provide evidence concerning the proposed conditional use.
 - D. The Senior Planner shall be responsible for giving due public notice of public hearing held by the Planning and Zoning Board.
 - E. The Planning and Zoning Board has the power to deny, approve or disapprove with conditions, any conditional use requested. When a conditional use has been approved with conditions, the Planning and Zoning Board may, as it deems necessary for the protection of public health, safety and general welfare, impose certain conditions, limitations, or restrictions on the use requested and its premises. Conditional uses along with all conditions and safeguards attached thereto shall be non-transferable and granted to the applicant only.
 - F. Any conditional use permit granted by the Planning and Zoning Board shall allow only those use or uses specially described in the application and is subject to the terms or conditions expressed therein. The expansion or extension of the conditional use beyond the scope or terms of the conditional use permit shall be unlawful and is in violation of this ordinance.
 - G. If the Planning and Zoning Board denies a petition for a conditional use permit, the denied petition cannot be resubmitted nor can any action be taken on a new petition for basically the same conditional use on the same premises, within twelve (12) months after the date the last petition was denied.

Section 5.04 - Conditional Use Review Criteria: When considering conditional use requests, the Planning and Zoning Board shall make a written finding that the conditional use satisfied the following criteria:

- A. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare and is not contrary to established standards, regulations, or ordinances of other governmental agencies. The applicant requesting a conditional use shall provide proof of adequate access to the site and proof that the necessary access connection permits have been approved or will be approved.
- B. Each structure or improvement will be in accordance with Ordinance 83-9 and will be so

designed and constructed that it is not unsightly, undesirable, or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of Nassau County and the zoning district in which it is proposed.

- C. The conditional use will not adversely impact the permitted uses in the zoning district nor unduly restrict the enjoyment of other property in the immediate vicinity nor substantially diminish or impair property values within the area.
- D. The establishment of the conditional use will not impede the orderly development and improvement of the surrounding property for uses permitted in the zoning district.
- E. Adequate water supply and sewage disposal facilities will be provided in accordance with state and county health requirements.
- F. Adequate access roads, on-site parking, on-site loading and unloading berths, and drainage have been or will be provided where required.
- G. Adequate measures have been taken to provide ingress and egress to the property which is designed in a manner to minimize traffic congestion on local streets.
- H. Adequate screening and buffering of the conditional use will be provided, if needed.
- I. The conditional use will not require signs or exterior lighting which will cause glare, adversely impact area traffic safety or have a negative economic effect on the area. Any signs or exterior lighting required by the conditional use shall be compatible with development in the zoning district.
- J. The conditional use will conform to all applicable regulations of the zoning district in which it is proposed.
- K. The conditional use will conform to all applicable regulations listed in the adopted Comprehensive Plan.

Section 5.05 - Variance: A variance from the provisions of this ordinance is granted when practical difficulties or unnecessary hardships that are not caused through actions of the applicant, will result from carrying out the strict letter of this zoning ordinance. The following must be completed when requesting a variance:

- A. File an application with the Senior Planner. The necessary forms and instructions can be obtained from the Senior Planner's Office.
- B. The application for a variance shall include, but not limited to, the following information which shall be provided by the applicant:
 - 1. If the applicant is other than the owner(s) of the property, the signed written consent of the property owner(s) must be attached.

2. A complete legal description of the property for which the variance is requested, along with a scaled diagram showing the setbacks and the location of the proposed construction.
 3. The location and current zoning classification of the property being considered for the variance.
 4. Describe the variance requested. A variance may be authorized only for the reduction of minimum street frontage, lot area and required yards (front, side, rear) or for the increase of height of structures and site coverage only when such increases are not in conflict with the adopted Comprehensive Plan and Standard Building Code. A modification to lot requirements shall not be granted a variance when such modification will result in an increase of density/intensity of use beyond that permitted by the Future Land Use Map 2005 for the underlying land use of the area. A variance shall not change the functional classification permitted or permissible by the Comprehensive Plan and Future Land Use Map.
 5. A complete list of all property owners, mailing addresses and legal description of all property within three hundred (300) feet of the parcel for which the variance is requested. This information must be taken from the latest Nassau County tax rolls.
- C. Upon receipt of the completed application and the required zoning fee, the Senior Planner will review the application and prepare a written report regarding the consistency of the "Request for Variance" with the adopted Comprehensive Plan and current land use regulations. The Senior Planner will submit his report and the application to the Planning and Zoning Board for action.
 - D. The Senior Planner shall establish a date and time to hear the variance request and shall advertise the public hearing in a manner prescribed by law.
 - E. Before making a final decision on a variance request, the Planning and Zoning Board shall consider the criteria established in Section 3.04 (B) (3) (a) (b) (c) (d) (e) (f) and (g) of this ordinance. The Planning and Zoning Board has sixty (60) days from the date the application is received to make a final decision. Variances along with all conditions and safeguards attached thereto shall be granted to the property and is non-transferable.
 - F. If the Planning and Zoning Board denies a variance application, the denied application, cannot be resubmitted, nor can any action be taken on a new application for basically the same variance on the same property, until twelve (12) months after the date the last petition was denied.

Section 5.06 - Procedure for Appealing Decisions of the Planning and Zoning Board : Any person or agency aggrieved by any decision of the Planning and Zoning Board may file an appeal with the Board of County Commissioners. The appeals procedure shall include the following actions:

- A. **Filing of Appeal:** A notice of appeal, stating the grounds for the appeal, must be filed with the County clerk within thirty (30) days of the date the action being appealed was rendered. The notice of appeal shall be filed on forms established and provided by the County Clerk and shall include all pertinent information required thereon, including appropriate filing fees. The Senior

Planner, upon notification of the filing of the appeal by the County Clerk, shall transmit upon request to the County Clerk all materials constituting the record upon which the action appealed was taken.

- B. **Stay of Work:** An appeal to the Board of County Commissioners stays all work on the project and all proceedings in furtherance of the action being appealed until final determination has been made by the Board of County Commissioners.
- C. **Hearing of Appeals:** The Board of County Commissioners, within fifteen (15) days after receipt of the notice of appeal, shall set a reasonable date for hearing the appeal and give due public notice. Published notice of the hearing shall be in a form prescribed by the Board of County Commissioners and placed in the designated newspaper at the applicant's expense. The applicant shall file proof of publication with the Clerk of Court prior to the hearing. The applicant must be given due notice of the hearing and applicant and petitioner may appear in person at the hearing or be represented by his agent or attorney.
- D. **Decisions:** In exercising the powers granted by this ordinance, the Board of County Commissioners, by majority vote of its members, may reverse, affirm, or modify the order, requirement, decision or determination being appealed, and to that end shall have the powers of the Planning and Zoning Board or Senior Planner and may issue the necessary permit. Rulings and decisions to the Board of County Commissioners shall become effective thirty (30) days after the date of such ruling or decision. This will allow either party ample time to file an appeal with the Circuit Court.
- E. **Appeal of Board of County Commissioners Decisions:** Any person or persons jointly or severally aggrieved by a decision of the Board of County Commissioners may file an appeal in the Circuit Court which serves the jurisdiction in which the Board of County Commissioners is located. This appeal must be filed within thirty (30) days after the Board of County Commissioners has rendered its decision.

ARTICLE 6: GENERAL REGULATIONS

Section 6.01 - Compliance with this Ordinance: All buildings or structures hereafter erected, reconstructed, altered, enlarged or moved in the unincorporated area of Nassau County, Florida, shall be in conformity with the provisions of this ordinance.

Section 6.02 - Encroachment and Reduction of Lot Area: The minimum yards, off-street parking and loading spaces, open spaces, including lot area for each dwelling unit required by this ordinance for all buildings in existence at the time of passage of these regulations or for all buildings hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, except as hereinafter provided, nor shall any lot area be reduced below the requirements of these regulations.

Section 6.03 - Zoning Districts Exclusive: The use provisions in the various zoning districts are exclusive and any use not included under the permitted or permissible uses shall be prohibited in such districts. However, there are some uses which may be permitted if developed according to certain conditions. These conditional uses must be approved by the Planning and Zoning Board prior to development. The Planning and Zoning Board will prescribe the conditions which must be adhered to by any conditional use.

ARTICLE 7: ZONING DISTRICTS AND ZONING ATLAS

INTENT: In order to regulate and restrict the location of agriculture, trades, industries, public and semi-public uses, residences and the location of buildings erected or altered for specific uses, the unincorporated area of Nassau County, Florida, is hereby divided into districts as shown on the Zoning Atlas, entitled, Zoning Atlas for Nassau County, Florida. The Zoning Atlas is hereby declared a part of this ordinance. Districts delineated on the Zoning Atlas are as follows:

<u>District</u>	<u>Abbreviation</u>
Residential, Single Family Estate	RS-E
Residential, Single Family 1	RS-1
Residential, Single Family 2	RS-2
Residential, Mixed	RM
Residential, Townhouses	RT
Residential, General 1	RG-1
Residential, General 2	RG-2
Residential, Mobile Homes	RMH
Commercial, Neighborhood	CN
Commercial, General	CG
Commercial, Intensive	CI
Commercial, Highway and Tourist	CHT
Commercial, Professional and Office	CPO
Industrial, Warehousing	IW
Industrial, Heavy	IH
Open Rural	OR
Government/Public Use	GPU
Recreation and Open Space	ROS
Planned Unit Development	PUD

Mixed Employment Center	MEC
Planned Development District	PDD

Section 7.01 - Reference to District Names.

- A. Where the phrases "all residential districts", "residential districts", "zoned residentially" are used in this ordinance, the phrases shall be construed to include RS-E, RS-1, RS-2, RM, RT, RG-1, RG-2 and RMH Districts and no others.
- B. Where the phrase "commercial districts" is used in this Zoning Ordinance, the phrase shall be construed to include the CN, CI, CHT, CPO, CG Districts and no others.
- C. Where the phrase, "open use district" appears in this Zoning Ordinance, the phrase shall be construed to include the OR (Open Rural) district and no others.

Section 7.02 - Interpretation of District Boundaries.

- A. Boundaries indicated as approximately following center lines of streets, highways or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as following shore lines shall be construed to follow such shorelines. If a change in the shorelines occur, the boundaries shall be construed as moving with the shorelines except where such moving would change the zoning status of a lot or parcel. In such case, the boundary shall be interpreted in such a manner as to avoid changing the zoning status of any lot or parcel.
- F. Boundaries indicated as parallel to the extension of features indicated in Subsections "A" through "E" hereof shall be so construed. Distances not specifically indicated on the Zoning Atlas shall be determined by the scale of the map.
- G. Where a district boundary divides a lot/parcel of record which was in single ownership at the time the Zoning District Map was adopted, the Planning and Zoning Board may permit, as a variance, the extension of the zoning district covering the larger portion of the lot/parcel into the remaining portion of the lot/parcel.

ARTICLE 8: RESIDENTIAL, SINGLE FAMILY ESTATE: RS-E

INTENT: The provisions of this district are intended to establish areas where very low residential densities may be maintained which will protect the investment in single family homes from some of the adverse effects sometimes found in agricultural districts.

Section 8.01 - Permitted Uses.

- A. Single family dwellings.
- B. Keeping and raising horses and ponies for the use of occupants, not to exceed one (1) horse or pony per acre exclusive of area required for other uses. Structures for horses or ponies shall be located in rear yards only. No structure used for the keeping of horses or ponies shall be located closer than fifty (50) feet to any property line of different ownership.

Section 8.02 - Permitted Accessory Uses and Structures: See Article 28, Section 28.15.

Section 8.03 - Conditional Uses: See Article 28, Section 28.14.

Section 8.04 - Minimum Lot Requirements.

- A. Minimum lot width: One hundred (100) feet.
- B. Minimum lot area: One (1) acre (43,560 square feet).

Section 8.05 - Minimum Yard Requirement.

- A. Front yard: Fifty (50) feet.
- B. Side yard: Fifteen (15) feet.
- C. Rear yard: Twenty-five (25) feet.

Section 8.06 - Building Restrictions.

- A. Maximum lot coverage: Twenty percent (20%).
- B. Maximum building height: Thirty-five (35) feet.

ARTICLE 9: RESIDENTIAL, SINGLE FAMILY: RS-1 AND RS-2

INTENT: The purpose of the Residential Single Family Districts, RS-1 and RS-2, is to provide for the orderly expansion of low and medium density development in those areas where public services, utilities and transportation facilities are adequate or may be made available; and to exclude uses not compatible with such low and medium density residential development thereby preserving and protecting the characteristics of single-family neighborhoods.

Section 9.01 - Permitted Uses and Structures: Single family dwellings.

Section 9.02 - Permitted Accessory Uses and Structure: See Article 28, Section 28.15.

Section 9.03 - Conditional Uses.

- A. See Article 28, Section 28.14.

Section 9.04 - Minimum Lot Requirements.

A. RS-1:

- 1. Minimum lot width: Ninety (90) feet.
- 2. Minimum lot area: Ten thousand eight hundred (10,800) square feet.

B. RS-2:

- 1. Minimum lot width: Seventy-five (75) feet.
- 2. Minimum lot area: Eight thousand seven hundred (8,700) square feet.

Section 9.05 - Minimum Yard Requirements.

A. Front yard:

- 1. RS-1, Thirty (30) feet.
- 2. RS-2, Twenty-five (25) feet.

B. Side yard:

- 1. RS-1, Ten (10) feet.
- 2. RS-2, Ten (10) feet.

C. Rear yard:

1. RS-1, Fifteen (15) feet.
2. RS-2, Ten (10) feet.

Section 9.06 - Building Restrictions.

A. Maximum building height:

1. RS-1, Thirty-five (35) feet.
2. RS-2, Thirty-five (35) feet.

B. Maximum lot coverage:

1. RS-1, Thirty percent (30%).
2. RS-2, Thirty-five (35%).

ARTICLE 10: RESIDENTIAL, MIXED: RM

INTENT: Existing residential development in certain areas of the County has been extremely haphazard, resulting in frequent incompatibility of residential land uses. Such areas cannot be equitably classified under other residential categories in this ordinance, for to do so would create innumerable nonconformities, would work hardship on present occupants, and would make zoning enforcement difficult. Classification of lands into RM Districts is applied only to the areas developed or almost developed at the date of passage of this ordinance. Once initial boundary lines for these districts are established upon adoption of this ordinance, no additional RM Districts shall be created or any existing RM District boundaries enlarged or extended.

Section 10.01 - Permitted Uses and Structures:

- A. Single family dwellings.
- B. Mobile homes on individual lots.

Section 10.02 - Permitted Accessory Uses and Structures: See Article 28, Section 28.15.

Section 10.03 - Conditional Uses: See Article 28, Section 28.14.

Section 10.04 - Minimum Lot Requirements.

- A. Minimum lot width: Seventy-five (75) feet.
- B. Minimum lot area: Eight thousand seven hundred (8,700) square feet.

Section 10.05 - Minimum Yard Requirements.

- A. Front yard: Twenty-five (25) feet.
- B. Side yard: Ten (10) feet.
- C. Rear yard: Ten (10) feet.

Section 10.06 - Building Restrictions.

- A. Maximum building height: Thirty-five (35) feet.
- B. Maximum lot coverage: Thirty-five percent (35%).

ARTICLE 11: RESIDENTIAL, TOWNHOUSE: RT

INTENT: The provisions of this district are intended to apply to an area predominantly developed for townhouse dwellings; or other uses, which by its location, trend of development or planned development designated by the Nassau County Comprehensive Plan is appropriate for such areas.

Section 11.01 - Permitted Uses and Structures.

- A. Duplexes.
- B. Townhouses.

Section 11.02 - Permitted Accessory Uses and Structures: See Article 28, Section 28.15.

Section 11.03 - Conditional Uses.

- A. See Article 28, Section 28.14.
- B. Public and private recreation facilities.
- C. Single family dwellings.

Section 11.04 - Minimum Lot Requirements.

- A. Minimum lot width:
 - 1. Interior lot: Twenty (20) feet.
 - 2. Exterior lot: Thirty (30) feet.
 - 3. Single family and duplexes: Seventy-five (75) feet.
- B. Minimum lot area:
 - 1. Interior lots: Two thousand five hundred (2,500) square feet.
 - 2. Exterior lots: Three thousand five hundred (3,500) square feet.
 - 3. Single family and duplexes: Eight thousand seven hundred (8,700) square feet.

Section 11.05 Minimum Yard Requirements.

- A. Front yard: Twenty-five (25) feet.
- B. Side yard:
 - 1. Interior unit: Zero (0) feet.
 - 2. Exterior unit: Fifteen (15) feet.
- C. Rear yard: Twenty (20) feet.

Section 11.06 - Building Restrictions.

- A. Maximum building height: Thirty-five (35) feet.
- B. Maximum lot coverage: Thirty-five percent (35%).

Section 11.07 - Special Requirements:

- A. No more than six (6) units shall be constructed contiguous to each other without an open space separation of at least thirty (30) feet between structures.
- B. Townhouses: The combined number of units that may be constructed comprising both interior and exterior townhouses shall not exceed a total density greater than 12 dwelling units per acre.
- C. Maximum density for single family and duplexes shall be limited to 5 units per acre.

ARTICLE 12: RESIDENTIAL, GENERAL 1: RG-1

INTENT: The provisions of this district provide for medium density residential areas with adequate open areas where it is desirable to encourage such type of development or as may be designated in the Nassau County Comprehensive Plan as adopted or in such future amendments as may be made. Due to the higher than average concentrations of persons and vehicles, this district is situated where it can properly be served by public and commercial services and utilities together with convenient access to thoroughfares and collector streets. Site area requirements reflect the relative need for open space of the various types of residences based on expected density of use.

Section 12.01 - Permitted Uses and Structures.

- A. Single family dwellings.
- B. Duplexes and townhouses.
- C. Multiple family dwellings.

Section 12.02 - Permitted Accessory Uses and Structures: See Article 28, Section 28.15.

Section 12.03 - Conditional Uses.

- A. See Article 28, Section 28.14.
- B. Marinas, clubs, beach clubs and cabanas and similar uses provided such uses will be used primarily by the residents of the development of which it is a part.

Section 12.04 - Minimum Lot Requirements.

- A. Single family dwellings and duplexes.
 - 1. Minimum lot width: Seventy-five (75) feet.
 - 2. Minimum lot area: Eight thousand seven hundred (8,700) square feet.
- B. Townhouses.
 - 1. Minimum lot width:
 - a. Interior lot: Twenty (20) feet.
 - b. Exterior lot: Thirty (30) feet.
 - 2. Minimum lot area:
 - a. Interior lot: Two thousand (2,000) square feet.

b. Exterior lot: Three thousand (3,000) square feet.

C. Multiple family dwellings:

1. Minimum lot width: Seventy-five (75) feet.
2. Minimum lot area: Eight thousand seven hundred (8,700) square feet plus Five thousand five hundred (5,500) square feet for each dwelling unit in excess of two (2).

Section 12.05 - Minimum Yard Requirements.

A. Single family dwellings and duplexes.

1. Front yard: Twenty-five (25) feet.
2. Side yard: Ten (10) feet.
3. Rear yard: Ten (10) feet.

B. Townhouse.

1. Front yard: Twenty-five (25) feet.
2. Side yard:
 - a. Interior unit: Zero (0) feet.
 - b. Exterior unit: Fifteen (15) feet.
3. Rear yard: Twenty (20) feet.

C. Multiple family dwellings.

1. Front yard: Twenty-five (25) feet.
2. Side yard: Twenty (20) feet.
3. Rear yard: Twenty (20) feet.

Section 12.06 - Building Restrictions.

A. Maximum building height:

1. Single family: Thirty-five (35) feet.
2. Duplexes and townhouses: Thirty-five (35) feet.

3. Multiple family dwellings: Thirty-five (35) feet.
- B. Maximum lot coverage: Thirty-five percent (35%).
- C. Maximum density:
1. Single family dwellings and duplexes: 5 dwelling units per acre.
 2. Townhouses and multifamily units:
 - a. Normal maximum: 8 units per acre.
 - b. Bonus density: Twelve (12) units per acre may be permitted when units are clustered so as to reduce frontage and entry cuts on major County or State roads. (Comprehensive Plan Policy 1.03.04)

ARTICLE 13: RESIDENTIAL, GENERAL 2: RG-2

INTENT: The provisions of this district are to provide for medium to high density residential areas where it is desirable to encourage such development. Due to the higher than average concentrations of persons and vehicles, this district is situated where it can be served by public and commercial facilities and utilities and have convenient access to thoroughfares and collector streets. Site area requirements reflect the relative need for adequate open space for the various types of residences based on expected density of use.

Section 13.01 - Permitted Uses and Structures.

- A. Single family dwellings.
- B. Duplexes and townhouses.
- C. Multiple family dwellings.
- D. Housing for the elderly.
- E. Group home (Containing six (6) or less residents requiring low intensity of care. Homes for delinquent youth, drug and alcohol abusers not permitted.)
- F. Churches (not to include temporary revival establishments).
- G. Foster homes.

Section 13.02 - Permitted Accessory Uses and Structures.

- A. See Article 28, Section 28.15.
- B. Signs as approved by the Senior Planner in accordance with the provisions of this ordinance.

Section 13.03 - Conditional Uses.

- A. See Article 28, Section 28.14.
- B. Monasteries, convents and similar uses.
- C. Rooming or boarding houses.
- D. Group homes (containing more than six (6) residents, including homes for delinquent youths, drug and alcohol abusers.)

Section 13.04 - Minimum Lot Requirements.

- A. Single family dwellings and duplexes.
 - 1. Minimum lot width: Seventy-five (75) feet.

2. Minimum lot area: Eight thousand seven hundred (8,700) square feet.
3. Townhouses.
 - a. Minimum lot width:
 - (1) Interior lot: Twenty (20) feet.
 - (2) Exterior lot: Thirty (30) feet.
 - b. Minimum lot area:
 - (1) Two thousand (2,000) square feet.
 - (2) Three thousand (3,000) square feet.
4. Multiple family dwellings and other permitted structures:
 - a. Minimum lot width: One hundred twenty-five (125) feet.
 - b. Minimum lot area: Fifteen thousand (15,000) square feet plus Four thousand three hundred five (4,305) square feet for each dwelling unit in excess of four (4), exclusive of land dedicated or reserved for street right-of-ways, marshlands and other similar open space as may be determined by the Planning and Zoning Board in the site plan review.

Section 13.05 - Minimum Yard Requirements.

- A. Single family dwellings and duplexes:
 1. Front yard: Twenty-five (25) feet.
 2. Side yard: Ten (10) feet.
 3. Rear yard: Ten (10) feet.
- B. Townhouses:
 1. Front yard: Twenty-five (25) feet.
 2. Side yard:
 - a. Interior units: Zero (0) feet.
 - b. Exterior units: Fifteen (15) feet.
 3. Rear yard: Twenty (20) feet.

C. Multiple family dwellings and other permitted structures:

1. Front yard: Twenty-five (25) feet.
2. Side yard: Twenty (20) feet (See "D" below).
3. Rear yard: Twenty (20) feet: Provided those structures constructed along the Atlantic Coastline shall utilize the "Coastal Construction Setback Line", as adopted, or a measurement of one hundred and fifty (150) feet measured from the "Mean High Water Line", whichever is the greater distance.

D. Structures exceeding thirty-five (35) feet or three (3) stories in height shall increase the minimum side yard by one (1) foot for every two (2) feet of building height exceeding thirty-five (35) feet. Also, those structures constructed along the Atlantic Coastline shall increase the minimum rear yard by one (1) foot for every two (2) feet of building height exceeding thirty-five (35) feet, utilizing the "Coastal Construction Setback Line", as adopted, as the minimum rear yard, or one hundred fifty (150) feet from the "Mean High Water Line", which ever is greater.

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.

B. Maximum lot coverage:

1. Single family dwellings, duplexes, and townhouses: Thirty-five percent (35%).
2. Multiple family dwellings exceeding thirty-five (35) feet in height shall comply with the following lot coverage percentages:
 - a. Thirty-five (35) feet - Twenty-six percent (26%).
 - b. Forty-five (45) feet - Twenty-five percent (25%).
 - c. Fifty-five (55) feet - Twenty-three percent (23%).
 - d. Sixty-five (65) feet - Twenty-one percent (21%).
 - e. Seventy-five (75) feet - Nineteen percent (19%).
 - f. Eighty-five (85) feet - Seventeen percent (17%).

C. Maximum density:

1. **Single family dwellings and duplexes: 5 dwelling units per acre.**
2. **Townhouses and multifamily units:**
 - a. **Normal permitted density: 10 units per acre.**
 - b. **Bonus density: Twelve (12) units per acre may be permitted when units are clustered so as to reduce frontage and entry cuts on major County or State roads. (Comprehensive Plan Policy 1.03.04)**

ARTICLE 14: RESIDENTIAL, MOBILE HOME: RMH

INTENT: The provisions of the RMH District provide for the development of areas for individual mobile homes, parks and subdivisions for residents desiring the unique environments characteristic of mobile home living. It shall be the responsibility of those entities establishing a RMH District to provide for these areas the community services deemed necessary for their orderly development.

Section 14.01 - Permitted Uses and Structures.

- A. Single family mobile home on an individual lot.
- B. Mobile home parks (minimum of ten (10) acres required).
- C. Mobile home subdivisions.

Section 14.02 - Permitted Accessory Uses and Structures.

- A. See Article 28, Section 28.16.
- B. Each mobile home park shall be permitted to display one identifying sign at each park entrance, provided said sign does not exceed thirty-two (32) square feet and is lighted by indirect lighting only.
- C. Each mobile home park shall be permitted to contain accessory or support facilities customarily incidental to the operation of the mobile home park as approved on the site plan. Such facilities to include recreational facilities, maintenance facilities and laundry facilities for use by the park residents.

Section 14.03 - Establishment Procedure.

- A. New or revised mobile home subdivisions shall comply with the provisions of the latest amended Nassau County Subdivision Regulations.
- B. Developers of mobile home parks shall file site plans for review as required in Article 28, Section 28.11. Said site plan shall be supplemented with a legal description of the overall development plan, mobile home spaces, open space, together with a description of the manner in which the water and sewer facilities shall be provided with attached approval of the Nassau County Health Department.

Section 14.04 - Conditional Uses.

- A. See Article 28, Section 28.14.
- B. Single family dwellings and single family manufactured home.

Section 14.05 - Minimum Lot Requirements.

