

ORDINANCE 2021 - ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ARTICLE 9A OF THE LAND DEVELOPMENT CODE, RESIDENTIAL, SINGLE-FAMILY – AMERICAN BEACH: RS-2AB, SPECIFICALLY TO CLARIFY INTENT, TO ADD A MAXIMUM LOT WIDTH REQUIREMENT, TO REVISE BEACH SIDE FRONT AND SIDE YARD SETBACKS, TO CORRECT A SCRIVENOR’S ERROR, TO REDUCE THE MAXIMUM LOT COVERAGE REQUIREMENT, TO ESTABLISH A MAXIMUM GARAGE DOOR HEIGHT, TO CLARIFY PARKING REQUIREMENTS, TO DELETE DUPLICATIVE LOT COVERAGE REQUIREMENTS; AMENDING ARTICLE 12A OF THE LAND DEVELOPMENT CODE, RESIDENTIAL, GENERAL 1 - AMERICAN BEACH: RG-1AB, SPECIFICALLY TO CLARIFY INTENT, TO CLARIFY PERMITTED USES AND STRUCTURES ON GREGG STREET, TO ADD A MAXIMUM LOT WIDTH REQUIREMENT, TO REDUCE THE MAXIMUM LOT COVERAGE REQUIREMENT, TO ESTABLISH A MAXIMUM GARAGE DOOR HEIGHT, TO DELETE DENSITY REQUIREMENTS, TO CLARIFY PARKING REQUIREMENTS, TO DELETE DUPLICATIVE LOT COVERAGE REQUIREMENTS; 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 April 6, 2021 and voted to recommend approval.

WHEREAS, the Board of County Commissioners of Nassau County, Florida conducted two public hearings on this ordinance on April 12, 2021 and April 26, 2021.

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

ARTICLE 9-A: RESIDENTIAL, SINGLE-FAMILY – AMERICAN BEACH: RS-2AB

Intent: The purpose of the Residential Single-Family District-American Beach, RS-2AB, is to protect and preserve the unique [historic](#) residential character of American Beach, and to allow for the orderly expansion of [future](#) single-family development in the American Beach area.

Section 9-A.01 - Permitted Uses and Structures. Single-family dwellings.

Section 9-A.02 - Permitted Accessory Uses and Structures.

See Article 28, Section 28.15.

Section 9-A.03 - Minimum Lot Requirements.

- A. Minimum lot width: fifty (50) feet.
- B. Minimum lot area: five thousand (5,000) square feet.
- C. Maximum lot width: one hundred ten (110) feet.

Section 9-A.04- Minimum Yard Requirements.

Non Beach Side

- A. Front yard: fifteen (15) feet.
- B. Side yard: five (5) feet each.
- C. Rear yard: ten (10) feet.

Beach Side

- A. Front yard: ~~five~~ fifteen (15) feet
- B. Side yard: eight (8) feet
~~North side--two (2) feet~~
~~South side--fifteen (15) feet~~
- C. Rear yard: zero (0) feet to Construction Control Line as defined by Department of Environmental Protection Guidelines for the exemption of historical coastal areas, outlined in Chapter 161.053, Subsection 5.b of the Beach and Shore Preservation Act of the State of Florida.

Section 9-A.05 - Building Restrictions.

- A. Maximum building height: thirty-five (35) feet.
- B. Maximum lot coverage: forty ~~five~~ (405) percent.
- C. Maximum garage door height: eight (8) feet.

Section 9-A.06 - Other Requirements.

- A. A minimum of one off-street parking space shall be provided per dwelling unit.
- ~~B. Lot coverage by all buildings, including accessory buildings and structures shall not exceed forty-five (45) percent of the lot area.~~

ARTICLE 12-A: RESIDENTIAL, GENERAL 1 - AMERICAN BEACH: RG-1 AB

~~**Intent:** The provisions of this district provide for medium density residential areas where it is desirable to encourage such type of development or as may be designated in the Nassau County Comprehensive Plan as adopted or in such future amendments as may be made. Due to the higher than average concentrations of persons and vehicles, this district is situated where it can~~

~~properly be served by public and commercial services and utilities together with convenient access to thoroughfares and collector streets. Site area requirements reflect the relative need for open space of the various types of residences based on expected density of use.~~

Intent: The purpose of the Residential General 1-American Beach District, RG-1 AB, is to protect and preserve the unique historic residential character of American Beach, and to allow for the orderly expansion of future residential development in the area. Due to the size of lots and historic uses in the area, single-family, duplexes, townhouses and multi-family uses are allowed.

Section 12-A.01 - Permitted Uses and Structures.

- A. Single-family dwellings - ~~limited only to the~~permitted on east and west sides of Gregg Street.
- B. Duplexes and townhouses - limited only to the west side of Gregg Street.
- C. Multiple family dwellings - limited only to the west side of Gregg Street.
- ~~D. Single family dwellings may also be allowed on the west side of Gregg Street.~~

Section 12-A.02. - Permitted accessory uses and structures.

See Article 28, Section 28.15.

Section 12-A.03. - Conditional uses.

See Article 28, Section 18.14.

Section 12-A.04 - Minimum Lot Requirements

- A. Single-family dwellings and duplexes.
 - 1. Minimum lot width: fifty (50) feet.
 - 2. Minimum lot area five thousand (5,000) square feet.
- B. Townhouses.
 - 1. Minimum lot width:
 - a. Interior lot: twenty (20) feet.
 - b. Exterior lot: thirty (30) feet.
 - 2. Minimum lot area:
 - a. Interior lot: two thousand (2,000) square feet.
 - b. Exterior lot: three thousand (3,000) square feet.
- C. Multiple family dwellings:
 - 1. Minimum lot width: Seventy-five (75) feet.
 - 2. Minimum lot area: Seven thousand five hundred (7,500) feet plus five thousand five hundred (5,500) square feet for each dwelling unit in excess of two (2).

D. Maximum lot width: one hundred ten (110) feet.

Section 12-A.05 - Minimum Yard Requirements.

- A. Single-family dwellings and duplexes.
 - 1. Front yard: Fifteen (15) feet.

2. Side yard: Five (5) feet.
3. Rear yard: Ten (10) feet.

B. Townhouse.

1. Front yard: fifteen (15) feet.
2. Side yard:
 - a. Interior unit: Zero (0) feet.
 - b. Exterior unit: Ten (10) feet.
3. Rear yard: Ten (10) feet.

C. Multiple family dwellings:

1. Front yard: fifteen (15) feet.
2. Side yard: ten (10) feet.
3. Rear yard: ten (10) feet.

Section 12-A.06 - Building Restrictions.

A. Maximum building height:

1. Single-family: thirty-five (35) feet.
2. Duplexes and townhouses: thirty-five (35) feet.
3. Multiple family dwellings: thirty-five (35) feet.

B. Maximum lot coverage: forty-five (40~~5~~) percent.

C. Maximum garage door height: eight (8) feet.

~~C. Maximum density:~~

- ~~1. Townhouses and multifamily units:~~
 - ~~a. Normal maximum: 16 units per acre.~~

Section 12-A.06 - Other Requirements.

A. A minimum of one off-street parking space shall be provided per dwelling unit.

~~B. Lot coverage by all buildings, including accessory buildings and structures shall not exceed forty-five (45) percent of the lot area.~~

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 _____, 2021.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

THOMAS R. FORD,
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