

ORDINANCE NO. 2021-030

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING CHAPTER 34 OF THE COUNTY CODE OF ORDINANCES, COMPREHENSIVE IMPACT FEE ORDINANCE; AMENDING SECTION 34-21, DEFINITIONS APPLICABLE TO PARK AND RECREATIONAL FACILITIES IMPACT FEES; AMENDING SECTION 34-22, LEGISLATIVE FINDINGS APPLICABLE TO PARK AND RECREATIONAL FACILITIES IMPACT FEES; AMENDING SECTION 34-23, IMPOSITION OF PARK AND RECREATIONAL FACILITIES IMPACT FEES; AMENDING SECTION 34-24, USE OF MONIES; PROVIDING FOR APPLICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Policy ROS.01.01 of the Recreation and Open Space Element of the Nassau County Comprehensive Plan 2010-2030 (“Comprehensive Plan”) mandates the preparation and maintenance of a Park and Recreation Master Plan to guide the development and maintenance of County parks and recreation facilities; and

WHEREAS, the Nassau County Board of County Commissioners (“Board”) adopted Resolution No. 2021-011, which accepted the Nassau County Parks, Recreation, and Open Space Master Plan (“Master Plan”); and

WHEREAS, the Master Plan provides an inventory of the County parks system, provides guidelines for the size, timing and phasing of parks in the County, and identifies potential funding sources as well as programs for implementation and a long-range capital improvements plan for future parks and recreation facilities within the County; and

WHEREAS, Resolution No. 2021-011 further directed County staff to develop or cause the development of any amendments to the Comprehensive Plan or the Nassau County Code of Ordinances deemed necessary or desirable for the implementation of the Master Plan, which legislation shall address appropriate level of service standards, planning guidelines, and development requirements within the County; and

WHEREAS, amendments to the existing Parks and Recreational Facilities Impact Fees, as codified in Chapter 34 of the County Code of Ordinances are necessary and desirable to implement the Master Plan.

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. AMENDMENT OF SECTION 34-21 OF THE NASSAU COUNTY CODE OF ORDINANCES. Section 34-21 of the Nassau County Code of Ordinances, entitled Definitions Applicable to Park and Recreation Impact Fees, is hereby amended as follows:

Sec. 34-21. - Definitions applicable to park and recreational facilities impact fees.

In addition to the general definitions contained in section 34-2 hereof, the following terms shall have the following meanings as used in this article:

Community park shall mean a park that serves two or more neighborhoods, and typically serves residents within ½ - 3 miles. The site shall have suitable, well drained soils to accommodate both active and passive recreational uses. Specific uses for the park shall be determined through the County-wide parks and recreation needs assessment and the Parks, Recreation and Open Space Master Plan, which may be supplemented with subsequent neighborhood and community involvement or County Parks and Recreation staff assessment of a specific site, subject to the guidance defined in the Nassau County Parks Administrative Procedures and Design Manual, as amended from time to time. Community parks are not intended to be used extensively for programmed adult athletic use and tournaments. While the optimal size of a community park is between 20-50 acres (National Recreation and Parks Association, 1996), Nassau County's minimum standard is 10 acres of developable land. Community parks shall be planned, designed, and constructed in accordance with the Nassau County Parks Administrative Procedures and Design Manual, as amended from time to time, which includes a community park prototype.

County park system shall include all regional parks and community parks owned and operated by the county, including community parks, regional parks, sports complexes, boat ramps and associated recreational facilities and buildings, but does not include those parks and recreational facilities that are owned and operated by private entity, the federal government, or a city or those parks and recreational facilities that are owned and operated by the State of Florida. For the purposes of this chapter, the term "county park system" also does not include neighborhood parks.

Duplex shall mean a type of multi-family dwelling unit consisting of a residential building containing two (2) attached single-family houses on one (1) single lot or parcel of land.

