

ORDINANCE NO. 2019 - ____

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 SECTION 28.02 BY ADDING MOTHER-IN-LAW DWELLING; AMENDING SECTION 28.14 BY ADDING MOTHER-IN-LAW DWELLING; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has found it necessary and in the best interest of the citizens of Nassau County to further amend Ordinance No. 97-19, as amended, known as the Land Development Code, specifically amending Section 28.02, Erection of More than One Residential Dwelling Unit on a Lot or Parcel and Section 28.14, Supplementary Regulations for Certain Conditional Uses; and

WHEREAS, the Planning and Zoning Board of Nassau County, Florida, conducted a public hearing on this ordinance on October 15, 2019 and voted to recommend approval; and

WHEREAS, the Board of County Commissioners of Nassau County, Florida conducted a public hearing on this ordinance on October 28, 2019 and November 18, 2019; and

WHEREAS, the Board of County Commissioners finds this amendment does not conflict with the goals, objectives and policies of the Nassau County Comprehensive Plan; and

WHEREAS, the Board of County Commissioners has found it in the best interest of the citizens of Nassau County to amend the Land Development Code to allow for mother-in-law dwellings.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Nassau County, Florida that Ordinance No. 97-19 as amended, known as the Nassau County Land Development Code, shall be further amended as follows:

SECTION 1. FINDINGS

This Ordinance is consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan.

SECTION 2. AMENDMENTS

Section 28.02. - Erection of more than one residential dwelling unit on a lot or parcel.

More than one (1) residential dwelling unit shall not be erected on a single lot or parcel except as follows:

- (A) In conjunction with a conditional use permit for a duplex/two-family dwelling pursuant to section 28.14(L) of the Nassau County Land Development Code.

- (B) Where more than one (1) dwelling unit exists on a lot or parcel as of October 9, 2017, those dwelling units may be replaced provided all lot and yard requirements of the respective zoning district are met, and, if the replacement dwelling unit is a mobile home then the respective zoning district must allow for the establishment of a mobile home.
- (C) In accordance with accessory dwelling regulations found in section 28.15(K).
- (D) In conjunction with a conditional use permit for a mother-in-law dwelling pursuant to Section 28.14(J) of the Nassau County Land Development Code.

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) 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.
 - (2) Reserved.
 - (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 Section 5.07 of this Code.
 - (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). 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.

~~(K)-(J)~~ (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)-(K)~~ (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)-(L)~~ (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 Section 5.07 of this Code.

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.

Adopted this _____ day of November, 2019 by the Board of County Commissioners of Nassau County, Florida.

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 by the
Nassau County Attorney

Michael S. Mullin
County Attorney