

**ORDINANCE NO. 2017-23**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ARTICLE 15, COMMERCIAL, NEIGHBORHOOD (CN), SPECIFICALLY AMENDING SECTION 15.01, PERMITTED USES AND STRUCTURES, TO ALLOW MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES AS A PERMITTED USE; AMENDING SECTION 15.02, SPECIAL RESTRICTIONS, TO ADD DISTANCE RESTRICTIONS FOR MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES; AMENDING ARTICLE 15-A. - COMMERCIAL, NEIGHBORHOOD-AMERICAN BEACH: CN-AB, SPECIFICALLY AMENDING SECTION 15-A.01(A), ELIMINATING RETAIL OUTLETS FOR THE SALE OF DRUGS; AMENDING ARTICLE 16, COMMERCIAL, GENERAL (CG), SPECIFICALLY AMENDING SECTION 16.01, PERMITTED USES AND STRUCTURES, TO ALLOW MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES AS A PERMITTED USE; AMENDING SECTION 16.04, SPECIAL RESTRICTIONS, TO ADD DISTANCE RESTRICTIONS FOR MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES; AMENDING ARTICLE 16-A. - COMMERCIAL, GENERAL - AMERICAN BEACH: CG-AB, SPECIFICALLY AMENDING SECTION 16-A.01(B), ELIMINATING RETAIL OUTLETS FOR THE SALE OF PHARMACEUTICALS; AMENDING ARTICLE 17, COMMERCIAL, INTENSIVE: (CI), SPECIFICALLY AMENDING SECTION 17.01, PERMITTED USES AND STRUCTURES, TO ALLOW MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES AS A PERMITTED USE; AMENDING SECTION 17.02, SPECIAL RESTRICTIONS, TO ADD DISTANCE RESTRICTIONS FOR MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES; AMENDING ARTICLE 26 - COMMERCIAL, JUDICIAL (CJ), SPECIFICALLY AMENDING SECTION 26.01(A), COMMERCIAL, JUDICIAL (CJ) TO ALLOW MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES AS A PERMITTED USE; AMENDING SECTION 26.01(C), CJ, SPECIAL RESTRICTIONS, TO ADD DISTANCE RESTRICTIONS FOR MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES; AND AMENDING ARTICLE 32, OF THE LAND DEVELOPMENT CODE TO INCLUDE A DEFINITION OF MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, SB 8-A was enacted by the Florida Legislature relating to medical marijuana treatment center dispensing facilities; and

**WHEREAS**, the Board of County Commissioners, by adopting this ordinance, is not addressing medical marijuana itself; and

**WHEREAS**, SB 8-A provides that counties may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than ordinances permitting pharmacies; and

**WHEREAS**, the Planning and Zoning Board, at a public meeting, voted to recommend to the Board of County Commissioners that the Zoning Code be amended to include Medical Marijuana Treatment Center Dispensing Facilities within the zoning districts that allow pharmacies with distance restrictions; and

**WHEREAS**, the Board of County Commissioners of Nassau County, Florida, has found, based on SB 8-A, that these facilities should be included within the same zoning districts that allow pharmacies; and

**WHEREAS**, the Board of County Commissioners conducted public hearings on the proposed amendments on August 28, 2017 and September 18, 2017 and finds that the amendments are in the best interest of the public.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Nassau County, Florida, that Articles 15, 15-A, 16, 16-A, 17, 26 and 32 shall be further amended as follows:

**ARTICLE 15. - COMMERCIAL, NEIGHBORHOOD: CN**

INTENT: This district is intended to apply to areas where small groups of selected establishments may be appropriately located to serve within convenient traveling distance from one (1) or several neighborhoods. The Commercial Neighborhood District is not intended for use by major commercial or service establishments. However, professional and business offices and similar uses are encouraged.

Section 15.01. - Permitted uses and structures.

- (A) Retail outlets for sale of food and drugs, Medical Marijuana Treatment Center Dispensing Facilities, 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 and pet shops (but not animal kennels), musical instruments, television and radio shops (including repairs), florist or gift shops, delicatessens, bake shops (but not wholesale bakeries), drugs and similar products.
- (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, dry cleaning and laundry package plants in completely enclosed buildings using nonflammable liquids such as perchloroethylene and with no odor, fumes, or steam detectable to normal senses from off the premises, and similar activities.
- (C) Medical and dental offices and clinics; animal hospitals or veterinary clinics, provided that no animals are permitted to be kept except in a completely enclosed and soundproofed structure.
- (D) Churches (except temporary revival establishments).
- (E) Libraries.
- (F) Nursing homes, convalescent homes, rest homes, or homes for the aged or orphans, provided no such facility shall have a lot area of less than one (1) acre, no such facility shall be located in a mobile home and all other federal (i.e. Americans with Disabilities Act), state and county regulations in regard to such establishments are met.
- (G) Lawn or landscape maintenance service.
- (H) All uses permitted in the Commercial, Professional and Office (CPO) District.

#### Section 15.02. - Special restrictions.

Unless otherwise noted, the following restrictions apply to all permitted and conditional uses in this zoning district. Supplementary regulations for development of certain uses may be required by article 28 of the Land Development Code.

- (A) Sale, display, preparation and storage shall be conducted within a completely enclosed building and no more than twenty (20) percent of floor space to be devoted to storage.
  - (1) For a lawn or landscape maintenance service, outdoor storage of light- or medium-duty vehicles and equipment used for the business is permitted subject to the requirements of article 28, section 28.08.
- (B) Products to be sold only at retail.
- (C) No sale, display or storage of secondhand merchandise except as incidental to sale of new merchandise.
- (D) An opaque buffer or visual barrier shall be required as stipulated in article 37, section 37.06.

(E) In areas designated as Conservation (Wetlands) on the future land use map, only passive recreation and silviculture will be permitted.

(F) Distance Restrictions. Medical Marijuana Treatment Center Dispensing Facilities shall not be located within 500 feet (500') in airline distance of the real property that comprises a public or private elementary school, middle school, or secondary school.

Section 15.03. - Permitted accessory uses and structures.

(A) See article 28, section 28.15.

(B) Parking lots complying with article 28, section 28.17, and landscape provisions.

(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 unit must be attached to the principal permitted structure.

Section 15.04. - Conditional uses.

(A) Antique shops.

(B) Plant nurseries.

(C) Sale of alcoholic beverages with alcoholic content not more than fourteen (14) percent for consumption, either on-premises or off-premises.

(D) Gasoline dispensing facility containing not more than one (1) pump island with not more than four (4) gasoline and/or fuel pumps; provided no repairs or other automobile services are permitted.

(E) Multifamily dwelling when located above a permitted principal use as listed above.

(F) Fraternal clubs, lodges, and social and recreational clubs.

(G) Video game parlor and/or game rooms.

(H) Day nursery, child care center, or private school, as provided in section 28.14.

Section 15.05. - Special restrictions.

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.

Section 15.06. - Minimum lot requirements.

(A) Minimum lot width: One hundred (100) feet.

(B) Minimum lot area: Ten thousand (10,000) square feet.

Section 15.07. - Minimum yard requirements.

(A) Front yard: Twenty-five (25) feet.

(B) Rear yard: Twenty (20) feet.

(C) Side yard: Fifteen (15) feet except where the Commercial Neighborhood District abuts a residential district, the minimum side yard shall be increased to thirty (30) 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 of lots of single and/or separate ownership abutting and paralleling a public right-of-way, a passage of not less than thirty (30) feet in width shall be provided at grade levels at intervals not more than four hundred (400) feet apart where required for public access.

Section 15.08. - Building restrictions.

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

(B) Maximum lot coverage:

- (1) Lot coverage by all buildings, including, accessory buildings and structures shall be not more than fifty (50) 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 28, section 28.17.

**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 (20) percent 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 twenty (20) feet in width shall be required at grade level at intervals of not more than two hundred (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.

## **ARTICLE 16. - COMMERCIAL, GENERAL: CG**

INTENT: The provisions of this district are intended to designate areas for general commercial uses which will meet the retail sales and service needs of Nassau County residents. This district is intended to encourage the concentration of general commercial uses and not the extension of strip commercial areas. The areas designated in this district shall abut a roadway classified as a collector or higher facility on the adopted functional highway classification map of the adopted comprehensive plan.

Nodal development patterns at major intersections are preferred. An exception to this standard may occur in areas of commercial infill where such infill would create a more compact land use pattern.

