

## **ORDINANCE 2019 - 14**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING ORDINANCE 99-18, AS AMENDED, KNOWN AS THE "NASSAU COUNTY DEVELOPMENT REVIEW REGULATIONS ORDINANCE"; SPECIFICALLY AMENDING SECTION 2, DEFINITIONS; AMENDING SECTION 3, DEVELOPMENT THAT DOES NOT REQUIRE PLATTING, SPECIFICALLY RESCINDING SECTIONS 3.1.1 THROUGH 3.1.4, MINOR DEVELOPMENT; AMENDING SECTION 3.1.5, OPEN RURAL HOMESTEAD LAND SPLIT EXEMPTION; AMENDING SECTION 3.1.6, PETITION FOR RELIEF FROM FAMILY HARDSHIP AMENDING SECTION 5, SUBDIVISIONS, SPECIFICALLY AMENDING SECTION 5.4, CONNECTION; AND SECTION 5.5, STREET LIGHTING; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners has found it necessary to further amend Ordinance 99-18, as amended.

**WHEREAS**, the Planning and Zoning Board of Nassau County, Florida, conducted a public hearing on this proposed ordinance on April 16, 2019 and voted to recommend approval; and

**WHEREAS**, the Board of County Commissioners of Nassau County, Florida conducted a public hearing on this proposed ordinance on May 13, 2019.

**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 Policy FL.10.05.

### **SECTION 2. AMENDMENT**

Ordinance 99-18, as amended, known as the "Nassau County Development Review Regulations Ordinance" is further amended as follows:

## SECTION 2. DEFINITIONS

The definitions listed in Part I - Platting of Section 177.031, *Florida Statutes*, are hereby adopted by reference. In addition, other terms in this Ordinance are hereby defined. Any definitions in Section 177.031, which are also set forth herein, are to be considered supplemental and not contradictory.

***Antiquated Subdivision:*** The term “Antiquated Subdivision” means a subdivision which was recorded or approved more than 20 years ago that has substantially failed to be built and the continued buildout of the subdivision in accordance with the subdivision’s zoning and land use purposes would cause an imbalance of land uses and would be detrimental to the local and regional economies and environment, hinder current planning practices, and lead to inefficient and fiscally irresponsible development patterns as determined by the respective jurisdiction in which the subdivision is located.

***Board:*** The term “Board”, as used herein, refers to the Board of County Commissioners of Nassau County.

***Developed Area:*** Means the portion of the lot that has been built upon, contains required parking, other accessory uses and/or structures, and/or is landscaped or otherwise disturbed.

***Developer’s Engineer:*** The term “developer’s engineer”, as used herein, refers to a professional engineer, registered in Florida, engaged by the developer to prepare engineering plans and to supervise construction.

***Development:*** The division of land, regardless of how said lots or parcels are described or recorded into more than two (2) parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; any change in the use of land; and construction, elimination or alteration of a driveway onto a public street or the transfer of ownership or building development of parcels (lots) accessed by a private easement or roadway on county or state maintained road.

***Development Review Committee:*** A committee consisting of either a designated regular member or an alternate member from the directors of the Planning and Economic Opportunity, Engineering Services, Fire/Rescue, Building, 911 Addressing and Mapping and the Nassau County Health Department departments. The Director of Planning and Economic Opportunity and/or his designee shall chair the committee meetings.

***Environmental Survey:*** A survey utilizing the Florida Fish and Wildlife Conservation Commission (FFWCC) recommended methodology. If threatened or endangered species are determined to be present, mitigation permits shall be required prior to plat or site plan acceptance or issuance of a final development order.

**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.

~~**Family Unit:** Persons related by marriage or lineal consanguinity.~~

**Final Plat:** Original copy of a subdivision plat submitted on linen tracing cloth or stable base film for recording as required by Section 177.091, Florida Statutes.

**G.P.S. (Global Positioning Survey):** A survey that gives spatial northern and easting coordinate points. GPS criteria is per FCC Standards and Specifications for Geodetic Control Networks, September 1984.

**Land Coverage:** The total area of all impervious improvements on a parcel of land. This includes, but is not limited to, total area of all structures, all parking facilities, and all stormwater retention facilities measured at the normal high water level.

**Lot:** A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a public or private street.

~~**Minor Development:**— Developments allowable in Open Rural (OR) zoned areas that provide for creation of lots or parcels, utilizing a sixty foot (60') easement or road and that provides for the creation of up to eight (8) 5-acre minimum lots or parcels. Minor Developments are exempt from the requirements of Section 4 and Section 5 of this Ordinance, except for Section 5.4. Minor Developments are subject to the requirements of Section 11.2.3 of Ordinance 2017-04. Lots contained in Minor Development cannot be further subdivided. Minor developments are not permitted on County maintained dirt roads.~~

**Nassau County Comprehensive Plan:** A series of planning elements containing goals, objectives and policies, maps, data and analysis; as adopted by the Board to guide future developments, consistent with the requirements of the Florida Local Government Comprehensive Planning Act, as amended.

**Open Space:** Means landscaped or undeveloped lands suitable for passive recreation or conservation uses.

**Parcel:** A tract of land which may be described by metes and bounds or plat.

**Pervious Area:** Means the undeveloped portion of the site or lands not covered by an impervious surface and includes the area of the grassed storm water retention facilities above the normal water level.

**Owner:** The private owner or developer constructing on or owning the rights-of-way and lands being improved. The word “owner” shall not be construed to be Nassau County or Florida Department of Transportation by reason of their ownership of rights-of-way.

**Plat:** A map or representation on which the subdividers’ plan for subdivision is presented and which he submits for approval and intends in final form to record.

**Preliminary Plat:** A representation of a proposed plat which is submitted for approval to the Development Review Committee. The final plat of a subdivision must conform to the approved preliminary plat.

**Private Access Easements:** The Private Access Easements are defined the same as Private Roadways, set forth herein.

**Private Roadways:** A street or road located within a right-of-way or easement owned and maintained by a homeowners association, private individuals or any entity other than Nassau County or the State of Florida and approved by the Director of Public Works pursuant to the requirements of this Ordinance. Ownership of private roadways shall be vested jointly in all abutting land owners. (Retention of the ownership of the private roadway by the developer is not permitted unless he/she is the sole owner of all abutting properties and agrees that any properties abutting the private roadway which may be conveyed to others in the future will include the use of the private roadway by the lot owners, their guests, invitees, successors and assigns.)

