

ORDINANCE NO. 2017 - 03

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING ARTICLE 28, SUPPLEMENTARY REGULATIONS, SPECIFICALLY SECTION 28.03, LOT TO HAVE ACCESS; AMENDING ARTICLE 29, NONCONFORMING LOTS, USES AND STRUCTURES, SPECIFICALLY SECTION 29.07, NONCONFORMING LOTS OF RECORD; AND AMENDING ARTICLE 32, DEFINITIONS, OF THE LAND DEVELOPMENT CODE; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Nassau County, Florida, has found it necessary and in the best interest of the citizens of Nassau County to amend Article 28, Supplementary Regulations, specifically Section 28.03, Lots to Have Access, Article 29, Nonconforming Lots, Uses and Structures and Article 32, Definitions, of the Land Development Code; and

WHEREAS, the Planning and Zoning Board of Nassau County, Florida, conducted a public hearing on this ordinance on May 3, 2016 and voted to recommend approval; and

WHEREAS, the Board of County Commissioners of Nassau County, Florida conducted a public hearing on this ordinance on May 9, 2016, May 23, 2016, July 11, 2016, September 12, 2016, October 10, 2016, October 19, 2016, November 14, 2016, November 28, 2016, December 12, 2016, January 9, 2017 and January 23, 2017.

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Nassau County, Florida, that Article 28, Article 29, and Article 32 of the Land Development Code shall be further amended as follows:

1. Article 28, Supplementary Regulations

Section 28.03. Lot to have access.

No lot or parcel of land shall be used for the construction, location, or erection of any building, structure or mobile home where such lot or parcel does not front on a public or private roadway meeting the requirements of Ordinance No. 99-17, as amended, specifically Article 11, Roadway Design, and must be approved by the County Director of Public Works. The lot or parcel shall front ~~abut~~ for a distance of

not less than the required minimum lot width for the subject zoning classification or thirty-five (35) feet if located fronting on an approved cul-de-sac. On a curvilinear street, the width, as it applies to this section, shall be measured at the front setback line of the respective zoning district. The width, as it applies in this section, as measured for Lots fronting on an approved cul-de-sac shall be measured at the property/right-of-way line. upon a federal, state or county maintained street or roadway, or a private driveway, easement or private roadway which has been approved by the county engineer.

~~Any lot or parcel shall conform to the requirements of the adopted subdivision regulations. The county engineer shall review each building permit for compliance with this section prior to the issuance of said permit.~~

Lots or parcels established pursuant to a recorded instrument recorded as of January 23, 2017 or are not classified as a Minor Development or Rural Subdivision, may be accessed by a private thirty foot (30') easement and may be used for the construction, location or erection of any single family structure including a mobile home subject to the following:

1. The lot or parcel is in a zoning district that allows the erection of a single family structure and meets the requirements of the zoning district.
2. The private easement is a minimum of thirty (30) feet and does not serve more than three (3) lots and:
 - (a) Each of the applicants for a thirty (30) foot easement shall execute an affidavit, on a form approved by the County Attorney that states, at a minimum: (1) the easement is maintained by the property owners whose lots or parcels are accessed by the private easement. (2) acknowledges that county does not nor will not maintain the easement, and does not guarantee access by emergency vehicles, school buses or other delivery vehicles.
 - (b) Each of the applicants shall execute a hold harmless agreement on a form approved by the County Attorney.
 - (c) All documents shall be recorded and run with the land.

Lots or parcels established pursuant to a recorded instrument, recorded as of January 23, 2017 , that are accessed by a sixty foot (60') private dirt road easement that was named by the property appraiser prior to January 23, 2017 may be used for the construction or erection of any single family structure and/or mobile home subject to the following:

1. The lot or parcel is in a zoning district that allows the erection of a single family structure and meets the requirements of the zoning district.
2. The private sixty foot (60') easement does not serve more than five (5) lots and has been constructed to county standards (including drainage) as set forth in Ordinance No. 99-17, as amended, specifically Article 11, Roadway Design, or alternate standards, approved by the Development Review Committee (DRC) and inspected and approved by the Director of Public Works or his designee.
3. The applicants for the sixty foot (60') easement shall execute an affidavit on a form approved by the County Attorney that states at a minimum: (1) the easement is maintained by the property owners whose lots or parcels are accessed by the private easement, and (2) acknowledges that the County does not nor will not maintain the easement and does not guarantee access by emergency vehicles, school buses or other delivery vehicles. All documents shall be recorded and run with the land.
4. The lot owner shall execute a hold harmless agreement on a form approved by the County Attorney.