### **Section 16.01. - Permitted uses and structures.**

- (A) Uses permitted in the Commercial Neighborhood District.
- (B) Retail outlets for the sale of food and pharmaceuticals, Medical Marijuana Treatment Center Dispensing Facilities, wearing apparel, toys, sundries and notions, books and stationery, 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) Service establishments such as home equipment rentals, barber and beauty shops, shoe repair shops, reducing salons and gymnasiums, tailors and dressmakers, radio and television repair shops, travel agencies, laundry or dry cleaning establishments, pickup stations or package plants in completely enclosed buildings using nonflammable liquids such as perchloroethylene, with no odor, fumes or steam detectable to normal senses from off the premises, and other similar uses.
- (E) Funeral homes.
- (F) Outdoor fruit, vegetable, poultry or fish markets.
- (G) Hotels and motels and commonly associated facilities.
- (H) Indoor commercial recreation centers, video games, arcades, billiard room, bowling alleys, skating rinks and similar uses.
- (I) Private clubs, fraternal organizations and lodge halls.
- (J) Restaurants and commonly associated facilities.



- (K) Gasoline dispensing facility containing not more than one (1) pump island with not more than four (4) gasoline and/or fuel pumps; provided no repairs or other automobile services are provided.
- (L) Travel trailer parks and campgrounds, subject to the standards and procedures of section 28.09.

Section 16.02. - 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 16.03. - Conditional uses.

- (A) Drive-in restaurants and theaters.
- (B) Auto service stations and repair garages.
- (C) Auto sales lots.
- (D) Child care centers, church or private schools, and uses as provided for in article 28, section 28.14.
- (E) Establishments or facilities selling alcoholic beverage for on-site or off-site consumption.
- (F) Any use listed as a permitted use in the Commercial Intensive District, section 17.01 of the Land Development Code, excluding sexually oriented businesses.
- (G) Plant nursery.

Section 16.04. - 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) Distance Restrictions. Medical Marijuana Treatment Center Dispensing Facilities shall not be located within 500 feet (500') in airline distance of the real property that comprises a public or private elementary school, middle school, or secondary school.

Section 16.05. - Minimum lot requirements.

- (A) Minimum lot area: Twenty thousand (20,000) square feet.
- (B) Minimum lot width: One hundred (100) feet.

Section 16.06. - Minimum yard requirements.

- (A) Front yard: Twenty-five (25) feet.
- (B) Rear yard: Twenty (20) 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: Twenty (20) feet except where the CG District abuts a residential district, the side yard shall be increased to thirty (30) 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 or lots of single and/or separate ownership abutting and paralleling a public right-of-way, a passage of not less than thirty (30) 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 16.07. - Building restrictions.

- (A) Maximum building height: Forty (40) 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) Also, those structures constructed along the Atlantic Coastline, or major water body, 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 and fifty (150) feet from the mean high water line (MHL).
- (B) Maximum lot coverage: Lot coverage by all buildings, including accessory buildings and structures shall not be more than fifty (50) percent of the lot.
- (C) Landscaping: The minimum landscape area shall be not less than ten (10) percent of the total lot area and shall be in conformance with article 28, section 28.17.

**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.

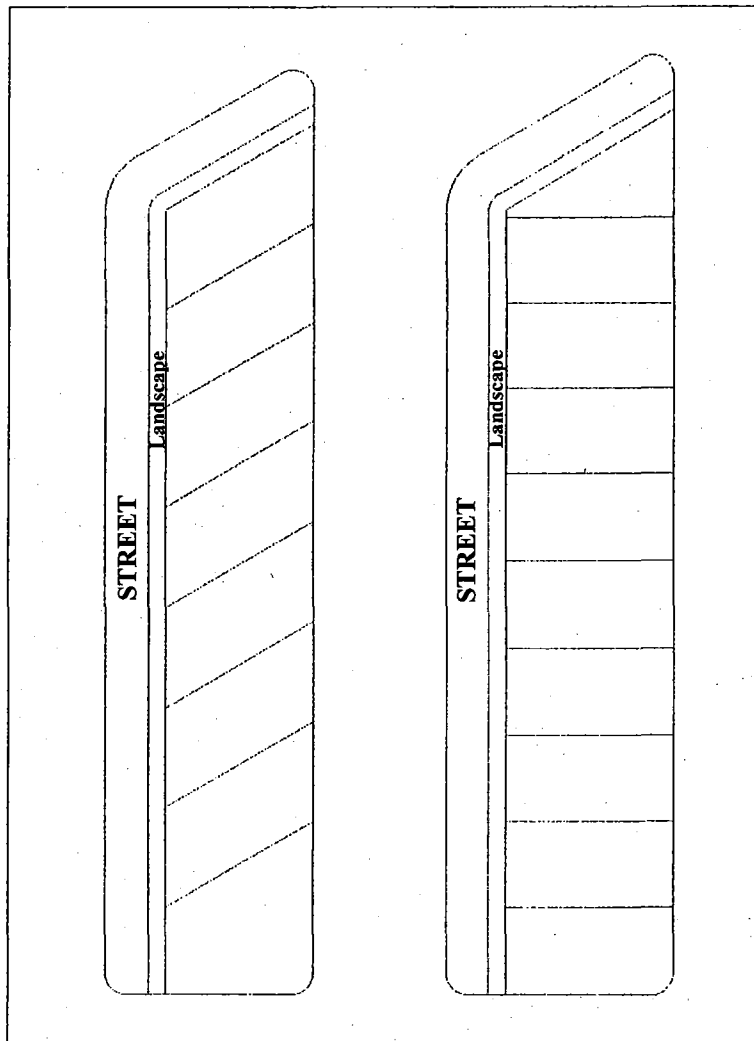
- A. Childcare centers, church or private schools, and uses as provided for in article 28, section 28.14.
- B. Establishments or facilities selling alcoholic beverage for on-site consumption.

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 twenty-two (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 two (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 ten (10) feet from any public street intersection.
- g. The parking must be public if located in any county right-of-way.

See following illustration:



### Parking

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 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 twenty (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 (10) percent of the total lot area and shall be in conformance with article 28, section 28.17.

**ARTICLE 17. - COMMERCIAL INTENSIVE: CI**

INTENT: The provisions of this district are intended to designate areas for the orderly development of these commercial uses which will provide local and regional commercial services and needs. Certain establishments which will provide for the social, cultural and civic needs of county residents will also be encouraged to develop. Consumer related retail and service establishments, and wholesale, light manufacturing and warehouse uses, will be permitted to develop where appropriate. Areas in this district should have direct access to major thoroughfares suitable for efficiently carrying large volumes of traffic.

Regional commercial nodes will generally be located with convenient access to transportation corridors. Commercial Intensive District uses may be developed only in a nodal pattern. Commercial intensive nodes must abut a roadway classified as a collector or higher on the adopted functional highway classification map of the adopted comprehensive plan.

Section 17.01. - Permitted uses and structures.

- (A) Retail outlets for the sale of general merchandise including new or used automobiles, trucks and tractors, motorcycles, mobile homes, boats, automotive vehicle parts (but not automobile wrecking or storage yards, junk yards, or scrap processing yards), heavy machinery and equipment, dairy supplies, feed, fertilizer, plant nursery (including outside display) or landscape contractor, lumber and building supplies, food and drugs, Medical Marijuana Treatment Center Dispensing Facilities, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry (including watch repair), art, cameras or photographic supplies (including camera repair), sporting goods, hobby shops and pet shops, musical instruments, florist or gift shop, delicatessen, bakery (but not wholesale bakery), home furnishing and appliances (including repair incidental to sales), office equipment or furniture, antiques, secondhand merchandise, hardware, and similar uses.
- (B) Service establishments of all kinds including automobile service stations or truck stops, repair and service garages, motor vehicle body shops, rental of automotive vehicles, trailers, and trucks, auto laundries, small engine repair, restaurants (including drive-in restaurants), veterinarian or animal boarding kennels in soundproofed buildings, pest control, carpenter or cabinet shops, home equipment rental, ice delivery stations, marinas, radio or television broadcasting studios, offices, transmitter and antenna facilities, barber or beauty shops, shoe repair shops, interior decorator, reducing salons or gymnasiums, tailors or dressmakers, laundry or dry cleaning establishments, pick up stations or package plants in completely enclosed buildings using nonflammable liquids such as perchloroethylene and with no odor, fumes or steam detectable to normal senses from off the premises, funeral homes (including crematory), blueprinting, job printing (including newspaper), radio and television repair shops, travel agencies and similar uses. Motor vehicle body shops shall store wrecked automobiles in an area completely screened by a fence or other suitable visual barrier at least six (6) feet in height.
- (C) Commercial, recreational and entertainment facilities such as carnivals or circuses, shooting galleries, video games, game rooms, arcades, billiard rooms, skating rinks, pony rides, go-kart tracks, athletic complexes, arenas, auditorium convention centers, dance halls and similar uses.
- (D) Palmists, astrologists, psychics, clairvoyant, phrenologists and similar uses.
- (E) Outdoor fruit, vegetable, poultry or fish markets.
- (F) All types of professional and business offices.
- (G) Establishments or facilities for the retail sale and service of all alcoholic beverages, either for on-premises or off-premises consumption, or both.
- (H) Any type of wholesale, jobber or distributorship business where the total operation does not require more than four thousand (4,000) square feet of floor space; no vehicle is used in excess of one and one-half ton capacity; all merchandise is stored within an enclosed building; and no heavy machinery or manufacturing is located on the premises, mini-storage facility.
- (I) Hotels and motels (including convention facilities).
- (J) Building trades contractors not requiring outside storage; nor the use of any vehicle in excess of one and one-half ton capacity; nor any machinery, ditching machines, tractors, bulldozers, or other heavy construction equipment.

