

ORDINANCE NO. 2017-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ORDINANCE NO. 97-19, AS AMENDED, KNOWN AS THE NASSAU COUNTY LAND DEVELOPMENT CODE, SPECIFICALLY AMENDING ARTICLE 33, DISTANCE RESTRICTIONS FOR CERTAIN LAND USES, SECTION 33.01, VENDORS OF ALCOHOLIC/INTOXICATING BEVERAGES AND BOTTLE CLUBS, SPECIFICALLY SECTION 33.01(A), SECTION 33.01(D), SECTION 33.01(E) AND SECTION 33.01(F); PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Nassau County, Florida, finds that the Sunday Hours of Sale of Alcoholic/Intoxicating Beverages should be uniform for the unincorporated areas of Amelia Island and the SR200/A1A Access Management Overlay District; and

WHEREAS, the Board finds that amending the hours of Sunday sale of alcoholic/intoxicating beverages is not detrimental to the health, safety and general welfare of the citizens of Nassau County, Florida; and

WHEREAS, the Planning and Zoning board conducted a public hearing on the ordinance on _____ and unanimously voted to recommend approval; and

WHEREAS, the Board of County Commissioners of Nassau County, Florida, held a public hearing on the ordinance on _____.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Nassau County, Florida, that Article 33, Section 33.01(E) and Section 33.01(F) of Appendix A, the Land Development Code shall be amended to read as follows:

SECTION 1. FINDINGS

This ordinance is consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan. The Comprehensive Plan is silent on the subject of alcoholic beverages.

SECTION 2. AMENDMENT

ARTICLE 33, DISTANCE RESTRICTIONS FOR CERTAIN LAND USES

Section 33.01 of Appendix A, the land Development Code, is hereby amended to read as follows:

Section 33.01. Vendors of alcoholic/intoxicating beverages and bottle clubs.

- (A) Generally. It shall be unlawful for any person, firm, association or corporation to establish, maintain or carry on the business of vendor of alcoholic/intoxicating beverages or for a bottle club, as defined per Ordinance 71-13, to allow the consumption of alcoholic/intoxicating beverages within one thousand (1,000) feet in airline distance measured from building to building—at their closest points to any established school or church, except as may be provided herein; provided that nothing herein contained shall affect any such business, vending alcoholic/intoxicating beverages both for sale or for consumption on or off the premises, which was actually being legally carried on within such distance of any established school or church on or before November 15, 1971.
- (B) The distance requirements described in this section shall be applied reciprocally to churches and schools.

- (C) Section 5.03, Conditional Use, and Section 5.05, Variance, shall not apply to this section.
- (D) Notwithstanding any other provision of the Nassau County Zoning Code or the County Code of Ordinances, the distance restriction, prohibiting the sale of alcoholic/intoxicating beverages ~~alcohol~~ within one thousand (1,000) feet in airline distance of a church, shall not apply to either (1) establishments selling alcoholic/intoxicating beverages ~~alcohol~~ or (2) churches permitted in a Commercial Intensive District. ~~Only those establishments selling alcohol and churches, which are lawfully authorized under an uncontested permit at a particular site within a Commercial Intensive District on or before August 13, 2007, may claim the one thousand (1,000) feet distance restriction.~~
- (E) Resort businesses, including restaurants within the resorts, in the tourist overlay district in the unincorporated areas of Amelia Island, licensed by the appropriate governmental agency, that contribute monies pursuant to Ordinance No. 88-31, the Tourist Development Tax Ordinance, may sell, serve, or permit to be served alcoholic/intoxicating beverages on resort owned or controlled property on Sunday commencing at 7:00 a.m. ~~12:00 noon~~. ~~The ability to sell, serve, or permit to be served alcoholic/intoxicating beverages shall only be in conjunction with meals.~~ Restaurants and vendors of alcoholic/intoxicating beverages for off-premises consumption, in the unincorporated areas of Amelia Island may sell, serve, or permit to be served alcoholic/intoxicating beverages on Sunday commencing at 12:00 noon. The ability for restaurants to sell, serve, or permit to be served alcoholic/intoxicating beverages shall only be in conjunction with

meals. Restaurants located in the unincorporated areas of Amelia Island serving alcoholic/intoxicating beverages, with meals, shall be exempt from the generally applicable distance regulations which state that the sale of alcoholic or intoxicating beverages shall not be permitted within one thousand (1,000) feet in airline distance measured from building to building at their closest points to any established school or church.

- (F) Notwithstanding any other provision of the Nassau County Land Development Code or the Code of County Ordinances, the distance restriction prohibiting the sale for off premises consumption or for consumption on premises of alcoholic/intoxicating beverages within one thousand (1,000) feet in airline distance of a church or school shall not apply to any lands lying in the State Road 200/A1A Access Management Overlay District regardless of its lot size. The exemption to the distance restriction for on premises consumption shall be limited to restaurants, as that term is defined in Article 32, and the sale of alcohol, whether for on premises or off premises consumption, shall not be permitted between the hours of 2:00 a.m. and 12 noon on Sundays.

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. CODIFICATION

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

SECTION 5. EFFECTIVE DATE

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

ENACTED AND ADOPTED by the Board of County Commissioners of Nassau County, Florida this ____ day of _____, 2017.

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 by the Nassau County
Attorney:

MICHAEL S. MULLIN