

ORDINANCE 2023- 010

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; REVISING THE DEFINITION OF IMMEDIATE FAMILY MEMBER; REVISING LANGUAGE FOR THE CONVEYANCE OF PROPERTY; PROVIDING FOR FINDINGS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Policy FL.01.02(A)(2) of the Nassau County Comprehensive Plan details the division of land designated on the Future Land Use Map as Agriculture for conveyance to an immediate family member for the establishment of a homestead; and

WHEREAS, Section 29-3(2) of the Nassau County Code of Ordinances codifies the standards for an exemption from platting requirements based on a petition for relief from family hardship; and

WHEREAS, Section 29-3(2)(b)(5) of the Code of Ordinances defines immediate family members eligible to receive transfer of lots created through approval of a family hardship development; and

WHEREAS, Section 29-3(2)(b)(7) of the Code of Ordinances contains language which prohibits the further conveyance from a family member and that there can be only one conveyance of real property in the development to an individual family member; 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 to include a more specific definition of immediate family members; and

WHEREAS, the Planning and Zoning Board conducted a public hearing on this Ordinance on December 6, 2022 and voted to recommend approval to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners conducted a public hearing on this Ordinance on April 10, 2023 and approved the Ordinance; and

WHEREAS, this Ordinance is consistent with the Comprehensive Plan, in particular with Future Land Use Element Policy FL.01.02(A) and also with the Land Development Code.

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

SECTION 1. Amending Chapter 29, Section 29-3 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:

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. The Owner's (a) parents, step-parents, adopted parents or grandparents; (b) spouse; (c) brothers or sisters; (d) children, step-children, adopted children or grandchildren; (e) aunts or uncles; (f) nieces or nephews; or (g) the parents, step-parents, adopted parents or grandparents, siblings, and children, step-children, adopted children or grandchildren of the Owner's spouse.

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 to a non-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~~ any one individual family member. The lots created cannot be further divided.

SECTION 2. CODIFICATION

It is the intention of the Board of County Commissioners for Nassau County that the provisions of this Ordinance shall become and shall be made part of the Code of Ordinances of Nassau County, Florida. The sections of this Ordinance may be re-numbered or re-lettered and the words may be changed to section, article or other appropriate word or phrase in order to accomplish such intention. The Nassau County Clerk of Courts will ensure that this Ordinance is codified into, and published, as part of the Nassau County Code of Ordinances.

SECTION 3. CONFLICTING PROVISIONS

All Ordinances, or parts of Ordinances, in conflict with this provision of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. 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 5. EFFECTIVE DATE

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

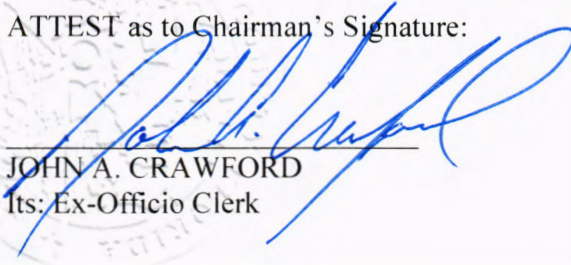
ADOPTED THIS 10th DAY OF April, 2023 BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



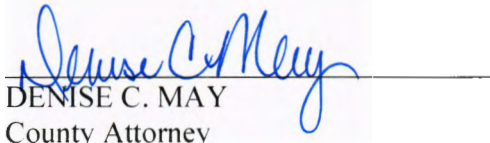
KLYNT A. FARMER
Its: Chairman

ATTEST as to Chairman's Signature:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form:



DENISE C. MAY
County Attorney



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

April 17, 2023

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

Attention: Heather Nazworth

Dear Honorable John Crawford:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Nassau County Ordinance No. 2023-010, which was filed in this office on April 17, 2023.

Sincerely,

Anya Owens
Program Administrator

ACO/wlh