

ORDINANCE 2019 - ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ARTICLE 28 OF THE LAND DEVELOPMENT CODE, SUPPLEMENTARY REGULATIONS; AMENDING ARTICLE 32 OF THE LAND DEVELOPMENT CODE, DEFINITIONS, ALLOWING FOR ADULT DAY CARE CENTERS IN RESIDENTIAL DISTRICTS SUBJECT TO SUPPLEMENTARY DEVELOPMENT STANDARDS; ADDING DEFINITIONS FOR ADULT DAY CARE CENTER, CHILD CARE FACILITY, FAMILY DAY CARE HOME, AND LARGE FAMILY CHILD CARE HOME; 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 February 5, 2019 and voted to recommend approval.

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. AMENDMENT

- A. Article 28, Section 28.14 of the Land Development Code, Supplementary Regulations for Certain Conditional Uses, is amended as set forth herein:

Section 28.14. - Supplementary Regulations for Certain Conditional Uses.

In addition to the permissible conditional uses listed in the schedule of district regulations, the following uses shall be permissible conditional uses in the district indicted. Unless specific provisions are made otherwise in the grant of the conditional use, such use shall conform to all supplementary regulations listed under such use.

- (A) *Home occupations*: Home occupations are a permissible conditional use in any residential district which does not include such occupation as a permitted use, subject to all the following conditions:

- (1) No person other than members of the family residing on the premises shall be engaged in such occupation.
 - (2) The use of the premises shall be clearly incidental and subordinate to its use for residential purposes and shall under no circumstances change the residential character thereof.
 - (3) There shall be no change in outside appearance of building or premises, or other visible evidence of the conduct of such home occupation, except that one (1) sign shall be permitted not exceeding one (1) square foot in area, non-illuminated, mounted flat against the wall of the principal building at a position not more than two (2) feet from the main entrance to the residence.
 - (4) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
 - (5) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
 - (6) The giving of art, music or other instructions or lessons shall be limited to not more than four (4) persons at any one (1) time.
 - (7) Fabrication of articles such as are commonly classified under the terms of arts and handicrafts shall be deemed a home occupation and can be sold on the premises.
 - (8) All goods and services offered for sale in conjunction with a home occupation shall be produced on the premises, and all services shall be performed by a member of the immediate family on the premises.
- (B) ~~Day nurseries: Day nurseries, including kindergartens and child care centers,~~ Child Care Facilities: child care facilities as defined in state law and in this Code shall be permissible conditional uses in all residential districts subject to all the following conditions:
- (1) Sites for child care facilities must, at a minimum, meet the lot area, width, and setback requirements of the zoning district in which they are located. ~~Minimum lot area shall be not less than seven thousand five hundred five thousand (7,500) square feet and lot width in portion used for fenced play area shall be not less than seventy five (75) feet.~~
 - (2) ~~A fenced outdoor play area of not less than six hundred (600) square feet shall be provided in the rear yard.~~
 - (3) All facilities, operation and maintenance shall meet all applicable county and/or state regulations and licensing requirements for such use.
 - (4) The conditional use application shall state the maximum number of children to be accommodated and in no case shall the number of children approved in the conditional use application be exceeded.
 - (5) All child care facilities, as defined in this Code, are subject to the site plan review standards found in Sec. 5.07 of this Code ~~Off-street parking, loading and~~

~~unloading areas shall be maintained as provided in the site plan approved with the conditional use application for such use.~~

(6) This subsection does not apply to family day care homes, as defined in state law and in this Code. Licensed family day care homes are a permissible use in all residential districts.

