

ORDINANCE NO. 2025-014

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA; AMENDING CHAPTER 29. SUBDIVISION AND DEVELOPMENT REVIEW OF THE CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 29-2, DEFINITIONS; CLARIFYING AND ADDING DEFINITIONS; AMENDING SECTION 29-3 AND SECTION 29-12; AMENDING SECTION 29-13, PRELIMINARY PLAT; REVISING PRELIMINARY PLAT SUBMITTAL REQUIREMENTS; ESTABLISHING MINOR DEVIATION THRESHOLDS, CLARIFYING REQUIRED LANGUAGE; AMENDING SECTION 29-14, SITE ENGINEERING PLANS (SEPs); ALLOWING CONCURRENT SUBMITTAL OF PLATS AND SEPs; ALLOWING FOUNDATION-ONLY PERMITS; AMENDING SECTION 29-15, FINAL PLATS; AMENDING SECTION 29-35, STREET LIGHTING; CLARIFYING LIGHTING PLAN SUBMITTAL REQUIREMENTS; AMENDING SECTION 29-38, CUL-DE-SACS; SECTION 29-39, INTERSECTIONS; AMENDING SECTION 29-40, ACCESS; REVISING SECONDARY ACCESS POINT THRESHOLD; AMENDING SECTION 29-41, LOTS; ADDING REFERENCE TO LAND DEVELOPMENT CODE ARTICLE 32; CLARIFYING AND DEFINING NET USABLE AREA OF A LOT; AMENDING SECTION 29-42, EASEMENTS; REVISING EASEMENT REQUIREMENTS; AMENDING SECTION 29-43, SECTION 29-44, WATER LINES, SECTION 29-45, SANITARY SEWER; AMENDING SECTION 29-46, PUBLIC USES; ESTABLISHING CONSTRUCTION, INSPECTION, APPROVAL, AND BONDING PROVISIONS FOR NEIGHBORHOOD PARKS; AMENDING SECTION 29-48, HOMEOWNERS ASSOCIATIONS (HOAs); REVISING HOA MAINTENANCE RESPONSIBILITIES; AMENDING SECTION 29-151, GRANDFATHER CLAUSE AND SPECIAL EXCEPTIONS; CLARIFYING APPLICABLE CODE AND DATES; AMENDING SECTION 29-152, VARIANCE AND EXCEPTIONS, CHANGING APPEAL BOARD; CORRECTING DEPARTMENT NAMES, TITLES, AND CODE REFERENCES THROUGHOUT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 125, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

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 to be in the best interest of the citizens of Nassau County to amend the Code of Ordinances; and

WHEREAS, public notice of all hearings required by law has been provided in accordance with Chapters 125 and 163 Florida Statutes and the Nassau County Land Development Code; and

WHEREAS, the Board of County Commissioners finds this ordinance serves the health, safety, and welfare of the residents of and visitors to Nassau County, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. AMENDING CHAPTER 29, SUBDIVISION AND DEVELOPMENT REVIEW to read as follows:

ARTICLE I. IN GENERAL

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Sec. 29-2. Definitions.

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Development means the division of land, regardless of how said lots or parcels are described or recorded into ~~more than two (2) parcels~~three (3) or more parcels, tracts, sites, or units; 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 means a staff committee consisting of either a designated regular member or an alternate member from the directors of the planning department, and economic opportunity development services, engineering services, fire/rescue, building, a representative from the Nassau County School District as recommended to the County Manager by the Superintendent of schools, 911 addressing and mapping and the county health department departments. The director of planning and economic opportunity development services, and/or his/her designee shall chair the committee meetings.

Environmental survey means 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.

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Land coverage, also known as impervious surface coverage, means 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 means 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. For applicable standards related to the creation of lots, see section 29-41 of the Code of Ordinances.

Nassau County comprehensive plan means 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.

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Private access easements means the ~~private access easements are defined the same as~~ private roadways, set forth herein.

Private roadways means 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 the county or the state and approved by the ~~director of public works~~development services director pursuant to the requirements of this chapter. 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 means a street or road located within a right-of-way owned or maintained by the county or state department of transportation. The street must have been dedicated or deeded and accepted by either agency.

Rural subdivision means developments allowable in open rural (OR) zoned areas that provide for the creation of lots or parcels, utilizing a sixty-foot easement or road and that provide for the creation of ~~nine (9), five-acre minimum lots or parcels~~ up to twenty-five (25), five-acre minimum lots or parcels. Rural subdivisions are subject to the requirements of article II and article III of this chapter and section 11.2.4 of Ordinance No. 2017-04 Nassau County Roadway and Drainage Standards. Rural subdivisions are not permitted on county maintained dirt roads.

Subdivision means:

- (1) ~~(1)~~—The division of real property in the unincorporated areas of county into ~~more than two (2)~~three (3) or more 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.
- ~~(1)(2)~~ (2) 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 publicly 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 publicly 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 LDCs; or
- ~~(32)~~ (2) 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 (2)~~three (3) or more lots that are accessed by a private road, street, alley, right-of-way, or easement; or
- ~~(43)~~ (3) 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 and the minimum lot area, width, and road frontage do not fall below the minimum required by the zoning district, shall not be considered a subdivision of land;
- ~~(54)~~ (4) Resubdivision or replatting of subdivided property requires the submittal of a subdivision plat pursuant to the requirement of this chapter; however, on nonresidential 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."
- ~~(65)~~ (5) 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.

- (76) 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 means a land surveyor registered in Florida and engaged by the developer to survey and plat the land for subdivision or resubdivision.

Sec. 29-3. Development that does not require platting.

Development that does not require platting and is exempt from the requirements in article II and article III, except for section 29-34.