A. Mobile Home Park:

1. Minimum site width:
 - a. One hundred (100) feet at site ingress and egress points.
 - b. Two hundred (200) feet at the portion of the site used for mobile home stands.
2. Minimum site area:
 - a. Ten (10) acres.
 - b. Maximum density of eight (8) mobile homes per gross acre.

B. Mobile Home Subdivision or Individual Lot:

1. Minimum lot width: Seventy-five (75) feet.
2. Minimum lot area: Eight thousand seven hundred (8,700) square feet.

Section 14.06 - Maximum Lot Coverage by all Buildings and Structures: Thirty-five percent (35%).

Section 14.07 - Minimum Yard Requirements.

A. Mobile Home Park:

1. Front yard: Twenty-five (25) feet from any boundary of park to any mobile home stand or accessory building.
2. Side and rear yards: Fifteen (15) feet from any boundary of park to any mobile home stand or accessory building.
3. Each mobile home shall be located a minimum of twenty (20) feet from all interior streets and at least seven and one-half (7 ½) feet from any side or rear lot line. In no case shall any mobile home be located closer than fifteen (15) feet to any other mobile home.

B. Mobile Home Subdivision or Individual Lot:

1. Front Yard: Twenty-five (25) feet.
2. Side yard: Ten (10) feet.
3. Rear yard: Fifteen (15) feet.

Section 14.08 - Streets, Roads and Parking.

A. Mobile Home Parks:

1. All interior streets and roads shall have a minimum width of forty (40) feet with a minimum paved surface of twenty (20) feet and shall meet the paving and drainage requirements of the Public Works Director.
2. Parking spaces shall be provided in accordance with the provisions in Article 31.

B. Mobile Home Subdivisions and Individual Lots: All streets and roads in mobile home subdivisions shall be constructed in accordance with the latest amended Nassau County Subdivision Regulations.

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

Section 15.02 - Special Restrictions.

- A. Sale, display, preparation and storage shall be conducted within a completely enclosed building and no more than twenty percent (20%) of floor space to be devoted to storage.
- 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.
- D. An opaque buffer or visual barrier shall be required as stipulated in Article 28, Section 28.08.

- 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 percent (14%) 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. Multi-family 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.

- A. 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.
- 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 percent (50%) of the lot.
 - 2. The minimum landscape area shall not be less than ten percent (10%) of the total lot area and shall be in conformance with the standards in Article 28, Section 28.17.

ARTICLE 16: COMMERCIAL, GENERAL: CG

INTENT: The provisions of this district are intended to designate areas for general commercial uses which will meet the retail sales and service needs of Nassau County residents. This district is intended to encourage the concentration of general commercial uses and not the extension of strip commercial areas. The areas designated in this district shall abut a roadway classified as a collector or higher facility on the adopted Functional Highway Classification Map of the Adopted Comprehensive Plan.

Nodal development patterns at major intersections are preferred. An exception to this standard may occur in areas of commercial infill where such infill would create a more compact land use pattern.

Section 16.01 - Permitted Uses and Structures.

- A. Uses permitted in the Commercial Neighborhood District.
- B. Retail outlets for the sale of food and pharmaceuticals, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry (including watch repair), art, cameras or photographic supplies (including camera repair), sporting goods, home furnishings and appliances (including repairs incidental to sales), office equipment or furniture, used merchandise, hardware and similar uses.
- C. Hobby and gift shops, delicatessens and bakeries (not wholesale bakery), florist shops, antique shops, and similar uses.
- D. Service establishments such as home equipment rentals, barber and beauty shops, shoe repair shops, reducing salons and gymnasiums, tailors and dressmakers, radio and television repair shops, travel agencies, laundry or dry cleaning establishments, pickup stations or package plants in completely enclosed buildings using nonflammable liquids such as perchloroethylene, with no odor, fumes or steam detectable to normal senses from off the premises, and other similar uses.
- E. Funeral homes.
- F. Outdoor fruit vegetable, poultry or fish markets.
- G. Hotels and motels and commonly associated facilities.
- H. Indoor commercial recreation centers, video games, arcades, billiard room, bowling alleys, skating rinks and similar uses.
- I. Private clubs, fraternal organizations and lodge halls.
- J. Restaurants and commonly associated facilities.
- K. 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 provided.

- L. Travel trailer parks and campgrounds, subject to site plan review in Article 26.17.

Section 16.02 - Permitted Accessory Uses.

- A. See Article 28, Section 28.15.
- B. 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 16.03 - Conditional Uses.

- A. Drive-in restaurants and theaters.
- B. Auto service stations and repair garages.
- C. Auto sales lots.
- D. Child care centers, church or private schools, and uses as provided for in Article 28, Section 28.14.
- E. Establishments or facilities selling alcoholic beverage for on-site or off-site consumption.
- F. Any use listed as a Permitted Use in the Commercial Intensive District Section.
- G. Plant nursery.

Section 16.04 - Special Restrictions.

- A. 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.
- B. In areas designated as Conservation (Wetlands) on the Future Land Use Map, only passive recreation and silviculture will be permitted.

Section 16.05 - Minimum Lot Requirements.

- A. Minimum lot area: Twenty thousand (20,000) square feet.
- B. Minimum lot width: One hundred (100) feet.

Section 16.06 - Minimum Yard Requirements.

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

- B. Rear yard: Twenty (20) feet: Those structures constructed along the Atlantic Coastline shall utilize the adopted "Coastal Construction Control (Setback) Line", or a measurement of one hundred and fifty (150) feet, measured from the mean High Water Line (MHL), whichever is the greater distance).
- C. Side yard: Twenty (20) feet except where the CG District abuts a residential district, the 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 or 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 level at the intervals of not more than four hundred (400) feet apart as may be required for public access.

Section 16.07 - Building Restrictions:

- A. Maximum building height: Forty (40) feet.
 - 1. Providing that for structures exceeding thirty-five (35) feet or three (3) stories in height shall increase the minimum side yard by one (1) foot for every two (2) feet of building height exceeding thirty-five (35) feet.
 - 2. Also, those structures constructed along the Atlantic Coastline, or major water body, shall increase the minimum rear yard setback by one (1) foot for every two (2) feet of building height exceeding thirty-five (35) feet, utilizing the "Coastal Control Line" as adopted, as the minimum rear yard, or one hundred and fifty (150) feet from the Mean High Water Line (MHL).
- B. Maximum Lot Coverage: Lot coverage by all buildings, including accessory buildings and structures shall not be more than fifty (50) percent of the lot.
- C. Landscaping: The minimum landscape area shall be not less than ten percent (10%) of the total lot area and shall be in conformance with Article 28, Section 28.17.

ARTICLE 17: COMMERCIAL INTENSIVE: CI

INTENT: The provisions of this district are intended to designate areas for the orderly development of these commercial uses which will provide local and regional commercial services and needs. Certain establishments which will provide for the social, cultural and civic needs of county residents will also be encouraged to develop. Consumer related retail and service establishments, and wholesale, light manufacturing and warehouse uses, will be permitted to develop where appropriate. Areas in this district should have direct access to major thoroughfares suitable for efficiently carrying large volumes of traffic.

Regional commercial nodes will generally be located with convenient access to transportation corridors. Commercial Intensive District uses may be developed only in a nodal pattern. Commercial Intensive nodes must abut a roadway classified as a collector or higher on the adopted Functional Highway Classification Map of the adopted Comprehensive Plan.

Section 17.01 - Permitted Uses and Structures.

- A. Retail outlets for the sale of general merchandise including new or used automobiles, trucks and tractors, motorcycles, mobile homes, boats, automotive vehicle parts (but not automobile wrecking or storage yards, junk yards, or scrap processing yards), heavy machinery and equipment, dairy supplies, feed, fertilizer, plant nursery (including outside display) or landscape contractor, lumber and building supplies, food and drugs, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry (including watch repair), art, cameras or photographic supplies (including camera repair), sporting goods, hobby shops and pet shops, musical instruments, florist or gift shop, delicatessen, bakery (but not wholesale bakery), home furnishing and appliances (including repair incidental to sales), office equipment or furniture, antiques, secondhand merchandise, hardware, and similar uses.
- B. Service establishments of all kinds including automobile service stations or truck stops, repair and service garages, motor vehicle body shops, rental of automotive vehicles, trailers, and trucks, auto laundries, small engine repair, restaurants (including drive-in restaurants), veterinarian or animal boarding kennels in sound proofed buildings, pest control, carpenter or cabinet shops, home equipment rental, ice delivery stations, marinas, radio or television broadcasting studios, offices, transmitter and antenna facilities, barber or beauty shops, shoe repair shops, interior decorator, reducing salons or gymnasiums, tailors or dressmakers, laundry or dry cleaning establishments, pick up stations or 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, funeral homes (including crematory), blueprinting, job printing (including newspaper), radio and television repair shops, travel agencies and similar uses. Motor vehicle body shops shall store wrecked automobiles in an area completely screened by a fence or other suitable visual barrier at least six (6) feet in height.
- C. Commercial, recreational and entertainment facilities such as carnivals or circuses, shooting galleries, video games, game rooms, arcades, billiard rooms, skating rinks, pony rides, go-kart tracks, athletic complexes, arenas, auditorium convention centers, dance halls and similar uses.
- D. Palmists, astrologists, psychics, clairvoyant, phrenologists and similar uses.

- E. Outdoor fruit, vegetable, poultry or fish markets.
- F. All types of professional and business offices.
- G. Establishments or facilities for the retail sale and service of all alcoholic beverages, either for on-premises or off-premises consumption, or both.
- H. Any type of wholesale, jobber or distributorship business where the total operation does not require more than four thousand (4,000) square feet of floor space; no vehicle is used in excess of one and one-half ton capacity; all merchandise is stored within an enclosed building; and no heavy machinery or manufacturing is located on the premises, mini-storage facility.
- I. Hotels and motels (including convention facilities).
- J. Building trades contractors not requiring outside storage; nor the use of any vehicle in excess of one and one-half ton capacity; nor any machinery, ditching machines, tractors, bulldozers, or other heavy construction equipment.
- K. Theaters (including drive-in or open air theaters).
- L. Express or parcel delivery offices, telephone exchanges, commercial parking lots, motor bus or other transportation terminals (but not truck terminal) and similar uses.
- M. All uses permitted in the Commercial General District, except nursing homes, travel trailer parks, camp grounds, and churches which are conditional uses.

Section 17.02 - Special Restrictions.

- A. 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.
- B. In areas designated as Conservation (Wetlands) on the Future Land Use Map, only passive recreation and silviculture will be permitted.

Section 17.03 - Permitted Accessory Uses.

- A. See Article 28, Section 28.15.
- B. 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 17.04 - Conditional Uses.

- A. Child care centers, church or private schools, uses as provided in Article 28, Section 28.14.

- B. Hospitals, sanitariums, nursing homes, home for the aged or orphans, and similar uses.
- C. Wholesale, warehouse, or storage uses.
- D. Building trades contractors with outside storage yards and heavy constructions equipment.
- E. Boat yards, boat repair or construction facilities, dry docks, boat railways and similar uses.
- F. Light manufacturing, processing (including food processing but not slaughter houses), packaging or fabricating.
- G. Bulk storage yards including bulk storage of flammable liquids.
- H. Automobile wrecking or storage yards (but not scrap processing yards or junk yards) shall be completely screened by a fence or other suitable visual barrier at least six (6) feet in height.
- I. Commercial or non-commercial race tracks for animals or vehicles.
- J. Travel trailer parks and campgrounds, subject to site plan review by the Planning and Zoning Board as required in Article 28, Section 28.16.

Section 17.05 - Minimum Lot Requirements.

- A. Minimum lot area: Twenty thousand (20,000) square feet.
- B. Minimum lot width: One hundred (100) feet.

Section 17.06 - Minimum Yard Requirements.

- A. Front yard: Twenty-five (25) feet.
- B. Rear yard: Twenty (20) feet: Those structures constructed along the Atlantic Coastline shall utilize the adopted "Coastal Construction Control (Setback) Line", or a measurement of one hundred fifty (150) feet, measured from the Mean High Water Line (MHL), whichever is the greater distance.
- C. Side yard: Twenty (20) feet except where the CI District abuts a residential district, the 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 or 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 level at intervals of not more than four hundred (400) feet apart as may be required for public access.

Section 17.07 - Building Restrictions.

- A. Maximum building height: Forty (40) feet:
 - 1. Providing that for structures exceeding thirty-five (35) feet or three (3) stories in height shall

increase the minimum side yard by one (1) foot for every two (2) feet of building height exceeding thirty-five (35) feet.

2. Also, those structures constructed along the Atlantic Coastline, or major water body, shall increase the minimum rear yard setback by one (1) foot for every two (2) feet of building height exceeding thirty-five (35) feet, utilizing the "Coastal Construction Control Line" as adopted, as the minimum rear yard, or one hundred and fifty (150) feet from the Mean High Water Line (MHL).

B. Maximum lot coverage:

1. Lot coverage by all buildings and structures shall not be more than seventy percent (70%) of the lot.
2. Commercial Intensive development should be encouraged only as nodal development with access located sufficient distance from intersections and Interstate access ramps so as to minimize traffic impacts on these facilities.

- C. Landscaping: The minimum landscape area shall be not less than ten percent (10%) of the total lot area and shall be in conformance with Article 28, Section 28.17.

ARTICLE 18: COMMERCIAL, HIGHWAY AND TOURIST: CHT

INTENT: This district is primarily intended to apply to areas where adequate lot depth is available to provide meaningful development for service oriented automotive use, tourist accommodations, and supporting facilities. It is not intended that this district become or be used for strip commercial purposes. In order to protect development within the Commercial, Highway and Tourist District, Florida Department of Transportation standards will be applied as they relate to the control of "Curb Cuts."

Section 18.01 -- Permitted Uses and Structures.

- A. Automobile service stations, truck stops.
- B. Hotels and motels.
- C. Restaurants, including drive-thru restaurants.
- D. Gift, novelty and curio shops and similar uses catering to tourist trade.
- E. Travel trailer parks and camp grounds.

Section 18.02 - Permitted Accessory Uses and Structures.

- A. See Article 28, Section 28.15.
- B. On the same premises and in connection with permitted principal uses and structures, a single-family dwelling unit for the occupancy by an owner or employee thereof. Said single family dwelling unit must be attached to the principal permitted structure.

Section 18.03 - Conditional Uses.

- A. Any retail or service use which can be shown to be primarily service oriented to automobile uses, tourist accommodations and supporting facilities.
- B. An establishment or facility for the retail sale and service of all alcoholic beverages for consumption either on-premises or off-premises or both.

Section 18.04 - Special Restrictions.

- A. 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.
- B. In areas designated as Conservation (Wetlands) on the Future Land Use Map, only passive recreation and silviculture will be permitted.

Section 18.05 - Minimum Lot Requirements.

- A. Minimum lot width: One hundred (100) feet.
- B. Minimum lot area: Fifteen thousand (15,000) feet.

Section 18.06 - Minimum Yard Requirements.

- A. Front yard: Fifty (50) feet.
- B. Side yard: Fifteen (15) feet.
- C. Rear yard: Fifteen (15) feet: Those structures constructed along the Atlantic Coastline shall utilize the adopted "Coastal Construction Control (Setback) Line", or a measurement of one hundred and fifty (150) feet, measured from the Mean High Water Line (MHL), whichever is the greater distance.

Section 18.07 - Building Restrictions.

- A. Maximum lot coverage:
 - 1. Coverage by all buildings, including accessory buildings and structures shall be not more than fifty percent (50%) of the lot.
- B. Landscaping: The minimum landscape area shall not be less than ten percent (10%) of the total lot area and shall be in conformance with the standards in Article 28, Section 28.17.
- C. Maximum Building Height: Forty (40) feet: Providing that for structures exceeding thirty-five (35) feet or three (3) stories in height shall increase the minimum side yard by one (1) foot for every two (2) feet of building height exceeding thirty-five (35) feet. Also, those structures constructed along the Atlantic Coastline, or major water body, shall increase the minimum rear yard setback by one (1) foot for every two (2) feet of building height exceeding thirty-five (35) feet, utilizing the "Coastal Construction Control Line" as adopted, as the minimum rear yard, or one hundred and fifty (150) feet from the Mean High Water Line (MHL).
- D. Minimum Building Setback: (Comprehensive Plan Policy 2.03.04)

The minimum building setback will be measured from the centerline of the existing roadway.

Roadway Classification	Minimum Building Setback
Arterial:	65 feet plus minimum setback
Collector:	45 feet plus minimum setback

Section 18.08 - Curb Cut Restrictions.

Access to the State Highway System must comply with rules of the Florida Department of Transportation Chapter 14-97, State Highway System Access Management Classification System and Standards.

ARTICLE 19: COMMERCIAL, PROFESSIONAL AND OFFICE: CPO

INTENT: The provisions of this district are intended to apply to urban areas with convenient access to a major thoroughfare and to other business areas, wherein activities are restricted to financial, professional, health care and business office operations.

The Commercial, Professional and Office district is a medium intensity category of commercial zoning which may serve as a buffer or transitional zone between residential development and more intensive commercial or industrial development.

Section 19.01 - Permitted Uses and Structures.

- A. Medical and dental offices (but not hospital), chiropractor and licensed massage therapist .
- B. Professional offices such as accountants, architects, attorneys, engineers, land surveyors, optometrists and similar uses.
- C. Business offices, such as: real estate, insurance, stock brokers, manufacturer's agents and similar uses.
- D. All of the permitted uses in the CPO District are limited by the following conditions:
 - 1. No retail sales display or storage of merchandise shall be permitted.
 - 2. No vehicles other than passenger automobiles or trucks of not more than three-quarter ton capacity shall be utilized.
 - 3. No manufacture, repair, or work of a mechanical nature shall be permitted and no machinery shall be used other than normal office equipment, e.g., typewriters, calculators, computers, bookkeeping machines.

Section 19.02 - Permitted Accessory Uses and Structures: See Article 28, Section 28.15.

Section 19.03 - Conditional Uses.

- A. Hospitals, sanitariums, nursing homes, child care centers and churches (except temporary revival establishments).
- B. Medical or dental laboratories and establishments, manufacturing prosthetic appliances, dentures, eye glasses, hearing aids and similar products.

Section 19.04 - Minimum Lot Requirements.

- A. Minimum lot width: Sixty (60) feet.
- B. Minimum lot area: Seven thousand five hundred (7,500) square feet.

Section 19.05 - Minimum Yard Requirements.

- A. Front yard: Twenty-five (25) feet.
- B. Side Yard: Twenty (20) feet.
- C. Rear Yard: Ten (10) feet: Those structures constructed along the Atlantic Coastline shall utilize the adopted "Coastal Construction Control (Setback) Line", or a measurement of one hundred and fifty (150) feet, measured from the Mean High Water Line (MHL), whichever is the greater distance.

Section 19.06 - Building Restrictions.

- A. Maximum lot coverage: Sixty-five percent (65%).
- B. Maximum building height: Thirty-five (35) feet.

Section 19.07 - Special Restrictions: In areas designated as Conservation (Wetlands) on the Future Land Use Map, only passive recreation and silviculture will be permitted.

ARTICLE 20: INDUSTRIAL, WAREHOUSE: IW

INTENT: The provisions of this district are intended to apply to an area developed for a variety of storage, warehousing and light industrial operations, or other use which its location, trend of development of planned development designated in the Nassau County Comprehensive Plan, is appropriate for such areas. The provisions are intended to permit the normal operation of such light industrial uses under such conditions that will not be harmful to surrounding uses.

Section 20.01 - Permitted Uses and Structures.

- A. Wholesaling, warehousing, storage, or distribution establishments and similar uses.
- B. Light manufacturing, processing (including food processing, but not slaughter houses), packaging or fabricating.
- C. Printing, lithographing, publishing or similar establishments.
- D. Building trades contractors with outside storage yards and heavy construction equipment.
- E. Outdoor storage yards and lots including automobile wrecking or storage yards and junk yards (but not scrap processing yards). Automobile wrecking or storage yards and junk yards as defined herein shall be completely screened by a fence or other suitable visual barrier at least six (6) feet in height . Junk yards shall be located no closer than 150 feet to a public right-of-way.
- F. Service establishments catering to commerce and industry including linen supply, laundry, dry cleaning plants, freight movers, communications services, business machine services, restaurants (including drive-thru restaurants), hiring and union halls, employment agencies, sign companies, automobile service stations and truck stops and similar uses.
- G. Vocational, technical, trade or industrial schools and similar uses.
- H. Medical establishments in connection with industrial activities.
- I. Bus, truck or other transportation terminals, commercial parking lots and garages, express offices and terminal facilities; telephone exchanges, repair or installation facilities; and similar uses.
- J. Radio or television broadcasting offices, studios, transmitters, or antennas.

Section 20.02 - Permitted Accessory Uses.

- A. See Article 28, Section 28.15.
- B. Residential facility (including not more than one (1) mobile home) located on the same premises as an industrial use for the use of watchmen or caretakers whose employment required residence on the premises.

Section 20.03 - Conditional Uses.

- A. Any industrial or commercial use which is not otherwise permitted and is not listed as a conditional use in the Industrial Heavy District.
- B. Establishments for the retail or wholesale of all types of merchandise including new or used vehicles of all kinds, mobile homes, automotive parts and accessories, heavy machinery and equipment, boats, farm equipment, machinery, and supplies, lumber and building supplies, and similar uses.
- C. Establishments or facilities for the retail sale of beer or wine for either on-site or off-site consumption, or both.
- D. Any use which is potentially dangerous, noxious or offensive to neighboring uses or the public in general by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter or radiation.
- E. Bulk storage of petroleum products and other flammable liquids and acids.
- F. Business and professional offices.
- G. Cemeteries.

Section 20.04 - Special Restrictions.

- A. 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.
- B. In areas designated as Conservation (Wetlands) on the Future Land Use Map, only passive recreation and silviculture will be permitted.

Section 20.05 - Minimum Lot Requirements: None.

Section 20.06 - Minimum Yard Requirements.

- A. Front yard: Fifty (50) feet.
- B. Side yard: Twenty (20) feet.
- C. Rear yard: Twenty-five (25) feet: Those structures constructed along the Atlantic Coastline shall utilize the adopted "Coastal Construction Control (Setback) Line", or a measurement of one hundred and fifty (150) feet, measured from the Mean High Water Line (MHL), whichever is the greater distance.

Section 20.07 - Building Restrictions.

A. Maximum Building height: Forty-five (45) feet -

1. Providing that for structures exceeding thirty-five (35) feet or three (3) stories in height shall increase the minimum side yard by one (1) foot for every two (2) feet of building height exceeding thirty-five (35) feet.
2. Also, those structures constructed along the Atlantic Coastline, or major water body, shall increase the minimum rear yard setback by one (1) foot for every two (2) feet of building height exceeding thirty-five (35) feet, utilizing the "Coastal Construction Control Line" as adopted, as the minimum rear yard, or one hundred and fifty (150) feet from the Mean High Water Line (MHL).

B. Maximum lot coverage: Fifty percent (50%): A minimum of ten percent (10%) of the total lot area shall be landscaped and shall be in conformance with Article 28, Section 28.17.

ARTICLE 21: INDUSTRIAL, HEAVY: IH

INTENT: The provisions of this district are intended to apply to areas suitable for heavy industrial development or related uses. These areas should be readily accessible to major county roads, adequately served by the necessary public facilities, publicly or privately owned, and adequately buffered to prevent adverse impacts on surrounding uses.

Commercial mining operations that impact an area of 5 acres or more shall be permitted only in the Industrial Heavy District. These operations, including oil, gas, mineral, and rock extraction, shall be regulated by Policies 1.04A.09, 1.04A.09A and 1.04A.09B of the Adopted Comprehensive Plan.

Section 21.01 - Permitted Uses and Structures.

- A. Any industrial, manufacturing, distribution or storage use which is otherwise lawful except those uses which are permissible conditional uses.
- B. Railroad switching facilities, repair and storage areas for railway equipment.
- C. Service establishments catering to commerce and industry including linen supply, laundry, dry cleaning plant, freight movers, communications services, business machine services, restaurant (including drive-in restaurant), hiring and union halls, employment agency, sign company, automobile service station and truck stop and similar uses.
- D. Freight, trucking, shipping or other terminal.
- E. Outdoor storage yards and lots including automobile wrecking or storage yards and junk yards (but not scrap processing yard). All businesses as defined herein shall be completely screened by a fence or other suitable visual barrier at least six (6) feet in height. Junk yards shall be located no closer than 150 feet to a public right-of-way.
- F. All permitted uses in the Industrial Warehouse District.

Section 21.02 - Permitted Accessory Uses.

- A. See Article 28, Section 28.15.
- B. Residential facility (including not more than one (1) mobile home) located on the same premises as an industrial use for the use of watchmen or caretakers whose employment requires residence on the premises.

Section 21.03 - Conditional Uses.

- A. Scrap processing yards.
- B. Chemical and fertilizer manufacture.

- C. Explosives manufacturing or storage.
- D. Paint, oil (including linseed), shellac, turpentine, lacquer or varnish manufacture.
- E. Paper and pulp manufacture.
- F. Petroleum refining and/or bulk storage of petroleum products, including flammable liquids and acids.
- G. Stockyards or feeding pens, livestock auctions.
- H. Establishments for the retail or wholesale sale of all types of merchandise including all types of new or used vehicles, mobile homes, automotive parts and accessories, heavy machinery and equipment, boats, farm equipment, machinery, and supplies; lumber and building supplies, and similar uses.
- I. Any use which is potentially dangerous, noxious or offensive to neighboring uses or the public in general, by reason of smoke, odor, noise, glare, fumes, gas vibration, threat of fire or explosion, emission of particulate matter or radiation.
- J. An establishment or facility for the retail sale and service of beer or wine either for consumption on-site, or both.
- K. Commercial mining operations.

Section 21.04 - Special Restrictions.

- A. 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.
- B. In areas designated as Conservation (Wetlands) on the Future Land Use Map, only passive recreation and silviculture will be permitted.

Section 21.05 - Minimum Lot Requirements: None.

Section 21.06 - Minimum Yard Requirements.

- A. Front yard: Fifty (50) feet.
- B. Side Yard: Twenty (20) feet.
- C. Rear yard: Twenty-five (25) feet: Those structures constructed along the Atlantic Coastline shall utilize the adopted "Coastal Construction Control (Setback) Line", or a measurement of one hundred and fifty (150) feet, measured from the Mean High Water Line (MHL), whichever is the greater distance.

