

**ORDINANCE NO. 2025-016**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA; AMENDING ARTICLE 3, ADMINISTRATION, OF THE NASSAU COUNTY LAND DEVELOPMENT CODE; SPECIFICALLY AMENDING SECTION 3.04, PLANNING AND ZONING BOARD; PROVIDING FOR MANDATORY TRAINING OF PLANNING AND ZONING BOARD MEMBERS WHEN DEEMED APPROPRIATE BY THE BOARD OF COUNTY COMMISSIONERS; AMENDING THE DEPARTMENT NAME; PROVIDING FOR CONFLICTS; PROVIDING FOR REMOVAL FOR UNEXCUSED ABSENCES; PROVIDING FOR POLICIES AND PROCEDURES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Legislature of the State of Florida has, in Chapter 125, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

**WHEREAS**, the Board of County Commissioners finds it necessary to Amend Article 3 Administration, Section 3.04 Planning and Zoning Board; and

**WHEREAS**, the Board of County Commissioners find it in the best interests and welfare of the citizens of Nassau County to amend the code as follows.

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

**SECTION 1. AMENDING ARTICLE 3, ADMINISTRATION, SECTION 3.04, PLANNING AND ZONING BOARD**

**Section 3.04. Planning and zoning board.**

The Planning and Zoning Board shall act as the Local Planning Agency (LPA) which serves as an advisory body to the Board of County Commissioners on planning and zoning related matters as required by state law, local regulation, or as otherwise directed by the Board of County Commissioners.

(A) *Establishment of the Planning and Zoning Board:* The Board of County Commissioners shall appoint the members of the Planning and Zoning Board. The Planning and Zoning Board shall be composed of seven (7) members. The members shall be appointed as follows:

- (1) One (1) member shall be appointed, when possible, from each of the five (5) county commission districts. Each county commissioner shall recommend one (1) individual who resides in their commission district, when possible, for consideration by the full Board of County Commissioners for appointment to the Planning and Zoning Board. Members shall serve four (4) year staggered terms;
- (2) One (1) member shall serve as the appointment from the Nassau County School Board, pursuant to F.S. § 163.3174(1), with said member being appointed annually by the School Board, and granted voting status;
- (3) One (1) member shall serve at-large and be appointed by the full Board of County Commissioners. Staff shall review all candidate applications received and make a recommendation for appointment. The at-large member shall serve a four (4) year term from date of appointment; and
- (4) All appointed members shall be full-time residents of Nassau County, as verified by a valid homestead exemption in his/her name maintained throughout their term in office.

(5) No member of the board shall vote on any measure which would inure to their special private gain or loss or to the special gain or loss of any principal by whom they are retained. No member declaring a conflict of interest may take part in any discussion on such measure as a board member. No member declaring a conflict of interest shall be counted as part of a minimum quorum for the item under consideration.

All Planning and Zoning Board members' terms, with the exception of the Nassau County School Board member and the appointed at-large member, shall expire on December 31st, concurrent with the recommending county commissioner's term in office.

All members serve at the pleasure of the Board of County Commissioners and are subject to removal at any time during their term by a simple majority of the Board of County Commissioners. Any member who fails to attend three (3) consecutive meetings without providing notice and justification to the County for the absence shall be considered to have resigned the position and the vacancy shall be filled by the County Commission in accordance with appointment as outlined herein.

(B) *Powers and duties:*

- (1) Review all requests for rezoning of property, zoning amendments, comprehensive plan text amendments, land use map amendments, and amendments to ordinances that affect land use and make approval/non-approval recommendations to the board of county commissioners for their final determination.