- (K) Theaters (including drive-in or open air theaters).
- (L) Express or parcel delivery offices, telephone exchanges, commercial parking lots, motor bus or other transportation terminals (but not truck terminal) and similar uses.
- (M) All uses permitted in the Commercial General District, except nursing homes, travel trailer parks, camp grounds, and churches which are conditional uses.
- (N) Sexually oriented businesses, subject to the provisions of Ordinance No. 2005-10, and article 33, section 33.02:

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.
- (F) Distance Restrictions. Medical Marijuana Treatment Center Dispensing Facilities shall not be located within 500 feet (500') in airline distance of the real property that comprises a public or private elementary school, middle school, or secondary school.

Section 17.03. - 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 17.04. - Conditional uses.

- (A) Child care centers, church or private schools, uses as provided in article 28, section 28.14.
- (B) Hospitals, sanitariums, nursing homes, home for the aged or orphans, and similar uses.
- (C) Wholesale, warehouse, or storage uses.

- (D) Building trades contractors with outside storage yards and heavy construction equipment.
- (E) Boat yards, boat repair or construction facilities, dry docks, boat railways and similar uses.
- (F) Light manufacturing, processing (including food processing but not slaughterhouses), packaging or fabricating.
- (G) Bulk storage yards including bulk storage of flammable liquids.
- (H) Automobile wrecking or storage yards (but not scrap processing yards or junk yards) shall be completely screened by a fence or other suitable visual barrier at least six (6) feet in height.
- (I) Commercial or noncommercial race tracks for animals or vehicles.
- (J) Travel trailer parks and campgrounds, subject to site plan review by the planning and zoning board as required in article 28, section 28.16.

Section 17.05. - Minimum lot requirements.

- (A) Minimum lot area: Twenty thousand (20,000) square feet.
- (B) Minimum lot width: One hundred (100) feet.

Section 17.06. - Minimum yard requirements.

- (A) Front yard: Twenty-five (25) feet.
- (B) Rear yard: Twenty (20) feet: Those structures constructed along the Atlantic Coastline shall utilize the adopted "coastal construction control (setback) line", or a measurement of one hundred fifty (150) feet, measured from the mean high water line (MHL), whichever is the greater distance.
- (C) Side yard: Twenty (20) feet except where the CI District abuts a residential district, the side yard shall be increased to thirty (30) 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 or lots of single and/or separate ownership abutting and paralleling a public right-of-way, a passage of not less than thirty (30) feet in width shall be provided at grade level at intervals of not more than four hundred (400) feet apart as may be required for public access.

Section 17.07. - Building restrictions.

- (A) Maximum building height: Forty (40) 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) Also, those structures constructed along the Atlantic Coastline, or major water body, 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 construction control line" as adopted, as the minimum rear yard, or one hundred and fifty (150) feet from the mean high water line (MHL).

(B) Maximum lot coverage:

- (1) Lot coverage by all buildings and structures shall not be more than seventy (70) percent of the lot.
- (2) Commercial intensive development should be encouraged only as nodal development with access located sufficient distance from intersections and interstate access ramps so as to minimize traffic impacts on these facilities.

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

## **ARTICLE 26. - COMMERCIAL, JUDICIAL (CJ) AND RESIDENTIAL, JUDICIAL (RJ)**

This article establishes commercial and residential zoning districts adjacent to the Nassau County Judicial and Administrative Complex and the Florida State College at Jacksonville (FSCJ) Nassau Center. The intent of this article is to provide greater compatibility with unique adjacent land uses and provide for better planning for the area.

### **Section 26.01. - Commercial, Judicial: CJ.**

*Intent:* This district designates the commercial and office uses which are compatible with the area around the Nassau County Judicial Complex. The district encourages general commercial uses in conjunction with compatible similar uses.

**A. *CJ, permitted uses and structures.***

1. Retail outlets for sale of food, pharmaceuticals, Medical Marijuana Treatment Center Dispensing Facilities, wearing apparel, books and stationery, jewelry (including watch repair), art, cameras or photographic supplies (including camera repair), home furnishings and appliances (including repairs incidental to sales), office equipment or furniture, hardware, hobby shops and pet shops (but not animal kennels), musical instruments, florist or gift shops, antique shops, delicatessens, bake shops (but not wholesale bakeries), and similar products.
2. Service establishments such as home equipment rentals, barber or beauty shops, shoe repair shops, restaurants, photographic studios, travel agencies, dance or music studios, fitness centers or gymnasiums, self-service laundries, tailors or dressmakers, dry cleaning.
3. Business and professional offices.
4. Medical and dental offices and clinics.

5. Animal hospitals or veterinary clinics, provided that no animals are permitted to be kept except in completely enclosed and soundproofed structure[s].
  6. Churches (except temporary revival establishments).
  7. Libraries.
  8. Restaurants and commonly associated facilities (including drive-in restaurants and drive-thrus).
  9. Child care centers, day nursery, church or private schools and uses as provided for in article 28, section 28.14.
  10. Establishments or facilities selling alcoholic beverage for on-site or off-site consumption.
  11. Flex space—i.e., any type of light warehouse, distributorship, research and development, information technology, or similar business where the total non-office operations does not require more than four thousand (4,000) square feet of floor space; no vehicle is used in excess of one and one-half (1½) ton capacity; all merchandise is stored within an enclosed building; and no heavy machinery or manufacturing is located on the premises.
  12. Ponds and borrow pits, subject to the requirements of article 38 of this Code.
- B. *CJ, permitted accessory uses.*
1. See article 28, section 28.15.
  2. 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.
- C. *CJ, special restrictions.*
1. Businesses selling 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. Similarly, a school or church 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 business selling alcoholic or intoxicating beverages.
  2. Distance Restrictions. Medical Marijuana Treatment Center Dispensing Facilities shall not be located within 500 feet (500') in airline distance of the real property that comprises a public or private elementary school, middle school, or secondary school.
- D. *CJ, minimum lot requirements.*
1. Minimum lot width: One hundred (100) feet.
  2. Minimum lot area: Ten thousand (10,000) feet.
- E. *CJ, minimum yard requirements.*

1. Front yard: Twenty-five (25) feet.
2. Rear yard: Twenty (20) feet.
3. Side yard: Fifteen (15) feet except where the Commercial Judicial District abuts a residential district, the minimum side yard shall be increased to thirty (30) feet. No side yard shall be required where two (2) or more commercial buildings adjoin side by side, however, in the case 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 thirty (30) feet in width shall be provided at grade levels at intervals of not more than four hundred (400) feet apart as may be required for public access.

F. *CJ, building restrictions.*

1. Maximum building height: Forty (40) feet.
2. Maximum lot coverage: Lot coverage by all buildings, including accessory buildings and structures shall not be more than fifty (50) percent of the lot.
3. Landscaping: The minimum landscape area shall be not less than ten (10) percent of the total lot area and shall be in conformance with article 28, section 28.17.

Section 26.02. - Residential, Judicial: RJ.

*Intent:* This district designates the residential uses which are compatible with the area around the Nassau County Judicial Complex. The district encourages residential uses in conjunction with compatible similar uses. The maximum residential density of said property is limited to that allowed by the underlying future land use map (FLUM) designation.

A. *RJ, permitted uses and structures.*

1. Single-family dwellings.
2. Duplexes and townhouses.
3. Multifamily dwellings.

B. *RJ, permitted accessory uses and structures.* See article 28, section 28.15.

C. *RJ, conditional uses.* See article 28, section 28.14.

D. *RJ, minimum lot requirements.*

1. *Single-family dwellings.*
  - a) Minimum lot width: Sixty (60) feet.
  - b) Minimum lot area: Six thousand (6,000) square feet.
2. *Duplexes and townhouses.*
  - a) Minimum lot width.
    - (i) Interior lot: Twenty (20) feet.
    - (ii) Exterior lot: Thirty (30) feet.