- (1) *Open rural homestead land split exemption.* For properties located in the open rural (OR) zoning, and not within a platted subdivision, a property owner may create a maximum of two (2) additional 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 worksdevelopment services 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-adopted comprehensive plan. Variations and variances related to access shall be reviewed by the public worksdevelopment services 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:

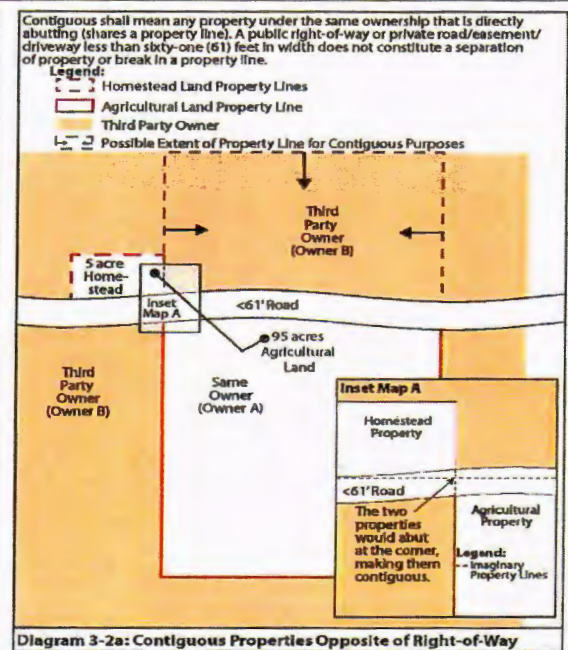
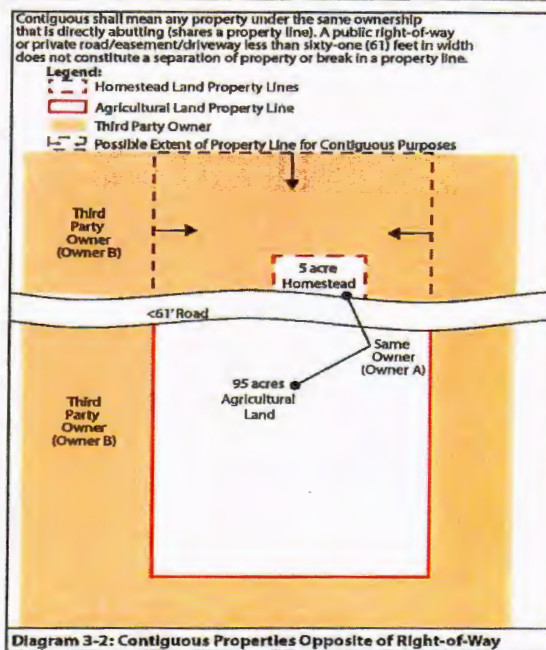
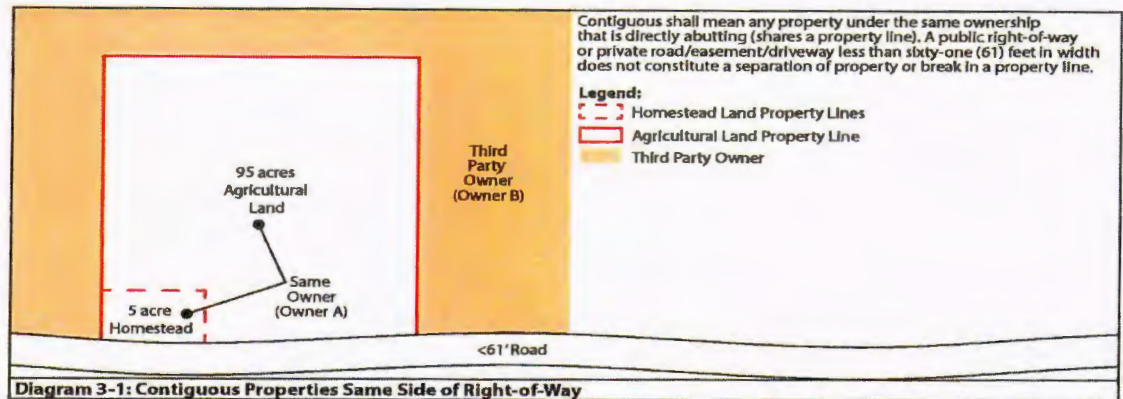
- a. The creation of a new building site pursuant to this section shall be submitted to the department of planning and economic opportunitydevelopment services on a form created-provided by the county-attorney's office. The department of economic opportunitydevelopment services shall have fourteen (14) days to provide written comments to the applicant.
- b. Each deed of conveyance entered into and executed shall contain a legend setting forth in bold type the following statement:

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.

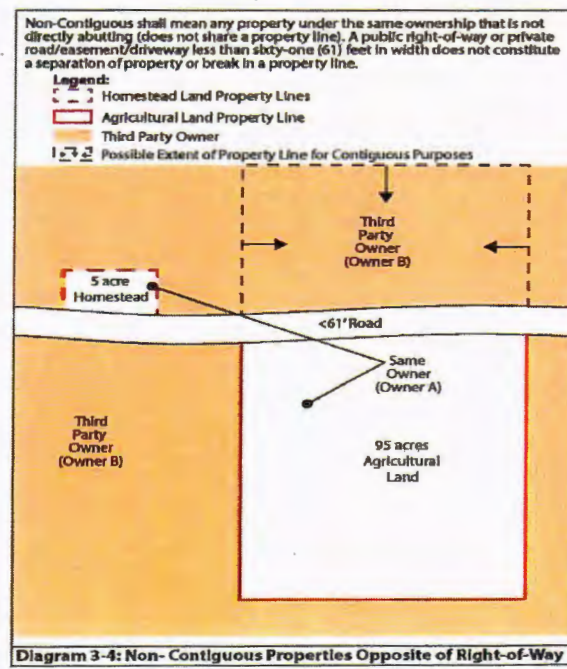
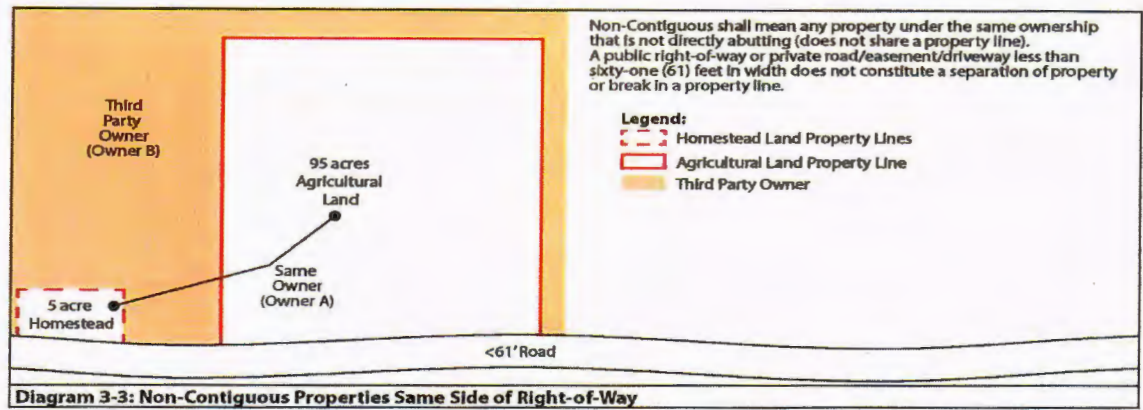
A copy of each deed shall be presented upon each application for a building permit. The applicant shall provide an approval letter from the department of planning and economic opportunitydevelopment services based upon the above-

