

**ORDINANCE NUMBER 2024-019**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING APPENDIX A – LAND DEVELOPMENT CODE, ORDINANCE NO. 97-19, AS AMENDED; SPECIFICALLY AMENDING SECTION 1.06 AMENDMENTS; SECTION 3.05 CONDITIONAL USE AND VARIANCE BOARD; SECTION 5.03 CONDITIONAL USES; SECTION 5.04 CONDITIONAL USE REVIEW CRITERIA; SECTION 5.05 VARIANCE; SECTION 5.06 PROCEDURE FOR APPEALING DECISION OF THE PLANNING AND ZONING BOARD OR THE CONDITIONAL USE AND VARIANCE BOARD; SECTION 28.19 SITING REGULATIONS FOR WIRELESS FACILITIES; SECTION 41.03 ADMINISTRATION AND ENFORCEMENT; AMENDING THE WILLIAM BURGESS CONTEXT AND CONNECTIVITY BLUEPRINT AS INCORPORATED IN SECTION 43.04 OF THE NASSAU COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR REPEAL OF THE CONDITIONAL USE AND VARIANCE BOARD; PROVIDING FOR THE TRANSFER OF THE POWERS AND DUTIES TO THE PLANNING AND ZONING BOARD; 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**, 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 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.

**SECTION 2. AMENDING APPENDIX A LAND DEVELOPMENT CODE ORDINANCE 97-19, AS AMENDED AS SET FORTH BELOW:**

**SECTION 3. Amending Article 1. General, Section 1.06 Amendments.**

- A. The board of county commissioners may, from time to time, amend, supplement or repeal sections of this Code. Proposed changes and amendments may be suggested by the board of county commissioners and their staff; or the planning and zoning board, ~~conditional use and variance board, or any citizen of Nassau County by petition~~ to the board of county commissioners.

**SECTION 4. Amending Article 3. Administration, Section 3.05 Conditional use and variance board dissolved; references revised.**

The Conditional Use and Variance Board heretofore established by the adoption of Ordinance No. 2003-62 is hereby dissolved effective January 1, 2025. All powers and duties previously granted to the Conditional Use and Variance Board are hereby transferred and vested in the Planning and Zoning Board. All prior administrative actions, orders, or permits issued by such Conditional Use and Variance Board shall remain in full force and effect. No applications shall be referred to the Conditional Use and Variance Board on or after January 1, 2025. All applications pending hearing as of January 1, 2025, shall be transferred to and heard by the Planning and Zoning Board. All references to the Conditional Use and Variance Board occurring elsewhere within the Nassau County Code of Ordinances or the Nassau County Land Development Code and within any other codes, ordinances, or resolutions shall hereafter be deemed to refer to the Planning and Zoning Board.

~~The conditional use and variance board shall serve as the body that reviews and makes approval determinations on requests for conditional uses and variances from the terms of this ordinance for the board of county commissioners.~~

~~(A) *Establishment of the conditional use and variance board:* The board of county commissioners ("Board") shall appoint the members of the conditional use and variance board (CUVB):~~

- ~~1. *Composition.* The conditional use and variance board shall be composed of seven (7) members appointed by the board.~~
- ~~2. *Terms of office.* Each member shall serve a three (3) year staggered term whereby, the terms of three (3) members shall expire one (1) year, and the terms of three (3) members shall expire the following year and the term of one (1) member shall expire the next year.~~
- ~~3. *Qualifications.* Appointed members shall be full-time permanent residents of Nassau County as verified by a valid homestead exemption in his/her name maintained throughout the term in office. One (1) member each from the five (5) county commission districts, when possible, and two (2) at-large members.~~

~~(B) *Powers and duties:*~~

- ~~1. Review and make approval determinations regarding requests for conditional uses.~~
- ~~2. Review and make approval determinations regarding requests for variances from the terms of this ordinance which will not be contrary to the public interest when, due to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary and undue hardship upon the owner of the subject property or structure or the applicant for the variance. In order to authorize any variance from the terms of this ordinance, the conditional use and variance board must find evidence of the following:
  - ~~(a) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district.~~
  - ~~(b) The special conditions and circumstances do not result from actions of the applicant.~~
  - ~~(c) Granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings, or structures in the same zoning district.~~
  - ~~(d) Literal interpretations of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would place unnecessary and undue hardship on the applicant.~~~~