**Public Roadways:** A street or road located within a right-of-way owned or maintained by Nassau County or Florida Department of Transportation. The street must have been dedicated or deeded and accepted by either agency.

**Rural Subdivision:** Developments allowable in Open Rural (OR) zoned areas that provide for the creation of lots or parcels, utilizing a 60’ easement or road and that provide for the creation of nine (9) 5-acre minimum lots or parcels up to twenty-five (25) 5-acre minimum lots or parcels. Rural Subdivisions are subject to the requirements of Section 4 and Section 5 of this Ordinance and Section 11.2.4 of Ordinance 2017-04. Rural Subdivisions are not permitted on county maintained dirt roads.

**Subdivision:** The term “subdivision”, as used herein, is either:

- a. The division of real property in the unincorporated areas of Nassau County, Florida into more than two (2) contiguous lots, parcels, tracts, sites or units regardless of how said lots, parcels, tracts, sites or units are described, for the purpose of transfer of ownership for development or sale. If the lots, parcels, tracts, sites or units are accessed by an easement, right-of-way or road, this term shall mean any division of any lot, parcel, tract, site or unit. A parent tract split can be approved for a legally created lot that conforms to the requirements of the Land Development Code (LDC). A split may not be approved within a platted subdivision. Only one (1) lot may be



created from the original legally created lot or lot of record. Each lot shall front on a publically maintained road and conform to the required minimum lot dimensions for the land use category and zoning district where the lots are created. If any lot abuts a publically maintained road that does not conform to the right-of-way specifications provided or adopted by reference in these regulations, the owner may have to dedicate the required right-of-way width necessary to meet the minimum design if satisfying the criteria set forth in the LDC's; or

- b. Utilization, establishment or dedication of a road, street, alley, right-of-way or easement through a tract of land resulting in the division of real property, or the selling of more than two lots that are accessed by a private road, street, alley, right of way, or easement; or
- c. Resubdivision of land heretofore platted into lots, provided, however, that the sale or exchange of lots or portions of lots to or between adjoining property owners, where such sale or exchange does not create additional lots, shall not be considered a subdivision of land;
- d. Resubdivision or replatting of subdivided property requires the submittal of a subdivision plat pursuant to the requirement of this Ordinance; however, on non residential plats, language may be added to the plat that states the following: "Further Subdivision of lots/tracts as shown on the plat shall not be considered a Subdivision, nor require further platting or a replat of said lot/tract".
- e. Transfer of property between property owners is exempt from this requirement if no additional building sites or lots are created and neither parcel of land becomes substandard.
- f. Development of commercial or industrial centers, where no new roads are being established, are not subject to the platting requirements of this chapter, provided however, that such commercial development shall be subject to review and approval in accordance with Section 5.07 of the Land Development Code.

**Surveyors:** The term "surveyor", as used herein, refers to a land surveyor registered in Florida and engaged by the developer to survey and plat the land for subdivision or resubdivision.

### **SECTION 3. DEVELOPMENT THAT DOES NOT REQUIRE PLATTING**

- 3.1 Development that does not require platting and is exempt from the requirements in Section 4 and Section 5, except for Section 5.4.

~~3.1.1 A Minor Development (Maximum allowable density one (1) dwelling unit per 5-acre minimum lots or parcels). The Minor Development area is intended to include lands in areas that have a zoning classification of Open Rural (OR). The owner or owners of record of a proposed Minor Development may establish up to eight (8) 5-acre minimum lots or parcels. All lots or parcels established as part of a Minor Development must be 5-acre minimum and must have a minimum of one-half (0.50) acres of uplands or twenty-thousand (20,000) square feet of contiguous buildable area. Every eligible Minor Development shall comply with the following criteria:~~

- ~~i. Creation of a sixty-foot (60') easement, with the roadway within the easement being twenty-four feet (24') wide, connecting each lot to a county or state maintained road. This is not applicable if the parcel has access by means of county or state road frontage. The roadway, within the easement, must meet the requirements as set forth in the Roadway and Drainage Standards, Article 11, Ordinance No. 99-17. A Minor Development cannot be created on a County maintained dirt road.~~
- ~~ii. Deeds conveying parcels within a Minor Development must include the following disclaimer in bold, capital ten point type:~~

~~**“THE PARCEL OF LAND DESCRIBED IN THIS DEED IS NOT A PART OF A PLATTED SUBDIVISION REVIEWED AND APPROVED BY NASSAU COUNTY. NO GOVERNMENTAL AGENCY, INCLUDING NASSAU COUNTY, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, EASEMENTS OR RIGHTS OF WAY PROVIDING INGRESS AND EGRESS TO THE PROPERTY HEREIN CONVEYED. DEPENDING ON THE STATE OF MAINTENANCE OF ACCESSWAYS, EMERGENCY RESPONSE TIMES MAY BE ADVERSELY AFFECTED AND SCHOOL BUSES, U.S. MAIL AND PRIVATE CONTRACTOR DELIVERY SERVICE MAY NOT BE ABLE TO ACCESS THE PRIVATE DRIVE, ROADS, EASEMENTS AND RIGHTS OF WAY. FIRE**~~



~~HYDRANTS ARE NOT AVAILABLE FOR FIRE SUPPRESSION. MAINTENANCE OF THE PRIVATE DRIVES, ROADS, EASEMENTS OR RIGHTS-OF-WAY ARE THE RESPONSIBILITY OF THE LAND OWNERS WHOSE PROPERTY IS ACCESSED. THIS PROPERTY IS NOT A PART OF A DEVELOPMENT WITH AN APPROVED STORMWATER MANAGEMENT SYSTEM. NEITHER THE COUNTY OR ANY OTHER PUBLIC AGENCY IS RESPONSIBLE FOR PROVIDING STORMWATER MANAGEMENT OR FLOOD CONTROL."~~

~~iii. The five-acre minimum lots or parcels shall not be further divided or split. No building permits shall be issued for any lots or parcels within the Minor Development that have been divided and/or conveyed within the original 5-acre minimum lots or parcels. Each deed referenced in ii above shall also contain language that indicates that the 5-acre minimum lots/parcels cannot be further divided or split.~~

~~iv. Copies of each deed must be submitted to the Planning and Economic Opportunity Department and the Building Department. No building permit shall be issued without a copy of the recorded deed being presented to the department with the language contained in paragraph ii above.~~