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~~development services will result in the denial of a building permit.

- c. 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 the 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 the 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 the 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 county attorney, and shall be recorded in the Official Public Records of the 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.
- d. 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.



- e. For purposes of this section, “non-contiguous” shall mean any property under the same ownership that is not directly abutting (does not share a property line). A public right-of-way or private road, easement, or 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 3-3 and 3-4 below.



fe. The county will establish a review fee by separate resolution of the board of county commissioners.

(2) *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:

a. 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.

- b. An executed family member affidavit provided by the county ~~and prepared by the county attorney.~~

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:

1. All lots proposed to 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 conform with the policies of the comprehensive plan.
2. All lots have a minimum of a sixty-foot (60') access/utility easement to provide access to the parcel. Variations and variances related to access shall be reviewed by the ~~public works~~development services director or designee ~~pursuant to article 15 of the roadway and drainage standards. A thirty-foot (30')~~ access/utility easement may be approved after review by the development services director.

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6. 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 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.

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9. The application for a family hardship development shall be submitted to the department of planning ~~and economic opportunity (DPEO)~~ on forms ~~created provided~~ by the county ~~attorney's office~~. The ~~DPEO-planning department~~ will review the application for completeness. ~~Within twenty one (21) days~~ the applicant will be provided comments from staff. The applicant may choose, based on the comments, to resubmit to the ~~DPEO-planning department~~ 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-planning department~~ thirty (30) days prior to the planning and zoning board meeting.
10. A fee will be set by separate resolution of the board of county commissioners.

ARTICLE II. PLATS—JURISDICTION AND PROCEDURE

Sec. 29-11. General procedure.

The following procedures for securing subdivision plat approval shall be followed in submitting, reviewing and acting upon all subdivision plats within the unincorporated areas of the county. The subdivider and/or his surveyor, engineer or land planner is encouraged, but not required, to discuss informally his preliminary studies and sketches for any subdivision of land with the development review committee. Many times these discussions may lead to a more complete preliminary plat and safeguards the subdivider from unnecessary expense and loss of time by not conforming to the standards set forth herein.

~~If any violation of this chapter shall continue, after receiving a written notice, the county manager, after consultation with the county attorney, may institute an appropriate action of proceedings with the code enforcement office and/or the state attorney's office. The board of county commissioners, in addition to the other remedies, may institute any appropriate action or proceedings of a civil action in the circuit court, to enjoin and restrain any person violating the provisions of this chapter.~~

It shall be unlawful for any person or persons to violate any of the provisions of this Code or to use said land, structure, or building in violation of any provisions of this Code. ~~Any person found guilty of violating this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisoned in the county jail for a period not to exceed sixty (60) days or both. Each day that a violation exists or continues shall be deemed a separate offense. The provisions of this code may be enforced by 1) enforcement proceedings as provided in the Code of Ordinances Chapter 1, Article III; 2) enforcement proceedings pursuant to Section 125.69, Florida Statutes; or 3) a suit brought in law or equity by the Board of County Commissioners in the Circuit Court to restrain, enjoin, or prevent a violation of this code.~~

If any violation of this chapter shall continue, after receiving a written notice, the county manager, after consultation with the county attorney, may institute an appropriate action of proceedings with the code enforcement office and/or the state attorney's office. The board of county commissioners, in addition to the other remedies, may institute any appropriate action or proceedings of a civil action in the circuit court, to enjoin and restrain any person violating the provisions of this chapter.

- (1) *Title certification.* Every plat of a subdivision shall be accompanied by a title of opinion of an attorney at law licensed in the state showing that record title to the land as described and shown on the plat is in the name of the person, persons, corporation, or entity executing the dedication. The title opinion shall also show all mortgages not satisfied or released of record nor otherwise terminated by law.
- (2) *Qualification of person making survey and plan certification.* Every subdivision of land made under the provisions of this chapter shall be made under the responsible direction and supervision of a surveyor and mapper who shall certify on the plat that the plat is a true and correct representation of the lands surveyed, that the survey was

made under his responsible direction and supervision, and that the survey data compiles with all of the requirements of this chapter. The certification shall bear the signature, registration number, and the official seal of the surveyor or mapper.

- (3) *Geographic information system data.* A digital rendering of the plat in a format compatible with AutoCad 13 or later versions shall be submitted with the final plat. The plat shall be developed using control standards listed in "Appendix A."

Sec. 29-12. Conceptual plan.

A conceptual plan for all proposed subdivisions, drawn to scale, may be submitted to the development review committee for a non-binding evaluation prior to the submittal of a preliminary plat. If a conceptual plan is submitted, it must be submitted to the ~~planning and economic opportunity development services director~~ department the Thursday two (2) weeks prior to the next scheduled meeting and will be reviewed at that time. The developer or agent ~~shall may~~ be present at the DRC meeting to receive for the evaluation/_comments. This plan shall include:

- (1) Proposed layout of all lots; and
- (2) Proposed streets, rights-of-way, and access points; and
- (3) Proposed location of open space, recreational facilities, common areas, and amenities.

