

ORDINANCE NO. 2007- 05

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA ADOPTING ARTICLE 1 OF THE NASSAU COUNTY LAND DEVELOPMENT CODE AND RESCINDING PORTIONS OF ORDINANCE NO. 97-19 IN CONFLICT THEREWITH; PROVIDING FOR TITLE AND CITATION; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR RELATIONSHIP TO COMPREHENSIVE PLAN; PROVIDING FOR STATUTORY AUTHORITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR RULES OF INTERPRETATION, APPEALS AND CONFLICTS; PROVIDING FOR AMENDMENTS; PROVIDING FOR AN OFFICIAL ZONING MAP; PROVIDING FOR PENALTIES FOR VIOLATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ARTICLES 1 AND 2 OF ORDINANCE NO. 97-19, THE NASSAU COUNTY ZONING ORDINANCE; PROVIDING FOR THE REPEAL OF SECTION 6.01 OF ORDINANCE NO. 97-19; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners adopted the Nassau County Zoning Code by enacting Ordinance 97-19; and

WHEREAS, the Planning and Zoning Board and the Board of County Commissioners through joint meetings have directed and worked with Growth Management Department to create a Nassau County Land Development Code; and

WHEREAS, by enacting the new Land Development Code, it will create the necessity to rescind conflicting portions of the existing Nassau County Zoning Code and create appropriate provisions in the new Nassau County Land Development Code.

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Nassau County, Florida, this 22nd day of January, 2007

that appropriate portions of the new Nassau County Land Development Code shall be created as follows:

NASSAU COUNTY
LAND DEVELOPMENT CODE

ARTICLE I
GENERAL

1.00 **TITLE AND CITATION**

This Code shall be known as the "Nassau County Land Development Code and may be cited and referred to as the "Code" or the "LDC".

1.01 **PURPOSE AND INTENT**

The purpose of this Code is to implement the County's Comprehensive Plan by establishing regulations, procedures and standards for review and approval of all development and use of land in the unincorporated portions of the County. Further, this Code is adopted in order to preserve and foster public health, safety and welfare; to facilitate the adequate and efficient provision of public facilities and services; and to conserve, utilize, and protect natural resources within Nassau County

The intent of this Code is that the development process in the County be:

- a. Efficient, in terms of time and expense;
- b. Effective, in terms of addressing the natural resources and public facility implications of development; and,
- c. Equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and the consideration of the interests of the citizens of the County.

1.02 **RELATIONSHIP TO COMPREHENSIVE PLAN**

Section 163.3201, F.S. provides that the adoption and enforcement of this Land Development Code shall be based on, be related to, and be a means of implementation for the Nassau County Comprehensive Plan. Section 163.3194(1)(b), F. S. requires that all land development regulations be consistent with the Comprehensive Plan of the enacting local government. A land development regulation, or development order issued there under, shall be found consistent with the Comprehensive Plan if the land uses, densities or intensities, capacity or size, timing or other aspects of development permitted by such order or regulation, are compatible with and further the objectives, policies, land uses and densities or intensities in the Comprehensive Plan, and if it meets all other criteria enumerated by the local government.

1.03 AUTHORITY

This Code is enacted pursuant to the requirements and authority of Chapter 163.3202, Florida Statutes (Local Government Comprehensive Planning and Land Development Regulation Act) and the general powers established in Chapter 125, Florida Statutes (County Government) and the Constitution of the State of Florida.

The Board of County Commissioners of Nassau County, Florida (herein after referred to as the "Board" and/or "BOCC"), has the authority to prepare, adopt and enforce this Code pursuant to Article 8, Section 163.3161(8), Florida Statutes, Section 163.3201, Florida Statutes, 163.3202, Florida Statutes, Rule 9J-5, Florida Administrative Code, Rule 9J-24, Florida Administrative Code, the Nassau County Comprehensive Plan, and other such authorities and provisions established in statutory or common law.

1.04 APPLICABILITY

The regulations of this Code shall apply throughout the unincorporated portions of Nassau County. The development and subsequent use and occupancy of any land, water or building shall be in accordance with all the applicable provisions of this Code.

A. General Applicability

1. Except as specifically provided in this Code or the Comprehensive Plan, the provisions of this land development code shall apply to all development in the unincorporated area of the county.

2. No building, structure or parts thereof shall be built, erected or constructed and no existing building, structure or parts thereof shall be moved, structurally altered, enlarged or reconstructed, nor shall any open space surrounding any building or structure be encroached upon or reduced in any manner, except in conformance with this Code and as permitted in the zoning district in which said building or structure is located. In addition, no building, structure or land, water, or parts thereof, shall be used, developed or intended to be used for any purpose or in any manner other than a use designated in this Code and as permitted in the zoning district in which such building, structure or land is located.