- (C) *Parking lots*: Off-street parking lots shall be a permissible conditional use in all residential districts for churches only provided:
- (1) A buffer consisting of a wall, fence or vegetation as determined by the planning and zoning board shall be erected along property lines adjacent to property zoned for residential uses.
 - (2) No source of illumination for such lots shall be directly visible from any window in any residence in the residential district.
 - (3) There shall be no movement of any vehicles on such lots between the hours of 11:00 p.m., and 7:00 a.m.
 - (4) There shall be no sales or service activity of any kind on such lots.
 - (5) Vehicles prohibited from being parked in residential districts by article 28, section 28.05, shall not be permitted to be parked on such lot.
- (D) *Cemeteries*: Cemeteries and mausoleums (but not funeral homes and mortuaries) are permissible conditional uses in all residential districts. Such uses must be buffered from adjacent residential areas in accordance with article 28, section 28.08. A fence is required in all other districts.
- (E) *Schools*: Private elementary and high schools with academic curriculum similar to those of public elementary and high schools are permissible conditional uses in all residential districts.
- (F) *Churches*: Churches (but not temporary revival establishments) are permissible conditional uses in all residential districts.
- (G) *Golf courses*: Golf courses are permissible conditional uses in any residential district provided it is located on a site containing a minimum of fifty (50) acres.
- (H) *Water and sewage treatment plants*: Water and sewage treatment plants are permissible conditional uses in all districts. These uses must be buffered from adjacent areas in accordance with the provisions of Article 28, Section 28.08.
- (I) *Mobile homes*: A mobile home on an individual lot shall be permitted as a conditional use in any residential district in which such use is not otherwise permitted. Such conditional use shall be granted to the applicant only, shall not be transferable and shall not run with the title to the property unless otherwise specified in the grant of the conditional use.
- (J) *Mother-in-law dwelling*: A dwelling located on a lot or parcel of land, together with the principal use structure, for the care of aged, infirm or impecunious parent(s). In the case of a medical hardship, a medical certification shall be required with the application. All yard requirements, lot size requirements, height and lot coverage requirements shall apply for the appropriate district unless otherwise waived by the planning and zoning board.

- (K) *Horses and ponies*: Horses and ponies may be kept in residential districts only for private riding use and only if a place of shelter therefor shall be provided which is not closer than one hundred (100) feet to any residence of different ownership. Such horses and ponies shall be kept in a fenced enclosure not closer than twenty-five (25) feet to any private property line.
- (L) *Two-family dwelling (duplex)*: A duplex, being a single structure designed for or occupied exclusively by two (2) families living independently of each other, as defined herein, is a permissible use by exception in any residential district where not otherwise permitted, and in the Open Rural District; provided the structure shall conform to all supplementary regulations listed under the district classification as though it were a single-family dwelling (i.e., minimum lot requirement, maximum coverage by all buildings, minimum setbacks, maximum height of structure, etc.).
- (M) *Adult Day Care Centers*: adult day care centers, as defined in state law and in this Code shall be permissible conditional uses in all residential districts subject to all the following conditions:
- (1) Sites for adult day care centers must, at a minimum, meet the lot area, width, and setback requirements of the zoning district in which they are located.
 - (2) All facilities, operation and maintenance shall meet all applicable county and/or state regulations and licensing requirements for such use.
 - (3) The conditional use application shall state the maximum number of clients to be accommodated and in no case shall the number of clients approved in the conditional use application be exceeded.
 - (4) All adult day care centers, as defined in this Code, are subject to the site plan review standards found in Sec. 5.07 of this Code.

- B. The following definitions are added to Article 32 of the Land Development Code, Definitions, as set forth in herein:

Adult day care center: pursuant to Sec. 429.901, Florida Statutes any building, buildings, or part of a building, whether operated for profit or not, in which is provided through its ownership or management, for a part of a day, basic services, to three or more persons who are 18 years of age or older, who are not related to the owner or operator by blood or marriage, and who require such services, including but not limited to, providing a protective setting that is as non-institutional as possible; therapeutic programs of social and health activities and services; leisure activities; self-care training; rest; nutritional services; and respite care.

Child care facility: pursuant to Sec. 402.302, Florida Statutes, any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included:

(a) Public schools and nonpublic schools and their integral programs, except as provided in s. 402.3025, F.S.;

(b) Summer camps having children in full -time residence;
(c) Summer day camps;
(d) Bible schools normally conducted during vacation periods; and
(e) Operators of transient establishments, as defined in Chapter 509 F.S., which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of Chapter 435 F.S.

Family day care home: pursuant to Sec. 402.302, Florida Statutes, an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. Household children under 13 years of age, when on the premises of the family day care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include household children under 13 years of age:

- (a) A maximum of four children from birth to 12 months of age.
- (b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.
- (c) A maximum of six preschool children if all are older than 12 months of age.
- (d) A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age.

Large family child care home: pursuant to Sec. 402.302, Florida Statutes, an occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full - time child care personnel on the premises during the hours of operation. One of the two full-time child care personnel must be the owner or occupant of the residence. A large family child care home must first have operated as a licensed family day care home for 2 years, with an operator who has had a child development associate credential or its equivalent for 1 year, before seeking licensure as a large family child care home. Household children under 13 years of age, when on the premises of the large family child care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home. A large family child care home shall be allowed to provide care for one of the following groups of children, which shall include household children under 13 years of age:

- (a) A maximum of 8 children from birth to 24 months of age.
- (b) A maximum of 12 children, with no more than 4 children under 24 months of age.

SECTION 3. 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 _____, 2019.

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 and legality by the
Nassau County Attorney:

MICHAEL S. MULLIN,
County Attorney