

ORDINANCE 2019 - ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ARTICLE 15, COMMERCIAL, NEIGHBORHOOD; AMENDING ARTICLE 15-A, COMMERCIAL, NEIGHBORHOOD-AMERICAN BEACH; AMENDING ARTICLE 16, COMMERCIAL, GENERAL; OF THE LAND DEVELOPMENT CODE, AMENDING ARTICLE 16-A, COMMERCIAL, GENERAL -AMERICAN BEACH; AMENDING ARTICLE 17, COMMERCIAL INTENSIVE; AMENDING ARTICLE 19, COMMERCIAL, PROFESSIONAL AND OFFICE; AMENDING ARTICLE 22, OPEN RURAL; AND AMENDING ARTICLE 32 OF THE LAND DEVELOPMENT CODE, DEFINITIONS; ALLOWING FOR ADULT DAY CARE CENTERS IN COMMERCIAL DISTRICTS; ALLOWING FOR CHILD CARE FACILITIES AS A PERMITTED USE IN THE COMMERCIAL, NEIGHBORHOOD AND COMMERCIAL, GENERAL DISTRICTS; ADDING A DEFINITION FOR ASSISTED LIVING FACILITY; 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 of Nassau County, Florida, conducted a public hearing on this ordinance on July 2, 2019 and voted to recommend approval; and

WHEREAS, the Board of County Commissioners of Nassau County, Florida conducted a public hearings on this ordinance on July 8, 2019 and July 22, 2019.

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 15 of the Land Development Code (Ordinance 97-19 as amended) Commercial, Neighborhood (CN) is hereby amended as follows:

Section 15.01. - Permitted uses and structures.

- (A) Retail outlets for sale of food and drugs, medical marijuana treatment center dispensing facilities, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry (including watch repair but not pawnshop), art supplies, camera repair, sporting goods, hobby shops and pet shops (but not animal kennels), musical

instruments, television and radio shops (including repairs), florist or gift shops, delicatessens, bake shops (but not wholesale bakeries), drugs and similar products.

- (B) Service establishments such as barber or beauty shops, shoe repair shops, restaurants (but not drive-in restaurants), interior decorators, photographic studios, dance or music studios, reducing salons or gymnasiums, self-service laundries or dry cleaners, tailors or dressmakers, dry cleaning and laundry package plants in completely enclosed buildings using nonflammable liquids such as perchloroethylene and with no odor, fumes, or steam detectable to normal senses from off the premises, and similar activities.
- (C) Medical and dental offices and clinics; animal hospitals or veterinary clinics, provided that no animals are permitted to be kept except in a completely enclosed and soundproofed structure.
- (D) Churches (except temporary revival establishments).
- (E) Libraries.
- (F) Nursing homes, ~~convalescent homes, rest homes, or homes for the aged or orphans, provided no such facility shall have a lot area of less than one (1) acre, no such facility shall be located in a mobile home and all other federal (i.e. Americans with Disabilities Act), state and county regulations in regard to such establishments are met.~~
- (G) [Assisted living facilities](#)
- (H) [Child care facilities](#)
- (I) [Adult day care centers](#)
- (~~G~~J) Lawn or landscape maintenance service.
- (~~H~~K) All uses permitted in the Commercial, Professional and Office (CPO) District.

Section 15.04. - Conditional uses.

- (A) Antique shops.
- (B) Plant nurseries.
- (C) Sale of alcoholic beverages with alcoholic content not more than fourteen (14) percent for consumption, either on-premises or off-premises.
- (D) Gasoline dispensing facility containing not more than one (1) pump island with not more than four (4) gasoline and/or fuel pumps; provided no repairs or other automobile services are permitted.
- (E) Multifamily dwelling when located above a permitted principal use as listed above.
- (F) Fraternal clubs, lodges, and social and recreational clubs.
- (G) Video game parlor and/or game rooms.
- (H) ~~Day nursery, child care center, or~~ private/~~non-public~~ school, ~~as provided in section 28.14.~~

- B. Article 15-A of the Land Development Code (Ordinance 97-19 as amended) Commercial, Neighborhood- American Beach (CN-AB) is hereby amended as follows:

Section 15-A.04. - Conditional uses.

- (A) Antique shops, excluding furniture repair or refinishing activities.
- (B) Sale of alcoholic beverages with alcoholic content not more than fourteen (14) percent for consumption, either on-premises or off-premises. The sale of mixed drinks (cocktails) above fourteen (14) percent for on-premises consumption is permitted.

- (C) Fraternal clubs, lodges, and social and recreational clubs.
- (D) Video game parlor and/or game rooms.
- (E) ~~Day nursery or childcare center, as provided in section 27.15.~~ [Child care facilities](#)

C. Article 16 of the Land Development Code (Ordinance 97-19 as amended) Commercial, General (CG) is hereby amended as follows:

Section 16.01. - Permitted uses and structures.

