

ORDINANCE 2023-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING THE 2030 NASSAU COUNTY COMPREHENSIVE PLAN; AMENDING THE GOALS, OBJECTIVES, AND POLICIES OF THE FUTURE LAND USE ELEMENT; ADDING FUTURE LAND USE POLICY FL.01.03.1; AMENDING THE GOALS, OBJECTIVES, AND POLICIES OF THE HOUSING ELEMENT; ADDING HOUSING ELEMENT POLICY H.01.05; ESTABLISHING THE NASSAU COUNTY TINY HOME DEVELOPMENT PROGRAM; PROVIDING FOR APPLICABILITY AND EFFECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Nassau County Board of County Commissioners is empowered to adopt Ordinances pursuant to Chapter 125.66, Florida Statutes; and

WHEREAS, Chapter 163, Part II, Florida Statutes, the Community Planning Act (the “Act”), empowers and requires the Nassau County Board of County Commissioners to: (a) plan for the County’s future development and growth; (b) adopt and amend comprehensive plans or elements or portions thereof, to guide the future growth and development of the County; (c) implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations or elements thereof; and (d) establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of the Act; and

WHEREAS, the Nassau County Planning and Zoning Board has been established and designated as the Local Planning Agency (“LPA”) for unincorporated Nassau County, Florida, pursuant to section 163.3174, Florida Statutes; and

WHEREAS, the LPA and the Board have in the preparation of the amendments to the Nassau County Comprehensive Plan 2010-2030 performed or caused to be performed the necessary studies and surveys, the collection of appropriate data, the holding of such public hearings, workshops and meetings as necessary, and have effectively provided for public participation, notice, broad dissemination of proposals and alternatives, opportunity for written comments, open discussion, communication programs, information services, considerations of, and response to, public and official comments; and

WHEREAS, the Board wishes to modify the Nassau County Comprehensive Plan 2010-2030 to provide for a Tiny Home Development Program; 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.

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WHEREAS, in exercise of its statutory authority, the Nassau County Board of County Commissioners has determined it necessary and desirable to adopt the Amendment to preserve the county as a desirable community in which to live, work and play for people of all income-levels.

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 hereby incorporated herein by reference.

SECTION 2. PURPOSE AND INTENT.

This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Community Planning Act, Chapter 163, Part II, Florida Statutes, and Chapter 125, Florida Statutes.

SECTION 3. AMENDMENTS TO COMPREHENSIVE PLAN.

(A) The Board of County Commissioners of Nassau County, Florida, hereby amends and revises the Future Land Use Element of the Nassau County Comprehensive Plan 2010-2030 as adopted by Ordinance Number 2010-11, as amended. The Future Land Use Element shall be revised as shown in Attachment “A”.

(B) The Board of County Commissioners of Nassau County, Florida, hereby amends and revises the Housing Element of the Nassau County Comprehensive Plan 2010-2030 as adopted by Ordinance Number 2010-11, as amended. The Housing Element shall be revised as shown in Attachment “B”.

(C) The amendment described herein was fully considered after a public hearing pursuant to legal notice duly published as required by law and enumerated above.

(D) To make the Nassau County Comprehensive Growth Management Plan available to the general public, a certified copy of this Ordinance, the Nassau County Comprehensive Plan 2010-2030, and any Amendments thereto, shall be located in the Nassau County Planning Department, located at 96161 Nassau Place, Yulee, Florida, 32097. The Planning Department, through its Director, shall make copies available for public inspection, and provide duplication for a reasonable publication and copy charge.

SECTION 4. APPLICABILITY AND EFFECT.

The applicability and effect of the Nassau County Comprehensive Plan 2010-2030 shall be as provided by the Community Planning Act, Chapter 163, Part II, Florida Statutes, and this Ordinance. All provisions of the Nassau County Comprehensive Plan 2010-2030 not amended herein shall remain in full force and effect.

SECTION 5. 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 6. FILING.

A certified copy of this Ordinance, as well as Certified Copies of the Nassau County Comprehensive Plan 2010-2030, and subsequent amendments thereto, shall be filed with the Nassau County Clerk of the Circuit Court.

SECTION 7. EFFECTIVE DATES.

(A) The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies Nassau County that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency, or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

(B) A certified copy of this Ordinance shall be filed in the Department of State within ten (10) days after enactment by the Board and the Ordinance shall take effect as provided by law.

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

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

KLYNT A. FARMER
Its: Chairman

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ATTEST as to Chairman's Signature:

JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form:

DENISE C. MAY
County Attorney

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ATTACHMENT A
Future Land Use Element Amendment

Policy FL.01.03.1.

The Land Development Code shall establish a Tiny Home Development (THD) program with the intent 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 Land Development Code will include provisions to ensure the intent of the THD program is being met.

A. Definitions.

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 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.

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.

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.

B. Eligibility.

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.
2. Local Government THDs (LGTHDs): Lands owned or managed by local government entities.

C. Density.

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1. Density within Redevelopment THDs shall be the lesser of the following:
 - a. Three tiny homes for every approved mobile home, travel trailer, and/or recreational vehicle (RV).
 - b. The physical ability of the site to meet the design standards defined in the Land Development Code. Maximizing available density is secondary to the ability to meet the design standards for a Redevelopment THD. There is no entitlement to the maximum density at the expense of meeting the design standards for a Redevelopment THD.
2. Density within Local Government THDs shall be the lesser of the following:
 - a. A rate of twenty (20) tiny houses per upland acre.
 - b. The physical ability of the site to meet the design standards defined in the Land Development Code. Maximizing available density is secondary to the ability to meet the design standards for a Local Government THD. There is no entitlement to the maximum density at the expense of meeting the design standards for a Local Government THD.

D. Rental Requirements.

1. The Land Development Code will establish rental rate requirements for Redevelopment THDs and Local Government THDs. All THDs must provide housing units that meet the criteria for “affordable” as defined in Sec. 420.0004 (3), Florida Statutes and the latest version of the “Income Limits and Rent Limits” as published by the Florida Housing Finance Corporation for Multifamily Rental Programs.
2. All units created under this policy shall remain “affordable” for a minimum of thirty (30) years.
3. Leases shall be for a period of thirty (30) days or one (1) calendar month, whichever is more and not held out or advertised to the public as a place regularly rented to guests.

E. Impact and Mobility Fees.

1. The Board of County Commissioners may establish an Impact and Mobility Fee waiver for Redevelopment THDs (RTHDs) and Local Government THDs (LGTHDs). The waiver may be the full amount of the fee or a partial waiver of the fee.

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F. Reporting, Monitoring and Penalty.

1. The County Manager shall establish annual reporting standards and designate an appropriate party to review annual reports and monitor compliance.
2. The Board of County Commissioners shall establish a penalty for failure to meet the standards and requirements of the Tiny Home Development program.

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ATTACHMENT B
Housing Element Amendment

Policy H.01.05

The County shall establish a Tiny Home Development program and implement strategies through provisions in the Land Development Code to increase housing diversity; to encourage the redevelopment of nonconforming uses, nuisance properties, and blighted areas; and to aid in the provision of affordable and workforce housing.

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