

PROCEDURES FOR FILING AN APPEAL OF DECISION OF
THE PLANNING DIRECTOR TO THE PLANNING AND ZONING BOARD

Pursuant to the Zoning Code, Ordinance 97-19, as amended, Section 3.04 (7), the Planning and Zoning Board will hear and decide appeals where it is alleged there is an error in any decision made by the Planning Director or staff as it relates to the Zoning Code or Comprehensive Plan.

Applicant shall complete the required "Application for Appeal" form, which can be obtained from the Office of the Ex-Officio Clerk to the Board of County Commissioners.

Applicants have thirty (30) days from the date of the Planning Director's ruling on the Zoning matter to file an appeal. In order to be eligible to file an appeal, the applicant must first obtain a written decision or determination from the appropriate administrative official. A copy of the written decision being appealed must accompany this application.

Once this form is completed, the applicant shall pay an application fee of \$200.00 (Resolution 2006-10). Checks should be made payable to the Board of County Commissioners.

A date and time for a quasi-judicial public hearing shall be given to the applicant by the Clerk in concert with the Growth Management's agenda requirements. Proper notice must be given to the public of said hearing for the appeal. Under Quasi-judicial proceeding the Board may only consider evidence and testimony that was submitted to and considered by the Planning Director and staff. No other supporting data may be submitted and only the petitioner, or witnesses that gave testimony, may address the Board.

The Clerk shall then assist the applicant with the preparation of the necessary Public Notice form to be advertised in the newspaper. It is the responsibility of the applicant to deliver the Public Notice to the appropriate newspaper and pay for the legal advertisement of said notice. A proof of publication must be obtained from the newspaper office prior to the date of the public hearing. Proof of publication must be presented prior to the public hearing.

Z/P&Z Board/Zoning Appeal/Appeal of Zoning Code Decision

APPLICATION FOR APPEAL

(Date filed)

To: Planning and Zoning Board, Nassau County, Florida

The undersigned hereby applies for an appeal under Ordinance 97-19, Section 3.04 (7) of the Zoning Code as follows:

- _____
1. Legal description of land upon which an appeal is sought: attach copy of Deed and/or metes and bounds description.

Lot: _____, Block _____

Subdivision _____, P.B. _____ Pg. _____

Other _____

2. Location:

3. The name and address of the owner as shown in the public records of Nassau County. If different from name of applicant, attach explanation.

4. Section of Zoning Code and/or Comprehensive Plan or other provision under appeal:

5. Action of Growth Management Staff being appealed:

6. General description of the effect and details of this action.

7. Supporting data that was considered by the Planning Director and/or staff, which should be considered by the Planning and Zoning Board concerning this appeal.

8. To my knowledge, an application has been / has not been submitted within the last two years for a zoning exception, zoning variance, rezoning or Comprehensive Plan Amendment filed for any portion of the parcel included in this appeal. If so, provide application number. _____

9. This application is submitted by:

Signature of petitioner _____

Signature of petitioner _____

Signature of agent _____

Address: _____

Address: _____

Phone No. _____

Fax No. _____

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that on the ___ day of ___ 200__, at 7:00 P.M., the Planning and Zoning Board of Nassau County, Florida, will hold a quasi-judicial public hearing at the Commission Chambers, 96135 Nassau Place, Yulee, Florida, to consider an Appeal filed by _____, _____, _____ Florida _____, regarding a determination by the Planning Director and/or staff, Application _____, regarding the following described property in Nassau County Florida:

DESCRIPTION OF PROPERTY

Location and/or street address:

This application is filed by:

This property is now zoned:

Section of the Zoning Code or provision that is being challenged:

Action being appealed: The Planning Director and/or staff's determination regarding the applicant's request to:

A copy of the application may be examined at the Office of the Clerk to the Board of County Commissioners, 76347 Veterans Way, Yulee Florida, 32097.

All persons interested are notified to be present and be heard at the public hearing.

Persons with disabilities requiring accommodations in order to participate in this program or activity should contact 548-4660 or Florida Relay Service at 1-800-955-8770(v) or 1-800-955-8771(TDD) at least 72 hours in advance to request such accommodation.

