



PROPOSED LAND DEVELOPMENT CODE AMENDMENT

PROPOSED AMENDMENT

INTRODUCED BY:	Planning & Economic Opportunity Dept.
REQUESTED ACTION:	Amend LDC (Ord. 97-19, as amended) Article 28, Section 28.02 and 28.14 of the Land Development Code by adding Mother-In-Law Dwelling.

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the County's website and at the Planning + Economic Opportunity Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION

This ordinance would amend Section 28.02 and Section 28.14 of the Land Development Code to reinstate the provisions for mother-in-law dwellings to be a conditional use in residential zoning districts. Provisions for mother-in-law-dwellings were removed by Ordinance 2019-06, which adopted new provisions for accessory dwellings in residential districts. The remaining provisions adopted by Ordinance 2019-06 will remain in effect.

A mother-in-law dwelling is a type of accessory 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 Conditional Use and Variance Board.

CONSISTENCY WITH COMPREHENSIVE PLAN

Applicable Plan Reference	Determination of Consistency
FL.10.05	√
FL.11.01	√

Policy FL.10.05

"The County shall review existing regulations in the Land Development Code and revise as necessary in order to implement the Future Land Use Plan."

Policy FL.11.01

"Nassau County will regulate the use of land only for valid public purposes and in a reasonable manner, in accordance with the Bert J. Harris, Jr., Private Property Rights Protection Act (Sec. 70.001 F.S.)."



This ordinance would reinstate previously removed provisions for mother-in-law dwellings to be a conditional use in residential zoning districts. Remaining provisions for the construction of accessory dwellings as a permitted use that were adopted in Section 28.15 by Ordinance 2019-06 will remain in effect. It should be noted that a key difference between the dwellings permitted under section 28.15 and the mother-in-law dwelling is that there are no size (i.e. square footage) restrictions for mother-in-law dwellings and mobile homes may be permissible as mother-in-law dwellings. However, mother-in-law dwellings are to be limited to use by family members and may not be rented or sold to other individuals. The proposed ordinance supports a valid public purpose and is otherwise consistent with the County's Comprehensive Plan.

CONSISTENCY WITH EXISTING LAND DEVELOPMENT CODE

The proposed amendments do not create any conflicts with existing provisions of the Land Development Code. This ordinance would reinstate previously removed provisions for mother-in-law dwellings to be a conditional use in residential zoning districts. Remaining provisions for the construction of accessory dwellings as a permitted use that were adopted in Section 28.15 by Ordinance 2019-06 will remain in effect. It will be the responsibility of the Conditional Use and Variance Board to grant conditional use permits for mother-in-law dwellings as specified in the ordinance.

CONCLUSION

Staff finds the requested action to be consistent with the Nassau County Comprehensive Plan and the existing Land Development Code. Therefore, staff recommends that the Ordinance be approved.

Submitted by:

A blue ink signature of Doug McDowell, written in a cursive style.

Doug McDowell, AICP
Principal Planner