

ORDINANCE 2008 - 02

AN ORDINANCE AMENDING ORDINANCE 97-19, AS AMENDED, KNOWN AS THE "NASSAU COUNTY ZONING CODE"; SPECIFICALLY AMENDING SECTION 3.04, PLANNING AND ZONING BOARD; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners had found it in the best interest of the citizens of Nassau County to further amend Ordinance 97-19, as amended.

NOW, THEREFORE, BE IT ORDAINED this 25TH day of February, 2008, by the Board of County Commissioners of Nassau County, Florida, that Ordinance 97-19, as amended, shall be further amended as follows:

1. **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, except for matters involving variances and conditional uses.

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)~~ eleven (11) members. The members shall be appointed as follows: one member shall be appointed from each County Commission District; one member shall serve as the appointment from

the Nassau County School Board, pursuant to Section 163.3174(1), Florida Statutes, with said member granted voting status; and five members shall serve at-large, with one of each of said members being recommended by each of the respective members of the Board of County Commissioners. The terms of ~~two (2)~~ five (5) members shall expire ~~one (1) year from the date of the adoption of this ordinance on December 31, 2008,~~ and ~~one (1) member's~~ two (2) members terms shall expire ~~two years from the adoption of this ordinance on December 31, 2009,~~ and the terms of four (4) members shall expire ~~three (3) years from the date of the adoption of this ordinance on December 31, 2010.~~ After the initial term, any re-appointment shall be for a three (3) year staggered term. Any member appointed to the Planning and Zoning Board shall serve at the will of the Board of County Commissioners.

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 28, Section 28.16(A), 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 chairman and vice-chairman of the Planning and Zoning Board members. ~~A new 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.~~

5. Establish the time, place and date of the monthly Planning and Zoning Board regular meeting plus workshops.

6. Develop rules and procedures for the conduct of hearings, both quasi-judicial and legislative, 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 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 laws of Florida.

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)1. Hear and decide appeals where it is alleged there is an error in any decision made by the

Planning Director ~~Growth Management Coordinator~~ or
staff as it relates to the Zoning Code or
Comprehensive Plan.

2. Effective Date: This Ordinance shall become
effective upon its being filed in the office of the
Secretary of State.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


MARIANNE MARSHALL
Its: Chair

Attest as to
Chair's signature:


JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney:


DAVID A. HALLMAN