Section 21.07 - Building Restrictions.

- A. Maximum building height: Forty-five (45) feet -
 - 1. Providing that for structures exceeding thirty-five (35) feet or three (3) stories in height shall increase the minimum side yard by one (1) foot for every two (2) feet of building height exceeding thirty-five (35) feet.
 - 2. Also, those structures constructed along the Atlantic Coastline, or major water body, shall increase the minimum rear yard setback by one (1) foot for every two (2) feet of building height exceeding thirty-five (35) feet, utilizing the "Coastal Construction Control Line" as adopted, as the minimum rear yard, or one hundred and fifty (150) feet from the Mean High Water Line (MHL).

- B. Maximum Lot Coverage: Fifty percent (50%): A minimum of Ten percent (10%) of the total lot area shall be landscaped and shall be in conformance with Article 28, Section 28.17.

ARTICLE 22: OPEN RURAL: OR

INTENT: This district is intended to apply to areas which are sparsely developed and including uses as normally found in rural areas away from urban activity. It is intended that substantial residential, commercial, or industrial development shall not be permitted in the OR district, however agricultural uses, accessory uses and activities that support such uses are encouraged. Lands in such district may be rezoned to the proper district to accommodate more intense uses when conditions warrant rezoning.

Section 22.01 - Permitted Uses and Structures.

- A. Agricultural, horticultural and forestry uses, also the keeping and raising of farm animals and poultry, provided structures for same shall not be located within one hundred (100) feet of any property line; and, further, provided that goats, sheep, or swine shall not be kept or permitted within two hundred (200) feet of any residence under different ownership.

The non-commercial keeping and raising of horses and ponies is permitted; provided, however, that no more than one (1) horse or pony six (6) months of age or older shall be permitted per one-half (½) acre of land. Structures for horses or ponies shall not be located in a required front yard. No structure used for the keeping of horses or ponies shall be located closer than thirty-five (35) feet to any property line of different ownership.

- B. Permanent or temporary housing of farm labor in conjunction with a permitted agricultural or farming activity. All housing for such use shall be in compliance with the county's building and housing codes and in the case of mobile homes as per state requirements.
- C. Roadside stands where the major portion of products offered for sale are grown on the premises.
- D. Dude ranch, riding academy, or boarding stable, provided structures for the housing of animals shall not be located within one hundred (100) feet of any property line.
- E. Public parks, camping grounds and recreational areas, playgrounds, playfields and government structures.
- F. Game preserves, wildlife management areas, fish hatcheries and refuges, watershed, water reservoirs, control structures, wells and similar uses.
- G. Temporary revival establishments (not to exceed 30 days).
- H. Borrow pits, not more than one (1) acre in size.
- I. Single family dwellings and mobile homes on individual lots.
- J. Day nurseries, kindergartens, day care and child care centers licensed for less than fifteen (15) children.
- K. Governmental uses.

- L. U-Pick berry, fruit or vegetable farms, christmas tree farms and similar uses.
- M. Wholesale plant nurseries, provided that all associated structures (ie: greenhouses, shade houses, raised starting tables etc.) shall not be closer than fifty (50) feet to the property line of an adjoining residential use unless there is an intervening opaque buffer per Section 28.08.

Section 22.02 - Permitted Accessory Uses and Structures.

- A. See Article 28, Section 28.15.
- B. Accessory buildings and uses incidental to any of the above listed uses, when located on the same property.

Section 22.03 - Conditional Uses.

- A. See Article 28, Section 28.14.
- B. Radio or television broadcasting office, studio, transmitter, antenna, and line of sight relay device.
- C. Class III Landfill and Construction and Demolition (C&D) debris disposal sites (as defined by Section 17-701, Fla. Administrative Code, subject to the following conditions:
 1. Minimum lot size of ten (10) acres (excluding wetlands as defined by the Department of Environmental Protection (DEP) and areas located within a flood hazard zone as depicted on the Flood Insurance Rate Maps for Nassau County.
 2. Maintain a minimum of one hundred (100) foot setback from any DEP defined wetland or property boundary under different ownership .
 3. Provide and maintain an opaque buffer of vegetation within the surrounding setback area.
 4. Obtain required approval and permits from DEP and SJRWMD.
 5. Record the use on any deeds or surveys of the property.
- D. Race track for vehicles or animals.
- E. Animal hospital, veterinary clinic, agricultural, animal and environmental science and research and educational center, animal boarding place, fur farm, dog kennel, provided no structure for the housing of animals shall be located within two hundred (200) feet of any residence of different ownership.
- F. Rifle, shotgun or pistol shooting range, field archery range, golf course, golf driving range, three golf course, country clubs and private clubs.
- G. Private outdoor recreational uses such as parks and playgrounds, sport fields and courts, swimming pools, camps, camping areas and private indoor recreational and entertainment facilities such as bowling alleys, gymnasiums. spas, exercise facilities, swimming pools, meeting rooms, theaters, and game rooms and similar uses.
- H. Marina, bait and tackle shop, commercial hunting or fishing camp.

- I. Hospitals, sanitariums, mental health centers, rest homes, nursing homes, convalescent homes, group homes and homes for orphans and aged.
- J. General store, feed store or convenience store.
- K. Churches, monasteries, convents, cemeteries, crematories, columbariums, and mausoleums.
- L. Borrow pits (in excess of one (1) acre in size), sawmills, railroad yards., railroad right-of-way and trackage.
- M. Aircraft landing fields and fly-in developments, provided all Federal Aviation Administrative (FAA) rules and regulations are met.
- N. Poultry and animal slaughtering and dressing facility, livestock auction facility.
- O. Lodge halls.
- P. 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 offered, are permitted.
- Q. Truck and Equipment Storage and Repair. Truck and equipment storage and repair, if the truck and/or equipment is used in the agricultural, timber cutting, horticulture, forestry, or silviculture business. No automobile repair or automobile body work shall be permitted.
- R. Day nurseries, kindergartens, day care and child care centers licensed for fifteen (15) or more children.
- S. Bed and Breakfast Inns
- T. Schools, colleges and Universities.
- U. Educational and research institutions, foundations and other not-for-profit organization involved primarily in agricultural, environmental and animal science, and cultural and artistic research, training and education.
- V. Administrative office space associated with and/or for the specific support of permitted and other conditional uses of the property.
- W. Housing and lodging facilities associated with and/or for the specific support of permitted and other conditional uses of the property.
- X. Home Occupations, subject to the requirements in Section 28.14(A).

Section 22.04 - Minimum Lot Requirements.

- A. Single family dwelling or mobile home on individual lot:

1. Minimum lot width:

a. Land with a Future Land Use Map (FLUM) designation of AGRICULTURAL, (parcels of property exceeding 320 acres in size, as recorded on January 28, 1991) : TWO HUNDRED (200) FEET.

b. Land with a Future Land Use Map (FLUM) designation of RURAL (parcels of property 320 acres in size or less in size, as recorded on January 28, 1991) : ONE HUNDRED (100) FEET.

1. **Exceptions:** All lots or parcels fronting or provided access to Arterials (principal or minor), or Rural Collectors (minor or major) shall meet the following minimum lot width requirements:

Principal or Minor Arterial - One hundred and fifty (150) feet.

Major or Minor Rural Collector - One hundred and twenty-five (125) feet.

2. Minimum lot area:

a. Land with a Future Land Use Map (FLU) designation of AGRICULTURAL (parcels of property exceeding 320 acres in size as recorded on January 28, 1991): TWENTY (20) ACRES.

1. May be subdivided into minimum of one (1) acre parcels if occupied by members of the immediate family. [Comprehensive Plan - Policy 1.02.05(A)(2)(b)].

2. May divide a maximum of two (2) parcels, a minimum of one (1) acre in area per calendar year, providing the property has been held by the current owner for a minimum of five (5) years and Homestead Exemption is current in the year(s) subdivided. [Comprehensive Plan - Policy 1.02.05(A)(2)(c)].

3. May file for a Planned Unit Development (PUD), overlay providing the density and intensity of the mixture of uses does not exceed the FLUM designation. [Comprehensive Plan - Policy 1.02.05(I)(1)].

b. Land with a Future Land Use Map (FLUM) designation of RURAL and land which carries a FLUM designation of AGRICULTURAL with a further classification of RURAL RESIDENTIAL (parcels of property 320 acres in size or less as recorded on January 28, 1991) : ONE (1) ACRE, [Policy 1.02.05(A)(1)].

B. Churches including temporary revival establishments:

1. Minimum lot width: One hundred and fifty (150) feet.

- 2. Minimum lot area: Two (2) acres.
- C. Golf course (other than par three): Minimum lot area: One hundred (100) acres.
- D. Other permitted or permissible uses or structures: TWO (2) ACRES, unless otherwise listed).
- E. Limited Development Overlay Areas: The Comprehensive Plan and Future Land Use Map (FLUM) series established Limited Development Overlays on areas depicted as conservation, wetlands and floodplains.[Comprehensive Plan - Policy 1.02.05(H) and Policy 1.02.05(I)(3)].

1. Areas depicted on the FLUM as wetlands may not be developed at a density greater than one (1) unit per five (5) acres. Development within the Limited Development Overlay areas must be clustered on the upland or least environmentally sensitive portion of the site. [Comprehensive Plan - Policies 1.01.07, 1.02.05(H), 1.02.05(I)(3), 1.04A.02, 6.02.02 and 6.03.02]

Section 22.05 - Minimum Yard Requirements: The following minimum building line setbacks measured from the property lines are required for all principal and accessory buildings, unless otherwise listed.. Principal buildings that met setback or other yard requirements at the time of construction may be enlarged or expanded, provided however, no enlargement or expansion extends to a greater degree into current adopted minimum yard requirements. All other requirements of Article 28: Nonconforming Lots, Uses, and Structures shall apply.

- A. Front yard: Thirty-five (35) feet.
- B. Side yard: Fifteen (15) feet.
- C. Rear yard: Twenty-five (25) feet.

Section 22.06 - Building Restrictions.

- A. Maximum building height: None.
- B. Maximum lot coverage: All buildings, including accessory buildings, shall not cover more than twenty percent (20%) of the total lot area.

Section 22.07 - Density Requirements: The following density requirements are based on the Future Land Use Map (FLUM) designation of the subject property.[Comprehensive Plan - Policy 1.02.05(A)(1).

- A. Land with FLUM designation of Agricultural, (parcels of property exceeding 320 acres in size, as recorded on January 28, 1991).
 - 1. Residential Development (subject to Minimum Lot Requirements, Section 22.04) :
 - Maximum Density..... One (1) Unit per Twenty (20) acres.
 - Minimum Lot Size..... One (1) acre.

B. Land with a FLUM designation of Agricultural with further classification as Rural Residential, (parcels of property 320 acres or less, as recorded on January 28, 1991 or graphically depicted as "Rural" on the FLUM), (subject to Minimum Lot Requirements, Section 22.04) :

1. Residential development :

Maximum density.....One (1) unit per acre

Minimum lot size.....One (1) acre

C. Land classified as Open Rural, which carries a FLUM designation with a higher density/intensity may develop under the provisions of Section 22.07(2) or may apply for a zoning change if conditions warrant a rezoning.

ARTICLE 23: GOVERNMENT/PUBLIC USE: GPU

INTENT: Lands designated in this zoning district include a broad variety of public and quasi-public activities such as hospitals, schools, churches, government buildings and public facilities, such as water/sewer facilities, solid waste disposal sites, prisons, cemeteries. Government/public use may be permitted as a "Conditional Use" in any other zoning district. Any lands in a GPU district that are converted to private use other than a use which benefits the general public must be rezoned with a concurrent amendment to the adopted Future Land Use Map if necessary.

Section 23.01 - Permitted Uses and Structures.

- A. All purposes which are particularly and peculiarly associated with government functions which further the public good, so long as the title of the land is vested in the government
- B. All purposes which are related to public use or community service activities which are construed by the Planning and Zoning Board and Board of County Commissioners to be in "the public good."

Section 23.02 - Permitted Accessory Uses and Structures: See Article 28.15

Section 23.03 - Conditional Uses: See Article 28.14

Section 23.04 - Minimum Lot Area.

- A. Consistent with the type of activity conducted on the site.

Section 23.05 - Minimum Yard Requirements.

- A. For Government Uses, front, rear and side yard setbacks shall be consistent with the "Minimum Yard Requirements" established for development in the Commercial Intensive District, Section 17.06.
- B. For Public Uses, minimum yard setbacks will be consistent with the Nassau County Zoning Code requirements for a comparable use within other zoning districts.

Section 23.06 - Building Restrictions.

- A. Maximum building height: Government and Public buildings as defined in the Comprehensive Plan (i.e. hospitals, schools, churches, government buildings, etc.) shall not exceed 60 feet in height.

Buildings/structures as defined as "Other Public Facilities" in the County adopted Comprehensive Plan (potable water, sanitary sewer treatment facilities, landfills, storm water drainage control structures, etc.) May be constructed to a height identified as necessary to meet engineering requirements. Electric, telephone and other service facilities, where possible, shall be placed underground

- B. **Maximum lot coverage:** Sites used for structures and uses defined as “Public Buildings and Grounds” in the adopted Comprehensive Plan shall cover not more than 65 percent of the site with an impervious surface.

Sites used for structures and uses defined as “Other Public Facilities” in the adopted Comprehensive Plan shall cover not more than 90 percent of the site with impervious surface.

Section 23.07 - Special Restrictions: In areas designated as Conservation (Wetlands) on the Future Land Use Map, only passive recreation and silviculture will be permitted.

ARTICLE 24: RECREATION AND OPEN SPACE: ROS

INTENT: The Recreation and Open Space District is intended to address land that is dedicated to a variety of leisure activities. Included in this zoning district are both "Resource based" and "Activity based" sites and facilities. Resource based sites and facilities are oriented towards activities which utilize the natural qualities of the site to derive recreational benefit (i.e. ocean bathing, hiking or natural trails). Activity based recreational sites and facilities are those which require major development of facilities or equipment for the enjoyment of the particular activity (i.e. ball fields, boat ramps, swimming pool, golf courses).

Recreational sites may be under public or private ownership. This zoning district is allowed in the Recreation Future Land Use Map designation and in all residential and commercial Future Land Use Map designations as long as the specific use is consistent with the Future Land Use Map designation.

Section 24.01 - Permitted Uses and Structures.

- A. Dude ranches, riding academies or boarding stables.
- B. Camps, camp grounds (subject to the restrictions defined in Section 28.09).
- C. Playgrounds and ball fields.
- D. Country clubs, swimming or tennis clubs and golf courses.
- E. Rifle or other fire-arm shooting ranges, field archery, golf driving ranges.
- F. Marinas and fish camps.
- G. County fair grounds.
- H. Open space including areas of natural vegetation and water bodies.
- I. Boat launching facilities.
- J. Other recreation uses as determined by the Planning and Zoning Board.

Section 24.02 - Permitted Accessory Uses and Structures: See Article 28.15.

Section 24.03 - Conditional Uses.

- A. Race tracks for animals or vehicles.
- B. Ball park stadiums or arenas.
- C. Recreational vehicle parks (subject to the restrictions defined in Section 28.09).

Section 24.04 - Development Restrictions.

- A. Impervious surface land coverage of recreational land should not exceed fifty (50) percent for activity based recreational development and ten (10) percent for resource based recreational development.
- B. Access to recreational facilities shall be barrier free and handicapped parking facilities shall be provided.

Section 24.05 - Minimum Parcel Requirements: There are no minimum parcel requirements for the Recreation and Open Space District.

Section 24.06 - Special Restrictions: In areas designated as Conservation (Wetlands) on the Future Land Use Map, only passive recreation and silviculture will be permitted.

ARTICLE 25: PLANNED UNIT DEVELOPMENT: PUD

INTENT: The application of flexible land use controls to the development of land is often difficult or impossible within traditional zoning district regulations. In order to permit the use of more flexible land use regulations and to facilitate use of the most advantageous techniques of land development, it is often necessary to establish Planned Unit Developments (PUDs), in which, development is in harmony with the general purpose and intent of this ordinance and the adopted Nassau County Comprehensive Plan. However, development in a PUD differs in one or more respects from the usual application of provisions of this ordinance. The objective of a PUD is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers, to produce developments which are in keeping with overall land use intensity and open space objectives of this ordinance, while departing from the strict application of use, setback, height, and minimum lot size requirements of the various zoning districts. The intent of this district is to permit such flexibility and provide performance criteria for planned unit development which:

- A. Permit a creative approach to the development of land;
- B. Accomplish a more desirable environment than would be possible through the strict application of minimum requirements of this ordinance;
- C. Provides for an efficient use of land, resulting in small networks of utilities and streets and thereby lower development costs;
- D. Enhances the appearance of the area through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation areas and open space in excess of existing zoning and subdivision requirements;
- E. Provides an opportunity for new approaches to ownership;
- F. Provides an environment of stable character compatible with surrounding areas;
- G. Retains property values over the years.

A PUD will not require a Future Land Use Map amendment so long as the proposed use does not increase the intensity or density of use specified on the Future Land Use Map. Intensity of use is based upon the demand for traffic, water, sewer and solid waste.

Section 25.01 - PUD Defined: For the purpose of this ordinance, a Planned Unit Development (PUD) shall mean the development of land under unified control which is planned and developed as a whole in a single or programmed series of operations with uses and structures substantially related to the character of the entire development. A PUD must also include a program for the provision, maintenance, and operation of all areas, improvements, facilities, and necessary services for the common use of all occupants thereof.

The Planned Unit Development District is primarily residential in nature with the following acceptable mix of land uses:

Residential - no less than 65 percent

Commercial - no greater than 15 percent

Recreational - no less than 20 percent.

Section 25.02 - Permitted Uses:

- A. Homogeneous residential developments of more than forty (40) acres with a density of less than three (3) dwelling units per acre will not be permitted except upon application approved as a PUD.
- B. Residential development within a DRI, PUD or otherwise established by a development order issued prior to the adoption of this amendment to the Zoning Code shall be limited to the number of dwelling units approved in the DRI or development order.
- C. Any use which is permitted or permissible as a conditional use in any zoning district (except IW and IH) may be included in a PUD.
- D. Cluster Development, Patio Lot and/or Zero lot line development may be included in a PUD.

Section 25.03 - Site Requirement: All PUDs should have a minimum site area of ten (10) acres. The ten (10) acre requirement may be waived by the Planning and Zoning Board to insure orderly development of a particular area.

Section 25.04 - Special Requirements.

- A. Unified ownership or control: The title to all land within a proposed site for a Planned Unit Development (PUD) shall be owned or controlled by the developer submitting the applications provided for under this section. The term "controlled by" shall be interpreted to mean that such developer shall have the written consent of all owners of property within the proposed site not wholly owned by the developer. Such consent shall contain a statement that such developer is authorized to represent such owners in the submission of an application under the provisions of this section and that such owners shall agree to be bound by the decision of the Board of County Commissioners in the event such application is approved.
- B. Access: Each dwelling unit or other permitted use shall be provided access, either directly or indirectly, by a public right-of-way, private vehicular or pedestrian way or commonly owned easement. County owned vehicles shall be permitted access on privately owned roads, easements and common open spaces in order to perform basic county services such as fire and police protection and emergency service need of PUD residents.
- C. Off-street parking and loading: All off-street parking and loading requirements in Article 31 of this ordinance shall apply.
- D. Community facilities:
 - 1. All community facilities, e.g., water and sewerage systems, proposed for dedication to Nassau County must be acceptable by the County, as to the size, shape, construction, location, and shown by the applicant to be of benefit to the general public.

2. All utilities, e.g., electrical, telephone, etc., shall be underground, where possible, unless stated otherwise. These utilities shall be provided in accordance with the rule resolutions and/or regulations established by the appropriate governmental agency.
- E. Development standards: All streets, sidewalks, sewer facilities, utilities and drainage shall be constructed according to the requirements of the Nassau County Subdivision Regulations.
- F. Common recreation and open space:
1. A minimum of twenty percent (20%) (fifteen percent (15%) when the Board of County Commissioners has granted permission allowing twenty percent (20%) commercial use) of the gross site acreage shall be reserved for common recreation and open space.
 2. Parking areas, road rights-of-way or minimum yards and spacings between dwelling units may not be included in determining usable open space unless waived by the Planning and Zoning Board. Water bodies may be used to partially fulfill open space requirements, calculations for such may not exceed fifty (50) percent of the required open space.
 3. When a proposed PUD is adjacent to a public beach or other water bodies, the Planning and Zoning Board shall determine the amount of credit given for such water bodies toward meeting the development's open space requirements.
 4. All privately owned common open space shall continue to conform to its intended use as specified in the final development plan. To ensure that all the common open space in the PUD will be used as intended, the necessary restrictions or covenants will be put in each deed. Such deed restrictions shall run with the land in order to protect both present and future property owners. The deed restrictions shall prohibit the partition of any common open space.
 5. All common open space and recreational facilities shall be included in the preliminary and final development plans. Such common open space and recreational facilities shall be constructed and fully improved according to the development scheduled established for each development phase of the PUD.
 6. If the developer elects to administer common open space through an association or nonprofit corporation, such organizations shall conform to the following requirements.
 - a. The developer must establish the association or nonprofit corporation prior to the sale of any lots or units within the PUD.
 - b. Membership in the association or nonprofit corporation shall be mandatory for all property owners within the PUD.
 - c. The association or nonprofit corporation shall manage all common open space and recreational and cultural facilities that are not dedicated to the public; shall provide for the maintenance, administration and operation of such land and any other land within the PUD not publicly or privately owned; and shall secure adequate liability insurance on the land.

Section 25.05 - Procedures.

A. General:

1. To develop a Planned Unit Development (PUD) in Nassau County, the property must be rezoned to PUD. Rezoning shall be subject to approval of the preliminary development plan by the Board of County Commissioners. Within one (1) year after approval of the preliminary development plan, the developer must submit a final development plan to the Planning and Zoning Board for review and to the Board of County Commissioners for approval. The Board of County Commissioners, upon request from the developer and for good cause shown, may extend the one (1) year time period for submitting the final development plan. Such extension shall not exceed one (1) year.
2. If the developer fails to submit a final development plan within the one (1) year period specified by this ordinance and has not been granted an extension, the approved preliminary plan shall be revoked, and the site shall revert back to its previous zoning classification(s). A notice of such revocation, containing a legal description of the site, shall be recorded into the public records of Nassau County. A copy of this revocation shall be sent to the developer.
3. If development actions required by the ordinance creating a PUD are not taken within any time limits set by Board of County Commissioners such ordinance, the approval of the PUD as provided in such ordinance shall become invalid and no further action shall be permitted under same. The Board of County Commissioners may extend such time limits for a reasonable length of time if probable cause is shown.
4. If substantial construction, as determined by the Board of County Commissioners has not begun within five (5) years after approval of the final development plan, the approval of the PUD will lapse. At its discretion and for good cause, the Board of County Commissioners may extend for one (1) additional year the period for beginning construction. If the approved PUD lapses under this provision, the property owner must resubmit a PUD application to evaluate the impacts of the PUD on public facility capacity under current conditions. Upon receiving the recommendations of the Planning and Zoning Board, the Board of County Commissioners shall hold a public hearing to determine if additional measures are required to mitigate the impacts of the PUD and shall approve or approve subject to conditions the reinstatement of the PUD.

B. Preliminary development plan approval procedure:

1. Preapplication conference: Before submitting the preliminary development plan application for approval as a PUD, the developer shall meet with the Senior Planner, County Engineer and Health Department Official and such other personnel as may be necessary to determine the feasibility and suitability of the application. This step is required so that the developer may obtain information and guidance from county personnel before entering into any binding commitments or incurring substantial expenses of the site and plan preparation.
2. Five (5) copies of the preliminary development plan application shall be submitted to the Senior Planner at least forty-five (45) days prior to the meeting of the Planning and

Zoning Board, at which meeting such application is to be considered in a public hearing. The application fee established by the Board of County Commissioners shall be collected.

3. The Senior Planner and the Public Works Director shall review the preliminary development plan application to determine its conformity with the Nassau County Comprehensive Plan, County policies, and the requirements of this section and shall make their recommendation to the Planning and Zoning Board.
 4. The Planning and Zoning Board shall review the PUD application in public hearing during which time public comment will be accepted. Upon completion of the review of the preliminary development plan application and all exhibits, the Planning and Zoning Board shall recommend to the Board of County Commissioners the approval, approval subject to conditions, or disapproval of the preliminary plan application. The Planning and Zoning Board shall consider the recommendation of the Public Works Director and the Senior Planner, public input and the review criteria established in this section when making its recommendations.
 5. Upon receiving the recommendations of the Planning and Zoning Board, the Board of County Commissioners shall hold a public hearing to review the Planning and Zoning Board's recommendations and review the preliminary development plan application. The Board of County Commissioners shall approve, approve subject to conditions, or disapprove the preliminary development plan application. Approval of the preliminary development plan indicates approval of the PUD zoning, subject to acceptance of the final development plan. The decision of the Board of County Commissioners shall take into consideration the review criteria established in this section.
 6. If the preliminary development plan application is approved by the Board of County Commissioners, a copy of the application and required exhibits, if deemed necessary by the County, shall be recorded in the public records.
- C. Preliminary development plan review criteria: The Planning and Zoning Board and the Board of County Commissioners shall consider the following criteria when reviewing the preliminary development plan for a PUD.
1. Degree of consistency of the proposed PUD with the surrounding area in terms of character and density.
 2. Provision for and adequacy of future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation.
 3. The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of open space.
 4. The feasibility and compatibility of the specified stages contained in the preliminary development plan to exist as an independent development.
 5. The benefits inherent in a PUD classification to the general public that justify the requested departure from standard land use requirements.