- b) Minimum lot area.
      - (i) Interior lots: Two thousand (2,000) square feet.
      - (ii) Exterior lots: Three thousand (3,000) square feet.
  - 3. *Multifamily dwellings.*
    - a) Minimum lot width: One hundred twenty-five (125) feet.
    - b) Minimum lot area: 0.20 acre (8,700 square feet) plus five thousand five hundred (5,500) square feet per unit (>2 units).
- E. *RJ, minimum yard requirements.*
  - 1. *Single-family dwellings.*
    - a) Front yard: Fifteen (15) feet.
    - b) Side yard: Five (5) feet.
    - c) Rear yard: Ten (10) feet.
  - 2. *Duplexes and townhouses.*
    - a) Front yard: Twenty-five (25) feet.
    - b) Side yard:
      - (i) Interior unit: Zero (0) feet.
      - (ii) Exterior unit: Fifteen (15) feet.
    - c) Rear yard: Twenty (20) feet.
  - 3. *Multifamily dwellings.*
    - a) Front yard: Twenty-five (25) feet.
    - b) Side yard: Twenty (20) feet.
    - c) Rear yard: Twenty (20) feet.
- F. *RJ, building restrictions.*
  - 1. Maximum building height: Forty-five (45) feet.
  - 2. Maximum lot coverage: Thirty-five (35) percent.
  - 3. Maximum density (dependent upon FLUM designation).
    - a) Single-family dwellings and duplexes: Up to five (5) dwelling units per acre.
    - b) Townhouses and multifamily units: Up to ten (10) units per acre.

Section 26.03. - Connectivity standards.

- A. Site development shall be designed to encourage internal automobile circulation, bicycle use, pedestrian movement, and other features to minimize utilization of the major roadway network.

- B. Site development shall be designed to provide vehicular, bicycle and pedestrian cross-access between adjacent properties, including bicycle and pedestrian connections between CJ and RJ zoning districts as well as adjacent residential, commercial or public use districts.
- C. Commercial sites shall have multiple vehicle ingress and egress points to increase connectivity.
- D. Commercial development sites that have more than one (1) primary building or structure shall be designed to encourage shared parking and pedestrian interconnectivity within the site.

#### Section 26.04. - Screening standards.

Screening regulations for areas zoned CJ or RJ shall be pursuant to those adopted in article 35 of this Code for the State Road 200/A1A Access Management Overlay District for areas outside of those designated CHT, as amended.

#### Section 26.05. - Signage standards.

Signage regulations for areas zoned CJ or RJ shall be pursuant to those adopted in article 35 of this Code for the State Road 200/A1A Access Management Overlay District for areas outside of those designated CHT, as amended.

### **ARTICLE 32. – DEFINITIONS**

For the purpose of this zoning ordinance, certain words and terms used herein shall be interpreted to have meanings as defined below. When words or terms are not defined, they shall have their ordinarily accepted meaning or such as the context may imply. Words used in the present tense include the future tense; the singular number includes the plural and the plural includes the singular. The word shall is mandatory; the word may is permissive. The words used or occupied include the words intended, designed, or arranged to be used or occupied. The word lot includes the words plot or parcel. The word structure includes the word building as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground. The word land include the words marsh, water, or swamp.

*Abutting property:* Any property that is immediately adjacent to or contiguous to property that may be subject to any hearing required to be held under this act, or that is located immediately across any road or public right-of-way from the property subject to any hearing under this act.

*Accessory buildings and uses:* A subordinate building or portion of a main building, the use of which is incidental to that of the dominant use of the main building or land, including but not limited to: accessory signs, swimming pools, sheds, decks, piers, detached garages, guest houses,

wind turbines and solar energy systems. An accessory use is one that is incidental to the main use of the premises.

*Accident potential hazard area:* An area within five thousand (5,000) feet of the approach or departure end of a runway or in proximity to an airport in which aircraft may maneuver after takeoff or before landing and are subject to the greatest potential to crash into a structure or the ground.

*Aggrieved person:*

- (a) Specifically named persons whose substantial interests are being determined in the proceeding.
- (b) Any other person who is entitled to participate in whole or in part in the proceeding, or whose substantial interests will be affected by proposed board action, and who makes an appearance as a party. The alleged substantial interest may be shared in common with other members of the community at large but must exceed in degree the general interest in community good shared by all persons.
- (c) At planning and zoning board and board of county commissioners level, county staff.

*Agricultural services:* Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services, and farm labor and managements services, and uses and structures accessory to the care and maintenance of agricultural uses.

*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.

*Agriculture:* The production, keeping, or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops, dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, and programs for the care of exotic, endangered or threatened species, including the breeding and grazing of any or all of such animals, bees and apiary products, fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry managements program.

*Airport:* Any runway, land area or other facility designed and used, either publicly or privately, by any person, for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

*Airport elevation:* The highest point of an airport's usable landing area measured in feet above mean sea level.

*Airport obstruction:* Any structure or object of natural growth or use of land which would exceed the federal obstruction standards as contained in 14 CFR sections 77.21, 77.23, 77.25, and 77.28 or which obstruct the airspace required for flight of aircraft in landing and take-off at an airport or is otherwise hazardous to such landing or take-off of aircraft.

*Airspace height:* To determine the height limits in all zones set forth in this ordinance, the datum shall be mean sea level elevation (AMSL) unless otherwise specified.

*Alley:* A public or private way, which affords only a secondary means of access to property abutting thereon, which is not otherwise designated a thoroughfare or for general traffic, and which is not otherwise designated a street.

*Alteration:* Any change in the arrangement of a building; any work affecting the structural parts of a building; or any change in wiring, plumbing or heating and air-conditioning systems.

*Alternate standards:* A stabilized surface that meets or exceeds the standards set forth in article 11 of Ordinance 99-17. In addition, the alternate standards shall provide for a surface that is two (2) vehicles wide with drainage and is approved by the director of public works.

*Application:* Forms completed by individuals when making zoning requests (same as petition).

*Applicant:* The owner, or his authorized representative, of a tract of land which is the subject of a request for a change in zoning classification, a variance, or an appeal (same as petitioner).

*Archaeological site:* A location that has yielded or may be likely to yield information important in history or prehistory.

*Arterial road:* A roadway providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed and high mobility importance and is functionally classified as a principal arterial or a minor arterial in the comprehensive plan.

*Auditorium:* The room, hall, building, or part of a building used for public gatherings.

*Automobile service station:* See Service station, automotive.

*Automobile repair:* The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

*Automotive wrecking and salvage yards:* See Junkyard. The dismantling or wrecking of used motor vehicles, mobile homes or other vehicles, or the storage, sale or dumping of such wrecked or dismantled vehicles or parts. (Must be completely screened by a visual barrier at least six (6) feet in height.)

*Average daily traffic volume:* Seasonally adjusted average number of vehicles passing a point on a roadway segment on a daily basis.

*Background growth rate:* A factor added to the existing and reserved demand representing an increase in demand from development exempt from concurrency review and not otherwise reserved.

*Bar, saloon, cocktail lounge, or tavern:* Any establishment devoted primarily to the selling or dispensing and drinking of malt, vinous or other alcoholic beverages or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable within or thereon and where such beverages are consumed on the premises.

*Barricades:* A post and rail configuration used for the protection of trees during construction activity. The upright posts shall be a minimum of a two (2) by two (2) inch (common industry standard) wooden stake, four (4) feet long. A minimum of a one (1) by four (4) inch (common industry standard) wooden board shall be used to connect the upright posts. High-visibility heavy-

gauge tape may be substituted for the one (1) by four (4) inch connecting boards. The barricade tape must be a minimum of three (3) inches wide, and of seven (7) mil-thick polyethylene construction, and be a high-visibility color.

*Bed and breakfast inn:* Overnight accommodations, with a morning meal in a dwelling unit provided to transient guests for compensation.

*Block:* A block shall be deemed to be all that property frontage along one highway, lying between the two (2) nearest intersecting or intercepting streets and railroad right-of-way or waterway, golf course, campus, park or similar open space.

*Boardinghouse, rooming house, lodging house or dormitory:* A building or part thereof, other than a hotel, motel or restaurant, where meals and/or lodging are provided for compensation for three (3) or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

*Borrow pit:* An excavation exceeding one (1) acre in size where naturally occurring earthen materials are removed and transferred off site for use as fill material. Extraction of said earthen material occurs intermittently as need dictates. Material excavated from a borrow pit is utilized in its natural state and is not processed, except for the use of scalping screen to remove large rocks, wood, and other debris.

*Buffer:* A solid wall, fence, or shrubbery at least six (6) feet in height which separates incompatible land uses. This ordinance requires some buffers to be a certain width and properly landscaped.

