

**ORDINANCE 2002 - 63**

AN ORDINANCE AMENDING ORDINANCE 97-19, AS AMENDED, KNOWN AS THE NASSAU COUNTY COMPREHENSIVE ZONING CODE; SPECIFICALLY ADDING ARTICLE 9-A, RESIDENTIAL, SINGLE FAMILY – AMERICAN BEACH: RS-2AB; ARTICLE 12-A, RESIDENTIAL, GENERAL 1 – AMERICAN BEACH: RG-1AB; ARTICLE 15-A, COMMERCIAL, NEIGHBORHOOD – AMERICAN BEACH: CN-AB; ARTICLE 16-A, COMMERCIAL GENERAL – AMERICAN BEACH: CG-AB; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has determined that it is in the best interest of the citizens of Nassau County, that Ordinance 97-19, as amended, be further amended.

NOW, THEREFORE, BE IT ORDAINED this 16<sup>th</sup> 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. **ARTICLE 9-A: RESIDENTIAL, SINGLE FAMILY - AMERICAN BEACH: RS-2AB**

**Intent:** The purpose of the Residential Single Family District-American Beach, RS-2AB, is to protect and preserve the unique residential character of American Beach, and to allow for the orderly expansion of single-family development in the American Beach area.

**Section 9-A.01 – Permitted Uses and Structures:** Single family dwellings.

**Section 9-A.02 – Permitted Accessory Uses and Structures:** See Article 28, Section 28.15.

**Section 9-A.03 – Minimum Lot Requirements.**

A. Minimum lot width: fifty (50) feet.

B. Minimum lot area: five thousand (5,000) square feet.

**Section 9-A5.04- Minimum Yard Requirements.**

**Non Beach Side**

- A. Front yard: fifteen (15) feet.
- B. Side yard: five (5) feet each.
- C. Rear yard: ten (10) feet.

**Beach Side**

- A. Front yard: five (5) feet
- B. Side yard: North side - two (2) feet  
South side - fifteen (15) feet
- C. Rear yard: zero (0) feet to Construction Control Line as defined by Department of Environmental Protection Guidelines for the exemption of historical coastal areas, outlined in Chapter 161.53, Subsection 5.b of the Beach and Shore Preservation Act of the State of Florida.

**Section 9-A.05 - Building Restrictions.**

- A. Maximum building height: thirty-five (35) feet.
- B. Maximum lot coverage: forty-five (45) percent.

**Section 9-A.06 - Other Requirements.**

- A. A minimum of one parking space shall be provided per dwelling unit.
- B. Lot coverage by all buildings, including accessory buildings and structures shall not exceed forty-five (45) percent of the lot area.

**2. ARTICLE 12-A: RESIDENTIAL, GENERAL 1 - AMERICAN BEACH:**  
**RG-1AB**

**Intent:** The provisions of this district provide for medium density residential 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-A.01 – Permitted Uses and Structures.**

- A. Single family dwellings – limited only to the east side of Gregg Street.
- B. Duplexes and townhouses – limited only to the west side of Gregg Street.
- C. Multiple family dwellings – limited only to the west side of Gregg Street.
- D. Single family dwellings may also be allowed on the west side of Gregg Street.

**Section 12-A.02 – Permitted Accessory Uses and Structures. See Article 28, Section 28.15.**

**Section 12-A.03 – Conditional Uses. See Article 28, Section 18.14.**

**Section 12-A.04 – Minimum Lot Requirements**

- A. Single family dwellings and duplexes.
  - 1. Minimum lot width: fifty (50) feet.
  - 2. Minimum lot area five thousand (5,000) 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: Seven thousand five hundred (7,500) feet plus Five thousand five hundred (5,500) square feet for each dwelling unit in excess of two (2).

**Section 12-A.05 – Minimum Yard Requirements.**

A. Single-family dwellings and duplexes.

1. Front yard: Fifteen (15) feet.

2. Side yard: Five (5) feet.

3. Rear yard: Ten (10) feet.

B. Townhouse.

1. Front yard: fifteen (15) feet.

2. Side yard:

a. Interior unit: Zero (0) feet.

b. Exterior unit: Ten (10) feet.

3. Rear yard: Ten (10) feet.

C. Multiple family dwellings:

1. Front yard: fifteen (15) feet.

2. Side yard: ten (10) feet.

3. Rear yard: ten (10) feet.

**Section 12-A.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: forty-five (45) percent.

C. Maximum density:

1. Townhouses and multifamily units:

a. Normal maximum: 16 units per acre.

**Section 12-A.07 – Other Requirements.**

- A. A minimum of one parking space shall be provided per dwelling unit.
- B. Lot coverage by all buildings, including accessory buildings and structures shall not exceed forty-five (45) percent of the lot area.

3. **ARTICLE 15-A: COMMERCIAL, NEIGHBORHOOD - AMERICAN BEACH: CN-AB**

**Intent:** This district is intended to apply to small groups of selected establishments in American Beach that are approximately located to serve this neighborhood. The Commercial Neighborhood District is not intended for use by major commercial or service establishments. However, small-scale retail and service establishments and professional and business offices and similar uses are encouraged.