- (2) Review all site plans, with the exception of those approved by the development review committee as stated in article 5, section 5.07(B), and make recommendations to the board of county commissioners.
- (3) Submit written recommendations to the board of county commissioners relative to the various requests where applicable that fall within the purview of the board of county commissioners to approve/deny.
- (4) Elect a chair and vice-chair of the planning and zoning board members. A chair and vice-chair shall be selected each year by the members of the planning and zoning board. No person shall serve more than two (2) consecutive terms as chairman.
- (5) Establish the time and days of the month of the planning and zoning board regular meeting plus workshops.
- (6) Utilize Policies and Procedures, as adopted by the Board of County Commissioners, for the conduct of hearings, both quasi-judicial and legislative, ~~as developed by the county attorney, which, at a minimum, when appropriate, includes the right of the party to:~~
  - a. ~~Present his/her case by oral and documentary evidence;~~
  - b. ~~Submit rebuttal evidence, and conduct such cross-examination as may be required for a full and true disclosure of the facts;~~
  - c. ~~Be accompanied, represented and advised by counsel or represent himself/herself;~~
  - d. ~~Be promptly notified of any action taken by the planning and zoning board affecting substantive or procedural rights taken in connection with any proceedings;~~
  - e. ~~The planning and zoning board shall receive into evidence, upon approval, by motion, of the board and based upon input by the county attorney, or designee, and in receiving evidence, due regard shall be given to the technical and highly complicated subject matter which must be handled and the exclusionary rules of evidence shall not be used to prevent the receipt of evidence having substantial probative effect; and~~
  - f. ~~Majority of the planning and zoning board shall constitute a quorum for the purpose of meetings and transacting business. Failure to receive a majority vote shall constitute denial.~~
- (7) Hear and decide appeals where it is alleged there is an error in any decision made by the planning ~~and economic opportunity~~ director or staff as it relates to the Land Development Code (LDC) or comprehensive plan.
- (8) Hear and decide appeals concerning the application and payment of the Nassau County Mobility Fee and Impact Fees.



- (C) All members shall abide by Florida Sunshine Law, F.S. Ch. 286; Florida Public Records Law, F.S. Ch. 119; Florida Code of Ethics, F.S. Ch. 112; and all other applicable local or state statutes, ordinances, or rules.
- (D) Mandatory training for Planning and Zoning Board: As determined appropriate by the Board of County Commissioners, or their designee, members of the Planning and Zoning Board shall attend scheduled training sessions. Failure to attend training sessions deemed mandatory may result in removal from the Planning and Zoning Board. Members shall, prior to taking office, attend an orientation meeting to be conducted by the county attorney and applicable department head. Each member at the conclusion of orientation, shall sign a form acknowledging attendance at the orientation meeting.
- (E) Upon resignation or removal of any planning and zoning board member, the original recommending county commissioner will make recommendation to the full board of county commissioners for a new appointment to fulfill the remainder of said term.
- (F) Based on the above, a new list of planning and zoning board members shall be prepared and maintained by the director of planning ~~and economic opportunity~~, or ~~his~~ their designee. Each county commissioner shall be notified at least sixty (60) days prior to the expiration of the terms of each planning and zoning member and a copy of the notification provided to the county manager and county attorney.

## **SECTION 2. CODIFICATION.**

It is the intent of the Board of County Commissioners for Nassau County that the provisions of this Ordinance shall become and shall be made part of the Land Development Code 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 such 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 the provisions of this ordinance are hereby repealed to the extent of such conflict.

**SECTION 4. SEVERABILITY.**

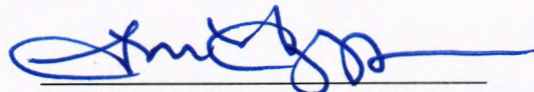
It is the intent of the Board of County Commissioners of Nassau County, Florida, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality 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.

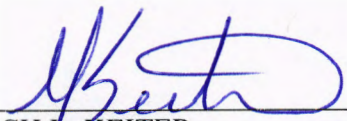
**ADOPTED THIS 28th DAY OF July, 2025 BY THE  
BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA.**

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA



A. M. "HUPP" HUPPMANN  
Chairman

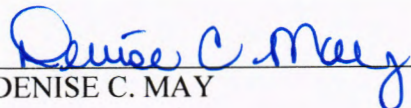
ATTEST AS TO CHAIRMAN'S SIGNATURE:



MITCH L. KEITER

Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney:



DENISE C. MAY



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

July 31, 2025

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

Dear 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. 2025-016, which was filed in this office on July 31, 2025.

Sincerely,

Alexandra Leijon  
Administrative Code and Register Director

AL/dp