

ORDINANCE NO. 2000-44

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ORDINANCE NO. 97-19, AS AMENDED, KNOWN AS THE NASSAU COUNTY ZONING CODE; SPECIFICALLY AMENDING SECTION 3.04, PLANNING AND ZONING BOARD MEMBERS, TO ADD TWO ADDITIONAL MEMBERS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Nassau County, Florida, has found it to be in the best interest of the citizens of Nassau County to increase the number of members on the Nassau County Planning and Zoning Board from seven members to nine members; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Nassau County, Florida, this 16th day of October, 2000, that Ordinance No. 97-19, shall be further amended as follows:

**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 all planning and zoning related matters.

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)~~ nine (9) members. Each member shall serve a three (3) year staggered term whereby, the terms of ~~three (3)~~ four (4) members shall expire one (1) year, the terms of ~~three (3)~~ four (4) members shall expire the following year and the term of one (1) member shall expire the next year.

B. Powers and Duties:

1. Review all requests for rezoning of property, zoning amendments and district boundary changes and make approval/non-approval recommendations to the Board of County Commissioners for their final determination.
2. Review and make approval determinations regarding requests for conditional uses.
3. Review and make approval determinations regarding requests for variances from the terms of this ordinance which will not be contrary to the public interest when, due to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary and undue hardship upon the owner of the subject property or structure or the applicant for the variance. In order to authorize any variance from the terms of this ordinance, the Planning and Zoning Board must find evidence of the following:
  - a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and are not applicable to other lands,

structures, or buildings in the same zoning district.

- b. The special conditions and circumstances do not result from actions of the applicant.
  - c. Granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings, or structures in the same zoning district.
  - d. Literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would place unnecessary and undue hardship on the applicant.
  - e. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
  - f. The granting of the variance will be in harmony with the general intent and purpose of this ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
  - g. The granting of the variance will not exceed the density or intensity of land use as designated on the Future Land Use Map 2005 or the underlying land use.
4. In granting any variance, the Planning and Zoning Board may attach appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the variance

is granted, shall be deemed a violation of the zoning ordinance.

5. The Planning and Zoning Board may establish a reasonable time limit within which the action for which the variance is required shall be started and completed.
6. Under no circumstances, except as permitted above, shall the Planning and Zoning Board grant a variance to permit a use not generally or conditionally permitted in the zoning districts involved or any use expressly or by implication prohibited by the terms of this ordinance in the zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of variance.
7. Review all site plans, with the exception of those approved by the Senior Planner as stated in Article 28, Section 28.16(B)(4), and make determinations of approval for all proposed development and redevelopment in Nassau County.
8. 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.
9. Elect a chairman and vice-chairman from Planning and Zoning Board members. A new chairman and vice-chairman shall be selected each year by the members of the Planning and Zoning Board. No person shall serve two (2) consecutive terms as chairman. Establish the time, place and date of the monthly Planning and Zoning Board regular meeting plus workshops.
10. Based upon an accepted reference, develop rules and procedures for the conduct of

hearings related to the rezoning request, the granting of zoning conditional uses, zoning variances, Comprehensive Plan amendments, and appeals which shall include the right of any party to:

- a. Present his 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;
- d. Be promptly notified of any action taken on any zoning conditional use, request for a zoning variance, or appeal of any action of 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 that which could be admissible in civil proceedings in the courts of this state, but 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. Otherwise, however, effect shall be given to rules of evidence recognized by the law of Florida.
- f. The Planning and Zoning Board shall promulgate appropriate rules and regulations provided for the establishment and maintenance of a record of all requests for zoning conditional uses, zoning variances,


and appeals considered by it. A verbatim transcript of the record is not required, but the Planning and Zoning Board shall establish such record in a sufficient degree to disclose the factual basis for its final determination with respect to such requests and appeals.

- g. A final order on each request for a zoning conditional use or zoning variance and each appeal shall be made within thirty (30) calendar days of the last hearing at which such request or appeal was considered. Each final order shall contain findings upon which the Planning and Zoning Board's order is based, and may include such conditions and safeguards as prescribed by the Planning and Zoning Board as are appropriate in the matter including reasonable time limits within which action pursuant to such order shall be begun or completed or both. One copy of the final order shall be furnished to the applicant.
- h. 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.
- i. Hear and decide appeals where it is alleged there is error in any Order, requirement, decision or determination by an administrative official in the enforcement of this Zoning Code. Provided such appeal is filed with the Planning and Zoning Board within thirty (30) days of the date of the action which is the subject of the appeal.

EFFECTIVE DATE:

This ordinance shall become effective upon its being  
in the office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

  
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NICK D. DEONAS  
Its: Chairman

ATTEST:

  
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J. M. "CHIEF" OXLEY, JR.  
Its: Ex-Officio Clerk

Approved as to form by the  
Nassau County Attorney:

  
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MICHAEL S. MULLIN