

**ORDINANCE NO. 2018-06**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, CORRECTING A SCRIVENER'S ERROR IN ORDINANCE NO. 99-18, AS AMENDED, KNOWN AS THE "NASSAU COUNTY DEVELOPMENT REVIEW REGULATIONS ORDINANCE"; SPECIFICALLY CORRECTING SECTION 8, PARAGRAPH 8.2(c), FROM 3.04(B)(3)(A-G) TO (3.05(B)(2)(A-G); PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 8, Paragraph 8.2 of Ordinance No. 99-18, as amended, was adopted on January 23, 2017 to provide that an applicant seeking a variance would be heard by the Conditional Use and Variance Board; and

**WHEREAS**, a review today of Section 8, Paragraph 8.2, reveals a scrivener's error as the criteria should be as set forth in 3.05(B)(2)(a-g); and

**WHEREAS**, based on the scrivener's error, that reference to the section of the Zoning Code should be Section 3.05(B)(2)(a-g).

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Nassau County, Florida, that Ordinance No. 99-18, as amended, shall be further amended as follows:

**SECTION 8. VARIATIONS AND EXCEPTIONS**

**8.1 GENERAL**

Whenever the tract to be subdivided or site to be developed is of such unusual size or shape or is surrounded by such development or unusual conditions that strict application of the requirements contained in these regulations would result in real difficulties, or substantial hardships or injustice, the Conditional Use and Variance Board, after review and recommendation by the Development Review Committee, may vary or modify such requirements so that the subdivider or developer may develop the property in a reasonable manner, but so that, at the time, the public welfare and interest of the County and surrounding area are protected and the general intent and spirit of these regulations preserved.

**8.2 CONDITION OF WAIVER**

An applicant seeking a variance will submit an application to the Planning and Economic Opportunity office and include a written request stating the reasons and facts which support such a request and address the variance criteria. The application shall be on a form approved by the

County Manager. The application must be submitted at least thirty (30) days prior to a scheduled board meeting. The Conditional Use and Variance Board shall not approve a variance unless:

- a. The particular physical conditions, shape or topography of the property involved causes an undue hardship to the applicant if the strict letter of the Ordinance is carried out. An undue hardship does not include a financial hardship.
- b. The conditions, upon which a request for waiver are based, are peculiar to the property for which the waiver is sought, are not generally applicable to other property and do not result from actions of the applicant.
- c. The variance is consistent with the criteria for granting a variance specified in Section ~~3.04(B)(3)(a-g)~~ 3.05(B)(2)(a-g) of the Zoning Ordinance and the requirements of Nassau County Comprehensive Plan.

**8.3 ADMINISTRATIVE APPEALS**

The Planning and Zoning Board shall hear and decide appeals by the applicant where it is alleged there is an error in any Order, requirement, decision or determination by an administrative official in the enforcement of this Nassau County Development\_Regulations Ordinance. Such appeal must be filed with the Planning and Zoning Board within thirty (30) days of the date of the action which is the subject of the appeal. Administrative appeals shall not include variations and exceptions.

**SECTION 9. SEVERABILITY**

Should any section, clause or provision of this Ordinance, or amendment hereto, be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**SECTION 14. EFFECTIVE DATE**

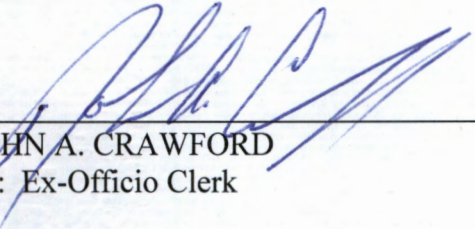
This Ordinance shall take effect upon the receipt by the Secretary of State.

**PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, this 8<sup>th</sup> day of January, 2018.**

BOARD OF COUNTY COMMISSIONERS OF  
NASSAU COUNTY, FLORIDA

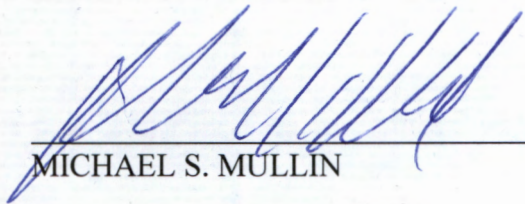
By:   
PAT EDWARDS  
Its: Chairman

ATTEST AS TO CHAIRMAN'S SIGNATURE:

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

MES  
01-09-18

Approved as to form by the County Attorney:

  
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MICHAEL S. MULLIN