6. The conformity and compatibility of the proposed PUD with the Nassau County Comprehensive Plan.

D. Preliminary development plan application:

1. General: The preliminary development plan application shall contain the names of the developer, surveyor and engineer who prepared the development plan and topographic data map, and the name of the proposed PUD. It must also contain a written description of the intended plan of development, clearly indicating where approval of the PUD would benefit the community as a whole and fulfill the intent of PUD.
2. Exhibits: The following exhibits shall be attached to the preliminary development plan application.
 - a. Vicinity map indicating the relationship between the PUD and its surrounding area, including adjacent streets, thorough fares and adjacent land uses.
 - b. The preliminary development plan shall also contain, but not be limited to, the following information:
 - (1) Proposed name or title of project, the name of the engineer, architect and developer.
 - (2) North arrow, scale of one inch equals two hundred feet (1" = 200') or larger, date and legal description of the proposed site.
 - (3) Boundaries of the tract shown with bearings, distances, closures and bulkhead lines. All existing easements, section lines, streets and physical features in and adjoining the project and zoning.
 - (4) Names and locations of adjoining developments and subdivisions.
 - (5) Proposed parks, school sites or other public and private open space.
 - (6) Vehicular and pedestrian circulation systems, including off-street parking and loading areas, driveways and access points.
 - (7) Site data, including tabulation of the total number of gross acres in the project, the acreage to be devoted to each of the several types of primary residential, secondary non-residential uses and open space uses, the total number of dwelling units and square feet of gross nonresidential building area.
 - (8) Proposed common open space, including the proposed improvements and any complementary structures, and the tabulation of the percent of the total area devoted to common open space. Areas qualifying for common open space shall be specifically designated on the site plan.
 - (9) General statement indicating proposed means of drainage for the site to ensure conformity with natural drainage within the vicinity area or with the drainage

plan established within the vicinity area.

(10) Delineation of specific areas designated as a proposed stage.

(11) General location within the site of each primary residential and secondary nonresidential use, and the proposed amount of land to be devoted to individual ownership.

(12) General statement indicating source of potable water and waste water disposal.

(13) The proposed method of dedication and administration of the proposed common open space.

c. Topographic data map drawn to a scale of one inch equals two hundred feet (1" = 200') or larger by a registered surveyor and/or engineer, showing:

(1) The location of the existing property lines for private property and public property, streets, buildings, water courses, transmission lines, sewers, bridges, culverts and drain pipes, water mains and any public utility easements.

(2) Wooded areas, streams, lakes, marshes, flood prone areas and any other physical conditions affecting the site.

(3) Existing contours, based on U.S. Coast and Geodetic data with a contour interval of two (2) feet, and proposed finished elevations.

E. Final development plan approval procedure:

1. Five (5) copies of the final development plan shall be submitted to the Senior Planner forty-five (45) days prior to the next Planning and Zoning Board meeting. During this forty-five (45) day period, the Senior Planner shall distribute copies of the final development plan to the appropriate county departments for review and comment. Each department shall conduct its review and submit written comments to the Senior Planner within fifteen (15) days after receipt of the final development plan.
2. The Senior Planner shall submit the final development plan along with a written analysis and recommendations to the Planning and Zoning Board for review at its next meeting. The analysis and recommendations submitted to the Planning and Zoning Board shall reflect the review and comments of the other county departments involved in the review of the final development plan.
3. The Planning and Zoning Board shall hold a public hearing to review the final development plan for consistency with the preliminary development plan, conformance with the provisions of this ordinance and other related county regulations. The Planning and Zoning Board shall submit written recommendations to the Board of County Commissioners.
4. The Board of County Commissioners shall hold a public hearing to review the final development plan and consider the recommendations of the Planning and Zoning Board.

The Board of County Commissioners shall approve, approve with conditions, or deny the final development plan.

5. Upon approval by the Board of County Commissioners, the Nassau County Clerk of the Circuit Court shall record the final development plan in the public records.
- F. Final development plan: The final development plan shall include the following exhibits, which shall be prepared for each development phase:
1. Engineering plans: All engineering plans shall be in conformance with the requirements and specifications of the Nassau County Subdivision Regulations.
 - a. Subsurface conditions of the tract stating the depth of the ground water table unless test pits are dry at the depth of three (3) feet, the results of soil percolation tests, and soil profile to show hard pan, muck, clay strata, etc.
 - b. Typical cross-sections of proposed grading, streets and sidewalks, canals and waterways.
 - c. Type of pavement to be used. All paving and pavement types shall be in conformance with the Nassau County Subdivision Regulations.
 - d. Final engineering drawings of water, sanitary sewer and storm drainage systems; sidewalks; streets; bulkheads; street name signs and lighting.
 2. Additional information required in final development plan.
 - a. A statement of dedication signed by the owner of the PUD dedicating any improvements to Nassau County.
 - b. A certificate of surveyor completed by a professional land surveyor registered in the State of Florida certifying the final development plan.
 - c. The location, dimensions and character of construction of all proposed streets, driveways, points of ingress and egress, loading areas, number of parking spaces and areas, primary residential areas and structures, secondary nonresidential areas and structures, recreational areas and structures and common open space.
 - d. Proposed lot lines (if any), lot and block numbers and dimensions of all primary nonresidential uses and secondary nonresidential uses and common open space.
 - e. The proposed architectural and landscape deed restrictions that clearly reflect the compatibility of the variety of primary and secondary uses proposed.
 - f. Location and width of canals, waterways and flood prone areas.
 - g. Reservations, easements, alleys and any areas to be dedicated for public use and sites for other than residential use, with notes stating their purpose and any limitations.

- h. A legal description of the PUD boundaries with bearings, distances and tie point.
 - i. Accurate location and description of all monuments and markers.
 - j. All linear dimensions are to be given to the nearest one-hundredth (1/100) of a foot and angular dimensions to the nearest second. The final development plan shall be properly signed and executed by the developer as required for recording.
 - k. The final development plans shall meet the platting requirements of the Nassau County Subdivision Regulations adopted pursuant to Chapter 177, Florida Statutes. If the final development plan requires two (2) or more sheets, the sheets are to be numbered, and the numbers and titles of the sheets are to be indicated on the cover title page.
3. Development schedule:
- a. Delineation of areas to be developed according to their order of construction.
 - b. Proposed dates for beginning and completing construction of each development phase or stage.
 - c. Proposed schedule for the construction and improvement of common open space, streets, utilities, and any other necessary improvements for each development phase or stage.
4. Required legal documents (where applicable):
- a. Deed restrictions: Any deed restrictions proposed by the developer of the PUD to preserve the character of the development's common open space and to establish compatible architectural and landscape design of structures.
 - b. Property owners' association or non-profit corporation. If the developer elects this method of administering common open space, the proposed bylaws of the property owners association or the certificate of incorporation and the corporate bylaws of the nonprofit corporation shall be submitted for approval by the Board of County Commissioners.
 - c. Bill of sale: A bill of sale conveying to Nassau County, the property owners association or nonprofit corporation, or some other authority all water and sewer lines, mains, lift stations and any other improvements required to be installed by this section. Acceptance by the County is entirely dependent on the discretion of the Board of County Commissioners.
 - d. Title opinion: A signed statement from an attorney stating the status of the title of the site encompassed by the final development plan and all liens, encumbrances and defects, if any.
 - e. Tax receipts: Paid tax receipts from the proper taxing authority, indicating that current taxes on the proposed site have been paid in full.

- f. Other documents: A document signed by all persons having interest in the proposed site, dedicating all right-of-ways, easements, and other public land shown on the final development plan. Also a document signed by the developer indicating that all necessary off-site easements or dedications have been acquired.

Section 25.06 - Bonding: Prior to beginning construction of each development phase of the PUD, the Board of County Commissioners shall require the developer to post a performance Bond guaranteeing that all public improvements and common open areas will be constructed according to the approved final development plan. The Board of County Commissioners shall establish reasonable time limits for completing construction of the necessary improvements. The Board of County Commissioners shall have the sole right to extend such time limits if sufficient evidence is provided by the developer to substantiate an extension. The performance bond shall have a face value equal to the cost of constructing the required improvements.

Section 25.07 - Deviation from the Approved Final Development Plan: Any adjustments which may be required to the approved final development plan during the development of the PUD, must be approved by the Planning and Zoning Board. Any changes in the following criteria must be brought before the Planning and Zoning Board for approval:

- A. Increase in the number of units.
- B. Increase in the number of stories or floor area.
- C. Decrease in the amount of open space and the open space is in the same general location.
- D. Major change in the location of traffic routes.

Section 25.08 - Permits: No permits, building permits included, shall be issued until the final development plan for the particular development phase has been approved by the Board of County Commissioners and duly recorded.

ARTICLE 26: MIXED EMPLOYMENT CENTER: MEC

INTENT: The application of flexible land use controls to the development of land is often difficult or impossible within traditional zoning district regulations. In order to permit the use of more flexible land use regulations, to facilitate use of the most advantageous techniques of land development and to facilitate implementation of the Nassau County Comprehensive Plan, it is often necessary to establish Mixed Employment Centers (MECs) in which development is in harmony with the general purpose and intent of this ordinance and the adopted Nassau County Comprehensive Plan. However, development in a MEC differs in one or more respects from the usual application of provisions of this ordinance. The objective of a MEC is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers, to produce developments which are in keeping with overall land use intensity and open space objectives of this ordinance, while departing from the strict application of use, setback, height, and minimum lot size requirements of the various zoning districts. The intent of this district is to permit such flexibility and provide performance criteria for mixed employment center development which:

- A. Permit a creative approach to the development of land;
- B. Accomplish a more desirable environment than would be possible through the strict application of minimum requirements of this ordinance;
- C. Provides for an efficient use of land, resulting in small networks of utilities and streets and thereby lower development costs;
- D. Enhances the appearance of the area through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation areas and open space in excess of existing zoning and subdivision requirements;
- E. Provides an opportunity for new approaches to ownership;
- F. Provides an environment of stable character compatible with surrounding areas;
- G. Retains property values over the years.

Section 26.01 - MEC Defined: For the purpose of this ordinance, Mixed Employment Center (MEC) shall mean the development of land under unified control which is planned and developed as a whole in a single or programmed series of operations with uses and structures substantially related to the character of the entire development. A MEC must also include a program for the provision, maintenance, and operation of all areas, improvements, facilities, and necessary services for the common use of all occupants thereof.

Section 26.02 - Permitted Uses: Any use which is permitted or permissible as a conditional use in any commercial, industrial and government use zoning district contained in this ordinance and residential uses as ancillary and secondary uses may be included in a MEC.

The following are acceptable percentages of uses within a Mixed Employment Center.

A. Commercial Mixed Employment Center:

Residential: 35 - 45 percent
Commercial: 55 - 65 percent

B. Industrial Mixed Employment Center:

Commercial: 35 - 45 percent
Industrial: 55 - 65 percent

Section 26.03 - Site Requirement: All MEC's should have a minimum site area of twenty-five (25) acres. This requirement may be waived by the Planning and Zoning Board to insure orderly development of a particular area.

Section 26.04 - Special Requirements.

- A. Unified ownership or control: The title of all land within a proposed site for a Mixed Employment Center (MEC) shall be owned or controlled by the developer submitting the applications provided for under this section. The term "controlled by" shall be interpreted to mean that such developer shall have the written consent of all owners of property within the proposed site not wholly owned by the developer. Such consent shall contain a statement that such developer is authorized to represent such owners in the submission of an application under the provisions of this section and that such owners shall agree to be bound by the decision of the Board of County Commissioners in the event such application is approved.
- B. Access: Each permitted use shall be provided access, either directly or indirectly, by a public right-of-way, private vehicular or pedestrian way or commonly owned easement. County owned vehicles shall be permitted access on privately owned roads, easements and common open spaces in order to perform basic county services such as fire and police protection and emergency service needs of MEC residents. Access to public rights-of-way shall be approved by DOT and Nassau County. In order to minimize congestion on public roadways shared accesses, common driveways and frontage roads shall be utilized.
- C. Off-street parking and loading: All off-street parking and loading requirements in Article 31 of this ordinance shall apply.
- D. Community facilities:
1. All community facilities, e.g., water and sewerage systems, electrical substations, etc., as to the size, shape, construction, location, and shown by the applicant to be of benefit to the general public.
 2. All local distribution utilities, e.g., electrical, telephone, etc., shall be underground, where possible, unless stated otherwise. Electrical transmission lines and substations may be above-ground subject to site plan review. These utilities shall be provided in accordance with the rules, resolutions and/or regulations established by the appropriate governmental agency.

- E. Development standards: All streets, sidewalks, sewer facilities, utilities and drainage shall be constructed according to the requirements of the Nassau County Subdivision Regulations.
- F. Common open space:
1. A minimum of ten percent (10%) of the gross site acreage shall be reserved for common and meaningful open space.
 2. Parking areas, road rights-of-way or minimum yards and spacings between structures may not be included in determining usable open space unless waived by the Planning and Zoning Board. Water bodies and wetlands may be used to partially fulfill open space requirements, but may not exceed fifty (50) percent of the required open space.
 3. All privately owned common open space shall continue to conform to its intended use as specified in the final development plan. To ensure that all the common open space in the MEC will be used as intended, the necessary restrictions or covenants will be put in each deed. Such deed restrictions shall run with the land in order to protect both present and future property owners. The deed restrictions shall prohibit the partition of any common open space.
 4. All common open space and public recreational facilities shall be included in the preliminary and final development plans. Such common open space and recreational facilities shall be constructed and fully improved according to the development scheduled established for each development phase of the MEC.
 5. If the developer elects to administer common open space through an association or nonprofit corporation, such organizations shall conform to the following requirements.
 - a. The developer must establish the association or nonprofit corporation prior to the sale of any lots or properties within the MEC.
 - b. Membership in the association or nonprofit corporation shall be mandatory for all property owners within the MEC.
 - c. The association or nonprofit corporation shall manage all common open space and recreational and cultural facilities that are not dedicated to the public; shall provide for the maintenance, administration and operation of such land and any other land within the MEC not publicly or privately owned; and shall secure adequate liability insurance on the land.

Section 26.05 - Procedures.

- A. General:
1. A MEC will not require a Future Land Use Map amendment so long as the proposed use does not increase the intensity or density of use specified on the Future Land Use Map and does not encroach upon Agriculture designated areas. Intensity of use is based upon the demand for traffic, water, sewer and solid waste. To develop a Mixed Employment Center (MEC) in Nassau County, the property must be rezoned to MEC. Rezoning shall be subject to approval of the preliminary development plan by the Board of County

Commissioners. Within one (1) year after approval of the preliminary development plan, the developer must submit a final development plan to the Planning and Zoning Board for review and to the Board of County Commissioners for approval. The Board of County Commissioners, upon request from the developer and for good cause shown, may extend the one (1) year time period for submitting the final development plan. Such extension shall not exceed one (1) year.

2. If the developer fails to submit a final development plan within the one (1) year period specified by this ordinance and has not been granted an extension, the approved preliminary plan shall be revoked, and the site shall revert back to its previous zoning classification(s). A notice of such revocation, containing a legal description of the site, shall be recorded into the public records of Nassau County. A copy of this revocation shall be sent to the developer.
3. If development actions required by the ordinance creating a MEC are not taken within any time limits set by the Board of County Commissioners in such ordinance, the approval of the MEC as provided in such ordinance shall become invalid and no further action shall be permitted under same. The Board of County Commissioners may extend such time limits for a reasonable length of time if probable cause is shown.
4. If substantial construction, as determined by the Board of County Commissioners has not begun within five (5) years after approval of the final development plan, the approval of the MEC will lapse. At its discretion and for good cause, the Board of County Commissioners may extend for one (1) additional year the period for beginning construction. If the approved MEC lapses under this provision, the property owner must resubmit a MEC application to evaluate the impacts of the MEC on public facility capacity under current conditions. Upon receiving the recommendations of the Planning and Zoning Board, the Board of County Commissioners shall hold a public hearing to determine if additional measures are required to mitigate the impacts of the MEC and shall approve or approve subject to conditions the reinstatement of the MEC.

B. Preliminary development plan approval procedure:

1. Preapplication conference: Before submitting the preliminary development plan application for approval as a MEC, the developer shall meet with the Senior Planner, County Engineer and Health Department Official and such other personnel as may be necessary to determine the feasibility and suitability of the application. This step is required so that the developer may obtain information and guidance from county personnel before entering into any binding commitments or incurring substantial expenses of site plan preparation.
2. Five (5) copies of the preliminary development plan application shall be submitted to the Senior Planner at least forty-five (45) days prior to the meeting of the Planning and Zoning Board, at which meeting such application is to be considered in a public hearing. The application fee established by the Board of County Commissioners shall be collected.
3. The Senior Planner and County Engineer shall review the preliminary development plan application to determine its conformity with the Nassau County Comprehensive Plan, County policies, and the requirements of this section.

4. Upon completion of the review of the preliminary development plan application and all exhibits, the Planning and Zoning Board shall recommend to the Board of County Commissioners the approval, approval subject to conditions, or disapproval of the preliminary plan application. The Planning and Zoning Board shall consider the review criteria established in this section when making its recommendations.
 5. Upon receiving the recommendations of the Planning and Zoning Board, the Board of County Commissioners shall hold a public hearing to review the Planning and Zoning Board's recommendations and review the preliminary development plan application. The Board of County Commissioners shall approve, approve subject to conditions, or disapprove the preliminary development plan application. Approval of the preliminary development plan indicates approval of the MEC zoning, subject to acceptance to the final development plan. The decision of the Board of County Commissioners shall take into consideration the review criteria established in this section.
 6. If the preliminary development plan application is approved by the Board of County Commissioners, a copy of the application and required exhibits, if deemed necessary by the County, shall be recorded in the public records.
- C. Preliminary development plan review criteria: The Planning and Zoning Board and the Board of County Commissioners shall consider the following criteria when reviewing the preliminary development plan for a MEC.
1. Degree of consistency of the proposed MEC with the surrounding area in terms of character and density.
 2. Provision for and adequacy of future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation.
 3. The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of open space.
 4. The feasibility and compatibility of the specified stages or phases contained in the preliminary development plan to exist as an independent development.
 5. The benefits inherent in a MEC classification to the general public that justify the requested departure from standard land use requirements.
 6. The conformity and compatibility of the proposed MEC with the Nassau County Comprehensive Plan.
- D. Preliminary development plan application:
1. General: The preliminary development plan application shall contain the names of the developer, surveyor and engineer who prepared the development plan and topographic data map, and the name of the proposed MEC. It must also contain a written description of the intended plan of development, clearly indicating where approval of the MEC would benefit the community as a whole and fulfill the intent of MEC.

2. Exhibits: The following exhibits shall be attached to the preliminary development plan application.
 - a. Vicinity map indicating the relationship between the MEC and its surrounding area, including adjacent streets and thorough fares.
 - b. The preliminary development plan shall also contain, but not be limited to, the following information:
 - (1) Proposed name or title of project, the name of the engineer, architect and developer.
 - (2) North arrow, scale of one inch equals two hundred feet (1" = 200') or larger, date and legal description of the proposed site.
 - (3) Boundaries of the tract shown with bearings, distances, closures and bulkhead lines. All existing easements, section lines, streets and physical features in and adjoining the project and zoning.
 - (4) Names and locations of adjoining developments and subdivisions.
 - (5) Proposed parks, school sites or other public and private open space.
 - (6) Vehicular and pedestrian circulation systems, including off-street parking and loading areas, driveways and access points.
 - (7) Site data, including tabulation of the total number of gross acres in the project, the acreage to be devoted to each of the several types of non-residential uses, secondary residential and open space uses, the total number of dwelling units and square feet of gross nonresidential building area.
 - (8) Proposed common open space, including the proposed improvements and any complementary structures, and the tabulation of the percent of the total area devoted to common open space. Areas qualifying for common open space shall be specifically designated on the site plan.
 - (9) General statement indicating proposed means of drainage for the site to ensure conformity with natural drainage within the vicinity area or with the drainage plan established within the vicinity area.
 - (10) Delineation of specific areas designated as a proposed stage.
 - (11) General statement indicating source of potable water and waste water disposal.
 - (12) The proposed method of dedication and administration of the proposed common open space.
 - c. Topographic data map drawn to a scale of one inch equals four hundred feet (1" = 400') or larger by a registered surveyor and/or engineer, showing:

- (1) The location of the existing property lines for private property and public property, streets, buildings, water courses, transmission lines, sewers, bridges, culverts and drain pipes, water mains and any public utility easements.
- (2) Wooded areas, streams, lakes, marshes, flood prone areas and any other physical conditions affecting the site.
- (3) Existing contours, based on U.S. Coast and Geodetic data with a contour interval of two (2) feet, and proposed finished elevations.

E. Final development plan approval procedure:

1. Five (5) copies of the final development plan shall be submitted to the Senior Planner forty-five (45) days prior to the next Planning and Zoning Board meeting. During this forty-five (45) day period, the Senior Planner shall distribute copies of the final development plan to the appropriate county departments for review and comment. Each department shall conduct its review and submit written comments to the Senior Planner within fifteen (15) days after receipt of the final development plan.
2. The Senior Planner shall submit the final development plan along with the written analysis and recommendations to the Planning and Zoning Board for review at its next meeting. The analysis and recommendations submitted to the Planning and Zoning Board shall reflect the review and comments of the other county departments involved in the review of the final development plan.
3. The Planning and Zoning Board shall hold a public hearing to review the final development plan for consistency with the preliminary development plan, conformance with the provisions of this ordinance and other related county regulations. The Planning and Zoning Board shall submit written recommendations to the Board of County Commissioners.
4. The Board of County Commissioners shall hold a public hearing to review the final development plan and consider the recommendations of the Planning and Zoning Board. The Board of County Commissioners shall approve, approve with conditions, or deny the final development plan.
5. Upon approval by the Board of County Commissioners, the Nassau County Clerk of the Circuit Court shall record the final development plan in the public records.

F. Final development plan: The final development plan shall include the following exhibits, which shall be prepared for each development phase:

1. Engineering plans: All engineering plans shall be in conformance with the requirements and specifications of the Nassau County Subdivision Regulations.
 - a. Subsurface conditions of the tract stating the depth of the ground water table unless tests pits are dry at the depth of three (3) feet, the results of soil percolation tests, and soil profile to show hard pan, muck, clay strata, etc.

- b. Typical cross-sections of proposed grading, streets and sidewalks, canals and waterways.
 - c. Type of pavement to be used. All paving and pavement types shall be in conformance with the Nassau County Subdivision Regulations.
 - d. Final engineering drawings of water, sanitary sewer and storm drainage systems; sidewalks, streets; bulkheads; street name signs and lighting.
2. Additional information required in final development plan:
- a. A statement of dedication signed by the owner of the MEC dedicating any improvements to Nassau County.
 - b. A certificate of surveyor completed by a professional land surveyor registered in the State of Florida certifying the final development plan.
 - c. The location, dimensions and character of construction of all proposed streets, driveways, points of ingress and egress, loading areas, number of parking spaces and areas, nonresidential areas and structures, secondary residential areas, recreational areas and structures and common open space.
 - d. Proposed lot lines (if any), lot and block numbers and dimension of all primary nonresidential uses and secondary nonresidential uses and common open space.
 - e. The proposed architectural and landscape deed restrictions that clearly reflect the compatibility of the variety of primary and secondary uses proposed.
 - f. Location and width of canals, waterways and flood prone areas.
 - g. Reservations, easements, alleys and any areas to be dedicated for public use and sites for other than residential use, with notes stating their purpose and any limitations.
 - h. A legal description of the MEC boundaries with bearings, distances and tie point.
 - i. Accurate location and description of all monuments and markers.
 - j. All linear dimensions are to be given to the nearest one-hundredth (1/100) of a foot and angular dimensions to the nearest second. The final development plan shall be properly signed and executed by the developer as required for recording.
 - k. The final development plans shall meet the platting requirements of the Nassau County Subdivision Regulations adopted pursuant to Chapter 177, Florida Statutes. If the final development plan requires two (2) or more sheets, the sheets are to be numbered, and the numbers and titles of the sheets are to be indicted on the cover title page.

3. Development schedule:
 - a. Delineation of areas to be developed according to their order of construction.
 - b. Proposed dates for beginning and completing construction of each development phase or stage.
 - c. Proposed schedule for the construction and improvement of common open space, streets, utilities, and any other necessary improvements for each development phase or stage.

4. Required legal documents (where applicable):
 - a. Deed restrictions: Any deed restrictions proposed by the developer of the MEC to preserve the character of the development's common open space and to establish compatible architectural and landscape design of structures.
 - b. Property owners' association or non-profit corporation. If the developer elects this method of administering common open space, the proposed bylaws of the property owners association or the certificate of incorporation and the corporate bylaws of the nonprofit corporation shall be submitted for approval by the Board of County Commissioners.
 - c. Bill of sale: A bill of sale conveying to Nassau County, the property owners association or nonprofit corporation, or some other authority all water and sewer lines, mains, lift stations and any other improvements required to be installed by this section. Acceptance by the County is entirely dependent on this discretion of the Board of County Commissioners.
 - d. Title opinion: A signed statement from an attorney and/or title company stating the status of the title of the site encompassed by the final development plan and all liens, encumbrances and defects, if any.
 - e. Tax receipts: Paid tax receipts from the proper taxing authority, indicating that current taxes on the proposed site have been paid in full.
 - f. Other documents: A document signed by all persons having interest in the proposed site, dedicating all right-of-ways, easements, and other public land shown on the final development plan. Also a document signed by the developer indicating that all necessary off-site easements or dedications have been acquired.

Section 26.06 - Bonding: Prior to beginning construction of each development phase of the MEC, the Board of County Commissioners shall require the developer to post a performance Bond guaranteeing that all public improvements and common open areas will be constructed according to the approved final development plan. The Board of County Commissioners shall establish reasonable time limits for completing construction of the necessary improvements. The Board of County Commissioners shall have the sole right to extend such time limits if sufficient evidence is provided by the developer to substantiate an extension. The performance bond shall have a face value equal to the cost of constructing the required improvements.

Section 26.07 - Deviation from the Approved Final Development Plan: Any adjustments which may be required to the approved final development plan during the development of the MEC, must be approved by the Planning and Zoning Board. Any changes in the following criteria must be approved by the Planning and Zoning Board:

- A. Increase in the number of units.
- B. Increase in the number of stories or floor area.
- C. Decrease in the amount of open space and the open space is in the same general location.
- D. Major change in the location of traffic routes.

Section 26.08 - Permits: No permits, building permits included, shall be issued until the final development plan for the particular development phase has been approved by the Board of County Commissioner and duly recorded.

ARTICLE 27: PLANNED DEVELOPMENT DISTRICT: PDD

INTENT: The purpose of this Article (Section) is to provide a procedure for the establishment of a holding or transient zone of larger tracts of land under a unified ownership until the landowner and/or developer is prepared to submit preliminary and final plans as provided in the Planned Unit Development, Article 25. Said plans are necessary in order to encourage ingenuity, imagination and designed to produce developments which are in keeping with the Comprehensive Plan and overall land use intensity open space, environmental and public service considerations which are best provided by permitting more flexible land use regulations under the concept of Planned Unit Development.

