

ORDINANCE 2020 - ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ARTICLE 18 OF THE LAND DEVELOPMENT CODE, COMMERCIAL HIGHWAY TOURIST (CHT); SPECIFICALLY SECTION 18.01, PERMITTED USES; SECTION 18.03, CONDITIONAL USES; SECTION 18.04, SPECIAL RESTRICTIONS; SECTION 18.06, MINIMUM YARD REQUIREMENTS; SECTION 18.07, BUILDING RESTRICTIONS; AMENDING ARTICLE 35 OF THE LAND DEVELOPMENT CODE, STATE ROAD 200/A1A ACCESS MANAGEMENT OVERLAY DISTRICT, SPECIFICALLY SECTION 35.09(F), SIGNAGE; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Policy FL.10.05 of the Nassau County Comprehensive Plan requires the County to review existing regulations in the Land Development Code and revise as necessary in order to implement the Future Land Use Plan; and

WHEREAS, the Board of County Commissioners has found it in the best interest of the citizens of Nassau County to amend the Code of Ordinances; and

WHEREAS, the Planning and Zoning Board conducted a public hearing on this Ordinance on January 21, 2020 and voted to recommend approval.

WHEREAS, the Board of County Commissioners of Nassau County, Florida conducted public hearings on this ordinance on February 10, 2020 and February 24, 2020.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Nassau County, Florida:

SECTION 1. FINDINGS

This Ordinance is consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan, in particular, Policies FL.01.01, FL.01.02, FL.10.05 and ED.05.02.

SECTION 2. AMENDMENTS

- A. Article 18 of the Land Development Code, Commercial Highway Tourist (CHT), is amended as set forth herein:

ARTICLE 18. - COMMERCIAL, HIGHWAY AND TOURIST: CHT

INTENT: This district is primarily intended to apply to areas where adequate lot depth is available to provide meaningful development for service oriented automotive use, tourist accommodations, and supporting facilities. It is not intended that this district become or be used for strip commercial purposes. ~~In order to protect development within the Commercial, Highway and Tourist District, Florida Department of Transportation standards will be applied as they relate to the control of "curb cuts."~~

Section 18.01. - Permitted uses and structures.

- (A) Automobile service stations, including service stations with convenience stores and/or car washes, truck stops.
- (B) Hotels and motels.
- (C) Restaurants, including drive-through restaurants.
- (D) ~~Gift, novelty and curio shops and similar uses catering to tourist trade.~~ Retail outlets for sale of general merchandise, food and drugs.
- ~~(E) Travel trailer parks and camp grounds.~~
- (E) Professional and business offices.
- E) Medical and dental offices or clinics (including urgent care facilities).
- (F) Banks, including drive-through banking facilities.
- (G) Self – service storage facilities, subject to supplementary standards in Section 28.20
- (H) An establishment or facility for the retail sale and service of all alcoholic beverages for consumption either on-premises or off-premises or both.

Section 18.02. - Permitted accessory uses and structures.

- (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 for the occupancy by an owner or employee thereof. Said single-family dwelling unit must be attached to the principal permitted structure.

~~Section 18.03. - Conditional uses.~~

- ~~(A) Any retail or service use which can be shown to be primarily service oriented to automobile uses, tourist accommodations and supporting facilities.~~
- ~~(C) An establishment or facility for the retail sale and service of all alcoholic beverages for consumption either on-premises or off-premises or both.~~

Section 18.0403. - Special restrictions.

- (A) The distance restriction applicable from churches and schools for the sale of alcoholic or intoxicating beverages is set forth in [Chapter 4](#), Section 4-3 of ~~Ordinance No. 2017-37~~ [the Code of Ordinances](#).
- (B) In areas designated as Conservation (wetlands) on the Future Land Use Map, only passive recreation and silviculture will be permitted.

Section 18.0504. - Minimum lot requirements.

- (A) Minimum lot width: One hundred (100) feet.
- (B) Minimum lot area: Fifteen thousand (15,000) feet.

Section 18.0605. - Minimum yard requirements.

- (A) Front yard: ~~Fifty (50)~~ [Twenty-five](#) 25 feet.
- (B) Side yard: Fifteen (15) feet.
- (C) Rear yard: Fifteen (15) 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.~~

Section 18.0706. - Building restrictions.

- (A) Maximum lot coverage:
 - (1) Coverage by all buildings, including accessory buildings and structures shall be not more than fifty (50) percent of the lot.
- ~~(B) Landscaping: 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.~~
- ~~(C) Maximum building height: Forty (40) feet: 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. 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 fifty (150) feet from the mean high water line (MHL).~~
- ~~(D) Minimum building setback: (Comprehensive Plan Policy 2.03.04)~~

~~The minimum building setback will be measured from the centerline of the existing roadway.~~

Roadway Classification	Minimum Building Setback
Arterial:	65 feet plus minimum setback
Collector:	45 feet plus minimum setback

~~Section 18.08. – Curb cut restrictions.~~

~~Access to the State Highway System must comply with rules of the Florida Department of Transportation Chapter 14-97, State Highway System Access Management Classification System and Standards.~~

- B. Article 35, Section 35.09(F) of the Land Development Code, SR200/A1A Access Management Overlay, is amended as set forth herein:

Section 35.09. - Special restrictions.

- 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. For those areas within this overlay district that are also within the established William Burgess Mixed Use Activity Center Overlay District, the signage regulations for the William Burgess Mixed Use Activity Center Overlay District shall control pursuant to Article 43 of this Code.
- (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.~~

ma. *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.

ne. *[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.

SECTION 3. 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 4. EFFECTIVE DATE

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

PASSED and ADOPTED this _____ day of _____, 2020.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

DANIEL B LEEPER,
Its: Chairman

ATTEST as to Chairman's Signature:

JOHN A. CRAWFORD
Its: Ex-Officio Clerk

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

MICHAEL S. MULLIN,
County Attorney