

**ORDINANCE 2017 - 15**

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 SECTION 2, DEFINITIONS; AMENDING SECTION 3, DEVELOPMENT THAT DOES NOT REQUIRE PLATTING, ADDING SECTION 3.1.5, OPEN RURAL HOMESTEAD LAND SPLIT EXEMPTION; ADDING SECTION 3.1.6, PETITION FOR RELIEF FROM FAMILY HARDSHIP; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has found it necessary to further amend Ordinance 99-18, as amended, to provide for requirements for a Family Hardship Development and an Open Rural Homestead Land Split Exemption; and

WHEREAS, the Planning and Zoning Board of Nassau County, Florida, conducted a public hearing on this proposed ordinance on June 6, 2017 and voted to recommend approval; and

WHEREAS, the Board of County Commissioners of Nassau County, Florida conducted a public hearing on this proposed ordinance on June 12, 2017.

NOW, THEREFORE, BE IT ORDAINED, this 12th day of June, 2017 by the Board of County Commissioners of Nassau County, Florida, that Ordinance 99-18, as amended, be further amended as follows:

**SECTION 2. DEFINITIONS**

The definitions listed in Part I - Platting of Section 177.031, *Florida Statutes*, are hereby adopted by reference. In addition, other terms in this Ordinance are hereby defined. Any definitions in Section 177.031, which are also set forth herein, are to be considered supplemental and not contradictory.

**Antiquated Subdivision:** The term "Antiquated Subdivision" means a subdivision which was recorded or approved more than 20 years ago that has substantially failed to be built and the continued buildout of the subdivision in accordance with the subdivision's zoning and land use purposes would cause an imbalance of land uses and would be detrimental to the local and regional economies and environment, hinder current planning practices.

and lead to inefficient and fiscally irresponsible development patterns as determined by the respective jurisdiction in which the subdivision is located.

**Board:** The term "Board", as used herein, refers to the Board of County Commissioners of Nassau County.

**Developed Area:** Means the portion of the lot that has been built upon, contains required parking, other accessory uses and/or structures, and/or is landscaped or otherwise disturbed.

**Developer's Engineer:** The term "developer's engineer", as used herein, refers to a professional engineer, registered in Florida, engaged by the developer to prepare engineering plans and to supervise construction.

**Development:** The division of land, regardless of how said lots or parcels are described or recorded into more than two (2) parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; any change in the use of land; and construction, elimination or alteration of a driveway onto a public street or the transfer of ownership or building development of parcels (lots) accessed by a private easement or roadway on county or state maintained road.

**Development Review Committee:** A committee consisting of either a designated regular member or an alternate member from the directors of the Planning and Economic Opportunity, Engineering Services, Fire/Rescue, Building, 911 Addressing and Mapping and the Nassau County Health Department departments. The Director of Planning and Economic Opportunity and/or his designee shall chair the committee meetings.

**Environmental Survey:** A survey utilizing the Florida Fish and Wildlife Conservation Commission (FFWCC) recommended methodology. If threatened or endangered species are determined to be present, mitigation permits shall be required prior to plat or site plan acceptance or issuance of a final development order.

**Family Unit:** Persons related by marriage or lineal consanguinity.

**Final Plat:** Original copy of a subdivision plat submitted on linen tracing cloth or stable base film for recording as required by Section 177.091, Florida Statutes.

**G.P.S. (Global Positioning Survey):** A survey that gives spatial northern and easting coordinate points. GPS criteria is per FCC Standards and Specifications for Geodetic Control Networks, September 1984.

**Land Coverage:** The total area of all impervious improvements on a parcel of land. This includes, but is not limited to, total area of all structures, all parking facilities, and all stormwater retention facilities measured at the normal high water level.

**Lot:** A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a public or private street.

**Minor Development:** Developments allowable in Open Rural (OR) zoned areas that provide for creation of lots or parcels, utilizing a sixty foot (60') easement or road and that provides for the creation of up to eight (8) 5-acre minimum lots or parcels. Minor Developments are exempt from the requirements of Section 4 and Section 5 of this Ordinance, except for Section 5.4. Minor Developments are subject to the requirements of Section 11.2.3 of Ordinance 2017-04. Lots contained in Minor Development cannot be further subdivided. Minor developments are not permitted on County maintained dirt roads.