~~v. Dead end streets, easements, rights-of-way or roads are not permitted. All of the listed accessways shall terminate in a cul-de-sac or other alternative approved by the Development Review Committee (DRC).~~

~~3.1.2 Prior to issuance of a building permit, the approval must be obtained as set forth in Paragraph 3.1.3 and 3.1.4 and each land owner seeking a building permit that abuts the 60' easement and who does not have direct access to a publicly maintained road, must sign a hold harmless indemnification agreement with Nassau County acknowledging that access to said parcel is strictly a private legal matter between the land owner and the person or entity that sold said lot or parcel and the other lot/parcel owners within the~~

~~development and that Nassau County does not assert any opinion as to the legal validity, usability or practical access to said parcel; further that the land owner shall indemnify and hold harmless Nassau County, its board of county commissioners, officers, employees and agents from any and all legal causes of action, losses, damages or claims of any kind whatsoever arising out of the lack of access for emergency services, police protection or other public services to said parcel. This indemnification, hold harmless agreement shall be on a form approved by the Nassau County Attorney, and shall be recorded in the Official Public Records of Nassau County, at the applicant's expense, shall run with the land, and shall be binding on the land owner, his/her heirs, successors and assigns.~~

~~3.1.3 The application for a Minor Development shall be filed with the Planning and Economic Opportunity Department prior to the division of any property. The Planning and Economic Opportunity Department will place the application on the earliest available Development Review Committee agenda for review and approval. The DRC will have up to fourteen (14) days to review this first submittal and return comments to the applicant. The applicant will have up to forty five (45) days from receipt of the DRC comments to resubmit plans. The resubmittal will also include a written reiteration of the original comment followed by a response. The DRC will conduct its re-review within seven (7) days of the receipt of revised plans. The re-review shall be based upon satisfaction of initial comments. Additional DRC comments will be forthcoming if the resubmittal employs design changes that do not comply with the county code. The submittal process shall be repeated until all comments have been satisfied and the plan has been approved by DRC or an appeal has been filed. Upon approval by the Development~~



~~Review Committee, it shall be placed on the earliest available Planning and Zoning Board agenda for final approval.~~

~~(a) The application must include:~~

~~(i) A certified boundary survey of the proposed Minor Development completed by a surveyor registered in the State of Florida. The survey shall indicate the access sixty foot (60') easement, a cul-de-sac (if applicable) and the individual lots/parcels within the property boundary and shall be recorded in the public record of Nassau County prior to application for a building permit. The survey shall also include State Plane Coordinates in a fully rotated digital format consistent with Section 4.6 of this regulation.~~

~~(ii) A road construction plan, prepared by an engineer licensed in the State of Florida, that indicates that the roadway and cul-de-sac (if applicable) within the access easement will be constructed to standards as set forth in Section 11.1 (Ordinance No. 99-17, as amended). In addition, the plan must include a drainage system and drainage easement and utility easements approved by the Development Review Committee (DRC). Developers or sellers of the lots are responsible for maintenance of the road until the last Lot or Parcel is sold and shall provide a road maintenance agreement indicating that the developers or sellers are responsible for maintenance of the road until the last Lot or Parcel is sold, and said document shall be approved by the County Attorney prior to the sale of any lots or parcels and shall be recorded, at the applicant's expense.~~

- ~~(iii) A document, approved by the County Attorney, that indicates that the property owner or owners are responsible for the maintenance of the access easement and cul-de-sac (if applicable) and the standard required for the road. In addition, the document shall indicate that the 60' roadway shall be upgraded to the appropriate standard by the developer/owner of property that creates additional parcels that are connected to the road and/or easement. The document shall be recorded, at the applicant's expense, and shall run with the land, prior to any single building permit being approved. No additional parcels shall connect to the existing sixty foot (60') roadway without a recommendation of DRC and the approval of the Planning and Zoning Board. See also Section 5.3 and Section 5.4.~~
- ~~(iv) Title Certification as to confirmation of ownership of the parent property and easement shall be provided by a title company or attorney licensed in the State of Florida. The certification shall confirm that each lot owner owns to the center of the road/easement when applicable.~~
- ~~(v) The road, within the sixty foot (60') easement, shall be named in accordance with Nassau County Ordinance 2003-13, as amended.~~
- ~~(vi) The minimum building setbacks and width required are those stipulated in the Open Rural (OR) zoning district.~~
- ~~(vii) Depiction of National Wetlands Inventory with twenty five (25) foot buffer.~~
- ~~(viii) A review fee will be charged as set forth in a separate resolution by the Board of County Commissioners.~~

~~(ix) A Minor Development is not required to meet the requirements of 5.07 of the Land Development Code.~~

~~3.1.4 Upon completion of construction of the roadway within the easement, a Florida licensed engineer shall certify that the access roadway and cul-de-sac (if applicable) meets or exceeds the standards set forth in Section 11 of Ordinance No. 99-17, as amended. The Director of Public Works or his designee shall independently inspect and approve the road. No building permits shall be issued to lots/parcels within the development without a certification as to the road and approval by the Director of Public Works or his designee.~~

#### 3.1.5 Open Rural Homestead Land Split Exemption

For properties located in the Open Rural (OR) zoning ~~district with a land use designation of Agriculture (AGR)~~, a property owner may create a maximum of two (2) parcels, a minimum of (not less than) one (1) acre in area per calendar year, providing the property has been held by the current owner for a minimum of five (5) years, Homestead Exemption is current in the year(s) subdivided on the subject (parent parcel) or a contiguous parcel, each parcel meets minimum frontage requirements of Section 28.03 of the Land Development Code on a paved road, County maintained dirt road, or on a private road as approved by the Public Works Director and each parcel (the parent parcel and new parcel(s)) meets the minimum requirements of the Land Development Code and does not exceed the residential density standards in the 2030 Comprehensive Plan. Variations and variances related to access shall be reviewed by the Public Works Director or designee pursuant to Article 15 of the Roadway and Drainage Standards. A Waiver of Road Frontage requirement shall be considered pursuant to Section 28.03 of the Land Development Code.



In addition to the above, the following shall be required:

(i) The creation of a new building site pursuant to this section shall be submitted to the Department of Planning and Economic Opportunity on a form created by the Nassau County Attorney's Office. The Department of Economic Opportunity shall have fourteen (14) days to provide written comments to the applicant.

