



Nassau County Department of Planning &  
Economic Opportunity  
96161 Nassau Place  
Yulee, Florida 32097

Taco E. Pope, AICP  
Director

## **APPLICATION AND INSTRUCTIONS FOR REZONING**

**NOTICE:** Florida Statutes and the Courts of Florida require that all Rezoning applications be heard as a Quasi-Judicial hearing, procedures attached on page 6.

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1. The Planning and Zoning Board and the Board of County Commissioners will conduct a public hearing for this application.
2. The procedure will require:
  - A. That the public notice of this application be mailed to adjacent property owners, a legal advertisement published in the newspaper and a sign posted on the property.
  - B. To be sworn in to present testimony;
  - C. To be allowed witnesses and the right to present evidence into the record;
  - D. To have the right to cross-examine witnesses opposed to the application and to be cross-examined by those opposed; and,
  - E. That the testimony and evidence address the criteria defined in the Land Development Code that is applicable to the rezoning of real property.
3. The Department of Planning & Economic Opportunity will prepare a staff report for the Planning and Zoning Board and for the applicant.
4. If you have any questions about procedures or the criteria, please consult with the Department of Planning & Economic Opportunity prior to the Planning and Zoning Board meeting.

## **INSTRUCTION FOR APPLYING FOR A REZONING**

It is essential that all the information provided is accurate. Incorrect information can delay or nullify the application process. Use the Department of Planning & Economic Opportunity forms that are available for download at [www.nassaucountyfl.com](http://www.nassaucountyfl.com) under Departments, Planning & Economic Opportunity, Downloadable Application forms. Please attach additional sheets as needed, using 8½" x 11" size paper, typed or printed legibly and identifying each question on the application.

- The **Parcel Identification Number** is an eighteen (18) digit number defining the subject property. This number is located at the Property Appraiser's website at [www.nassauflpa.com](http://www.nassauflpa.com).
- The legal description of the subject property is shown on the deed and the survey. If the property is in a recorded subdivision, use the lot and block number. If the property is not in a recorded subdivision, use the metes and bounds description as shown on the deed or survey. A reference to the section, township, range, or deed book will not be sufficient. **A .txt file of the metes and bounds description of the boundaries of the property is required.**
- Fill in the street location by indicating the property location by side (north, south, east or west) of the street and the nearest intersecting streets (for example: west side of Amelia Road, between Magnolia Street and Amelia Lane). If a street address has been assigned to this property, include such number. If it is impractical to describe the street location by intersecting streets, indicate the approximate distance to the nearest intersecting street (for example: west side of Blackrock Road, CR 107, 1/2 mile north of A1A).
- Provide the name and address of the property owners. The owner's name should agree with the recorded deed.
- Provide the current zoning district classification of the subject property. The official zoning map is available at [www.nassauflpa.com](http://www.nassauflpa.com) under *Map Layers*.
- Provide the proposed zoning district classification of the subject property. It is suggested that you discuss the proposed use with the Department of Planning & Economic Opportunity to be sure that the zoning classification requested will permit the type of use desired. Although the Department of Planning & Economic Opportunity will provide assistance, the zoning district requested in the application is entirely up to the applicant. Failure to request the proper district will not be the responsibility of Nassau County. If you find later that the district applied for does not suit your needs, you will not be allowed to change the application after due public notice has been posted.
- Identify the current Future Land Use Map designation for the subject property. The Future Land Use Map is available at [www.nassauflpa.com](http://www.nassauflpa.com) under *Map Layers*.
- Indicate the current use of the property and any improvements thereon. For example: "land is improved with one story frame dwelling which is unoccupied"; or, "land is improved with two story masonry building used as grocery on the first floor and apartment on second", etc.
- The Planning and Zoning Board and the Board of County Commissioners will base their recommendation and decision upon the facts in evidence. It is essential that the applicant provide as much accurate information as possible when answering each question.
- An updated survey of the subject property sought to be rezoned is required. The survey must be prepared by a professional surveyor licensed in the State of Florida.
- A Preliminary Development Plan according to Article 25 of the Land Development Code is required for Planned Unit Developments (PUDs).

