

## ORDINANCE 2019-\_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING ARTICLE 35 OF THE LAND DEVELOPMENT CODE, STATE ROAD 200/A1A ACCESS MANAGEMENT OVERLAY DISTRICT, SPECIFICALLY SECTION 35.09 CLARIFYING REGULATION OF PARCELS AND ACCESS MANAGEMENT STANDARDS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Nassau County adopted the SR 200/A1A Access Management Overlay District Ordinance, 2003-44, which included Article 35 of the Land Development Code; and

**WHEREAS**, Article 35 outlines requirements for lands within one thousand (1000) feet of each side of SR 200/A1A stretching from the west side of the Thomas J. Shave bridge at the Intercoastal Waterway to Wildwood Road west of I-95; and

**WHEREAS**, changes to Article 37.05 and proposed changes to Article 32 of the Land Development Code regarding landscaping necessitate changes to Article 35 for consistency; and

**WHEREAS**, Staff has recommended the below amendments to Article 35 of the Land Development Code to the Planning and Zoning Board; and

**WHEREAS**, the Planning and Zoning Board conducted a public hearing on this Ordinance on May 15, 2018 and voted to recommend approval and legal notice of this Ordinance has been provided in accordance with Sec. 125.66, F.S.

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

### **SECTION 1. FINDINGS**

This Ordinance is consistent with the Nassau County Comprehensive Plan, in particular Policies FL.02.02, FL.03.02, and CS.06.03.

### **SECTION 2. AMENDMENT**

Section 35.09. - Special restrictions.

The extension of pedestrian facilities along the A1A corridor shall be regulated by existing countywide standards. In addition, the following standards relate to pedestrian facilities internal to development parcels within the overlay district:

- A. *Pedestrian and bicycle circulation.* Sidewalks on development parcels shall logically extend from the existing or proposed sidewalk system along the right-of-way.
- B. *Setbacks.* Setbacks on the SR 200/A1A corridor shall be the requirements of the underlying zoning plus an additional twenty-five (25) feet.

- (1) The additional twenty-five (25) foot setback may be waived by the Development Review Committee (DRC) at the written recommendation of the Planning and Economic Opportunity Director or designee subject to the following:
- (a) Request for Waiver of the additional twenty-five feet shall be submitted in writing to the Department of Planning and Economic Opportunity (PEO). The request for a waiver shall include the material necessary for Planning and Economic Opportunity Staff and the DRC to review. The request shall, at a minimum, include the following:
    - i. Thorough narrative describing the nature of the request and the reason for request.
    - ii. A site plan that shall include the subject property and the necessary areas of the surrounding lands to determine the interrelationship with the corridor and adjacent properties.
    - iii. Building elevations.
    - iv. Facade treatment details.
    - v. Material list.
    - vi. Streetscape plan.
    - vii. Landscape plan.
    - viii. Any other material deemed necessary by PEO staff, Development Review Committee (DRC) or the Planning and Zoning Board to adequately review and make an informed decision as to the request based on the criteria in section 35.09(B)(1)(b).
  - (b) The following standards shall be used by the DRC and DPEO Staff to evaluate the request. Projects should demonstrate compliance with the following criteria:
    - i. Building Orientation
      - a. Buildings shall be oriented so as to enhance the appearance of the streetscape. It is the intent to create interactive and engaging street level facades. The street, perimeter landscape areas and sidewalk zone shall be engaged and utilized as meaningful public space.
      - b. Buildings' primary entrance(s) shall face SR 200/A1A and engage with the sidewalk zone and perimeter landscape areas.
      - c. Buildings located at an intersection shall have the primary entrance at the corner, or an entrance on each frontage with at least one entrance being the primary.
      - d. Automobile oriented uses such as, but not limited to, banks with drive through tellers/ATMs, carwashes, and automobile service stations/gas stations shall be oriented in such a manner that the vehicular drive through areas/gas pumps/bay entrances and other similar site components are located to the side or rear of the building and not between the building and the street.
    - ii. Building Transitions
      - a. Ensure height and scale of buildings are compatible with adjacent development, as applicable.
      - b. Provide transitional elements and architectural features compatible with adjacent development, as applicable.