**Nassau County Comprehensive Plan:** A series of planning elements containing goals, objectives and policies, maps, data and analysis; as adopted by the Board to guide future developments, consistent with the requirements of the Florida Local Government Comprehensive Planning Act, as amended.

**Open Space:** Means landscaped or undeveloped lands suitable for passive recreation or conservation uses.

**Parcel:** A tract of land which may be described by metes and bounds or plat.

**Pervious Area:** Means the undeveloped portion of the site or lands not covered by an impervious surface and includes the area of the grassed storm water retention facilities above the normal water level.

**Owner:** The private owner or developer constructing on or owning the rights-of-way and lands being improved. The word "owner" shall not be construed to be Nassau County or Florida Department of Transportation by reason of their ownership of rights-of-way.

**Plat:** A map or representation on which the subdivider's plan for subdivision is presented and which he submits for approval and intends in final form to record.

**Preliminary Plat:** A representation of a proposed plat which is submitted for approval to the Development Review Committee. The final plat of a subdivision must conform to the approved preliminary plat.

**Private Access Easements:** The Private Access Easements are defined the same as Private Roadways, set forth herein.

**Private Roadways:** A street or road located within a right-of-way or easement owned and maintained by a homeowners association, private individuals or any entity other than Nassau County or the State of Florida and approved by the Director of Public Works pursuant to the requirements of this Ordinance. Ownership of private roadways shall be vested jointly in all abutting land owners. (Retention of the ownership of the private

roadway by the developer is not permitted unless he/she is the sole owner of all abutting properties and agrees that any properties abutting the private roadway which may be conveyed to others in the future will include the use of the private roadway by the lot owners, their guests, invitees, successors and assigns.)

**Public Roadways:** A street or road located within a right-of-way owned or maintained by Nassau County or Florida Department of Transportation. The street must have been dedicated or deeded and accepted by either agency.

**Rural Subdivision:** Developments allowable in Open Rural (OR) zoned areas that provide for the creation of lots or parcels, utilizing a 60' easement or road and that provide for the creation of nine (9) 5-acre minimum lots or parcels up to twenty-five (25) 5-acre minimum lots or parcels. Rural Subdivisions are subject to the requirements of Section 4 and Section 5 of this Ordinance and Section 11.2.4 of Ordinance 2017-04. Rural Subdivisions are not permitted on county maintained dirt roads.

**Subdivision:** The term "subdivision", as used herein, is either:

- a. The division of real property in the unincorporated areas of Nassau County, Florida into more than two (2) contiguous lots, parcels, tracts, sites or units regardless of how said lots, parcels, tracts, sites or units are described, for the purpose of transfer of ownership for development or sale. If the lots, parcels, tracts, sites or units are accessed by an easement, right-of-way or road, this term shall mean any division of any lot, parcel, tract, site or unit. A parent tract split can be approved for a legally created lot that conforms to the requirements of the Land Development Code (LDC). A split may not be approved within a platted subdivision. Only one (1) lot may be created from the original legally created lot or lot of record. Each lot shall front on a publically maintained road and conform to the required minimum lot dimensions for the land use category and zoning district where the lots are created. If any lot abuts a publically maintained road that does not conform to the right-of-way specifications provided or adopted by reference in these regulations, the owner may have to dedicate the required right-of-way width necessary to meet the minimum design if satisfying the criteria set forth in the LDC's; or
- b. Utilization, establishment or dedication of a road, street, alley, right-of-way or easement through a tract of land resulting in the division of real property, or the selling of more than two lots that are accessed by a private road, street, alley, right of way, or easement; or
- c. Resubdivision of land heretofore platted into lots, provided, however, that the sale or exchange of lots or portions of lots to or between adjoining property owners, where such sale or exchange does not create additional lots, shall not be considered a subdivision of land;
- d. Resubdivision or replatting of subdivided property requires the submittal of a subdivision plat pursuant to the requirement of this Ordinance; however, on non

residential plats, language may be added to the plat that states the following: “Further Subdivision of lots/tracts as shown on the plat shall not be considered a Subdivision, nor require further platting or a replat of said lot/tract”.