Section 27.01 - PDD Defined: A contiguous tract of land in excess of ten (10) acres, unless waived per Section 27.04, under unified control of which the owner has not submitted a proposed plan of development and the ultimate development thereof is better served by establishing this Zoning District Regulation(s).

Section 27.02 - Procedures: The Board of County Commissioners may designate contiguous tracts of land as provided herein. Any designation by the Board shall be considered in the same fashion as an amendment outlined in Article 5. The criteria for such designation by the Board shall include:

- A. The criteria set forth in the Comprehensive Land Use Plan.
- B. Environmental sensitivity especially as it pertains to beaches, dunes, areas, as well as marshlands and coastal hammock areas.
- C. Public service considerations such as the ability to provide police, fire and sanitary capacity, the hurricane protection and evacuation.
- D. Traffic and related concerns.

Section 27.03 - Permitted Uses: Any use which is permitted or permissible as a conditional use in any zoning district may be included in a PDD.

Section 27.04 - Site Requirement: All PDDs should have a minimum site area of ten (10) acres. The ten (10) acres requirement may be waived by the Planning and Zoning Board and County Commission to insure orderly development of a particular area.

Section 27.05 - Special Requirements: The special development requirements shall be governed by the special requirements of Section 25.04 of Article 25.

Section 27.06 - Procedures, Criteria, Application and Plans.

- A. General:
 - 1. Prior to any development (carrying out of any building or the making of any material change in use or appearance of any structure or on land or a material increase of structures), the owner(s) of a property designated as PDD must have abided by the preliminary and final development plan procedures of Section 25.05 (B) through (E).

2. If development actions required by this ordinance in creating a PUD are not taken within the time limits set forth by the ordinance or time limits set by the Board of County Commissioners, such ordinance shall become invalid and no further action shall be permitted under same.
3. If development actions as stated in paragraph two (2) are not taken within the time limits set forth or if the PUD application is not approved within one (1) year unless the time is mutually extended then development on the tract of land designated as a PDD will be in accord with the most restrictive designation so indicated in the Comprehensive Land Use Plan.
4. If the tract of land reverts to a designation indicated in the Comprehensive Land Use Plan, the owner of record may petition the Board of County Commissioners or may file an application to rezone the tract of land in accordance with procedures within Section 5.02.

B. Preliminary development plan review procedure and criteria and application:

1. Preliminary development plan approval procedure.
 - a. Preapplication conference: Before submitting the preliminary development plan application for approval as a PDD, the developer shall meet with the Senior Planner, County Engineer and Health Department Official and such other personnel as may be necessary to determine the feasibility and suitability of the application. This step is required so that the developer may obtain information and guidance from county personnel before entering into any binding commitments or incurring substantial expenses of the site and plan preparation.
 - b. Five (5) copies of the preliminary development plan application shall be submitted to the Senior Planner at least thirty (30) days prior to the meeting of the Planning and Zoning Board, at which meeting such application is to be considered in a public hearing. The application fee established by the Board of County Commissioners shall be collected.
 - c. The Senior Planner and County Engineer shall review the preliminary development plan application to determine its conformity with the Nassau County Comprehensive Plan, County policies, and the requirements of this section.
 - d. Upon completion of the review of the preliminary development plan application and all exhibits, the Planning and Zoning Board shall recommend to the Board of County Commissioners the approval, approval subject to conditions, or disapproval of the preliminary plan application. The Planning and Zoning Board shall consider the review criteria established in this section when making its recommendations.
 - e. Upon receiving the recommendations of the Planning and Zoning Board, the Board of County Commissioners shall hold a public hearing to review the Planning and Zoning Board's recommendations and review the preliminary development plan application. The Board of County Commissioners shall approve, approve subject to conditions, or disapprove the preliminary development plan application. Approval of the preliminary development plan indicates approval of the PDD zoning, subject

to acceptance of the final development plan. The decision of the Board of County Commissioners shall take into consideration the review criteria established in this section.

- f. If the preliminary development plan application is approved by the Board of County Commissioners, a copy of the application and required exhibits, if deemed necessary by the County, shall be recorded in the public records.
2. Preliminary development plan review criteria: The Planning and Zoning Board and the Board of County Commissioners shall consider the following criteria when reviewing the preliminary development plan for a PDD.
 - a. Degree of consistency of the proposed PDD with the surrounding area in terms of character and density.
 - b. Provision for and adequacy of future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation.
 - c. The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of open space.
 - d. The feasibility and compatibility of the specified stages contained in the preliminary development plan to exist as an independent development.
 - e. The benefits inherent in a PDD classification to the general public that justify the requested departure from standard land use requirements.
 - f. The conformity and compatibility of the proposed PDD with the Nassau County Comprehensive Plan.
 3. Preliminary development plan application.
 - a. General: The preliminary development plan application shall contain the names of the developer, surveyor and engineer who prepared the development plan and topographic data map, and the name of the proposed PDD. It must also contain a written description of the intended plan of development, clearly indicating where approval of the PDD would benefit the community as a whole and fulfill the intent of PDD.
 - b. Exhibits: The following exhibits shall be attached to the preliminary development plan application:
 - (1) Vicinity map indicating the relationship between the PDD and its surrounding area, including adjacent streets and thoroughfares.
 - (2) The preliminary development plan shall also contain, but not be limited to, the following information:

- (a) Proposed name or title of project, the name of the engineer, architect and developer.
- (b) North arrow, scale of one inch *equals two hundred feet (1" = 200') or larger, date and legal description of the proposed site.
- (c) Boundaries of the tract shown with bearings, distances, closures and bulkhead lines. All existing easements, section lines, streets and physical features in and adjoining the project and zoning.
- (d) Names and locations of adjoining developments and subdivisions.
- (e) Proposed parks, school sites or other public and private open space.
- (f) Vehicular and pedestrian circulation systems, including off-street parking and loading areas, driveways and access points.
- (g) Site data, including tabulation of the total number of gross acres in the project, the acreage to be devoted to each of the several types of primary residential, secondary nonresidential uses and open space uses, the total number of dwelling units and square feet of gross nonresidential building area.
- (h) Proposed common open space, including the proposed improvements and any complementary structures, and the tabulation of the percent of the total area devoted to common open space. Areas qualifying for common open space shall be specifically designated on the site plan.
- (i) General statement indicating proposed means of drainage for the site to ensure conformity with natural drainage within the vicinity area or with the drainage plan established within the vicinity area.
- (j) Delineation of specific areas designated as a proposed stage.
- (k) General location within the site of each primary residential and secondary nonresidential use, and the proposed amount of land to be devoted to individual ownership.
- (l) General statement indicating source of potable water and waste water disposal.
- (m) The proposed method of dedication and administration of the proposed common open space.

C. Final Development plan procedure and plan:

1. Final development plan approval procedure.

- a. Five (5) copies of the final development plan shall be submitted to the Senior Planner

thirty (30) days prior to the next Planning and Zoning Board meeting. During this thirty (30) day period, the Senior Planner shall distribute copies of the final development plan to the appropriate county departments for review and comment. Each department shall conduct its review and submit written comments to the Senior Planner within fifteen (15) days after receipt of the final development plan.

- b. The Senior Planner shall submit the final development plan along with a written analysis and recommendations to the Planning and Zoning Board for review at its next meeting. The analysis and recommendations submitted to the Planning and Zoning Board shall reflect the review and comments of the other county departments involved in the review of the final development plan.
 - c. The Planning and Zoning Board shall hold a public hearing to review the final development plan for consistency with the preliminary development plan, conformance with the provisions of this ordinance and other related county regulations. The Planning and Zoning Board shall submit written recommendations to the Board of County Commissioners.
 - d. The Board of County Commissioners shall hold a public hearing to review the final development plan and consider the recommendations of the Planning and Zoning Board. The Board of County Commissioners shall approve, approve with conditions, or deny the final development plan.
 - e. Upon approval by the Board of County Commissioners, the Nassau County Clerk of the Circuit Court shall record the final development plan in the public records.
2. Final development plan: The final development plan shall include the following exhibits, which shall be prepared for each development phase:
- a. Engineering plans: All engineering plans shall be in conformance with the requirements and specifications on the Nassau County Subdivision Regulations.
 - (1) Subsurface conditions of the tract stating the depth of the ground water table unless test pits are dry at the depth of three (3) feet, the results of soil percolation tests, and soil profile to show hard pan, muck, clay strata, etc.
 - (2) Typical cross-sections of proposed grading, streets and sidewalks, canals and waterways.
 - (3) Type of pavement to be used. All paving and pavement types shall be in conformance with the Nassau County Subdivision Regulations.
 - (4) Final engineering drawings of water, sanitary sewer and storm drainage systems; sidewalks; streets; bulkheads; street name signs and lighting.
 - b. Additional information required in final development plan.
 - (1) A statement of dedication signed by the owner of the PUD dedicating any improvements to Nassau County.

- (2) A certificate of surveyor completed by a professional land surveyor registered in the State of Florida certifying the final development plan.
- (3) The location, dimensions and character of construction of all proposed streets, driveways, points of ingress and egress, loading areas, number of parking spaces and areas, primary residential areas and structures, secondary nonresidential areas and structures, recreational areas and structures and common open space.
- (4) Proposed lot lines (if any), lot and block numbers and dimensions of all primary nonresidential uses and secondary non residential uses and common open space.
- (5) The proposed architectural and landscape deed restrictions that clearly reflect the compatibility of the variety of primary and secondary uses proposed.
- (6) Location and width of canals, waterways and flood prone areas.
- (7) Reservations, easements, alleys and any areas to be dedicated for public use and sites for other than residential use, with notes stating their purpose and any limitations.
- (8) A legal description of the PUD boundaries with bearings, distances and tie point.
- (9) Accurate location and description of all monuments and markers.
- (10) All linear dimensions are to be given to the nearest one-hundredth (1/100) of a foot and angular dimensions to the nearest second. The final development plan shall be properly signed and executed by the developer as required for recording.
- (11) The final development plans shall meet the platting requirements of the Nassau County Subdivision Regulations adopted pursuant to Chapter 177, Florida Statutes. If the final development plan requires two (2) or more sheets, the sheets are to be numbered, and the numbers and titles of the sheets are to be indicated on the cover title page.

c. Development schedule:

- (1) Delineation of areas to be developed according to their order of construction.
- (2) Proposed dates for beginning and completing construction of each development phase or stage.
- (3) Proposed schedule for the construction and improvement of common open space, streets, utilities, and any other necessary improvements for each development phase or stage.

d. Required legal documents (where applicable):

- (1) Deed restrictions: Any deed restrictions proposed by the developer of the PUD to preserve the character of the development's common open space and to establish compatible architectural and landscape design of structures.
- (2) Property owners' association or non-profit corporation. If the developer elects this method of administering common open space, the proposed bylaws of the property owners association or the certificate of incorporation and the corporate bylaws of the nonprofit corporation shall be submitted for approval by the Board of County Commissioners.
- (3) Bill of sale: A bill of sale conveying to Nassau County, the property owners association or nonprofit corporation, or some other authority all water and sewer lines, mains, lift stations and any other improvements required to be installed by this section. Acceptance by the County is entirely dependent on the discretion of the Board of County Commissioners.
- (4) Title opinion: A signed statement from an attorney stating the status of the title of the site encompassed by the final development plan and all liens, encumbrances and defects, if any.
- (5) Tax receipts: Paid tax receipts from the proper taxing authority, indicating that current taxes on the proposed site have been paid in full.
- (6) Other documents: A document signed by all persons having interest in the proposed site, dedicating all right-of-ways, easements, and other public land shown on the final development plan. Also a document signed by the developer indicating that all necessary off-site easements or dedications have been acquired.

Section 27.07 - Bonding: Prior to beginning construction of each development phase of the PDD, the Board of County Commissioners shall require the developer to post a performance Bond guaranteeing that all public improvements and common open areas will be constructed according to the approved final development plan. The Board of County Commissioners shall establish reasonable time limits for completing construction of the necessary improvements. The Board of County Commissioners shall have the sole right to extend such time limits if sufficient evidence is provided by the developer to substantiate an extension. The performance bond shall have a face value equal to the cost of constructing the required improvements.

Section 27.08 - Deviation From the Approved Final Development Plan: Any adjustments which may be required to the approved final development plan during the development of the PDD, must be approved by the Planning and Zoning Board. Any changes in the following criteria:

- A. There is no increase in the number of units.
- B. There is no increase in the number of stories or floor area.
- C. There is no decrease in the amount of open space and the open space is in the same general location.

D. There is no major change in the location of traffic routes.

Section 27.09 - Permits: No permits, building permits included, shall be issued until the final development plan for the particular development phase has been approved by the Board of County Commissioners and duly recorded.

ARTICLE 28: SUPPLEMENTARY REGULATIONS

Section 28.01 - Nassau County Airports: In order to carry out the provisions of this Section, there are hereby created and established certain zones which include all of the land lying beneath the approach, transitional, horizontal and conical surfaces as they apply to a particular airport. Such zones are shown on the Fernandina Beach and Hilliard Airport Zoning Maps which are attached to this ordinance as Attachment A and Attachment B and made a part hereof.

Attachment "A"
Fernandina Beach Airport

Attachment "B"
Hilliard Airpark

An area located in more than one of the described zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

A. Public civil airport height zones and limitations:

1. Primary zone: An area longitudinally centered on a runway, extending two hundred (200) feet beyond each end of that runway with the width so specified or planned for either end of the runway. No structure or obstruction will be permitted within the primary zone, that is not part of the landing and take-off area, and is of a greater height than the nearest point on the runway centerline. The width of the primary zone is as follows:
 - a. Hilliard Airpark: Runways 18 and 36; Two hundred fifty (250) feet for utility runways having only visual approaches.
 - b. Fernandina Beach Municipal
 - (1) Runways 17, 35, 13, 31, 08, and 26; Five hundred (500) feet for visual runways having only visual approaches.
 - (2) Runways 04 and 22; Five hundred (500) feet for non-precision instrument runways having visibility minimums greater than three-fourths statute mile.

The width of the primary zone of a runway will be the width prescribed in this Section of the most precise approach existing or planned of either end of the runway.

No structure or obstruction will be permitted within the primary zone, that is not part of the landing and take-off facilities and is of a greater height than the nearest point on the runway centerline.

2. Horizontal zone: The area around each civil airport with an outer boundary the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone of each airport's runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
 - a. Hilliard Airpark: Runways 18 and 36; Five thousand (5,000) feet for all runways designated as utility or visual.

b. Fernandina Beach Municipal

- (1) Runways 17, 35, 13, 31, 98, and 26; Five thousand (5,000) feet for all runways designated as utility or visual.
- (2) Runways 04 and 22; Ten thousand (10,000) feet for all runways not designated as utility or visual.

The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest composite value determined of either end of the runway. When a five thousand (5,000) foot arc is encompassed by tangents connecting two (2) adjacent ten thousand (10,000) foot arcs, the five thousand (5,000) foot arc shall be disregarded on the construction of the perimeter of the horizontal zone.

No structure or obstruction will be permitted in the horizontal zone that has a height greater than one hundred fifty (150) feet above the airport height.

3. Conical: The area extending outward from the periphery of the horizontal zone for a distance of four thousand (4,000) feet. Height limitations for structures in the conical zone are one hundred fifty (150) feet above airport height at the inner boundary with permitted height increasing one (1) foot vertically for every twenty (20) feet of horizontal distance measured outward from the inner boundary to a height of three hundred fifty (350) feet above airport height at the outer boundary.
4. Approach zone: An area longitudinally centered on the extended runway centerline and extending outward from each end of the primary surface. An approach zone is designated for each runway based upon the type of approach available or planned for that runway end.
 - a. The inner edge of the approach zone is the same width as the primary zone and it expands uniformly to a width of:
 - (1) Hilliard Airpark: Runways 18 and 36; One thousand two hundred fifty (1,250) feet for that end of a utility runway with only visual approaches.
 - (2) Fernandina Beach Municipal
 - (a) Runways 17, 35, 13, 31, 08, and 26; One thousand five hundred (1,500) feet for all utility and visual runways.
 - (b) Runways 04 and 22; Three thousand five hundred (3,500) feet for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourth (3/4) of a statute mile.
 - b. The approach surface extends for a horizontal distance of:
 - (1) Hilliard Airpark: Runways 18 and 36; Five thousand (5,000) feet for all utility and visual runways.,

- (2) Fernandina Beach Municipal
 - (a) Runways 17, 35, 13, 31, 98 and 26; Five thousand (5,000) feet for all utility and visual runways.
 - (b) Runways 94 and 22; Ten thousand (10,000) feet for all non-precision instrument runways other than utility.
 - c. The outer width of an approach zone to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
 - d. Permitted height limitation within the approach zones is the same as the runway and height at the inner edge and increases with horizontal distance outward from the inner edge as follows:
 - (1) Hilliard Airpark: Runways 18 and 35; Permitted height increases one (1) foot vertically for every twenty (20) feet horizontal distance for all utility and visual runways.
 - (2) Fernandina Beach Municipal
 - (a) Runways 17, 35, 13, 31, 98 and 26; Permitted height increases one (1) foot vertically for every twenty (20) feet horizontal distance for all utility runways.
 - (b) Runways 94 and 22; Permitted height increases one (1) foot vertically for every thirty-four (34) feet horizontal distance for all non-precision instrument runways other than utility.
5. Transitional zone: The area extending outward from the sides of the primary zones and approach zones connecting them to the horizontal zone. Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary line where it adjoins and increases at a rate of one (1) foot vertically for every seven (7) feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height of the horizontal zone or conical zone or for a horizontal distance of five thousand (5,000) feet from the side of the part of the precision approach zone that extends beyond the conical zone.
6. Other areas: In addition to the height limitation imposed in Paragraphs A through E above, no structure or obstruction will be permitted within Nassau County that would cause a minimum obstruction clearance altitude, a minimum descent altitude or a decision height to be raised.
- B. Airport land use restrictions:
- 1 Use restrictions: NOTWITHSTANDING any other provision of this ordinance, no use may be made of land or water within any zones established by this ordinance in such a manner as to interfere with the operation of an airborne aircraft. The following special

requirements shall apply to each permitted use:

- a. All lights or illumination used in conjunction with street, parking, signs, or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from a public airport or in vicinity thereof.
 - b. No operations from any type shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of a public airport.
 - c. No operations from any type shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.
 - d. Use of land within the accident potential hazard area shall prohibit high density residential use, schools, hospitals, storage of explosive material, assemblage of large groups of people or any other use that could produce a major catastrophe as a result of an aircraft crash.
2. Lighting: NOTWITHSTANDING the preceding provisions of this section, the owner of any structure over two hundred (200) feet above ground level shall install lighting in accordance with Federal Aviation Advisory Circular 70-7460-1 and amendments thereto on such structure. Additionally, high intensity white obstruction lights shall be installed on a high structure which exceeds seven hundred forty-nine (749) feet above mean sea level. The high intensity white obstruction lights must be in accordance with Federal Aviation Administration Advisory Circular 70-7460-1 and Amendments.
 3. Variances: Any person desiring to erect or increase the height of any structures, or use his property not in accordance with the regulations prescribed in this ordinance, may apply to the Board of Adjustment for a variance in accordance with other provisions of this zoning ordinance. No application for variance to the requirements of this ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Senior Planner.
 4. Hazard marking and lighting: Any permit or variance granted shall require the owner to mark and light the structure in accordance with the Federal Aviation Administration Advisory Circular 70-7460-1 or subsequent revisions. The permit may be conditioned to permit Nassau County or the appropriate City at its own expense to install, operate and maintain such markers and lights as may be necessary to indicate to pilots the presence of a airspace hazard if special conditions so warrant.
 5. Airport noise zones: No person shall sell, lease or offer to sell or lease any land within the airport noise zone (100 CNR 85dBA contour) unless the prospective buyer or lessee has been given the following notice in writing:

"Noise Warning - This land lies beneath the aircraft approach and departure routes for Fernandina Beach or Hilliard Airport as applicable, and is subject to noise that may be objectionable."

Section 28.02 - Erection of More Than One (1) Principal Structure on a Lot: More than one (1) principal structure for a permitted or principal use shall not be erected on a single lot except as follows:

- A. More than one (1) structure may be erected on a single lot provided yard, area and other requirements of this ordinance are met for each structure as though it were on an individual or separate lot, or;
- B. More than one (1) structure used for multiple-family residential purposes may be erected on a single lot provided that an open space equal to the combined side yard setback for each structure (not to be less than twenty (20) feet) is provided between structures and all other required yards are provided between any other structures and all minimum and maximum lot coverage for all such buildings taken together complies with district regulations.

Section 28.03 - Lot to Have Access: No lot or parcel of land shall be used for the construction, location, or erection of any building, structure or mobile home where such lot or parcel does not abut, for a distance of not less than the required minimum lot width for the subject zoning classification or thirty-five (35) feet if located fronting on an approved cul-de-sac, upon a Federal, State or County maintained street or roadway, or a private driveway, easement or private roadway which has been approved by the County Engineer.

Any lot or parcel shall conform to the requirements of the adopted subdivision regulations. The County Engineer shall review each building permit for compliance with this Section prior to the issuance of said permit.

Section 28.04 - Use of Residentially Zoned Property for Access: No land which is residentially zoned shall be used for driveway, walkway or access purposes to any land which is nonresidentially zoned, or used for any purpose not permitted in a residential district except for ingress and egress to an existing use which does not abut on a street.

Section 28.05 - Parking of Heavy Vehicles in Residential Districts: Heavy vehicles such as tractors, trucks and school buses (including CV, GW, K.S., and P Florida license classifications) shall not be parked in any residential district except as may be required for normal loading or unloading of such vehicles and during the time normally required for service at dwellings, or at structures or activities permitted or permissible in such residential districts by the terms of the zoning ordinance.

Section 28.06 - Parking, Storage, or Use of Major Recreational Equipment: No major recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored in a residentially zoned lot or in any other location not approved for such use. Major recreational equipment may be parked or stored in a required rear or side yard, but not in required front yards; provided, however, that such equipment may be parked anywhere on residential premises for not to exceed twenty-four (24) hours during loading and unloading.

Section 28.07 - Service Stations: The following regulations shall apply to the location, design, construction and operation, and maintenance of service stations, and/or gasoline dispensing facilities:

- A. Lot dimensions: A service station lot shall be of adequate width and depth to meet all setback requirements; but in no case shall a corner lot have less than two (2) street frontages of at least one hundred (100) feet each and an interior lot shall have a street frontage of at least one

hundred (100) feet.

- B. **Lighting:** All lights and lighting located on a service station shall be so designed and arranged so that no source of light shall be directly visible from any residential district; this provision shall not be construed to prohibit interior-lighted signs.
- C. **Location of pumps and structures:** No main or accessory buildings, no sign of any type, and no gasoline pump shall be located within twenty (20) feet of the lot line of any property that is residentially zoned. No gasoline pump shall be located within twenty (20) feet of any street right-of-way.

Section 28.08 - Buffers: All commercial, industrial and mobile home park development, and off-street parking and loading areas, shall be separated from adjacent residential property by an opaque buffer at least six (6) feet in height. Such buffer must be constructed and maintained by the owners of the development stated above. Buffers may be a solid wall, fence or compact permanent shrubbery which will grow to the required height within twelve (12) months. If the shrubbery has not reached the required height within twelve (12) months, the shrubbery shall be replaced with mature plants of the required height.

Section 28.09 - Travel Trailer Parks and Campgrounds.

A. **Development Guidelines:**

1. **Location and access:** A travel trailer park or campground shall be so located that no entrance nor exit from a park shall discharge traffic into any residential district. A travel trailer park or campground fronting on a public street shall have a minimum of one hundred-fifty (150) feet of frontage.
2. **Permitted use:** Spaces in the travel trailer park and campground shall be used exclusively for temporary portable housing. Permanent occupancy for dwelling purposes is prohibited. Spaces shall be rented by the day or week only.
3. **Accessory uses:** Management headquarters, recreational facilities, toilets, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to the operation of a travel trailer park or campground are permitted as accessory uses.
4. **Yard requirements:** Twenty-five (25) feet front, rear and side yards shall be provided for travel trailer parks or campgrounds.
5. **Relation of spaces to exterior streets:** No space intended for occupancy shall be so located that any part intended for occupancy for sleeping purposes shall be within fifty (50) feet of the right-of-way line of any arterial street or within twenty-five (25) feet of the right-of-way line of any other street.
6. **Design of access to park:** All traffic into or out of the park shall be through entrances and exits designed for the safe and convenient movement of traffic.
7. **Off-street parking, loading and maneuvering space:** Each travel trailer park or campground shall provide adequate off-street parking, loading and maneuvering space.

In connection with the use of any travel trailer park or campground, no parking, loading, or maneuvering incidental to parking, or loading shall be permitted on any public street, sidewalk or public right-of-way.

- B. Site plan: A site plan is required for all travel trailer park and campground developments in Nassau County. All site plans shall be in accordance with Article 28, Section 28.16 of this ordinance.

Section 28.10 - Mobile Homes.

- A. Temporary office: A mobile home may be used in any zoning district as a temporary office or shelter for materials or tools incidental to construction or development of the premises upon which the mobile home is located, provided a permit for such construction or development has been issued. Such use of a mobile home shall not be permitted for more than one (1) month after the completion of such construction or development.
- B. Temporary public use: Any agency of local, municipal, state or federal government may utilize a mobile home for temporary public purposes in any zoning district, provided such use shall not include a residential use.
- C. Sales lot: A mobile home may be used as a sales office on a mobile home sales lot in any zoning district permitting such use. The sales office and any mobile home structure displayed on the sales lot shall meet the applicable setbacks for the zoning district in which it is located.
- D. Mobile home on individual lot in certain districts: Mobile homes shall not be located in any district which does not specifically allow mobile homes as a permitted or permissible use.

Section 28.11 - Mobile Home Parks: All mobile home parks developed in Nassau County shall meet the following minimum standards:

- A. All mobile home parks shall have a minimum area of ten (10) acres.
- B. Each mobile home lot shall have a minimum area of three thousand (3,000) square feet.
- C. The maximum density of any mobile home park shall not exceed eight (8) mobile home units per acre.
- D. Each mobile home lot shall have the following front, rear and side yards:
 - 1. Front yard: Twenty-five (25) feet.
 - 2. Rear yard: Fifteen (15) feet.
 - 3. Side yard: Seven and one-half (7 ½) feet.
- E. Each mobile home space shall be provided with two (2) paved off-street parking spaces.
- F. Each mobile home shall be placed on supports or pillars which rest on concrete pads. Each

mobile home shall be securely anchored to the ground.