*Buildable area:* The space remaining on a lot after the minimum open space requirements (lot coverage, yards, setbacks) have been met.

*Building:* Any structure designed or built for support, enclosure, shelter or protection of persons, animals, chattels or property of any kind. The word "building" shall include "structure". Any structure constructed or used for a residence, business, industry or other private or public purposes, including structures that are accessory to such uses.

*Building height:* The vertical distance from grade to the highest roof surface, in the case of flat roofs, or to a point at the average height of the highest roof having a pitch. For the purposes of measuring height, the following are not included: 1) parapet walls which do not extend more than five (5) feet above the roof line; 2) uninhabited stair towers, chimneys, vents, ventilators and enclosures for machinery of elevators may exceed the height limitation in accordance with the Florida Building Code; 3) in addition to the foregoing, cupolas, window walks, steeples, spires and other architectural features (excepting therefrom signs) shall not exceed in aggregate area ten (10) percent of the area of the roof and not to exceed ten (10) feet above the allowable roof height.

*Building line:* An imaginary line across the property, defined in each district by the setback requirement on which the front wall of a building may be built. For the purpose of measuring, setbacks shall be determined by measuring from any vertical support of a covered roof section to the nearest point to the lot line.

*Building, principal:* A building in which is conducted the main or principal use of the lot or parcel on which said building is situated.



*Building setback:* The minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or side lines of the building. When two (2) or more lots under one (1) ownership are used, the exterior property lines so grouped shall be used in determining building setback when the interior common lot line is straddled by the principal structure.

*Caliper:* Caliper shall be the diameter at breast height (DBH) of the trunk of all trees four and one-half (4½) feet above the ground.

*Capacity:* The maximum demand that can be accommodated by a public facility or service without exceeding the adopted level of service. For roadways, capacity means the maximum number of vehicles that can be accommodated by a given roadway during a specified time period under prevailing roadway, traffic and control conditions at the roadway's adopted level of service.

*Carport:* An accessory structure or portion of a principal structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two (2) sides, and designed or used for the storage of motor driven vehicles owned and used by the occupants of the building to which it is accessory.

*Cemetery:* Land used or intended to be used for the burial of the animal or human dead.

*Certificate of concurrency:* Certification issued by Nassau County for a proposed project confirming that adequate public facilities are available to serve the development or will be available concurrent with the impacts of the development.

*Church:* A building used for nonprofit purposes by a recognized or established religion as its place of worship. Such building may include, but is not limited to, a residential area for the pastor or minister of the sect, educational facilities, and other associated structures.

*Clinic:* An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one (1) person or a group of persons practicing any form of healing or health building services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists or any such profession, the practice of which is lawful in the State of Florida.

*Club, private:* An association or organization of a fraternal or social character, not operated or maintained for profit. The term private club shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

*Club, night:* A restaurant, dining room, bar, or other similar establishments serving alcoholic beverages, wherein paid floor shows or other forms of paid entertainment are provided for customers as a part of the commercial enterprise.

*Cluster:* A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. (See Planned unit development—PUD)

*Cluster subdivision:* A form of development for single-family residential subdivisions that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space. (See Planned unit development—PUD)

*Complete application:* An application that includes all of the information required by this Code, the application form or by the county but does not mean that said information is sufficient in comprehensiveness of data or in quality of information provided.

*Comprehensive plan:* The Nassau County Comprehensive Plan which was adopted by the Nassau County Board of County Commissioners pursuant to Chapter 163, Florida Statutes, as amended.

*Conditional use:* A use that would not be appropriate generally or without restriction throughout the zoning classification or district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning classification or district as conditional uses, if specific provisions for such conditional use is made in this ordinance.

*Construction and demolition debris:* Materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure. The term includes rocks, soils, tree remains, trees, and other vegetative matter which normally results from land clearing or land development operations for a construction project including such debris from construction of structures at a site remote from the construction or demolition project site. Mixing of construction and demolition debris with other types of solid waste, including material which is not from the actual construction or destruction of a structure, will cause it to be classified as other than construction and demolition debris.

*Construction plans:* Detailed engineering plans, specifications and calculations prepared in accordance with county and other applicable regulations, codes and standards, approved by the county to begin land development activities, including the subdivision of land, and setting forth the specific improvements to be made in conjunction with development as they affect the existing site, its boundary conditions, topography, wetlands, water, sewer, paving and drainage.

*Convenience store:* A retail commercial establishment engaged in the selling of groceries and convenience goods, with all sales, display and storage conducted within a completely enclosed building.

*Day nurseries and kindergartens:* Any service which during all or part of the day regularly gives care to six (6) or more children, not of common parentage, who are under six (6) years of age, whether or not it has a stated educational purpose, and whether the service is known as a day care service, day nursery, day care agency, nursery school, kindergarten, play school, progressive school, or by any other name. The total number of children receiving care shall be counted including children or foster children of the owner or person in charge, in determining the applicability of this definition.

*de minimis:* Is an impact to the major road network that meets the requirements set forth in Section 163.3180(6), F.S.

*Demolition:* Any act that destroys in whole, or part, a site, building or structure.

*Density:* The number of residential dwelling units permitted per acre of land, excluding land for street rights-of-way, drainage ditches, etc.

*Developer:* Any person, individual, partnership, association, syndicate, firm, corporation, trust or legal entity engaged in developing or subdividing of land. The term "developer" is intended to include the sequential entities involved in successive stages of a development project.

*Diameter at breast high (DBH):* The diameter of a tree measured at breast height, which is fifty-four (54) inches (or four and one-half (4½) feet), above the grade at the base of the tree. A tree that has multiple trunks shall be measured using the sum of the diameters.

*Directly accessed segment:* The first road segment on the major road network on which traffic from the project's site is expected to travel. If a development has more than one access point, it may be possible for two (2) or more directly accessed segments to exist.

*Drip line:* An artificial line measured in a radial pattern around a tree corresponding to the root protection zone. The line extends from the perimeter of a tree canopy vertically down to the ground.

*Drive-in restaurant or refreshment stand:* Any place or premises where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverages in automobiles on the premises, or in other than a completely enclosed building on the premises. A restaurant which provides drive-in facilities of any kind in connection with regular restaurant activities shall be of any kind in connection with regular restaurant activities shall be deemed a drive-in restaurant. A barbecue stand or pit having the characteristics noted in this definition shall be deemed a drive-in restaurant.

*Due public notice:* As used in connection with the phrase "public hearing" or "hearings with due public notice", shall mean publication of notice of the time, place and purpose of such hearing at least twice (2) in a newspaper of general circulation in the area, with the first such publication to be at least fifteen (15) days prior to the date of the hearing and the second such publication to be at least five (5) days prior to the hearing. In addition, except where the hearing applies to all of the lands within the area, similar notices setting forth the time, place and purpose of such hearing shall be mailed to the last known address of the owners of the property involved in or whose land is within three hundred (300) feet of the periphery of the lands subject to rezoning; and such notices shall also be posted in a conspicuous place or places on or around such lots, parcels or tracts of land as may be involved in or directly affected by the hearing. Affidavit proof of the required publication, mailing and posting of the notice shall be presented at the hearing. Failure of any owner to receive such notice shall in no way affect the validity of any action taken in a public hearing.

*Dump:* A land site used primarily for the disposal by dumping, burial, burning or other means and for whatever purposes, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof, and other waste, scrap, or discarded material of any kind.

*Duplex:* See Dwelling, two-family.

*Dwelling:* Any building or portion thereof which is designed for or used for residential purposes, but does not include a trailer coach or converted trailer, hotel, motel, lodging house or boardinghouse.

*Dwelling, multifamily:* A residential building designed for or occupied exclusively by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

*Dwelling, one single-family:* A private residence building used or intended to be used as a home or residence in which the use and management of all sleeping quarters and appliances for sanitation, cooking, ventilation, heating and lighting are designed primarily for the use of one (1) family unit, and with partitioning so that any substantial interior portion of the dwelling, without resort to exterior access and the building, shall have only one (1) kitchen and one (1) electrical meter. This term is not to be construed as including mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, houseboats, or other forms of temporary or portable housing.

*Dwelling, two-family:* A residential building designed for or occupied by two (2) families, with the number of families in residence not exceeding the number of dwelling units provided (duplexes).

*Dry storage of pleasure watercraft:* A commercial facility for removing from water, watercraft used for recreation and pleasure purposes and storing such craft on land or water on boat lifts.

*Easement:* A grant from a property owner for the use of land for a specific purpose or purposes by the general public, by a corporation or by a certain person or persons.

*Erected:* The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operation on the premises required for building. Excavations, fill, drainage, demolition of an existing structure, and the like shall be considered part of erection.

