

**ORDINANCE 2005 - 29**

AN ORDINANCE AMENDING 97-19, AS AMENDED, KNOWN AS THE COMPREHENSIVE ZONING CODE FOR NASSAU COUNTY; SPECIFICALLY AMENDING SECTION 25.04, SPECIAL REQUIREMENTS, PROVIDING FOR TEMPORARY SALES OFFICES; AMENDING SECTION 28.15, ACCESSORY USES AND STRUCTURES, TO PROVIDE FOR TEMPORARY SALES OFFICES IN ALL RESIDENTIAL DISTRICTS; AND REVISING SUBSECTION D (3) TO PROVIDE THAT NO GARAGE OR CARPORT IN ANY RESIDENTIAL DISTRICT BE DESIGNED TO ACCOMMODATE MORE THAN THREE (3) VEHICLES; AND REVISING SUBSECTION E (3) TO REFLECT NEW STATE LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners recognizes that residential subdivisions typically require the use of a temporary sales office; and

WHEREAS, the provision of such does not exist in the Nassau County regulations for Subdivisions and Planned Unit Developments; and

WHEREAS, the Florida Building Code has been amended to address this issue; and

WHEREAS, Florida Statute Section 515.29 modified residential swimming pool barrier requirements and was later implemented by Standards and Criteria outlined in the Florida Building Code, Section 424.2.17.1.1.; and

WHEREAS, the Board of County Commissioners finds that it is in the best interest of the citizens of Nassau County to further amend Ordinance 97-19, as amended.

NOW, THEREFORE BE IT ORDAINED this 25th day of April 2005, by the Board of County Commissioners of Nassau County, Florida, that Ordinance 97-19, as amended, shall be further amended as follows:

**1. 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 (20) percent (fifteen (15) percent when the Board of County Commissioners has granted permission allowing twenty (20) percent 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 schedule 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.

G. Temporary sales offices: The temporary use of a residential structure as a sales office shall be in accordance with the Florida Building Code, Chapter 104.1.2, Temporary structures and shall be limited to a duration of

one (1) year unless an extension is requested and approved by the Building Official, in accordance with Section 104.5.1, Permit intent.

**2. 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 guest houses 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 guesthouses.
3. Private garages and carports, provided no garage or carport be designed to accommodate more than ~~two (2)~~ three (3) 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.

9. Temporary sales offices: The temporary use of a residential structure as a sales office shall be in accordance with the Florida Building Code, Chapter 104.1.2, Temporary structures and shall be limited to a duration of one (1) year unless an extension is requested and approved by the Building Official, in accordance with Section 104.5.1, Permit Intent.

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 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 as required by Section 424.2.17.1.1 through 424.2.18 of the Florida Building Code. ~~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.~~

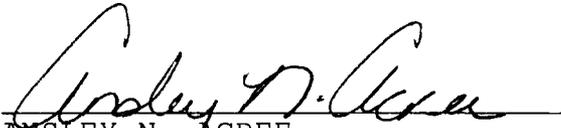
F. In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on said streets in the same block or adjacent blocks.

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.

3. **EFFECTIVE DATE:** This Ordinance shall become effective upon its being filed in the Office of the Secretary of State.

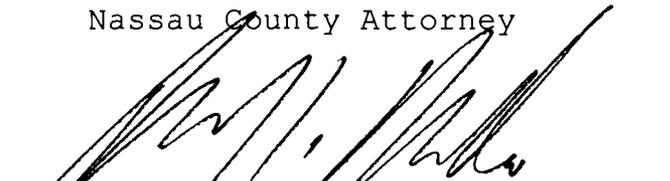
BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

  
ANSLEY N. ACREE  
Its: Chairman

ATTEST:

  
JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

Approved as to form by the  
Nassau County Attorney

  
MICHAEL S. MULLIN

z/amyers/ords/zoning-code-and-pool-sales