Sec. 29-13. Preliminary plat.

~~Eight (8)~~ One (1) digital -copies of the preliminary plat containing the information stipulated in this section and any supplementary material shall be submitted to the ~~planning office~~ development services department. Following submission, the preliminary plat and supplementary material submitted shall be reviewed by the development review committee. The ~~planning and economic opportunity development services~~ department shall, within thirty (30) days, after review of the development review committee, issue a letter to the person submitting the plat, with copies to the county manager and county attorney, that: conditionally approves, approves, or disapproves the preliminary plat, and state the conditions for approval, if any, or if disapproved, the reasons for disapproval. The action, which shall also be noted on two (2) copies of the preliminary plat, is hereby limited to a period of twelve (12) months, after which time the subdivider is required to resubmit a (new) preliminary plat. The preliminary plat shall contain the following information:

- (1) The boundary lines of the area being subdivided with the distance and bearings and the legal description of the property.
- (2) The lines of all proposed streets with their widths and names. All street names must have the written approval of the county property appraiser, pursuant to ~~Ordinance No. 2003-13~~ Code of Ordinances Chapter 7, Article XI, as amended.
- (3) The outline of any portions of the property intended to be dedicated for public use, such as for schools, parks, etc.
- (4) The lines of adjoining streets with their widths and names.

- (5) All lot lines together with the identification system for all lots and blocks, the square foot area of each lot, and the net usable acreage (less jurisdictional areas). The lot number within a subdivision shall be assigned counter-clockwise from the northeast corner and shall follow in a logical numerical order within a particular block, unless assignment of a different numbering system would be more logical and better serve a public purpose as may be approved by the public works/development services director. Minor deviations of not more than ten percent (10%) in lot square footage and net usable acreage from those shown on the approved site engineering plan are permitted, provided that no lot falls beneath the minimum applicable lot standards of the zoning district.
- (6) The location of all setback lines and easements provided for public use, service, utilities or drainage. The easements for water and sewer shall be included even if water and sewer service is not available. (Comprehensive plan policy SEW.03.08).
- (7) All dimensions both linear and angular for locating the boundaries of the subdivision, lots, streets, easements, and any other areas for public use or private use. Linear dimensions are to be given to the nearest one-one hundredth (1/100) of a foot. Closure shall be shown on the plat.
- (8) The radii, arcs, chords, chord bearings, points of tangencies and central angles for curved streets and rounded block corners, per F.S. § 177.091.
- (9) The location of all survey monuments, permanent points and azimuth marks with their descriptions.
- (10) The name of the subdivision, the scale of the plat, points of the compass and the name of the owner and owners of the subdivision.
- (11) Certification of a currently registered surveyor of the state as to the correct representation of the plat per F.S. § 177.061.
- (12) Private restrictions and trusteeships and their period of existence.
- (13) Acknowledgment of the owner and owners to the plat and restrictions, including dedication to public use of all streets and parks, alleys, easements, rights-of-way and public areas shown on such plat, the dedication of or granting of easements required. Adoption and dedication language shall be in a standard format provided by the County. Language may be modified when necessary to address peculiar or unique circumstances.
- (14) All flood hazard zones as established by the FEMA flood insurance rate maps.
- (15) Subdivision plats located within areas of potential storm surge inundation shall include a statement that "The area as depicted hereon is subject to storm surge inundation during a Category one (1), two (2), three (3), four (4), or five (5) hurricane.
- (16) All wetland jurisdictional areas as required by F.A.C. ch. 62-340 (for all lots less than five (5) acres.)
- (17) Present zoning district(s) the property is located in.

- (18) The location of permanent bench marks which shall be provided at convenient points with elevations indicated.

For nonresidential 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."

Sec. 29-14. Site engineering plans.

Site engineering plans are required for all subdivisions unless specifically exempted herein. An applicant may submit a preliminary plat and site engineering plan together for review by the Development Review Committee. Alternatively, an applicant may first receive site engineering plan approval from the Development Review Committee followed by submittal of the preliminary plat for review. Where a site engineering plans, when is required, a preliminary plat cannot be submitted prior to submittal of a site engineering plan. shall be submitted in conjunction with the preliminary plat. Neither the preliminary plat nor the site engineering plans, when required, shall be approved separately. In the case of a PUD, the site engineering plans for the project may be approved separately. Final platting may take place in phases that correspond to the phasing plan approved by the Development Review Committee as part of the site engineering plan. of the PUD may be completed in accordance with a phase development schedule. Site engineering plans, when required, shall be submitted simultaneously with the preliminary plat. No construction of improvements may commence until the site engineering plans, when required, have been approved by the ~~public works~~development services director, after final review by the ~~Development~~ Rreview Committee, and after submission of all the required permits (i.e., St. Johns River Water Management District; U.S. Corps of Engineers, etc.) except at-risk foundation-only permits. The issuance of foundation-only building permits prior to approval of site engineering plans for construction is an accelerated process undertaken at the applicants request whereupon the applicant assumes all risks associated with time and expense of changes necessitated as a result of the final site engineering plan approval. All site engineering plans shall conform to the Nassau County Code of Ordinance, Land Development Code, adopted Comprehensive Plan and county County road Roadway and drainage Drainage standards. At a minimum, and in addition to the requirements of a site engineering plan found in the Nassau County Codes, the following information shall be required on the engineering plans:

- (1) All existing and/or proposed sanitary sewers, water mains, and stormwater culverts within the tract or adjacent thereto.
- (2) Plan, profile and typical cross section drawings for any existing or proposed roads.
- (3) Contours of land on one-foot intervals on United States Coast and Geodetic Datum and offsite drainage facilities serving the subdivision.
- (4) Subsurface conditions of the tract stating the depth of ground water table unless test pits are dry at the depth of three (3) feet, the results of soil percolation tests, and soil profiles to show hard pan, muck, clay strata, etc.
- (5) Drainage plans and calculations designed in accordance with the county road and drainage standards. Rural subdivisions are exempt, but only if no new roads are

constructed and no additional improvements are required in accordance with sections 29-32 and 29-33.

