

ORDINANCE NO. 2021 - 21

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING THE 2030 NASSAU COUNTY COMPREHENSIVE PLAN TO ADD A NEW PROPERTY RIGHTS ELEMENT WITH A STATEMENT OF PROPERTY RIGHTS; PROVIDING FOR TRANSMITTAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the 2030 Nassau County Comprehensive Plan requires updates to the goals, objectives, and policies of the Plan in order to remain current in its references and in compliance with the requirements of Ch. 163 Florida Statutes; and

WHEREAS, during the 2021 Florida Legislative Session, the Legislature adopted legislation that was signed into law known as chapter 2021-195 Laws of Florida; and

WHEREAS, the new law amends s. 163.3177 to include a new mandatory element known as the Property Rights Element; and

WHEREAS, each local government is required to adopt this new element into the Comprehensive Plan prior to adoption of other Comprehensive Plan Amendments after July 1, 2021; and

WHEREAS, within Chapter 2021-195 Laws of Florida, the new legislation establishes a statement of property rights that can be used within the element otherwise the local government has the right to establish its own statement of property rights as long as it does not conflict with the statement set forth by the Legislature in the Law; and

WHEREAS, the Planning and Zoning Board, acting in their capacity as Local Planning Agency for Nassau County, conducted a public hearing on this amendment on August 17, 2021 and voted to recommend approval to the Board of County Commissioners and for transmittal of this application; and

WHEREAS, the Board of County Commissioners held a public hearing for transmittal of this amendment on August 23, 2021; and

WHEREAS, the Florida Division of Community Planning conducted a limited interagency review of this application in accordance with the expedited review procedures pursuant to Sec. 163.3184(3)(b) and 163.3180(1)(a), Florida Statutes; and

WHEREAS, the Board of County Commissioners held a public hearing for adoption of this amendment on October 11, 2021; and

WHEREAS, due public notice of all public hearings has been provided in accordance with Chapter 163, Florida Statutes.

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

SECTION 1. FINDINGS

This action complies with Chapter 163, Part II, Florida Statutes, as amended, and is consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan.

SECTION 2. AMENDMENT

1. The Goals, Objectives and Policies as set forth in Exhibit "A", attached hereto and made a part hereof, shall be included as the Property Rights Element of the Nassau County Comprehensive Plan.

This amendment affects only those policies referenced in Exhibit "A"; all other maps, goals, objectives and policies of the adopted Nassau County Comprehensive Plan shall remain as currently adopted.

SECTION 3. SEVERABILITY

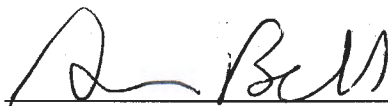
It is the intent of the Board of County Commissioners of Nassau County, Florida, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 4. EFFECTIVE DATE

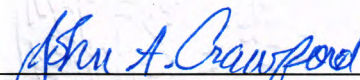
This Ordinance shall be filed with the Office of the Secretary of State. This Ordinance shall become effective 31 days after the state land planning agency notifies Nassau County that the plan amendment package is complete. However, if timely challenged, this Ordinance shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this amendment to be in compliance.

Adopted this 11th day of October, 2021 by the Board of County Commissioners of Nassau County, Florida.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


~~Thomas B. Ford~~ AARON BELL
Its: ~~Chair~~ VICE CHAIR

ATTEST as to Chairman's Signature:


John A. Crawford
Its: Ex-Officio Clerk *Angela K. Jones, Deputy Clerk*

Approved as to form by the
Nassau County Attorney

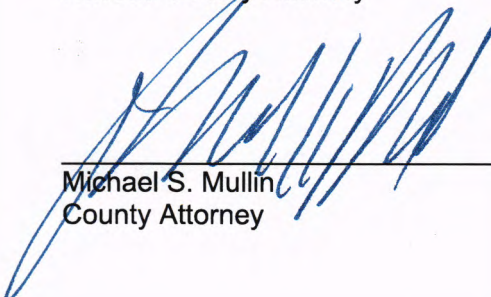

Michael S. Mullin
County Attorney

EXHIBIT A

Highlights indicate changes from transmitted draft based on comments from DEO 9/23/2021

Nassau County 2030 Comprehensive Plan **Property Rights Element (PR)** **Goals, Objectives and Policies**

Goal

Protect property rights as required by Chapter 2021-195, Laws of Florida.

OBJECTIVE PR.01

Consider the property rights of private property owners in the County's review of proposed actions.

Policy PR.01.01

When real property is the subject of and directly impacted by a proposed action being considered by Nassau County, the County shall consider the following property rights as part of its in all local decision making in the following ways:

1. The right of a real property owner to physically possess and control his or her interests in the real property, including easements, leases, or mineral rights.
2. The right of a real property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to applicable federal, state law and local law.
3. The right of the real property owner to privacy and to exclude others from the property to protect the owner's legal interests in such property, subject to applicable federal, state, and local law.
4. The right of a real property owner to dispose of his or her property interest through sale or gift.

Policy PR.01.02

The County will not be involved in private disputes of interest in property.

Policy PR.01.03

Nothing herein shall require the County to ascertain or determine the existence of any purported private interest in real property; those matters are within the jurisdiction of the circuit courts not the County (see s. 26.012(g), Florida Statutes (2021), and Art. V, Sec. 20(c)(3), Fla. Const. as may be amended from time-to-time).

Policy PR.01.04

Nothing in this Property Rights Element is intended to grant additional rights not already in existence or to supersede existing rights in accordance with the law.

EXHIBIT A

Nassau County 2030 Comprehensive Plan **Property Rights Element (PR)** **Goals, Objectives and Policies**

Goal

Protect property rights as required by Chapter 2021-195, Laws of Florida.

OBJECTIVE PR.01

Consider the property rights of private property owners in the County's review of proposed actions.

Policy PR.01.01

The County shall consider the following property rights in all local decision making:

1. The right of a real property owner to physically possess and control his or her interests in the real property, including easements, leases, or mineral rights.
2. The right of a real property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to applicable federal, state law and local law.
3. The right of the real property owner to privacy and to exclude others from the property to protect the owner's legal interests in such property, subject to applicable federal, state, and local law.
4. The right of a real property owner to dispose of his or her property interest through sale or gift.

Policy PR.01.02

The County will not be involved in private disputes of interest in property.

Policy PR.01.03

Nothing herein shall require the County to ascertain or determine the existence of any purported private interest in real property; those matters are within the jurisdiction of the circuit courts not the County (see s. 26.012(g), Florida Statutes (2021), and Art. V, Sec. 20(c)(3), Fla. Const. as may be amended from time-to-time).

Policy PR.01.04

Nothing in this Property Rights Element is intended to grant additional rights not already in existence or to supersede existing rights in accordance with the law.