- The non-refundable application fee for a Rezoning is required at the time of application. To confirm the fees, including postage based on the number of property owners within 300 feet, please contact the Department of Planning and Economic Opportunity at (904) 530-6300. Return the completed application, any supporting data and the application fee to the Department of Planning & Economic Opportunity. Please make checks payable to: Nassau County Board of County Commissioners (Nassau County BOCC). **The applicant is responsible for the legal advertisement payment and must be made directly with the newspaper.**

Nassau County requires **due public notice** which includes a legal advertisement published in an approved newspaper of general circulation not less than fifteen (15) days in advance of the public hearing, a sign posted in a conspicuous place on or around the subject property and a public notice mailed to all property owners within 300 feet of the periphery of the subject property. The Department of Planning & Economic Opportunity will prepare the legal advertisement, the public notice and the sign. If the signs are destroyed or rendered illegible, notify the Department of Planning & Economic Opportunity immediately so that a replacement can be erected. **The applicant is responsible for delivering the original Proof of Publication from the newspaper to the Department of Planning & Economic Opportunity. The public hearing cannot be held unless Proof of Publication is received by the Department of Planning & Economic Opportunity before the public hearing.**

The applicant is not required to obtain the signatures or approval of the adjoining property owners. If you choose to present a petition of adjoining property owners favoring your application, attach a legibly printed or typed list of the names and addresses submitted on the petition.

The Department of Planning & Economic Opportunity will make every effort to place your application on the agenda for the Planning and Zoning Board's public hearing within thirty (30) days and for the Board of County Commissioners within thirty (30) days subsequent to a recommendation being made by the Planning and Zoning Board. However, the County reserves the right to allow for sixty (60) days before an application appears before the Planning and Zoning Board, and an additional sixty (60) days before an application appears before the Board of County Commissioners for final approval due to the number of agenda items for any particular public hearing, the complexity and legal review of those applications and allowing sufficient time for citizens, County officials and staff to discuss applications of public importance.

If, for any reason, you wish to withdraw the application, you must notify the Department of Planning & Economic Opportunity, in writing, prior to the date of the public hearing. No refunds.

**Persons with disabilities** requiring accommodations in order to participate at the public hearing should contact (904) 530-6300 at least twenty-four (24) hours in advance to request such accommodation.

**The public is invited to be present and be heard. If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose may need to ensure that a verbatim record of the proceedings is made.**

The Department of Planning & Economic Opportunity can be reached at 96161 Nassau Place, Yulee, FL 32097, and (904) 530-6300, Monday through Friday, 8:00am until 5:00pm.



# APPLICATION FOR REZONING

**Official Use Only**

Zoning District: \_\_\_\_\_  
 FLUM Designation: \_\_\_\_\_  
 Commission District: \_\_\_\_\_  
 Application #: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_

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**Parcel Identification Number (18 digit number)**

**Driving Instructions:** \_\_\_\_\_  
 \_\_\_\_\_

**1. Legal Description:** Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Plat Book \_\_\_\_\_ Page \_\_\_\_\_  
 (Please attach a legal description if not located in a subdivision)

**2. Location:** On the \_\_\_\_\_ side of \_\_\_\_\_  
 (north, south, east, west) (street)  
 between \_\_\_\_\_ and \_\_\_\_\_  
 (street) (street)  
 Nearest identifiable landmark (for example: Walmart or I-95) \_\_\_\_\_

**3. Name and Address of the Owner as shown in the public records of Nassau County:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Name and Address of the Applicant / Authorized Agent:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**(PLEASE NOTE:** If applicant is not the owner, this application must be accompanied by completed *Owner's Authorization for Agent* form.)

**4. Current Zoning District:** \_\_\_\_\_

**5. Proposed Zoning District:** \_\_\_\_\_

**6. Future Land Use Map Designation:** \_\_\_\_\_

**7. Acreage:** \_\_\_\_\_

**8. Property Use** (list any improvements on the site or uses):

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**9. Rezoning Review Criteria:**

(Please attach a response to the following as Exhibit "A" [using 8½" x 11" size paper] with the answers typed or printed legibly and identifying the question on the application.)