- G. Prior to occupancy, skirts shall be installed around every mobile home.
- H. Each mobile home park shall be provided with adequate park or recreational areas for residents based on a recreation standard of one hundred and fifty (150) square feet per mobile home lot.
- I. All streets and roads within a mobile home park shall have a minimum width of forty (40) feet. Cul-de-sac or dead end streets shall have a turning radius of at least forty (40) feet.
- J. All streets have a minimum paved surface width of twenty (20) feet and a minimum thickness of six (6) inches. The following pavement bases shall be utilized:
 - 1. Sand-bituminous road mix.
 - 2. Florida limerock base.
 - 3. Limerock stabilized base (#300 per square yard).
 - 4. Shell cement mix.
 - 5. Soil cement mix.
- K. All drainage plans for the mobile home park shall be approved by the County Engineer.
- L. Sidewalks shall be provided along major streets in mobile home parks. Sidewalks shall be at least three (3) feet wide.
- M. A landscaped buffer at least eight (8) feet wide and six (6) feet high shall be maintained along the exterior boundary of the mobile home park.
- N. Each mobile home park shall contain adequate management, maintenance, space, and storage areas.
- O. If a mobile home sales lot or area is operated in conjunction with any mobile home park, such area shall not exceed ten (10) percent of the gross mobile home park area. The sales area shall be separated from the remainder of the mobile home park by a solid fence, wall or hedge with a minimum height of six (6) feet. The sales area shall also be located in a manner which will not impede the ingress and egress to the mobile home park.

Section 28.12 - Agricultural Zoning: All lands which become classified as open rural for ad valorem tax purposes by the Nassau County Tax Assessor, shall be considered to be in the Open Rural (OR) District during the time such classification is maintained regardless of the zoning district shown on the Zoning Atlas for such lands. All uses, restrictions and regulations provided in the OR District shall apply to such lands during the time such classification is maintained.

Section 28.13 - Essential Public Services: Essential public services may be permitted in any zoning district. Essential public services are hereby defined as, and are limited to certain installations of water,

sewer, gas, telephone or electrical systems, and similar installations; provided however:

- A. That this section shall not be deemed to permit the location in a district of such major installations as electrical or gas generating plants, sewage treatment plants, water pumping or aeration facilities and other similar major installation, unless such facilities were constructed or construction was started prior to the adoption of this ordinance. Otherwise, such uses shall be permissible only as conditional uses.
- B. That this section shall not be deemed to permit the erection of structures for commercial activities such as sales of related merchandise or collection of bills in districts from which such activities would otherwise be prohibited.
- C. The installation of utility cabinets shall be allowed within public rights-of-way, subject to review and approval of the Utility Permit by the County Engineer. Utility cabinets shall be permitted on properly recorded utility easements adjacent to public rights-of-way subject to the following conditions:
 - 1. Utility cabinets located within a required front yard shall not exceed seven (7) feet in width, six (6) feet in height above natural grade, and three (3) feet in depth. Any cabinets or structures larger than seven (7) feet in width by six (6) feet in height by three (3) feet in depth shall meet all applicable set backs with the subject district.
 - 2. Utility cabinets located in a required front yard shall not be located nearer than five (5) feet to the right-of-way line.
 - 3. Utility cabinets located in a required front yard shall maintain an unobstructed clear sight triangle where driveways or streets intersect a public right-of-way. The sight distance triangle shall be measured from the point of intersection ten (10) feet along the access way and ten (10) feet along the right-of-way, with the third side being a line connecting the two (2) points.
 - 4. A sight plan shall be submitted to the Zoning Department for review and a building permit shall be issued upon approval of the site plan.

Section 28.14 - Supplementary Regulations for Certain Conditional Uses: In addition to the permissible conditional uses listed in the schedule of district regulations, the following uses shall be permissible conditional uses in the district indicated. Unless specific provisions are made otherwise in the grant of the conditional use, such use shall conform to all supplementary regulations listed under such use.

- A. Home occupations: Home occupations are a permissible conditional use in any residential district which does not include such occupation as a permitted use, subject to all the following conditions:
 - 1. No person other than members of the family residing on the premises shall be engaged in such occupation.
 - 2. The use of the premise shall be clearly incidental and subordinate to its use for residential purposes and shall under no circumstances change the residential character thereof.

3. There shall be no change in outside appearance of building or premises, or other visible evidence of the conduct of such home occupation, except that one (1) sign shall be permitted not exceeding one (1) square foot in area, non-illuminated, mounted flat against the wall of the principal building at a position not more than two (2) feet from the main entrance to the residence.
 4. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
 5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
 6. The giving of art, music or other instructions or lessons shall be limited to not more than four (4) persons at any one (1) time.
 7. Fabrication of articles such as are commonly classified under the terms of arts and handicrafts shall be deemed a home occupation and can be sold on the premises.
 8. All goods and services offered for sale in conjunction with a home occupation shall be produced on the premises, and all services shall be performed by a member of the immediate family on the premises.
- B. Day nurseries: Day nurseries, including kindergartens and child care centers, shall be permissible conditional uses in all residential districts subject to all the following conditions:
1. Minimum lot area shall be not less than seven thousand five hundred (7,500) square feet and lot width in portion used for fenced play area shall be not less than seventy-five (75) feet.
 2. A fenced outdoor play area of not less than six hundred (600) square feet shall be provided in the rear yard.
 3. All facilities, operation and maintenance shall meet all applicable County or State regulations for such use.
 4. The conditional use application shall state the maximum number of children to be accommodated and in no case shall the number of children approved in the conditional use application be exceeded.
 5. Off-street parking, loading and unloading areas shall be maintained as provided in the site plan approved with the conditional use application for such use.
- C. Parking lots: Off-street parking lots shall be a permissible conditional use in all residential districts when such lot adjoins a site requiring off-street parking, provided there is no intervening street or alley and further provided:

1. A six (6) foot solid masonry wall or fence shall be erected along property lines adjacent to property zoned for residential uses.
 2. No source of illumination for such lots shall be directly visible from any window in any residence in the residential district.
 3. There shall be no movement of any vehicles on such lots between the hours of 11:00 p.m., and 7:00 a.m..
 4. There shall be no sales or service activity of any kind on such lots.
 5. Vehicles prohibited from being parked in residential districts by Article 28, Section 28.05, shall not be permitted to be parked on such lot.
- D. Cemeteries: Cemeteries and mausoleums (but not funeral homes and mortuaries) are permissible conditional uses in all residential districts. Such uses must be buffered from adjacent residential areas in accordance with Article 28, Section 28.08. A fence is required in all other districts.
- E. Schools: Private elementary and high schools with academic curriculum similar to those of public elementary and high schools are permissible conditional uses in all residential districts.
- F. Churches: Churches (but not temporary revival establishments) are permissible conditional uses in all residential districts.
- G. Golf courses: Golf courses are permissible conditional uses in any residential district provided it is located on a site containing a minimum of fifty (50) acres.
- H. Water and sewage treatment plants: Water and sewage treatment plants are permissible conditional uses in all districts. These uses must be buffered from adjacent areas in accordance with the provisions of Article 28, Section 28.08.
- I. Mobile homes: A mobile home on a individual lot shall be permitted as a conditional use in any residential district in which such use is not otherwise permitted. Such conditional use shall be granted to the applicant only, shall not be transferable and shall not run with the title to the property unless otherwise specified in the grant of the conditional use.
- J. Mother-In-Law Dwelling: A dwelling located on a lot or parcel of land, together with the principal use structure, for the care of aged, infirm or impecunious parent(s). In the case of a medical hardship, a medical certification shall be required with the application. All yard requirements, lot size requirements, height and lot coverage requirements shall apply for the appropriate district unless otherwise waived by the Planning and Zoning Board.
- K. Horses and ponies: Horses and ponies may be kept in residential districts only for private riding use and only if a place of shelter therefore shall be provided which is not closer than one hundred (100) feet to any residence of different ownership. Such horses and ponies shall be kept in a fenced enclosure not closer than twenty-five (25) feet to any private property line.

- L. Two-family dwelling (duplex): A duplex, being a single structure designed for or occupied exclusively by two (2) families living independently of each other, as defined herein, is a permissible use by exception in any Residential district where not otherwise permitted, and in the Open Rural district; provided the structure shall conform to all supplementary regulations listed under the district classification as though it were a single family dwelling (i.e.,: minimum lot requirement, maximum coverage by all buildings, minimum setbacks, maximum height of structure, etc.).

Section 28.15 - Accessory Uses and Structures.

- A. Accessory uses and structures are permitted in all districts provided such uses and structures are of a nature customarily incidental to a permitted principal use or structure and is located on the same lot (or contiguous lot in the same ownership) with such use. Any structure or portion thereof, attached to the principal structure on a lot, shall be considered a part of the principal structure and not an accessory building. Accessory uses shall not involve operations or structures not in keeping with the character of the district where located.
- B. Accessory uses and structures shall not be located in required front or side yards in any zoning district except as follows:
 - 1. Accessory structures for the housing of persons such as guests house or servant quarters, shall not be located in any required yard.
 - 2. In residential districts, detached accessory structures (other than as in 1 above) which are separated from the principal structure by at least ten (10) feet, may be located in a required side or rear yard, but not less than six (6) feet from any lot line.
 - 3. Air conditioning compressors or other equipment designed to serve the main structure may be located in any required side or rear yard, but must be at least six (6) feet from any lot line.
- C. Dog houses, pens and similar structures for the keeping of commonly accepted household pets allowed in all districts. In residential districts, the number of such pets over ten (10) weeks of age shall not exceed four (4) unless a conditional use permit has been granted allowing a greater number.
- D. The following accessory uses and structures shall be permitted in any residential district:
 - 1. Noncommercial greenhouses and/or plant nurseries.
 - 2. Servants quarters and/or guest houses.
 - 3. Private garages and carports, provided no garage or carport be designed to accommodate more than two (2) vehicles, unless a conditional use permit has been granted for such and all other requirements of this ordinance are met.
 - 4. Private boat houses or shelters, provided such structures do not exceed one thousand (1,000) square feet in area.

5. Tool and/or garden sheds, pump houses, barbecue pits.
 6. Swimming pools and related bathhouses, subject to conditions in Section 28.15 (E) below.
 7. Facilities for security guards and caretakers and similar structures which:
 - a. Do not involve the conduct of business of any kind.
 - b. Are of a nature not likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood.
 - c. Do not involve operations or structures not in keeping with the character of a residential neighborhood.
 8. Multifamily districts (RG-1 and RG-2): Temporary or permanent sales or rental offices provided such sales or rentals are for the dwelling units or lots located on the same premises.
- E. Swimming pools and bathhouses are permitted as accessory uses in any district. Private swimming pools, as regulated herein, shall be any pool, pond, lake, open tank located either above or below the existing finished grade of the site, not located within a completely enclosed building, and exceeding one hundred and fifty (150) square feet in surface area and two (2) feet in depth, designed to be used for swimming or bathing purposes. A private swimming pool shall be allowed in any residential district as an accessory use only if it fully complies with the following conditions:
1. The pool is to be used solely for the enjoyment of the occupants or bona fide guests.
 2. The pool is not located closer than five (5) feet to any property line, and is not located in the required front yard. If the pool is enclosed by a screened enclosure (i.e., screening material), the screened enclosure shall not be closer than ten (10) feet to any side or rear property line.
 3. The pool shall be enclosed by a retaining wall, fence or other structure having a minimum height of four (4) feet and constructed or installed in a manner which will prevent access of unauthorized persons. All gates installed in the pool's enclosure shall be self-latching with latched operable from the inside only, placed at least four (4) feet above the underlying ground. Gates shall be kept securely closed and latched at all times. If the property upon which the pool is located is otherwise adequately fenced, the requirement of this subsection may be waived by the Senior Planner.
- F. In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on said streets in the same block or adjacent blocks.
- G. On corner lots, a detached accessory building shall not be located closer to the side property line along a public street than the permitted distance for the main building on the lot.
- H. No accessory building shall be located on a residential lot unless a principal building is also located on the same lot.

Section 28.16 - Site Plan Requirements.

- A. General: Developers of sites for multi-family dwellings, commercial establishments, offices, mobile home parks and travel trailer parks and campgrounds are required to submit site plans for review by the appropriate county agency. A building permit will not be issued for any of the uses stated above until such site plan has been approved.
- B. Procedure: The following procedure shall be used when submitting a site plan for review:
1. A pre-application conference between the developer and the Senior Planner shall be held to discuss basic site plan requirements, site features and the proposed development.
 2. Four (4) copies of the proposed site plan shall be submitted to the Senior Planner for review and distribution to other governmental departments involved in the review process.
 3. Prior to distribution of the proposed site plan, the Senior Planner shall conduct a sufficiency review to determine if the developer addressed the site plan requirements stated in this ordinance. If all requirements have been addressed, the Senior Planner shall proceed with the distribution of the site plan. If all the requirements have not been addressed, the site plan should be returned to the developer to make the necessary additions in order to resume the site plan review process.
 4. Each governmental department involved in the site plan review process shall conduct its review and submit signed, written recommendations to the Senior Planner within fifteen (15) days after receipt of the site plan. All site plan recommendations shall be signed by department heads.
- Note: If the proposed site plan is for multi-family development containing ten (10) or less dwelling units, or for commercial or office uses consisting of less than fifteen thousand (15,000) total square feet, the Senior Planner shall approve or disapprove the site plan. If such development exceeds the limits specified, the following procedure must be adhered to.
5. The Senior Planner shall submit the proposed site plan along with a written analysis and recommendations to the Planning and Zoning Board for consideration at its next meeting. The site plan analysis and recommendations shall reflect the review and comments of all governmental departments involved in the site plan review process. The Planning and Zoning Board shall review the proposed site plan at a regularly scheduled meeting.
 6. Following the said review, the Planning and Zoning Board shall approve, approve with conditions, or deny the proposed site plan.
 7. Upon approval of the proposed site plan and if the proposed site is properly zoned, a building permit shall be issued.
- C. Site plan requirements: The following information shall be provided by the developer when submitting a site plan for approval:
1. Vicinity map:

- a. Site location.
 - b. Legal description of the site (names and addresses of adjacent property owners shall also be attached).
 - c. Abutting streets and easements.
 - d. Natural site features.
 - e. Site boundaries.
 - f. Utilities.
 - g. Existing structures.
 - h. Adjacent land uses.
2. Site plan -- including but not limited to:
- a. Name, location, owner and architect of the proposed development.
 - b. Present zoning and conditional use permit (if applicable) for subject site.
 - c. Tabulation of gross site acreage and proposed density.
 - d. Number of units proposed.
 - e. Date, north arrow and graphic scale (one (1) inch equals fifty (50) feet).
 - f. Dimensions of all structures and major features including setbacks, distances between structures, floor area, driveway widths, parking spaces, property or lot lines, and percent of lot coverage.
 - g. Internal automotive and pedestrian circulation including driveways, sidewalks, curb and gutters, and site ingress and egress. **(MUST BE CONSTRUCTED ACCORDING TO COUNTY ENGINEERING STANDARDS AND APPROVED BY THE COUNTY ENGINEER.)**
 - h. Location, number and dimension of off-street parking and loading facilities. **(MUST BE CONSTRUCTED ACCORDING TO COUNTY ENGINEERING STANDARDS AND APPROVED BY THE COUNTY ENGINEER.)**
 - i. Location and dimension of water supply and sewage disposal facilities. **MUST BE CONSTRUCTED ACCORDING TO COUNTY HEALTH DEPARTMENT STANDARDS AND APPROVED BY THE COUNTY SANITARIAN.)**
 - j. Location of electrical service lines, easements, transformers and fire hydrants.
 - k. Location, size and design of landscaped or open space areas including existing trees

and buffers.

- l. Location of any on-site lighting and signs.
- m. Site Drainage Plan **MUST BE APPROVED BY THE COUNTY ENGINEER**.
 - (1) Existing and proposed ground contours and elevations.
 - (2) Existing and proposed drainage facilities with their size, elevations, and slopes.
 - (3) Design calculations which support the proposed drainage design.
 - (4) Elevations and slope of surrounding property.
 - (5) Location and size of existing and proposed easements and right-of-ways.
- n. Location of flood hazard boundaries.

Section 28.17 - Landscape Requirements: Off-street parking areas - All off-street parking areas in Nassau County containing five (5) or more parking spaces shall comply with the following landscape requirements:

- A. General: It is essential that proper plant specimens be chosen for each specific condition (consult the County Agent for assistance). In choosing plant materials consideration should be given to the amount of sun or shade, the wetness or dryness of the soil, the effects of salt spray (where applicable), the amount of maintenance required, the ultimate growth size of plants chosen, and the aesthetics of the planting areas.

Preserving existing trees and shrubs within the parking area is encouraged. Discretionary credit will be given for each existing plant or tree preserved. All trees shall be planted in a minimum dimension of five (5) feet. This five (5) foot square minimum planting area must be free of all bumper overhang in order to prevent possible tree damage resulting from auto bumpers striking trees. All trees shall have a minimum trunk diameter of two (2) inches measured at a point four and one-half (4.5) feet above ground line, and a minimum crown spread of five (5) feet diameter.

Shrubs used for screening off-street parking areas from adjacent properties shall have a minimum height of thirty (30) inches when planted. These shrubs shall be planted in a manner which will form a visual barrier between the off-street parking area and adjacent property. All shrubs used for screening shall be of a plant species that is capable of reaching the required height of six (6) feet within twenty-four (24) months under normal growing conditions. (See Suggested Plant List). Shrubs used as accent ground cover and vines may vary in size depending on the type of plant material and the desired effect.

The location of all trees and shrubs shall be reviewed and approved by the Senior Planner.

- B. Adjacent to public right-of-ways:

1. A landscaped area at least five (5) feet wide shall be located between the parking area and the abutting right-of-way. Wheel stops or curbing shall be used, where necessary, to assure that this five (5) foot strip is not overhung by car bumpers (See Figure A). This landscaped area shall include one (1) tree for every twenty-five (25) feet of frontage or fraction thereof, and one (1) shrub for every five (5) feet of frontage or fraction thereof. All shrubs shall have a minimum height of two (2) feet at planting and shall attain a maximum height three (3) feet within twelve (12) months under normal growing conditions.
2. The required landscaped area may also be defined by the use of a barrier of non-living materials in lieu of living materials. Such barrier shall not exceed three (3) feet in height. An average of one (1) shrub or vine for every ten (10) feet or fraction thereof, shall be planted abutting such barrier. These shrubs or vines may be clustered rather than spaced evenly apart. Such shrubs or vines shall be planted along the street side of such barrier. Also, one (1) tree shall be planted for every twenty-five (25) feet of frontage or fraction thereof. A planting area of four (4) feet must be maintained between this barrier and the right-of-way line.

C. Sight distance for landscaping adjacent to public right-of-ways and points of access. (See Figure B).

When an access intersects a public right-of-way, clear unobstructed cross visibility shall be provided within the sight triangle formed by such intersection. The sight triangle shall be measured from the point of intersection, ten (10) feet along the accessway and then ten (10) feet along the right-of-way, with the third side being a line connecting the two (2) points. Cross visibility within the sight triangle shall be unobstructed between the height of two (2) feet and eight (8) feet measured from the ground line. Trees and palms shall have their limbs and foliage trimmed in a manner that no limbs or foliage will extend in to the cross visibility area. To ensure proper visibility at the intersection of accessways with public right-of-ways, excluding properly trimmed trees as previously stated, only ground cover type plants shall be allowed within the sight triangle.

D. Adjacent to other properties:

1. Residential areas (See Figure C). When off-street parking areas are adjacent to residential uses or properties, a landscaped buffer at least five (5) feet wide shall separate them. The landscaped buffer shall contain an opaque screen composed of either living plant materials or durable nonliving materials, e.g., fences, walls, etc., having a minimum height of six (6) feet. When located on side lot lines, such screen shall terminate within ten (10) feet of its intersection within the street right-of-way line. All living plant materials shall be planted in a manner which will form a visual barrier and must be at least thirty (30) inches when planted and shall attain the required height of six (6) feet within twenty-four (24) months under normal growing conditions. If a barrier composed of nonliving materials is used for screening, the barrier shall be accented with shrubbery. A minimum of one (1) tree shall be planted for every fifty (50) feet of common lot line or fraction thereof. The required landscaped area shall be protected from vehicle encroachment by the use of wheel stops or curbs.
2. Nonresidential areas: When off-street parking areas are adjacent to nonresidential uses or

property containing a conforming hedge, wall, or other durable landscape feature, the provisions stated in Subsection D(1) excluding the tree planting requirements, shall not apply to rear or side lot lines.

3. A landscaped buffer area is not required for off-street parking areas that are screened from adjacent property by intervening buildings.

E. Interior landscaping regulations:

1. Off-street parking areas shall contain ten (10) square feet of interior landscaping for each parking space.
2. Each separate interior landscaped area shall contain a minimum of one hundred (100) square feet and shall be at least five (5) feet wide. A minimum of one (1) tree shall be planted for every two hundred (200) square feet of interior landscaping with the remaining area adequately planted with shrubs, ground cover, or other approved landscaping materials.
3. All interior landscaping shall be protected from vehicle encroachment by curbing or wheel stops.
4. Interior landscaping shall be located in a manner which will divide or interrupt the broad expanse of paving. Landscaped areas shall subdivide parking areas into parking bays containing a maximum of forty (40) spaces, provided that no more than twenty (20) spaces shall be in an uninterrupted row.
5. Interior landscaping layout or design shall be reviewed and approved by the Senior Planner.

SUGGESTED PLANT LIST

	<u>Botanical Name</u>
A. Canopy Trees	
1. Live Oak	Quercus virginiana (Full Sun)
2. Sycamore	Platanus occidentalis (Full Sun)
B. Accent Trees	
1. American Holly	Ilex opaca (Full or Part Sun)
2. Cherry Laurel	Prunus caroliniana (Full Sun)

C. Palms

- | | |
|----------------------|--|
| 1. Cabbage Palm | <i>Sabal major</i>
(Full or Part Sun) |
| 2. Lady Palm | <i>Raphis excelsa</i>
(Part-Full Shade) |
| 3. European Fan Palm | <i>Chamaerops humilis</i>
(Full Sun or Partial Shade) |

D. Accent Shrubs

- | | |
|-----------------------|---|
| 1. Pampas Grass | <i>Cortaderia selloana</i>
(Full Sun or Partial shade) |
| 2. Oleander | <i>Nerium oleander</i>
(Full Sun) |
| 3. Hetzi Juniper | <i>Juniperus chinensis hetzi</i> (Full Sun) |
| 4. Mint Julip Juniper | <i>Juniperus chinensis mint julip</i>
(Full Sun) |
| 5. Century Plant | <i>Agave americana</i>
(Full Sun) |
| 6. Indian Hawthorn | <i>Raphiolepis indica</i>
(Full Sun) |
| 7. Feijoa Guava | <i>Fiejoa sellowiana</i>
(Full Sun) |

Botanical Name

E. Hedges

- | | |
|--------------|---------------------------|
| 1. Ligustrum | <i>Ligustrum japonica</i> |
| 2. Viburnum | <i>Viburnum suspensum</i> |

F. Low Shrubs, Ground Cover and Vines

- | | |
|---------------------|--|
| 1. Shore Juniper | <i>Juniperus conferta</i>
(Full sun) |
| 2. Blue Rug Juniper | <i>Juniperus chinensis blue rug</i> (Full Sun) |

- | | | |
|----|---------------------|---|
| 3. | Bar Harbor Juniper | Juniper chinensis bar harbor (Full Sun) |
| 4. | Dwarf Yaupon | Ilex vomitoria nana
(Full Sun or Partial Shade) |
| 5. | Dwarf Pittosporum | Pittosporum tobira wheelerii
(Full Sun or Partial Shade) |
| 6. | Border Grass | Liriope muscari
(Shade) |
| 7. | Algerian Ivy | Hedera canariensis
(Shade) |
| 8. | Confederate Jasmine | Trachaelospermum jasminoides
(Vine) (Full Sun) |
| 9. | Fig Vine (on walls) | Ficus repens (Vine)
(Full Sun or Shade) |

Section 28.18 Towers and Antennae -

In districts where radio and television communication or relay antenna facilities or towers, water storage tanks or towers, and similar facilities are permitted or permitted as a Conditional Use, they shall be required to be placed on the site in such a manner that the "fall zone" for said facility is completely contained within the boundary of such property. The fall zone is the radius of the height of the structure.

ARTICLE 29: NONCONFORMING LOTS, USES AND STRUCTURES

Intent: Within the districts established by this ordinance, there exists lots, structures, uses of land or water and characteristics of use which were lawful before the passage of these regulations, but would be prohibited, regulated or restricted under the terms of this ordinance or its future amendments. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Nonconforming uses shall not be enlarged upon, expanded, intensified, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. It is further the intent of this ordinance that changes in nonconforming uses shall not be permitted.

Section 29.01 - Enlargement and Incompatibility: Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, structure and land or water in combination shall not be extended or enlarged after the adoption of this ordinance.

Section 29.02 - Work in Process: To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which a building permit has been issued prior to the adoption of this ordinance. If actual construction has not begun within six (6) months of the date of issuance of the permit, such permit shall become invalid and shall not be renewed except in conformity with this ordinance.

Section 29.03 - Nonconforming Use of Open Land: Where open land, e.g., land not enclosed by buildings, is being used for nonconforming use, such use shall not be extended or enlarged either on the same or adjoining property.

Section 29.04 - Nonconforming Use of Buildings: Except as otherwise provided herein, the lawful use of a building existing at the effective date of this ordinance may be continued even though such use does not conform to the provisions hereof.

Section 29.05 - Discontinuance of Nonconforming Uses.

- A. No building or portion thereof, used in whole or part for a nonconforming use, which remains idle or unused for a continuous period of one (1) full calendar year, whether or not the equipment or fixtures are removed, shall not be used again except in conformity with the regulations of the zoning district in which it is located.
- B. The removal of a nonconforming mobile home from any district, except where such use is permissible by this ordinance, shall no longer be deemed a nonconforming use. The placement or replacement of a mobile home shall not be permitted unless a conditional use permit has been granted by the Planning and Zoning Board in compliance with Article 5, Section 5.03 of this ordinance.

