

ORDINANCE NO. 2010-____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF ARTICLE III OF THE CLAY COUNTY LAND DEVELOPMENT CODE, BEING THE CODIFICATION OF ORDINANCE NO. 93-16, AND COMPRISING THE ZONING AND LAND USE LAND DEVELOPMENT REGULATIONS, AS SAID ARTICLE III HAS BEEN SUBSEQUENTLY AMENDED BY ORDINANCE, BY AMENDING SECTION 3-5(ai) TO REVISE THE CONDITIONAL USES RELATING TO MOBILE HOMES FOR MEDICAL HARDSHIP; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Be It Ordained by the Board of County Commissioners of Clay County:

Section 1. As used in Section 2 of this ordinance, the term “Article III” shall mean and refer to Article III of the Clay County Land Development Code, being the codification of Ordinance No. 93-16 and comprising the Zoning and Land Use Land Development Regulations of the County, as said Article III of the Clay County Land Development Code has been subsequently amended by ordinance.

Section 2. Subsection (ai) of Section 3-5 (*Conditional Uses*), Article III, is hereby amended in its entirety as follows:

(ai) *Mobile Home for Medical Hardship.*

- (1) The use must be accessory to the primary residential use which otherwise lawfully exists.
- (2) The mobile home must be used exclusively to house a family member of the head of the household, or of his or her spouse, of the primary residence, together with the immediate family of such member, under circumstances whereby either:
 - (i) such a family member suffers from a medical hardship which requires constant or recurring physical care and assistance from a family member residing in the primary residence; or
 - (ii) a family member residing in the primary residence suffers from a medical hardship which requires constant or recurring physical care and assistance from the family member residing in the mobile home.
- (3) The use authorized hereunder may lawfully continue, and any permit issued hereunder shall remain valid, only so long as all of the conditions described in

(Additions are underlined, deletions are ~~stricken~~.)

this paragraph continue to exist, the additional living accommodations are necessary to avoid undue hardship, and the medical hardship clearly exists. Once the conditions authorized hereunder no longer exist, the permit shall be deemed expired and the mobile home, if permitted as a medical hardship for less than five (5) years, must be removed within sixty (60) days. If the mobile home has remained on the property as a permitted medical hardship for a period of five (5) continuous years or more, the mobile home may remain. The mobile home may not be replaced if removed from the property for any reason.

- (4) For purposes of this paragraph, the following terms shall have the following definitions:
 - (i) *Family member.* Mother, father, brother, sister, child, grandchild, grandparent, great-grandparent, adopted child, adopted grandchild, and the spouse or in-law of any such person.
 - (ii) *Medical hardship.* A condition of health requiring constant or recurring physical care and assistance, as stated in writing by a duly licensed physician. An original letter from the physician on the physician's letterhead shall be submitted annually from the date of issuance.
- (5) The use authorized hereunder may commence and thereafter continue only under a valid permit therefore issued by the Planning and Zoning Department. Such permit and each renewal thereof shall only be valid for a period of one (1) year from the date of issuance, and may be renewed annually so long as the conditions provided under this paragraph continue to exist. The provisions of subparagraph (3) notwithstanding, in the event the permit expires, is revoked, or is non-renewed, the use must be terminated immediately, and all permits issued by the Building Department for the mobile home shall be deemed revoked ~~any such permits having been deemed hereby to have been issued conditioned upon the continued existence of the permit or renewal of the permit provided under this sub-paragraph.~~
- (6) The mobile home shall be located as close to the primary structure as possible while still complying with all applicable setbacks required in the Code.

Section 3. If any section, phrase, sentence or portion of the ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This ordinance shall become effective as prescribed by Florida general law.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this 23rd day of March, 2010.

**BOARD OF COUNTY COMMISSIONERS
CLAY COUNTY, FLORIDA**

BY: _____
W. Travis Cummings
Its Chairman

ATTEST:

Fritz A. Behring
County Manager and Clerk of the
Board of County Commissioners