If a person wishes to appeal any decision made by the Board, agency or commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and for that purpose, he may need to ensure that a verbatim record of the proceedings is made. The record shall include the testimony and evidence upon which the appeal is to be based.

_____, CHAIRMAN
PLANNING AND ZONING BOARD
NASSAU COUNTY, FLORIDA

Section 3.04. Planning and Zoning Board.

The Planning and Zoning Board shall act as the Local Planning Agency (LPA), which serves as an advisory body to the Board of County Commissioners on all planning and zoning related matters, except for matters involving variances and conditional uses.

- A. *Establishment of the Planning and Zoning Board:* The Board of County Commissioners shall appoint the members of the Planning and Zoning Board. The Planning and Zoning Board shall be composed of nine (9) members. Each member shall serve a three (3) year staggered term whereby, the terms of four (4) members shall expire one (1) year, the terms of four (4) members shall expire the following year and the term of one (1) member shall expire the next year.
- B. *Powers and Duties:*
1. Review all requests for rezoning of property, zoning amendments, Comprehensive Plan text amendments, Land Use Map amendments, and amendments to ordinances that affect land use, and make approval/non-approval recommendations to the Board of County Commissioners for their final determination.
 2. Review all site plans, with the exception of those approved by the Planning and Zoning Department as stated in Article 28, Section 28.16 (B) (4), and make recommendations to the Board of County Commissioners.
 3. Submit written recommendations to the Board of County Commissioners relative to the various requests where applicable that fall within the purview of the Board of County Commissioners to approve/deny.
 4. Elect a chairman and vice-chairman from Planning and Zoning Board members. A new chairman and vice-chairman shall be selected each year by the members of the Planning and Zoning Board. No person shall serve two (2) consecutive terms as chairman. Establish the time, place and date of the monthly Planning and Zoning Board regular meeting plus workshops.
 5. Establish the time, place and date of the monthly Planning and Zoning 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 the 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/herself;
 - d. Be promptly notified of any action taken by the Planning and Zoning Board affecting substantive or procedural rights taken in connection with any proceedings.
 - e. The Planning and Zoning 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 law of Florida.
 - f. Majority of the Planning and Zoning Board shall constitute a quorum for the purpose of meetings and transacting business. Failure to receive a majority vote shall constitute denial.
 7. Hear and decide appeals where it is alleged there is an error in any decision made by the Planning Director or staff as it relates to the Zoning Code or Comprehensive Plan.

SECTION 8. VARIATIONS AND EXCEPTIONS

8.1 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 Planning and Zoning Board, upon the recommendation of the Public Works Director may vary or modify such requirements so that the subdivider 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.

8.2 CONDITION OF WAIVER

An applicant seeking a variance will submit an application to the Planning & Zoning office and the *Planning Board including* a written request stating the reasons and facts which support such a request. The *Planning Board* shall not approve a variance unless:

- a. 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.
- b. The conditions, upon which a request for waiver are 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.
- c. The variance is consistent with the criteria for granting a variance specified in Section 3.04(B)(3) (a-g) of the Zoning Ordinance and the requirements of Nassau County Comprehensive Plan.

8.3 ADMINISTRATIVE APPEALS

The Planning and Zoning 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 Nassau County Development Regulations Ordinance. Such appeal must be filed with the Planning and Zoning Board within thirty (30) days of the date of the action which is the subject of the appeal.

SECTION 9. SEVERABILITY

Should any section, clause or provision of this Ordinance, or amendment hereto, be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

RESOLUTION 2006 - 10

A RESOLUTION AMENDING RESOLUTION 2000-200, AS AMENDED, SPECIFICALLY AMENDING THE SCHEDULE OF FEES TO BE CHARGED BY THE GROWTH MANAGEMENT DEPARTMENT AND THE GIS DEPARTMENT FOR REVIEW OF ZONING, CONDITIONAL USE, VARIANCE, PLANNED UNIT DEVELOPMENT (PUD), DEVELOPMENT OF REGIONAL IMPACT (DRI), AND OTHER MISCELLANEOUS ITEMS AND ADDING LEGAL FEES.