- e. Transfer of property between property owners is exempt from this requirement if no additional building sites or lots are created and neither parcel of land becomes substandard.
- f. Development of commercial or industrial centers, where no new roads are being established, are not subject to the platting requirements of this chapter, provided however, that such commercial development shall be subject to review and approval in accordance with Section 5.07 of the Land Development Code.

**Surveyors:** The term “surveyor”, as used herein, refers to a land surveyor registered in Florida and engaged by the developer to survey and plat the land for subdivision or resubdivision.

### **SECTION 3.** **DEVELOPMENT THAT DOES NOT REQUIRE PLATTING**

3.1 Development that does not require platting and is exempt from the requirements in Section 4 and Section 5, except for Section 5.4.

3.1.1 A Minor Development (Maximum allowable density – one (1) dwelling unit per 5- acre minimum lots or parcels). The Minor Development area is intended to include lands in areas that have a zoning classification of Open Rural (OR). The owner or owners of record of a proposed Minor Development may establish up to eight (8) 5-acre minimum lots or parcels. All lots or parcels established as part of a Minor Development must be 5-acre minimum and must have a minimum of one-half (0.50) acres of uplands or twenty-thousand (20,000) square feet of contiguous buildable area. Every eligible Minor Development shall comply with the following criteria:

- i. Creation of a sixty foot (60’) easement, with the roadway within the easement being twenty four feet (24’) wide, connecting each lot to a county or state maintained road. This is not applicable if the parcel has access by means of

county or state road frontage. The roadway, within the easement, must meet the requirements as set forth in the Roadway and Drainage Standards, Article 11, Ordinance No. 99-17. A Minor Development cannot be created on a County maintained dirt road.

- ii. Deeds conveying parcels within a Minor Development must include the following disclaimer in bold, capital ten point type.

**“THE PARCEL OF LAND DESCRIBED IN THIS DEED IS NOT A PART OF A PLATTED SUBDIVISION REVIEWED AND APPROVED BY NASSAU COUNTY. NO GOVERNMENTAL AGENCY, INCLUDING NASSAU COUNTY, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, EASEMENTS OR RIGHTS-OF-WAY PROVIDING INGRESS AND EGRESS TO THE PROPERTY HEREIN CONVEYED. DEPENDING ON THE STATE OF MAINTENANCE OF ACCESSWAYS, EMERGENCY RESPONSE TIMES MAY BE ADVERSELY AFFECTED AND SCHOOL BUSES, U.S. MAIL AND PRIVATE CONTRACTOR DELIVERY SERVICE MAY NOT BE ABLE TO ACCESS THE PRIVATE DRIVE, ROADS, EASEMENTS AND RIGHTS-OF-WAY. FIRE HYDRANTS ARE NOT AVAILABLE FOR FIRE SUPPRESSION. MAINTENANCE OF THE PRIVATE DRIVES, ROADS, EASEMENTS OR RIGHTS-OF-WAY ARE THE RESPONSIBILITY OF THE LAND OWNERS WHOSE PROPERTY IS ACCESSED. THIS PROPERTY IS NOT A PART OF A DEVELOPMENT WITH AN APPROVED STORMWATER MANAGEMENT SYSTEM. NEITHER THE COUNTY OR ANY OTHER PUBLIC AGENCY IS RESPONSIBLE FOR PROVIDING STORMWATER MANAGEMENT OR FLOOD CONTROL.”**

- iii. The five-acre minimum lots or parcels shall not be further divided or split. No building permits shall be issued for any lots or parcels within the Minor Development that have been divided and/or conveyed within the original 5-acre minimum lots or parcels. Each deed referenced in ii above shall also contain language that indicates that the 5-acre minimum lots/parcels cannot be further divided or split.

- iv. Copies of each deed must be submitted to the Planning and Economic Opportunity Department and the Building Department. No building permit shall be issued without a copy of the recorded deed being presented to the department with the language contained in paragraph ii above.
- v. Dead end streets, easements, rights-of-way or roads are not permitted. All of the listed accessways shall terminate in a cul-de-sac or other alternative approved by the Development Review Committee (DRC).

3.1.2 Prior to issuance of a building permit, the approval must be obtained as set forth in Paragraph 3.1.3 and 3.1.4 and each land owner seeking a building permit that abuts the 60' easement and who does not have direct access to a publicly maintained road, 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 sold said lot or parcel and the other lot/parcel owners within the development and that Nassau County does not assert any opinion as to the legal validity, usability or practical 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.