*Family:* One (1) or more persons, related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons, but not exceeding two (2) living and cooking together as a single housekeeping unit, though not related by blood, adoption, or marriage, shall be deemed to constitute a family. The term "family" shall not be construed to mean a fraternity, sorority, club, monastery, convent, or institutional group.

*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.

*Floor area:* The sum of the gross horizontal areas of several floor(s) of a building or buildings, measured from exterior faces of exterior walls or from the centerline of walls separating two (2) attached buildings.

*Florida Master Site File:* The state's clearinghouse for information on archaeological sites, historic structures, and field surveys for such sites. A combination of both paper and computer files. It is administrated by the Bureau of Archaeological Research, Division of Historical Resources, Florida Department of State.

*Fly-in development:* A residential development planned and integrated with airport facilities.

*Foster home:* Any establishment which provides care, including supervision and care necessary to meet residents' physical, emotional, and social life needs, for not more than five (5)

children or adults. Excluding the foster parents, there shall not be more than five (5) other residents in the home, whether they are part of the foster parents' family or health and rehabilitation services (HRS) clients or a combination of both.

*Garage, private:* An accessory structure designed or used for inside parking of private passenger vehicles by the occupants of the main building. A private garage attached to or a part of the main structure is to be considered part of the main building. An unattached private garage is to be considered as an accessory building.

*Garage, repair:* A building or portion thereof, other than private storage, or parking garage or service station, designed or used for repairing, equipping or servicing of motor vehicles. Such garages may also be used for hiring, renting, storing, or selling of motor vehicles.

*Garage, storage:* A building or portion thereof designed and used exclusively for the storage of motor vehicles, and within which temporary parking may also be permitted.

*Garbage:* Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking, and serving of foods. Also see Solid waste.

*General store:* A retail commercial establishment engaged in the selling of groceries and convenience goods to the residents of a predominately rural or agricultural area, with all sales, display, and storage conducted within a completely enclosed building.

*Grade:* A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or between the building and six (6) feet (1829 mm) from the building, whichever is closer to the building. The use of fill to establish finished ground level shall be in accordance with section 10.8.2 of Ordinance No. 99-17, as amended, known as the "Nassau County Roadway and Drainage Standards".

*Gross vehicle weight (GVW):* The actual weight of the fully loaded vehicle or trailer, including all cargo, fluids, passengers, and optional equipment, as measured by a scale.

*Groundwater:* Water beneath the surface of the ground, whether or not flowing through known and definite channels, as defined in Rule 40C-4.021, F.A.C.

*Group home:* A congregate living facility which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social life needs of residents. A group home may or may not provide education or training, many do. Group homes shall not be occupied by more than six (6) residents, excluding the staff.

*Guest cottage or house:* Living quarters within a detached accessory building located on the same lot or parcel of land as the main building, used exclusively for housing members of the family occupying the main building and their nonpaying guests. Such quarters shall not be rented or otherwise used as a separate dwelling.

*Heavy-duty vehicle:* Any motor vehicle with a USDOT Gross Vehicle Weight Rating (GVWR) of twenty-six thousand one (26,001) pounds or more.

*Historic:* All areas, districts, or sites containing property that is eligible for listing on the Florida Master Site File, National Register of Historic Places, or designation by a local government as historically, architecturally or archaeologically significant.

*Home for the aged:* A facility for the care of the aged with routine nursing or medical care provided.

*Home occupation:* Any use conducted entirely within a dwelling and carried out by an occupant thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

*Hospital:* Any institution, including a sanitarium, which maintains and operates facilities for overnight care and treatment of two (2) or more unrelated persons as patients suffering mental or physical ailments, but not including any dispensary or first aid treatment facilities maintained by a commercial or industrial plant, educational institution, convent or convalescent home, as previously defined.

*Hotel, motel, motor lodge or tourist court:* A building as licensed by the State of Florida containing individual guest rooms for which daily or weekly lodging is provided as the more or less transient residence of individuals, and ingress and egress to and from all rooms are made through an inside lobby.

*Housing for the elderly:* A facility in the nature of multiple-family housing, with no provision for routine nursing or medical care. Where this ordinance permits housing for the elderly, such housing shall be used only for this purpose; if housing for the elderly is changed to multiple-family use, then the provisions of this ordinance shall be met before such multiple-family use is permitted.

*Impacted segment:* Any segment of the major road network, except hurricane evacuation routes, on which peak hour traffic generated by a development contributes one percent or more of the maximum service volume at the adopted level of service standard.

*Junk:* Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage storage, bailing, disposal or other use or disposition. Junk includes vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush wood, lumber and similar items.

*Junkyard:* Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery, two (2) or more unregistered or inoperable motor vehicles or other type of junk as defined herein. However, establishments for the sale, purchase or storage of second hand refrigerators, stoves, plumbing fixtures, and similar merchandise shall be considered a junkyard for the sole purpose of requiring that such establishments display their merchandise behind a visual barrier as may be required for junkyards by this ordinance.

*Kennel:* The keeping of any pet or pets, regardless of number, for sale or for breeding, boarding or treatment purposes, except in an animal hospital, animal grooming parlor or pet shop.

*Lake:* A natural occurring body of water larger than a pond. Lakes created by impoundment are not naturally occurring bodies of water and are regulated as borrow pits.

*Landfill:* Landfills or solid waste disposal facilities are classified in accordance with section 62-701.304, F.A.C.

*Landscape contractor:* An establishment primarily engaged in providing landscape construction, installation, and/or maintenance services. Such services typically include (but are not limited to): constructing walkways, retaining walls, decks, and similar items or structures;

installing trees, shrubs, plants, lawns, or gardens; landscape care and maintenance services (mowing, fertilizing, trimming and pruning, etc.). Pursuant to the applicable zoning district regulations, this type of establishment may also include the use and storage of heavy vehicles or construction equipment; bulk storage of plants or landscaping materials (i.e., mulch, stone, soil, etc.); and the retail sale of plants or landscaping materials.

*Landscaping:* Any of the following or combination thereof: Living materials, such as but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms; and nonliving durable materials commonly used in landscaping, such as but not limited to, rocks, pebbles, sand, walls, fences, berms, sculptures and fountains, but excluding paving.

*Laundry, self-service:* A business that provides home-type clothes washing and drying or ironing machines for hire to be used by customers on the premises.

*Lawn or landscape maintenance service:* An establishment primarily engaged in providing lawn and/or landscape care and maintenance services to buildings or dwellings. Such services typically include (but are not limited to): mowing, fertilizing, and seeding of lawns and landscape areas; trimming, pruning and other maintenance of ornamental plants, trees and shrubs; installing trees, shrubs, plants, lawns, or gardens.

*Level of service (LOS):* A quantitative indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

*Light-duty vehicle:* Any motor vehicle with a USDOT Gross Vehicle Weight Rating (GVWR) of ten thousand (10,000) pounds GVWR or less.

*Loading space:* A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks or other motor vehicles.

*Lodge hall:* The place or building where members of a local chapter of an association or fraternal organization hold their meetings and/or the local chapter itself.

*Lot:* A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a public or private street.

*Lot coverage:* The amount of land covered or permitted to be covered by a building, usually measured in terms of percentage of a lot.

*Lot depth:* The distance measured from the middle point of the front line to the middle point of the opposite rear line of the lot.

*Lot, double frontage:* A double frontage or through lot is defined as a lot that has frontage on two (2) nonintercepting streets. The applicable front setback requirement shall apply to both frontages regardless of which line the land owner elects as the front line, unless such lot has a permanent solid face subdivision perimeter buffer wall precluding access along one (1) frontage.

*Lot line:* The legal boundary line of a lot.

*Lot of record:* A lot which is part of a subdivision, the map of which has been recorded in the office of the Clerk of the Circuit Court of Nassau County, or a parcel of land the deed of which

was recorded in the office of the clerk of the circuit court prior to the adoption of this ordinance which met the minimum lot, yard and frontage requirements of Nassau County at the time the lot was created.

*Lot width:* The mean horizontal distance between the side lot lines, measured at right angles to its depth.

*Magnolia:* Native canopy tree species of wet soil tolerant Sweet Bay Magnolia (Scientific Name: *Magnolia Virginiana*) and salt/wet soil tolerant Southern Magnolia (Scientific Name: *Magnolia Grandiflora*) having a DBH of six (6) inches or greater.

*Major road network:* All existing and planned roadway segments within Nassau County that comprise the roadway network to be used when evaluating the traffic impacts of proposed development.

*Marina:* An establishment with a waterfront location for the purpose of storing watercraft and pleasure boats on land, in buildings, in slips or on boat lifts, and including accessory facilities for purposes such as refueling, minor repair and launching.

