

ORDINANCE NUMBER 2023-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ARTICLE 28 SUPPLEMENTARY REGULATIONS, OF THE NASSAU COUNTY LAND DEVELOPMENT CODE TO ADD SECTION 28.24, TINY HOME DEVELOPMENT PROGRAM: SPECIFICALLY PROVIDING PURPOSE; DEFINITIONS; ELIGIBILITY AND LOCATION REQUIREMENTS; RENTAL REQUIREMENTS; DESIGN AND REVIEW STANDARDS; ANCILLARY SUPPORT USES AND STRUCTURES; REPORTING, MONITORING, AND PENALTY; AND PROHIBITIONS; AMENDING ARTICLE 32 OF THE NASSAU COUNTY LAND DEVELOPMENT CODE TO ADD A DEFINITION FOR RECREATIONAL VEHICLE PARK OR TRAVEL TRAILER PARK; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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, the Nassau County Board of County Commissioners (“Board”) adopted Ordinance No. 2023- , 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- , 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, through its Land Development Code, the Nassau County Board of County Commissioners desires to preserve the county as a desirable community in which to live, work and play for people of all income-levels; and

WHEREAS, Comprehensive Plan Policies FL.10.01, H.01.02, and H.01.03 require that Nassau County permit the use of innovative land development techniques and allow for density bonuses to encourage construction of affordable housing units; and

WHEREAS, Comprehensive Plan Policy FL.07.04 requires that when an area is determined by the County to be “blighted” or where a trend toward blight is indicated, the County will seek State, Federal and other funding sources in order to develop a redevelopment plan for the area and implement incentives for redevelopment; and

WHEREAS, public notice of all hearings required by law has been provided in accordance with Chapters 125 and 163 Florida Statutes and the Nassau County Land Development Code; and

WHEREAS, the Board of County Commissioners finds this ordinance and the creation of the Tiny Home Development Program serves the health, safety, and welfare of the residents of and visitors to Nassau County, Florida.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Nassau County that the following regulation is hereby adopted.

SECTION 1. FINDINGS.

The above findings are true and correct and are incorporated herein by reference. This Ordinance is consistent with the goals, objectives, and policies of the Nassau County Comprehensive Plan Policy FL.01.03.1 and Policy H.01.05.

SECTION 2. AMENDING ARTICLE 28.

Appendix A Land Development Code, Article 28 is hereby amended to add Section 28.24, Tiny Home Development Program, to read as follows:

Section 28.24. - Tiny Home Development Program

(A) Purpose.

The provisions of this section are intended to increase housing diversity, to encourage the redevelopment of nonconforming uses, nuisance properties, and blighted areas, and to aid in the provision of affordable housing. The intent of this provision is to not allow for a tiny house on wheels (THOWS) such as recreational vehicles, travel/camping trailers, motor homes, private motor coaches, fifth-wheels, park models, or any vehicular portable unit mounted on wheels, or any other structures that are movable or portable or not constructed on a permanent foundation as permitted by the Florida Building Code.

(B) Definitions.

(1) *Tiny Home (TH)*: A single-family detached or two-family dwelling unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation constructed or otherwise secured on a permanent foundation with a gross square

footage not to exceed 800 square feet per dwelling unit and meeting all requirements of the Florida Building Code - Residential. A Tiny Home is not a 'Tiny House on Wheels' (THOWS) such as recreational vehicles, travel/camping trailers, motor homes, private motor coaches, fifth-wheels, park models, or any vehicular portable unit mounted on wheels, or any other structures that are movable, portable, or not constructed on a permanent foundation as permitted by the Florida Building Code.

- (2) *Tiny Home Development (THD)*: A group, or groupings, of Tiny Homes arranged in a village setting and oriented around communal outdoor living areas intended to provide safe, quality, and dignified affordable and workforce housing
- (3) *Tiny House on Wheels (THOWS)* include, but are not limited to, recreational vehicles, travel/camping trailers, motor homes, private motor coaches, fifth-wheels, park models, or any vehicular portable unit mounted on wheels or any other structures that are movable, portable, or not constructed on a permanent foundation. THOWS are prohibited in Tiny Home Developments.