- ~~(e) The variance granted in the minimum variance that will make possible the reasonable use of the land, building, or structure.~~
  - ~~(f) The granting of the variance will be in harmony with the general intent and purpose of this ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and~~
  - ~~(g) The granting of the variance will not exceed the density or intensity of land use as designated on the Future Land Use Map 2010 or the underlying land use.~~
3. ~~In granting any variance, the conditional use and variance board may attach appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the zoning ordinance. The conditional use and variance board may establish a reasonable time limit within which the action for which the variance is required shall be started and completed.~~
- ~~Under no circumstances, except as permitted above, shall the conditional use and variance board grant a variance to permit a use not generally or conditionally permitted in the zoning districts involved or any use expressly or by implication prohibited by the terms of this ordinance in the zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.~~
4. ~~Elect a chairman and vice chairman of the conditional use and variance board. A new chairman and vice chairman shall be selected each year by the members of the conditional use and variance board. No person shall serve two (2) consecutive terms as chairman.~~
5. ~~Establish the time, place and date of the monthly conditional use and variance board regular meeting plus workshops.~~
6. ~~Develop rules and procedures for the conduct of hearings, both quasi-judicial and legislative, which, at a minimum, when appropriate, includes the right of any party to:~~
- ~~(a) Present his/her case by oral and documentary evidence;~~
  - ~~(b) Submit rebuttal evidence, and conduct such cross-examination as may be required for a full and true disclosure of the facts;~~
  - ~~(c) Be accompanied, represented and advised by counsel or represent himself;~~
  - ~~(d) Be promptly notified of any action taken on any zoning conditional use, request a variance, or appeal or any action of the planning and zoning board affecting substantive or procedural rights taken in connection with any proceedings.~~

- ~~(e) The conditional use and variance board shall receive into evidence that which could be admissible in civil proceedings in the courts of this state, but in receiving evidence, due regard shall be given to the technical and highly complicated subject matter which must be handled and the exclusionary rules of evidence shall not be used to prevent the receipt of evidence having substantial probative effect. Otherwise, however, effect shall be given to rules of evidence recognized by the laws of Florida.~~
- ~~(f) A final order on each request for a zoning conditional use or zoning variance shall be made within thirty (30) calendar days of the last hearing at which such request or appeal was considered. Each final order shall contain findings upon which the board of adjustment's order is based, and may include such conditions and safeguards as prescribed by the conditional use and variance board as are appropriate in the matter including reasonable time limits within which action pursuant to such order shall be begun or completed or both. One (1) copy of the final order shall be furnished to the applicant.~~
- ~~(g) A majority of the conditional use and variance board shall constitute a quorum for the purpose of meetings and transacting business. Failure to receive a majority vote shall constitute denial.~~

#### **SECTION 5. Amending Article 5. Procedures, Section 5.03. Conditional uses.**

The following procedure shall be followed when requesting a conditional use:

- (A) An applicant requesting a conditional use must submit an application to the growth management~~Planning~~ Department. The applicant shall provide the following information as part of the conditional use application.
1. The legal description of the property for which the conditional use is requested;
  2. Description of the property according to street;
  3. The names and addresses of the owners of the property;
  4. A detailed description of the conditional use requested;
  5. Current zoning classification of the property;
  6. Reason for requesting the conditional use;
  7. Any other data which the ~~conditional use and variance~~Planning and Zoning Board may deem necessary such as architectural drawings or sketches of all buildings showing front, side, rear elevations, and setbacks, etc.
  8. The signature of the applicant or his authorized agent.
  9. A complete list of all property owners, mailing addresses and legal descriptions of all property within three hundred (300) feet of the parcel for which the conditional

use is requested. This information must be taken from the latest Nassau County tax rolls.