WHEREAS, the review of applications filed pursuant to Land Development Regulations of Nassau County require the establishment of fees and costs to be paid by said applicant; and

WHEREAS, due to increased costs of review, the Board of County Commissioners has found it necessary to amend Resolution 2000-200, as amended, adopting a schedule of fees; and


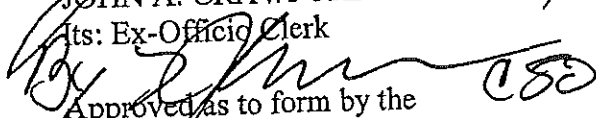
WHEREAS, the Board finds it to be in the best interest of the citizens of Nassau County to amend said Resolution.

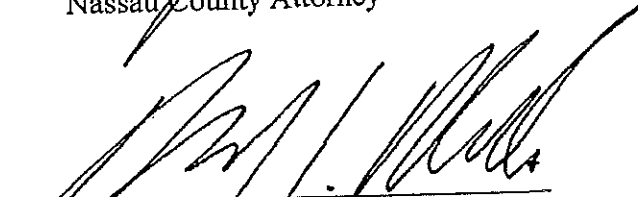
NOW, THEREFORE, BE IT RESOLVED this 23rd day of January, 2006, by the Board of County Commissioners of Nassau County, Florida, that Resolution 2000-200, as amended, shall be further amended as set forth in the attached Exhibit "A". Said fees shall become effective on February 1, 2006.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


THOMAS D. BRANAN, JR.
Its: Chairman

ATTEST:


JOHN A. CRAWFORD
Its: Ex-Officio Clerk
 Approved as to form by the
Nassau County Attorney


MICHAEL S. MULLIN

z/myers/res/schedule-of-fees-amd-2006

EXHIBIT "A"

GROWTH MANAGEMENT DEPARTMENT – NASSAU COUNTY
GIS DEPARTMENT – NASSAU COUNTY
COUNTY ATTORNEY’S OFFICE – NASSAU COUNTY

SCHEDULE OF FEES

	<u>Initial Fees</u>	<u>Legal</u>
1. Application for Appeal (to from Planning & Zoning Board <u>from Conditional Use & Variance Board</u>)	\$100.00	\$100.00
✓ 2. <u>Application for Appeal of decision of the Growth Management staff as it relates to the zoning code or comprehensive plan</u>	<u>\$100.00</u>	<u>\$100.00</u>
2.3. Application for Conditional Use or Variance (Determined by use) – Except for Home Occupation		
Rural or Residential	\$400.00	\$ 75.00
Commercial	\$400.00	\$ 75.00
Home Occupation Conditional Use	\$150.00	\$ 75.00
3.4. Application for Rezoning Land	\$510.00	\$100.00
	PLUS \$10.00 per acre	
4.5. Rezoning to Planned Unit Development (PUD)	\$510.00	\$200.00
	PLUS	
The greater of: \$10.00/acre for the first five hundred (500) acres PLUS		
\$1.00/dwelling unit over five hundred (500) acres,		
OR \$5.00/dwelling unit for the first one thousand (1,000)		
Dwelling units PLUS		
\$1.00/dwelling unit over five hundred (500).		

PUD Final Development Plan Review:

	<u>P&Z</u>	<u>Review Fees</u> <u>Engineering</u>
(1) Single Family/Multifamily (Engineering Plan)		
1 to 10 lots or units	\$305.00	\$ 431.00
11 to 50 lots or units	\$396.00	\$ 647.00
Greater than 50 lots	\$571.00	\$1,077.00
Each additional review after two	\$100.00	\$ 75.00
(2) Non-Residential (Development Plan)		
Class II	\$383.00	\$269.00
Class III	\$813.00	\$539.00
Class IV	\$1,458.00	\$862.00

Each additional review after two \$100.00 \$ 75.00

5.6. Development of Regional Impact (DRI)

	<u>Review Fees</u>	<u>Legal Fees</u>
a. Review	\$3,000.00	
	PLUS	\$500.00
\$10.00/acre for the first one thousand (1,000) acres plus		PLUS *
\$1.00/acre over one thousand (1,000) acres.		
b. Development Order Amendment	\$500.00 PLUS	
\$5.00/acre.		
c. Annual Monitor Report	\$360.00	

NOTE: The PUD review fee shall be one-half (1/2) of the normally calculated fee if the PUD is reviewed simultaneously with the Application for Development Approval (ADA) for a Development of Regional Impact (DRI) and combined as a single development order.

