

ORDINANCE 2021 - \_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ARTICLE 6 OF THE LAND DEVELOPMENT CODE, GENERAL REGULATIONS; TO ADD SECTION 6.04, BUILDING AND STRUCTURE HEIGHT CALCULATION; AMENDING ARTICLE 9 OF THE LAND DEVELOPMENT CODE, RESIDENTIAL SINGLE-FAMILY (RS-1 AND RS-2); SPECIFICALLY SECTION 9.07, SPECIAL REQUIREMENTS (BUILDING HEIGHTS IN THE UNINCORPORATED AREAS OF AMELIA ISLAND); AMENDING ARTICLE 13 OF THE LAND DEVELOPMENT CODE, RESIDENTIAL GENERAL-2 (RG-2); SPECIFICALLY SECTION 13.06, BUILDING RESTRICTIONS; AMENDING ARTICLE 16 OF THE LAND DEVELOPMENT CODE, COMMERCIAL, GENERAL (CG); SPECIFICALLY SECTION 16.07, BUILDING RESTRICTIONS; ARTICLE 17 OF THE LAND DEVELOPMENT CODE, COMMERCIAL INTENSIVE (CI); SPECIFICALLY SECTION 17.07, BUILDING RESTRICTIONS; AMENDING ARTICLE 19 OF THE LAND DEVELOPMENT CODE, COMMERCIAL, PROFESSIONAL OFFICE (CPO); SPECIFICALLY SECTION 19.06, BUILDING RESTRICTIONS; AMENDING ARTICLE 20 OF THE LAND DEVELOPMENT CODE, INDUSTRIAL WAREHOUSE (IW); SPECIFICALLY SECTION 20.07, BUILDING RESTRICTIONS; AMENDING ARTICLE 21 OF THE LAND DEVELOPMENT CODE, INDUSTRIAL HEAVY (IH); SPECIFICALLY SECTION 21.07, BUILDING RESTRICTIONS; AMENDING ARTICLE 22 OF THE LAND DEVELOPMENT CODE, OPEN RURAL (OR); SPECIFICALLY SECTION 22.06, BUILDING RESTRICTIONS; AMENDING ARTICLE 23 OF THE LAND DEVELOPMENT CODE, GOVERNMENT/PUBLIC USE (GPU); SPECIFICALLY SECTION 23.06, BUILDING RESTRICTIONS; AMENDING ARTICLE 24 OF THE LAND DEVELOPMENT CODE, RECREATION AND OPEN SPACE (ROS); SPECIFICALLY SECTION 24.04, DEVELOPMENT RESTRICTIONS; AMENDING ARTICLE 32 OF THE LAND DEVELOPMENT CODE, DEFINITIONS; TO REVISE THE DEFINITIONS FOR *BUILDING HEIGHT* AND *GRADE*, AND TO ADD A DEFINITION FOR *NATURAL GRADE*; AMENDING SECTION 29.06, DESTRUCTION OF A NONCONFORMING USE, SPECIFICALLY ADDING SECTION (B); 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 5, 2021 and voted to recommend approval.

**WHEREAS**, the Board of County Commissioners of Nassau County, Florida conducted a public hearing on this ordinance on June 14, 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**

- A. Article 6 of the Land Development Code, General Requirements, is hereby amended to add Section 6.04. as set forth herein:

### **Section 6.04. – Building and structure height calculation.**

- (A) Building height shall be measured from the lower of:  
1. the average natural grade; or  
2. the average grade of the crown of the adjacent roadway.
- (B) Building height calculation from natural grade shall be measured in the same manner as it is from grade.
- (C) Building height shall be measured to the highest point on the structure unless the property is located within a flood hazard area as provided herein. Properties located within a flood hazard area shall measure building height to the highest point on the structure from:  
1. The higher of the base flood elevation or approved finished grade for buildings and structures in a special flood hazard area of 0.2 percent annual chance of flood hazard area.  
2. The approved finished grade for buildings and structures in coastal high hazard areas (Zone V) and Coastal A zones.