(ii) Each deed of conveyance entered into and executed shall contain a legend setting forth in bold type the following statement:

THE SUBJECT LAND HAS NOT BEEN FORMALLY SUBDIVIDED AND PLATTED AND NASSAU COUNTY HAS ABSOLUTELY NO OBLIGATION TO MAINTAIN OR IMPROVE ROADS THAT PROVIDE ACCESS. THE COUNTY HAS NOT ADDRESSED DRAINAGE ISSUES RELATED TO THE PROPOSED BUILDING SITE OR ADJACENT LANDS.

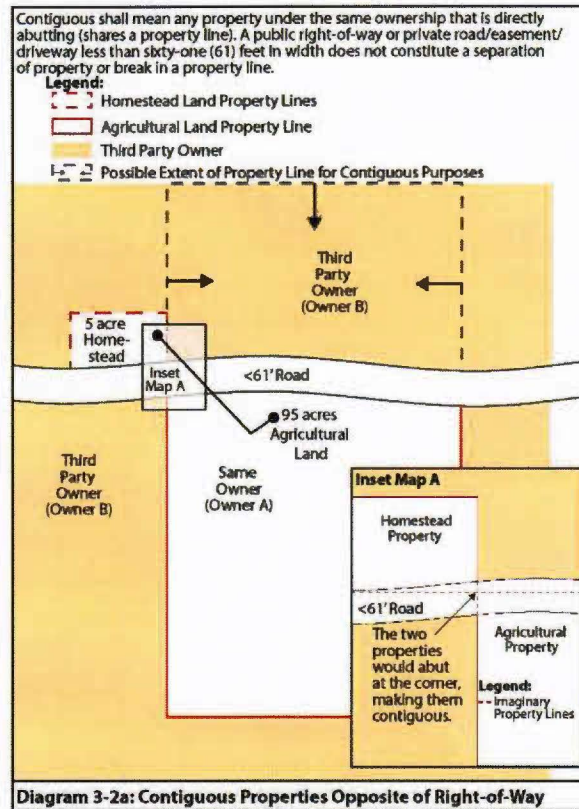
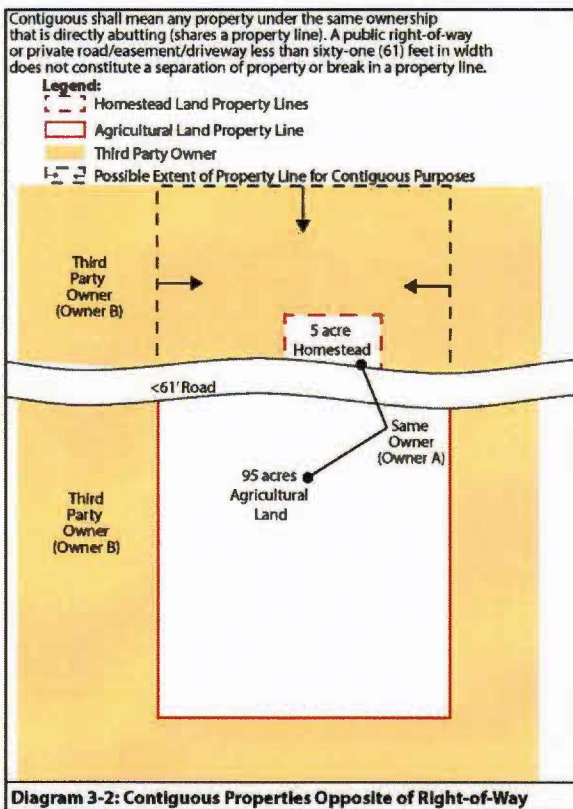
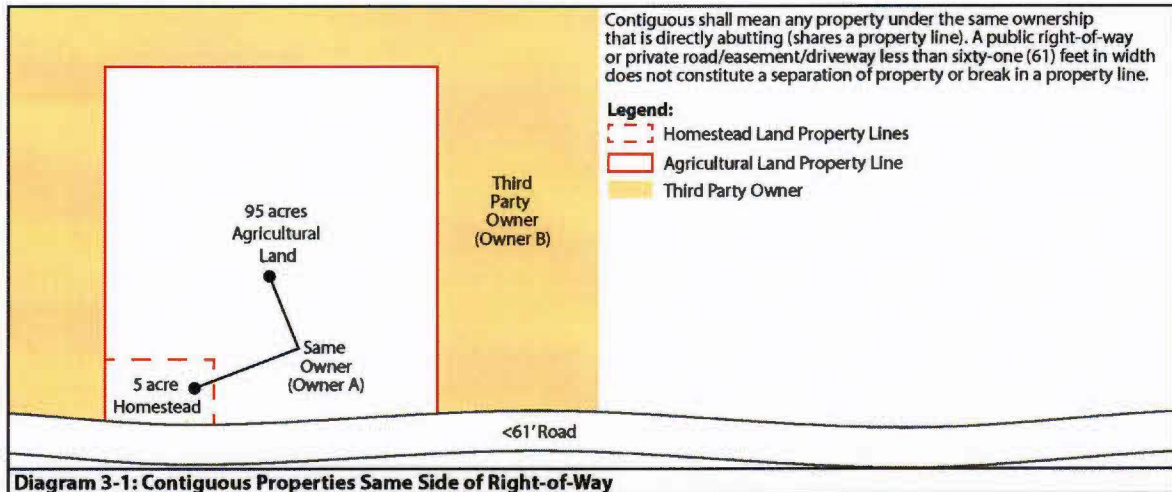
A copy of each deed shall be presented upon each application for a building permit. The applicant shall provide an approval letter from the Department of Planning and Economic Opportunity based upon the above referenced application process. Failure to present a copy of the deed in the form described and a copy of an approval letter for the creation of the building site from the Department of Planning and Economic Opportunity will result in the denial of a building permit.

