
Section 28.15. Accessory uses and structures.

- (A) Accessory uses and structures are permitted in all districts provided such uses and structures are of a nature customarily incidental to a permitted principal use or structure and is located on the same lot (or contiguous lot in the same ownership) with such use. Any structure or portion thereof, attached to the principal structure on a lot by a roof, shall be considered part of the principal structure and not an accessory building. Accessory uses shall not involve operations or structures not in keeping with the character of the district where located. The square footage of an individual accessory structure shall not exceed the square footage of the principle (main) structure's footprint however, the foregoing square footage limitation shall not be applicable to any lot containing one (1) acre or more of upland area.
- (B) Accessory uses and structures shall not be located in required front or side yards in any zoning district except as follows:
 - (1) In residential and open rural districts where a residence is the primary and principal use, detached accessory structures which are separated from the principal structure by at least ten (10) feet and are single story construction less than twenty (20) feet in height, may be located in a required side or rear yard, but not less than six (6) feet from any lot line, nor within any easement of record. Design standards for accessory dwellings are located in subsection (K).
- (C) Dog houses, pens and similar structures for the keeping of commonly accepted household pets allowed in all districts. In residential districts, the number of such pets over ten (10) weeks of age shall not exceed four (4) unless a conditional use permit has been granted allowing a greater number.
- (D) The following accessory uses and structures shall be permitted in any residential or Open Rural District:
 - (1) Non-commercial greenhouses and/or plant nurseries.
 - (2) Private garages and carports, provided no detached garage or carport be designed to accommodate more than three (3) vehicles, unless a conditional use permit has been granted for such and all other requirements of this ordinance have been met.
 - (3) Private boat houses or RV shelters, provided such structures do not exceed one thousand (1,000) square feet in area (OR districts only) and are not live in or "condo" type shelters.
 - (4) Tool and/or garden sheds, pump houses, barbecue pits.
 - (5) Swimming pools and related bathhouses, subject to conditions in subsection (E) below.
 - (6) Solar energy systems. When affixed to a residential structure shall be roof mounted, not to exceed two (2) feet above existing roof line. Ground mounted systems are subject to applicable setbacks for accessory structures.
 - (7) Multifamily districts (RG-1 and RG-2): Temporary or permanent sales or rental offices provided such sales or rentals are for the dwelling units or lots located on the same premises.
 - (8) Temporary sales offices: The temporary use of a residential structure as a sales office shall be in accordance with the Florida Building Code, chapter 104.1.2, temporary structures and shall be limited to a duration of one (1) year unless an extension is requested and approved by the building official, in accordance with section 104.5.1, permit intent.
- (E) Swimming pools and bathhouses are permitted as accessory uses in any district. Private swimming pools, as regulated herein, shall be any pool, pond, lake, open tank located either above or below the existing finished grade of the site, not located within a completely enclosed building, and exceeding one hundred fifty (150) square feet in surface area and two (2) feet in depth, designed to be used for swimming or bathing purposes.

A private swimming pool shall be allowed in any residential district as an accessory use only if it fully complies with the following conditions:

- (1) The pool is to be used solely for the enjoyment of the occupants or bona fide guests
 - (2) The pool is not located closer than seven and one-half (7.5) feet to any side or rear property line. No swimming pool shall be located in the required side or front yard. If the pool is enclosed by a screened enclosure (i.e., screening walls and roof), the screened enclosure shall not be closer than seven and one-half (7.5) feet to any side or rear property line.
 - (3) The pool shall be enclosed as required by section 424.2.17.1.1 through 424.2.18 of the Florida Building Code.
 - (4) For purposes of measuring pool setbacks, the yard shall be measured from the outside of the bulkhead (water line) of the pool structure. The above setbacks shall be observed unless the setbacks for the respective district are less than seven and one-half (7.5) feet.
 - (5) Notwithstanding any of the above setbacks, no portion of any swimming pool deck or screen enclosure shall be located within a utility, drainage or access easement.
- (F) In the case of double frontage lots, accessory building shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on said streets in the same block or adjacent blocks.
- (G) On corner lots, a detached accessory building shall not be located closer to the side property line along a public street than the permitted distance for the main building on the lot.
- (H) No accessory building shall be located on a residential lot unless a principal building is also located on the same lot.
- (I) Temporary Personal Storage Unit; provided, however, that temporary personal storage units maybe parked or located on private property in any district subject to the following limitations:
- (1) The size of the unit or units may not exceed one hundred fifty (150) square feet in area each (length multiplied by widths in a residential district; and
 - (2) The duration of placement of the unit or units is limited to thirty (30) days, the duration of an active building permit for the property the unit or units are located on, or a reasonable amount of time for emergency cleanup after a natural disaster as determined by local, state, or federal government emergency preparedness agencies; and
 - (3) The unit or units may be located in driveways, front yards, side yards, or back yards and may be located in a required setback; and
 - (4) The unit may not be located within a right-of-way, access easement, or fire lane.
- (J) Shipping Containers.
- (1) Prohibited in all residential districts and PUDs, unless used as a structural element, see definitions.
 - (2) Permitted in Commercial districts, however, units must be shielded from view of adjacent roadways and adjacent properties in a manner consistent with the minimum standards of sections 37.05 and 37.06, respectively. Under no circumstances may a container be placed in a required parking area. Stacking of containers is not permitted.
 - (3) Permitted in all industrial districts, provided setbacks are met. This section is not intended to place limitations on approved bonafide industrial warehousing, high cube storage, shipping terminals, shipping ports, rail yards, distribution centers, or other similar industrial uses operating legally within Nassau County.