- (A) Uses permitted in the Commercial Neighborhood District.
- (B) Retail outlets for the sale of food and pharmaceuticals, medical marijuana treatment center dispensing facilities, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry (including watch repair), art, cameras or photographic supplies (including camera repair), sporting goods, home furnishings and appliances (including repairs incidental to sales), office equipment or furniture, used merchandise, hardware and similar uses.
- (C) Hobby and gift shops, delicatessens and bakeries (not wholesale bakery), florist shops, antique shops, and similar uses.
- (D) Service establishments such as home equipment rentals, barber and beauty shops, shoe repair shops, reducing salons and gymnasiums, tailors and dressmakers, radio and television repair shops, travel agencies, laundry or dry cleaning establishments, pickup stations or package plants in completely enclosed buildings using nonflammable liquids such as perchloroethylene, with no odor, fumes or steam detectable to normal senses from off the premises, and other similar uses.
- (E) Funeral homes.
- (F) Outdoor fruit, vegetable, poultry or fish markets.
- (G) Hotels and motels and commonly associated facilities.
- (H) Indoor commercial recreation centers, video games, arcades, billiard room, bowling alleys, skating rinks and similar uses.
- (I) Private clubs, fraternal organizations and lodge halls.
- (J) Restaurants and commonly associated facilities.
- (K) Gasoline dispensing facility containing not more than one (1) pump island with not more than four (4) gasoline and/or fuel pumps; provided no repairs or other automobile services are provided.
- (L) Travel trailer parks and campgrounds, subject to the standards and procedures of section 28.09.
- (M) [Child care facilities](#)
- (N) [Assisted living facilities](#)
- (O) [Adult day care center](#)

Section 16.03. - Conditional uses.

- (A) Drive-in restaurants and theaters.
- (B) Auto service stations and repair garages.
- (C) Auto sales lots.
- (D) ~~Child care centers, church or private~~ [non-public](#) schools, ~~and uses as provided for in article 28, section 28.14.~~
- (E) Establishments or facilities selling alcoholic beverage for on-site or off-site consumption.

- (F) Any use listed as a permitted use in the Commercial Intensive District, section [17.01], excluding sexually oriented businesses.
- (G) Plant nursery.

D. Article 16-A of the Land Development Code (Ordinance 97-19 as amended) Commercial, General-American Beach (CG-AB) is hereby amended as follows:

Section 16-A.03. - Conditional uses.

- (A) Child care ~~facilities centers,~~
- (B) ~~church or private/ non-public schools, and uses as provided for in article 28, section 28.14.~~
- (C) Establishments or facilities selling alcoholic beverage for on-site consumption.
- (D) Article 17 of the Land Development Code (Ordinance 97-19 as amended) Commercial, Intensive (CI) is hereby amended as follows:

E. Article 17 of the Land Development Code (Ordinance 97-19 as amended) Commercial, Intensive (CI) is hereby amended as follows:

Section 17.04. - Conditional uses.

- (A) ~~Child care facilities centers, church or private schools, uses as provided in article 28, section 28.14.~~
- (B) Hospitals, ~~sanitariums, nursing homes, home for the aged or orphans, and similar uses.~~
- (C) Wholesale, warehouse, or storage uses.
- (D) Building trades contractors with outside storage yards and heavy construction equipment.
- (E) Boat yards, boat repair or construction facilities, dry docks, boat railways and similar uses.
- (F) Light manufacturing, processing (including food processing but not slaughterhouses), packaging or fabricating.
- (G) Bulk storage yards including bulk storage of flammable liquids.
- (H) Automobile wrecking or storage yards (but not scrap processing yards or junk yards) shall be completely screened by a fence or other suitable visual barrier at least six (6) feet in height.
- (I) Commercial or noncommercial race tracks for animals or vehicles.
- (J) Travel trailer parks and campgrounds, subject to site plan review by the planning and zoning board as required in article 28, section 28.16.
- (K) Private/non-public schools
- (L) Churches
- (M) Assisted living facilities
- (N) Adult day care center
- (O) Nursing homes

- F. Article 19 of the Land Development Code (Ordinance 97-19 as amended) Commercial, Professional, Office is hereby amended as follows:

Section 19.03. - Conditional uses.

- (A) Hospitals, ~~sanitariums, nursing homes, child care centers and churches~~
- (B) Nursing homes.
- (C) Child care facilities
- (D) Adult day care centers
- (E) Churches (except temporary revival establishments)
- (~~B~~F) Medical or dental laboratories and establishments, manufacturing prosthetic appliances, dentures, eye glasses, hearing aids and similar products.

- G. Article 22 of the Land Development Code (Ordinance 97-19 as amended) Open Rural (OR) is hereby amended as follows:

Section 22.01. - Permitted uses and structures.