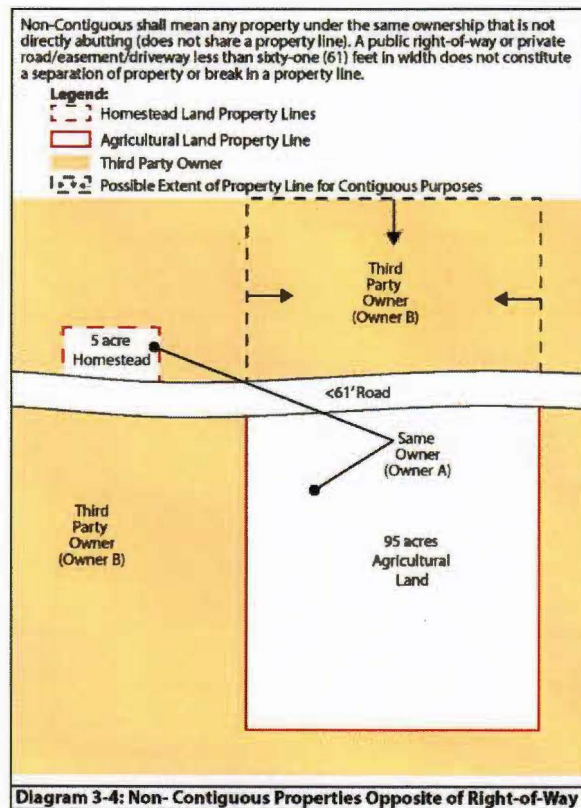
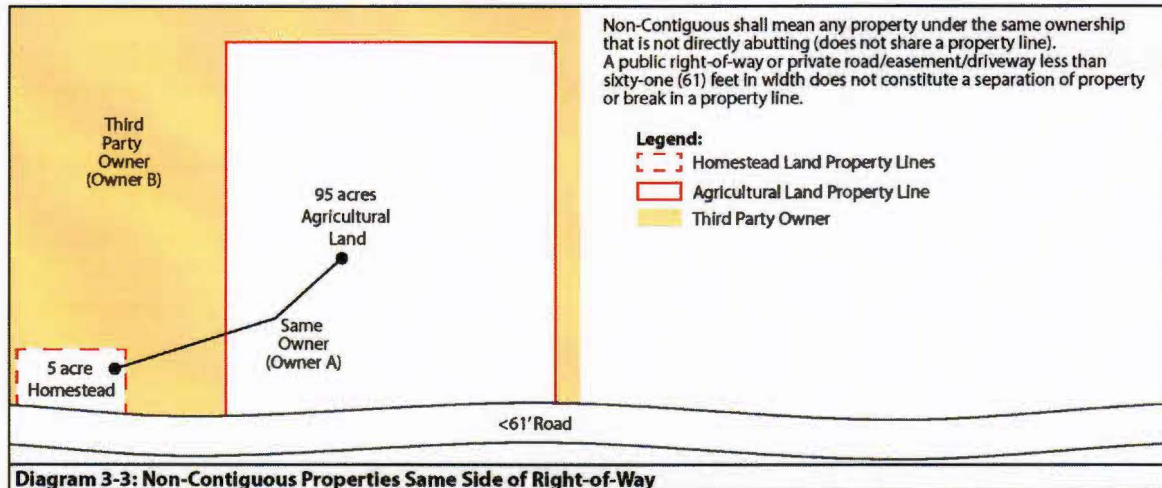
(iii) The persons applying for the Open Rural Homestead Land Split Exemption (if approved) and each new/potential property owner must sign a hold harmless indemnification agreement with Nassau County acknowledging that access to said parcel is strictly a private legal matter between the land owner and the person or entity that conveyed said lot or parcel and that Nassau County does not assert any opinion as to the



legal validity, usability or access to said parcel; further, that the land owner shall indemnify and hold harmless Nassau County, its board of county commissioners, officers, employees and agents from any and all legal causes of action, losses, damages or claims of any kind whatsoever arising out of a lack of access for emergency services, police protection or other public services to said parcel. This indemnification, hold harmless agreement shall be on a form approved by the Nassau County Attorney, and shall be recorded in the Official Public Records of Nassau County, at the applicant's expense, shall run with the land, and shall be binding on the land owner, his/her heirs, successors and assigns.

(iv) For purposes of this section, contiguous shall mean any property under the same ownership that is directly abutting (shares a property line). A public right-of-way or private road/easement/driveway less than sixty-one (61) feet in width does not constitute a separation of property or break in a property line. See example diagrams 3-1, 3-2, 3-2a, 3-3, and 3-4 below.





(v) Nassau County will establish a review fee by separate Resolution of the Board of County Commissioners.

### 3.1.6 Petition for relief from family hardship.

A petition for relief from family hardship – a Family Hardship Development – may be filed by any person who feels the provisions of this chapter, if complied with, would

place upon them an undue burden on their ability to transfer land to family members. The petition shall be on a form prepared by the County Attorney. The petition shall be reviewed and approved by the Planning and Zoning Board. The petition shall, at a minimum include:

- (i) A map on which is indicated an accurate representation of the proposed family development. The map shall be drawn to scale and clearly indicate the access to be provided and any improvements to be provided to the development. The petition shall include the prospective recipient of each tract and his/her relationship to the grantor.
  - (ii) An executed Family Member Affidavit provided by Nassau County and prepared by the County Attorney.
- (a) The Planning and Zoning Board, upon review of the petition, may approve the development provided the Planning and Zoning Board has determined that the ordinance has placed an undue hardship on the applicant's ability to transfer land to family members and:
  - (i) All lots proposed be created under the Planning and Zoning Board approval meet the minimum lot size of the zoning district in which the development is to be located and conforms with the policies of the comprehensive plan.
  - (ii) All lots have a minimum of a sixty-foot access/utility easement to provide access to the parcel. Variations and variances related to access shall be reviewed by the Public Works Director or designee pursuant to Article 15 of the Roadway and Drainage Standards.



(iii) Each deed of conveyance entered into and executed shall contain a legend setting forth in bold type the following statement:

THE SUBJECT LAND IS CONTAINED WITHIN A FAMILY HARDSHIP DEVELOPMENT WHICH HAS NOT BEEN FORMALLY SUBDIVIDED AND PLATTED AND NASSAU COUNTY HAS ABSOLUTELY NO OBLIGATION TO MAINTAIN OR IMPROVE ROADS THAT PROVIDE ACCESS. THE COUNTY HAS NOT ADDRESSED DRAINAGE ISSUES RELATED TO THE FAMILY HARDSHIP DEVELOPMENT

A copy of each deed shall be presented upon each application for a building permit. The property cannot be further conveyed to a non-family member. The applicant shall provide an executed Family Member Affidavit, as established by staff and the County Attorney, indicating that the intended property owner is a Family member as defined herein. Failure to present the Affidavit and a copy of the deed in the form described will result in the denial of a building permit.