Neighborhood park shall mean a local park that serves local residents within ½ mile. The site shall have suitable, well drained soils to accommodate both active and passive recreational uses. Specific uses for the park shall be developed in accordance with the County-wide parks and recreation needs assessment and the Parks, Recreation and Open Space Master Plan, and as further defined in the Nassau County Parks Administrative Procedures and Design Manual, as amended

from time to time. The optimal size for a neighborhood park is 5-10 acres (National Recreation and Parks Association, 1996) but may vary according to the size of the neighborhood and the number of residents being served. Neighborhood parks shall be planned, designed, and constructed in accordance with Nassau County Parks Administrative Procedures and Design Manual, as amended from time to time, which includes alternate neighborhood park prototypes based on size. In Nassau County, development that contains 25 units or less and development that is built as a rural residential development is exempt from the neighborhood park requirements. Rural residential development is defined as a development where all lots have a minimum gross acreage of 5 acres (217,800 square feet) or more.

Park and recreation benefit district or *benefit district* shall mean the geographical areas established by the county pursuant to section 34-24 hereof.

Park and recreational facility impact fee shall mean the combined Park Impact Fee and Recreational Facility Impact Fee imposed pursuant to section 34-23 hereof.

Park and recreation impact fee study shall mean the study entitled "park and recreation impact fee study," prepared for the county by GAI Consultants dated June 2019, attached to the ordinance from which this article is derived as appendix "C."

Park Impact Fee shall mean the portion of the Park and Recreational Facility Impact Fee attributable to park land.

Quadruplex means shall mean a type of multi-family dwelling unit consisting of a residential building containing four (4) attached single-family houses on one (1) single lot or parcel of land.

Recreational Facility Impact Fee shall mean the portion of the Park and Recreational Facility Impact Fee attributable to recreational facilities, such as ball fields, vessel launching facilities, playgrounds, and other public recreational improvements and buildings.

Regional park shall mean a park that serves the needs of residents county-wide. Regional parks shall be located within 5 miles of every resident within urban/suburban areas and within 10 miles of every resident within rural areas. The site shall have suitable, well drained soils to accommodate both active and passive recreational uses. Specific uses for the park shall be determined through the County-wide parks and recreation needs assessment and the Parks, Recreation and Open Space Master Plan, which may be supplemented with subsequent neighborhood and community involvement or Parks and Recreation staff assessment of a specific site, subject to the guidance defined in the Nassau County Parks Administrative Procedures and Design Manual, as amended from time to time.

While the optimal size for a regional park is 50 acres and larger, Nassau County's minimum standard is 30 acres; however, exceptions to the minimum size standard may be made for sites of significant natural or cultural value, as determined by the Planning Director and the Parks Director consistent with the Nassau County Parks Administrative Procedures and Design Manual, as amended from time to time, and based upon the following criteria:

- a. The site will provide specific public access to a waterway (e.g., beach access, boat ramp, etc.); or
- b. The site contains a significant historic resource, and the County determines that this resource should be preserved; or
- c. The site serves to expand an existing public park or other protected natural or conservation lands.

Regional parks shall be planned, designed, and constructed in accordance with the Nassau County Parks Administrative Procedures and Design Manual, as amended from time to time, which includes a regional park prototype.

[words that are underlined are additions and words that are ~~stricken~~ shall be deleted]

SECTION 3. AMENDMENT OF SECTION 34-22 OF THE NASSAU COUNTY CODE OF ORDINANCES. Section 34-22 of the Nassau County Code of Ordinances, entitled Legislative Findings Applicable to Park and Recreation Impact Fees, is hereby amended as follows:

Sec. 34-22. - Legislative findings applicable to park and recreational facilities impact fees.

The Board of County Commissioners of Nassau County, Florida, hereby finds, determines and declares that:

(1) The board has determined that ad valorem tax revenue and other revenues will not be sufficient to provide the capital improvements and additions to the county park system that are necessary to accommodate new residential construction within the county.