- B. Article 9 of the Land Development Code, Residential, Single-Family (RS-1 and RS-2) Sections 9.06, Building Restrictions and 9.07, Special Requirements, are amended as set forth herein:

### **Section 9.07. - Special requirements.**

- (A) If a site engineering plan and plat for a single-family detached subdivision, which is duly approved by the Development Review Committee and has not commenced vertical construction of individual homes, preserves at least 30% of the gross site area as natural areas or recreation lands outside of any building site (Lot), storm water management facility, perimeter landscape area per Section 37.05.D LDC, utility area/easement or right-of-way then the following incentives are provided:
- (1) Minimum yard requirements.  
(a) Front yard: RS-2, Minimum fifteen (15) feet, provided however, the minimum front setback of the face of the garage shall be twenty (20) feet.  
(b) Side yard: RS-2, Five (5) feet.  
(c) Rear yard: RS-2, Ten (10) feet.
- (2) Building restrictions.  
(a) Maximum building height: RS-2, Forty (40) feet.  
(b) Maximum building height within the unincorporated areas of Amelia Island, is thirty-five (35) feet.  
(c) Maximum lot coverage: RS-2, Fifty (50) percent.

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- C. Article 13 of the Land Development Code, Residential, General 2 (RG-2), Section 13.06, Building Restrictions, is amended as set forth herein:

**Section 13.06. - Building restrictions.**

- (A) Maximum building height:
- (1) Single-family dwellings, duplexes, and townhouses: Thirty-five (35) feet.
  - (2) Multiple-family dwellings and other permitted structures may exceed a height of thirty-five (35) feet, subject to meeting all requirements specified herein provided that no structure shall exceed eighty-five (85) feet or seven (7) stories. Within the unincorporated areas of Amelia Island, maximum building height is forty-five (45) feet. Additionally, any building seaward of, or within 1,000 feet landward of the Coastal Construction Control Line (CCCL) shall not exceed thirty-five (35) feet in height.
- (B) Maximum lot coverage:
- (1) Single-family dwellings, duplexes, and townhouses: Thirty-five (35) percent.
  - (2) Multiple-family dwellings exceeding thirty-five (35) feet in height shall comply with the following lot coverage percentages:
    - (a) Thirty-five (35) feet—Twenty-six (26) percent.
    - (b) Forty-five (45) feet—Twenty-five (25) percent.
    - (c) Fifty-five (55) feet—Twenty-three (23) percent.
    - (d) Sixty-five (65) feet—Twenty-one (21) percent.
    - (e) Seventy-five (75) feet—Nineteen (19) percent.
    - (f) Eighty-five (85) feet—Seventeen (17) percent.
- (C) Maximum density:
- (1) Single-family dwellings and duplexes: Five (5) dwelling units per acre.
  - (2) Townhouses and multifamily units:
    - (a) Normal permitted density: Ten (10) units per acre.
    - (b) Bonus density: Twelve (12) units per acre may be permitted when units are clustered so as to reduce frontage and entry cuts on major county or state roads. (Comprehensive Plan Policy 1.03.04)

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- D. Article 16 of the Land Development Code, Commercial General (CG) Section 16.07, Building Restrictions, is amended as set forth herein:

**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 fronting along the Atlantic Coastline, or a~~ 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.

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(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.

(D) Within the unincorporated areas of Amelia Island, maximum building height is forty-five (45) feet. Additionally, any building seaward of, or within 1,000 feet landward of the Coastal Construction Control Line (CCCL) shall not exceed thirty-five (35) feet in height.

E. Article 17 of the Land Development Code, Commercial Intensive (CI) Sections 17.06, Minimum Yard Requirements, and 17.07, Building Restrictions, are amended as set forth herein:

**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 fronting~~ along ~~the Atlantic Coastline, or a~~ 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.

(D) Within the unincorporated areas of Amelia Island, maximum building height is forty-five (45) feet. Additionally, any building seaward of, or within 1,000 feet landward of the Coastal Construction Control Line (CCCL) shall not exceed thirty-five (35) feet in height.

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F. Article 19 of the Land Development Code, Commercial Professional Office (CPO) Section 19.06, Building Restrictions, is amended as set forth herein:

**Section 19.06. - Building restrictions.**

(A) Maximum lot coverage: Sixty-five (65) percent.

(B) Maximum building height: Thirty-five (35) feet. Within unincorporated Amelia Island, maximum building height is forty-five (45) feet. Additionally, any building seaward of, or within 1,000 feet landward of the Coastal Construction Control Line (CCCL) shall not exceed thirty-five (35) feet in height.

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G. Article 20 of the Land Development Code, Industrial Warehouse (IW) Section 20.07 Building Restrictions, is amended as set forth herein:

**Section 20.07. - Building restrictions.**

- (A) Maximum building height: Forty-five (45) 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 fronting along the Atlantic Coastline, or a~~ 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).
- (B) Maximum lot coverage: Fifty (50) percent: A minimum of ten (10) percent of the total lot area shall be landscaped and shall be in conformance with Article 28, Section 28.17.
- (C) Any building seaward of, or within 1,000 feet landward of the Coastal Construction Control Line (CCCL) shall not exceed thirty-five (35) feet in height.