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- (4) Permitted in the Open Rural district in support of bonafide agricultural activities protected by the right to farm act as defined in F.S. § 823.14, provided setbacks are met.
 - (5) Permitted in non-farm Open Rural zoned property, provided setbacks are met, and provided that containers may not be placed between the primary structure and the immediately adjacent road or access easement (front of property).
 - (6) The following shall apply to all districts where permitted:
 - (a) Shipping Containers must meet principle-use setbacks for the respective zoning district in which the container is placed.
 - (b) Under no circumstances shall a Shipping Container be used for human or animal habitation, unless adaptively re-used in a construction project signed and sealed by an engineer or architect licensed in the State of Florida.
 - (c) Under no circumstances may a Shipping Container be leased, rented, or utilized by a third party not associated with the business or residence on which the container is located.
 - (d) Shipping Containers shall not be located in any easements, jurisdictional wetlands, upland buffers, landscape buffers, buffers between adjacent uses, access lanes, or fire lanes.
 - (e) This section shall be construed to permit standard or high-cube Shipping containers but not tanks, platform, flat tracks, or reefer (refrigerated) containers.
 - (f) This section shall not be construed to permit truck bodies, semi-trailers or permanent placement of Temporary Personal Storage Units.
 - (g) Placement shall not require a building permit from the County.
 - (K) Accessory dwellings.
 - (1) Accessory dwellings are permitted by right in all residentially zoned districts that permit single-family homes, and may be developed with new or existing single-family homes.
 - (2) Only one (1) accessory dwelling is permitted per single-family home parcel.
 - (3) An accessory dwelling may not be larger than fifty (50) percent of the square footage of the single-family home with garage space not included in the calculation. In no case shall the total footprint of the accessory dwelling exceed more than eight hundred (800) square feet.
 - (4) Design standards:
 - a. Attached accessory dwellings must comply with the setback requirements for the underlying zoning district.
 - b. The minimum setback for a detached accessory dwelling is six (6) feet. Detached accessory dwellings shall not be located in a required front yard. For properties with a gross area of three (3) acres or less, accessory dwellings shall not be located between the primary structure and a street. Properties over three (3) acres may place an accessory structure between the principal structure and a street but not within a required front yard.
 - c. The maximum building height for an accessory dwelling is twenty-five (25) feet. Building height is defined in article 32, Nassau County Land Development Code.
 - d. Exterior entrances shall be located no closer than six (6) feet to an adjoining property line.
 - e. Exterior staircases shall be placed on the rear or side of the accessory dwelling structure and no closer than six (6) feet to an adjoining property line.

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- f. Accessory dwelling units shall be constructed utilizing similar architectural standards as utilized for the design and construction of the principal structure.
 - g. When an attached garage space is converted to an accessory dwelling, the garage door shall be replaced with materials that match the single-family home. If a detached garage is converted to an accessory dwelling, the applicant must demonstrate the site will not fall beneath the minimum parking standards defined in [subsection] (5) below.
- (5) *Parking.*
- a. Parking required for the existing single-family home must meet all requirements of the underlying zoning district.
 - b. One (1) additional off-street parking space, beyond requirements for a single-family home, must be provided on-site for an accessory dwelling.
 - c. New parking shall make use of existing curb cuts and not require additional curb cuts or driveway permits.
- (6) Accessory dwellings are subject to building permit requirements as established by the Florida Building Code and administered by the Nassau County Building Department.
- (7) In no instance shall a recreational vehicle (RV), mobile or manufactured home, or storage shed be used as an accessory dwelling unit.
- (8) When public water and sewer connections are available, accessory dwellings shall connect to the public water and sewer system. Where connection to a public water and sewer system is not available, well and septic systems must be in compliance with department of health regulations. For this section, "available" means available as determined by the department of health.
- (9) An accessory dwelling shall not be sold as a separate piece of property or as a condominium unit. Construction of an accessory dwelling does not constitute a parcel split and the county shall not approve parcel splits that separate an accessory dwelling from the associated single-family home.
- (10) In instances in which the accessory dwelling is used for a rental property, the existing single-family home on the parcel must be the primary residence for the property owner and hold an active homestead exemption through the Nassau County Property Appraiser's Office.
- (11) This section does not supersede any regulations imposed by subdivision homeowner's associations that regulate or control accessory structures or dwellings.
- (12) Existing structures approved and constructed under a conditional use as mother-in-law dwellings prior to the adoption of this ordinance are legal nonconforming uses until such time of their removal as required during approval of the use, and not subject to the requirements of this section.
- (13) Existing structures approved and constructed as a guest house or cottage prior to the adoption of this ordinance [from which this section derives] are legal nonconforming uses and not subject to the requirements of this section, except with respect to rental provisions in subsection (K)(10).

(Ord. No. 2005-29, § 2, 4-25-05; Ord. No. 2008-22, § 2, 12-22-08; Ord. No. 2012-04, § 2, 1-23-12; Ord. No. 2016-04, § 2, 4-11-16; Ord. No. 2017-22, 8-28-17; Ord. No. 2019-06, § 2, 2-25-19)