(2) The standard of service to be provided in the county park system and the allocation of projected costs required to accommodate the needs of future residential construction as presented in the park and recreation impact fee study, has been approved and adopted by the county and such study is found to be consistent with the comprehensive plan of the county.

(3) The county has the responsibility to provide park land and recreational facilities in the county park system. Residential construction occurring within the county impacts upon the county park system; therefore, the park impact fee shall be imposed in all unincorporated areas of the county and within all cities that have consented to the imposition of the park impact fee.

(4) There is a rational nexus between future growth, as measured by new residential construction, and the need to expand the county park system through the acquisition and construction of new park land and additional recreational facilities in order to maintain the standards of service currently provided by the county park system. The Parks and Recreational Facilities Impact Fees adopted herein for each Impact Fee Land Use Category are proportional to the impact expected to be generated by the Residential Construction.

(5) Development necessitated by growth contemplated in the comprehensive plan and the park and recreation impact fee study will require improvements and additions to the county park system to accommodate the new development generated by such growth and maintain the standards of service currently provided by the county park system.

(6) Future growth, as represented by residential construction, should contribute its fair share to the cost of improvements and additions to the county park system that are required to accommodate the impact generated by such growth.

(7) Implementation of a park and recreational facilities impact fee to require future residential construction to contribute its fair share to the cost of required park and recreation capital improvements and additions is an integral and vital element of the regulatory plan of growth management incorporated in the comprehensive plan of the county.

(8) The imposition of a park and recreational facilities impact fee is to provide a source of revenue to fund the construction or improvement of the county park system necessitated by growth.

(9) The county park system benefits all residents of the county and, therefore, the park and recreational facilities impact fee shall be imposed in all unincorporated areas of the county and within the municipal limits of the municipalities that have consented by interlocal agreement pursuant to section 34-5 hereof, except for the City of Fernandina Beach, which provides its own park facilities.

(10) The board of county commissioners expressly finds that the improvements and additions to the county park system funded by the park and recreational facilities impact fee provide a benefit to all residential construction within the unincorporated areas of the county and those incorporated areas that have consented by interlocal agreement to inclusion in the county's park and

recreational facilities impact fee program in excess of the amount of the park and recreational facilities impact fee.

(11) The purpose of this article is to require payment of park and recreational facilities impact fees by those who engage in residential construction and to provide for the cost of capital improvements to the county park system which are required to accommodate such growth. This article shall not be construed to permit the collection of park and recreational facilities impact fees in excess of the amount reasonably anticipated to offset the demand on the county park system generated by such residential construction.

(12) The required improvements and additions to the county park system needed to eliminate any deficiencies shall be financed by revenue sources of the county other than park and recreational facilities impact fees.

(13) The data set forth in the park and recreation impact fee study, which was employed in the calculation of the park and recreational facilities impact fee rates imposed herein, is the most recent and localized data available for the county park system at the time the impact fee study was developed. Based upon subsequent cost trends, existing levels of service in the county, and the county's current funding abilities, the commission finds and determines that the data set forth in the park and recreation impact fee study is still relevant and valid for purposes of the park and recreational facilities impact fee and results in a conservative rate to ensure that residential construction is not paying more than its fair share of the costs of providing the necessary improvements and additions to the county park system necessitated by growth.

(14) The administrative fee set forth in section 34-24(h) hereof constitutes the county's actual costs for collection of the park and recreational facilities impact fee including the actual costs related to the administration and the collection process.

[words that are underlined are additions and words that are ~~stricken~~ shall be deleted]

SECTION 4. AMENDMENT OF SECTION 34-23 OF THE NASSAU COUNTY CODE OF ORDINANCES. Section 34-23 of the Nassau County Code of Ordinances, entitled Imposition of Park and Recreation Impact Fees, is hereby amended as follows:

Sec. 34-23. - Imposition of park and recreational facilities impact fees.

