

ORDINANCE NO. 2023 - ____

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
NASSAU COUNTY, FLORIDA, AMENDING CHAPTER 36 MOBILITY
FEES, NASSAU COUNTY CODE OF ORDINANCES, AMENDING
SECTION 36-31 PROVIDING AN EXEMPTION FOR REDEVELOPMENT
TINY HOME DEVELOPMENTS; PROVIDING FOR CODIFICATION;
PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR
SEVERABILITY; AND PROVIDING 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, in Chapter 420, Florida Statutes, the Florida Legislature directly recognizes the critical shortage of affordable housing in the State of Florida for very low to moderate income families, the problems associated with rising housing costs in the State, and the lack of available housing programs to address these needs. In recognition of these problems and the State's encouragement to local governments to work in partnership with the State and private sector to solve these housing problems, the County finds a need for local programs to stimulate and provide for the development of affordable housing for Low and Very-Low, and Moderate-Income Persons; and

WHEREAS, the Board desires to provide incentives to develop and provide affordable housing stock within the County so that Low, Very-Low, and Moderate-Income Persons who desire to live and to work in the County may have access to housing, and thus to offset the negative consequences of the shortage of such housing; and

WHEREAS, the Nassau County Board of County Commissioners ("Board") adopted Ordinance No. 2023-XX, amending the Nassau County Comprehensive Plan 2010-2030 ("Comprehensive Plan") Future Land Use Element adding Policy FL.01.03.1 to increase housing diversity, encourage redevelopment of nonconforming uses, nuisance properties, and blighted areas, and to aid in the provision of affordable and workforce housing; and

WHEREAS, Ordinance No. 2023-XX, further amended the Comprehensive Plan Housing Element adding Policy H.01.05 to provide for the establishment of a Tiny Home Development program implementing the strategies through provisions in the Land Development Code to increase housing diversity, encourage redevelopment of nonconforming uses, nuisance properties, and blighted areas, and aid in the provision of affordable and workforce housing; and

WHEREAS, Section 163.3202(3), Florida Statutes, encourages the use of innovative land development regulations, including the use of impact fees, to implement the goals, objectives and policies of a county's Comprehensive Plan; and

WHEREAS, to the Board finds that it is fair and reasonable to exempt Tiny Home Developments from mobility fees to encourage the development of affordable housing.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Nassau County, Florida, as follows:

SECTION 1. FINDINGS.

The above findings are true and correct and are incorporated herein by reference.

SECTION 2. AMENDMENTS.

Chapter 36, Section 36-31. Exemptions, of the Nassau County Code of Ordinances is hereby amended to read as follows:

Sec. 36-31. Exemptions.

- (a) The following shall be exempted from payment of the mobility fee:
 - (1) Alterations or expansion of an existing dwelling unit which does not result in any additional dwelling units or increase the number of families for which such dwelling unit is arranged, designed or intended to accommodate for the purpose of providing living quarters.
 - (2) The alteration or expansion of a building if the building use upon completion does not generate greater external trips under the applicable mobility fee rate.
 - (3) The replacement of a dwelling unit, mobile home, building or an accessory building or structure if the replacement dwelling unit, mobile home, building or accessory building or structure does not result in a land use generating greater external trips under the applicable mobility fee rate. To be eligible for this exemption, a certificate of occupancy or move-on permit for the replacement structure must have been issued within eight (8) years of the date the original structure was occupied.
 - (4) The issuance of a move-on permit on a mobile home on which applicable mobility fees have previously been paid.
 - (5) Government buildings. However, any mobility fee exemption issued for a government building shall expire if an alteration causes the building or development to no longer be a government building.
 - (6) De minimis development.

- (7) Schools. However, any mobility fee exemption issued for a school shall expire if an alteration causes the building or development to no longer be a school.

(8) Construction of eligible Local Government or Redevelopment Tiny Home Developments of mixed affordable housing units meeting the definition of Section 420.0004(11) for low-income or Section 420.0004(17) for very-low-income persons, or Section 420.0004(12) for moderate income persons. Qualifying affordable housing units shall remain “affordable” for a minimum of thirty (30) years and meet the requirements of Sec. 28.24 of the Nassau County Land Development Code.

- (b) Properties that were vested for purposes of the county's previous concurrency management system ("adequate public facilities") shall not be exempt from the payment of the mobility fee.

SECTION 2. 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 3. 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 4. 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 5. EFFECTIVE DATE.

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

PASSED AND DULY ADOPTED this ____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

KLYNT A. FARMER
Its: Chairman

ATTEST as to Chairman's Signature:

Approved as to form:

JOHN A. CRAWFORD
Its: Ex-Officio Clerk

DENISE C. MAY
County Attorney