Section 29.06 - Destruction of a Nonconforming Use: No building which has been damaged by any means to an extent of more than sixty percent (60%) of the fair market value of the building immediately prior to damage, shall be restored except in conformity with the regulations of this ordinance, and all rights as a nonconforming use are terminated. If a building is damaged by less than sixty percent (60%) of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repair or reconstruction be substantially completed within twelve (12) months after the date of such damage.

Section 29.07 - Nonconforming Lots of Record.

- A. In any zoning district in which single family dwellings or mobile homes are permitted, such a use and customary accessory uses may be erected, expanded, or altered on any single lot of record, which was recorded on or before the effective date of this ordinance even though such lot failed to meet the requirements for area or width, or both that are generally applicable in the zoning district, provided that yard dimensions and requirements other than those applying to area or width, or both of the lot shall conform to the regulations for the zoning district in which such lot is located. It is further provided that this provision shall apply even though such lot does not abut upon a dedicated public street or a private street, which has been approved by the County Engineer provided, however, that such lot abuts a 30 foot continuous access easement of record for a distance of not less than thirty-five (35) feet.

- B. In any zoning district, a conforming use or structure on a nonconforming lot of record which was so recorded on or before the effective date of adoption of the ordinance may be expanded or altered provided other requirements of the ordinance are met. After the effective date of adoption of the ordinance, no lot or parcel in any district shall be so divided as to create a lot with area or width below the requirements of the ordinance; and no lot or parcel or portion of a lot or parcel shall be used or sold in a manner which diminishes compliance with lot area and width requirements established by the ordinance.

Section 29.08 - Nonconforming Characteristics of Use: If characteristics of use such as off-street loading, or other matters pertaining to the use of land, structures, or premises are made nonconforming by this ordinance as adopted or amended, no change shall thereafter be made in such characteristics of use which increases nonconformity with the regulations set out in this ordinance; provided, however, that changes may be made which do not increase, or which decrease, such nonconformities.

Section 29.09 - Repairs of Maintenance: On any nonconforming structure or portion of a structure and on any structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of fifteen (15) percent of the current just value of the structure (or of the nonconforming portion of the structure if a nonconforming portion of the structure is involved), provided that the cubic content of the structure existing after the date it became nonconforming shall not be increased.

Section 29.10 - Nonconforming Structures Unsafe Because of Maintenance: If a nonconforming structure or portion of a structure or any structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance and is declared by any duly authorized official of Nassau County, to be an unsafe building or structure, it shall not thereafter be resolved, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

ARTICLE 30: SIGN REGULATIONS

The following limitations on signs shall apply in the indicated Zoning Districts:

Section 30.01 - Residential Districts.

- A. No off-site sign shall be permitted in any residential district.
- B. No sign in any residential district shall be animated or flashing and roof signs, neon signs and strip lighting are prohibited.
- C. In single-family residential districts, on-site signs shall be limited to one sign not exceeding nine (9) square feet.
- D. On-site signs in connection with a permitted or permissible use in any residential district shall be limited to those specifically approved in the grant of zoning exception.

Section 30.02 - Commercial Districts: On-site signs are permitted in all commercial districts. Off-site signs are permitted in all commercial districts except CN and CPO. No sign erected after the adoption of the Zoning Ordinance in any commercial district shall project beyond the property line over any public street, right-of-way, walk or alley.

Section 30.03 - Industrial Districts: On-site and off-site signs are permitted in all industrial districts, provided no such sign erected after the adoption of the Zoning Ordinance shall project beyond the property line over any public street, right-of-way, walk or alley.

Section 30.04 - Open Rural District: One (1) on-site sign not exceeding thirty-two (32) square feet in area shall be permitted for any permitted or permissible use in OR districts. Off-site signs shall be permitted provided such signs shall:

- A. Not be so located as to encroach in any manner on, over or across any public right-of-way, street or sidewalk or be located closer than thirty (30) feet to the intersection of any two (2) street right-of-way lines.
- B. Meet all federal and state regulations concerning the setback requirements of signs from public right-of-ways.
- C. Not be located nearer than five hundred (500) feet to any other off-site sign previously erected.

Section 30.05 - Excluding Signs Permitted: All signs, flags, posters, insignia, and other items excluded from the definition of the word "sign" in Article 32, shall be permitted in all zoning district.

ARTICLE 31: REQUIRED OFF-STREET PARKING AND OFF-STREET LOADING

Section 31.01 - Continuation Required.

- A. Off-street parking or off-street loading facilities shall be maintained and continued, so long as the main use continues.
- B. Parking spaces on lots of more than four (4) spaces, shall be marked by painted lines or curbs or other means to indicate individual spaces and shall be maintained, so long as the main use continues.

Section 31.02 - Existing Uses.

- A. Repair: Conforming buildings and uses existing as of the effective date of this ordinance may be modernized, altered, or repaired without providing additional off-street parking or off-street loading facilities, providing there is no increase in area or capacity.
- B. Enlargement: Where a conforming building or use existed as of the effective date of this ordinance and such building or use is enlarged in floor area, volume, capacity, or space occupied, off-street parking or off-street loading as specified in this ordinance shall be provided for the additional floor area, volume, capacity, or space created or used. All off-street loading or parking spaces actually existing on the effective date of this ordinance shall be maintained and additional required spaces shall be provided for the additional floor area, except where the sum of existing and new parking spaces exceed the number required by this ordinance for the existing building or use and such enlargement combined.
- C. Change in use: Change in use of a conforming or non-conforming building or use existing as of the effective date of this ordinance, shall require the off-street parking and/or off-street loading spaces which would have been required for the new use had the regulations of this ordinance been applicable thereto.

Section 31.03 - Required Off-Street Parking and Loading Facilities.

- A. General: The required off-street parking or loading facilities shall be:
 - 1. Identified as to purpose and location when not clearly evidenced.
 - 2. All off-street parking areas, except those serving single family or two-family development, shall be paved, striped, properly drained, maintained and landscaped. All landscaping shall be in accordance with Article 28, Section 28.17. The Planning and Zoning Board may allow an alternative driveway and/or parking surface as a Conditional Use in any zoning district. The alternative surface must be of a material that will suitably minimize dust particulate. The number of parking spaces, driveway widths, drainage design, landscaping, and other requirements of the Zoning Code shall remain in full force and shall be met for any alternative driveway or parking surface, unless otherwise stated in the Conditional Use approval. The Engineer shall attach written comments to the Conditional Use application. The comments shall include specific remarks regarding the proposed surface.

Conditional Uses may be considered only for the following:

- a. Temporary commercial ventures where the business is not anticipated to remain for a period exceeding twelve (12) months.
 - b. Commercial activities where, because of their location or frequency of usage, a paved surface would be impractical or cause harm to the environment.
 - c. Governmental uses.
 - d. Churches.
3. A drainage plan for off-street parking areas shall be submitted to the County Engineer prior to construction. The County Engineer shall determine the size parking area a drainage plan will be required.
 4. If lighted, lighting shall be designed and installed so as to prevent glare or excessive light on adjacent property; and,
 5. Arranged for convenient access and safety of pedestrians and vehicles.
- B. Barriers: Where off-street parking or loading areas for four (4) or more vehicles are located on the perimeter of a lot, barriers shall be provided to insure that all or no portion of a parked vehicle shall encroach over and onto any adjacent private property and separate ownership or over and onto any public street or sidewalks; and, further, barriers shall be provided so that no parked motor vehicle door, when open, can make such encroachment. Barriers may consist of fences, walls, hedges, chains, wheel stops, shrubs, ditches (when necessary to the drainage plan of a lot only) or other method of barrier satisfactory to the Senior Planner.

Section 31.04 - Off-Street Parking and Loading: Location - The required off-street parking or loading spaces shall be located on the same lot or parcel of land they are intended to serve, when feasible. If practical difficulties prevent the placing of parking facilities on the same lot with the structure they are designed to serve, such facilities shall be located on another site not more than four hundred (400) feet away.

Section 31.05 - Off-Street Parking and Loading: Access - Each off-street parking or loading space shall be directly accessible from a street or alley without crossing or entering any other required off-street parking or loading space. Each loading space shall be accessible from the interior of the building it serves and shall be arranged for convenient and safe egress and ingress by motor truck and/or trailer combination.

Section 31.06 - Off-Street Parking and Loading: Design Standards.

- A. Space dimensions: Minimum dimensions of off-street parking and loading spaces shall be as follows:
 1. Off-street parking: Nine (9) by twenty (20) feet.

2. Off-street loading: Twelve (12) feet by twenty-five (25) feet.

B. Interior drives: Minimum width of interior drives shall be related to the angle of parking stalls and use of one-way or two-way traffic as follows:

Parking Angle	Width of Aisle	Traffic Direction
30 deg.	12 feet	One-way
45 deg.	13 feet	One-way
60 deg.	18 feet	One-way
90 deg.	24 feet	Two-way

Note: Twenty-four (24) feet minimum for two-way circulation

Section 31.07 - Off-Street Parking and Loading; Non-Conforming Use: Where enlargement of facilities or extensions of use are to be made in a building occupied by non-conforming use, no such enlargement of facilities or extensions shall be permitted unless and until existing off-street parking or loading is retained and additional off-street parking or loading is provided. The additional off-street parking or loading required shall be in such amount as is required for said enlargement or extension.

Section 31.08 - Off-Street Parking and Loading; Uses Not Specifically Mentioned: Requirements for off-street parking and loading for uses not specifically mentioned in this article, shall be the same as provided for the use most similar to the one sought, it being the intent of this ordinance to require all uses to provide off-street parking and loading.

Section 31.09 - Off-Street Parking and Loading; Fractional Measurements: When units or measurements determining the number of required off-street parking or loading spaces result in requirement of a fractional space, such fraction equal to or greater than one-half shall require a full off-street parking or loading space.

Section 31.10 - Off-Street Parking; Measurement: Floor area shall mean the gross floor area inside the exterior walls, where floor area is indicated as a basis for determining the amount of off-street parking or loading required. In hospitals, bassinets shall not be counted as beds. In stadiums, sport arenas, churches, and other places of public assembly in which occupants utilize benches, pews, or other similar seating arrangements, each twenty-four lineal inches of such seating facilities shall be counted as one (1) seat for the purpose of computing off-street parking requirements.

Section 31.11 - Off-Street Parking; Minimum Requirements: Irrespective of any other requirement of this ordinance, each and every separate individual store, office, or other business shall be provided with at least two (2) off-street parking spaces.

Section 31.12 - Off-Street Parking Spaces; Number Required: Off-street parking spaces shall be provided and maintained in all districts as follows:

A. Residential uses:

1. Dwellings up to four (4) units located on an individual lot: Two (2) spaces for each dwelling unit.

2. Multi-family dwellings in excess of four (4) units: Two (2) spaces for each dwelling unit, plus one (1) space for owner or operator and one (1) space for each two (2) employees.
3. Mobile home park: Two (2) spaces for each mobile home lot.
4. Mobile home subdivision or mobile home on individual lot: Two (2) spaces per mobile home.
5. Housing for elderly: One (1) space for each two (2) dwelling units.
6. Nurses home, convent, monasteries: One (1) space for each four (4) lodging units.
7. Fraternity and sorority houses: One (1) space for each two (2) residents.
8. Hotels and motels: One (1) space for each sleeping room plus spaces required for accessory uses such as restaurant, etc.

B. Institutional uses:

1. Sanitariums, rest homes, nursing home, convalescent homes, homes for the aged: One (1) space for each four (4) beds plus one (1) space for each employee.
2. Hospitals: One and one-half ($\frac{1}{2}$) spaces for each bed.
3. Churches and funeral homes: One (1) space for each four (4) seats in sanctuary or chapel area.
4. Art gallery, library, museum: One (1) space for every six hundred (600) square feet of gross floor area.
5. Orphan's home: One (1) space for each employee, plus one (1) space for each six (6) beds.

C. Schools and educational uses:

1. Elementary and junior high schools: Two (2) spaces for each classroom, office room and kitchen.
2. Senior high schools: Six (6) spaces for each classroom, office room, kitchen, gymnasium and auditorium.
3. Day nursery and kindergarten: Two (2) spaces for each employee plus adequate provision for the loading and unloading of children.
4. Dance, art and music studios: One (1) space for every three hundred (300) square feet of gross floor area.
5. Vocational, trade and business school: One (1) space for every three (3) seats of seating capacity.

D. Assembly: Recreational and similar uses:

1. Private clubs: One (1) space for each four (4) seats, or one (1) space for each two hundred (200) square feet of gross floor area, which ever is greater.
2. Restaurant, night club, bar or tavern: One (1) space for each four (4) seats in public rooms plus one (1) space for each two (2) employees.
3. Theaters: One (1) space for every four (4) seats.
4. Bowling alleys: Two (2) spaces per alley.
5. Stadiums and arenas: One (1) space for each four (4) seats.
6. Community center, recreational facility: One (1) space for each two hundred (200) square feet of gross floor area or one (1) space for each three (3) seats, which ever is greater.
7. Billiard parlor: Two (2) spaces for each three (3) tables.
8. Public, private and commercial parks, campgrounds and recreational areas: One (1) space for each campsite or picnic area.

E. Business and professional uses:

1. Medical and dental office or clinic: One (1) space for each doctor; plus one (1) space for each two (2) employees, plus one and one-half ($\frac{1}{2}$) spaces for each consultation room or examining room, provided the maximum number of required spaces for each doctor shall not exceed seven (7).
2. Research laboratory: One (1) space for each two (2) employees plus one (1) space for each company vehicle plus two (2) spaces for patron parking.
3. Professional and business offices (other than medical or dental): One (1) space for each three hundred (300) square feet of gross floor space, plus one (1) space for every two (2) occupants or employees.
4. Radio or television broadcasting office or studio: One (1) space for every five hundred (500) square feet of gross floor area.

F. Commercial uses:

1. Business, commercial, or personal service establishments (not otherwise listed): One (1) space for each three hundred (300) square feet of gross floor area, plus, where applicable, one (1) space for every one thousand (1,000) square feet of lot or ground area outside the buildings used for any type of sales or display.
2. Marinas: One (1) space for each boat berth plus one (1) space for each two (2) employees.
3. Bus, railroad or other transportation terminals: One (1) space for each five hundred (500)

square feet of gross floor area plus one (1) space for each two (2) employees.

4. Wholesale, warehouse or storage use: One (1) space for every two (2) employees on peak shifts, plus one (1) space for each vehicle based at the facility.
 5. Commercial shopping centers: One (1) space for each one hundred fifty (150) square feet of non-storage floor area.
- G. Industrial and similar uses: All uses in industrial districts not otherwise listed: One (1) space for every two (2) employees on peak shifts, plus one (1) space for every company vehicle operating from the premises.
- H. Handicap parking space requirements:
1. Handicap parking spaces shall be reserved and posted in all commercial and professional districts and in any other district which has a principal, accessory or conditional use of a building or structure open to the public.
 2. Handicap parking spaces shall be conveniently located with respect to main and secondary entrances, and ramps to sidewalks shall be provided and conveniently located in relationship to the handicap spaces.
 3. The required number of handicap parking spaces shall be:
 - a. Zero (0) to twenty (20) required spaces: One (1) handicap space.
 - b. Twenty-one (21) to Fifty (50) required spaces: Two (2) handicap spaces.
 - c. Required parking which exceeds fifty (50) spaces shall include a minimum of four (4) percent of those spaces as handicap spaces.

Section 31.13 - Off-Street Loading; Requirements: Off-street loading spaces shall be provided and maintained as follows:

- A. Businesses: Each retail store, storage warehouse, wholesale establishment, industrial plant, factory, freight, terminal, merchant, restaurant, mortuary, laundry, dry cleaning establishment, or similar use which has an aggregate floor area of:

Square Feet	Square Feet	No. of Spaces
Over 5,000 but not over	25,000	1
25,000 but not over	60,000	2
60,000 but not over	120,000	3
120,000 but not over	200,000	4
200,000 but not over	290,000	5

Plus one (1) additional off-street loading space for each additional ninety thousand (90,000) square feet over 290,000 feet or major fraction thereof.

- B. Public buildings: For each auditorium, convention hall, exhibition hall, museum, motel, hotel, or office building, sports arena, stadium, hospital, sanitarium, welfare institution, or similar use which has an aggregate floor area of: over ten thousand (10,000) square feet, but not over forty thousand (40,000) square feet: one (1) space, plus one (1) space for each additional sixty thousand (60,000) square feet or major fraction thereof.
- C. Others: For any use not specifically mentioned, the requirements for off-street loading facilities for a use which is so mentioned and to which the unmentioned use is similar shall apply.

ARTICLE 32: DEFINITIONS

For the purpose of this Zoning Ordinance, certain words and terms used herein shall be interpreted to have meanings as defined below. When words or terms are not defined, they shall have their ordinarily accepted meaning or such as the context may imply. Words used in the present tense include the future tense; the singular number includes the plural and the plural includes the singular. The word shall is mandatory; the word may is permissive. The words used or occupied include the words intended, designed, or arranged to be used or occupied. The word lot includes the words plot or parcel. The word structure includes the word building as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground. The word land include the words marsh, water, or swamp.

ABUTTING PROPERTY: Any property that is immediately adjacent to or contiguous to property that may be subject to any hearing required to be held under this act, or that is located immediately across any road or public right-of-way from the property subject to any hearing under this act.

ACCESSORY BUILDINGS AND USES: A subordinate building or portion of a main building, the use of which is incidental to that of the dominant use of the main building or land, including accessory signs, bona fide servants' quarters and greenhouses operate on a nonprofit basis. An accessory use is one that is incidental to the main use of the premises.

ACCIDENT POTENTIAL HAZARD AREA : An area within five thousand (5,000) feet of the approach or departure end of a runway or in proximity to an airport in which aircraft may maneuver after takeoff or before landing and are subject to the greatest potential to crash into a structure or the ground.

AGRICULTURAL SERVICES: Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services, and farm labor and managements services, and uses and structures accessory to the care and maintenance of agricultural uses.

AGRICULTURE: The production, keeping, or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops, dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations of hybrids thereof, and programs for the care of exotic, endangered or threatened species, including the breeding and grazing of any or all of such animals, bees and apiary products, fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry managements program.

AIRPORT: Any runway, land area or other facility designed and used, either publicly or privately, by any person, for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

AIRPORT ELEVATION: The highest point of an airport's usable landing area measured in feet above mean sea level.

AIRPORT OBSTRUCTION: Any structure or object of natural growth or use of land which would exceed the federal obstruction standards as contained in 14 CFR ss. 77.21, 77.23, 77.25, and 77.28 or which obstruct the airspace required for flight of aircraft in landing and take-off at an airport or is

otherwise hazardous to such landing or take-off of aircraft.

AIRSPACE HEIGHT: To determine the height limits in all zones set forth in this ordinance, the datum shall be mean sea level elevation (AMSL) unless otherwise specified.

ALLEY: A public or private way, which affords only a secondary means of access to property abutting thereon, which is not otherwise designated a thoroughfare or for general traffic, and which is not otherwise designated a street.

ALTERATION: Any change in the arrangement of a building; any work affecting the structural parts of a building; or any change in wiring, plumbing or heating and air-conditioning systems.

APPLICATION: Forms completed by individuals when making zoning requests. (Same as petition)

APPLICANT: The owner, or his authorized representative, of a tract of land which is the subject of a request for a change in zoning classification, a variance, or an appeal. (Same as petitioner)

AUDITORIUM: The room, hall, building, or part of a building used for public gatherings.

AUTOMOBILE SERVICE STATION: See Service Station, Automotive.

AUTOMOBILE REPAIR: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

AUTOMOTIVE WRECKING AND SALVAGE YARDS: See Junkyard - The dismantling or wrecking of used motor vehicles, mobile homes or other vehicles, or the storage, sale or dumping of such wrecked or dismantled vehicles or parts. (Must be completely screened by a visual barrier at least six (6) feet in height.)

BAR, SALOON, COCKTAIL LOUNGE, OR TAVERN: Any establishment devoted primarily to the selling or dispensing and drinking of malt, vinous or other alcoholic beverages or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable within or thereon and where such beverages are consumed on the premises.

BED & BREAKFAST INN: Overnight accommodations, with a morning meal in a dwelling unit provided to transient guests for compensation.

BLOCK: A block shall be deemed to be all that property frontage along one highway, lying between the two nearest intersecting or intercepting streets and railroad right-of-way or waterway, golf course, campus, park or similar open space.

BOARDING HOUSE, ROOMING HOUSE, LODGING HOUSE OR DORMITORY: A building or part thereof, other than a hotel, motel or restaurant, where meals and/or lodging are provided for compensation for three (3) or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

BUFFER: A solid wall, fence, or shrubbery at least six (6) feet in height which separates incompatible land uses. This ordinance requires some buffers to be a certain width and properly landscaped.

BUILDABLE AREA: The space remaining on a lot after the minimum open space requirements (lot coverage, yards, setbacks) have been met.

BUILDING: Any structure designed or built for support, enclosure, shelter or protection of persons, animals, chattels or property of any kind. The word "building" shall include "structure". Any structure constructed or used for a residence, business, industry or other private or public purposes, including structures that are accessory to such uses.

BUILDING HEIGHT: The vertical distance from the established finished grade at the center of the front of a building to its highest point of the roof or parapet.

BUILDING LINE: An imaginary line across the property, defined in each district by the setback requirement on which the front wall of a building may be built. For the purpose of measuring, setbacks shall be determined by measuring from any vertical support of a covered roof section to the nearest point to the lot line.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot or parcel on which said building is situated.

BUILDING SETBACK: The minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or side lines of the building. When two (2) or more lots under one (1) ownership are used, the exterior property lines so grouped shall be used in determining building setback when the interior common lot line is straddled by the principal structure.

CALIPER: Caliper shall be the diameter at breast height (DBH) of the trunk of all trees four and one-half (4 ½) feet above the ground.

CARPORT: An accessory structure or portion of a principal structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two (2) sides, and designed or used for the storage of motor driven vehicles owned and used by the occupants of the building to which it is accessory.

CEMETERY: Land used or intended to be used for the burial of the animal or human dead.

CHURCH: A building used for nonprofit purposes by a recognized or established religion as its place of worship. Such building may include a residential area for the pastor or minister of the sect.

CLINIC: An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one (1) person or a group of persons practicing any form of healing or health building services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists or any such profession, the practice of which is lawful in the State of Florida.

CLUB, PRIVATE: An association or organization of a fraternal or social character, not operated or maintained for profit. The term private club shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

CLUB, NIGHT: A restaurant, dining room, bar, or other similar establishments serving alcoholic beverages, wherein paid floor shows or other forms of paid entertainment are provided for customers as a part of the commercial enterprise.

CLUSTER: A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. (See Planned Unit Development - PUD)

CLUSTER SUBDIVISION: A form of development for single-family residential subdivisions that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space. (See Planned Unit Development - PUD)

COMPREHENSIVE PLAN: The Nassau County Comprehensive Plan which was adopted by the Nassau County Board of County Commissioners pursuant to Chapter 163, Florida Statutes, as amended.

CONDITIONAL USE: A use that would not be appropriate generally or without restriction throughout the zoning classification or district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning classification or district as conditional uses, if specific provisions for such conditional use is made in this ordinance.

CONSTRUCTION AND DEMOLITION DEBRIS: Materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure. The term includes rocks, soils, tree remains, trees, and other vegetative matter which normally results from land clearing or land development operations for a construction project including such debris from construction of structures at a site remote from the construction or demolition project site. Mixing of construction and demolition debris with other types of solid waste, including material which is not from the actual construction or destruction of a structure, will cause it to be classified as other than construction and demolition debris.

CONVENIENCE STORE: A retail commercial establishment engaged in the selling of groceries and convenience goods, with all sales, display and storage conducted within a completely enclosed building.

DAY NURSERIES AND KINDERGARTENS: Any service which during all or part of the day regularly gives care to six (6) or more children, not of common parentage, who are under six (6) years of age, whether or not it has a stated educational purpose, and whether the service is known as a day care service, day nursery, day care agency, nursery school, kindergarten, play school, progressive school, or by any other name. The total number of children receiving care shall be counted including children or foster children of the owner or person in charge, in determining the applicability of this definition.

DENSITY: The number of residential dwelling units permitted per acre of land, excluding land for street right-of-ways, drainage ditches, etc.

DRIVE-IN RESTAURANT OR REFRESHMENT STAND: Any place or premises where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverages in automobiles on the premises, or in other than a completely enclosed building on the premises. A restaurant

which provides drive-in facilities of any kind in connection with regular restaurant activities shall be of any kind in connection with regular restaurant activities shall be deemed a drive-in restaurant. A barbecue stand or pit having the characteristics noted in this definition shall be deemed a drive-in restaurant.

DUE PUBLIC NOTICE: As used in connection with the phrase "public hearing" or "hearings with due public notice", shall mean publication of notice of the time, place and purpose of such hearing at least twice (2) in a newspaper of general circulation in the area, with the first such publication to be at least fifteen (15) days prior to the date of the hearing and the second such publication to be at least five (5) days prior to the hearing. In addition, except where the hearing applies to all of the lands within the area, similar notices setting forth the time, place and purpose of such hearing shall be mailed to the last known address of the owners of the property involved in or whose land is within three hundred (300) feet of the periphery of the lands subject to rezoning; and such notices shall also be posted in a conspicuous place or places on or around such lots, parcels or tracts of land as may be involved in or directly affected by the hearing. Affidavit proof of the required publication, mailing and posting of the notice shall be presented at the hearing. Failure of any owner to receive such notice shall in no way affect the validity of any action taken in a public hearing.

DUMP: A land site used primarily for the disposal by dumping, burial, burning or other means and for whatever purposes, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof, and other waste, scrap, or discarded material of any kind.

DUPLEX: See Dwelling, Two-Family.

DWELLING: Any building or portion thereof which is designed for or used for residential purposes, but does not include a trailer coach or converted trailer, hotel, motel, lodging house or boardinghouse.

DWELLING, MULTI-FAMILY: A residential building designed for or occupied exclusively by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, ONE-(SINGLE)FAMILY: A private residence building used or intended to be used as a home or residence in which the use and management of all sleeping quarters and appliances for sanitation, cooking, ventilation, heating and lighting are designed primarily for the use of one (1) family unit, and with partitioning so that any substantial interior portion of the dwelling, without resort to exterior access and the building, shall have only one kitchen and one electrical meter.

