

ORDINANCE NO. 2022-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ORDINANCE 97-19, AS AMENDED, CODIFIED AS APPENDIX A – LAND DEVELOPMENT CODE, ARTICLE 3 - ADMINISTRATION, SPECIFICALLY SECTION 3.04 – PLANNING AND ZONING BOARD, TO MODIFY TERMS OF THE BOARD MEMBERS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Nassau County, Florida has found it necessary to amend Article 3, Section 3.04 to specifically amend the terms of the Planning and Zoning Board members; and

WHEREAS, the Board of County Commissioners finds that this amendment is in the best interests of the citizens of Nassau County, Florida.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Nassau County, Florida, finds that Section 3.04 of Article 3 – Administration of the Nassau County Code of Ordinances shall be further amended to read as follows:

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 as required by state law, local regulation, or as otherwise directed by the Board of County Commissioners. ~~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 eleven (11) members. The members shall be appointed as follows:

- a. ~~One~~ member shall be appointed, when possible, from each of the five (5) county commission districts. Each County Commissioner shall recommend one individual who resides in their commission district, when possible, for

consideration by the full Board of County Commissioners for appointment to the planning and zoning board; and,

- b. one member shall serve as the appointment from the Nassau County School Board, pursuant to Section 163.3174(1), Florida Statutes, with said member being appointed annually by the School Board, and granted voting status; and,
- c. five (5) members shall serve at-large, with one of each of said members being recommended by each of the respective members of the Board of County Commissioners for consideration by the full Board of County Commissioners for appointment to the planning and zoning board.

For appointments made after January 1, 2022, the terms of all planning and zoning members appointed by the County Commissioners shall run concurrent with the recommending County Commissioner. Planning and zoning board member terms shall expire December 31st concurrent with the recommending County Commissioner term.

All members serve at the pleasure of the Board of County Commissioners and are subject to removal at any time during their term by a simple majority of the Board of County Commissioners. The terms of five (5) members shall expire on December 31, 2008, and two (2) members terms shall expire on December 31, 2009, and the terms of four (4) members shall expire on December 31, 2010. After the initial term, any re-appointment shall be for a three (3) year staggered term. Any member appointed to the planning and zoning board shall serve at the will of the Board of County Commissioners.

(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 development review committee as stated in Article 5, Section 5.07(B), 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 chair and vice-chair of the planning and zoning board members. A chair and vice-chair shall be selected each year by the members of the planning and zoning board. No person shall serve more than two (2) consecutive terms as chairman.
- (5) Establish the time, ~~place and date of the monthly~~ and days of the month of the planning and zoning board regular meeting plus workshops.
- (6) ~~Develop rules and~~ Utilize procedures for the conduct of hearings, both quasi-judicial and legislative, as developed by the County Attorney, 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, upon approval, by motion, of the Board and based upon input by the County Attorney, or designee, and ~~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; and~~

- 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 and economic opportunity director or staff as it relates to the ~~zoning code~~ Land Development Code (LDC) or comprehensive plan.

(8) Hear and decide appeals concerning the application and payment of the Nassau County Mobility Fee and Impact Fees.

(C) All members shall abide by Florida Sunshine Law, F.S. Ch. 286; Florida Public Records Law, F.S. Ch. 119; Florida Code of Ethics, F.S. Ch. 112; and all other applicable local or state statutes, ordinances, or rules.

~~(D)~~ Members shall, prior to taking office, attend an orientation meeting to be conducted by the County Attorney and applicable Department Head. Each Member at the conclusion of orientation, shall sign a form acknowledging attendance at the orientation meeting.

~~(D)~~ (E) Upon resignation or removal of any planning and zoning board member, the original recommending County Commissioner will make recommendation to the full Board of County Commissioners for a new appointment to fulfill the remainder of said term.

~~(E)~~ (F) Based on the above, a new list of Planning and Zoning Board members shall be prepared and maintained by the Director of Planning and Economic Opportunity, or his designee. Each County Commissioner shall be notified at least sixty (60) days prior to the expiration of the terms of each Planning and Zoning member and a copy of the notification provided to the County Manager and County Attorney.

EFFECTIVE DATE.

This ordinance shall become effective upon its being filed in the office of the Secretary of State.

DULY ADOPTED this _____ day of _____, 2022.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

AARON C. BELL
Its: Chairman

ATTEST AS TO CHAIRMAN’S SIGNATURE:

JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney:

MICHAEL S. MULLIN