(iv) The persons applying for the hardship (if approved) and each new/potential property owner must sign a hold harmless indemnification agreement with Nassau County acknowledging that access to said parcel is strictly a private legal matter between the land owner and the person or entity that conveyed said lot or parcel and that Nassau County does not assert any opinion as to the legal validity, usability or access to said parcel; further, that the land owner shall indemnify and hold harmless Nassau County, its board of county commissioners, officers, employees and agents from any and all legal causes of action, losses, damages or claims of any kind whatsoever arising out of the lack of access for emergency

services, police protection or other public services to said parcel. This indemnification, hold harmless agreement shall be on a form approved by the Nassau County Attorney, and shall be recorded in the Official Public Records of Nassau County, at the applicant's expense, shall run with the land, and shall be binding on the land owner, his/her heirs, successors and assigns.

(v) All lots must be transferred to an immediate family member pursuant to Comprehensive Plan Policy FL.01.02(A)(2) for the sole purpose of establishing a homestead. Pursuant to Policy FL.01.02(A)(2), a family member is defined as:

*The grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, ~~or~~ grandchild, aunt, uncle, niece or nephew of the person who conveyed the parcel to said individual.*

(vi) Covenants shall be prepared by the applicants and submitted to the County Planning and Economic Opportunity Director for staff review. The covenants shall be included, if approved by staff, in the Nassau County Planning and Zoning Board agenda request for the Family Hardship Development application. The covenants shall be recorded, at the applicant's expense, and run with the land prior to the issuance of a building permit.

(vii) The covenants shall include, at a minimum, the legal description of the Family Hardship Development and include a provision that the property is a Family Hardship Development for family only (FL.01.02(A)(2)). The covenants shall also indicate that there shall not be a conveyance of real property within the Family Hardship Development to a person not meeting the definition of Family as set forth herein. The covenants shall also contain language which prohibits the

further conveyance from a family member. The Planning and Zoning Board may waive the further conveyance to a non-family member based on unique and unforeseen circumstances that are not the result of the individual property owner's actions (including but not limited to court orders and similar actions). In addition, there can be only one conveyance of real property in the development to an individual family member. The lots created cannot be further divided.

(viii) This provision does not apply to lands contained within a subdivision recorded by Plat Book and Page. Notwithstanding the above, if the Board of County Commissioners designate a recorded plat an Antiquated Subdivision, this specific subsection will not apply.

(ix) The application for a Family Hardship Development shall be submitted to the Department of Planning and Economic Opportunity (DPEO) on forms created by the Nassau County Attorney's Office. The DPEO will review the application for completeness. Within twenty-one days the applicant will be provided comments from staff. The applicant may choose, based on the comments, to resubmit to the DPEO an amended plan or request to be placed on the Planning and Zoning Board agenda for consideration. This request must be made in writing to the DPEO thirty (30) days prior to the Planning and Zoning Board meeting.

(x) A fee will be set by separate Resolution of the Board of County Commissioners.

## **SECTION 5. SUBDIVISIONS**

### **5.1 GENERAL CONDITIONS**

Each subdivision shall contain improvements designed and constructed according to the requirements and specifications of this Ordinance, the Nassau County Road & Drainage Standards and the applicable policies, resolutions, regulations and ordinances of Nassau County, including the Nassau County Comprehensive Plan and the laws of the State of Florida. The land proposed for subdivision shall be suitable for development and, upon completion of the drainage construction described in the drainage plans, shall not be subject to damaging floods, poor drainage, erosion or other conditions detrimental to the health, safety and general welfare of the public.

## 5.2 ROADS AND DRIVEWAYS

All roads and driveways within the subdivision shall be paved and constructed in accordance with the requirements set forth herein and within the Nassau County Road & Drainage Standards, Ordinance 99-17. Rural Subdivisions may not be subject to the paving requirement for the internal roads but are subject to Article 11.2.4 of Ordinance No. 99-17, as amended. All subdivisions, including Rural Subdivisions, shall have direct paved access to the connection with a county maintained road or street dedicated to public use which has been accepted for maintenance by the County or Florida Department of Transportation. If the county maintained road or street is not paved the developer shall pave the county road or provide paved access from the subdivision, including Rural Subdivisions, to connect with a paved county road or street accepted by the County or the State. If the county road is paved but in substandard condition, improvements shall be required of the developer in order to bring the road up to current county standards. If a driveway is not constructed or in substandard condition it is the responsibility of the developer to construct or improve the driveway to current county standards. Said paving and driveway construction shall be in accordance with the requirements set forth herein and the Nassau County Road & Drainage Standards. (Ordinance No. 99-17, as amended).

## 5.3 RELATION TO ADJOINING STREET SYSTEM

The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas (or their proper projection, where adjoining land is not subdivided) insofar as that may be deemed necessary by the Board the Development Review Committee for public requirements. Offset streets shall be avoided but in no event shall there be less than one-hundred fifty feet (150') between offsets. The angle of intersection between streets shall not vary by more than fifteen (15) degrees from a right angle.

## 5.4 CONNECTION

~~Minor Developments and~~ Rural Subdivisions that connect to other ~~Minor Developments or~~ Rural Subdivisions shall trigger the upgrade of the road within the ~~Minor Development and~~ Rural Subdivision to the appropriate standard. The developer/owner that connects to a ~~Minor Development or~~ Rural Subdivision is responsible to upgrade the roads within the ~~Minor Development or~~ Rural Subdivision. ~~The procedure for connection to a Minor~~



~~Development is set forth in paragraph 3.1.3(iii). The procedure to connect to a Rural Subdivision is the same as a Minor Development, which requires Development Review Committee (DRC) review and Planning and Zoning Board approval. No additional parcels shall connect to existing roadways within a Rural Subdivision without a recommendation of DRC and the approval of the Planning and Zoning Board.~~

## 5.5 STREET LIGHTING

1. Street lighting shall be provided in accordance with a plan designed by the utility company, or using as a guidelines the standards set forth by the Illuminating Engineering Society of North America (IES) Lighting Handbook, current edition.
2. Street lights shall be provided at all street entrances, intersections and curves, at required intervals along each street, and at the end of each cul-de-sac or dead-end. Such lights may be required on interior streets, alleys, boundary streets, access paths and the like. For Rural Subdivisions ~~or Minor Developments~~, street lighting is optional.
3. An individual, homeowner's association or other legal entity, shall be responsible for the care, maintenance and costs of street lighting.
4. Spacing of light poles or posts shall conform to the standards in the IES Lighting Handbook, current edition.
5. The maximum height of light poles or posts shall not exceed the maximum building height permitted or as may be specified by the zoning classification.
6. The height and shielding of lighting fixtures shall provide proper lighting without hazard to drivers or nuisance to residents, and the design of lighting fixtures shall be of a type appropriate to the development.
7. Lighting shall be designed and maintained to avoid unnecessary illumination of residential interiors.