(a) All residential construction occurring within the unincorporated area of the county and within the municipal boundaries of any city that has consented to the imposition of the parks and recreational facilities impact fee shall pay the park and recreational facilities impact fee established in this section at the time of issuance of a building permit for such residential construction.

(b) All residential construction occurring within the unincorporated area of the county and within the municipal limits of the municipalities that have consented by interlocal agreement pursuant to section 34-5 hereof shall pay the following Park Impact Fee and Recreational Facilities Impact Fee:

| Type of Dwelling Unit | | Per Capita Park and Recreation Impact Fee | Park Impact Fee – LAND Per Dwelling Unit | Total Recreational Facilities Impact Fee – FACILITIES Per Dwelling Unit | Total Park and Recreational Facilities Impact Fee Per Dwelling Unit |
|---|-----------------|--|--|---|---|
| Single-family houses (detached) | | \$773.17 | \$1,342.67 | \$706.23 | \$2,048.90 |
| Multi-family (except for duplex/quadruplex) | | 773.17 | \$871.47 | \$458.38 | \$1,329.85 |
| Duplex/quadruplex | | 773.17 | \$1,231.20 | \$647.60 | \$1,878.80 |
| Mobile home | 2.87 | 773.17 | \$1,454.14 | \$764.86 | \$2,219.00 |

[words that are underlined are additions and words that are ~~stricken~~ shall be deleted]

SECTION 5. AMENDMENT OF SECTION 34-24 OF THE NASSAU COUNTY CODE OF ORDINANCES. Section 34-24 of the Nassau County Code of Ordinances, entitled Use of Monies, is hereby amended as follows:

Sec. 34-24. - Use of monies.

(a) The commission hereby establishes four (4) park and recreation benefit districts, corresponding with census tracts for the county as further depicted in the 2010 Census Tract Reference Map attached hereto as Exhibit "A." All park and recreational facilities impact fees collected within a park and recreation benefit district shall be expended either for the purpose of providing approved growth-necessitated capital improvements to the county park system within such benefit district or in another benefit district pursuant to section 34-24(e) of this article.

(b) The commission hereby establishes four (4) "park impact fee trust funds" to correspond to the four (4) park and recreation benefit districts described in subsection (a) above and four (4) "recreational facilities impact fee trust funds" to correspond to the four (4) park and recreation benefit districts described in subsection (a) above. Such funds shall be maintained separate and apart from all other county accounts.

(c) Upon receipt by the county, park and recreational facilities impact fees shall be deposited into the appropriate trust fund that corresponds with the fee

component and park and recreation benefit district in which the residential construction is occurring.

(d) Park and recreational facilities impact fees shall not be used for any expenditure that would be classified as a maintenance or repair expense.

(e) Funds on deposit in the trust funds, as established in subsection (a) above, shall be used solely for the purpose of providing growth-necessitated capital improvements to the county park system within each corresponding park and recreation benefit district and based on the approved uses of the funds as set forth below. However, to the extent that a growth-necessitated capital improvement to the county park system provides reasonable benefits beyond the park and recreation benefit district within which it is located, it may be funded with park and recreational facilities impact fee funds collected from another park and recreation benefit district. Prior to encumbering any park and recreational facilities impact fee funds in this manner, the county manager or designee shall make a written determination that (1) the county park system capital improvement will reasonably benefit development in the park and recreation benefit district from which the park and recreational facilities impact fees have been collected; (2) the planned county park system capital improvements are of a nature such that it will add capacity to the county park system beyond the park and recreation benefit district in which it is situated; and (3) the demand for the county park system capital improvement is reasonably attributable to development in the park and recreation benefit district from which the park and recreational facilities impact fees have been collected.