10. The Future Land Use Map ~~2010~~ designation contained in the currently adopted comprehensive plan.
  - (B) Upon completion and receipt of the application, the growth management ~~Planning~~ Department shall review the application and provide written recommendation based upon the goals, objectives and policies of the comprehensive plan and existing land use regulations. The growth management ~~Planning~~ Department shall place the application for conditional use as well as a written recommendation on the agenda of the next available conditional use and variance ~~Planning and Zoning~~ Board meeting. The conditional use and variance ~~Planning and Zoning~~ Board shall hold a public hearing to review conditional use requests. The Planning and Zoning Board shall base the denial or approval of each application for a conditional use based upon consideration of the criteria outline in Section 5.04 of the land development code. and may make a decision within sixty (60) days from the date the request was received.
  - (C) The applicant or his representative shall appear before the conditional use and variance ~~Planning and Zoning~~ Board to provide evidence concerning the proposed conditional use.
  - (D) The growth management ~~Planning~~ Department shall be responsible for giving due public notice of public hearing held by the conditional use and variance ~~Planning and Zoning~~ Board.
  - (E) The conditional use and variance ~~Planning and Zoning~~ Board has the power to deny, approve, or ~~dis~~approve with conditions, any conditional use requested. When a conditional use has been approved with conditions, the conditional use and variance ~~Planning and Zoning~~ Board may, as it deems necessary for the protection of public health, safety and general welfare, impose certain conditions, limitations, or restrictions on the use requested and its premises. Conditional uses along with all conditions and safeguarded attached thereto shall be non-transferable and granted to the applicant only.
  - (F) Any conditional use permit granted by the conditional use and variance ~~Planning and Zoning~~ Board shall allow only those use or uses specifically described in the application and is subject to the terms or conditions expressed therein. The expansion or extension of the conditional use beyond the scope or terms of the conditional use permit shall be unlawful and is in violation of this ordinance.
  - (G) If the conditional use and variance ~~Planning and Zoning~~ Board denies a petition for a conditional use permit, the denied petition cannot be resubmitted nor can any action be taken on a new petition for basically the same conditional use on the same premises, within twelve (12) months after the date the last petition was denied.

**SECTION 6. Amending Article 5. Procedures, Section 5.04. Conditional use review criteria.**

When considering conditional use requests, the ~~conditional use and variance~~ Planning and Zoning board shall make a written finding that the conditional use satisfied the following criteria:

- (A) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare and is not contrary to established standards, regulations, or ordinances of other governmental agencies. The applicant requesting a conditional use shall provide proof of adequate access to the site and proof that the necessary access connection permits have been approved or will be approved.
- (B) Each structure or improvement will be in accordance with ~~Ordinance 2000-26~~ Chapter 7, Article VII of the Nassau County Code of Ordinances and will be so designed and constructed that it is not unsightly, undesirable, or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of Nassau County and the zoning district in which it is proposed.
- (C) The conditional use will not adversely impact the permitted uses in the zoning district nor unduly restrict the enjoyment of other property in the immediate vicinity nor substantially diminish or impair the values within the area.
- (D) The establishment of the conditional use will not impede the orderly development and improvement of the surrounding property for uses permitted in the zoning district.
- (E) Adequate water supply and sewage disposal facilities will be provided in accordance with state and county health requirements.
- (F) Adequate access roads, on-site parking, on-site loading and unloading berths, and drainage have been or will be provided where required.
- (G) Adequate measures have been taken to provide ingress and egress to the property which is designed in a manner to minimize traffic congestion on local streets.
- (H) Adequate screening and buffering of the conditional use will be provided, if needed.
- (I) The conditional use will not require signs or exterior lighting which will cause glare, adversely impact area traffic safety or have a negative economic effect on the

area. Any signs or exterior lighting required by conditional use shall be compatible with development in the zoning district.

- (J) The conditional use will conform to all applicable regulations of the zoning district in which it is proposed.
- (K) The conditional use will conform to all applicable regulations listed in the adopted comprehensive plan.

