

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

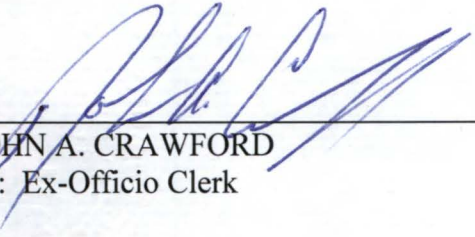
This Ordinance shall take effect upon the receipt by the Secretary of State.

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

BOARD OF COUNTY COMMISSIONERS OF
NASSAU COUNTY, FLORIDA

By: 
PAT EDWARDS
Its: Chairman

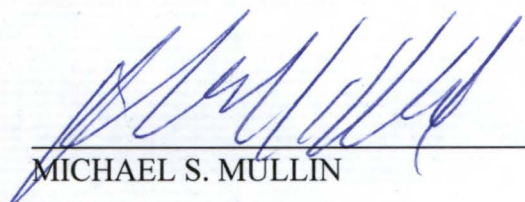
ATTEST AS TO CHAIRMAN'S SIGNATURE:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

MES
01-09-18

Approved as to form by the County Attorney:



MICHAEL S. MULLIN