iii. Exterior Design, Materials and Colors

- a. Utilize ornamental and structural architectural details, such as bays, columns, gables, belt courses, lintels and pilasters.
- b. Exterior design of all new and renovated structures must incorporate at least two (2) of the following elements: texture change, material change, pattern change, architectural banding. Materials and colors shall be consistent around the building. Vinyl siding and opaque glass is not permitted.
- c. New structures shall incorporate at least four (4) of the following features: canopies or porticos; arcades (minimum 8' width), raised cornice parapets over windows, doors, rooflines; peaked roof forms; arches; clock towers, bell towers, cupolas and the like; reveals, offsets or projecting ribs through a change in plane no less than twelve (12) inches in width; or building setbacks or projections for two-story or more buildings that are a minimum of three (3) feet in width on upper levels.

iv. Roof design

- a. Roof designs are intended to minimize flat roof appearance. Roofs shall be designed to be of such height, bulk, and mass so as to appear structural even when the design is non-structural.
- b. Roof designs shall be hip, gambrel, gable, lean-to, shed, jerkinhead or mansard and shall be extended to all sides of the structure.
- c. False roofs and parapets can be used only to screen mechanical equipment in instances where the allowed roof designs cannot be accomplished (not due solely to financial reasons).
- d. If a flat roof must be utilized for screening, the roof shall be surrounded on all sides by a continuous parapet and shall appear structural in nature. The parapet shall not exceed 1/4 of the wall height.
- e. The roof edge, where visible from any street, shall have at a minimum of two (2) locations, a vertical change from the dominant roofline. The change shall be a minimum of a three (3) foot vertical difference.

v. Windows, Transparency and Entryways

- a. Pattern of placement, proportions, and materials of windows and doors shall be compatible with adjacent development, as applicable.
- b. Ratio of wall surface to openings and ratio of width and height of windows and doors shall be consistent internally to development and with adjacent development.
- c. For building facades fronting a street with non-residential uses on the ground floor, a minimum of 60% of the area between two (2) feet and eight (8) feet vertical shall be transparent. For stories above the ground with non-residential uses, a minimum of 25% of the façade shall be transparent.
- d. Entryways shall be differentiated from the remainder of the façade through the use of color, change in materials, application of architectural features (arches, columns, etc.), setbacks, offsets, arcade or gallery.
- e. Entryways that incorporate shading or cover devices and seating are encouraged.
- f. All glass shall be clear, not dark or reflective.

vi. Pedestrian Connectivity

- a. A pedestrian circulation plan shall be provided that encourages both internal pedestrian access and connectivity to adjacent developments and rights-of-way.
- b. All pedestrian circulation plans shall provide linkages to existing or planned sidewalks or multi-use trails.

vii. Parking and Auto Connectivity

- a. On-site parking shall not exceed 110% of the minimum requirement defined in the Land Development Code.
- b. On-site parking may be reduced by 50% if off-site parking is provided in the form of on-street parking or shared parking agreements.
- c. Parking shall not be located between the building and the public ROW or street.
- d. New development and redevelopment shall include cross-access for vehicles to adjacent development, rights-of-way and streets.

- (c) A decision of the DRC can be appealed to the Planning and Zoning Board of Nassau County, Florida. The Planning and Zoning Board shall consider the appeal within 60 business days of the request being made, or the first regularly scheduled meeting thereafter. The meeting at which the Planning and Zoning Board hears the request shall be publicly noticed. The Planning and Zoning Board shall base their decision on the following:

- i. A demonstration that the DRC has made an error in the application of applicable criteria.
- ii. Financial implication on the owner/developer is not a criteria of consideration by the Planning and Zoning Board.

- C. *Landscape buffer.* A landscape buffer shall be established within the twenty-five (25) foot setback meeting the requirements of Section 37.05 LDC.

D. *Parking areas.*

- (1) A minimum of ten (10) percent of vehicular parking areas shall be designated for interior landscaping.
- (2) Planting islands may vary in size in order to protect existing trees.
- (3) Parking areas shall be screened from dedicated rights-of-way through the use of hedge, wall, berm or combination thereof. Walls and fences over 3' in height shall be at least 50% transparent for the portions that exceed 3' as measured from finished grade.
- (4) Screening devices shall be a minimum of three (3) feet and a maximum of five (5) feet in height. Such devices shall not impair the visibility of pedestrians or vehicles at entrances or exits.
- (5) See Section 37.05 of the Land Development Code for landscape materials.