- (6) A lot grading plan showing proposed finished floor elevations, proposed lot drainage and elevations in accordance with the county road and drainage standards. Rural subdivisions are exempt, but only if no new roads are constructed.
- (7) Any final site engineering or improvement plans shall be submitted in triplicate on black and white or blue line prints drawn at a scale of not more than fifty (50) feet to the inch on sheets twenty-four (24) inches by thirty-six (36) inches in size. One-half (½) inch margin at right, top and bottom edges and three-inch margin at left (binding) edge. The final site engineering plans shall be signed and sealed by the developer's engineer. Rural subdivisions are exempt, but only if no new roads are constructed and no additional improvements are required in accordance with sections 29-32 and 29-33.
- (8) At the discretion of the development review committee, based on the recommendation of the public works development services director, or designee, the requirements to submit a site engineering plan may be waived in the following situations:
Notwithstanding this provision, all projects shall be required to comply with article 10, stormwater management, of Ordinance No. 99-17 Nassau County Roadway and Drainage Standards, as amended, ~~also known as the roadway and drainage standards of the county.~~
 - a. The subdivision of land is for the purpose of facilitating a single family residential detached development; and
 - b. The subdivision of land results in building sites with a gross area of one (1) acre or larger; and
 - c. No new roads are created; and
 - d. No improvements are required to existing roadways beyond those improvements reviewed as part of a driveway permit; and
 - e. No new improvements are required pursuant to sections 29-32 and 29-33 of this article; and
 - f. No public recreation lands are being dedicated or reserved; and
 - g. No dredging and filling of jurisdictional wetlands are required.

Sec. 29-15. Final plats.

The final plat shall be consistent with the preliminary plat as approved by the planning and economic opportunity development services director. The original copy shall be submitted on linen tracing cloth or stable base film consistent with F.S. § 177.091. The final plat should be submitted to the planning and economic opportunity development services director a minimum of thirty (30) days prior to a scheduled board of county commissioners meeting.

The final plat shall have the required signature blocks for the following signatories:

- (1) By a notary public or other officer authorized by law to take acknowledgments as to the certification of the acknowledgment by the owner or owners.
- (2) By the county health officer certifying the water supply and sewage system's acceptability or approving the plat subject to review of each lot for septic tanks by the county environmental health officer according to the Florida Administrative Code.
- (3) By the ~~public works~~county engineer-director as to approval for the development review committee.
- (4) By the county tax collector as to the approval that the taxes are current.
- (5) By the county attorney.
- (6) By the planning ~~and economic opportunity~~ director as to approval for the zoning department.
- (7) By the chairman of the board as to approval for county commissioners.
- (8) By the fire rescue chief.
- (9) By the clerk of the circuit court of the county as to plat having been filed for record. The plat book and page designation shall be obtained from the clerk at the time it is presented to the clerk for recording.
- (10) Title opinion of an attorney at law licensed in the state or a certification by a title company licensed in the state, showing that record title to the land as described and shown on the plat is in the name of the person, persons, corporation, or entity executing the dedication and shall also show all mortgages not satisfied or releases of record or otherwise terminated by law.
- (11) Mortgage company.

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Sec. 29-17. Computer media.

In addition to the required submittals mentioned above, the developer shall submit copies of the final plat and site engineering plans in a digital format compatible with AutoCad 13 or later versions. The digital format is to be fully rotated and indicative of the state plane coordinate system. Refer to Appendix "A" for further survey requirements.

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Sec. 29-19. Review fee.

A review fee will be charged and the specific fees shall be adopted by the board under a separate resolution and are available for inspection at the offices of the ~~public works~~development services department and the office of the county clerk. Said fees may be adjusted by the board pursuant to a resolution duly adopted by the board.

...

Sec. 29-21. Procedure for consideration of plat.

It is the responsibility of the developer or his/her designee to ensure that the final plat and all computer media are submitted simultaneously to the ~~planning and economic opportunity development services director department~~ with all required documentation and owner's and/or mortgagor's certification signatures no later than thirty (30) working days prior to the scheduled commission hearing when said plat shall be considered. All required approval signatures from appropriate county officials will be obtained by the ~~planning and economic opportunity development services~~ department director's office.

ARTICLE III. SUBDIVISIONS

Sec. 29-31. General conditions.

Each subdivision shall contain improvements designed and constructed according to the requirements and specifications of this chapter, the ~~Ce~~county ~~R~~oadway and ~~D~~rainage ~~S~~tandards and the applicable policies, resolutions, regulations and ordinances of the ~~Ce~~county, including the ~~adopted ce~~county ~~Ce~~omprehensive ~~P~~lan and the laws of the state. 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.

Sec. 29-32. 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 Ce~~county ~~R~~oadway and ~~D~~rainage ~~S~~tandards, ~~Ordinance No. 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 Nassau~~ ~~County Roadway and Drainage Standards~~, 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 state 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 Ce~~county ~~R~~oadway and ~~D~~rainage ~~S~~tandards.

...

Sec. 29-35. Street lighting.

- (a) 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. When the utility company designs the street lighting plan, a separate photometric plan or engineered plan for street lighting is not required. However, the utility company and developer are responsible for demonstrating compliance with local regulations and mitigating upward light pollution and light spill onto adjacent roadways and properties located outside the development which is the subject of the lighting plan.
- (b) 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. Residential subdivisions where each lot is a minimum of five (5) acres or do not require internal roadways are exempt from street lighting requirements. For rural subdivisions, as herein defined, street lighting is optional.
- (c) An individual, homeowner's association or other legal entity, shall be responsible for the care, maintenance and costs of street lighting.
- (d) Spacing of light poles or posts shall not be more than two hundred (200) feet and shall conform to the standards in the IES Lighting Handbook, current edition.
- (e) 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.
- (f) 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.
- (g) Lighting shall be down-lit and be designed and maintained to avoid unnecessary illumination of residential interiors.

