

**ORDINANCE NO. 2021 - \_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING THE 2030 NASSAU COUNTY COMPREHENSIVE PLAN TO ADD A NEW PROPERTY RIGHTS ELEMENT WITH A STATEMENT OF PROPERTY RIGHTS; PROVIDING FOR TRANSMITTAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the 2030 Nassau County Comprehensive Plan requires updates to the goals, objectives, and policies of the Plan in order to remain current in its references and in compliance with the requirements of Ch. 163 Florida Statutes; and

**WHEREAS**, during the 2021 Florida Legislative Session, the Legislature adopted legislation that was signed into law known as chapter 2021-195 Laws of Florida; and

**WHEREAS**, the new law amends s. 163.3177 to include a new mandatory element known as the Property Rights Element; and

**WHEREAS**, each local government is required to adopt this new element into the Comprehensive Plan prior to adoption of other Comprehensive Plan Amendments after July 1, 2021; and

**WHEREAS**, within chapter 2021-195 Laws of Florida, the new legislation establishes a statement of property rights that can be used within the element otherwise the local government has the right to establish its own statement of property rights as long as it does not conflict with the statement set forth by the Legislature in the Law; and

**WHEREAS**, the Planning and Zoning Board, acting in their capacity as Local Planning Agency for Nassau County, conducted a public hearing on this amendment on August 17, 2021 and voted to recommend approval to the Board of County Commissioners and for transmittal of this application; and

**WHEREAS**, the Board of County Commissioners held a public hearing for transmittal of this amendment on August 23, 2021; and

**WHEREAS**, the Florida Division of Community Planning conducted a limited interagency review of this application in accordance with the expedited review procedures pursuant to Sec. 163.3184(3)(b) and 163.3180(1)(a), Florida Statutes; and

**WHEREAS**, the Board of County Commissioners held a public hearing for adoption of this amendment on September 27, 2021; and

**WHEREAS**, due public notice of all public hearings has been provided in accordance with Chapter 163, Florida Statutes.

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

## **SECTION 1. FINDINGS**

This action complies with Chapter 163, Part II, Florida Statutes, as amended, and is consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan.

## **SECTION 2. AMENDMENT**

1. The Goals, Objectives and Policies as set forth in Exhibit "A", attached hereto and made a part hereof, shall be included as the Property Rights Element of the Nassau County Comprehensive Plan.

This amendment affects only those policies referenced in Exhibit "A"; all other maps, goals, objectives and policies of the adopted Nassau County Comprehensive Plan shall remain as currently adopted.

## **SECTION 3. 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 4. EFFECTIVE DATE**

This Ordinance shall be filed with the Office of the Secretary of State. This Ordinance shall become effective 31 days after the state land planning agency notifies Nassau County that the plan amendment package is complete. However, if timely challenged, this Ordinance shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this amendment to be in compliance.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2021 by the Board of County Commissioners of Nassau County, Florida.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

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Thomas R. Ford  
Its: Chair

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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Michael S. Mullin  
County Attorney