- E. *Screening.* The following shall apply to all such facilities within the SR 200/A1A Overlay District corridor which are visible from an adjacent right-of-way:

- (1) Loading areas shall be screened from public rights-of-way through the use of a screening wall, as approved by the planning director or his/her designee. The screening wall shall be

interrupted at a maximum of fifteen (15) foot intervals through surface articulation or adjacent planting materials. If the loading area is otherwise screened from a public right-of-way pursuant to section 35.09(E)(3) of these regulations, these regulations shall not apply.

- (2) Dumpsters, mechanical equipment and outside storage (as permitted by the underlying zoning designation) shall be screened through the use of a wall, which is one hundred (100) percent opaque in conjunction with landscaping, pursuant to section 35.09(E)(3) of these regulations.
- (3) Landscaping adjacent to dumpster enclosures, ground mounted mechanical equipment and loading area screening walls shall include:
  - a. For loading area screening walls, one (1) shrub for every three (3) linear feet of wall or fence. Shrubs shall be clustered in groupings of no less than seven (7) of and are required to be spaced no farther than ten (10) feet apart. The shrub hedge shall be maintained at a minimum four (4) feet height.
  - b. Two (2) understory trees and one (1) shade tree shall be required for every thirty (30) feet, or fraction thereof—One (1) per ten (10) linear feet of wall or fence unless said fence or wall is less than eight (8) feet in length.
  - c. Dumpster enclosures and mechanical devices shall require one (1) shrub for every two (2) feet. The shrub shall be maintained at a minimum of four (4) feet in height.

F. *Signage.* These regulations are intended to ensure that the aesthetic quality of the A1A Corridor is not compromised and that the traveling public, to include local traffic, may enjoy a corridor that is clearly marked for access, direction and public safety. Finally, it is the intent of these regulations to provide reasonable assurance that "sign clutter," that has so adversely affected the value of land in many coastal counties, does not occur along the primary tourist arterial of Nassau County.

- (1) If a sign is not identified as permitted or prohibited in these regulations, it may be permitted or prohibited pursuant to county signage or billboard regulations that are applicable to areas outside of the A1A Corridor.
- (2) *Vesting.* Existing signs that were constructed in accordance with an approved permit from the Nassau County Building Department shall be vested from these regulations. Any vesting shall be considered abandoned should a business name or, a single tenant sign change, or should a non-residential building be unoccupied for a period of twelve (12) consecutive months. In the event that a sign is destroyed, then replacement signage must comply with these regulations. In the event that a sign is damaged such that its repair cost exceeds fifty (50) percent of the cost of a replacement sign of equal dimension and specification, then the damaged sign will be considered destroyed and shall comply with these regulations.
- (3) *Approved signage.* The following types of signs are allowed on the A1A Corridor:
  - a. *Monument signs.* Maximum dimensions for monument signs shall be eight (8) feet horizontal and six (6) feet vertical. To increase height, monument signs may be constructed on earthen mounds, or, be placed upon a brick, block, or stone monument base provided the monument base is concealed by shrubbery eighteen (18) inches tall at the time of planting and spaced no less than thirty (30) inches on center, but in no instance shall a monument sign exceed nine (9) feet in total height above natural

grade. Monument signs may be double-sided. External framing material must be stone, brick, wood, or stucco. Monument signs may be internally or externally illuminated. Monument signs on SR 200/A1A may not be located within one hundred (100) feet of any other property signage and may not be located within thirty (30) feet of a private property line unless the county approves access on said property line. However, in the event that there is a shared access between two (2) property owners, each property owner shall be allowed one (1) monument sign subject to the language herein, or, in the event there is no direct access, a property owner may erect one (1) monument sign. Otherwise, monument signs shall be limited to one (1) per entrance. See Exhibit "1."

When the lot frontage on a single roadway exceeds four hundred (400) linear feet, one (1) additional monument sign shall be permitted on that frontage for each one hundred (100) linear feet over four hundred (400), or portion thereof, up to a maximum of four (4) signs. On corner lots, where lot frontage on an adjacent roadway exceeds four hundred (400) linear feet, one (1) additional monument sign shall be permitted on that frontage for each one hundred (100) linear feet over four hundred (400), or portion thereof, up to a maximum of two (2) signs.

For properties within the Commercial Highway Tourist (CHT) zoning district lying three hundred (300) feet west of the western ramps of I-95 and three thousand (3,000) feet east of the centerline of I-95, a single tenant pole or monument sign may have a maximum height of twenty-five (25) feet and one hundred fifty (150) square feet of surface area.

- b1. *Banner frame monument signs.* Monument signs of [subsection] (F)(3)a. may be modified to hold replaceable "banner" style advertisements. There shall be no limitation on the duration of display or frequency of change-outs. Property owners are responsible for allocating banner space within banner frame monuments for tenants. The following requirements must be observed:
1. Allowable signage area for monument signs cannot be exceeded.
  2. The banner frame may not exceed eighty (80) percent of the total sign elevation. For example, if the sign is forty-eight (48) square feet, no more than 38.4 square feet may be used as a banner frame.
  3. A banner frame must be framed on all four (4) sides (minimum thirty-six-inch base, four-inch vertical sides, and capstone. One (1) vertical side and capstone may be omitted if the other side is at least twenty-four (24) inches.
  4. Split face, brick, stucco or other decorative masonry surface must be employed.
  5. A banner frame monument sign counts as a monument sign.
- b2. *[Decorative posts.]* Decorative posts employing elements of the banner frame monuments sign may be used to display banners. Posts must be made of masonry or faux masonry materials, be permanently concreted in the ground, have a capstone on each and shall not be more than six (6) feet tall. Each pair of posts shall be a maximum of ten (10) feet apart measured center post to center post and shall count as a sign in the allowable signage for each commercial property. Separation distances to other permanent signage must be observed. Such posts must be permitted by Nassau

County. Any posts not permitted by Nassau County are subject to code enforcement action. Two (2) decorative posts designed to hold one (1) banner count as a monument sign.

- b3. *Buried pylon signs.* The poles normally associated with pylon signs shall be buried in an earthen mound such that the appearance of the finished sign is identical to a monument sign. The regulations for a monument sign shall apply, see section 34.08(F)(3)(a). See Exhibit "2."
- c. *Building signs.* Signage may be placed on buildings. Such signage may be painted or installed. Installed signs may be plastic or metal. Building signage may not exceed three hundred fifty (350) square feet per sign. The total signage for building signs, per building, may not exceed seven and one-half (7½) percent of the building face. Building signage may not extend beyond the roofline, or the top of a parapet. Building signage may be internally or externally illuminated. See Exhibit "3." Signs for buildings on end corners (end caps) shall be allowed building signs equal to seven and one-half (7.5) percent of the corresponding elevation but not to exceed three hundred fifty (350) square feet regardless of the dimensions of the corresponding elevation.
- d. *Awning signs.* Awning signs are permitted within the A1A Corridor and shall comply with standard county regulations for such signage. Awnings containing any text or emblems shall count towards minimum wall sign calculation. See Exhibit "4."
- e. *Directory signs.* Directory signs may be constructed for every one thousand (1,000) feet of frontage or at every entrance and have space for at least three (3) tenants. These tenants must be geographically and corporately separated. Directory signs shall not exceed sixteen (16) feet in height and ten (10) feet in width. Permanent operating businesses (including institutions and governments) that have frontage on SR200 may co-locate signage of businesses that do not front on SR200 on a directory sign provided that those businesses that do not have frontage on SR200 are located within the SR 200 Overlay (one thousand (1,000) feet from SR200). Such signs must be permanent directory signs and have space for at least three (3) tenants. Directory signs may be double-sided. Directory signs for community shopping centers shall not exceed twenty-four (24) feet in height and sixteen (16) feet in width. Directory signs may be internally or externally illuminated. Directory signs may be stone or metal for external framing. Directory signs may be metal, stone, wood or plastic. See Exhibit "5." For properties within the Commercial Highway Tourist (CHT) zoning district lying three hundred (300) feet west of the western ramps of I-95 and three thousand (3,000) feet east of the centerline of I-95, directory signs providing space for at least three (3) tenants may have a maximum height of thirty-five (35) feet.
- f. *Entrance signs.* Signs that state "Entrance" or "Exit" or that state wayfinding information such as "Service Center" may be allowed at each project entrance and internally where needed. These signs shall not exceed eight (8) square feet and taller than three (3) feet in height. Such signs may include logos but such logos may not be more than thirty-six (36) square inches in size. Entrance signs may be metal framed and internally illuminated. See Exhibit "6."
- g. *Public safety signs.* Public safety signs are permitted anywhere within the A1A Corridor as approved by the county or, as appropriate, the Florida Department of Transportation (FDOT). See Exhibit "7."