Sec. 29-36. 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 county property appraiser. Streets shall be named in accordance with county Ordinance No. 2003-13 Code of Ordinances Chapter 7, Article XI, as amended.

...

Sec. 29-38. Culs-de-sac.

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 (50) feet. 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 fifty-foot paved radius and shall be provided at the end of a permanent dead-end street in accordance with Nassau County Roadway and 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 (1,000) feet from the nearest intersection unless otherwise approved by the ~~public works development services~~ director.

Sec. 29-39. Intersections.

- (a) 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 (100) feet therefrom. Not more than two (2) streets shall intersect at any one (1) point unless specifically approved by the ~~public works development services~~ director.
- (b) Proposed new intersections along one (1) 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 (150) feet 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 (800) feet apart.

Sec. 29-40. Access.

All proposed developments shall meet the standards set forth in ~~the Nassau County Roadway and Drainage Standards Ordinance No. 99-17~~, as amended and the Land Development Code.

- (1) *Required number of access points.* All subdivisions consisting of ~~twenty-five~~50 lots or more shall provide at least two (2) points of access subject to the approval of the development review committee. One (1) access may be closed to public access provided that it is approved by the ~~public works development services~~ director or his designee as being accessible to county emergency services.

Sec. 29-41. Lots.

- (a) The minimum building setbacks required are those stipulated in the ~~zoning ordinance~~Land Development Code 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~~.
- (b) Lots shall have a minimum width as stipulated in the ~~zoning ordinance~~Land Development Code for the pertinent district.
- (c) 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 (20) percent reduction of the building lines (required yard/building

setback line) along the secondary frontage as provided for in Land Development Code Article 32, Yard, front.

- (d) 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.
- (e) Lots created after the effective date of this ordinance may contain portions of a stormwater facility provided that no portion of a stormwater facility shall be counted toward the minimum lot area required by the applicable zoning district or regulation.
- (f) Lots created after the effective date of this ordinance that are five (5) acres or more in size shall have a net usable area free and clear of stormwater management facilities, ponds, and wetlands. The net usable area shall be no less than the minimum lot size required by the applicable zoning district.
- (ge) Restrictions requiring building to be set back to such building lines shall be shown on the plat.
- (hf) 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-worksdevelopment services.
- (ig) When the specification of this subsection conflicts with the zone requirements of the regulations and restrictions stipulated in the zoning-ordinanceLand Development Code, the more restrictive shall prevail.
- (jh) The size and dimensions of lots for industrial or commercial uses will vary and shall be consistent with the requirements stipulated in the zoning-ordinanceLand Development Code for that particular use. For industrial subdivisions a minimum lot size of two (2) acres will be required unless varied by the board.

Sec. 29-42. Easements.

Easements at least seven and one-half (7½) feet in width shall be provided on each side of all back lot lines, and five (5) feet in width on each side of side lot lines shall be provided along lot lines where necessary for poles, wires, conduits, sewers, gas, water or drainage swales. Easements widths shall be a minimum of ten (10) feet in width unless otherwise required by the County Engineer or his/her designee based upon context of the individual situation under review. Easements of a greater width may be required along or across lots where necessary for proper drainage for street rights-of-way and other public infrastructure.

Sec. 29-43. 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-worksdevelopment services director or his designee, along the stream for the purpose of widening, deepening, improving or for drainage use.

Sec. 29-44. Water lines.

- (a) *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 Statutes, ~~and Florida Administrative Code, and the Nassau County Code of Ordinances and Comprehensive Plan,~~ 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-mile of said proposed development. The developer will extend the water supply and provide the fire hydrants at five-hundred-foot intervals. The location of fire hydrants and water main size shall be approved by fire chief or his designee. The ~~public works~~development services 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.
- (b) *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 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~~development services 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.
- (c) *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.

Sec. 29-45. Sanitary sewer.

- (a) *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 Statutes, ~~and Florida Administrative Code, and Nassau County Code of Ordinances,~~ 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~~development services director shall review development plans to ensure that the sanitary sewer system is located in a manner that provides least susceptibility to hurricane impacts.

- (b) *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 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~~development services director department 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.

Sec. 29-46. Public uses.

...

- (b) *Open space, parks and recreational areas.*

- (1) *Recreational standards.* All development shall be required to comply with the comprehensive plan level of service requirements for community and regional parks and neighborhood parks.

...

- b. *Neighborhood parks.* All new development and redevelopment containing a residential component greater than twenty-five (25) dwelling units, unless otherwise exempt, shall plan, design, and build new neighborhood parks in accordance with the requirements herein. Rural residential developments where all lots have a minimum gross acreage of five (5) acres (217,800 square feet) or more are exempt from the neighborhood park requirements. New private neighborhood parks shall be maintained and operated by the developer and/or homeowners association, property owners association, community development district, or other similar entity. The area shall be shown and marked on the plat, "reserved for park and/or recreational purposes." Land and improvements for neighborhood parks shall be provided by new development at the time of initial construction of residential units. Neighborhood parks shall be reviewed through the development review process outlined in Land Development Code (LDC) section 5.07 (site development plan review) contemporaneously with the development creating the demand. If located in the East Nassau Community Planning Area, the process shall follow LDC section 27.08 (approval procedure

for preliminary development plans (PDP) within DSAPs) and, subsequently, 27.10 (approval procedure for site plans within DSAP/PDP). Plans will be reviewed by the development review committee in accordance with the principles and standards defined in the parks administrative procedures and design manual. Neighborhood parks shall be constructed contemporaneously with residential units creating demand for the new facility.