(C) *Eligibility and Location.*

- (1) *Redevelopment THDs (RTHDs)*: Lands containing or utilized as a conforming or nonconforming mobile home park, travel trailer park, or recreational vehicle (RV) park which was in operation on 1/1/2022. Tiny Home Developments created utilizing this policy are known as Redevelopment THDs (RTHDs). In this case, THDs are permitted as redevelopment only and shall require the full redevelopment of the mobile home park, mobile home subdivision, travel trailer park, or RV park as each is defined in Article 32 of the Land Development Code (LDC). The RTHD cannot contain a combination of Tiny Homes and other dwelling unit types such as mobile homes, travel trailers, RVs, park models, or similar portable units intended for use as primary residential structures.
- (2) *Local Government THDs (LGTHDs)*: Lands owned or managed by local government entities. Tiny Home Developments created utilizing this policy are known as Local Government THDs (LGTHDs).

(D) *Rental Requirements.*

- (1) *Redevelopment THDs (RTHDs).*
 - (a) Eligible developments must provide that all housing units that meet the criteria for "affordable" as defined in Sec. 420.0004 (3), Florida Statutes. The latest version of the "Income Limits and Rent Limits" as published by the Florida Housing Finance Corporation for Multifamily Rental Programs and

Community Workforce Housing Innovation Pilot Program (CWHIP) Homeownership Program for Nassau County shall be used to determine income and rent limits.

1. Mix of Unit Rental Rates:

a. Option 1:

- i. No unit shall exceed the income and rent limit for an individual(s) meeting the definition of “Low-Income Person” as defined in Sec. 420.0004(11), Florida Statutes. Nothing herein shall prevent the utilization of rental and income limits below 80% median adjusted gross income.

b. Option 2:

- i. At least 50% of units shall not exceed the income and rent limit for an individual(s) meeting the definition of “Very-Low-Income Person” as defined in Sec. 420.0004(17), Florida Statutes. Nothing herein shall prevent the utilization of rental and income limits below 50% median adjusted gross income.
- ii. No more than 50% of units may be rented to an individual(s) at or below the income and rent limit for an individual(s) meeting the definition of Moderate-Income Person” as defined in Sec. 420.0004(12), Florida Statutes. Nothing herein shall prevent the utilization of rental and income limits below 120% median adjusted gross income.

c. Option 3:

- i. At least 33% of units shall not exceed the income and rent limit for an individual(s) meeting the definition of “Very-Low-Income Person” as defined in Sec. 420.0004(17), Florida Statutes. Nothing herein shall prevent the utilization of rental and income limits below 50% median adjusted gross income.
- ii. At least 33% of units shall not exceed the income and rent limit for an individual(s) meeting the definition of “Low-Income Person” as defined in Sec. 420.0004(11), Florida Statutes. Nothing herein shall prevent the utilization of rental

and income limits below 80% median adjusted gross income.

iii. No more than 34% of units may be rented to an individual(s) at or below the income and rent limit for an individual(s) meeting the definition of Moderate-Income Person” as defined in Sec. 420.0004(12), Florida Statutes. Nothing herein shall prevent the utilization of rental and income limits below 120% median adjusted gross income.

(b) All units created under this policy shall remain “affordable” for a minimum of thirty (30) years. The developer or other property owner shall record in the public records one or more covenants or declarations of restrictions in a form approved by Nassau County. Such covenants or declarations of restrictions shall include restrictive covenants, and rental restrictions as are necessary to carry out the purposes of this article. The developer or other property owner must execute and record a declaration of restrictive covenants assuring that:

- i. The restrictions of this article shall run with the land for the entire thirty (30) year period required by this article.
- ii. The covenants will bind the applicant, any assignee, mortgagee, or buyer, and all other parties that receive title to or interest in the property.
- iii. The covenants terms shall remain non-amendable for the thirty (30) year period required by this article.

