



PROPOSED LAND DEVELOPMENT CODE AMENDMENT

PROPOSED AMENDMENT

INTRODUCED BY:	Planning & Zoning Board/ Planning & Economic Opportunity Dept.
REQUESTED ACTION:	Amend LDC (Ord. 97-19, as amended) Section 28.02, amending the date from October 9, 2017 to October 8, 1974 as the date for where more than one (1) dwelling unit previously existed on a lot or parcel, those dwelling units may be replaced provided all lot and yard requirements of the current respective zoning district are met, and, if the replacement dwelling unit is a mobile home then the current respective zoning district must allow for the establishment of a mobile home.

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the County’s website and at the Planning + Economic Opportunity Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION

At the direction of the Planning & Zoning Board (June 4, 2019), this ordinance was drafted to amend Section 28.02 of the Land Development Code. A revised ordinance was recommended by the Planning & Zoning Board on September 17, 2019. The proposed amendment would change the date in the provision that allows where more than one (1) dwelling unit previously existed on a lot or parcel , those dwelling units may be replaced provided all lot and yard requirements of the current respective zoning district are met, and, if the replacement dwelling unit is a mobile home then the respective zoning district must allow for the establishment of a mobile home. The ordinance would change that date from October 9, 2017 to October 8, 1974. This is the date first zoning code was adopted in the County. It is the opinion of the Planning & Zoning Board that this date sets a standard that allows for property owners to replace dwellings that were permitted or vested under this original zoning ordinance.

The ordinance requires a landowner to provide official evidence in the form of, aerial photos, property appraiser data, building permit data, or other documentation that can confirm building of equivalent use existed within the parcel boundaries in which the replacement structure is to be located on or after October 8, 1974.

All lot and yard (setback) requirements of the current zoning district of the property must continue to be met by the replacement dwelling.

If the replacement dwelling is a mobile home (as defined in Article 32 of the LDC), then the current zoning district must allow for the use of mobile homes.



CONSISTENCY WITH COMPREHENSIVE PLAN

Applicable Plan Reference	Determination of Consistency
FL.10.05	√
FL.11.01	√

Policy FL.10.05

“The County shall review existing regulations in the Land Development Code and revise as necessary in order to implement the Future Land Use Plan.”

Policy FL.11.01

“Nassau County will regulate the use of land only for valid public purposes and in a reasonable manner, in accordance with the Bert J. Harris, Jr., Private Property Rights Protection Act (Sec. 70.001 F.S.)”.

The ordinance permits the replacement of dwellings allows for property owners to replace dwellings that were permitted or vested under this original zoning ordinance (October 8, 1974). This would include dwelling permitted prior to the adoption of the Comprehensive Plan. The ordinance is limited to the replacement of such dwellings and no additional dwelling units may be created under this provision.

CONSISTENCY WITH EXISTING LAND DEVELOPMENT CODE

The proposed amendments do not create any conflicts with existing provisions of the Land Development Code. As mentioned above, replacement dwellings must meet the lot and yard (setback) requirements of the current zoning district. Replacement mobile homes will only be allowed in zoning districts which allow for the use of mobile homes. No additional dwelling units can be created under this provision.

CONCLUSION

Staff finds the requested action to be consistent with the Nassau County Comprehensive Plan and the existing Land Development Code. Therefore, staff recommends that the Ordinance be approved.

Submitted by:


 Doug McDowell, AICP
 Principal Planner