

ORDINANCE NO. 2013- 07

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ARTICLE 28.21 OF THE LAND DEVELOPMENT CODE "OUTDOOR SALES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Objective FL.11 of the Comprehensive Plan of Nassau County (formerly Objective 1.09) directs the County to ensure the protection of private property rights and recognize the existence of private interests in land use; and

WHEREAS, the purpose of land development regulations enacted by the County is to implement the County's Comprehensive Plan by establishing regulations, procedures and standards for review and approval of all development and use of land in the unincorporated portions of the County; and

WHEREAS, the intent of this Code is to ensure that the development process in the County is equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and the consideration of the interests of the citizens of the County; and

WHEREAS, the Board of County Commissioners determined that provisions for outdoor sales will protect the property rights of citizens and enhance public health, safety and welfare in Nassau County; and

WHEREAS, in 2007, the Board of County Commissioners passed an ordinance creating Section 28.21 "Outdoor Sales" limiting the circumstances under which sales may be conducted outside of an approved existing retail business.

WHEREAS, Understanding the importance of analyzing the applicable effectiveness of new ordinances, the Board of County Commissioners has directed staff and the Planning and Zoning Board to evaluate Article 28.21; and

WHEREAS, the Planning and Zoning Board has forwarded certain recommended amendments to Article 28.21; and

WHEREAS, public notice of this action has been provided in accordance with Chapter 125, F.S.; and

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA:

SECTION 1. FINDINGS

- A. This Ordinance is consistent with the Nassau County Comprehensive Plan, in particular Objective FL.11

SECTION 2. AMENDMENT

That Article 28, SUPPLEMENTARY REGULATIONS, is hereby amended with the creation of Section 28.21, Outdoor Sales Permits to read as follows:

28.21 Outdoor Sales Permits

This section shall not apply to musical or entertainment festivals governed by Chapter 19 ½ of the Nassau County Code of Ordinances, sidewalk cafes or to agricultural roadside stands.

1. An outdoor retail sale, which is temporary in nature, and occurs on the same lot or parcel as an approved existing retail business is allowed if permitted consistent with the following:
 - (a) It is conducted in compliance with applicable Nassau County Land Development Code, County Ordinances, Building and Fire Code requirements; and
 - (b) Conducted by the owner or lessee of the premises; and
 - (c) Limited to the goods and services normally offered by the owner or lessee, or goods and services that are seasonal in nature; and
 - (d) Consistent with the zoning for that parcel; and
 - (e) Required access to the premises is not hindered; and
 - (f) Parking spaces are not reduced to less than the required minimum; and
 - (g) The total number of temporary outdoor sales events per site, lot or shopping center during a calendar year is limited to two (2) events which shall not run consecutively; and
 - (h) The maximum time limit per site or lot for ~~holiday~~ seasonal sales events and all other temporary outdoor sales events shall be thirty (30) days per calendar year, per event. The time limit includes, setup and dismantling of all activities, sales displays, and merchandise and completion of all site clean-up activities; and
 - (i) No display shall be erected or installed, nor shall any temporary outdoor activities take place, within fifty (50) feet of a County or State right-of-way; and

- (j) No operator, employee, or representative of the operator of a temporary outdoor activity shall solicit directly from the motoring public; and
 - (k) No more than one (1) temporary outdoor activity shall be permitted simultaneously on a parcel of less than four (4) acres; and
 - (l) One (1) additional freestanding ground sign of up to twenty-eight (28) square feet shall be permitted during a temporary outdoor retail sales event provided that the sign is not located within fifteen (15) feet from any property line.
 - (m) Seasonal sales shall mean outside sales vendors who are marketing seasonal goods that are not typically offered year round.
- 2. Outdoor sales permits shall be issued by the Growth Management Dept. upon application not less than 90 days in advance of the event. No permit shall be required for non-profit or bona fide charitable sales or for outside display of merchandise incidental to an existing business. This permit shall be displayed at all times during the outdoor retail sales event.
 - 3. Penalty. Violation of this section shall constitute a misdemeanor of the first degree.
 - 4. The 90 day advance application requirements in Paragraph (2) above shall not apply to fireworks and fireworks related sales in June and July of 2013.

SECTION 3. CODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall be included and incorporated into the Land Development Code (LDC) of Nassau County, Florida. The codifier may re-letter or renumber sections to conform to the uniform numbering and style of the LDC.

SECTION 4. SEVERABILITY

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

SECTION 5. EFFECTIVE DATE

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

ENACTED AND ADOPTED BY THE NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS, THIS 10th DAY OF JUNE, 2013.

**BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA**



DANIEL B. LEEPER

Its: Chairman

Attest as to Chairman's
Signature:



JOHN A. CRAWFORD

Its: Ex-Officio Clerk

MES
06.12.13

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



DAVID A. HALLMAN