H. Article 21 of the Land Development Code, Industrial Heavy (IH) Section 21.07 Building Restrictions, is amended as set forth herein:

**Section 21.07. - Building restrictions.**

- (A) Maximum building height: Forty-five (45) 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 fronting along the Atlantic Coastline, or a~~ major water body, shall increase the minimum rear yard 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: Fifty (50) percent: A minimum of ten (10) percent of the total lot area shall be landscaped and shall be in conformance with article 28, section 28.17.
- (C) Any building seaward of, or within 1,000 feet landward of the Coastal Construction Control Line (CCCL) shall not exceed thirty-five (35) feet in height.

I. Article 22 of the Land Development Code, Open Rural (OR) Section 22.06 Building Restrictions, is amended as set forth herein:

**Section 22.06. - Building restrictions.**

- (A) Maximum building height: None for agricultural structures. Forty-five (45) feet for all other structures.
- (B) Maximum lot coverage: All buildings, including accessory buildings, shall not cover more than twenty (20) percent of the total lot area, except:
- (1) Maximum lot coverage for churches permitted as a conditional use in an open rural (OR) district shall not be more than fifty (50) percent of the lot.
- (C) Any building seaward of, or within 1,000 feet landward of the Coastal Construction Control Line (CCCL) shall not exceed thirty-five (35) feet in height.

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- J. Article 23 of the Land Development Code, Government/Public Use (GPU) Section 23.06 Building Restrictions, is amended as set forth herein:

**Section 23.06. - Building restrictions.**

- (A) Maximum building height: Government and public buildings as defined in the comprehensive plan (i.e. hospitals, schools, churches, government buildings, etc.) shall not exceed sixty (60) feet in height.

Buildings/structures as defined as "other public facilities" in the county adopted comprehensive plan (potable water, sanitary sewer treatment facilities, landfills, stormwater drainage control structures, etc.) may be constructed to a height identified as necessary to meet engineering requirements. Electric, telephone and other service facilities, where possible, shall be placed underground.

- (B) Maximum lot coverage: Sites used for structures and uses defined as "public buildings and grounds" in the adopted comprehensive plan shall cover not more than sixty-five (65) percent of the site with an impervious surface.

Sites used for structures and uses defined as "other public facilities" in the adopted comprehensive plan shall cover not more than ninety (90) percent of the site with impervious surface.

(C) Within the unincorporated areas of Amelia Island, maximum building height is forty-five (45) feet. Any building seaward of, or within 1,000 feet landward of the Coastal Construction Control Line (CCCL) shall not exceed thirty-five (35) feet in height.

- K. Article 24 of the Land Development Code, Recreation and Open Space Section 24.04 Building Restrictions, is amended as set forth herein:

**Section 24.04. - Development restrictions.**

- (A) Impervious surface land coverage of recreational land should not exceed fifty (50) percent for activity based recreational development and ten (10) percent for resource based recreational development.
- (B) Access to recreational facilities shall be barrier free and handicapped parking facilities shall be provided.

(C) Within the unincorporated areas of Amelia Island, maximum building height is twenty-five (25) feet.

- L. Article 32 of the Land Development Code, Definitions, is amended as set forth herein:

**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. The calculation of building height shall be consistent with the provisions of Section 6.04.~~ 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)

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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.

Natural grade: The natural contours of land generally unaltered by human intervention, as verified or determined by the County Engineer.

- M. Article 29, Section 29.06, Destruction of a Nonconforming Use of the Land Development Code is amended as set forth herein:

**Section 29.06 - Destruction of a nonconforming use.**

(A) No building which has been damaged by any means to an extent of more than sixty percent (60%) of the fair market value of the building immediately prior to damage, shall be restored except in conformity with the regulations of this ordinance, and all rights as a nonconforming use are terminated. If a building is damaged by less than sixty percent (60%) of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repair or reconstruction be substantially completed within twelve (12) months after the date of such damage.

(B) A non-conforming structure within the unincorporated area of Amelia Island which was lawfully erected on a lot of record may be reconstructed if it is substantially damaged or destroyed, provided that:

1. The reconstruction does not result in an increase in the nonconformity of the lot area, yards, setbacks or density; and
2. The number of dwelling units in such reconstructed structure does not exceed the number of units in existence at the time of damage or destruction.

**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

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\_\_\_\_\_  
THOMAS 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