- h. *Real estate signs.* Real estate signs located in residential zoning districts shall not exceed:
  - 1. Sixteen (16) square feet in area; and
  - 2. One (1) sign for every two hundred (200) feet of frontage or portion thereof up to a maximum of four (4) real estate signs per parcel.A real estate sign located in commercial zoning districts shall not exceed:
  - 1. Thirty-two (32) square feet in area; and
  - 2. Shall not exceed more than one (1) sign for each four hundred (400) feet of frontage portion thereof up to a maximum of two (2) signs per lot parcel, establishment, or unit.
  - 3. Shall be removed from the subject premises within ten (10) business days following the real estate transaction.
  - 4. Shall not be illuminated.
- i. *Political signs.*
- j. *Construction/temporary development/"coming soon" sign:*
  - 1. Shall not exceed one (1) project identification sign per active construction project/development and said sign shall not to exceed thirty-two (32) square feet.
  - 2. Shall not exceed one (1) sign for each contractor, subcontractor, or supplier.
  - 3. Shall not exceed thirty-two (32) square feet in area for general contractor and six (6) square feet in area for any subcontractor or supplier.
  - 4. No construction/temporary development sign may be illuminated.
  - 5. All signage must be removed prior to the issuance of the first certificate of occupancy.
- k. *Special event sign:* A special event sign permit may be acquired through the growth management department subject to the following:
  - 1. No special event sign permit shall be issued for more than sixty (60) consecutive days.
  - 2. No individual operation, site, development, parcel, business, or group of business may obtain more than two (2), sixty-day or four (4), thirty-day special event sign permits per year.
  - 3. Application for special event sign permit shall include a site plan/sketch, description of event, type and location of the proposed signage, duration of the event, set-up and break-down dates, and a letter of authorization from the property owner.
  - 4. Signs erected and maintained pursuant to and in discharge of any governmental function, including emergency and road services, shall not require a special event permit.
  - 5. Special event signs shall not be combined with existing commercial flags or banners in order to increase allowable signage on property.