(f) The monies deposited into the Park Impact Fee trust accounts shall be used solely to provide additional park land and related additions to the county park system as necessitated by growth as projected in the impact fee study, as these improvements may be amended from time-to-time, including, but not limited to:

- (1) Land acquisition, including any cost of acquisition or condemnation;
- (2) Fees for professional services, including but not limited to architecture, engineering, surveying, landscaping, soils and material testing, legal, appraisals, and construction management;
- (3) Design and construction plan preparation;
- (4) Site development and on-site and off-site improvements incidental to the park construction thereto;
- (5) Any permitting or application fees necessary for the horizontal park construction;
- (6) Design and construction of new parks;

- (7) Design and construction of new drainage facilities required by the construction of parks ;
- (8) Relocating utilities required by the construction of parks;
- (9) Landscaping;
- (10) Construction management and inspection;
- (11) Surveying, soils, and materials testing;
- (12) Repayment of monies borrowed from any budgetary fund of the county which were used to fund growth-necessitated capital improvements to the county park system as provided herein;
- (13) Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the county to fund growth-necessitated improvements and additions to the county park system subsequent to the effective date of this chapter; and
- (14) Costs related to the administration, collection, and implementation of the park impact fee.
 - (g) The monies deposited into the Recreational Facilities Impact Fee trust accounts shall be used solely to provide capital improvements or additions to the County's recreational facilities within the County Park System as necessitated by growth as projected in the impact fee study, as these improvements may be amended from time-to-time, including, but not limited to:
 - (1) Fees for professional services, including but not limited to architecture, engineering, surveying, landscaping, soils and material testing, legal, appraisals, and construction management;
 - (2) Design and construction plan preparation;
 - (3) Site development and on-site and off-site improvements incidental to the recreational facilities construction thereto;
 - (4) Any permitting or application fees necessary for the recreational facilities construction;
 - (5) Design and construction of new recreational facilities;

- (6) Design and construction of new drainage facilities required by the construction of recreational facilities or improvements thereto;
 - (7) Relocating utilities required by the construction of recreational facilities;
 - (8) Landscaping;
 - (9) Construction management and inspection;
 - (10) Surveying, soils, and materials testing;
 - (12) Repayment of monies borrowed from any budgetary fund of the county which were used to fund growth-necessitated capital improvements to the county park system as provided herein;
 - (13) Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the county to fund growth-necessitated improvements and additions to the county park system subsequent to the effective date of this chapter; and
 - (14) Costs related to the administration, collection, and implementation of the recreational facilities impact fee.
- (h) The monies deposited into the park and recreational facilities impact fee trust accounts shall not be used for any expenditure that would be classified as a maintenance or repair expense. A report will be prepared annually by the county office of management and budget reflecting the collection and expenditures of park and recreational facilities impact fees by the county during the previous year.
- (i) Any park and recreational facilities impact fee funds on deposit which are not immediately necessary for expenditure shall be invested by the county. All income derived from such investments shall be deposited in the appropriate trust account and used as provided herein.
- (j) The county may retain 1.5 percent of all park and recreational facilities impact fees received or the actual costs of administration and collection, whichever is less, as an administrative fee to defray the costs of administering the park and recreational facilities impact fees. The Nassau County Clerk of Court may retain an additional 0.5 percent of all park and recreational facilities impact fees received or the actual costs of administration and collection, whichever is less, as an administrative fee to defray the costs of administering the park and recreational facilities impact fees.
- (k) The park and recreational facilities impact fees collected pursuant to this article shall be returned to the then current owner of the property on behalf of which such fee was paid, if such fees have not been expended or encumbered prior to the end of the fiscal year immediately following the ninth anniversary of the

date upon which such fees were paid. Refunds shall be made only in accordance with the following procedure:

(1) The then present owner shall petition the county for the refund within six (6) months following the end of the calendar quarter immediately following nine (9) years from the date on which the fee was received.

(2) The petition for refund shall be submitted to the county manager and shall contain:

a. A notarized sworn statement that the petitioner is the present owner of the property on behalf of which the park and recreational facilities impact fee was paid;

b. A copy of the dated receipt issued for payment of the park and recreational facilities impact fee or such other record as would evidence payment; and

c. A certified copy of the latest recorded deed or a copy of the most recent ad valorem tax bill.