#### **SECTION 7. Amending Article 5. Procedures, Section 5.05. Variance.**

A variance from the provisions of this ordinance is granted when practical difficulties or unnecessary hardships that are not caused through actions of the applicant, will result from carrying out the strict letter of this zoning ordinance. The following must be completed when requesting a variance:

- (A) File an application with the ~~growth management~~Planning Department. The necessary forms and instructions can be obtained from the ~~growth management office~~Planning Department.
- (B) The application for a variance shall include, but not be limited to, the following information which shall be provided by the applicant:
  1. If the applicant is other than the owner(s) of the property, the signed written consent of the property owner(s) must be attached.
  2. A complete legal description of the property for which the variance is requested, along with a scaled diagram showing the setbacks and the location of the proposed construction.
  3. The location and current zoning classification of the property being considered for the variance.
  4. Describe the variance requested. A variance may be authorized only for the reduction of minimum street frontage, lot area and required yards (front, side, rear) or for the increase of height of structures and site coverage only when such increases are not in conflict with the adopted comprehensive plan and Florida Building Code. A modification to lot requirements shall not be granted a variance when such modification will result in an increase of density/intensity of use beyond that permitted by the adopted Future Land Use Map ~~2010~~ for the underlying land use of the area. A variance shall not change the functional classification permitted or permissible by the comprehensive plan and future land use map, as currently adopted.
  5. A complete list of all property owners, mailing addresses and legal description of all property within three hundred (300) feet of the parcel for which the variance is requested. This information must be taken from the latest Nassau County tax rolls.
- (C) Upon receipt of the completed application and the required zoning fee, the ~~growth management~~Planning Department will review the application and prepare a written report regarding the consistency of the "request for variance" with the adopted



comprehensive plan and current land use regulations. The ~~growth management~~Planning Department will submit its report and the application to the ~~conditional use and variance~~Planning and Zoning Board for action.

(D) The ~~growth management~~Planning Department shall establish a date and time to hear the variance request and shall advertise the public hearing in a manner prescribed by law.

(E) ~~Before making a~~No grant of a variance shall be contrary to the public interest when, due to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary and undue hardship upon the owner of the subject property or structure or the applicant for the variance. In making any final decision-determination on a variance request, theconditional use and variance~~Planning and Zoning Board~~ shall consider the criteria as established below:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district.
2. The special conditions and circumstances do not result from actions of the applicant.
3. Granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings, or structures in the same zoning district.
4. Literal interpretations of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would place unnecessary and undue hardship on the applicant.
5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
6. The granting of the variance will be in harmony with the general intent and purpose of this ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
7. The granting of the variance will not exceed the density or intensity of land use as designated on the currently adopted Future Land Use Map or the underlying land use.

~~(F) in section 3.05(B)3. of this ordinance.~~The conditional use and variance board has sixty (60) days for the date the application is ~~received-deemed complete~~ to make a final decision. Variances along with all conditions and safeguards attached thereto shall be granted to the property ~~and is nontransferable~~.

~~(G)~~ In granting any variance, the Planning and Zoning Board may attach appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the zoning ordinance. The Planning and Zoning Board may establish a reasonable time limit within which the action for which the variance is required shall be started

and completed.

Under no circumstances, except as permitted above, shall the Planning and Zoning Board grant a variance to permit a use not generally or conditionally permitted in the zoning districts involved or any use expressly or by implication prohibited by the terms of this ordinance in the zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

- (F)(H) If the ~~conditional use and variance~~ Planning and Zoning Bboard denies a variance application, the denied application cannot be resubmitted, nor can any action be taken on a new application for basically the same variance on the same property, until twelve (12) months after the date the last petition was denied.

**SECTION 8. Amending Article 5. Procedures., Section 5.06. Procedure for appealing decisions of the Pplanning and Z zoning Bboard or the conditional use and variance board.**

Any person or agency entity aggrieved by any final decision of the Pplanning and Z zoning board ~~or the conditional use and variance board~~ may file an appeal with the Bboard of County Commissioners. The appeals procedure shall include the following actions:

- (A) *Filing of appeal:* The notice of appeal, stating the grounds for the appeal, must be filed with the county clerk within thirty (30) days of the date the action being appealed was rendered. The notice of appeal shall be filed on forms established and provided by the county clerk and shall include all pertinent information required thereon, including appropriate filing fees. The ~~growth management~~ Planning Ddepartment, upon notification of the filing of the appeal by the county clerk, shall transmit upon request to the county clerk all materials constituting the record upon which the action appealed was taken.
- (B) *Stay of work:* An appeal to the Bboard of County Commissioners stays all work on the project and all proceedings in furtherance of the action being appealed until final determination has been made by the Bboard of County Commissioners.
- (C) *Hearing of appeals:* The Bboard of County Commissioners, within ~~fifteen-thirty~~ (1530) days after receipt of the notice of appeal, shall set a reasonable date for hearing the appeal and give due public notice. Published notice of the hearing shall be in a form prescribed by the Bboard of County Commissioners and placed in the designated newspaper at the applicant's expense. The applicant shall file proof of publication with the clerk of the court prior to the hearing. The applicant, and petitioner if different from the applicant, must be given due notice of the hearing, ~~and The~~ applicant and petitioner may appear in person at the hearing or be represented by his agent or attorney.
- (D) *Decision:* In exercising the powers granted by this ordinance, the Bboard of County Commissioners, by majority vote of its members, may reverse, affirm, or modify the order, requirement, decision or determination being appealed, and to that end shall have