**Section 15-A.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, gift shops and pet shops (but not animal kennels), musical instruments, television and radio shops (including repairs), florist or gift shops, delicatessens, bakery shops (but not wholesale bakeries), drugs and similar products, home furnishing and appliances and second hand merchandise and similar uses.
- 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.
- C. Medical and dental offices and clinics.
- D. Other similar commercial uses and rentals.

**Section 15-A.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 is to be devoted to storage.
- B. Products to be sold only at retail.

- C. An opaque buffer or visual barrier shall be required as stipulated in Article 28, Section 28.08.
- D. Minimum required parking shall be reduced by one-third (1/3), pursuant to the Nassau County Road and Drainage Standards Ordinance 99-17, as amended, and rounded off to the nearest whole number for the following uses: restaurants, stores that sell beach supplies and clothes, and entertainment facilities like video game rooms, parlor and/or game rooms.
- E. Uses can share parking with other uses, if they are complementary (if one use is a daytime-only use and the other is an evening-only use). Assurance of complementary use must be provided to the County Planning Department in the form of an agreement between the two property owners that allows shared parking and certifies that the hours of operation for the businesses will not overlap.

**Section 15-A.03 – Permitted Accessory Uses and Structures.**

- A. See Article 28, Section 28.17.
- B. Parking lots complying with Article 28, Section 28.17, and landscape provisions. Additionally, when adjacent to residential properties, required landscape buffers along the property line adjacent to the residential property shall be at least fifteen (15) feet wide.
- 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 may be attached or detached from the principal use.

**Section 15-A.04 – Conditional Uses**

- A. Antique shops, excluding furniture repair or refinishing activities.
- B. Sale of alcoholic beverages with alcoholic content not more than fourteen (14) percent for consumption, either on-premises or off-premises. The sale of mixed drinks (cocktails) above fourteen (14) percent for on-premises consumption is permitted.
- C. Fraternal clubs, lodges, and social and recreational clubs.
- D. Video game parlor and/or game rooms.
- E. Day nursery or childcare center, as provided in Section 27.15.

**Section 15-A.05 - Minimum Lot Requirements.**

- A. Minimum lot width: fifty (50) feet.

B. Minimum lot area: five thousand (5,000) sq. ft.

**Section 15-A.06 – Minimum Yard Requirements.**

A. Front yard: fifteen (15) feet.

B. Rear yard: twenty (20) feet.

C. Side yard: five (5) feet except where the Commercial Neighborhood District abuts a residential district, the minimum side yard shall be increased to twenty (20) 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 on lots of single and/or separate ownership abutting and paralleling a public right-of-way, a passage of not less than 20 feet in width shall be required at grade level at intervals of not more than 200 feet.

**Section 15-A.07 – Building Restrictions.**

A. Maximum building height: thirty-five (35) 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. Structures constructed along the Atlantic Coastline 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 fifty (150) feet from the Mean High Water Line (MHL).

B. Maximum lot coverage:

1. Lot coverage by all buildings, including accessory buildings and structures shall not be more than sixty (60) percent of the lot.

2. The minimum landscape area shall not be less than ten (10) percent of the total lot area and shall be in conformance with the standards in Article 27, Section 27.18.

3. The impervious surface coverage of land in this district shall be not more than seventy (70) percent of the lot.

4. **ARTICLE 16-A: COMMERCIAL, GENERAL - AMERICAN BEACH:**  
**CG-AB**

**Intent:** The provisions of this district are intended for limited general commercial uses to meet the retail sales and service needs of the American Beach residents and is designed to serve a small commercial area that primarily services that neighborhood.

**Section 16-A.01 – Permitted Uses and Structures**

- A. Uses permitted in the Commercial Neighborhood-AB district.
- B. Retail outlets for the sale of food and pharmaceuticals, wearing apparel, toys, sundries and notions, books and stationary, 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. Hotels and Bed and Breakfasts.
- E. Indoor commercial recreation centers, video games, arcades, billiard room, and similar uses.
- F. Private clubs, fraternal organizations and lodge halls.
- G. Restaurants and commonly associated facilities.