## 5.6 STREET NAMES

New streets shall be appropriately marked at each intersection with street regulatory signs. The applicant shall be responsible for the cost of all initial street signs in the subdivision. All street names require written approval of the Nassau County Property Appraiser. Streets shall be named in accordance with Nassau County Ordinance 2003-13, as amended.

## 5.7 BLOCKS

1. Where a tract of land is of such size and location as to prevent a lot arrangement related to a normal street design, there may be established courts, dead-end

streets, or cul-de-sacs, provided; however, that proper access shall be given to all lots from a dedicated street or court and a cul-de-sac or other turnaround device is installed that meets all County requirements.

2. Residential (lots less than one acre) blocks shall be not more than one thousand two hundred (1,200) feet in length. The width of any residential block shall be sufficient to allow two (2) tiers of appropriate depth, except where lots abut directly upon an expressway, major arterial, lake, waterway, or a land use other than residential. Block requirement will vary according to zoning requirements for industrial and commercial subdivisions.

## 5.8 CUL-DE-SACS

Where a street does not extend beyond the boundary of the subdivision area and its continuation is not required by the Board for access to adjoining property, its terminus shall not normally be nearer to such boundary than fifty feet (50'). However, the Board may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, utilities, or emergency access. A cul-de-sac turnaround shall have a minimum 50 foot paved radius and shall be provided at the end of a permanent dead-end street in accordance with Nassau County Road & Drainage Standards available at the Public Works Department. For greater convenience to traffic, permanent dead-end streets shall be limited in length to one thousand feet (1,000') from the nearest intersection unless otherwise approved by the Public Works Director.

## 5.9 INTERSECTIONS

1. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be approximately at right angles for at least one hundred feet (100') therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Public Works Director.
2. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with an existing intersection on the opposite side of such street. In the case of local streets, such jogs with centerline offsets of less than one hundred fifty feet (150') shall not be permitted except where the intersected street has separated, dual drives, without median breaks at either such intersection. Where local streets intersect with major streets, their alignment shall be continuous. Intersections of major streets shall be a minimum of eight hundred feet (800') apart.

## 5.10 ACCESS

All proposed developments shall meet the standards set forth in the Nassau County Roadway & Drainage Standards Ordinance 99-17, as amended, and the Land Development Code.

#### 5.10.1 Required Number of Access Points

All subdivisions consisting of 25 lots or more shall provide at least two (2) points of access subject to the approval of the Development Review Committee. One access may be closed to public access provided that it is approved by the Public Works Director or his designee as being accessible to County emergency services.

#### 5.11 LOTS

1. The minimum building setbacks required are those stipulated in the Zoning Ordinance for the pertinent district and in Policy 2.03.04 of the Traffic Circulation Element of the Comprehensive Plan for lots on arterials and collectors.
2. Lots shall have a minimum width as stipulated in the Zoning Ordinance for the pertinent district.
3. Corner lots shall have dimensions sufficient to permit the establishment of front building lines on each side of the lots having street frontage. The Development Review Committee may consider a twenty percent (20%) reduction of the building lines (required yard/setback line) along the secondary frontage.
4. The arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of the surrounding development.
5. Restrictions requiring building to be set back to such building lines shall be shown on the plat.
6. All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, except where a variation to this rule will provide a better street and lot layout. Such variations must be approved by the Director of Public Works.
7. When the specification of this subsection conflicts with the zone requirements of the regulations and restrictions stipulated in the Zoning Ordinance, the more restrictive shall prevail.
8. The size and dimensions of lots for industrial or commercial uses will vary and shall be consistent with the requirements stipulated in the Zoning Ordinance for that particular use. For industrial subdivisions a minimum lot size of two (2) acres will be required unless varied by the Board.

#### 5.12 EASEMENTS

Easements at least seven and one half feet (7 ½') in width shall be provided on each side of all back lot lines, and five feet (5') in width on each side of side lot lines where necessary for poles, wires, conduits, sewers, gas, water or drainage swales. Easements of greater width may be required along or across lots where necessary for proper drainage for street rights-of-way.

### 5.13 EASEMENT ALONG STREAMS OR CANALS

Wherever any street or important surface drainage course is located in any area being developed, the developer shall provide an easement, whose width will be determined by the Public Works Director or his designee, along the stream for the purpose of widening, deepening, improving or for drainage use.

### 5.14 WATER LINES

#### 5.14.1 Connection to Public Water Supply; Installation of Fire Hydrants

Where an approved public water supply is reasonably accessible, as determined by the County Department of Health and pursuant to Florida State Statutes and Florida Administrative Code, each lot within the subdivision shall be provided with a connection to such water supply. The water service for each lot will be installed at the time of the application for a building permit. All mains, to be under paving, will be constructed prior to the paving installation. Fire hydrants will be installed in all subdivisions where an existing public water supply can be extended within dedicated or proposed right-of-way that is within one quarter (¼) mile of said proposed development. The developer will extend the water supply and provide the fire hydrants at five hundred foot (500') intervals. The location of fire hydrants and water main size shall be approved by Fire Chief or his designee. The Public Works Director shall review development plans to ensure that the public water supply is located in a manner that provides least susceptibility to hurricane impacts. Potable water infrastructure shall be phased into operation as development proceeds on barrier islands.

#### 5.14.2 Private Water Supply Systems; Fire Hydrants

Where no existing public water supply is available and the installation of a public water supply system will be required at the time of application for a building permit, the private water supply system shall be constructed in such a manner that an adequate supply of potable water will be available to each lot. The rules and regulations of the Nassau County Health Department shall govern the installation of the system. Stub outs for fire hydrants shall be provided and the fire hydrants shall be installed by the developer at the time the water system is placed in use. The Public Works Director shall review development plans to ensure that the private water supply is located in a manner that provides least susceptibility to hurricane impacts. Potable water infrastructure shall be phased into operation as development proceeds on barrier islands.



