

ORDINANCE 2018 - 07

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING CHAPTER 29 OF THE CODE OF ORDINANCES, SUBDIVISION AND DEVELOPMENT REVIEW; SPECIFICALLY AMENDING SECTION 29-47, VACATION AND ANNULMENT OF PLATS, EASEMENTS, AND RIGHT-OF-WAY; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners adopted the present Land Development Code for unincorporated areas of the County on July 28, 1997 in Ordinance 97-19, as amended, and;

WHEREAS, the Board of County Commissioners has found it necessary to amend Chapter 29 of The Code of Ordinances, Subdivision And Development Review; to provide for requirements for the replatting of subdivisions recorded before and after the adoption of the present Land Development Code; and

WHEREAS, the Planning and Zoning Board of Nassau County, Florida, conducted a public hearing on this proposed ordinance on January 16, 2018 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 February 12, 2018.

WHEREAS, public notice of all hearings has been provided in accordance with Chapters 125 Florida Statutes.

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

SECTION 1. FINDINGS

This Ordinance is consistent with Chapter 163, Part II, Florida Statutes and the goals, objectives and policies of the Nassau County Comprehensive Plan.

SECTION 2. AMENDMENT

Section 29-47 (a) (4-5) of the Nassau County Code of Ordinances is hereby amended as set forth in Exhibit "A", attached hereto and made a part hereof.

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

Adopted this 12th day of February, 2018 by the Board of County Commissioners of Nassau County, Florida.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



PAT EDWARDS
Its: Chair


ATTEST as to Chairman's Signature:



John A. Crawford
Its: Ex-Officio Clerk

MES
02-13-18

Approved as to form by the
Nassau County Attorney



Michael S. Mullin
County Attorney

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.

EXHIBIT A

Sec. 29-47. - Vacation and annulment of plats, easements, and right-of-way.

(a) *Plats.* Plats subdividing land may be vacated or annulled in accordance with F.S. § 177.101.

- (1) The board, in public hearing, may annul a registered subdivision after sixty (60) months if the development proposed in the subdivision plat has not proceeded in a timely manner.
- (2) Applications for vacations of plats shall be accompanied by proof of legal notice publication in two (2) weekly issues of a newspaper of general circulation in Nassau County, together with paid tax certificates.
- (3) Every vacating and annulment resolution adopted by the board shall have the effect of vacating all streets and alleys which have not become highways necessary for use by the traveling public. Such vacation shall not become effective until a certified copy of such resolution has been filed in the office of the circuit court clerk and duly recorded in the public records of Nassau County.

(4)

A portion of a plat may be vacated or annulled as part of an application to replat. A replat of a plat recorded after July 28, 1997 which ~~to~~ increases the number of lots or eliminates open space, recreational areas, or common property, shall require written consent of all property owners within the plat. Such vacation or annulment may only proceed with a companion replat following the procedures outlined in Chapter 29 ~~combined with~~ and subject to the requirements for due public notice as defined in Article 32 of the Land Development Code.

(5)

A replat of a plat recorded on or before July 28, 1997 shall not require written consent of the property owners within the plat but shall follow the procedures outlined in Chapter 29 combined with due public notice as defined in Article 32 of the Land Development Code. The Board of County Commissioners may deny a request for a vacation or annulment if it is determined by the Board of County Commissioners to be a detriment to the subdivision. A detriment may be defined, at the Board's discretion, as actions that:

- a. result in a reduction in common open space or other public space;
- b. result in a reduction of community recreational elements;
- c. result in an impediment to access to properties within or outside of the subdivision;
- d. result in any other negative impact deemed relevant by the Board of County Commissioners which applies to a particular property or situation.

(b) *Easements and rights-of-way.*

- (1) The board, in public hearing, may vacate, abandon, discontinue, and close any existing public or private street, alleyway, road or highway in accordance with F.S. § 336.09.
- (2) Applications for vacation or abandonment of public or private streets, alleyways, roads or highways shall be accompanied by proof of legal notice publication in two (2) weekly issues of a newspaper of general circulation in Nassau County.
- (3) Such vacation and/or abandonment shall not become effective until a certified copy of such resolution has been filed in the office of the circuit court clerk and duly recorded in the public records of Nassau County.