- l. *Billboards.* Billboards are permitted on the A1A Corridor as provided for in Ordinance 2002-29, which is known as the "Nassau County Billboard Ordinance."
- m. *[Digital signs.]* For properties within the Commercial Highway Tourist (CHT) zoning district lying three hundred (300) feet west of the western ramps of I-95 and three thousand (3,000) feet east of the centerline of I-95, digital signs are permitted. Motion, movement, and flashing of digital signs is prohibited.
- n. *Flags.* Flags are permitted as a supplementary advertising device and do not require a special event permit. Individual bow flags and flag poles must be placed one hundred (100) feet apart. A flag pole may hold up to three (3) flags but must be less than fourteen (14) feet in height. Individual bow flags may not exceed ten (10) feet in height. Each parcel or shopping center is permitted a maximum of up to three (3) flags (on one (1) pole or multiple poles) or up to two (2) bow flags. The square footage of all flags may not exceed seventy-four (74) square feet. Flags may not be used in combination with bow flags. Flags and bow flags may not be used in combination with any type of special event signage.
- o. *[Prohibited.]* The following signs shall be prohibited, except as expressly permitted in the above regulations, within the A1A Access Management Overlay District:
  - 1. Any sign displaying lewd or lascivious content.
  - 2. Mobile signs, trailer signs, portable signs, or any other similar type sign not permitted through the Nassau County Building Department as a ground sign.
  - 3. Electronic digital sign (regardless of frequency of display change), moving message signs, changeable copy signs which can be altered by electro-mechanical, electro-magnetic means, or any other sign type utilizing moving parts, light manipulation, graphical manipulation, or any other methodology to alter the display and give the illusion of motion. This provision is not intended to prohibit manual changeable copy signs such as those customarily associated with gas price display. In addition, any existing digital signs must adhere to all state and federal rules regarding radio frequency interference.
  - 4. Banners (except by special event permit), spinners, sidewalk signs, blade signs, streamers, snipe signs, sandwich signs, pennants (or other similar apparatus strung together by a rope, wire, cord, or other means, not including bow flags). This section of sign may not be utilized in conjunction with an appropriately issued special event sign permit on a temporary basis.
  - 5. Flashing, moving, animated, rotating, or noise making signs and signs that emit, odor, or visible matter such as smoke or steam. Flashing lights or signs with lights or illumination that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color. This includes the use of manikins or other similar attention grabbing devices whether motorized to simulate waving/pointing or displaying static poses.
  - 6. Pylon signs, pole signs, and pier signs. Except as allowable for properties within the Commercial Highway Tourist (CHT) zoning district lying three hundred (300) feet west of the western ramps of I-95 and three thousand (3,000) feet east of the centerline of I-95, a single tenant pole or monument sign may have a

maximum height of twenty-five (25) feet and one hundred fifty (150) square feet of surface area.

7. Wind/air activated, fluttering, or inflatable signs/devices including balloons, blimps, characters, waving characters, animals, castles, jump houses(used as an advertisement device for the jump house rental business), inflatable cars, or any other inflatable or semi-inflatable type sign or attention grabbing device unless otherwise permitted via special event sign permit. This includes, wind socks, promotional inflatable's, inflatable wavers, and other similar devices.
8. Any sign that uses the word "stop," "yield," or "danger" or present or imply the need or requirement of stopping, or which are copies or imitations of official signs. Red, green or amber (or any color combination thereof) revolving or flashing light giving the impression of a police or caution light is a prohibited sign, whether on a sign or on an independent structure.
9. Off-premises signs except as permitted Ordinance 2002-29 known as the "Billboard Ordinance" and as per subsection (F)(3)e. above.
10. Roof signs or any sign extending above the top of the parapet.
11. Signs that advertise an activity, business, product, or service no longer conducted or available on the parcel of land on which the sign is located or abandoned signs.
12. Signs tacked, nailed, posted, pasted, tied, glued, or otherwise attached to trees (whether or not within a public right-of-way), utility poles, light poles, dumpster enclosures, or fences.
13. Neon tube lighting or fiber optics in signage. This includes neon signage placed in storefront windows that may be seen from the roadway. Neon window signs not exceeding an aggregate of twelve (12) inches by twenty-four (24) inches are allowed as the sole exception to this rule.
14. Human directional signs, sign walkers, sign spinners, human billboards, sign wavers. This sign type may be permissible subject to a special event permit. Human signs are limited to the time constraints of the special event sign permit and shall not be allowed in the public right-of-way. No human directional sign is permitted within view of the motoring public without first obtaining a special event sign permit.
15. Delivery vehicles bearing the name of an establishment may not be parked in front so as to serve as "additional signage" for the establishment. However, food trucks, where permitted, are exempt from the signage prohibition. No vehicles bearing business signage shall be parked in landscaped or buffer areas.

**Note—** Exhibits "1—8" are not set out herein, but are on file with the county clerk and planning department.

G. *Regulation of ~~out~~parcels.*

- (1) *Applicability.* These regulations apply to the [creation and](#) development of all [new parcels and](#) outparcels ~~fronting onto~~ [within the](#) SR 200/A1A [Access Management Overlay District](#).