*Mean high water:* The average height of the high waters over a nineteen (19) year period or for shorter periods of observations; the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean nineteen (19) year value, as defined in Florida Statutes, chapter 253.

*Medical Marijuana Treatment Center Dispensing Facility:* The retail sales component of a dispensing organization or Medical Marijuana Treatment Center authorized by the state to dispense medical marijuana, but does not include cultivation, processing or distribution facilities of medical marijuana.

*Medium-duty vehicle:* Any motor vehicle with a USDOT Gross Vehicle Weight Rating (GVWR) between ten thousand one (10,001) and twenty-six thousand (26,000) pounds.

*Mine:* An excavation utilized for mining operations.

*Minimum descent altitude:* The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

*Minimum obstruction clearance altitude:* The specific altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within twenty-seven (27) miles of a VOR.

*Mining operation:* An operation or activity including, but not limited to, commercial mining operation or strip mining, where earthen materials are excavated for processing and refinement for commercial purposes. Activities such as hydraulic dredging, blasting, plant processing, sorting, and classification to produce products with a defined specification, construction of permanent processing plants and/or facilities, use of chemicals, and onsite scaling constitute mining operations. Presence of any of the aforementioned activities creates a rebuttable presumption that the subject operation constitutes a mine. Operations and activities at borrow pits, as defined herein, are excluded from mining operations.

*Mobile or manufactured home:* A structure, transportable in one (1) or more sections, which is eight (8) body feet or more in width and which is built on an integral chassis and designed to be



used as a dwelling when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein and constructed to standards promulgated by the United States Department of Housing and Urban Development. A mobile home fabricated on or after June 15, 1976, with each section bearing a seal certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standard Act may be referred to as a "manufactured home" pursuant to F.S. § 320.01(2)(b). For convenience, this Code may use the term "mobile home" or "manufactured home" to apply to all such structures, regardless of fabrication date, unless otherwise noted. This term does not apply to "modular, manufactured, or factory-built buildings" as defined in F.S. § 553.36(13) (see definition below).

*Mobile home park:* A mobile home park is a parcel of land set aside and rented by any person for the parking and accommodation of mobile homes which are to be occupied for sleeping or eating in exchange for a consideration or benefit to the owner of the mobile home park. This includes all land, buildings, structures, or facilities used by occupants or mobile homes on such premises.

*Mobile home subdivision:* A mobile home subdivision is a parcel of land set aside where lots are sold to mobile home owners for the purpose of placing mobile homes thereon for living and sleeping purposes, including any land, building structure, or facilities used by occupants of mobile homes on such premises.

*Modular homes:* A modular unit residential building comprised of one (1) or more dwelling units, or habitable rooms or component parts thereof, which is either wholly manufactured or is a substantial part constructed in central manufacturing facilities. This term does not apply to mobile or manufactured homes, as defined by F.S. Ch. 320. Modular homes are regulated by this Code as single-family dwellings.

*National Register of Historic Places:* Established by Congress in 1935, the National Register of Historic Places is a listing of culturally significant buildings, structures, objects, sites and districts in the United States, and maintained by the U.S. Department of the Interior.

*Noncommercial:* An activity that does not involve the sale of goods or services carried out for profit.

*Nonconforming use or building:* The use of a building or portion thereof, or land or portion thereof, which does not conform with the use regulations of the district in which the building is located, the use of which was legally established and existed prior to the effective date of such use regulations.

*Nursing home:* A public or private home, institution, building, residence, or other place, profit or nonprofit, which undertakes through its ownership or management to provide for a period exceeding twenty-four (24) hours, maintenance, personal care, or nursing for three (3) or more persons not related by blood or marriage to the operator, who by reason of illness or physical infirmity or advanced age are unable to care for themselves; provided that this definition shall include homes offering services for less than three (3) persons when the homes are held out to the public to be establishments which regularly provide nursing and custodial services. Only those homes, buildings or places licensed under the laws of the State of Florida as nursing homes shall be included within this definition.

*Oak:* Native canopy tree species of Shumard Oak (Scientific Name: Quercus Shumardi), salt tolerant Laurel Oak (Scientific Name: Quercus Laurifolia) and salt tolerant Live Oak (Scientific Name: Quercus Virginiana) having a DBH of six (6) inches or greater.

*Occupied:* The word occupied includes arranged, designed, built, altered, converted to, or intended to be used or occupied.

*Office, business or professional:* An office for such operations as real estate agencies, advertising agencies (but not sign shop), insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureau, abstract and title insurance companies, management consultants, stockbroker, and the like; or an office for the use of a person or persons generally classified as professionals such as architects, engineers, attorneys, accountants, doctors, lawyers, dentists, veterinarians (but not including treatment or boarding of animals on the premises), psychiatrists, psychologists, and the like.

*Open space:* An area open to the sky, which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, or any other recreational facilities. Streets, structures for habitation and the like shall not be included.

*Package store:* A place where alcoholic beverages with an alcoholic content in excess of fourteen (14) percent are dispensed or sold in containers for consumption off the premises.

*Parcel:* A tract of land which may be described by metes and bounds or plat. (See Lot)

*Parent tract:* Refers to a lot of record that existed on January 23, 2017, the date of the Nassau County adoption of this ordinance, and will also mean, for the purpose of this ordinance, a parcel of land fronting on a publicly maintained road. A parent tract may be divided once, without complying with the subdivision regulations provided the tract meets the minimum lot and yard requirements of the respective zoning district, does not exceed residential density limitations as defined in the comprehensive plan and meets the minimum lot frontage requirements as defined in section 28.03 of the Land Development Code. Any further division of a parent tract shall be deemed to be a subdivision and must comply with these subdivision regulations. This provision does not apply to lots created by a subdivision plat recorded with the Clerk of the Court of Nassau County via plat book and page. An application to divide a parent tract, pursuant to this section, shall be submitted to the PEO on the provided form. The application to divide a parent tract must be approved by the PEO prior to the issuance of a building permit.

*Parking, handicapped:* Parking spaces designed and provided in quantities consistent with handicapped requirements.

*Parking lot:* An open area used exclusively for the storage of motor vehicles, whether or not a fee is charged.

*Parking space, off-street:* For the purpose of this ordinance, any off-street parking area is any public or private land area designated and used for parking, storing and/or displaying motorized and non-motorized vehicles, trailers, campers and/or mobile homes. The parking area includes required landscape and drainage retention and/or detention area.

*Peak hour volume:* The number of vehicles that pass a point on a roadway segment during the highest one hour of traffic volume on a typical day in the peak season.

*Pet, household:* Any domestic animal normally owned or kept as a pet including cats, dogs, rabbits, raccoons, parrots, pigeons, and other animals deemed by the senior planner to be appropriate as domestic pets; provided such animals are confined to the limits of the residential property occupied by the owner of such pets. Household pets shall not include any animals or birds maintained for commercial purposes, whether or not such animals or birds may be appropriate as a domestic pet.

*Planned unit development (PUD):* A development under unified control which is planned and developed as a whole in a single or programmed series of operations with uses and structures substantially related to the character of the entire development. A PUD must also include a program for the provision, maintenance, and operation of all areas, improvements, facilities, and necessary services for the common use of all occupants thereof. In order to justify allowing departure from the strict application of use, setback, height, and minimum lot size requirements of conventional zoning districts, a PUD must demonstrate that it achieves desirable goals that would not be possible in a conventional zoning district. [See also section 25.017 of the Nassau County Code of Laws and Ordinances.

*Planning and zoning board:* A body appointed by the Nassau County Board of County Commissioners. The planning and zoning board shall review and advise the board of county commissioners on all planning and zoning related matters including the comprehensive plan.

*Pond:* A body of water, individually or cumulatively up to one (1) acre maximum surface area in size at its largest point during excavation and less than twelve (12) feet below the seasonal high groundwater table elevation.

*Porch:* A roofed-over space, with the roof impervious to weather, attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior walls of such buildings. Open mesh screening shall not be considered an enclosure.

*Potable water aquifer:* An aquifer where water suitable for drinking or cooking purposes is available.

*Poultry:* Any chickens, turkeys, ducks, geese, guineas, or other fowl.

*Principal building or use:* A main use of land, as distinguished from an accessory use; the building housing the main or principal use.

*Project:* The development of land and water involving a use or group of uses pursuant one or more development orders issued by Nassau County.

*Recreational vehicle:* A vehicular portable structure built on a chassis with its own wheels, either self-propelled or towed by another vehicle, designed to be used as a temporary dwelling for travel, vacation, camping or recreational purposes and including travel trailers, camping trailers, pick-up camper, converted buses, motor homes, tent trailers, pop-up trailers, boats and boat trailers and similar devices.

