

ORDINANCE 2002 - 62

AN ORDINANCE AMENDING ORDINANCE 97-19, AS AMENDED, THE NASSAU COUNTY ZONING CODE; SPECIFICALLY AMENDING SECTION 32, DEFINITIONS; ADDING SECTION 34, AGRICULTURAL STANDS; ADDING SECTION 34, EXEMPTIONS; AND RENUMBERING SECTION 34 TO 36; PROVIDING AN EFFECTIVE DATE.

WHEREAS, agricultural stands are not specifically addressed in the Zoning Code; and

WHEREAS, it is in the best interest of the health and welfare of the citizens of Nassau County to provide for agricultural stands.

NOW, THEREFORE, BE IT ORDAINED this 16th day of December, 2002, by the Board of County Commissioners of Nassau County, Florida, that Ordinance 97-19, as amended, shall be further amended as follows:

1. SECTION 32: DEFINITIONS - is hereby amended to add:

AGRICULTURAL STANDS - either tents (including canopies) or mobile units, including trailers, for the sale of unprocessed agricultural products, to include fresh fruits and vegetables, including legumes.

FARM - means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm and aquaculture products.

FARM OPERATION - means all conditions or activities by the owner, lessee, agent, independent contractor, and supplier which occur on a farm in connection with the production of farm products; the operation of machinery and irrigation pumps; the generation of noise, odors, dust and fumes; ground or aerial seeding and spraying; the application of chemical fertilizers, conditions, insecticides, pesticides, and herbicides; and the employment and use of labor.

2. SECTION 34: AGRICULTURAL STANDS

A. Agricultural sales stands may be permitted, subject to the requirements of this Section, in all Zoning Districts except RS-1, RS-2, RG-1, RG-2, and PUD's.

B. License Standards:

(1) Only one (1) agricultural stand shall be licensed on a parcel at any time and may be operated during daytime hours only.

(2) The license to operate shall be for one (1) calendar year only, but may be renewed annually by the Planning Director or his/her designee.

C. No agricultural stand shall exceed one hundred fifty (150) square feet of total ground coverage. If a tent or canopy is utilized, a separate tent permit shall be obtained from the Nassau County Building Department.

D. All agricultural stands shall maintain a ten (10) foot setback from all property lines.

E. A site plan for agricultural stands shall be submitted with the agricultural stand permit application showing the location of existing buildings and other uses on the parcel; proposed location of the agricultural stand and setbacks from parcel boundaries; proposed and/or existing access points. Final location of the agricultural stand on the parcel shall be subject to the approval by the Planning Director or his designee.

F. Agricultural stand signs shall be limited to one (1) sign on-site no larger than four feet (4') by four feet (4') for which a separate permit shall be obtained. No off-site signs shall be permitted.

G. Agricultural stands shall not utilize any electric service, for which a permit is required.

H. The use shall comply with all applicable Health Department regulations, and the operator must have all necessary Health Department permits and shall have said permits with the operator on site. A copy of said approved permit shall be attached to the agricultural stand application.

I. Written permission by the owner of the property shall be required. Said permission shall be signed by the owner and notarized and attached to the application.

J. No sales shall be permitted in County or State rights-of-way.

K. Churches and non-profit organizations that are incorporated in the State of Florida are exempt from the requirements of this Ordinance if the sale of products as set forth in Section 32 are on church property or the non-profit organization's property.

L. Permits: Permits will be issued by the Planning Director or his/her designee. Permit application forms shall be promulgated by the Planning Director or his/her designee and approved by the Board of County Commissioners. If additional information is required from the applicant, he/she will be notified by the Planning Director. The review process from the time of receipt to approval/disapproval shall not exceed forty-five (45) days. If the review process exceeds forty-five (45) days, the applicant shall be notified by the Planning Director or his/her designee, and the matter shall be placed on the Planning and Zoning Board's agenda for review and consideration. Permits shall be approved if all information required on the permit application is complete.

M. The appeal process for decisions rendered by the Planning Director or his/her designee shall be as set forth in Section 3.01(B) (10) (i) of this Ordinance.

N. The appeal process for decisions rendered by the Building Official shall be as set forth in Ordinance No. 2002-35.

O. Permit Fees:

(1) One hundred dollars (\$100.00).

(2) Annual renewal fees shall be fifty dollars (\$50.00).

(3) Permits shall be valid for one (1) calendar year (October 1 through September 30).

P. Loss of License: The County may revoke the license to operate the agricultural stand for failure to comply with the requirements of this Section. The revocation shall be in effect for the balance of the period remaining of the license period.

3. SECTION 35: EXEMPTIONS:

The provisions of this Ordinance shall not apply to sales of agriculture products produced on land owned or leased by a bona fide farm operation or land classified as agricultural upon which the agricultural products are produced, pursuant to Florida Statutes, Section 193.461.

4. SECTION 34 36: EFFECTIVE DATE: This Ordinance shall become effective upon its being filed in the Office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



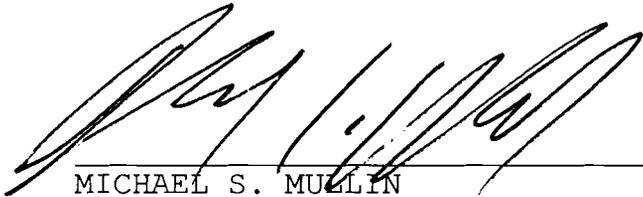
NICK D. DEONAS
Its: Chairman

ATTEST:



J. M. "CHIP" OXLEY, JR.
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney



MICHAEL S. MULLIN

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