- i. When neighborhood parks are required, the planning director shall determine the number of acres to be reserved using the basis of four (4) acres for every one thousand (1,000) residents. Neighborhood parks are required to meet an access standard which requires that they be located within a half-mile walk of every resident along sidewalks or trails. The minimum size of a neighborhood park shall be five (5) acres or as approved by the planning director in accordance with the county parks administrative procedures and design manual, as amended from time to time, and the following: The required size and location of a neighborhood park shall be based upon the total acreage required and access standard in accordance with policy ROS.01.06 and the standards defined in policy ROS.01.07. A development may be required to have more than one (1) neighborhood park in order to meet the service standards adopted herein.

ii. Construction of a neighborhood park required by Nassau County shall be constructed, inspected, issued final inspection/approval by the development services department, and be fully operational prior to the issuance of the twenty-sixth (26) certificate of occupancy, or equivalent, within the related development or phase thereof. A construction bond in the amount of one hundred fifteen percent (115%) of the cost to fully develop the neighborhood park shall be provided to Nassau County prior to the issuance of the first certificate of occupancy, or equivalent, within the development or correlating phase thereof.

(2) *Recreation sites.*

...

- b. *Neighborhood parks.* All neighborhood parks shall be constructed to conform to the following design standards:

...

- v. *Shared facilities.* Stormwater treatment facilities (SWMFs) such as retention and detention ponds may be designed within a neighborhood park subject to the applicable standards for neighborhood parks as defined in the county parks administrative procedures and design manual, as amended from time to time. However, the stormwater treatment facilities shall not count towards the minimum LOS standard in ROS.01.06.

Where neighborhood parks have an area of five (5) acres or greater, SWMFs may be credited towards meeting the minimum area standards defined in section 29-46(b)(1)b.i. subject to the following:

- a. SWMFs shall be limited to the lesser of twelve (12) percent of the total park area, or the actual required volume capacity for the pond as determined by the County Engineering services or designee based on a review of the project's submitted drainage calculations.

...

Sec. 29-47. Vacation and annulment of plats, easements, and right-of-way.

...

(b) *Easements and rights-of-way.*

- (1) Intent. It is the intent of this section to ensure that the public's interest is adequately safeguarded in the process of vacating the County's interest in roads, rights-of-way, or easement or abandonment and closing of roads or rights-of-way.
- (2) Authorization. The County is authorized to regulate closing or abandonment of roads, rights-of-way, and easements pursuant to sections 177.107, 336.09, 336.10, and 336.12, Florida Statutes.
- (3) The board, upon their own motion or by petition, in duly noticed public hearing, may vacate, abandon, discontinue, and close any existing public or private street, alleyway, road, or right-of-way highway, or easement in accordance with F.S. § 336.09 Florida Statutes, as amended.
- (4) Applications- Petitions for vacation or abandonment of public or private streets, alleyways, roads, rights-of-way or highways, or easements shall be made by verified written petition, in a form or forms required by and filed with the county, including, but not limited to, the following information:
 - a. A narrative explaining the reasoning and purpose of the requested vacation.
 - b. A boundary survey and description of the property to be vacated current within 90 days from the date of the petition.
 - c. The location of any improvements and encroachments within the property to be vacated must be shown in the survey.
 - d. The boundary survey must be prepared by a professional surveyor and mapper licensed in the state and comply with the requirements for boundary surveying as outlined in the Florida Minimal Technical Standards pursuant to Chapter 472, Florida Statutes.
 - e. The boundary survey and description will be recorded in the public records and therefore shall be prepared at a scale suitable for recordation and reproduction.

- (5) The instrument that identifies the title or interest which the county and the public hold in the property sought to be vacated.
- (6) A list of all abutting property owners. The petitioner shall make a good faith effort to obtain the signature of all landowners abutting the property to be vacated.
- (7) Certificates from public utility companies that the vacating will neither interfere with the utility service being provided, nor encroach unreasonably on any utility's easement.
- (8) Dependent upon the circumstances of the individual petition, the County may, in its sole discretion, request petitioner provide additional information and documentation for the processing of a petition.
- (9) The filing of an application pursuant to this section does not obligate the Board of County Commissioners to vacate or abandon a road, right-of-way, or easement or to close a road or right-of-way. The Board of County Commissioners, at their sole discretion, may deny a request and shall not be obligated to reimburse the petitioner for any costs associated with the petition.

(c) Fees

Upon submission of the petition to the county pursuant to this article shall pay all required notice, publishing, and recording costs. Additionally, the board of county commissioners may set, by resolution, such fees as are reasonable to cover the cost of administrative review, investigations, and reasonable costs incurred in the processing of such petitions.

(d) Review of petition; Notice of public hearing.

- (1) Each petition submitted shall be reviewed by county staff and the county attorney's office. The County Manager or designee shall determine if it is in the best interest of the county to issue a roadway or easement permit in lieu of vacating any county interest. Nothing herein or review of staff shall require the Board of County Commissioners to grant a petition.

- (2) Upon determination and direction of the County Manager or designee, staff will place the petition on an agenda for the Board of County Commissioners for adoption of a resolution declaring the time and place for a public hearing on the advisability of the petition. Staff will notify the petitioner of the date for public hearing as adopted by such a resolution.
- (3) Notice of the time and place of the public hearing shall be published one time in a newspaper of general circulation in the county at least two (2) weeks prior to the date set for the public hearing. The property subject to the petition to vacate shall be posted in a conspicuous and easily visible location along the property. In addition, mailed notices setting forth the time, place and purpose of hearing shall be mailed to the last known address of the owners of property abutting and within three hundred (300) feet of property which is the subject of the petition.
- (4) The Board of County Commissioners, by simple majority vote, at the duly noticed public hearing, may adopt a resolution vacating, abandoning, discontinuing, or closing any existing public or private street, alleyway, road, right-of-way, or easement. Notice of the adopted resolution shall be published within thirty (30) days of passage.
- (5) Such vacation-and/or, abandonment, discontinuation, or closure shall not become effective until a certified copy of such resolution, notice of public hearing, and proof of publication of Notice of Adoption, has been filed in the office of the circuit court clerk and duly recorded in the public records of the county.

Sec. 29-48. Homeowners associations.

- (a) *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, required landscape tracts, stormwater facilities, and streetlights, ~~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 the county prior to the issuance of a building permit. Notwithstanding, if there are no roads, amenities, easements, fire suppression systems or other similar elements that require maintenance by a shared entity, no homeowners association is required.

...