(3) Within sixty (60) days from the date of receipt of a petition for refund, the county manager will advise the petitioner and the commission of the status of the park and recreational facilities impact fee requested for refund, and if such park and recreational facilities impact fee has not been expended or encumbered within the applicable time period, then it shall be returned to the petitioner. For the purposes of this section, fees collected shall be deemed to be spent or encumbered on the basis of the first fee in shall be the first fee out.

(l) Developer contribution credits pursuant to Section 34-86 for the donation of park land or other contributions outlined in Section 34-24(f) shall only apply to the Park Impact Fee component of the combined Park and Recreational Facilities Impact Fee. Developer contribution credits pursuant to Section 34-86 for the construction and donation of recreational facilities or other contributions outlined in Section 34-24(g) shall only apply to the Recreational Facility Impact Fee component of the combined Park and Recreational Facilities Impact Fee. Such credits shall be separately calculated and applied in accordance with Section 34-86.

[words that are underlined are additions and words that are ~~stricken~~ shall be deleted]

SECTION 6. APPLICABILITY. The amendments to Chapter 34 of the Nassau County Code of Ordinances are making administrative amendments to the County's existing Park and Recreation Impact Fee to separately account for the Park land and recreational facilities components in the interest of fulfilling the goals and objectives of the Master Plan. As such, the amendments adopted herein are not imposing a new or increased impact fee. All provisions of Chapter 34 of the Nassau County Code of Ordinances not amended herein shall remain in full force and effect.

SECTION 7. SEVERABILITY. If any provision or portion of this Ordinance is declared

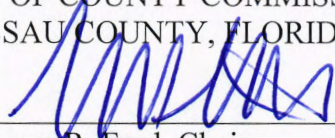
by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all the remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 8. CODIFICATION IN THE CODE OF ORDINANCES. It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Nassau County Code of Ordinances, and that the sections of this Ordinance may be renumbered to accomplish such intent.

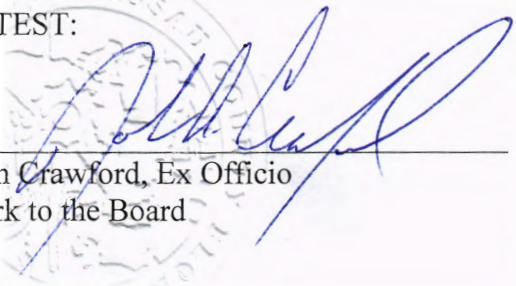
SECTION 9. EFFECTIVE DATE. A certified copy of this Ordinance shall be filed with the Department of State within ten (10) days after enactment by the Board and the Ordinance shall take effect as provided by law.

PASSED AND DULY ADOPTED this 13th day of December, 2021.

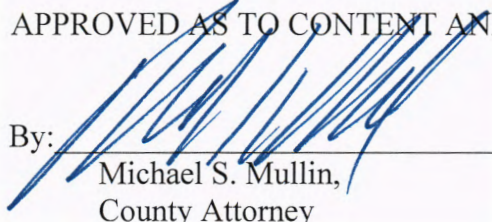
BOARD OF COUNTY COMMISSIONERS
OF NASSAU COUNTY, FLORIDA

By: 
Thomas R. Ford, Chair

ATTEST:

By: 
John Crawford, Ex Officio
Clerk to the Board

APPROVED AS TO CONTENT AND FORM:

By: 
Michael S. Mullin,
County Attorney



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

December 16, 2021

Honorable John A. Crawford
Clerk of the Circuit Court
Nassau County
76347 Veteran's Way, Suite 456
Yulee, Florida 32097

Attention: Jennifer Marlatt

Dear Mr. Crawford:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Nassau County Ordinance No. 2021-030, which was filed in this office on December 16, 2021.

Sincerely,

Anya Owens
Program Administrator

AO/lb