

**ORDINANCE NO. 2017 - 32**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, SPECIFICALLY ARTICLE 28, SUPPLEMENTARY REGULATIONS, SPECIFICALLY SECTION 28.03, LOT TO HAVE ACCESS; AMENDING ARTICLE 32, DEFINITIONS, OF THE LAND DEVELOPMENT CODE; 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, Lot to Have Access, of the Land Development Code, and Article 32, Definitions, of the Land Development Code; and

**WHEREAS**, the Nassau County Property Appraiser's office has advised that on March 27, 2017 a record of existing tax roll was captured; and

**WHEREAS**, based upon the recommendation of the Planning and Zoning Board, the date on which Lot of Record is determined is currently January 23, 2017, the date of adoption of the legislation and should be changed from January 23, 2017 to March 27, 2017; and

**WHEREAS**, by changing the date from January 23, 2017 to March 27, 2017, would allow clerical staff processing applications the ability to view the current tax parcel maps with the tax parcel map captured on March 27, 2017 which would assist staff processing applications and which would improve accuracy.

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Nassau County, Florida, that Article 28 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 approved by the County Director of Public Works. The lot or parcel shall front 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. Variations and variances related to access shall be reviewed by the Public Works Director pursuant to Article 15 of the Roadway and Drainage Standards. Waiver of the minimum requirements for road frontage for individual residential building sites may be considered by the Planning and Zoning Board pursuant to an application for Waiver of Road Frontage.

Lots or parcels established pursuant to a recorded instrument recorded as of March 27, 2017 ~~January 23, 2017~~ or are not classified as a Minor Development or Rural Subdivision, may be accessed by an existing 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.
3. Variations and variances related to access from an existing thirty-foot (30') easement shall be reviewed by the Public Works Director pursuant to Article 15 of the Roadway and Drainage Standards.

Lots or parcels established pursuant to a recorded instrument, recorded as of March 27, 2017 ~~January 23, 2017~~, that are accessed by a sixty foot (60') private dirt road easement that was named by the property appraiser prior to March 27, 2017 ~~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, at the applicant's expense, and run with the land.

4. The lot owner shall execute a hold harmless agreement on a form approved by the County Attorney.
5. Variations and variances related to access from an existing sixty-foot (60') easement shall be reviewed by the Public Works Director pursuant to Article 15 of the Roadway and Drainage Standards.

#### Waiver of Road Frontage

A waiver from the minimum road frontage requirements may be considered by the Planning and Zoning Board. This waiver is only available to residential properties that were recorded in the public records of Nassau County as of March 27, 2017 ~~January 23, 2017~~ or new residential building sites created via the Open Rural Homestead Land Split Exemption, the Parent Tract Land Split provision and/or the Family Hardship Development provision. Applications for this waiver shall be in writing on a form created by the Nassau County Attorney and filed with the Department of Planning and Economic Opportunity with all required attachments and information. At a minimum, the following shall be submitted:

- (1) A site plan, survey or scaled drawing of the residential building site and means of ingress and egress.
- (2) Deed and legal description.
- (3) Proof of easement for access to the property.

(4) An executed owner's authorization and/or proof of ownership.

(5) Information that sets forth any practical and/or economic difficulties in adhering to the regulations.

The Planning and Zoning Board may approve a waiver of road frontage based on a finding that the application meets the following criteria:

(1) There are practical and/or economic difficulties in adhering to the regulations.

(2) There is an approved easement providing access to the building site.

(3) A hardship exists as differentiated from an attempt to circumvent minimum standards.

Within fourteen (14) days of receipt, Department of Planning and Economic Opportunity will review the application for waiver of road frontage for completeness only. If not complete, a written request for additional information will be made. If the application is complete, the matter will be placed on the next available Planning and Zoning Board agenda. A completed packet must be submitted a minimum of thirty days prior to the Planning and Zoning Board meeting.

A fee will be established by separate Resolution of the Board of County Commissioners.

## 2. Article 32. Definitions.

### **Amend the definition of Parent Tract as follows:**

Parent Tract – refers to a Lot of Record that existed on March 27, 2017 ~~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 the 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.

3. CODIFICATION

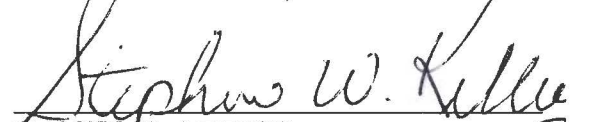
It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of Nassau County, Florida. The codifier may re-letter or renumber sections to conform to the uniform numbering and style of the Code.

4. EFFECTIVE DATE:


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

**DULY ADOPTED** this 9th day of October, 2017.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

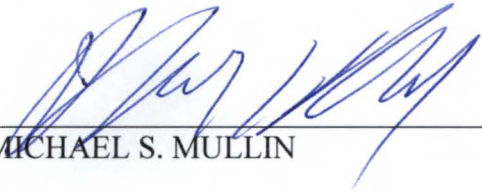
  
~~DANIEL B. LEEPER~~ **STEPHEN W. KELLEY**  
Its: ~~Chairman~~ **Vice Chairman**

ATTEST AS TO CHAIRMAN'S  
SIGNATURE:

  
\_\_\_\_\_  
**JOHN A. CRAWFORD**  
Its: Ex-Officio Clerk

MES  
10-16-17

APPROVED AS TO FORM BY THE  
NASSAU COUNTY ATTORNEY:



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MICHAEL S. MULLIN