the powers of the ~~P~~lanning and ~~Z~~oning ~~B~~oard, ~~the conditional use and variance board~~, or ~~growth management~~ Planning Department and may issue the necessary permit. Rulings and decisions to the ~~B~~oard of ~~C~~ounty ~~C~~ommissioners shall become effective thirty (30) days after the date of such ruling or decision. This will allow either party ample time to file an appeal with the circuit court.

- (E) *Appeal of board of county commissioners decisions:* Any person or persons jointly or severally aggrieved by a decision of the ~~B~~oard of ~~C~~ounty ~~C~~ommissioners may appeal in the circuit court which serves the jurisdiction in which the ~~B~~oard of ~~C~~ounty ~~C~~ommissioners is located. This appeal must be filed within thirty (30) days after the ~~B~~oard of ~~C~~ounty ~~C~~ommissioners has rendered its decision.

**SECTION 9. Amending Article 28. Supplementary Regulations, Section 28.19 Siting regulations for wireless facilities.**

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- (B) *Definitions for communication facilities within a county ROW.* The following definitions apply exclusively to communication facilities located within a county ROW and are applicable in connection with subsections (J), (K), (L) and (M) of this section 28.19. The following words, terms and phrases, when used in subsection (J), (K), (L) and (M) below shall have the meanings ascribed to them in this subsection (2)(B), except where the context clearly indicates a different meaning. Words not otherwise defined in this section shall be given the meaning set forth in subsection (C) of this section 28.19, and if not defined therein, as defined in the Communications Act of 1934, 47 USC 151 et seq., as amended by the Telecommunications Act of 1996 (collectively, the "Communications Act"), and, if not defined therein, as defined by F.S. § 337.401 or another applicable state statute; and, if not defined therein, be construed to mean the common and ordinary meaning.

...

*Applicable codes.* Such codes shall include this Code of Ordinances; uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address threats of destruction of property or injury to persons. The term includes objective design standards adopted by ordinance that may require a small wireless facility to meet reasonable location context, color, stealth, and concealment requirements; however, such design standards may be waived by the county upon a showing that the design standards are not reasonably compatible for the particular location of a small wireless facility or that the design standards impose an excessive expense. The waiver shall be granted or denied within forty-five (45) days after the date of the request via application to the ~~conditional use and variance~~ Planning and Zoning Board.

...

*Variance.* A modification of the terms of this ordinance where a literal enforcement of this ordinance would result in an unnecessary site specific hardship and shall be reviewed and may be granted by the ~~conditional use and variance~~Planning and Zoning Board.

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(R) *Additional provisions for small wireless facilities outside county rights-of way in single-family residential districts (subject to definitions in subsection (C)).*

...

(2) *Approval process.* A new concealed small wireless tower under this subsection shall be reviewed and a decision rendered by the Nassau County ~~Conditional Use and Variance~~Planning and Zoning Board to issue a conditional use permit within ninety (90) business days of receipt of the application, subject to any applicable tolling for application deficiencies and resubmissions, so long as the applicant demonstrates that the facilities will be used, immediately upon completion of construction, to provide personal wireless services, or within such other mutually agreed upon time (speculative towers without an associated wireless service provider are not entitled to review and decision within ninety (90) business days, or to any of the other protections of the Telecommunications Act). Construction permits issued for new concealed small wireless tower or base station shall be valid for a term of one hundred eighty (180) days and shall lapse and be void if construction of the contemplated concealed small wireless tower or base station is not completed within that time.

...

...

(U) *Additional provisions for conditional use permit approvals.*

...

