

**ORDINANCE NO. 2022- 03**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING ORDINANCE 99-18, AS AMENDED, KNOWN AS THE "NASSAU COUNTY DEVELOPMENT REVIEW REGULATIONS ORDINANCE;" SPECIFICALLY AMENDING CHAPTER 29, SUBDIVISION AND DEVELOPMENT REVIEW, SUBSECTION (2) OF SECTION 29-3, PETITION FOR RELIEF FROM FAMILY HARDSHIP; PROVIDING RELIEF FOR PLATTED SUBDIVISION RECORDED PRIOR TO OCTOBER 11, 1974; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, the Planning and Zoning Board conducted a public hearing on this Ordinance on January 4, 2022 and voted to recommend approval.

**WHEREAS**, the Board of County Commissioners of Nassau County, Florida conducted a public hearing on this ordinance on February 14, 2022.

**NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Nassau County, Florida:**

**SECTION 1. FINDINGS**

This Ordinance is consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan, in particular, Policies FL.01.01, FL.01.02, and FL.10.05.

**SECTION 2. AMENDMENTS**

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

**SECTION 1. FINDINGS.** The above findings are true and correct and are hereby incorporated herein by reference.

**SECTION 2. AMENDMENT OF SUBSECTION (2) OF SECTION 29-3(2) OF THE NASSAU COUNTY CODE OF ORDINANCES.** Subsection (2) of Section 29-3 of the Nassau County Code of Ordinances, entitled *Petition for relief from family hardship*, is hereby amended as follows:

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

- (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 Nassau 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 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 conforms with the policies of the comprehensive plan.
2. All lots have a minimum of a sixty-foot access/utility easement to provide access to the parcel. Variations and variances related to access shall be reviewed by the public works director or designee pursuant to Article 15 of the Roadway and Drainage Standards.
3. Each deed of conveyance entered into and executed shall contain a legend setting forth in bold type the following statement:

**THE SUBJECT LAND IS CONTAINED WITHIN A FAMILY HARDSHIP DEVELOPMENT WHICH 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 FAMILY HARDSHIP DEVELOPMENT**

A copy of each deed shall be presented upon each application for a building permit. The property cannot be further conveyed to a non-family member. The applicant shall provide an executed family member affidavit, as established by staff and the county attorney, indicating that the intended property owner is a family member as defined herein. Failure to present the affidavit and a copy of the deed in the form described will result in the denial of a building permit.

4. The persons applying for the hardship (if approved) and each new/potential property owner must sign a hold harmless indemnification agreement with Nassau 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 Nassau 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 Nassau 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 the 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 Nassau County Attorney, and shall be recorded in the official public records of Nassau 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.

5. All lots must be transferred to an immediate family member pursuant to Comprehensive Plan Policy FL.01.02(A)(2) for the sole purpose of establishing a homestead. Pursuant to Policy FL.01.02(A)(2), a family member is defined as:  
*The grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, grandchild, aunt, uncle, niece or nephew of the person who conveyed the parcel to said individual.*
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 Nassau 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.
7. The covenants shall include, at a minimum, the legal description of the family hardship development and include a provision that the property is a family hardship development for family only (FL.01.02(A)(2)). The covenants shall also indicate that there shall not be a conveyance of real property within the family hardship development to a person not meeting the definition of family as set forth herein. The covenants shall also contain language which prohibits the further conveyance from a family member. The planning and zoning board may waive the further conveyance to a non-family member based on unique and unforeseen circumstances that are not the result of the individual property owner's actions (including but not limited to court orders and similar actions). In addition, there can be only one conveyance of real property in the development to an individual family member. The lots created cannot be further divided.
8. This provision does *not* apply to lands contained within a subdivision recorded by plat book and page on or after October 11, 1974. Notwithstanding the above, if the board of county commissioners designate a recorded plat an antiquated subdivision, this specific subsection will not apply.
9. The application for a family hardship development shall be submitted to the department of planning and economic opportunity (DPEO) on forms created by the Nassau County Attorney's Office. The DPEO 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 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 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.

**SECTION 3. 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 4. EFFECTIVE DATE**

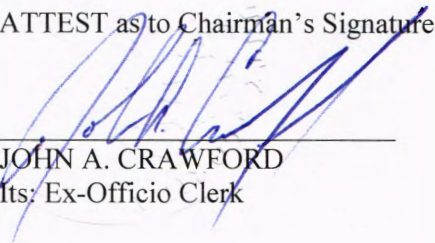
This Ordinance shall take effect upon filing with the Secretary of State as provided in Florida Statutes, Section 125.66.

**PASSED and ADOPTED this 14th day of February, 2021.**

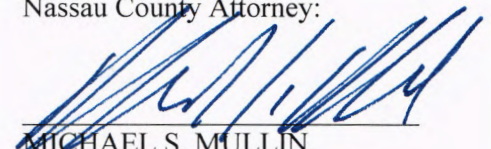
BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

  
\_\_\_\_\_  
AARON BELL  
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,  
County Attorney



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

February 23, 2022

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

Attention: Heather Nazworth

Dear Mr. Crawford:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Nassau County Ordinance No. 2022-03, which was filed in this office on February 23, 2022.

Sincerely,

Anya Owens  
Program Administrator

AO/lb