

ORDINANCE 2009-06

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA EXTENDING THE TIME THAT DEVELOPMENT ORDERS SHALL REMAIN EFFECTIVE BY ONE YEAR; PROVIDING FOR SEVERABILITY; PROVIDING THAT THIS ORDINANCE SHALL NOT BE CODIFIED; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the current national economic recession, caused in major part by a precipitous decline of the housing market, has limited the ability of developers to obtain adequate financing and generate a positive return on investment in proposed developments; and

WHEREAS, these national economic factors have caused a two-year, 60% decline in new housing starts in Nassau County; and

WHEREAS, developers with development orders have been unable to proceed with previously approved development projects due to current economic conditions; and

WHEREAS, the Nassau County Land Development Code currently provides that most development orders have an original effective period of twelve months and permits the Board to grant an extension for a maximum of twelve months; and

WHEREAS, if development orders are permitted to expire, a number of developers may be forced to abandon their projects which will unnecessarily extend the building slowdown after general economic conditions begin improving; and

WHEREAS, the Planning and Zoning Board conducted a public hearing on this draft ordinance on March 3, 2009 and unanimously voted to recommend approval; and

WHEREAS, the Board of County Commissioners finds it in the best interest of the people and the economy of Nassau County to extend existing development orders for one additional year.

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

SECTION 1. DEVELOPMENT ORDER EXTENSION

Development Orders (site plan approvals, certificates of concurrency, conditional uses, planned unit development preliminary and final development plans and preliminary plats) that will otherwise expire during the period January 1, 2009 through March 31, 2010 shall automatically be extended for one year from their expiration date, regardless of whether an extension has previously been granted by the Board of County Commissioners. Nothing in this ordinance shall preclude developers that have received this automatic extension from seeking a future extension of their subject development orders in accordance with the Land Development Code.

SECTION 2. 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 3. ORDINANCE NOT TO BE CODIFIED

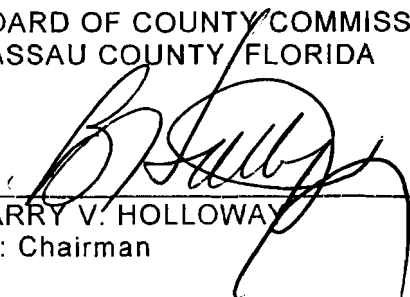
It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be included and incorporated into the Land Development Code (LDC) of Nassau County, Florida.

SECTION 4. EFFECTIVE DATE

This ordinance shall take effect upon filing with the Secretary of State of provided in Section 125.66, Florida Statutes.

ENACTED AND ADOPTED BY THE NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS, this 23rd day of March, 2009

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY FLORIDA



BARRY V. HOLLOWAY
Its: Chairman

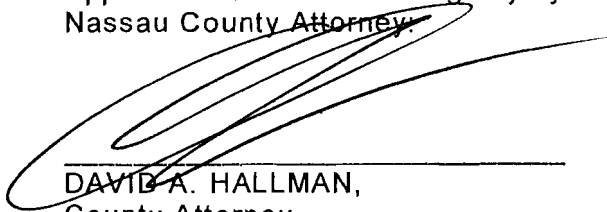
ATTESTATION: ONLY TO AUTHENTICITY
AS TO CHAIRMAN'S SIGNATURE:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

EBK 3/23/09

Approved as to form and legality by the
Nassau County Attorney:



DAVID A. HALLMAN,
County Attorney