(c) Lease Terms:

1. Vacation rentals or transient public lodging establishments, as defined in Chapter 509, Florida Statutes are prohibited.
2. No lease shall be granted for a period of less than thirty days or one (1) calendar month, whichever is more, or which is advertised or held out to the public as a place regularly rented to guests.
3. Sub-leasing shall be prohibited by the terms of any lease documents.

(2) Local Government THDs (LGTHDs)

(a) Eligible developments must provide housing units that meet the criteria for “affordable” as defined in Sec. 420.0004 (3), Florida Statutes.

1. Mix of Unit Rental Rates:

a. Option 1:

i. All units must be rented to individuals meeting the definition of “Low-Income Person” as defined in Sec. 420.0004(11), Florida Statutes.

b. Option 2:

i. At least 50% of total units must be rented to individuals meeting the definition of “Very-Low-Income Person” as defined in Sec. 420.0004(17), Florida Statutes.

ii. No more than 50% of total units may be rented to individuals meeting the definition of Moderate-Income Person” as defined in Sec. 420.0004(12), Florida Statutes.

c. Option 3:

i. At least 33% of total units must be rented to individuals meeting the definition of “Very-Low-Income Person” as defined in Sec. 420.0004(17), Florida Statutes.

ii. At least 33% of total units must be rented to individuals meeting the definition of “Low-Income Person” as defined in Sec. 420.0004(11), Florida Statutes.

iii. No more than 34% of total units may be rented to individuals meeting the definition of Moderate-Income Person” as defined in Sec. 420.0004(12), Florida Statutes.

(b) All units created under this policy shall remain “affordable” for a minimum of thirty (30) years as evidence by appropriate covenants of rent restriction filed in the public records for Nassau County.

(c) Lease Terms:

1. Vacation rentals or transient public lodging establishments, as defined in Chapter 509, Florida Statutes are prohibited.

2. No lease shall be granted for a period of less than thirty days or one (1) calendar month, whichever is more, or which is advertised or held out to the public as a place regularly rented to guests.

3. Sub-leasing shall be prohibited by the terms of any lease documents.

(E) Design and Review Standards.

(1) All Tiny Home Developments are considered Class II (Two) developments and

shall be reviewed accordingly.

(a) As part of the Development Review Committee review process, the developer shall submit to the County for review and approval a design plan that generally outlines the proposed building materials and colors to be used in construction of the tiny house development. Sketches, photos, site plans, renderings or written descriptions may be provided to illustrate the proposed project's conceptual design and shall be supplemented as requested by Development Services staff. County staff will review the design plan for consideration of the following criteria:

1. Structures, additions, and renovations shall be constructed to be long-lasting and use materials and detailing that maintain the distinct character and harmony of the surrounding community.
2. Use of design materials such as engineered wood, stucco, stone veneer, brick façade and fiber cement are encouraged. Plywood and metal siding are prohibited.
3. A variety of compatible contrasting textures should be used to create visual interest.
4. Accessory structures shall use the same or similar materials, color, and style of the primary structure's facade if visible from a public way.

(b) As part of the Development Review Committee Process, the applicant/owner/ developer shall submit to the County for review and approval, covenants, restrictions, and bylaws that define maintenance and common fee ownership of public open space, community facilities, private roads and drives, and all other commonly owned and operated property. These documents shall include a reference to the Nassau County Tiny Home Development Program and the correlating program requirements, design standards, income and rent limits, term of 'affordability', and similar aspects of the Program.

(2) Nothing in this Article shall supersede the development standards of Nassau County found in other regulatory documents unless expressly defined in this Article.

(3) Site Design Standards:

(a) (a) Developments shall be designed in a cluster format with tiny homes centered around a shared/communal outdoor living area.

