

ORDINANCE 2007 - 20

AN ORDINANCE AMENDING ORDINANCE 97-19, AS AMENDED, KNOWN AS THE NASSAU COUNTY ZONING CODE; SPECIFICALLY AMENDING ARTICLE 17, COMMERCIAL INTENSIVE, AND ARTICLE 33, TO AMEND THE DISTANCE RESTRICTIONS OF VENDORS SELLING ALCOHOL/INTOXICATING BEVERAGES FROM CHURCHES AND SCHOOLS WITHIN THE COMMERCIAL INTENSIVE (CI) ZONING DISTRICT ONLY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Nassau County Planning and Zoning Board has requested that Ordinance 97-19, as amended, further amend Article 17, Commercial Intensive, and Article 33, to amend the distance restriction of vendors selling Alcohol/Intoxicating Beverages from Churches within the Commercial Intensive (CI) Zoning District only; providing for Severability; and providing for an effective date; and

WHEREAS, the one thousand (1,000) feet distance restriction between vendors selling Alcohol/Intoxicating Beverages and Churches was established as by Chapter 61-2532, Laws of Florida; and

WHEREAS, Nassau County Board of County Commissioners has authority to amend said distance restriction in accordance with Article VIII, Section Six, of the Florida Constitution, to the extend that such amendment is in conflict with Chapter 61-2532, Laws of Florida.

NOW THEREFORE, BE IT ORDAINED this 13th day of August, 2007 by the Board of County Commissioners of Nassau County, Florida that Ordinance 97-19, as amended, shall be further amended as follows:

1. ARTICLE 17: Commercial Intensive: CI

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.

C. Notwithstanding any other provision of the Nassau County Zoning Code or the County Code of Ordinances, the distance restriction, prohibiting the sale of alcohol within one thousand (1,000) feet in airline distance of a church, shall not apply to either (1) establishments selling alcohol or (2) churches permitted in a Commercial Intensive district. Only those establishments selling alcohol and churches, which are lawfully authorized under an uncontested permit at a particular site within a Commercial Intensive district at the time of the adoption of this ordinance may claim the one thousand (1,000) feet distance restriction.

2. Article 33: Distance Restriction of Vendors of Alcoholic/Intoxicating 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 alcohol/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; providing that nothing herein contained shall affect any such business vending intoxicating beverages both for sale and consumption on or off the premises, which was actually being legally carried on within such distance of any established school or church as 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.

C. Notwithstanding any other provision of the Nassau County Zoning Code or the County Code of Ordinances, the distance restriction, prohibiting the sale of alcohol within one thousand (1,000) feet in airline distance of a church, shall not apply to either (1) establishments selling alcohol or (2) churches permitted in a Commercial Intensive district. Only those establishments selling alcohol and churches, which are lawfully authorized under an uncontested permit at a particular site within a Commercial Intensive district at the time of the adoption of this ordinance may claim the one thousand (1,000) feet distance restriction.

3. **EFFECTIVE DATE**


This ordinance shall become effective upon its being filed in the office of the Secretary of State.

4. **SEVERABILITY**

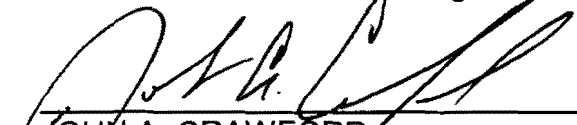
If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction

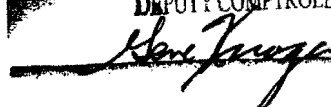
such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


JIM B. HIGGINBOTHAM
Its: Chairman

ATTEST as to Chairman's signature:


JOHN A. CRAWFORD
Its: Ex-Officio Clerk

REVIEWED BY GENE KNAGA
DEPUTY COMPTROLLER
 DATE 8/13/07

Approved as to form by the
Nassau County Attorney


DAVID A. HALLMAN