

ORDINANCE NO. 2021- 22

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, CORRECTING A SCRIVENER'S ERROR IN ORDINANCE NO. 2021-012, WHICH AMENDED ARTICLE 37 OF THE LAND DEVELOPMENT CODE, NATURAL RESOURCE PROTECTION; RESCINDED SECTION 37.02, NATIVE CANOPY TREE PROTECTION; CREATED NEW SECTION 37.02, UNINCORPORATED AMELIA ISLAND TREE PROTECTION AND REPLACEMENT; AND AMENDED ARTICLE 32, DEFINITIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the effective date of the Ordinance, August 9, 2021 inadvertently was omitted from the 13th WHEREAS clause and from Section 2. Amendment, Land Development Code Section 37.02.B.3; and

WHEREAS, reference to Ordinance number, 99-17, was inadvertently omitted from Section 2. Amendment, Land Development Code Section 37.02.P.1; and

WHEREAS, reference to Ordinance number, 99-02, was inadvertently omitted from Section 2. Amendment, Land Development Code Sections 37.02.S.1 and 37.02.T; and

WHEREAS, reference to Ordinance number, 2021-012, was inadvertently omitted from Section 2. Amendment, Land Development Code Section 37.02.T; and

WHEREAS, the Board has determined the need to address these scrivener's errors and make the necessary modifications; and

WHEREAS, all other provisions of Ordinance No. 2021-012 are correct remain in full force and effect.

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

1. Finding that the omission of dates and the omission of Ordinance numbers in Section 2. Amendment of Ordinance 2021-012 are scrivener's errors and should be modified as follows:

SECTION 1. FINDINGS

1. WHEREAS, the Planning and Zoning Board conducted a public hearing on this Ordinance on ~~INSERT DATE~~ August 9, 2021 and voted to recommend approval to the Board of County Commissioners and legal notice of this Ordinance has been provided in accordance with Sec. 125.66, F.S.
2. Section 37.02.B.3.: Any tree protection plan approved by Nassau County prior to ~~(insert effective date)~~ August 9, 2021 remains in effect. Nothing herein shall be construed to invalidate a previously approved tree protection plan. However, Section O, P, R, and S in this Article shall apply to tree protection plans approved by Nassau County prior to ~~(insert effective date)~~ August 9, 2021.
3. Section 37.02.P.1.: It is the intent of this Article that all questions of interpretation shall be appealed to the County Planning and Zoning Board in accordance with Section 3.04 of Ordinance 97-19, as Amended. The Director of Planning, in conjunction with the County Arborist, shall render the initial interpretation.
4. Section 37.02.S.1.: The Planning Department shall administer the provisions of these regulations. The Code Enforcement Department shall enforce the provisions of these regulations. A Code Enforcement Officer shall have the authority, pursuant to this Ordinance, to provide Notice of Violation(s) and citations for violations to the property owner and/or contractor, site work company, individual or engineer via hand-delivery and notation of date and time of delivery and/or a certified letter from the Code Enforcement Division. The Code Enforcement Board, based on procedures as set forth in Chapter 1, Article III in Ordinance 99-02, as amended, shall hear the case. Suspended permits may be reinstated after tree protection measures are brought into conformance with an approved tree protection and replacement plan and/or restoration plan and any fines and code enforcement penalties (if applicable) are addressed.
5. Section 37.02.T.: Penalties shall be in accordance with the requirements set forth in Chapter 1, Article 3 of Ordinance 99-02 and the Specific Penalties for Violation of Tree

Protection measures defined in Section 37.02.U of Ordinance 2021-012. Each violation of this Article is deemed a separate and distinct offense.

- 6. All other provisions of Ordinance No. 2021-012 are correct and shall remain in full force and effect.
- 7. This Ordinance shall become effective upon its being filed with the office of the Department of State.

DULY ADOPTED this 20th day of October, 2021.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

THOMAS R. FORD
Its: Chairman

ATTEST AS TO CHAIRMAN'S SIGNATURE:

JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney:

MICHAEL S. MULLIN