This term is not to be construed as including mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, houseboats, or other forms of temporary or portable housing.

DWELLING, TWO-FAMILY: A residential building designed for or occupied by two (2) families, with the number of families in residence not exceeding the number of dwelling units provided (duplexes).

DRY STORAGE OF PLEASURE WATERCRAFT: A commercial facility for removing from water, watercraft used for recreation and pleasure purposes and storing such craft on land or water on boat lifts.

EASEMENT: A grant from a property owner for the use of land for a specific purpose or purposes by the general public, by a corporation or by a certain person or persons.

ERECTED: The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operation on the premises required for building. Excavations, fill, drainage, demolition of an existing structure, and the like shall be considered part of erection.

FAMILY: One or more persons, related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons, but not exceeding two (2) living and cooking together as a single housekeeping unit, though not related by blood, adoption, or marriage, shall be deemed to constitute a family. The term "family" shall not be construed to mean a fraternity, sorority, club, monastery, convent, or institutional group.

FARM: A parcel of land used for agricultural activity.

FLOOR AREA: The sum of the gross horizontal areas of several floor(s) of a building or buildings, measured from exterior faces of exterior walls or from the center line of walls separating two (2) attached buildings.

FLY-IN DEVELOPMENT: A residential development planned and integrated with airport facilities.

FOSTER HOME: Any establishment which provides care, including supervision and care necessary to meet residents' physical, emotional, and social life needs, for not more than five (5) children or adults. Excluding the foster parents, there shall not be more than five (5) other residents in the home, whether they are part of the foster parents' family or Health and Rehabilitation Services (HRS) clients or a combination of both.

GARAGE, PRIVATE: An accessory structure designed or used for inside parking of private passenger vehicles by the occupants of the main building. A private garage attached to or a part of the main structure is to be considered part of the main building. An unattached private garage is to be considered as an accessory building.

GARAGE, REPAIR: A building or portion thereof, other than private storage, or parking garage or service station, designed or used for repairing, equipping or servicing of motor vehicles. Such garages may also be used for hiring, renting, storing, or selling of motor vehicles.

GARAGE, STORAGE: A building or portion thereof designed and used exclusively for the storage of motor vehicles, and within which temporary parking may also be permitted.

GARBAGE: Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking, and serving of foods. Also see Solid Waste.

GENERAL STORE: A retail commercial establishment engaged in the selling of groceries and convenience goods to the residents of a predominately rural or agricultural area, with all sales, display, and storage conducted within a completely enclosed building.

GROUP HOME: A congregate living facility which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social life needs of residents. A group home may or may not provide education or training, many do. Group homes shall not be occupied by more than six (6) residents, excluding the staff.

GUEST COTTAGE OR HOUSE: Living quarters within a detached accessory building located on the same lot or parcel of land as the main building, used exclusively for housing members of the family occupying the main building and their nonpaying guests. Such quarters shall not be rented or otherwise used as a separate dwelling.

HOME FOR THE AGED: A facility for the care of the aged with routine nursing or medical care provided.

HOME OCCUPATION: Any use conducted entirely within a dwelling and carried out by an occupant thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

HOSPITAL: Any institution, including a sanitarium, which maintains and operates facilities for overnight care and treatment of two (2) or more unrelated persons as patients suffering mental or physical ailments, but not including any dispensary or first aid treatment facilities maintained by a commercial or industrial plant, educational institution, convent or convalescent home, as previously defined.

HOTEL, MOTEL, MOTOR LODGE OR TOURIST COURT: A building as licensed by the State of Florida containing individual guest rooms for which daily or weekly lodging is provided as the more or less transient residence of individuals, and ingress and egress to and from all rooms are made through an inside lobby.

HOUSING FOR THE ELDERLY: A facility in the nature of multiple family housing, with no provision for routine nursing or medical care. Where this ordinance permits housing for the elderly, such housing shall be used only for this purpose; if housing for the elderly is changed to multiple family use, then the provisions of this ordinance shall be met before such multiple family use is permitted.

JUNK: Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage storage, bailing, disposal or other use or disposition. Junk includes vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush wood, lumber and similar items.

JUNKYARD: Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery, two (2) or more unregistered or inoperable motor vehicles or other type of junk as defined herein. However, establishments for the sale, purchase or storage of second hand refrigerators, stoves, plumbing fixtures, and similar merchandise shall be considered a junkyard for the sole purpose of requiring that such establishments display their merchandise behind a visual barrier as may be required for junkyards by this ordinance.

KENNEL: The keeping of any pet or pets, regardless of number, for sale or for breeding, boarding or treatment purposes, except in an animal hospital, animal grooming parlor or pet shop.

LANDFILL: Landfills or solid waste disposal facilities are classified in accordance with Section 62-701.304, F.A.C.

LANDSCAPING: Any of the following or combination thereof: living materials, such as but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms; and nonliving durable materials commonly

used in landscaping, such as but not limited to, rocks, pebbles, sand, walls, fences, berms, sculptures and fountains, but excluding paving.

LAUNDRY, SELF-SERVICE: A business that provides home-type clothes washing and drying or ironing machines for hire to be used by customers on the premises.

LOADING SPACE: A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks or other motor vehicles.

LODGE HALL: The place or building where members of a local chapter of an association or fraternal organization hold their meetings and/or the local chapter itself.

LOT: A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a public or private street.

LOT COVERAGE: The amount of land covered or permitted to be covered by a building, usually measured in terms of percentage of a lot.

LOT DEPTH: The distance measured from the middle point of the front line to the middle point of the opposite rear line of the lot.

LOT, DOUBLE FRONTAGE: A double frontage or through lot is defined as a lot that has frontage on two (2) nonintercepting streets. The applicable front setback requirement shall apply to both frontages regardless of which line the land owner elects as the front line, unless such lot has a permanent solid face subdivision perimeter buffer wall precluding access along one (1) frontage.

LOT LINE: The legal boundary line of a lot.

LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in the office of the Clerk of the Circuit Court of Nassau County, or a parcel of land the deed of which was recorded in the office of the Clerk of the Circuit Court prior to the adoption of this ordinance.

LOT WIDTH: The mean horizontal distance between the side lot lines, measured at right angles to its depth.

MANUFACTURED HOUSING: A manufactured building or portion of a building designed for long-term residential use. (See: Mobile Home and Modular Factory Built Home)

MARINA: An establishment with a waterfront location for the purpose of storing watercraft and pleasure boats on land, in buildings, in slips or on boat lifts, and including accessory facilities for purposes such as refueling, minor repair and launching.

MEAN HIGH WATER: The average height of the high waters over a nineteen (19) year period or for shorter periods of observations; the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean nineteen (19) year value, as defined in Florida Statutes, Chapter 253.

MINIMUM DESCENT ALTITUDE: The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

MINIMUM OBSTRUCTION CLEARANCE ALTITUDE: The specific altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 27 miles of a VOR.

MOBILE HOME: Manufactured Housing built on a chassis with following characteristics: A movable or portable detached single-family dwelling deigned for and capable of being used for long-term occupancy, designed to be transported after fabrication on its own permanent chassis and wheels, arriving at the site substantially complete, of such size and weight at to require special highway movements permits, and in excess of eight (8) feet in width and thirty-two (32) feet overall length, as measured from the ball joint to the rear bumper. A mobile home shall be defined by Chapter 320, Florida Statutes, and shall be transportable, manufactured, suitable for real estate and utilized for nontransient purposes. The mobile home shall contain the same water supply, waste disposal and electrical conveniences as conventional housing.

For the purpose of these regulations, mobile homes are divided into the following classifications:

Class A - New mobile homes certified as meeting the Mobile Home Construction and Safety Standards of the Department of Housing and Urban Development and approved as meeting "acceptable similarity" appearance standards.

Class B. - New mobile homes certified as meeting HUD Mobile Home Construction and Safety Standards, but not approved as meeting "acceptable similarity" appearance standards.

Class C - New or used mobile homes, whether or not certified as meeting HUD prior codes, found on inspection to be in fair to good habitable condition.

Class D - Used Mobile homes, whether or not certified as meeting HUD or prior codes, found on inspection to be in poor condition and unsafe and/or unfit for residential occupancy.

MOBILE HOME PARK: A mobile home park is a parcel of land set aside and rented by any person for the parking and accommodation of mobile homes which are to be occupied for sleeping or eating in exchange for a consideration or benefit to the owner of the mobile home park. This includes all land, buildings, structures, or facilities used by occupants or mobile homes on such premises.

MOBILE HOME SUBDIVISION: A mobile home subdivision is a parcel of land set aside where lots are sold to mobile home owners for the purpose of placing mobile homes thereon for living and sleeping purposes, including any land, building structure, or facilities used by occupants of mobile homes on such premises.

MODULAR FACTORY BUILT HOMES: A modular unit residential building comprised of one (1) or more dwelling units, or habitable rooms or component parts thereof, which is either wholly manufactured or is a substantial part constructed in central manufacturing facilities and bears the approval of the Department of Community Affairs under the provisions of the Housing Act of 1971. However, this term does not apply to mobile homes, as defined by Chapter 320, Florida Statutes. Modular homes are regulated by this ordinance as single family dwellings.

NON-COMMERCIAL: An activity that does not involve the sale of goods or services carried out for profit.

NONCONFORMING USE OR BUILDING: The use of a building or portion thereof, or land or portion thereof, which does not conform with the use regulations of the district in which the building is located, the use of which was legally established and existed prior to the effective date of such use regulations.

NURSING HOME: A public or private home, institution, building, residence, or other place, profit or non-profit, which undertakes through its ownership or management to provide for a period exceeding twenty-four (24) hours, maintenance, personal care, or nursing for three (3) or more persons not related by blood or marriage to the operator, who by reason of illness or physical infirmity or advanced age are unable to care for themselves; provided that this definition shall include homes offering services for less than three (3) persons when the homes are held out to the public to be establishments which regularly provide nursing and custodial services. Only those homes, buildings or places licensed under the laws of the State of Florida as nursing homes shall be included within this definition.

OCCUPIED: The word occupied includes arranged, designed, built, altered, converted to, or intended to be used or occupied.

OFFICE, BUSINESS OR PROFESSIONAL: An office for such operations as real estate agencies, advertising agencies (but not sign shop) insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureau, abstract and title insurance companies, management consultants, stockbroker, and the like; or an office for the use of a person or persons generally classified as professionals such as architects, engineers, attorneys, accountants, doctors, lawyers, dentists, veterinarians (but not including treatment or boarding of animals on the premises), psychiatrists, psychologists, and the like.

OPEN SPACE: An area open to the sky, which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, or any other recreational facilities. Streets, structures for habitation and the like shall not be included.

PACKAGE STORE: A place where alcoholic beverages with an alcoholic content in excess of fourteen percent (14%) are dispensed or sold in containers for consumption off the premises.

PARCEL: A tract of land which may be described by metes and bounds or plat. (See lot)

PARKING, HANDICAPPED: Parking spaces designed and provided in quantities consistent with handicapped requirements.

PARKING LOT: An open area used exclusively for the storage of motor vehicles, whether or not a fee is charged.

PARKING SPACE, OFF-STREET: For the purpose of this ordinance, any off-street parking area is any public or private land area designated and used for parking, storing and/or displaying motorized and non-motorized vehicles, trailers, campers and/or mobile homes. The parking area includes required landscape and drainage retention and/or detention area.

PET, HOUSEHOLD: Any domestic animal normally owned or kept as a pet including cats, dogs, rabbits, raccoons, parrots, pigeons, and other animals deemed by the Senior Planner to be appropriate as domestic

pets; provided such animals are confined to the limits of the residential property occupied by the owner of such pets. Household pets shall not include any animals or birds maintained for commercial purposes, whether or not such animals or birds may be appropriate as a domestic pet.

PLANNED UNIT DEVELOPMENT (PUD):

- A. Is land under unified control, planned and developed as a whole in a single development operation or approved programmed series of development operations, for dwelling units and related uses and facilities.
- B. Includes principal and accessory uses and structures substantially related to the character of the development itself and the surrounding area of which it is a part.
- C. Is developed according to a comprehensive and detailed plan, which includes not only streets, utilities, lots or building sites and the like, but also site plans, for all buildings intended to be located, constructed, used and related to each other, and detailed plans for other uses and improvements, facilities and services, as will be for common use by some or all of the occupants of the planned unit development, but will not be provided, operated or maintained at public expense.

PLANNING AND ZONING BOARD: A body appointed by the Nassau County Board of County Commissioners. The Planning and Zoning Board shall review and advise the Board of County Commissioners on all planning and zoning related matters including the Comprehensive Plan.

PORCH: A roofed-over space, with the roof impervious to weather, attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior walls or such buildings. Open mesh screening shall not be considered an enclosure.

POTABLE WATER AQUIFER: An aquifer where water suitable for drinking or cooking purposes is available.

POULTRY: Any chickens, turkeys, ducks, geese, guineas, or other fowl.

PRINCIPAL BUILDING OR USE: A main use of land, as distinguished from an accessory use; the building housing the main or principal use.

RECREATIONAL VEHICLE: A vehicular portable structure built on a chassis with its own wheels, either self-propelled or towed by another vehicle, designed to be used as a temporary dwelling for travel, vacation, camping or recreational purposes and including travel trailers, camping trailers, pick-up camper, converted buses, motor homes, tent trailers, pop-up trailers, boats and boat trailers and similar devices.

RESTAURANT: An establishment where food is ordered from a menu, prepared, and served for pay primarily for consumption on the premises in a completely enclosed room, under the roof of a main structure, or in an anterior or exterior court. A drive-in restaurant as defined here is not a restaurant. A cafeteria shall be deemed a restaurant as defined herein.

RIGHT-OF-WAY: The area of a highway, road, street, way, parkway or other such strip of land reserved for public use, whether established by prescription, easement, dedication, gift, purchase, eminent domain or any other legal means.

SANITARIUM: See hospital.

SEAT: For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated.

SERVANTS QUARTERS: See quest house or cottage.

SERVICE STATION, AUTOMOTIVE: Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuel, oils or accessories, and in connection with which is performed general automotive servicing, as distinguished from automotive repairs.

SETBACK: The distance between the lot line and the building setback line.

SETBACK LINE: See building line.

SHOPPING CENTER: A group of retail stores or service establishments, planned, developed, owned and managed as an integral unit, with off-street parking provided on the property, and related in location, size and type of shops to the trade area which the unit serves.

SIGN: Any structure, part thereof or device, whether or not attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, work, model, banner, emblem, insignia, device, trademark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation of any enterprise or industry, which is located upon any land, on any building, in or upon a window or indoors, in such manner as to attract attention from outside the building.

SILVICULTURE: The development and/or maintenance of a forest.

SILVICULTURE SYSTEM: A process, following accepted forest management principals, whereby the crops constituting forests are tended, harvested, and reproduced.

SOLID WASTE: Sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is not floor above it, then the space between such floor and ceiling next above it.

STREET: a public or private thoroughfare which affords the principal means of access to abutting property. This includes lane, place, way or other means of ingress or egress, regardless of the term used to describe it.

STRUCTURAL ALTERATION: Any change, except for repair or replacement, in the supporting members of a structure, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

STRUCTURE: Anything constructed, erected or placed, the use of which requires more or less permanent location on the ground, or anything attached to something having a permanent location on the ground.

TRUCKSTOP: An establishment principally used for refueling and servicing trucks and tractor-trailer rigs, but may include restaurants and snack bars and facilities for repair and maintenance of trucks and tractor-trailers.

USE: The purpose for which land or water or the structure thereon is designated to the extent covered by the zoning ordinance.

VARIANCE: A device which grants a property owner relief from certain provisions of this ordinance, when because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money. A variance shall be authorized only for height, lot area, size of structure or yards, and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by the variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or in adjoining district. All variances must be approved by the Board of Adjustment.

VETERINARY CLINIC OR HOSPITAL: Any building or portion thereof designed or used for the veterinary care, surgical procedures or treatment of animals, but not the boarding of well animals.

YARD: An open space at grade between a main building and the adjoining lot lines. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT: A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the principal building or any projections thereof, other than the projections of uncovered steps, uncovered balconies or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension. In the case of corner lots or lots with more than one (1) street frontage, a front yard of the required depth shall be provided on one (1) frontage as to be determined by the Senior Planner. The required front yard of the other frontage may be reduced by twenty (20%), unless the prevailing front yard pattern on adjoining lots indicated otherwise. In such case the Senior Planner may waive the requirement for the normal front yard and substitute, therefore, a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

YARD, REAR: A yard extending across the rear of a lot between the rear of the principal building or any projections thereof, other than the projections of uncovered steps, balconies or porches. On all corner lots, the rear yard shall be at the opposite end of the lot from the front yard.

YARD, SIDE: A yard between the main building and the side line of the lot, extending from the front yard to the rear yard and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof.

**ARTICLE 33: DISTANCE RESTRICTIONS OF VENDORS OF
ALCOHOLIC BEVERAGES FROM CHURCHES AND SCHOOLS**

A. It shall be unlawful for any person, firm, association or corporation to establish, maintain or carry on the business of vendor of intoxicating beverages within one thousand (1,000) feet in an airline distance measured from building to building at their closest points to any established school or church; provided that nothing herein contained shall affect any such business, vending intoxicating beverages both for sale for consumption on or off the premises, which was actually being legally carried on within such distance of any established school or church at the time of the passage of this ordinance.

B. Section 5.03 -- Conditional Use and Section 5.05 -- Variance shall not apply to this Article.

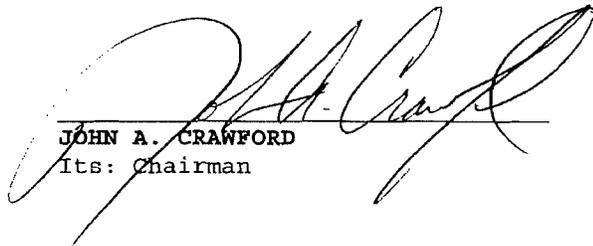
ARTICLE 34: EFFECTIVE DATE

Adopted by the Board of County Commissioners, Nassau County, Florida, this 28th day of July, 1997.

This Ordinance No. 97-19 shall take effect the 28th day of July, 1997, upon receipt of official acknowledgement by the Office of the Secretary of State to the Clerk of the Board of County Commissioners, Nassau County, Florida, that same has been filed.

DONE AND ENACTED this 28th day of July, 1997.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



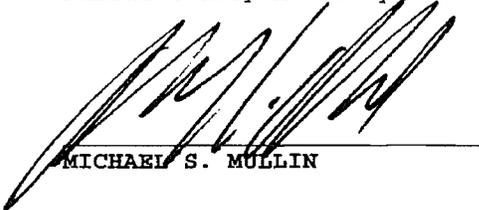
JOHN A. CRAWFORD
Its: Chairman

ATTEST:



J.M. "CHIEF" OXLEY, JR.

Approved as to form by the
Nassau County Attorney:



MICHAEL S. MULLIN

SCHEDULE OF FEES
(Effective October 1, 1994)

1. Application for **APPEAL** (to Planning/Zoning Board) \$100.00

2. Application for **CONDITIONAL USE** or **VARIANCE** (*Determined by Use*)
 - Rural or Residential \$150.00
 - Commercial/Industrial \$250.00

3. Application for **REZONING** land \$150.00 plus \$10/acre

4. Rezoning to **PLANNED UNIT DEVELOPMENT (PUD)** \$250.00
 plus the greater of \$10/acre for first five hundred (500) acres plus \$1/acre for each
 acre over five hundred (500) acres, or

 \$5/dwelling unit for the first one thousand (1,000) dwelling units plus \$1/dwelling
 unit over five hundred (500). These fees shall apply to applications for
 Paragraphs 4; 4a.(1) (2) and (3).
 - a. PUD Final Development Plan Review:
 - (1) Single Family/Multifamily \$150.00 + \$1/per unit
 - (2) Non-Residential. \$250.00

5. **DEVELOPMENT OF REGIONAL IMPACT (DRI)**
 - a. Review \$1000.00 plus \$10/acre
 for the first one thousand (1,000) acres, plus \$1/acre over one thousand
 (1,000) acres.
 - b. Development Order Amendment \$500.00 plus \$5/acre
 - c. Annual Monitoring Report Review \$150.00

NOTE: The PUD review fee shall be one-half 1/2) of the normally calculated fee if the PUD
 is reviewed simultaneously with Application for Development Approval (ADA) for a
 Development of Regional Impact (DRI) and combined as a single Development Order.

6. **COMPREHENSIVE PLAN**
 - a. Future Land Use Map (FLUM) Amendment \$250.00 plus \$10/acre
 for the first five hundred (500) acres plus \$1/acre for each acre over five hundred
 (500) acres.
 - b. Small Scale FLUM Amendment \$150.00 plus \$10/acre
 - c. Text Revision (*per Section*) \$150.00

7.	SITE PLAN REVIEW <i>(required by Section 27.17)</i>	
	a. Staff (Inter-office) Review	\$150.00
	b. Planning and Zoning Board Review	
	(1) Residential (Single/Multi-family)	\$150.00 plus \$1.00/unit
	(2) Non-Residential	\$250.00
8.	Right of Way Abandonment Review	\$200.00
9.	Home Occupation Permits	\$100.00
10.	Photo Copying <i>(per page)</i>	\$.15
11.	Zoning Map Atlas <i>(per 11" X 17" page)</i>	\$1.00
	<i>(per 24" X 36" page)</i>	\$5.00
12.	Zoning Ordinance	\$15.00
13.	Road Construction and Subdivision Regulations	\$5.00
14.	Impact Fee Ordinance	\$3.00
15.	Zoning Certification	\$25.00
16.	Beverage License (Zoning Certification)	\$25.00
17.	Beach Concession Licenses <i>(per 100 ft. space)</i>	\$100.00

NOTE: *APPLICANT PAYS FOR ANY REQUIRED LEGAL ADVERTISEMENTS AND POSTAGE REQUIRED FOR MAILED NOTICES.*

APPENDIX II: AMENDMENTS TO ZONING CODE

This table contains a chronological listing of all ordinances affecting the Nassau County Zoning Ordinance 83-19

Ordinance No.	Date	Disposition Ordinance 83-19
84-1	2-14-84	Article 7 - Amended New Article 25 Added Article 25 replaced Article 26 Article 26 replaced Article 27 Article 27 replaced Article 28 Article 28 replaced Article 29 Article 29 replaced Article 30 Article 30 replaced Article 31
88-6	12-22-87	Article 29, Section 29.03 (A)2 Article 30 -- Mobile Home
88-17	3-22-88	Article 22, Section 22.03 (C), (O), & (P) Article 26, Section 26.03 (B) Article 26, Section 26.15 (K), (L), & (M) Article 30: Definitions
89-19	8-22-89	Article 26, Section 26.14(C)
89-25	9-18-89	Article 31
89-26	9-18-89	Appendix I: Schedule of Fees
90-11	3-27-90	Article 29, Section 29.03(A)2
92-18	5-11-92	Article 3, Section 3.04(B)9
92-25	6-15-92	Article 22, Section 22.03(Q)
93-6	3-8-93	Article 27, Section 27.04 Article 27, Section 27.11 Article 31 - Definitions
93-17	7-26-93	Article 15, Section 15.04(H) Article 19, Section 19.03(B)
94-4	11-8-93	Article 27, Section 27.19
94-9	12-13-93	Article 25 - Mixed Employment Center (MEC)

94-10	12-13-93	Appendix I: Schedule of Fees
94-39	8-8-94	Article 22: Open Rural
94-43	9-26-94	Article 31: Definitions
	10-1-94	Appendix I: Schedule of Fees
	7-28-97	Article 3 : Administration Article 4 : Enforcement of Zoning Violation Article 5 : Procedures Article 6 : General Regulations Article 7 : Zoning Districts and Zoning Atlas Article 9 : Residential, Single Family 1 and 2 Article 10 : Residential, Mixed Article 11 : Residential, Townhouse Article 12 : Residential, General 1 Article 13 : Residential, General 2 Article 14 : Residential, Mobile Home Article 15 : Commercial, Neighborhood Article 16 : Commercial, General Article 17 : Commercial, Intensive Article 18 : Commercial, Highway and Tourist Article 19 : Commercial, Professional and Office Article 20 : Industrial, Warehouse Article 21 : Industrial, Heavy Article 23 :Government/Public Use New Article 24 Added; Recreation and Open Space Article 25 : Planned Unit Development Article 26 : Mixed Employment Center Article 27 Replaced Article 26 Article 28 : Supplementary Regulations Article 29 Replaced Article 28 Article 30 Replaced Article 29 Article 31 Replaced Article 30 Article 32 : Definitions Article 33 Replaced Article 32 Article 34 Replaced Article 33

APPENDIX III: ADMINISTRATIVE RULINGS

- 10-18-84 **Easements, Minimum lot size (County Attorney's Ruling) -**
The area encompassed by an access easement is excluded from minimum lot size calculations.
- 12-10-84 **Final Site Plans** do not require due public notice if placed on a published agenda. (County Attorney's Ruling). (Note: County Attorney Opinion reaffirmed March 1, 1993).
- 10-25-88 The Board of County Commissioners make an administrative determination that each property owner on an **easement of record** pursuant to Section 26.04 of the Zoning Ordinance be entitled to a minimum of **one (1) building permit for a residence**. Excess building permits up to a total of three (3) will be issued on a first come basis.
- 3-6-90 Conditional Use (Exception) approval for a Home Occupation constitutes "Zoning Certification" and does not require the additional \$15.00 fee for zoning certification to obtain an occupational license.
- 9-24-92 Keeping and Raising **QUAIL and PHEASANTS** are considered **Poultry** if raised for meat or eggs. All setbacks and other requirements for poultry apply. (County Attorney's Ruling).
- 3-10-93 Keeping and/or raising **EXOTIC BIRDS**, not considered an "Agricultural Use" in Open Rural district. Conditional Use would be required (County Attorney's Ruling).
- 2-22-94 Pool Enclosures (County Attorney's Ruling) -
Above **Ground Pool fencing not required** if access is gated.
- 4-27-94 Issuance of Zoning Certifications for **ALCOHOLIC BEVERAGE LICENSES** applies **ONLY** to zoning code, not to other agencies' rules or County ordinances (County Attorney's Ruling).