6.7. COMPREHENSIVE PLAN

	<u>Review Fees</u>	<u>Legal</u>
d. Future Land Use Map (FLUM) Amendment: (Large Scale)	\$1,000.00	\$400
	PLUS	PLUS*
\$10.00 per acre for the first 500 acres, PLUS \$1.00 for each acre over 500.		
e. FLUM Amendment (Small Scale)	\$360.00 PLUS	\$100
	\$10.00 per acre	
RIGHT OF WAY ABANDONMENT REVIEW	\$360.00	\$100
PHOTO COPYING (per 8-1/2" x 11" page) (Other photocopying shall be priced depending on size, etc., of document)	\$0.15	\$0.15
ZONING ORDINANCE 97-19	\$17.85	
SIGN ORDINANCE 89-1	\$ 3.00	
ROADWAY AND DRAINAGE STANDARDS ORDINANCE 99-17	\$15.15	

** PLUS \$100.00 per hour for meetings with applicant(s) and/or meetings with State agencies, PLUS travel costs for Attorney and/or Board member(s) to meet with State agencies

DEVELOPMENT REVIEW REGULATIONS ORDINANCE 99-18	\$4.20
IMPACT FEE ORDINANCE	\$9.00
ZONING CERTIFICATION	\$25.00
BEVERAGE LICENSE (Zoning Certification)	\$25.00
BEACH CONCESSION LICENSES (per 100' space)	\$100.00
PUBLIC HEARING TAPE (per copy)	\$5.00

NOTE: APPLICANT PAYS FOR ANY REQUIRED LEGAL ADVERTISEMENTS AND POSTAGE REQUIRED FOR MAILED NOTICES.

NASSAU COUNTY GIS - PRODUCT AND SERVICE PRICING PROPOSAL

MAPS

Generic Hardcopy Maps:	COLOR	COLOR	COLOR	COLOR	COLOR	ADDITIONAL
	8.5 X 11	11 X 17	17 X 22	24 X 36	34 X 44	COPIES
	\$ 1.50	\$ 3.00	\$ 5.00	\$ 18.00	\$ 30.00	HALF PRICE

Generic Hardcopy Maps broken into a Grid:	COLOR	COLOR	COLOR	COLOR	COLOR	ADDITIONAL
	8.5 X 11	11 X 17	17 X 22	24 X 36	34 X 44	COPIES
	\$ 1.50	\$ 3.00	\$ 5.00	\$ 18.00	\$ 30.00	HALF PRICE

Digital Grid Maps can be purchased for the entire county for \$100 per layer.
All basic Grid Maps show roads, hydrology, incorporated areas and parcels

Custom Hardcopy Maps:

Short-term custom map development and / or data service requests \$48.00 per hour.

Shapefile format sold on C.D. - \$35.00

Long-Term Service Requests (requiring more than 16 hours of labor): The scope and depth of a request may require project management and database schema design and analysis. For such requests a quote will be prepared where pricing is based on an internal cost allocation for the specific work role required to fulfill the request.

Disclaimer

This GIS Data is provided "as is" without warranty of any representation of accuracy, timeliness, or completeness. This data is for informational purposes only and should not be substituted for a true title search, property appraisal, survey, or for zoning verification. The burden for determining accuracy, completeness, timeliness, merchantability, and fitness or appropriateness for use rests solely on the user

Nassau County make no warranties, express or implied, as to the use of the Data. There are no implied warranties of merchantability or fitness for a particular purpose. The user acknowledges and accepts the limitations of the Data, including the fact that the Data is dynamic and is in a constant state of maintenance, correction, and update. Nassau County assumes no legal responsibility for the information contained in this data. Map data are based on the North East Florida state plane coordinate system, NAD 83. Periodic revisions are made to this data as.