*Restaurant:* An establishment where food is ordered from a menu, prepared, and served for pay primarily for consumption on the premises in a completely enclosed room, under the roof of a main structure, or in an anterior or exterior court. A drive-in restaurant as defined here is not a restaurant. A cafeteria shall be deemed a restaurant as defined herein.

*Right-of-way:* The area of a highway, road, street, way, parkway or other such strip of land reserved for public use, whether established by prescription, easement, dedication, gift, purchase, eminent domain or any other legal means.

*Sanitarium:* See Hospital.

*Schedule of capital improvements:* Is that document of the same name adopted as part of the capital improvements element of the comprehensive plan.

*Seat:* For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated.

*Segment:* A portion of a roadway on the major road network defined by two (2) end points usually located at signalized intersections.

*Self-service storage facility (mini-warehouse facility):* Any real property designed and used for the purpose of renting or leasing individual storage space to tenants who are to have access to such space for the purpose of storing and removing personal property. No individual storage space may be used for residential purposes or as a place of business.

*Servants quarters:* See Guest cottage or house.

*Service station, automotive:* Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuel, oils or accessories, and in connection with which is performed general automotive servicing, as distinguished from automotive repairs.

*Setback:* The distance between the lot line and the building setback line.

*Setback line:* See building line.

*Shipping Container:* A metal shipping container, ranging in length from 20 to 53 feet and manufactured according to specifications from the International Standards Organization (ISO). Used primarily for trans-ocean shipping of goods, they are also delivered empty via truck on a particular site for storage purposes. However, a shipping container shall be considered a Universal or International Building Code (UBC or IBC) structural element if integrated into a building design by a licensed engineer or architect.

*Shopping center:* A group of retail stores or service establishments, planned, developed, owned and managed as an integral unit, with off-street parking provided on the property, and related in location, size and type of shops to the trade area which the unit serves.

*Sign:* Any structure, part thereof or device, whether or not attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trademark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation of any enterprise or industry, which is located upon any land, on any building, in or upon a window or indoors, in such manner as to attract attention from outside the building.

*Silviculture:* The development and/or maintenance of a forest.

*Silviculture system:* A process, following accepted forest management principals, whereby the crops constituting forests are tended, harvested, and reproduced.

*Solar energy system:* Equipment for capturing the energy of the sun and converting it to usable thermal or electrical energy. Such devices include solar photovoltaic devices and solar thermal panels.

*Solid waste:* Sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

*Stormwater management facility:* A system designed to control the discharge of a given volume of stormwater runoff into surface waters via onsite storage. Examples include systems such as excavated or natural depression storage areas, retention ponds, ditches, swales, and other components of an engineered system.

*Story:* That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and ceiling next above it.

*Street:* A public or private thoroughfare which affords the principal means of access to abutting property. This includes lane, place, way or other means of ingress or egress, regardless of the term used to describe it.

*Streetscape plan:* A landscape plan showing the location of trees along public rights-of-way or private streets and sidewalks.

*Structural alteration:* Any change, except for repair or replacement, in the supporting members of a structure, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

*Structure:* Anything constructed, erected or placed, the use of which requires more or less permanent location on the ground, or anything attached to something having a permanent location on the ground.

*Temporary Personal Storage Unit:* A pre-fabricated unit, made of metal and/or wood, fully fabricated off-site and delivered via truck that is located on a particular site on a temporary basis.

*Traffic impact area:* All roadways and intersections of the major road network in which peak hour traffic attributable to a development is equal to or greater than one percent of the maximum service volume of the adopted level of service standard for any such roadways, up to a maximum radius of five (5) miles from the project site boundaries. The five (5) mile radius may be extended based upon extraordinary conditions.

*Tree:* A woody perennial plant, distinguished from a shrub by usually having a single elongated main stem or trunk, generally with few or no branches on its lower part. Most trees usually have a minimum main stem of four and one-half (4½) inches in diameter DBH at maturity.

*Tree inventory:* A drawing or accurate representation of appropriate (or sufficient) scale to show tree locations, which provides the necessary information for obtaining approval of a tree retention/landscape plan.

*Tree protection zone:* A circular zone around each protected tree as follows:

- (1) If the drip line is less than six (6) feet from the trunk of the tree, the protection zone shall be that area within a radius of six (6) feet around the tree trunk.
- (2) If the drip is more than six (6) feet but less than twenty (20) feet from the trunk of the tree, the protection zone shall be that area within the radius of the full drip line around the tree trunk.
- (3) If the drip line is twenty (20) feet or more from the trunk of the tree, the protection zone shall be that area within a radius of twenty (20) feet around the tree trunk.

*Tree removal total:* The total number of trees or sum of tree diameters of all protected Oak and Magnolia tree species that are removed by a property owner/developer.

*Tree replacement total:* The total number of trees or sum of the amount of tree diameter (DBH) that a property owner/developer will need to replace in order to compensate for removal of protected Oak and Magnolia trees.

*Truckstop:* An establishment principally used for refueling and servicing trucks and tractor-trailer rigs, but may include restaurants and snack bars and facilities for repair and maintenance of trucks and tractor-trailers.

*Use:* The purpose for which land or water or the structure thereon is designated to the extent covered by the zoning ordinance.

*Variance:* A device which grants a property owner relief from certain provisions of this ordinance, when because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money. A variance shall be authorized only for height, lot area, size of structure or yards, and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by the variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or in adjoining district. All variances must be approved by the board of adjustment.

*Veterinary clinic or hospital:* Any building or portion thereof designed or used for the veterinary care, surgical procedures or treatment of animals, but not the boarding of well animals.

*Wind turbine:* A device for capturing kinetic wind energy and converting it to electrical energy.

*Working day:* Any day not including Saturdays, Sundays, or legal holidays recognized by the county.

*Yard:* An open space at grade between a main building and the adjoining lot lines, unoccupied and unobstructed by a structure or portion of a structure except as permitted in the Code. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used. For the purposes of this Code, setback is synonymous with yard. For allowable encroachments, see Section 6.02.

*Yard, front:* A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the principal building or any projections thereof, other than the projections of uncovered steps, uncovered balconies or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its

least dimension. On double frontage lots, the front yard shall be measured from the road of lower functional classification, other than an alley. If both streets have the same functional classification, the orientation of the house and driveway shall determine the front yard. The required front yard of the other frontage may be reduced by twenty (20) percent, unless the prevailing front yard pattern on adjoining lots indicated otherwise. In such case the senior planner may waive the requirement for the normal front yard and substitute, therefore, a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

*Yard, rear:* A yard extending across the rear of a lot between the rear of the principal building or any projections thereof, other than the projections of uncovered steps, balconies or porches. On all corner lots, the rear yard shall be at the opposite end of the lot from the front yard.

*Yard, side:* A yard between the main building and the side line of the lot, extending from the front yard to the rear yard and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof.

## **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.

## **SEVERABILITY**

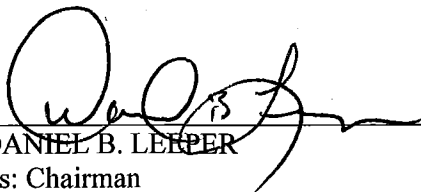
It is the intent of the Board of County Commissioners of Nassau County, Florida, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality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

## **EFFECTIVE DATE**

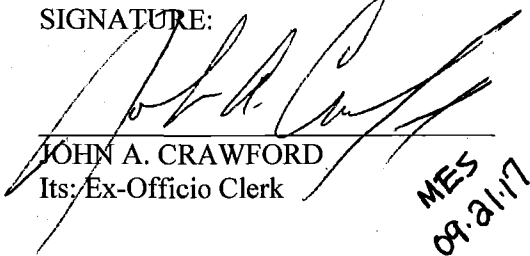
This ordinance shall take effect upon filing with the Secretary of State as provided in Section 125.66, Florida Statutes.

Adopted this 28th day of September, 2017, by the Board of County Commissioners of Nassau County, Florida.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

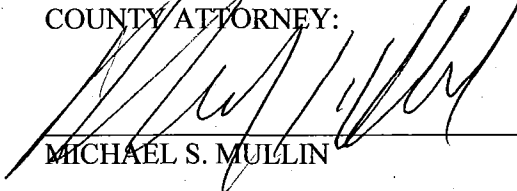
  
\_\_\_\_\_  
DANIEL B. LEPPER  
Its: Chairman

ATTEST AS TO CHAIRMAN'S  
SIGNATURE:

  
\_\_\_\_\_  
JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

MES  
09-21-17

APPROVED AS TO FORM BY THE NASSAU  
COUNTY ATTORNEY:

  
\_\_\_\_\_  
MICHAEL S. MULLIN