### 5.14.3 Alternative Fire Protection Measures Where Public Water Supply Not Available

Where no existing public water supply is available and it is anticipated that a public water supply will not be made available, the Board may require alternative fire protection measures. The alternative fire protection measures will be based on recommendations of the Fire Chief or his designee and may include, but not be limited to the installation of wells, pumps, drafting hydrants and other measures to allow adequate fire protection for the area being subdivided.

## 5.15 SANITARY SEWER

### 5.15.1 Connection to Accessible Sanitary Sewer

Where an adequate sanitary sewer is reasonably accessible, as determined by the County Department of Health and pursuant to Florida State Statutes and Florida Administrative Code, each lot in the subdivision area shall be provided with a connection to such sanitary sewer. The subdivision sewer system and all connections shall comply with the regulations of the Department of Environmental Protection. The Public Works Director shall review development plans to ensure that the sanitary sewer system is located in a manner that provides least susceptibility to hurricane impacts.

### 5.15.2 Installation of Sewage Collection and Treatment System Where Sewers Not Accessible and Septic Tanks Not Permissible

Where sewers are not accessible and septic tanks are not permissible as determined by the County Department of Health and pursuant to Florida State Statutes and Florida Administrative Code, the owner or developer shall install and operate a sewage collection and treatment system of a capacity sufficient to serve the entire subdivision and all contemplated additions. All such systems shall be constructed in accordance with the regulations and requirements of and approval of the County Health Officer or appropriate State agency. The owner or owners must furnish written proof to the Public Works Director to the effect that provisions for sanitary sewage disposal of the entire subdivision meet with the approval of the County Health Officer or appropriate State agency. No construction is to begin until this condition has been met. Issuance of building permits will be conditioned upon demonstration of wastewater treatment systems. All industrial developments with private sewage treatment plants shall provide monitoring reports to the Department of Environmental Protection concerning their sewage treatment plants as required by Statute or Code.

## 5.16 PUBLIC USES

### 5.16.1 Open Space, Parks and Recreational Areas

1. Recreational Standards: The Board shall require that land be reserved or dedicated for parks, playgrounds, beach access, boat ramps or other recreational purposes in locations as designated in the Comprehensive Plan or otherwise where such reservations would be appropriate. Each reservation or dedication

shall be of suitable size, dimension, topography and general character and shall have adequate road access, for the particular purpose envisioned by the Board. The area shall be shown and marked on the plat, "Reserved for Park and/or Recreational Purposes". When recreation areas are required, the Board shall determine the number of acres to be reserved using the basis of two and one half (2 ½ ) acres for every one hundred (100) dwelling units. Development plans shall provide open space for both passive and active recreation in accordance with the established level of service specified in the Comprehensive Plan.

2. Recreation Sites: Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field or other active recreation purposes and shall be relatively level and dry. The Amelia Island Bicycle Trail, as delineated, shall be implemented by requiring developments to construct that section related to their development. Such development shall receive appropriate credit from recreation impact fees and/or transportation mobility fees. Greenways which provide links between nature reserves, parks, cultural and historic sites, natural wetlands, beaches and other water bodies may also be used for recreation sites.
3. Other Recreation Reservations: The provisions of this section are minimum standards. None of the above paragraphs shall be construed as prohibiting a developer from reserving other land for active or passive recreation in addition to the requirements of this section.

#### 5.16.2 Public Beach Access

Within an average of one-half mile increments, the County shall require the dedication of public access to beaches from developments located on the Atlantic Coast beach.

### 5.17 VACATION AND ANNULMENT OF PLATS EASEMENTS, AND RIGHT-OF-WAY

#### 5.17.1 Plats

Plats subdividing land may be vacated or annulled in accordance with Section 177.101, *Florida Statutes*.

1. The Board, in public hearing, may annul a registered subdivision after 60 months if the development proposed in the subdivision plat has not proceeded in a timely manner.
2. Applications for vacations of plats shall be accompanied by proof of legal notice publication in 2 weekly issues of a newspaper of general circulation in Nassau County, together with paid tax certificates.
3. Every vacating and annulment resolution adopted by the Board shall have the effect of vacating all streets and alleys which have not become highways necessary for use by the traveling public. Such vacation shall not become

effective until a certified copy of such resolution has been filed in the office of the Circuit Court Clerk and duly recorded in the public records of Nassau County.

4. A portion of a plat may be vacated or annulled as part of an application to replat. A replat to increase the number of lots or eliminate open space, recreational areas or common property, shall require consent of all property owners. Such vacation or annulment may only proceed with a companion replat following the procedures outlined in Chapter 29 combined with Due Public Notice as defined in Article 32 of the Land Development Code.

#### 5.17.2 Easements & Rights of Way

1. The board, in public hearing, may vacate, abandon, discontinue, and close any existing public or private street, alleyway, road or highway in accordance with Section 336.09, *Florida Statutes*.
2. Applications for vacation or abandonment of public or private streets, alleyways, roads or highways shall be accompanied by proof of legal notice publication in two (2) weekly issues of a newspaper of general circulation in Nassau County.
3. Such vacation and/or abandonment shall not become effective until a certified copy of such resolution has been filed in the office of the Circuit Court Clerk and duly recorded in the public records of Nassau County.

#### 5.18 HOMEOWNERS ASSOCIATIONS

##### 5.18.1 Homeowners Associations Pertaining to Subdivision Regulations

Each Subdivision, including Rural Subdivisions, shall have a property/homeowners association that is responsible for the maintenance of roads, easements, amenities, and the appropriate documentation shall be provided that sets forth the by-laws and covenants of the property/homeowners association and the certificate of incorporation and shall be recorded in the public records of Nassau County prior to the issuance of a building permit.

### **SECTION 3. CODIFICATION**

It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of Nassau County, Florida. The codifier may re-letter or renumber sections to conform to the uniform numbering and style of the Code.

### **SECTION 4. 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 5. EFFECTIVE DATE**

This Ordinance shall take effect upon its being filed by the Department of State. Adopted this 13<sup>th</sup> day of May, 2019 by the Board of County Commissioners of Nassau County, Florida.

BOARD OF COUNTY COMMISSIONERS OF  
NASSAU COUNTY, FLORIDA


By: \_\_\_\_\_  
JUSTIN M. TAYLOR  
Its: Chairman

ATTEST AS TO CHAIRMAN'S SIGNATURE:

\_\_\_\_\_  
JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

MES  
05-16-19

Approved as to form by the County Attorney:

\_\_\_\_\_  
MICHAEL S. MULLIN