1. Groupings of six (6) to eight (8) Tiny Homes per group is ideal. In no case shall there be more than fourteen (14) Tiny Homes within a single grouping.
 2. Shared/Communal Outdoor Living Areas: Each grouping of Tiny Homes shall be centered around a Shared/Communal Outdoor Living Area of size equal to, at a minimum, eight hundred (800) square feet per unit. This area shall include usable outdoor rooms/public spaces such as lawns, gardens, patios, plazas, fire pits, tot lots, areas for 'free play', picnics, celebrations, and other social gatherings. All Shared/Communal Outdoor Living Areas shall be maintained by a master community association and shall not be the required maintenance of individual occupants.
 3. Stormwater management facilities are prohibited in Shared/Communal Outdoor Living Area.
- (b) Principal Shared/Communal Outdoor Living Areas: In addition to the shared/communal outdoor living areas for each individual grouping of tiny homes, a Principal Shared/Communal Outdoor Living Area shall be provided within each Tiny Home Development to serve the broader needs of the residents within the Tiny Home Development.
1. The Principal Shared/Communal Outdoor Living Area will ideally be centrally located and easily accessible to all residents within the Tiny Home Development. If, due to parcel configuration and environmental constraints, which are not the result of the applicant, owner, or developer's action, it is not possible to have a single Principle Shared/Communal Outdoor Living Area, two or more similar spaces may be created so long as the intent of the space is met.
 2. The Principal Shared/Communal Outdoor Living Area is calculated at 80 square feet per Tiny Home and shall include, at a minimum, an open-air pavilion of 400 square feet for community gatherings. Other uses may include, outdoor recreation equipment, play equipment, clubhouses, gardens, fire pits, outdoor kitchens, pools, and similar items that support communal outdoor living.
 3. The provision of the Principal Shared/Communal Outdoor Living Area is provided in-lieu of providing a Neighborhood Park as defined in Chapter 29, Section 29-46(b)(2)b. of the Nassau County Code or Ordinances.
 4. Nothing herein prevents the applicant, owner, or developer from

providing additional amenities beyond the minimum required.

- (c) Unless shown to create a superior design, off-street parking shall be provided in the form of consolidated shared parking lots with walkways, leading to front doors where practical.
- (d) Each THD shall include an area to store work vehicles/trailers. This area shall be a minimum of 300 square feet per unit and shall be screened from all public rights-of-way consistent with the requirements of LDC Section 37.05.D.
- (e) Pedestrian Facilities: Tiny Home Developments shall include an internal pedestrian circulation system comprised of concrete or asphalt sidewalks or multi-use trails. The circulation system shall connect to all amenities, shared/communal outdoor living areas, and parking area. The internal pedestrian circulation system shall connect with external bicycle and pedestrian facilities. If no bicycle or pedestrian facilities exist adjacent to the Tiny Home Development, the developer shall 'stub-out' the sidewalk or multi-use trail to the closest future connection point.

(4) Design Standards:

- (a) Each tiny home shall be constructed or otherwise secured on an individual permanent foundation meeting all requirements of the Florida Building Code - Residential..
- (b) Chain link fences are prohibited.
- (c) Buildings shall create desirable pedestrian environments between the buildings and adjacent streets through uniform and orderly orientation.
- (d) Entrances shall be well lit, visible from the street, and easily accessible.
- (e) Each tiny home shall provide a front or rear covered outdoor living area in the form of a porch or patio.

(5) Parking Standards:

- (a) A minimum of one parking space shall be provided per unit. Parking shall not exceed a maximum of 1.5 spaces per unit.
- (b) Parking may be provided in the form of on-street parking along an internal roadway or within a shared parking lot located within or adjacent to the Tiny Home Development.

- (c) Off-street parking may be asphalt, concrete or an alternative pervious or semi-pervious surface as approved by the County Engineer or designee.
- (6) Landscaping and Buffering Standards:
 - (a) Unless otherwise defined in this Article, a Tiny Home Development shall meet the minimum perimeter landscape requirements of LDC Section 37.05.
 - (b) When adjacent to single-family uses, a minimum ten-foot-wide low-density buffer consisting of three canopy trees and 67 shrubs per 100 feet is required.
 - (b) Outdoor storage areas lying within fifty (50) feet of, and visible from any street right-of-way shall meet the perimeter landscape requirements of LDC Section 37.05 and shall also include shrubs planted as a hedge meeting the requirements of LDC Section 37.05.B.2.
- (7) Utilities: Parcels proposed for a Tiny Home Development must be connected to central utilities or a community well and wastewater system approved by the Florida Department of Health and/or the Department of Environmental Protection.