2. Article 29. Nonconforming Lots, Uses and Structures

Section 29.07. Nonconforming lots of record.

- (A) In any zoning district in which single-family dwellings or mobile homes are permitted, such a use and customary accessory uses may be erected, expanded, or altered on any single lot of record, which was recorded on or before ~~the effective date of this ordinance~~ October 8, 1974 even though such lot failed to meet the requirements for area or width, or both that are

generally applicable in the zoning district, provided that yard dimensions and requirements other than those applying to area or width, or both of the lot shall conform to the regulations for the zoning district in which such lot is located. ~~It is further provided that this provision shall apply even though such lot does not abut upon a dedicated public street or a private street, which has been approved by the county engineer provided, however, that such lot abuts a continuous access easement of record of thirty (30) feet for a distance of not less than thirty five (35) feet.~~

(B) In any zoning district, a conforming use or structure on a nonconforming lot of record which was so recorded on or before the effective date of adoption of the ordinance may be expanded or altered provided other requirements of the ordinance are met. After the effective date of adoption of the ordinance, no lot or parcel in any district shall be so divided as to create a lot with area or width below the requirements of the ordinance; and no lot or parcel or portion of a lot or parcel shall be used or sold in a manner that diminishes compliance with lot area and width requirements established by the ordinance.

3. Article 32. Definitions.

Amend the definition of Lot of Record, as follows:

Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the Office of the Clerk of the Circuit Court of Nassau County, or a parcel of land the deed of which was recorded in the Office of the Clerk of the Circuit Court prior to the adoption of this ordinance which met the minimum Lot, Yard and Frontage requirements of Nassau County at the time the lot was created.

Include the following in Article 32, Definitions:

Alternate standards – a stabilized surface that meets or exceeds the standards set forth in Article 11 of Ordinance 99-17. In addition, the alternate standards shall provide for a surface that is two (2) vehicles wide with drainage and is approved by the Director of Public Works.

Parent Tract – refers to a Lot of Record that existed on January 23, 2017, the date of the Nassau County adoption of this ordinance, and will also mean, for the purpose of this ordinance, a parcel of land

fronting on a publicly maintained road. A Parent Tract may be divided once, without complying with the subdivision regulations provided the tract meets the minimum Lot and Yard requirements of the respective zoning district, does not exceed residential density limitations as defined in the Comprehensive Plan and meets the minimum Lot frontage requirements as defined in Section 28.03 LDC. Any further division of a Parent Tract shall be deemed to be a subdivision and must comply with these subdivision regulations. This provision does not apply to Lots created by a subdivision plat recorded with the Clerk of the Court of Nassau County via Plat Book and Page. An application to divide a parent tract, pursuant to this section, shall be submitted to the PEO on the provided form. The application to divide a parent tract must be approved by the PEO prior to the issuance of a building permit.

4. CODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of Nassau County, Florida.

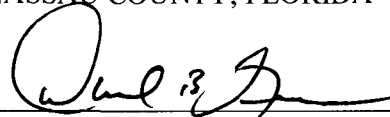
The codifier may re-letter or renumber sections to conform to the uniform numbering and style of the Code.

5. EFFECTIVE DATE:

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

DULY ADOPTED this 23rd day of January, 2017.

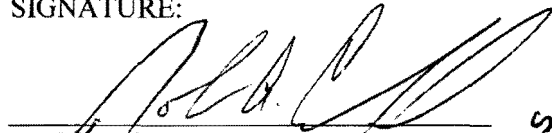
BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



DANIEL B. LEEPER

Its: Chairman


ATTEST AS TO CHAIRMAN'S
SIGNATURE:



JOHN A. CRAWFORD
Its. Ex-Officio Clerk

MES
01.24.17

APPROVED AS TO FORM BY THE
NASSAU COUNTY ATTORNEY:



MICHAEL S. MULLIN