ARTICLE VI. MISCELLANEOUS PROVISIONS

Sec. 29-151. Grandfather clause and special exceptions.

~~(a)~~ (a)—This chapter shall not apply to approved developments constructed, or under construction prior ~~to the effective date of this amended ordinance from which this section derives~~ September 25, 2000.

~~(a)~~(b) Previously platted roads, which have not been constructed are subject to the requirements of this chapter, unless bonds have been received and accepted on such roads.

~~(c)~~(b) Access roads or easements for agricultural and timber operations are not required to meet the requirements of this chapter as long as used solely for these purposes and are maintained by the owners. If roadways or easements are converted to facilitate the sale of lots on the easements or access road or to serve projects containing other uses, they shall be upgraded to meet the requirements of this chapter prior to issuance of a building permit, a move-on permit or subdividing land. Improving agricultural and timber lands resulting in additional runoff shall be exempted from the requirements of article III; if a permit ~~has been~~ issued by the St. Johns River Water Management District (or letter of exemption) is on file with the ~~public works~~development services director.

Sec. 29-152. Variations and exceptions.

- (a) *General.* Whenever the tract to be subdivided or site to be developed is of such unusual size or shape or is surrounded by such development or unusual conditions that strict application of the requirements contained in these regulations would result in real difficulties, or substantial hardships or injustice, the planning and zoning board, after review and recommendation by the development review committee, may vary or modify such requirements so that the subdivider or developer may develop the property in a reasonable manner, but so that, at the time, the public welfare and interest of the county and surrounding area are protected and the general intent and spirit of these regulations preserved. The planning and zoning board may impose conditions for the development.
- (b) *Condition of waiver.* An applicant seeking a variance will submit an application to the planning department and include a written request stating the reasons and facts which support such a request and address the variance criteria. The application shall be on a form approved by the county manager. The application must be submitted at least thirty (30) days prior to a scheduled board meeting. The planning and zoning board shall not approve a variance unless:
- (1) The particular physical conditions, shape or topography of the property involved causes an undue hardship to the applicant if the strict letter of the ordinance is carried out. An undue hardship does not include a financial hardship.
 - (2) The conditions, upon which a request for waiver is based, are peculiar to the property for which the waiver is sought, are not generally applicable to other property and do not result from actions of the applicant.

- (3) The variance is consistent with the criteria for granting a variance specified in section 3.05(B)(2)(a)—(g) of Nassau County Land Development Code and the requirements of the county comprehensive plan.
- (c) *Administrative appeals.* The ~~planning and zoning B~~board of County Commissioners shall hear and decide appeals by the applicant where it is alleged there is an error in any order, requirement, decision or determination by an administrative official in the enforcement of this county development regulations ordinance. Such appeal must be filed with the ~~planning and zoning board~~development services department within thirty (30) days of the date of the action which is the subject of the appeal. Administrative appeals shall not include variations and exceptions.

Sec. 29-153. Conflict with other county ordinances.

In the event of conflict between the ~~development review~~ regulations of this chapter ordinance and other county ordinances as adopted prior to Ordinance No. 2000-40, the ~~development review regulation ordinance~~provisions of the chapter 29 shall prevail.

Sec. 29-154. Enforcement.

- (a) It shall be unlawful for any person or persons to violate any of the provisions of this Code or to use said land, structure, or building in violation of any provisions of this Code. ~~Any person found guilty of violating this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisoned in the county jail for a period not to exceed sixty (60) days or both. Each day that a violation exists or continues shall be deemed a separate offense~~The provisions of this code may be enforced by 1) enforcement proceedings as provided in the Code of Ordinances Chapter 1, Article III; or 2) enforcement proceedings pursuant to section 125.69, Florida Statutes; or 3) a suit brought in law or equity by the Board of County Commissioner in the Circuit Court to restrain, enjoin, or prevent a violation of this code.
- (b) If any violation of this chapter shall continue, after receiving a written notice, the county manager, after consultation with the county attorney, may institute an appropriate action of proceedings with the code enforcement board. The board of county commissioners, in addition to the other remedies, may institute any appropriate action or proceedings of a civil action in the circuit court, to enjoin and restrain any person violating the provisions of this chapter.

SECTION 2. CODIFICATION.

It is the intent of the Board of County Commissioners for Nassau County that the provisions of this Ordinance shall become and shall be made part of the Code of Ordinances of Nassau County, Florida. The sections of this Ordinance may be re-numbers or re-lettered and the words may be changed to section, article or other such appropriate word or phrase in order to accomplish such intention. The Nassau County Clerk of Courts will ensure that this Ordinance is codified into, and published, as part of the Nassau County Code of Ordinances.

SECTION 3. CONFLICTING PROVISIONS.

All ordinances, or parts of ordinances, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY.

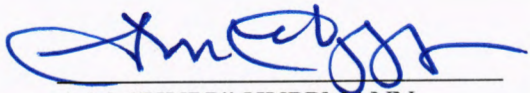
It is the intent of the Board of County Commissioners of Nassau County, Florida, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality 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 filing with the Secretary of State as provided in Florida Statutes, Section 125.66.

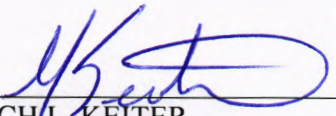
ADOPTED THIS 28th DAY OF July, 2025 BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



A.M. "HUPP" HUPPMANN
Chairman

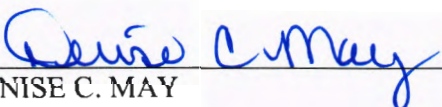
ATTEST AS TO CHAIRMAN'S SIGNATURE:



MITCH L. KEITER

Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney:



DENISE C. MAY

Additions = red underline
Deletions = ~~red strikethrough~~
Relocated = green double underline



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

July 31, 2025

John A. Crawford
Clerk of the Circuit Court
Nassau County
76347 Veteran's Way, Suite 456
Yulee, Florida 32097

Dear John Crawford:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Nassau County Ordinance No. 2025-014, which was filed in this office on July 31, 2025.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/dp