

**ORDINANCE 2023- 024**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ARTICLE 32 DEFINITIONS, OF THE NASSAU COUNTY LAND DEVELOPMENT CODE TO REVISE THE DEFINITION FOR DUE PUBLIC NOTICE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Legislature of the State of Florida has, in Chapter 125, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

**WHEREAS**, Land Development Code Article 32 defines due public notice; and

**WHEREAS**, the definition of due public notice as currently adopted exceeds the public notice requirements defined in Florida Statutes; and

**WHEREAS**, the additional requirements place an unnecessary financial burden on applicants who require the publishing of public notices in a newspaper; and

**WHEREAS**, public notice of all hearings required by law has been provided in accordance with Chapters 125 and 163 Florida Statutes and the Nassau County Land Development Code; and

**WHEREAS**, the Board of County Commissioners finds this ordinance serves the health, safety, and welfare of the residents of and visitors to Nassau County, Florida.

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Nassau County that the following regulation is hereby adopted.

**SECTION 1. FINDINGS.**

The above findings are true and correct and are incorporated herein by reference. This Ordinance is consistent with Chapter 125, Florida Statutes, the goals, objectives, and policies of the Comprehensive Plan, and the Land Development Code.

**SECTION 2. AMENDING ARTICLE 32.**

Appendix A Land Development Code, Article 32 definition for *due public notice* is hereby amended to read as follows:

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*Due public notice:* As used in connection with the phrase "public hearing" or "hearings with due public notice", shall mean publication of notice of the time, place and purpose of such hearing with respect to rezoning of land, amendments to comprehensive plan text, land development regulations, future land use maps, future transportation maps, conditional use applications, variance requests, replat of land, or appeal of decisions of a lower board. ~~Publication at least twice~~ in a newspaper of general circulation in the area, ~~with the first such publication to be~~ at least fifteen (15) ~~ten (10)~~ days prior to the date of the hearing shall be required for hearings before the planning and zoning or conditional use and variance boards. ~~and the second such publication to be at least five (5) days prior to the hearing.~~ In addition, ~~except where the hearing applies to all of the lands within the area, similar~~ mailed notices setting forth the time, place and purpose of ~~such~~ hearing shall be mailed to the last known address of the owners of the property involved in or whose land is within three hundred (300) feet of the periphery of the lands subject to rezoning, future land use map amendment, conditional use, or variance; and such notices shall also be posted in a conspicuous place or places on or around such lots, parcels or tracts of land as may be involved in or directly affected by the hearing. ~~Affidavit proof of the required publication, mailing and posting of the notice shall be presented at the hearing.~~ Due public notice with respect to hearings before the Board of County Commissioners shall be as required by Florida Statutes. Proof of publication shall be kept on file with the planning department or the clerk of the Board of County Commissioners as appropriate. Failure of any owner to receive such notice shall in no way affect the validity of any action taken in a public hearing.

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**SECTION 3. CODIFICATION.**

It is the intent of the Board of County Commissioners for Nassau County that the provisions of this Ordinance shall become and shall be made part of the Code of Ordinances of Nassau County, Florida. The sections of this Ordinance may be re-numbered or re-lettered and the words may be changed to section, article or other such appropriate word or phrase in order to accomplish such intention. The Nassau County Clerk of Courts will ensure that this Ordinance is codified into, and published, as part of the Nassau County Code of Ordinances.

**SECTION 4. CONFLICTING PROVISIONS.**

All ordinances, or parts of ordinances, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**SECTION 5. 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 6. EFFECTIVE DATE.**

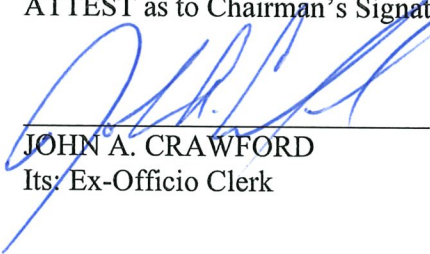
This Ordinance shall take effect upon filing with the Secretary of State as provided in Florida Statutes, Section 125.66.

**PASSED AND DULY ADOPTED** this 24th day of July, 2023.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

  
\_\_\_\_\_  
KLYNT A. FARMER  
Its: Chairman

ATTEST as to Chairman's Signature:

  
\_\_\_\_\_  
JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney:

  
\_\_\_\_\_  
DENISE C. MAY

Additions = red underline  
Deletions = ~~red strikethrough~~  
Relocated = green double underline



**FLORIDA DEPARTMENT *of* STATE**

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

July 26, 2023

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

Attention: Melissa Lucey

Dear Honorable John Crawford:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Nassau County Ordinance No. 2023-024, which was filed in this office on July 26, 2023.

Sincerely,

Anya Owens  
Administrative Code and Register Director

ACO/wlh

## Melissa Lucey

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**From:** Municode Ords Admin <MunicodeOrds@civicplus.com>  
**Sent:** Monday, July 31, 2023 11:48 AM  
**To:** Melissa Lucey  
**Subject:** \*EXTERNAL\*: RE: Nassau County, FL Code of Ordinances - 2023(11325) OrdBank

**This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

We have received your files.

Thank you and have a nice day.

Ords Administrator  
[Municodeords@civicplus.com](mailto:Municodeords@civicplus.com)  
1-800-262-2633  
P.O. Box 2235  
Tallahassee, FL 32316

When available, please send all documents in WORD format to [Municodeords@civicplus.com](mailto:Municodeords@civicplus.com). However, if WORD format is not available, we welcome any document format including PDF.

**SVj (she/her/hers)**

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Powering and Empowering Local Governments

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**From:** Melissa Lucey <mlucey@nassauclerk.com>  
**Sent:** Wednesday, July 26, 2023 1:41 PM  
**To:** Municode Ords Admin <MunicodeOrds@civicplus.com>  
**Cc:** Heather Nazworth <hnazworth@nassauclerk.com>  
**Subject:** Ordinance Nos. 2023-021, 2023-022, 2023-024, 2023-025, 2023-026, and 2023-027

Gentlemen:

Enclosed please find a certified copy of Ordinance Nos. 2023-021, 2023-022, 2023-024, 2023-025, 2023-026, and 2023-027 adopted by the Nassau County Board of County Commissioners in Regular Session on July 24, 2023. **Also, please provide a confirmation email.**

Please include these ordinances in the supplement. Thank you for your assistance in this matter.

On behalf of John A. Crawford, Ex-Officio Clerk