

**ORDINANCE 2017 - 06**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING SECTION 3.04 OF THE NASSAU COUNTY LAND DEVELOPMENT CODE CONCERNING THE PLANNING AND ZONING BOARD; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Nassau County Planning and Zoning Board has requested and recommended that the Board of County Commissioners conduct a public hearing on a proposed amendment to Section 3.04 of the Nassau County Land Development Code to limit the terms of the Chairman of the Nassau County Planning and Zoning Board; and

WHEREAS, the Board of County Commissioners conducted a public hearing on the proposed ordinance on February 13, 2017; and

WHEREAS, due public notice has been provided in accordance with Section 125.66, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED this 13th day of February, 2017, by the Board of County Commissioners of Nassau County, Florida, that section 3.04 of the Nassau County Land Development Code shall be amended to read 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 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 five (5) members shall expire on December 31, 2008, and two (2) members terms shall expire on December 31, 2009, and the terms of four (4) members shall expire 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 5 28, Section 5.07(B) 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 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, 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.

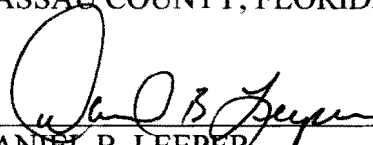
7. Hear and decide appeals where it is alleged there is an error in any decision made by the Planning and Economic Opportunity Director or staff as it relates to the Zoning Code or Comprehensive Plan.

8. Hear and decide appeals concerning the application and payment of the Nassau County Mobility Fee and Impact Fees.

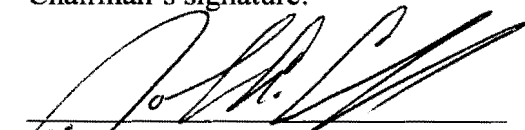
2. **Effective Date:** The Clerk shall file a certified copy of this Ordinance with the Department of State within ten days of its adoption. The ordinance shall become effective upon its being filed in the office of the Department of State.

**DULY ADOPTED** this 13th day of February, 2017.

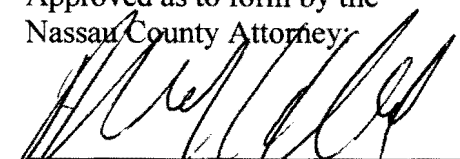
BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

  
\_\_\_\_\_  
DANIEL B. LEEPER  
Its: Chairman

Attest as to  
Chairman's signature:

  
\_\_\_\_\_  
JOHN A. CRAWFORD  
Its: Ex-Officio Clerk *mo 2/14/17*

Approved as to form by the  
Nassau County Attorney:

  
\_\_\_\_\_  
MICHAEL S. MULLIN



**FLORIDA DEPARTMENT *of* STATE**

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

February 17, 2017

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

Attention: Brenda Linville, Clerk Services

Dear Mr. Crawford:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Ordinance No. 2017-06, which was filed in this office on February 17, 2017.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb