

ORDINANCE NO. 2024- 018

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA; AMENDING CHAPTER 29 SUBDIVISION AND DEVELOPMENT REVIEW; ARTICLE VI. MISCELLANEOUS PROVISIONS; SPECIFICALLY AMENDING SECTION 29-152. VARIATIONS AND EXCEPTIONS; 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 welfare of its citizenry; and

WHEREAS, on November 24, 2003, Nassau County Board of County Commissioners (“Board”) adopted Ordinance 2003-62 establishing the Conditional Use and Variance Board (“CUVB”); and

WHEREAS, Ordinance 2003-62 further transferred the powers and duties for the grant or denial of variances and conditional uses to the CUVB; and

WHEREAS, direction was given to the County Attorney at the Winter Strategic Planning Session 2024 to consolidate the powers and duties in regard to conditional uses and variances with the powers and duties of the Planning and Zoning Board as the land planning agency; and

WHEREAS, public notice of all hearings required by law has been provided in accordance with Chapters 125 Florida Statutes; and

WHEREAS, the Board of County Commissioners find it in the best interests and welfare of the citizens of Nassau County to adopt the following amendments to the Code of Ordinances.

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

SECTION 1. AMENDING CHAPTER 29. Subdivision and Development Review, Article VI. Miscellaneous Provisions.

Section 29-152. Variations and exceptions.

- (a) *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~~Planning and Zoning 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. The ~~conditional use and variance~~Planning and Zoning Board may impose conditions for the development.
- (b) *Condition of waiver.* An applicant seeking a variance will submit an application to the ~~Planning and economic opportunity office~~Department 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~~Planning and Zoning Board shall not approve a variance unless:
- (1) 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.
 - (2) The conditions, upon which a request for waiver ~~are is~~ 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.
 - (3) The variance is consistent with the criteria for granting a variance specified in section 3.05(B)(2)(a)—(g) of ~~the zoning ordinance~~Nassau County Land Development Code and the requirements of the county comprehensive plan.
- (c) *Administrative appeals.* The ~~P~~Planning and ~~Z~~Zoning ~~B~~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 county development regulations ordinance. Such appeal must be filed with the ~~P~~Planning and ~~Z~~Zoning ~~B~~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 2. 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-numbers 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 3. 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 4. SEVERABILITY.

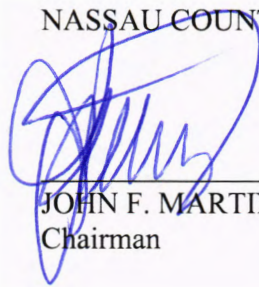
It is the intent of the Board of County Commissioners of Nassau County, Florida, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality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

SECTION 5. EFFECTIVE DATE.

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

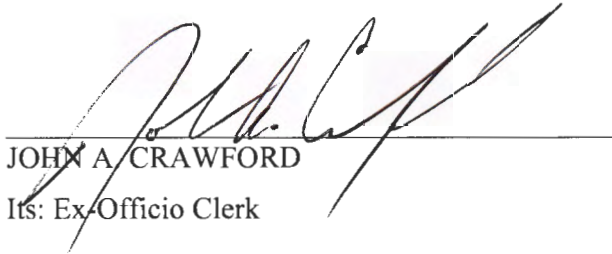
ADOPTED THIS 14th DAY OF NOVEMBER, 2024, BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



JOHN F. MARTIN
Chairman

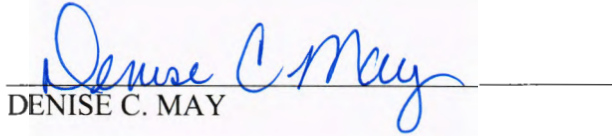
ATTEST AS TO CHAIRMAN'S SIGNATURE:



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

November 25, 2024

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

Dear 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. 2024-018, which was filed in this office on November 21, 2024.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL

2024-018

Heather Nazworth

From: Municode Ords Admin <MunicodeOrds@civicplus.com>
Sent: Monday, November 25, 2024 10:31 AM
To: Heather Nazworth
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
1-800-262-2633
P.O. Box 2235
Tallahassee, FL 32316

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

svj (she/her/hers)
Production Support Specialist Supplement Department • **CivicPlus**
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Powering and Empowering Local Governments

From: Heather Nazworth <hnazworth@nassauclerk.com>
Sent: Thursday, November 21, 2024 10:45 AM
To: Municode Ords Admin <MunicodeOrds@civicplus.com>
Subject: Nassau County Ordinances

Gentlemen:

Enclosed please find a certified copy of Ordinance Nos. 2024-018, 2024-019, 2024-020 and 2024-021 was adopted by the Nassau County Board of County Commissioners in a regular session on November 18, 2024. **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

Heather Nazworth

Chief Deputy Clerk Services/BOCC/VAB
Nassau County Clerk of the Circuit Court/Comptroller
76347 Veterans Way, Ste. 456
Yulee, FL 32097

Direct (904)548-4666

Toll Free (800) 958-3496

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Email: hnazworth@nassauclerk.com

Website: www.nassauclerk.com

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, please do not send electronic mail to this entity. Instead, please contact this office by phone or in writing.