(4) *Approval process.* A new conditional use permit application for a new macrocell facility in this section shall be reviewed and a decision rendered by the ~~conditional use and variance~~Planning and Zoning Board within ninety (90) business days of receipt of the application, subject to any applicable tolling for application deficiencies and resubmissions, so long as the applicant demonstrates that the facilities will be used, immediately upon completion of construction, to provide wireless communication services, or within such other mutually agreed upon time.

...

(V) *Additional provisions for broadcast towers outside the county ROWs (subject to definitions in subsection*

...

(3) *Approval process.* A new broadcast tower application shall be reviewed and a decision rendered by the ~~conditional use and variance~~ Planning and Zoning Board as applicable within one hundred fifty (150) days of receipt of the application, subject to any applicable tolling for application deficiencies and resubmissions, so long as the applicant demonstrates that the facilities will be used, immediately upon completion of construction, to provide AM/FM/TV broadcast services, or within such other mutually agreed upon time.

...

(W) *Appeals.*

(1) *Appeals from administrative review process denials.* Appeals from the administrative review process shall be heard by the board of county commissioners and subject to provisions in section 5.06 of the county land development code.

(2) *Appeals from ~~conditional use and variance~~ Planning and Zoning Board.* ~~CUVB denials~~ All appeals shall be subject to section 5.06 of the Nassau County Land Development Code. Appeals ~~should~~ shall not be ~~heard~~ de novo hearings before the Board of County Commissioners. All appeals shall be based upon the record evidence of the Planning and Zoning Board.

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#### **SECTION 10. Amending Article 41. Mining operations, Section 41.03. Administration and enforcement.**

- (1) Unless exempted as provided in this article, all mining operations in unincorporated Nassau County shall conform to the procedures and standards established in this article. It shall be unlawful to operate or construct a mine without approval as established in this article.
- (2) An application for a mining operation shall be submitted to the ~~growth management~~ Planning Department and shall contain the information set forth in this article. The ~~growth management~~ Planning Department shall distribute copies of the application for internal review, by applicable county departments as required by this article.
- (3) The ~~growth management~~ Planning Department shall review the application, recommendations and comments from the reviewing county departments, the results of field review, and make a recommendation to the ~~conditional use and variance~~ Planning and Zoning Board (CUVBPZB) as to compliance with the provisions of this article.

- (4) The CUVB-PZB will conduct a public hearing. The CUVB-PZB may attach reasonable; conditions which become binding on the conduct of the operation. Appeals of the CUVB PZB decision are provided in Section 3-055.06 of Nassau County Land Development Code.
- (5) The ~~growth management~~Planning Department shall issue a permit prior to commencement of the activities. The permit shall include conditional use application requirements, if applicable. Said permit must be in effect at all times during operation of the mine.
- (6) Code enforcement shall investigate alleged violations in accordance with county regulations. Code enforcement shall have the authority to temporarily stop work pending adjudication.
- (7) Revocation. Authorization under this article shall be revocable at any stage of the work contemplated herein upon the following grounds:
  - a. Approval was granted upon gross misrepresentation by the applicant;
  - b. The work violates any ordinance of the county;
  - c. The work is not being performed in accordance with the provisions of this article; or
  - d. The work is not being done in accordance with the terms of any permit or development order.
- (8) The county may avail itself of any other legal or equitable remedy available to it including, without limitation, injunctive relief or revocation of any permit involved. Any person violating this chapter shall be liable for all costs incurred by the county in connection with enforcing this chapter, including, without limitation, attorneys' fees, and temporary safety measures put in place, or caused to be put in place by the county.

**SECTION 11. Amending The William Burgess Context and Connectivity Blueprint as incorporated in Section 43.04 of the Nassau County Land Development Code.**

The William Burgess Context and Connectivity Blueprint has been revised as follows:

**Page 58, Section 4.1.7.1 Variance Submittal Requirements**

*Request for variances to the WBD design guidelines shall be considered by the Conditional Use and Variance Planning and Zoning Board (CUVBPZB). Request for a variance shall be submitted to the Department of Planning and Economic Opportunity (PEO). The request for a variance shall include the material necessary for PEO staff to review and make a recommendation to the CUVB. In addition to the requirements below (a-h), all variance requests shall be consistent with Section 5.05 of the Nassau County LDC. The request shall include the following:*

- a. Thorough narrative describing the nature of the request and reason the request is necessary to make reasonable use of the land/building/site in question.
- b. Site plan. A site plan shall include the subject property and the necessary areas of the surrounding lands to determine the interrelationship of the WBD. The site plan shall incorporate:
  - i. Building elevations.