For the purpose of these regulations, an outparcel is defined as property that is located between a ~~nonresidential development~~~~commercial~~, mixed use ~~development~~, ~~multi-family development~~, ~~hotel~~, ~~industrial facility~~, or residential subdivision and SR 200/A1A, that is created from a parent tract either by subdivision, lot split, metes and bounds, or, in the case of a single owner, site plan approval and is intended for ~~non-residential, mixed-use, or multi-family developments~~~~commercial or office use~~. For the purposes of these regulations, new parcel shall mean any parcel of land created from a parent tract or existing parcel of land either by subdivision, lot split, metes and bounds, or, in the case of a single owner, site plan approval.

- (2) *Access.* Limitations on number of driveways and curb cuts are essential in preserving the long-term operational capacity of the SR 200/A1A corridor. In addition, controlling the number of driveways and curb cuts promotes the public health, safety, and welfare.
    - a. Outparcels and new parcels created and developed pursuant to these regulations shall not have direct access to SR 200/A1A, unless there is shared access with an adjacent property and such access is not located within three hundred thirty (330) feet of another driveway (on the same side of the right-of-way of SR 200/A1A).
    - b. Rather, access to outparcels and new parcels shall be provided via a driveway to the parent tract, or by frontage roads or rearage roads with priority and focus on rearage roads, whenever possible. The county has no obligation to provide such roads.
    - c. The county shall regulate access pursuant to these regulations in site plan review or at time of new parcel and/or outparcel creation, as applicable.
    - d. As part of the county's site plan review, all developers and/or owners and applicants shall be required to dedicate a cross-access easement in a manner that connects to adjacent cross-access easements or public rights-of-way.
    - e. It shall be the responsibility of the engineering services director or his/her designee to ensure that cross-access easements are dedicated as part of the site plan review process, and that such easements connect or will connect to similar easements on adjacent property.
  - (3) *Minimum lot dimensions.* Frontage is the dimension abutting and paralleling the right-of-way of SR 200/A1A. Depth is the minimum distance of a lot as measured from anywhere along its frontage. Rear line is the minimum dimension of the line which directly connects the depth of the lot, as measured from its two (2) property lines, which, in turn, extends from the frontage line.
    - a. Minimum lot width at frontage: Two hundred and fifty (250) feet.
    - b. Minimum lot width at rear line: Two hundred and twenty-five (225) feet.
    - c. Minimum lot depth: Two hundred (200) feet.
- H. *Access management standards.* The following standards are intended to balance private property rights, long-term real estate values, and corridor function. The following regulations are for development fronting SR 200/A1A within the overlay district:
- (1) *Primary access.* For lots having frontage on SR 200/A1A, primary access shall be from SR 200/A1A, an intersecting public street, or provided through the use of parallel roads side

streets, joint access driveways, and cross-access easements connecting adjacent developments ~~in accordance with the county's approved comprehensive plan~~, as acceptable to the county, with priority and focus on rearage roads, where possible.

- a. *Corner lots.* For corner lots, where the corner is formed by SR 200/A1A and a side street that is functionally classified as a collector street or arterial road, the primary driveway access shall be from the side street. A corner lot exceeding three and one-half (3½) acres in size, and having at least three hundred seventy-five (375) feet of frontage on SR 200/A1A, may have primary access on SR 200/A1A provided that said primary access is located as far from the intersecting corner roads as possible (minimum) distance of two hundred fifty (250) feet and that the driveway access otherwise meets the upstream spacing criteria of these driveway regulations.
- b. *Interior lots.* New access points shall be limited to one (1) for every six hundred sixty (660) feet of frontage along SR 200/A1A. Regardless of total frontage length, no more than two (2) access points shall be allowed. New driveway access points shall not be allowed within five hundred (500) feet of any other existing driveway access on that property. In the event that the spacing criteria does not allow for the necessary access, the property may be accessed by frontage roads, rearage roads, or by cross-access easements. The engineering services director or his/her designee may recommend a waiver of the requirements of this paragraph in writing if the requirements cannot be met based upon configuration of the property or a determination that the rearage road, frontage road, or cross-access easement cannot be provided. The director of engineering services or his/her designee may also propose to the board of county commissioners an alternative to the requirements of this paragraph.
- c. *Creation of new lots.* To preserve the safety and operational efficiency of the A1A Corridor, it is the intent of the county to carefully limit the number of driveway access points that are constructed in the future. However, to balance access management with reasonable use of property, while maintaining the functional importance of the A1A Corridor, the county shall apply the following requirements:

In designing ~~office or retail non-residential, mixed-use or multi-family developments business centers (such as shopping plazas, malls, power centers and single user/big box structures)~~, the creation of outparcels or new parcels is prohibited unless access to said outparcel(s) or new parcel(s) is not directly to SR 200/A1A, but rather a frontage road, a rearage road, direct access to a parent tract, or by a minimum thirty (30) foot wide cross-access corridor. It shall be the responsibility of the applicant to convey any such access-way through dedication or grant of easement and to construct the interconnecting access facility in a manner acceptable to the county.

(2) *Secondary access.*

- a. *Corner lots.* Secondary access, other than primary access, may be provided to corner lots on a permanent or temporary basis in the following manner:
  1. A right-in/right-out may be allowed on SR 200/A1A only if the FDOT approves such access; and
  2. A right-in/right-out may be allowed on SR 200/A1A only if there is no other driveway of any type within six hundred sixty (660) feet of the proposed driveway,

of if there is no other practical point of ingress/egress, such as a frontage or rearage road, or a cross-access easement; and

3. A right-in/right-out may be allowed on SR 200/A1A only if such access does not interfere with the safe operation, as determined by the engineering services director or his/her designee, of existing or planned turn acceleration/deceleration lanes existing along SR 200/A1A.
  - b. *Internal lots.* Secondary access for interior (non-corner) lots shall be either from SR 200/A1A, provided that the minimum spacing criteria can be met, or by frontage roads, rearage roads, or by a cross-access corridor. New driveway access points shall be limited to no more than one (1) per every six hundred sixty (660) feet of frontage. Under no circumstances shall an internal lot be approved for more than two (2) access points (one (1) primary and one (1) secondary). Outparcels shall not be granted a secondary access point on SR 200/A1A.
- (3) *SR 200/A1A median openings.* All development plans submitted to the county that desire any access connection to SR 200/A1A require FDOT approval. The general policy of the county is to support the spacing standards recognized by the FDOT, provided they are implemented and upheld in a fair, reasonable and pragmatic fashion. Thus, minor deviations in the spacing dimensions may be accommodated if the intent of the regulations is, in the opinion of the county, otherwise being met.

The FDOT has primary authority to allow or provide for median crossing movements on the SR 200/A1A Corridor. The FDOT spacing standard for full median openings on SR 200/A1A is one-half ( $\frac{1}{2}$ ) mile per opening (FDOT Access Classification 3). The county policy is to support the pragmatic and reasonable implementation of this standard.

Intermediate openings that provide for some, but not all, movements across a median may occur on a more periodic basis and as permitted by the FDOT. While the FDOT spacing standard between such intermediate openings is one-quarter ( $\frac{1}{4}$ ) mile per opening, the county recognizes the changing character of the A1A Corridor and, as such, may in certain cases support spacing intervals at no less than six hundred sixty (660) feet.

- (4) *Cross-Access.* Within the A1A Access Management Overlay District, All non-residential, multi-family and mixed-use projects shall be designed to allow for vehicular cross access to adjacent non-residential, multi-family, and mixed-use properties, public rights-of-way and streets. Where there are stub-outs on adjoining properties, the site under review shall complete the physical connection with the cross-access, drive aisle or parking area of the adjacent property. Where a vacant lot/tract of land with a Commercial, Industrial, High Density Residential or Multi-use FLUM designation is adjacent to the site under review, the cross access stub-out shall be constructed to the property boundary with the initial site development or appropriate phase of the project as determined by the Development Review Committee. It shall be the responsibility of the applicant to grant a cross-access easement in a format acceptable to Nassau County allowing for vehicular and pedestrian cross-access in perpetuity.

**SECTION 4. CODIFICATION**

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

**SECTION 5. SEVERABILITY**

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

**SECTION 6. EFFECTIVE DATE**

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

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019 BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA.**

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

\_\_\_\_\_  
JUSTIN M. TAYLOR  
Its: Chairman

ATTEST as to Chairman's Signature:

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

Approved as to form

\_\_\_\_\_  
Michael S. Mullin,  
County Attorney