

**ORDINANCE 2016-04**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING THE NASSAU COUNTY LAND DEVELOPMENT CODE; AMENDING SECTION 28.15, ACCESSORY STRUCTURES; AMENDING SECTION 22.05, MINIMUM YARD REQUIREMENTS IN THE OR DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, then Nassau County Comprehensive Plan Objective FL.11 requires that the "County ensure the protection of private property rights and recognize the private interests in land use" while protecting the health safety and general welfare of the citizens of Nassau County; and

**WHEREAS**, Nassau County continually endeavors to update the Land Development Code to this Objective; and

**WHEREAS**, the provisions of this Ordinance provide development standards, criteria and regulations consistent with the Nassau County Comprehensive Plan; and

**WHEREAS**, the Planning and Zoning Board conducted public hearings on this Ordinance on March 29, 2016 and voted to recommend adoption by the Commission; and

**WHEREAS**, legal notice of this Ordinance has been provided in accordance with Sec. 125.66, F.S.

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

**SECTION 1. FINDINGS**

1. This Ordinance is consistent with Chapter 163, F.S.
2. This Ordinance is consistent with the Nassau County Comprehensive Plan

## **SECTION 2. AMENDMENTS TO LAND DEVELOPMENT CODE**

Section 28.15, Accessory Uses and Structures and Section 22.05, Minimum Yard Requirements in the "OR", Open Rural zoning district; are hereby amended to read as follows:

### **Section 28.15. - Accessory uses and structures.**

- (A) Accessory uses and structures are permitted in all districts provided such uses and structures are of a nature customarily incidental to a permitted principal use or structure and is located on the same lot (or contiguous lot in the same ownership) with such use. Any structure of portion thereof, attached to the principal structure on a lot by a roof, shall be considered part of the principal structure and not an accessory building. Accessory uses shall not involve operations or structures not in keeping with the character of the district where located. The square footage of an individual accessory structure shall not exceed the square footage of the principle (main) structure's footprint however, the foregoing square footage limitation shall not be applicable to any lot containing one acre or more of upland area.
- (B) Accessory uses and structures shall not be located in required front or side yards in any zoning district except as follows:
1. Accessory structures for the housing of persons such as guest houses shall not be located in any required yard.
  2. In residential and Open Rural districts where a residence is the primary and principal use, detached accessory structures (other than as in [subsection] (1) above) which are separated from the principal structure by at least ten (10) feet and are single story construction less than 20 feet in height, may be located in a required side or rear yard, but not less than six (6) feet from any lot line, nor within any easement of record.
  3. Air conditioning compressors or other equipment designed to service the main structure may be located in any required side or rear yard, but must be at least six (6) feet from any lot line.

### **Section 22.05. - Minimum yard requirements.**

The following minimum building line setbacks measured from the property lines are required for all principal and accessory buildings, ~~unless otherwise listed~~ except as provided in Section 28.15. Principal buildings that met setback or other yard requirements at the time of construction may be enlarged or expanded, provided however, no enlargement or expansion extends to a greater degree into current adopted minimum yard requirements. All other requirements of article 28: Nonconforming lots, uses, and structures shall apply.

- (A) Front yard: Thirty-five (35) feet.  
 (B) Side yard: Fifteen (15) feet.

(C) Rear yard: Twenty-five (25) feet.


**SECTION 3. EFFECTIVE DATE.**

This Ordinance shall be effective upon filing with the Secretary of State.


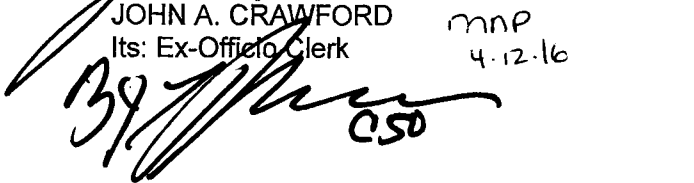
**PASSED AND ADOPTED THIS 11th DAY OF April, 2016.**

BOARD OF COUNTY COMMISSIONERS

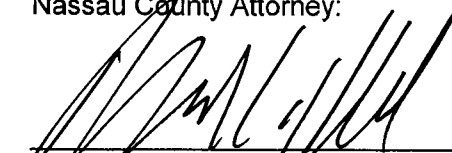
NASSAU COUNTY, FLORIDA

  
WALTER J. BOATRIGHT,  
Its: Chairman

ATTEST as to Chairman's Signature:

  
JOHN A. CRAWFORD      mnp  
Its: Ex-Officio Clerk      4.12.16  
 CSO

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

  
MICHAEL S. MULLIN,  
County Attorney