- ii. Facade treatment details.
- iii. Material list.
- iv. Streetscape plan.
- v. Landscape plan.

Any other material deemed necessary by PEO staff or the CUVB-PZB to adequately review and make an informed decision as to the request.

**Page 58, Section 4.1.7.2 Variance Review Criteria**

Upon receipt of a complete packet, the CUVB-PZB shall consider the request for a variance within 90 days of the request being made, or the first regularly scheduled meeting thereafter. The meeting at which the CUVB-PZB hears the request shall be publicly noticed. The CUVB-PZB shall base their decision on the following criteria:

- a. A variance shall only be issued upon a finding the request maintains the intent of the WBD as described in WB CCB.
- b. The variance does not compromise the development form defined in the WB CCB.
- c. The variance does not adversely impact adjacent properties or the relationship of the building/site to other buildings, development sites, public spaces or interaction/engagement with a street.
- d. The variance does not adversely impact mobility, access to other sites, amenities, public spaces or transportation options.
- e. The variance request is consistent with the general criteria for a variance defined in Section 3.05(B) LDC
- f. In addition to the criteria for a variance found in Sec. 4.1.7.2 a-e (above) and Sec. 3.05(B) LDC, the CUVB-PZB may issue a variance where one is necessary to maintain the character of property, through demonstrating that:
  - i. A variance would not be contrary to the public interest, safety, or welfare.
  - ii. The proposed design would incorporate materials, details, or other elements not permitted by the Land Development Code but which can be documented by historic photographs, historic architectural, or archaeological research or other suitable evidence to have been used on other buildings of a similar style in the William Burgess District.
  - iii. The proposed design incorporates materials, details, setbacks, massing or other elements that are not permitted by the Land Development Code but which would comply with the purpose and intent of the William Burgess District, improve pedestrian safety, better accommodate planned mobility networks, open space, or wildlife habitat.
- g. Financial hardship on the owner/developer is not a criteria of consideration by the CUVB-PZB and shall not be the basis for which a variance is granted.

**SECTION 12. 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 13. 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 14. 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.

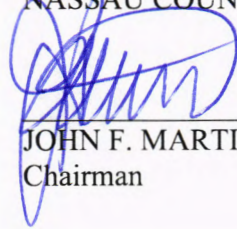
**SECTION 15. EFFECTIVE DATE.**

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

**ADOPTED THIS 11th DAY OF NOVEMBER, 2024, BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA.**



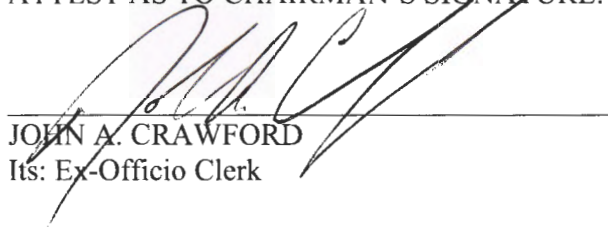
BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA



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JOHN F. MARTIN  
Chairman

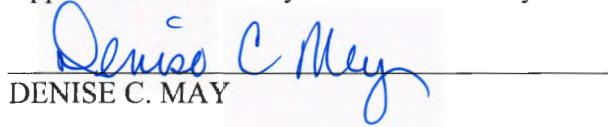
ATTEST AS TO CHAIRMAN'S SIGNATURE:



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JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney:



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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. 2024-019, which was filed in this office on November 21, 2024.

Sincerely,

Alexandra Leijon  
Administrative Code and Register Director

AL

2024-019

**Heather Nazworth**

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**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](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)**  
Production Support Specialist Supplement Department • **CivicPlus**  
[civicplus.com](http://civicplus.com)



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

Fax (904) 548-4508

Email: [hnazworth@nassauclerk.com](mailto:hnazworth@nassauclerk.com)

Website: [www.nassauclerk.com](http://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.**