

ORDINANCE NO.: 2017- 22

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING ORDINANCE 97-19, ARTICLE 9, RESIDENTIAL SINGLE-FAMILY: RS-1 AND RS-2; ADDING SECTION 9.07, SPECIAL REQUIREMENTS; ALLOWING FOR REDUCED SETBACKS, INCREASED LOT COVERAGE AND INCREASED HEIGHT IN THE RS-2 DISTRICT; AMENDING ORDINANCE 97-19, ARTICLE 28; AMENDING SECTION 28.15, ACCESSORY USES AND STRUCTURES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Understanding the importance of analyzing the applicable effectiveness of Ordinance 97-19, known as the Nassau County Land Development Code, the Planning and Zoning Board finds that from time-to-time amendments to Ordinance 97-19 are necessary to maintain an effective Land Development Code; and

WHEREAS, The Planning and Zoning Board recognizes that an effective Land Development Code requires the ability to evolve with changing demographics and market demands; and

WHEREAS, The use of incentives to preserve natural areas and provide for recreation lands is a tool common in land-use planning; and

WHEREAS, The Planning and Zoning Board finds that allowing for reduced building setbacks and higher lot coverage percentage in exchange for increased preservation of natural areas and recreation lands is a mutually beneficial incentive; and

WHEREAS, the Board of County Commissioners, at the recommendation of the Planning and Zoning Board, has found it necessary to amend Article 9, Residential Single-Family: RS-1 and RS-2, adding Section 9.07, Special Requirements; and

WHEREAS, the Planning and Zoning Board of Nassau County, Florida, conducted a public hearing on this ordinance on August 1, 2017 and voted to recommend approval; and

WHEREAS, the Board of County Commissioners of Nassau County, Florida conducted a public hearing on this ordinance on August 28, 2017; and

NOW, THEREFORE, BE IT ORDAINED, this 28 day of August, 2017 by the Board of County Commissioners of Nassau County, Florida, that Ordinance 97-19 be amended as follows:

ARTICLE 9. - RESIDENTIAL SINGLE-FAMILY: RS-1 AND RS-2

INTENT: The purpose of the residential single-family districts, RS-1 and RS-2, is to provide for the orderly expansion of low and medium density development in those areas where public services, utilities and transportation facilities are adequate or may be made available; and to exclude uses not compatible with such low and medium density residential development thereby preserving and protecting the characteristics of single-family neighborhoods.

Section 9.01. - Permitted uses and structures.

Single-family dwellings.

Section 9.02. - Permitted accessory uses and structure.

See article 28, section 28.15.

Section 9.03. - Conditional uses.

See article 28, section 28.14.

Section 9.04. - Minimum lot requirements.

(A) RS-1:

- (1) Minimum lot width: Ninety (90) feet.
- (2) Minimum lot area: Ten thousand eight hundred (10,800) square feet.

(B) RS-2:

- (1) Minimum lot width: Seventy-five (75) feet.
- (2) Minimum lot area: Eight thousand seven hundred (8,700) square feet.

Section 9.05. - Minimum yard requirements.

(A) Front yard:

- (1) RS-1, Thirty (30) feet.
- (2) RS-2, Twenty-five (25) feet.

(B) Side yard:

- (1) RS-1, Ten (10) feet.
- (2) RS-2, Ten (10) feet.

(C) Rear yard:

- (1) RS-1, Fifteen (15) feet.
- (2) RS-2, Ten (10) feet.

Section 9.06. - Building restrictions.

(A) Maximum building height:

- (1) RS-1, Thirty-five (35) feet.
- (2) RS-2, Thirty-five (35) feet.

(B) Maximum lot coverage:

- (1) RS-1, Thirty (30) percent.
- (2) RS-2, Thirty-five (35) percent.

Section 9.07. - Special requirements.

(A) If a site engineering plan and plat for a single-family detached subdivision, which is duly approved by the Development Review Committee and has not commenced vertical construction of individual homes, preserves at least 30% of the gross site area as natural areas or recreation lands outside of any building site (Lot), storm water management facility, perimeter landscape area per Sec. 37.05.D LDC, utility area/easement or right-of-way then the following incentives are provided:

- (1) Minimum yard requirements.

(a) Front yard:

RS-2, Minimum fifteen (15) feet, provided however, the minimum front setback of the face of the garage shall be twenty (20) feet.

(b) Side yard:

RS-2, Five (5) feet.

(c) Rear yard:

RS-2, Ten (10) feet.

(2) Building restrictions.

(a) Maximum building height:

RS-2, Forty (40) feet.

(b) Maximum lot coverage:

RS-2, Fifty (50) percent.

Section 28.15. - Accessory uses and structures.

(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 twenty (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.~~

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.

1. EFFECTIVE DATE:

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

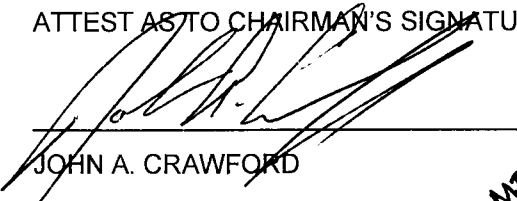
DULY ADOPTED this 28th day of August, 2017.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



DANIEL B. LEEPER
Its: Chairman

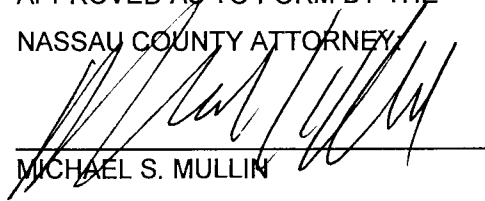
ATTEST AS TO CHAIRMAN'S SIGNATURE:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

MES
08-30-17

APPROVED AS TO FORM BY THE
NASSAU COUNTY ATTORNEY:



MICHAEL S. MULLIN