3.1.3 The application for a Minor Development shall be filed with the Planning and Economic Opportunity Department prior to the division of any property. The Planning and Economic Opportunity Department will place the application on the earliest available Development Review Committee agenda for review and approval. The DRC will have up to fourteen (14) days to review this first submittal and return comments to the applicant. The applicant will have up to forty-five (45) days from receipt of the DRC comments to resubmit plans. The resubmittal will also include a written reiteration of the original comment followed by a response. The DRC will conduct its re-review within seven (7) days of the receipt of revised plans. The re-review shall be based upon satisfaction of initial comments. Additional DRC comments will be forthcoming if the resubmittal employs design changes that do not comply with the county code. The submittal process shall be repeated until all comments have been satisfied and the plan has been approved by DRC or an appeal has been filed. Upon approval by the Development Review Committee, it shall be placed on the earliest available Planning and Zoning Board agenda for final approval.

(a) The application must include:

- (i) A certified boundary survey of the proposed Minor Development completed by a surveyor registered in the State of Florida. The survey shall indicate the access sixty foot (60') easement, a cul-de-sac (if applicable) and the individual lots/parcels within the property boundary and shall be recorded in the public record of Nassau County prior to application for a building permit. The survey shall also include State Plane Coordinates in a fully rotated digital format consistent with Section 4.6 of this regulation.

- (ii) A road construction plan, prepared by an engineer licensed in the State of Florida, that indicates that the roadway and cul-de-sac (if applicable) within the access easement will be constructed to standards as set forth in Section 11.1 (Ordinance No. 99-17, as amended). In addition, the plan must include a drainage system and drainage easement and utility easements approved by the Development Review Committee (DRC). Developers or sellers of the lots are responsible for maintenance of the road until the last Lot or Parcel is sold and shall provide a road maintenance agreement indicating that the developers or sellers are responsible for maintenance of the road until the last Lot or Parcel is sold, and said document shall be approved by the County Attorney prior to the sale of any lots or parcels and shall be recorded, at the applicant's expense.
- (iii) A document, approved by the County Attorney, that indicates that the property owner or owners are responsible for the maintenance of the access easement and cul-de-sac (if applicable) and the standard required for the road. In addition, the document shall indicate that the 60' roadway shall be upgraded to the appropriate standard by the developer/owner of property that creates additional parcels that are connected to the road and/or easement. The document shall be recorded, at the applicant's expense, and shall run with the land, prior to any single building permit being approved. No additional parcels shall connect to the existing sixty foot (60') roadway without a recommendation of DRC and the approval of the Planning and Zoning Board. See also Section 5.3 and Section 5.4.

- (iv) Title Certification as to confirmation of ownership of the parent property and easement shall be provided by a title company or attorney licensed in the State of Florida. The certification shall confirm that each lot owner owns to the center of the road/easement when applicable.
- (v) The road, within the sixty foot (60') easement, shall be named in accordance with Nassau County Ordinance 2003-13, as amended.
- (vi) The minimum building setbacks and width required are those stipulated in the Open Rural (OR) zoning district.
- (vii) Depiction of National Wetlands Inventory with twenty five (25) foot buffer.
- (viii) A review fee will be charged as set forth in a separate resolution by the Board of County Commissioners.
- (ix) A Minor Development is not required to meet the requirements of 5.07 of the Land Development Code.

3.1.4 Upon completion of construction of the roadway within the easement, a Florida licensed engineer shall certify that the access roadway and cul-de-sac (if applicable) meets or exceeds the standards set forth in Section 11 of Ordinance No. 99-17, as amended. The Director of Public Works or his designee shall independently inspect and approve the road. No building permits shall be issued to lots/parcels within the development without a certification as to the road and approval by the Director of Public Works or his designee.