B. Exceptions

1. Previously issued development permits: The provisions of this Code and any amendments thereto shall not affect the validity of any lawfully issued and effective development permits if:

a. The activity authorized by the development permit has been commenced prior to the effective date of this Code or any amendment thereto or, if not commenced, the authorized activity is issued a building permit within six months of the effective date of this Code; and

b. The development activity continues without interruption, except because of war or natural disaster, until the development is complete. If the development permit expires, any further development on that site shall occur only in conformance with the requirements of this code or amendment thereto.

2. Previously approved development orders: The provisions of this Code and any amendments hereto shall not affect the validity of any development order lawfully issued prior to the effective date of an applicable provision provided that the development order remains valid. In the event that a development order becomes invalid through expiration, revocation or lack of compliance with conditions of approval or timetable requirements, any further development on the site shall occur only in conformance with the requirements of the LDC. In the case of an amendment request to a previously approved development order, the applicability of this Code, or portions thereof, shall be addressed within the amended development order.

3. Consistency with Comprehensive Plan: Nothing in this section shall be construed to authorize development that is inconsistent with the Comprehensive Plan.

1.05 RULES OF INTERPRETATION, APPEALS, CONFLICTS

A. Generally: In the interpretation and application of this Code, all provisions shall be liberally construed in favor of the objectives and purposes of the County and deemed neither to limit nor repeal any other powers granted under state statutes.

B. Responsibility for Interpretation:

1. The implementation, interpretation and application of the provisions of this Code shall be reasonably and uniformly applied to all property within the unincorporated areas of the County. The appropriate department head or, in the case of absence, his/her designee shall have the responsibility, consistent with these provisions and accepted rules of statutory construction, to interpret and apply this Code.

2. The provisions of this Code shall be deemed the minimum requirements necessary to carry out its purpose and intent.

C. Appeals

1. Any aggrieved person may appeal an interpretation to the Planning and Zoning Board in accordance with the appeal provisions outlined in this Code. The aggrieved person may appeal the decision of the Planning and zoning Board to the Board of County Commissioners.

2. Any person or persons jointly or severally aggrieved by a land development decision made by the Board of County Commissioners may file an appeal in the Circuit Court, which serves the County in which the Board of County Commissioners is located. This appeal must be filed within thirty (30) days after the Board of County Commissioners has rendered its decision.

D. Conflicting Provisions

1. Whenever the regulations and requirements of this Code conflict with the requirements of any of the lawfully enacted and adopted rules, regulations, ordinances or laws, the more stringent standard, limitation or requirement shall govern or prevail to the extent of the conflict.
2. This Code does not affect the Florida Building Code.
3. It is not the intent of this Code to interfere with or abrogate any easement, covenant or other voluntary agreement between parties; however when the regulations of this Code impose a greater restriction upon the use buildings or land than are imposed by such instruments, the provisions of this Code shall control.

E. Rules for Interpretation

1. Computation of Time: The computation of time, within which an act is to be completed, shall be computed by excluding the first day on which the act commenced and including the last day the action is completed. If the last day falls on a Saturday, Sunday or legal holiday, the next working day shall be considered the last day.
2. Gender: Words importing the masculine gender shall be construed to include the feminine and neuter.
3. Number: Words in the singular shall include the plural, and words in the plural shall include the singular.
4. Shall & May: The word "shall" is mandatory; the word "may" is permissive.
5. Written and In Writing: The terms "written" and "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.
6. Year: The word "year" shall mean a calendar year, unless otherwise indicated.
7. Boundaries. Interpretations regarding boundaries of zoning districts shall be made in accordance with the following.

- a. Boundaries shown as following or approximately following any street shall be construed as following the centerline of the street.
 - b. Boundaries shown as following or approximately following any platted lot line or other property line shall be construed as following such line.
 - c. Boundaries shown as following or approximately following section lines, half-section lines or quarter section lines shall be construed as following such lines.
 - d. Boundaries shown as following or approximately following natural features shall be construed as following such features.
8. Relationship of Specific to General Provisions: The more specific provisions of this Code shall be followed in lieu of general provisions.

1.06 AMENDMENTS

- A. The Board of County Commissioners may, from time to time, amend, supplement or repeal sections of this Code. Proposed changes and amendments may be suggested by the Board of County Commissioners and their staff, Planning and Zoning Board, Conditional Use and Variance Board, or any citizen of Nassau County by petition to the Board of County Commissioners.

