

ORDINANCE 2023- 030

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 PUBLIC SCHOOL FACILITIES ELEMENT; AMENDING POLICY PSF.08.04 REQUIRING THIRTY YEAR DEED RESTRICTIONS FOR AGE RESTRICTED DEVELOPMENT; PROVIDING FOR APPLICABILITY AND EFFECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING; 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, the Nassau County Board of County Commissioners (“Board”) adopted, by Ordinance 2020-19, a Comprehensive Impact Fee Ordinance (“Impact Fee Ordinance”) including impact fees and certain exemptions from educational impact fees for residential construction that qualifies as housing for older persons; and

WHEREAS, the Impact Fee Ordinance requires the adoption of non-revocable covenants and restrictions for a thirty (30) year period which is inconsistent with Nassau County 2030 Comprehensive Plan, Public School Facilities Element, Policy PSF.08.04 which currently requires a fifty (50) year period; and

WHEREAS, a thirty (30) year restrictive covenant time period complies with both the terms and provisions of the Federal Fair Housing Act, Title VIII of the Civil Rights Acts of 1968, as amended by the Fair Housing Amendments Act of 1988, and the Housing for Older Persons Act of 1995, 42 U.S.C. §§ 3601-19 or its statutory successor in function; and

WHEREAS, a thirty (30) year restrictive covenant time period complies with the requirements Section 760.29(4) Florida Statutes regarding exemptions for the discrimination in the treatment of persons in housing; and

WHEREAS, to the Board finds the comprehensive plan policy should align with the thirty (30) year restrictive covenant time frame in compliance with Federal and State law; 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.

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. 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 Public School Facilities Element, Policy PSF.08.04 of the Nassau County Comprehensive Plan 2010-2030 as adopted by Ordinance Number 2010-11, as amended. The Public School Facilities Element, Policy PSF.08.04 shall be revised as shown in Attachment "A".

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

(C) 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.

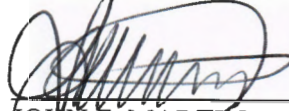
SECTION 7. EFFECTIVE DATES.

(A) The effective date of this plan amendment, if the amendment is not timely challenged, shall be thirty-one (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. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

(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.

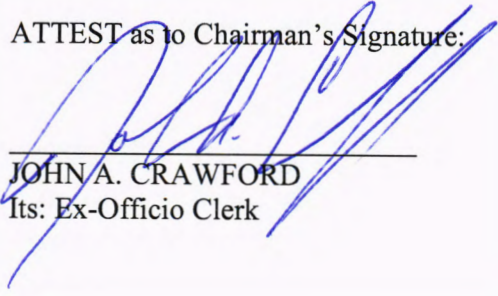
ADOPTED THIS 13th DAY OF November, 2023 BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



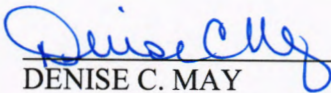
JOHN F. MARTIN
Its: Vice-Chairman

ATTEST as to Chairman's Signature:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form:



DENISE C. MAY
County Attorney

ATTACHMENT A
Public School Facilities Element Amendment

Policy PSF.08.04

The following residential developments ~~are~~ is subject to payment of applicable educational impact fees, but shall be considered exempt from the school concurrency requirements:

- a. Residential lots included on a plat approved by the Board of County Commissioners and recorded subsequent to September 27, 1984 by reference to plat book and page number; or were established as individual parcels by deed recorded prior to September 27, 1984.
- b. Residential developments that have received final site plan approval provided that: 1. The approval is still valid; and 2. Final construction plans have been approved by the County Engineering Services Department.
- c. Amendments to residential development approvals, which have received final subdivision plat approval prior to the effective date of this element, and which do not increase the number of residential units or change the type of residential units proposed. Any Developments of Regional Impact (DRIs) for which a development order has been issued prior to July 1, 2005 or for which an application has been submitted prior to May 1, 2005
- e. Age restricted developments that are subject to deed restrictions prohibiting the permanent occupancy of residents under the age of eighteen (18). Such deed restrictions must be recorded and must be irrevocable for a period of at least ~~thirty~~ thirty (30) years.
- f. Group quarters including residential type of facilities such as local jails, prisons, hospitals, nursing homes, bed and breakfast, motels and hotels, temporary emergency shelters for the homeless, adult halfway houses, firehouse dorms, and religious non-youth facilities.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

November 28, 2023

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

Attention: Heather Nazworth

Dear Honorable John Crawford:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of corrected Nassau County Ordinance No. 2023-030, which was filed in this office on November 20, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh

2023-030

Heather Nazworth

From: Municode Ords Admin <MunicodeOrds@civicplus.com>
Sent: Monday, November 20, 2023 5:12 PM
To: Heather Nazworth
Subject: *EXTERNAL*: RE: Nassau County, FL Code of Ordinances - 2023(11325) OrdBank

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We have received your files.

Thank you and have a nice day,

Ords Administrator • **CivicPlus**
MunicodeOrds@civicplus.com
1-800-262-2633
P.O. Box 2235
Tallahassee, FL 32316

When available, please send all documents in WORD format to MunicodeOrds@civicplus.com. However, if WORD format is not available, we welcome any document format including PDF.

ems (she/her/hers)

civicplus.com



Powering and Empowering Local Governments

From: Heather Nazworth <hnazworth@nassauclerk.com>
Sent: Monday, November 20, 2023 3:13 PM
To: Municode Ords Admin <MunicodeOrds@civicplus.com>
Cc: Abigail Martini <amartini@nassauclerk.com>; Aleina Colon <acolon@nassauclerk.com>
Subject: Nassau County Ordinances

Gentlemen:

Enclosed please find a certified copy of Ordinance Nos. 2023-030, 2023-041, and 2023-042 adopted by the Nassau County Board of County Commissioners in Regular Session on November 13, 2023. The attached Ordinance 2023-030 should replace the previously provided one. **Also, please provide a confirmation email.**

Please include these ordinances in the supplement. Thank you for your assistance in this matter.

On behalf of John A. Crawford, Ex-Officio Clerk

Heather Nazworth
Chief Deputy Clerk Services/BOCC/VAB
Nassau County Clerk of the Circuit Court/Comptroller
76347 Veterans Way, Ste. 456
Yulee, FL 32097

Direct (904)548-4666
Toll Free (800) 958-3496
Fax (904) 548-4508
Email: hnazworth@nassauclerk.com
Website: www.nassauclerk.com

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, please do not send electronic mail to this entity. Instead, please contact this office by phone or in writing.