#### 3.1.5 Open Rural Homestead Land Split Exemption

For properties located in the Open Rural (OR) zoning district with a land use designation of Agriculture (AGR), a property owner may create a maximum of two (2) parcels, a minimum of (not less than) one (1) acre in area per calendar year, providing the property

has been held by the current owner for a minimum of five (5) years, Homestead Exemption is current in the year(s) subdivided on the subject (parent parcel) or a contiguous parcel, each parcel meets minimum frontage requirements of Section 28.03 of the Land Development Code on a paved road, County maintained dirt road, or on a private road as approved by the Public Works Director and each parcel (the parent parcel and new parcel(s)) meets the minimum requirements of the Land Development Code and does not exceed the residential density standards in the 2030 Comprehensive Plan. 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. A Waiver of Road Frontage requirement shall be considered pursuant to Section 28.03 of the Land Development Code.

In addition to the above, the following shall be required:

(i) The creation of a new building site pursuant to this section shall be submitted to the Department of Planning and Economic Opportunity on a form created by the Nassau County Attorney's Office. The Department of Economic Opportunity shall have fourteen (14) days to provide written comments to the applicant.

(ii) Each deed of conveyance entered into and executed shall contain a legend setting forth in bold type the following statement:

**SUBJECT LAND 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 PROPOSED BUILDING SITE OR ADJACENT LANDS.**

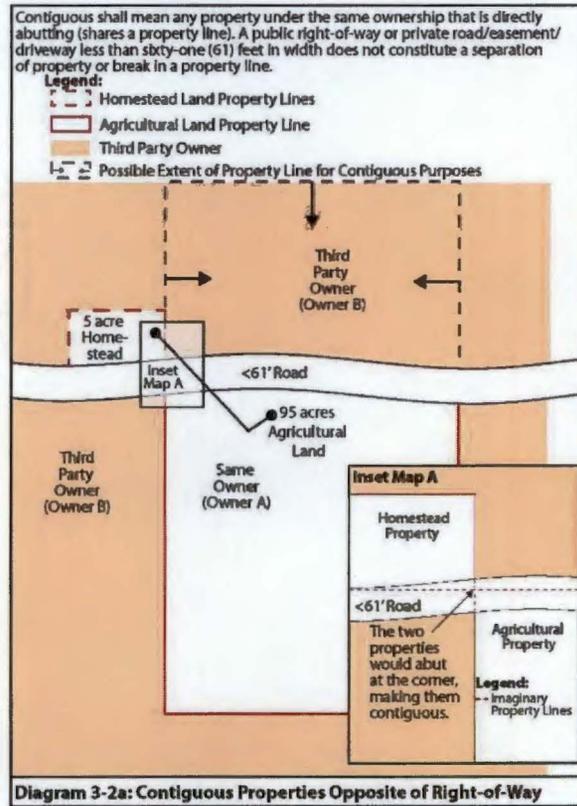
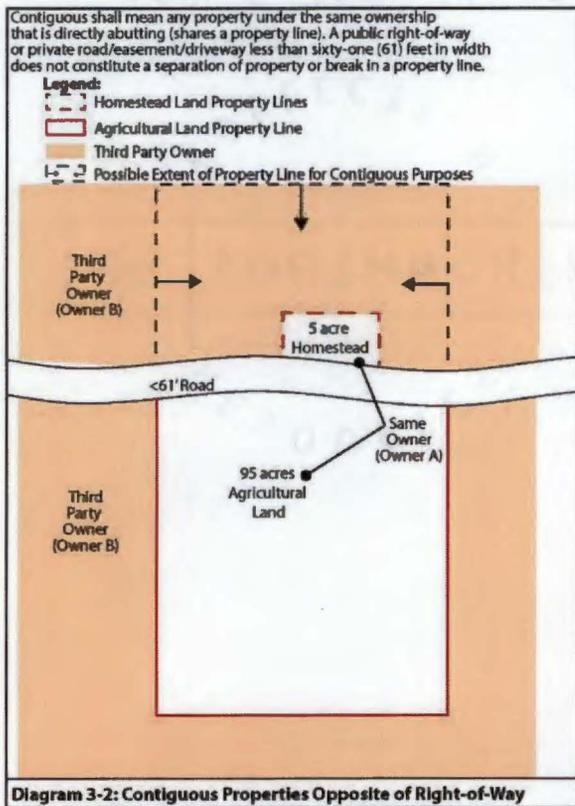
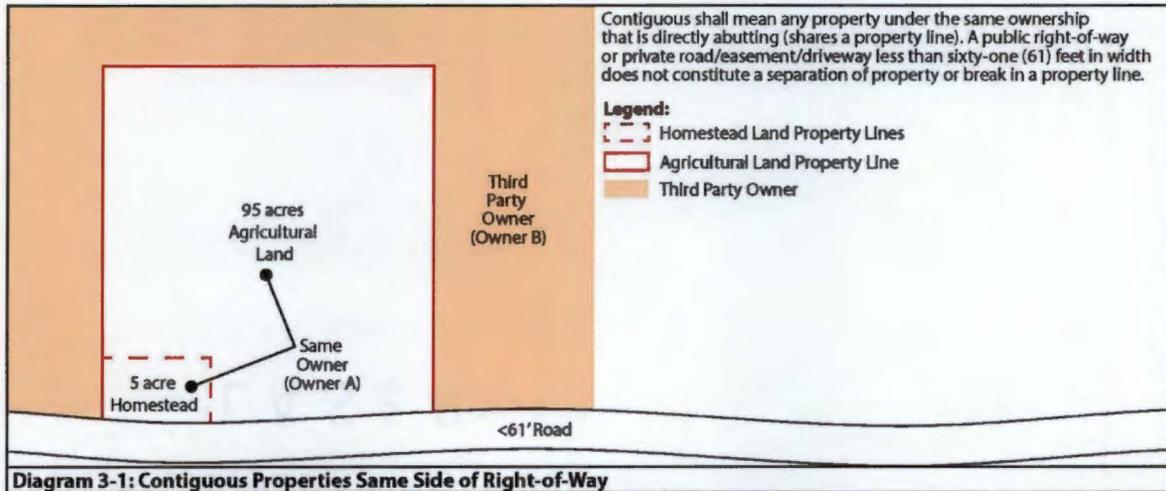
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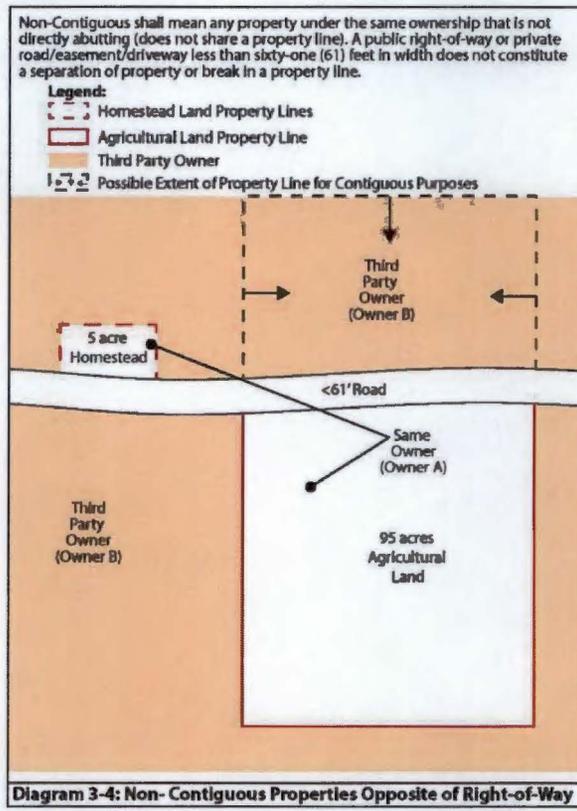
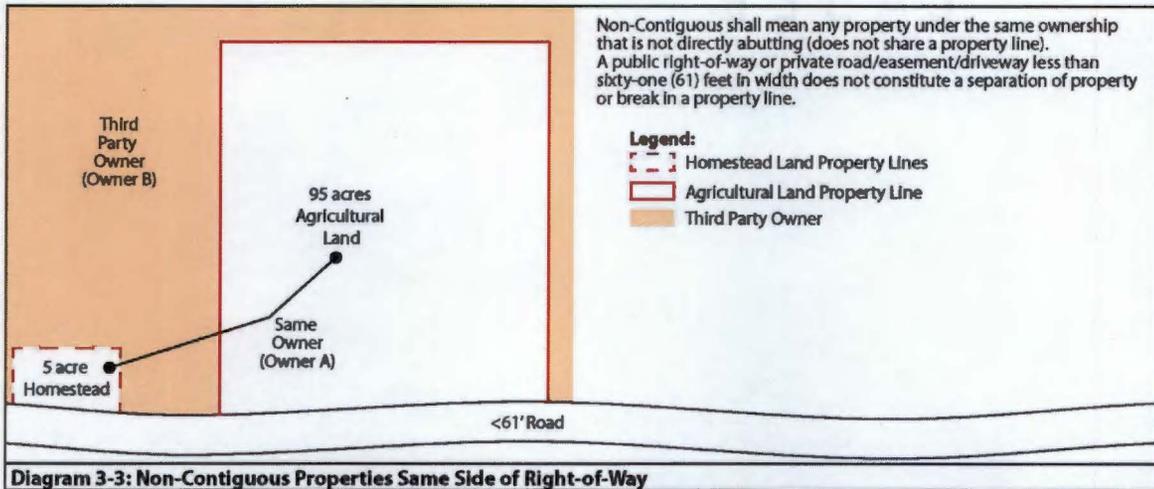
A copy of each deed shall be presented upon each application for a building permit. The applicant shall provide an approval letter from the Department of Planning and Economic Opportunity based upon the above referenced application process. Failure to present a copy of the deed in the form described and a copy of an approval letter for the creation of the building site from the Department of Planning and Economic Opportunity will result in the denial of a building permit.