- (A) Agricultural, horticultural and forestry uses, also the keeping and raising of farm animals and poultry, provided structures for same shall not be located within one hundred (100) feet of any property line; and, further, provided that goats, sheep, or swine shall not be kept or permitted within two hundred (200) feet of any residence under different ownership.
The noncommercial keeping and raising of horses and ponies is permitted; provided, however, that no more than one (1) horse or pony six (6) months of age or older shall be permitted per one-half (½) acre of land. Structures for horses or ponies shall not be located in a required front yard. No structure used for the keeping of horses or ponies shall be located closer than thirty-five (35) feet to any property line of different ownership.
- (B) Permanent or temporary housing of farm labor in conjunction with a permitted agricultural or farming activity. All housing for such use shall be in compliance with the county's building and housing codes and in the case of mobile homes as per state requirements.
- (C) Roadside stands where the major portion of products offered for sale are grown on the premises.
- (D) Dude ranch, riding academy, or boarding stable, provided structures for the housing of animals shall not be located within one hundred (100) feet of any property line.
- (E) Public parks, camping grounds and recreational areas, playgrounds, playfields and government structures.
- (F) Game preserves, wildlife management areas, fish hatcheries and refuges, watershed, water reservoirs, control structures, wells and similar uses.
- (G) Temporary revival establishments (not to exceed thirty (30) days).
- (H) Borrow pits and ponds, as defined herein.
- (I) Single-family dwellings and mobile homes on individual lots.
- (J) ~~Day nurseries, kindergartens, day care and~~ child care ~~centers~~ facilities licensed for less than fifteen (15) children.
- (K) Governmental uses.

- (L) U-Pick berry, fruit or vegetable farms, Christmas tree farms and similar uses.
- (M) Wholesale or retail plant nurseries, subject to supplementary development standards found in section 28.16.

Section 22.03. - Conditional uses.

- (A) See article 28, section 28.14.
- (B) Radio or television broadcasting office, studio, transmitter, antenna, and line of sight relay device.
- (C) Class III landfill and construction and demolition (C&D) debris disposal sites (as defined by section 17-701, Fla. Administrative Code, subject to the following conditions:
 - (1) Minimum lot size of ten (10) acres (excluding wetlands as defined by the Department of Environmental Protection (DEP) and areas located within a flood hazard zone as depicted on the flood insurance rate maps for Nassau County.
 - (2) Maintain a minimum setback of one hundred (100) feet from any DEP defined wetland or property boundary under different ownership.
 - (3) Provide and maintain an opaque buffer of vegetation within the surrounding setback area.
 - (4) Obtain required approval and permits from DEP and SJRWMD.
 - (5) Record the use on any deeds or surveys of the property.
- (D) Race track for vehicles or animals.
- (E) Animal hospital, veterinary clinic, agricultural, animal and environmental science and research and educational center, animal boarding place, fur farm, dog kennel, provided no structure for the housing of animals shall be located within two hundred (200) feet of any residence of different ownership.
- (F) Rifle, shotgun or pistol shooting range, field archery range, golf course, golf driving range, [par] three golf course, country clubs and private clubs.
- (G) Private outdoor recreational uses such as parks and playgrounds, sport fields and courts, swimming pools, camps, camping areas and private indoor recreational and entertainment facilities such as bowling alleys, gymnasiums, spas, exercise facilities, swimming pools, meeting rooms, theaters, and game rooms and similar uses.
- (H) Marina, bait and tackle shop, commercial hunting or fishing camp.
- (I) Hospitals, ~~sanitariums,~~ mental health centers, ~~rest homes, nursing homes, convalescent homes,~~ group homes ~~and homes for orphans and aged.~~
- (J) General store, feed store or convenience store.
- (K) Churches, monasteries, convents, cemeteries, crematories, columbariums, and mausoleums.
- (L) Sawmills, railroad yards, railroad right-of-way and trackage.
- (M) Aircraft landing fields and fly-in developments, provided all Federal Aviation Administration (FAA) rules and regulations are met.
- (N) Poultry and animal slaughtering and dressing facility, livestock auction facility.
- (O) Lodge halls.
- (P) Gasoline dispensing facility containing not more than one (1) pump island with not more than four (4) gasoline and/or fuel pumps, provided no repairs or other automobile services are offered, are permitted.
- (Q) Truck and equipment storage and repair. Truck and equipment storage and repair, if the truck and/or equipment is used in the agricultural, timber cutting, horticulture, forestry, or silviculture business. No automobile repair or automobile body work shall be permitted.

- (R) ~~Day nurseries, kindergartens, day care and~~ child care ~~centers~~ facilities licensed for fifteen (15) or more children.
- (S) Bed and breakfast inns.
- (T) Schools, colleges and universities.
- (U) Educational and research institutions, foundations and other not-for-profit organization involved primarily in agricultural, environmental and animal science, and cultural and artistic research, training and education.
- (V) Administrative office space associated with and/or for the specific support of permitted and other conditional uses of the property.
- (W) Housing and lodging facilities associated with and/or for the specific support of permitted and other conditional uses of the property.
- (X) Home Occupations, subject to the requirements in Section 28.14(A).
- (Y) Solar Farms consisting of acreage developed with multiple photovoltaic solar panels devoted to the commercial collection and conversion to usable electrical energy.
- (Z) Assisted Living Facilities

H. Article 32 of the Land Development Code (Ordinance 97-19 as amended) Definitions, is hereby amended as follows:

Assisted living facility - any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, regardless of whether operated for profit, which through its ownership or management provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.

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 _____, 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