

## ORDINANCE 2020 - \_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ARTICLE 20 OF THE LAND DEVELOPMENT CODE, INDUSTRIAL, WAREHOUSE (IW); SPECIFICALLY SECTION 20.01, PERMITTED USES; AMENDING ARTICLE 32 OF THE LAND DEVELOPMENT CODE, DEFINITIONS, ADDING A DEFINITION FOR "COMMUNITY RESIDENTIAL HOME" ADDING A DEFINITION FOR "FUNCTIONAL FAMILY"; AMENDING THE DEFINITION FOR "GROUP HOME"; AMENDING THE DEFINITION FOR "DWELLING, SINGLE FAMILY ATTACHED"; 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 18, 2020 and voted to recommend approval.

**WHEREAS**, the Board of County Commissioners of Nassau County, Florida conducted public hearings on this ordinance on February 24, 2020 and March 23, 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.10.05 and FL.11.01.

### **SECTION 2. AMENDMENTS**

- A. Article 20 of the Land Development Code, Industrial, Warehouse (IW), Section 20.01, Permitted Uses and Structures, is amended as set forth herein:

#### **Section 20.01. - Permitted uses and structures.**

- (A) Wholesaling, warehousing, storage, or distribution establishments and similar uses.
- (B) Light manufacturing, processing (including food processing, but not slaughterhouses), packaging or fabricating.
- (C) Printing, lithographing, publishing or similar establishments.

- (D) Building trades contractors with outside storage yards and heavy construction equipment.
- (E) Outdoor storage yards and lots including automobile wrecking or storage yards and junk yards (but not scrap processing yards). Automobile wrecking or storage yards and junk yards as defined herein shall be completely screened by a fence or other suitable visual barrier at least six (6) feet in height. Junk yards shall be located no closer than 150 feet to a public right-of-way.
- (F) Service establishments catering to commerce and industry including linen supply, laundry, dry cleaning plants, freight movers, communications services, business machine services, restaurants (including drive-through restaurants), hiring and union halls, employment agencies, sign companies, automobile service stations and truck stops and similar uses.
- (G) Vocational, technical, trade or industrial schools and similar uses.
- (H) Medical establishments in connection with industrial activities.
- (I) Bus, truck or other transportation terminals, commercial parking lots and garages, express offices and terminal facilities; telephone exchanges, repair or installation facilities; and similar uses.
- (J) Radio or television broadcasting offices, studios, transmitters, or antennas.
- (K) Sexually oriented businesses, subject to the provisions of Ordinance No. 2005-10 [section 26½-1 et seq.], and article 33, section 33.02.
- (L) RV and boat storage facilities, subject to supplemental design standards in Article 28, section 28.23 of this Code.

(M) Marine or waterfront - related industrial development including:

- (1) Piers, docks and wharves
- (2) Boat yards and commercial marinas
- (3) Facilities for construction, maintenance and repair of vessels
- (4) Commercial fishing establishments and related processing and packing

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

Community residential home- a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families or licensed by the Agency for Health Care Administration which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances pursuant to Sec. 419.001(2), F.S. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be a permitted use in residential districts, provided that such homes are not located within a radius of 1,000 feet

of another existing such home with six or fewer residents or within a radius of 1,200 feet of another existing community residential home pursuant to Sec. 419.001(2), F.S.

*Group home:* see community residential home. ~~A congregate living facility which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social life needs of residents. A group home may or may not provide education or training, many do. Group homes shall not be occupied by more than six (6) residents, excluding the staff.~~

*Dwelling, single-family detached:* A residential building not physically attached to any other principal structure used for family occupancy or a group dwelling of six or fewer as per state statute (419.001(f)(2)). This definition includes site-built structures and modular structures manufactured under the Florida Manufactured Building Act (553.35, F.S.) and certified by the State of Florida as complying with the structural requirements of the Florida Building Code. This definition does not include mobile homes, recreational vehicles or other forms of temporary or portable housing.

~~*Dwelling, one single-family:* A private residence building used or intended to be used as a home or residence in which the use and management of all sleeping quarters and appliances for sanitation, cooking, ventilation, heating and lighting are designed primarily for the use of one (1) family unit, and with partitioning so that any substantial interior portion of the dwelling, without resort to exterior access and the building, shall have only one (1) kitchen and one (1) electrical meter. This term is not to be construed as including mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, houseboats, or other forms of temporary or portable housing.~~

*Family:* See Functional Family. ~~One (1) or more persons, related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons, but not exceeding two (2) living and cooking together as a single housekeeping unit, though not related by blood, adoption, or marriage, shall be deemed to constitute a family. The term "family" shall not be construed to mean a fraternity, sorority, club, monastery, convent, or institutional group.~~

*Functional Family:* A group of people plus their children, having a relationship which is functionally equivalent to a family. The relationship shall be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional Family shall not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

(a) One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together in a dwelling unit;

(b) A group of six or fewer not related by blood, marriage, adoption or legal guardianship (including foster children) living together in a dwelling unit; or

(c) Two unrelated persons and their minor children living together in a dwelling unit.

Domestic employees and/or care givers living in a dwelling unit with a family are not considered to be part of the family.

A family does not include larger institutional group living situations such as social, professional and educational clubs, residential care facilities and group homes for people with special health needs.

### **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