



PROPOSED LAND DEVELOPMENT CODE AMENDMENT

PROPOSED AMENDMENT

INTRODUCED BY:	Planning & Economic Opportunity Dept.
REQUESTED ACTION:	Amend LDC (Ord. 97-19, as amended) Article 22, Section 22.03 and Article 32 of the Land Development Code by adding as conditional uses: cottage food production to home occupations and manufacturing of prepared food products in a state-licensed commercial facility.

*** 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 Article 22, Section 22.03 and Article 32 of the Land Development Code by adding as conditional uses: cottage food production to home occupations and manufacturing of prepared food products in a state-licensed commercial facility.

Open Rural zoning does not currently allow as a permitted or conditional use, the manufacturing or production of food products such as coffee, jams/jellies, honey, baked goods, etc. Staff has worked with property owners manufacturing these products under Florida laws regarding "cottage food production" as home occupations, which is a conditional use in Open Rural. Cottage food law in Florida allows for small scale production in unlicensed home kitchens. However, this does not address people interested in manufacturing these goods outside of a "cottage" food level in a state-licensed commercial kitchen. Local food production has seen a resurgence in recent years and allowing such use would be in keeping with practices to encourage local food production and local business.

Open Rural currently addresses food production and food-related uses as both a permitted use or conditional use, which seems logical given the food-production based nature of this largely rural/agricultural district:

As a permitted use:

- Roadside stands where major portion of products are grown on the premises
- U-pick berry, fruit or vegetable farms

As a conditional use:

- General store, feed store, or convenience store
- Poultry and animal slaughtering and dressing facility
- Home occupations

Allowing for clarity around cottage food production for home occupations, and manufacturing of prepared foods, provides more opportunity for food production in the Open Rural district, uses that are in character with the agricultural and food production nature of the district. Cottage food laws are subject to Florida Statute



500.80. Home occupations already require a conditional use under Open Rural zoning; the proposed change would just clarify that they can include cottage food production.

Staff recommends that manufacturing of prepared foods also be a conditional use in order to provide the County the chance to address each proposal individually. Prepared foods are recommended to be defined in Article 32 as foods that do not require temperature control such as baked goods, candies, coffee, tea, cereal, etc. This would eliminate any cooked or fried product. Staff also recommends that manufacturing of prepared foods be conducted in a state or federally-licensed commercial facility, whichever may apply depending on the type of prepared food and scale of operation. Currently licensing would be handled by the Florida Department of Agriculture and Consumer Facilities, and the United States Department of Agriculture if applicable.

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.)."

The proposed ordinance supports a valid public purpose, allows for uses in keeping with trends of local food production and the nature of the Open Rural zoning district, 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. It will be the responsibility of the Conditional Use and Variance Board to grant conditional use permits for home occupations or manufacturing of prepared foods consistent with Conditional Use criteria in the LDC.

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.



NASSAU COUNTY
**DEPARTMENT OF PLANNING
AND ECONOMIC OPPORTUNITY**
FLORIDA

STAFF REPORT
Planning + Zoning Board
LDC 20-001
February 4, 2020

Submitted by:

A handwritten signature in black ink, appearing to read "ABurke".

Adrienne Burke, AICP, Esq.
Director