1.07 OFFICIAL ZONING MAP

There is hereby adopted an official Zoning Map of Nassau County, a copy of which is made a part of this Code by reference. The Official Zoning Map shall be maintained by the Growth Management Department. The Growth Management Department is responsible for tracking rezonings and any other zoning amendments by reference to the ordinance number and shall maintain a current copy on public display in their offices. An electronic version, kept as a GIS map, may also be used as the Official Zoning Map.

1.08 PENALTY FOR VIOLATION

A. A violation of the provisions of this Code shall be deemed a criminal violation punishable as provided by law. Each day such violation continues, will constitute a separate offense. Any violation of this Code is subject to enforcement, stop-work orders, withholding of development permits within the same property, fines and penalties by the Code Enforcement Department in accordance with Chapter 162, Florida Statutes.

B. 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 ordinance.

1.09 SEVERABILITY

If any section, subsection, paragraph, sentence, clause or phrase of this land development code is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of this code shall continue in full force and effect.

NOW, THEREFORE BE IT FURTHER ORDAINED by the Board of County Commissioners of Nassau County, Florida, this 22nd day of January, 2007 that those portions of Ordinance No. 97-19 in conflict with the above shall be rescinded as follows:

**ORDINANCE 97-19
NASSAU COUNTY, FLORIDA**

~~ARTICLE 1~~

~~SHORT-TITLE~~

~~This ordinance shall be known and may be cited as the "Nassau County Zoning Ordinance". This ordinance shall supersede any and all prior and existing zoning ordinances, district restrictions and requirements to carry on any business and non-business activities, laws or resolutions for the unincorporated area of Nassau County, Florida. The provisions of this ordinance shall become effective immediately upon adoption.~~

~~ARTICLE 2~~

LEGAL STATUS

Section 2.01. Authority.

~~This ordinance, together with any and all future amendments thereto, is adopted under the provisions and terms granted by chapter 125, Florida Statutes.~~

Section 2.02. Purpose and Policy.

~~This ordinance is adopted for the purpose of guiding and accomplishing coordinated, adjusted and harmonious development in accordance with existing and future needs, and in order to protect, promote and improve, public health, safety, comfort, order, appearance, convenience, morals and general welfare of the citizens of the unincorporated area of Nassau County, Florida.~~

~~The districts and regulations contained herein are designed to lessen the traffic congestion on public streets and highways; to provide adequate provisions for light and air; to promote civic amenities of beauty and usual interest; to prevent loss of health, life or property from fire, flood or other dangers; to regulate density of population and thus prevent the overcrowding of lands in order to facilitate the provisions for adequate community facilities such as water, sewer, schools, police protection, fire protection and recreational uses.~~

Section 2.03. Validity.

~~If any Section, part of a Section, paragraph, sentence, clause, phrase or word of this ordinance is, for any reason, held or declared to be unconstitutional, inoperative, void or invalid by any court having jurisdiction, such holding or invalidity shall not affect the validity of any other provision of this ordinance.~~

ARTICLE 6

GENERAL REGULATIONS

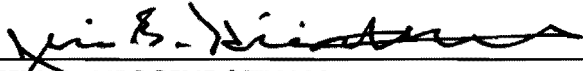
Section 6.01. Compliance with this Ordinance.

~~All buildings or structures hereafter erected, reconstructed, altered, enlarged or moved in the unincorporated area of Nassau County, Florida, shall be in conformity with the provisions of this ordinance.~~

EFFECTIVE DATE:

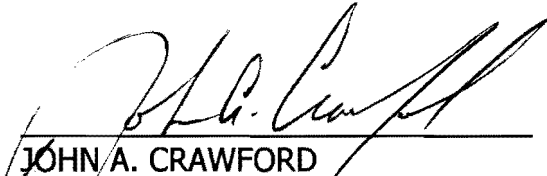
This ordinance shall become effective upon its being filed with the Office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



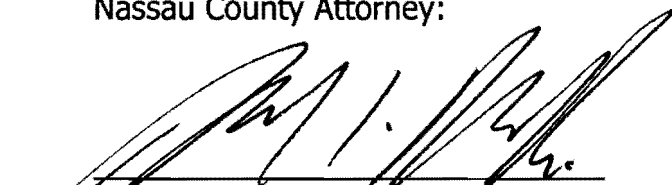
JIM B. HIGGINBOTHAM
Its: Chairman

Attest as to Chairman's
Signature:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form and legality by the
Nassau County Attorney:



MICHAEL S. MULLIN