(iii) The persons applying for the Open Rural Homestead Land Split Exemption (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 a 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.

(iv) For purposes of this section, contiguous shall mean any property under the same ownership that is directly abutting (shares a property line). A public right-of-way or private road/easement/driveway less than sixty-one (61) feet in width does not constitute

a separation of property or break in a property line. See example diagrams 3-1, 3-2, 3-2a, 3-3, and 3-4 below.





(v) Nassau County will establish a review fee by separate Resolution of the Board of County Commissioners.

3.1.6 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:

(i) 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.

(ii) An executed Family Member Affidavit provided by Nassau County and prepared by the County Attorney.

(a) 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:

(i) 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.

(ii) 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.

(iii) 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.

(iv) 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.

(v) 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, or grandchild of the person who conveyed the parcel to said individual.*

(vi) 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.

(vii) 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.

(viii) This provision does not apply to lands contained within a subdivision recorded by Plat Book and Page. Notwithstanding the above, if the Board of County Commissioners designate a recorded plat an Antiquated Subdivision, this specific subsection will not apply.

(ix) 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 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.

(x) A fee will be set by separate Resolution of the Board of County Commissioners.

**CODIFICATION**

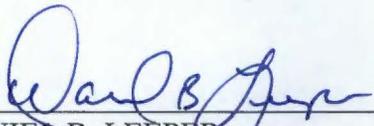
It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of Nassau County, Florida. The codifier may re-letter or renumber sections to conform to the uniform numbering and style of the Code.

**EFFECTIVE DATE**

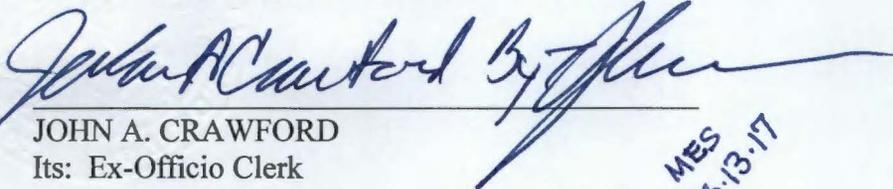
This Ordinance shall take effect upon its being filed by the Department of State.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF  
NASSAU COUNTY, FLORIDA, this 12<sup>th</sup> day of June, 2017.

BOARD OF COUNTY COMMISSIONERS OF  
NASSAU COUNTY, FLORIDA

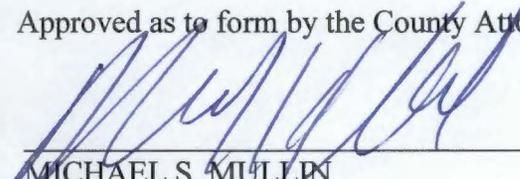
By:   
DANIEL B. LEEPER  
Its: Chairman

ATTEST AS TO CHAIRMAN'S SIGNATURE:

  
JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

MES  
06-13-17

Approved as to form by the County Attorney:

  
MICHAEL S. MULLEN