**Section 16-A.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-A.03- Conditional Uses**

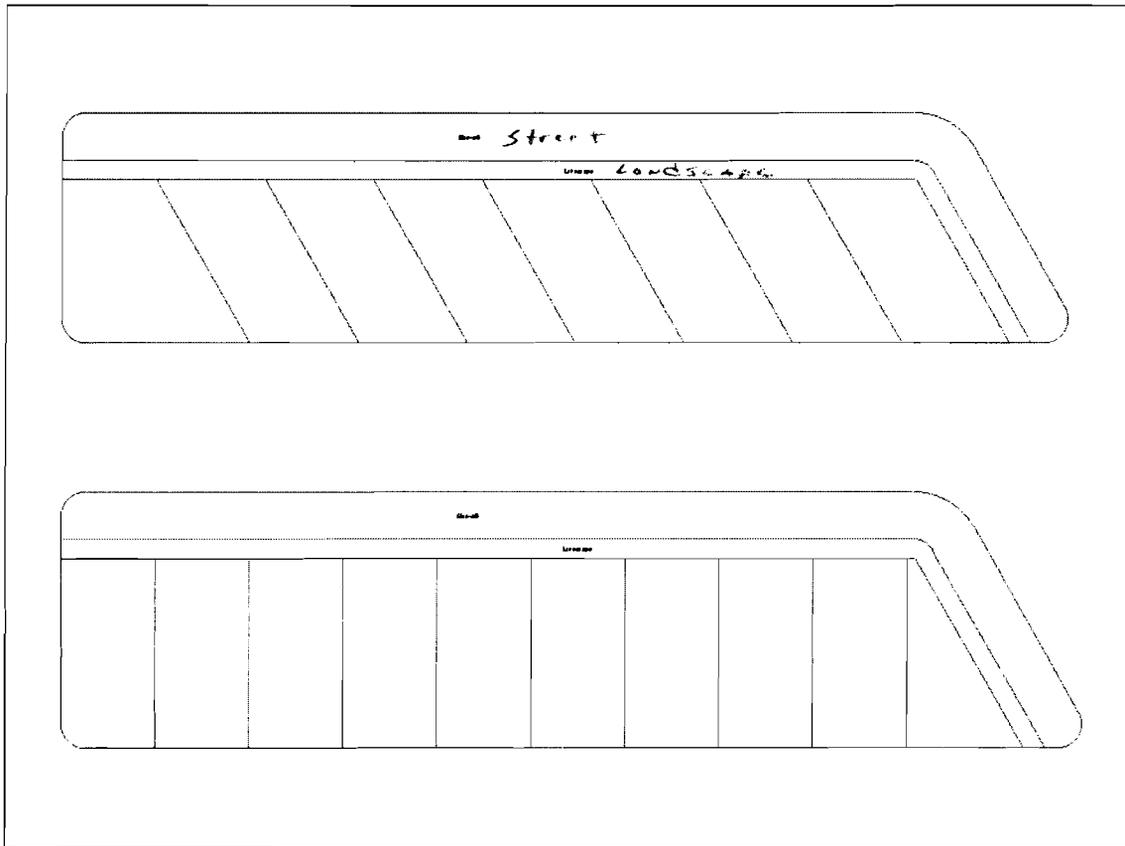
- A. Childcare centers, church or private schools, and uses as provided for in Article 28, Section 28.14.
- B. Establishments or facilities selling alcoholic beverage for on-site consumption.

**Section 16-A.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.
- C. On-Street Parking areas to meet the following criteria:
  - a. The travel portion of the Right-of-Way cannot be less than 22 feet.
  - b. The spaces must be landscaped per the Landscaping portions of other County Ordinances.
  - c. The spaces can be soft surfaced, such as shell or crushed crete.
  - d. The spaces must be marked.
  - e. At least 2 feet of landscaping must be provided at the head of the parking space and a five-foot sidewalk must also be provided.
  - f. The parking must be at least 10 feet from any public street intersection.
  - g. The parking must be public if located in any County Right-of-Way.

See Exhibit Below:

( Exhibit on next page)



**Section 16-A.05 – Minimum Lot Requirements.**

- A. Front yard: Fifteen (15) feet.
- B. 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.
- C. Side yard: Five (5) feet except where the CG-AB district abuts a residential district, the side yard shall be increased to 20 feet. No side yard will 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 twenty (20) 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-A.06 – Building Restrictions:**

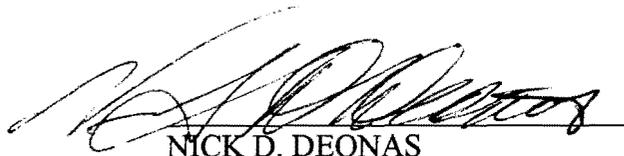
- A. Maximum building height: Thirty five (35) feet.

B. Maximum Lot Coverage: Lot coverage by all buildings, including accessory buildings and structures shall not be more than sixty (60) percent of the lot.

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

5. 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

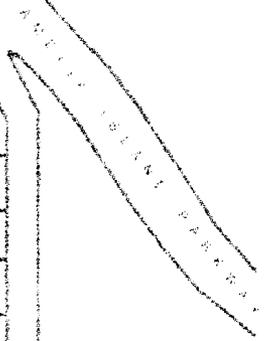
Approved as to form by the  
Nassau County Attorney



MICHAEL S. MULLIN

h/anne/ords/zoning-code-am-bch-overlay

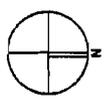
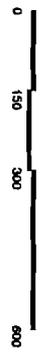




ATLANTIC OCEAN

OSPREY VILLAGE  
P U D

ATLANTIC OCEAN



# AMERICAN BEACH PROPOSED ZONING

Nassau County Department of Planning and Zoning, August 20, 2002

BURNETT ROAD

BURNETT ROAD

BURNETT ROAD

MANOR

OSPREY VILLAGE

OSPREY VILLAGE

CN-AB

CN

CG

CN

RS-2AB

CN-AB

RS-2AB

CG-AB

RG-1AB