

ORDINANCE 2020 - ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ARTICLE 22 OF THE LAND DEVELOPMENT CODE, OPEN RURAL (OR), ALLOWING FOR COTTAGE FOOD PRODUCTION AS A HOME OCCUPATION AND MANUFACTURING OF PREPARED FOOD PRODUCTS IN A STATE-LICENSED COMMERCIAL FACILITY AS CONDITIONAL USES IN THE OPEN RURAL (OR) DISTRICT; AMENDING ARTICLE 32 OF THE LAND DEVELOPMENT CODE, DEFINITIONS, ADDING A DEFINITION FOR “PREPARED FOOD PRODUCTS”; 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 4, 2020 and voted to recommend approval.

WHEREAS, the Board of County Commissioners of Nassau County, Florida conducted public hearings on this ordinance on February 10, 2020 and February 24, 2020.

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 22 of the Land Development Code, Open Rural (OR), Section 22.03, Conditional Uses, is amended as set forth herein:

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, mental health centers, [and] group homes.
 - (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) Child care 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), [including production of food under Florida cottage food laws in F.S. 500.80.](#)
- (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.
- (AA) [Manufacturing of prepared food products in a state and/or federally-licensed commercial facility.](#)

B. Article 32 of the Land Development Code, Definitions, is amended as set forth herein:

[Prepared food products: foods that do not require temperature control such as baked goods, honey, jams/jellies, candies, coffee, tea, or cereal.](#)

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 _____, 2020.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

DANIEL B. LEEPER,
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