- a. Explain how the proposed change relates to the established land use pattern.
- b. Identify isolated district(s) that would be created by the proposed change.
- c. Explain how the proposed change would impact public facilities such as schools, utilities, streets and traffic.
- d. Describe the existing and proposed conditions for the subject property and surrounding properties.
- e. Identify Comprehensive Plan policies that support the proposed change, especially long range land use plans.
- f. Explain how changed or changing conditions make the approval of this proposed rezoning desirable.
- g. Explain how the proposed change will not adversely affect living conditions in the adjacent neighborhoods.
- h. State that the proposed change will comply with all Federal, State and local drainage requirements.
- i. Explain how the proposed change will encourage the improvement or development of adjacent property in accordance with existing regulations.
- j. Explain why the property cannot be used with existing zoning.
- k. Describe the scale of the proposed project according to the needs of the neighborhood and the needs of Nassau County.
- l. Are there other sites in this general location with similar zoning?

**10. Supporting data to be considered by the Planning and Zoning Board:**

\_\_\_ Environmental Assessment including wetlands, threatened or endangered species, tree canopy and other significant environmental features. (Exhibit "B")

\_\_\_ Any additional data

**For Planned Unit Developments Only:**

\_\_\_ Preliminary Development Plan (Exhibit "C")

\_\_\_ Project Description (Exhibit "D")

**11. Has an application for Rezoning for any portion of the subject property been submitted to Nassau County within the last twelve months? \_\_\_\_\_**

**12. Is the subject property subject to a recorded Declaration of Covenants and Restrictions? If yes, please provide the association name and O.R. book and page number.**

\_\_\_\_\_

*In filing this application for a Rezoning, the undersigned understands it becomes a part of the official records of the Planning and Zoning Board and does hereby certify that all information contained herein is true to the best of his/her knowledge.*

**Signature of Owner:** \_\_\_\_\_

**Signature of Applicant:** \_\_\_\_\_

(if different than Owner)

**Signature of Agent:** \_\_\_\_\_

(if different than Owner)

Owner's mailing address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

**NOTE: If prepared or signed by an agent, a notarized *Owner's Authorization for Agent* form must be provided.**

**Newspaper for legal advertisement (OFFICIAL USE ONLY):**

Fernandina Beach News Leader: \_\_\_\_\_

Nassau County Record \_\_\_\_\_

**CONSENT FOR INSPECTION**

I, \_\_\_\_\_, the owner or authorized agent for the owner of the premises located at \_\_\_\_\_ do hereby consent to the inspection of said premises and the posting of public notice by an employee of the Department of Planning & Economic Opportunity, Nassau County, Florida, in conjunction with application \_\_\_\_\_, without further notice.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**Signature of Owner or Authorized Agent**

\_\_\_\_\_  
Telephone Number

STATE OF FLORIDA:  
COUNTY OF NASSAU:

The foregoing instrument was acknowledged before me the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
**Notary Public Signature**

\_\_\_\_\_  
Name (typed or printed)

(Seal)

# OWNER'S AUTHORIZATION FOR AGENT

\_\_\_\_\_ is hereby authorized TO ACT ON BEHALF OF

\_\_\_\_\_, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Nassau County, Florida, for an application pursuant to a:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Rezoning/Modification | <input type="checkbox"/> Conditional Use               |
| <input type="checkbox"/> Variance                         | <input type="checkbox"/> Preliminary Binding Site Plan |
| <input type="checkbox"/> Plat                             |  |

BY:

\_\_\_\_\_  
**Signature of Owner**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
**Signature of Owner**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Telephone Number

State of Florida  
County of \_\_\_\_\_

Signed and sworn before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

By \_\_\_\_\_

Identification verified: \_\_\_\_\_

Oath sworn: \_\_\_\_\_ Yes \_\_\_\_\_ No

\_\_\_\_\_  
**Notary Signature**

My Commission expires: \_\_\_\_\_

## **QUASI-JUDICIAL HEARING PROCEDURES**

Florida Statutes and the Courts of Florida require that your conditional use application be heard as a Quasi-Judicial Hearing. A Quasi-Judicial Hearing, by state and case law, is different than a regular hearing conducted by this Board. A Quasi-Judicial Hearing is less formal than a court hearing but similar in procedures and evidence issues. In a Quasi-Judicial Hearing, the applicant has the burden of demonstrating by competent substantial evidence that his/her application meets requirements of the County Zoning Code, Comprehensive Plan and other applicable regulations.