(F) Ancillary Support Uses and Structures:

- (1) Community building, club house, and open-air pavilion subject to site and architectural design standards defined in this Article.
- (2) Gardens.
- (3) Indoor and outdoor storage areas. Outdoor storage areas shall be screened in accordance with the site design standards defined in this article.
- (4) Utility buildings and infrastructure needed to serve the Tiny Home Development.

(G) Reporting, Monitoring and Penalty.

- (1) Reporting: Annually, on February 1st of each year, for the prior year's occupancy, the owner of the Tiny Home Development shall provide an annual report to the Office of Management and Budget. The annual report shall include, at a minimum, the following:
 - (a) Number of occupants per unit for the calendar year based on rental options described in Section 28.24(D). When units are occupied by different lessors in the same calendar year, the date any change occurs will be

noted.

(b) Gross amount of rent collected per month per unit in the calendar year. Each unit will be itemized individually.

(c) Any other charges/fees collected per unit for the calendar year.

(2) Monitoring: Nassau County's Office of Management and Budget shall ensure annual reports are submitted and will be the responsible party for review of the annual reports for compliance with the standards and requirements of the Nassau County Tiny Home Development Program. As needed, or directed by the County Manager, Office of Management and Budget Director shall assemble a team comprised of the necessary professionals to perform site visits or audits of a Tiny Home Development.

(3) Enforcement:

(a) The provisions of this article including all reporting and performance standards of the Nassau County Tiny Home Development Program shall apply to all agents, successors, and assignees.

(b) This article shall be enforced pursuant to the provisions of Article 4 of the Land Development Code and Article III of the Nassau County Code of Ordinances.

(c) Penalties for violations may include, but are not limited to, code enforcement liens and penalties, and repayment of all Mobility and Impact Fees that were subject of exemption.

(d) Continuing violations of the provisions of this article may be enjoined and restrained by injunctive order of the circuit court in appropriate proceedings instituted for such purpose and all other remedies available at law and deemed appropriate by the Board of County Commissioners to protect the health, safety, and welfare of the citizenry and preserve the integrity of the Nassau County Tiny Home Program.

(a) In the case of foreclosure, Nassau County shall have the option to bid on the property consistent with the requirements of Chapter 162, Florida Statutes. If the property is acquired by the County, the Board of County Commissioners will have the sole discretion to:

1. own and manage the THD;
2. own and have a third-party manage the THD;
3. convey the THD to a third-party;

Additions = red underline

Deletions = ~~red strikethrough~~

Relocated = green double underline

4. execute a lease agreement with a third-party;
5. any other legally acceptable model meeting the intent of the Nassau County THD Program and deemed appropriate by the Nassau County Board of County Commissioners.

(b) In all cases involving foreclosure, the intent and requirements of the Nassau County Tiny Home Development Program shall remain intact for the thirty-year affordability period.

(H) Prohibitions. Tiny Home Developments are prohibited within:

- (1) Existing subdivisions platted and recorded after October 11, 1974.

SECTION 3. AMENDING ARTICLE 32.

Appendix A Land Development Code, Article 32 is hereby amended to add *Recreational vehicle (RV) park or travel trailer park*, to read as follows:

Recreational vehicle (RV) or travel trailer park means an establishment comprising land or premises under single ownership used or intended to be used for the parking of recreational vehicles and/or travel trailers on a daily or weekly basis.

SECTION 4. 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 5. 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 6. 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 7. 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
Chairman

ATTEST as to Chairman's Signature:

JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney:

DENISE C. MAY