The applicant is entitled to be represented by counsel and if you desire a continuance to obtain counsel, please come forward and make that request. The Board has the discretion to grant or deny the request. The only material or relevant evidence is that which addresses the applicable codes and/or Comprehensive Plan. The hearing procedures will be:

1. Staff will be sworn and shall describe the applicant's request, provide staff's recommendation and present any witnesses in support of staff's recommendation. Staff shall have fifteen (15) minutes.
2. The applicant and others presenting evidence will be sworn and shall state their name, address and subject to which they will testify. The applicant or its agent/attorney may elect to waive their presentation and to rely on the application, recommendation, and staff comments, reserving the right to address the Board if any evidence against the application is presented.
3. The applicant, or his/her attorney/representative, if they do not waive their presentation, will have an opportunity to present evidence for the application and will have fifteen (15) minutes for the presentation. If the applicant has witnesses, the applicant will indicate the name of each witness and the subject to be addressed. The applicant's witnesses will each have five (5) minutes. The applicant may also call the Zoning Official or other staff member who are present as a witness and ask them questions. Again, the time limit for questions is five (5) minutes.
4. Those who present evidence against the application will be sworn in and will be provided five (5) minutes each to present evidence and witnesses that address the criteria. Those who present evidence against, may also call the applicant, Zoning Official, witnesses or other staff members that are present as witnesses and ask them questions, subject to the five minute time limit. Extension of time limits may be granted by the Chair.
5. The applicant or its attorney may then cross examine those presenting evidence against, subject to control by the chair and county attorney. Cross-examination shall be five (5) minutes for each witness.
6. Sharing or transferring time is not allowed and anyone presenting repetitious evidence or evidence that does not address the criteria or is defamatory will be directed to stop and address the criteria.
7. Persons presenting evidence will address the Board, at the podium, and if there are documents or photos they must be presented when the particular individual is testifying. No documents will be returned, as they become a part of the record. As a Quasi-Judicial Hearing, numbers of individuals for or against a particular item will not be considered. The meeting is being taped; therefore there can be no applause or outbursts.
8. The Clerk shall state what documents will be placed into evidence and a motion shall be made to move those documents into the record. Any new or additional documents presented into evidence either by a sworn individual or staff shall also be included in the motion moving the documents into the record.
9. The Office of the County Attorney represents the Board and provides advice to the Board including advice as to the procedures and the admissibility of evidence.
10. The Board will afford members of the audience who have not presented evidence for or against three (3) minutes each to address any information provided. The members of the public will not be sworn in.
11. The applicant will be permitted to provide rebuttal as to any evidence against (a maximum of ten (10) minutes).
12. Staff may have five (5) minutes to provide final comments to the Board.
13. The Board will then close the public hearing and will discuss the application and may ask questions of the applicant, staff or those presenting evidence against or witnesses for the application. Any motion of the Board should include whether or not the board finds competent substantial evidence in the record and/or testimony received to support the board's decision for approval or denial.
14. The strict rules of evidence applicable to a court proceeding will not be utilized; however, the Board, with the assistance of the attorney, may exclude evidence that is not relevant or material or is repetitious or defamatory. Again, the Quasi-Judicial procedures are required by law and all those participating need to be aware of the procedures. Anyone who fails to follow the procedures may be required to stop his/her presentation or relinquish their time.
15. To be fair to everyone and in order to follow the procedures, if you have any questions please call the County Attorney's Office at (904) 530-6100 or the Department of Planning & Economic Opportunity at (904) 530-6300.