

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, ESTABLISHING AN AFFORDABLE HOUSING ECONOMIC INCENTIVE PROGRAM; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR A TITLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR AN AMOUNT ALLOCATED FOR AFFORDABLE HOUSING ECONOMIC INCENTIVE ASSISTANCE; PROVIDING APPLICABILITY OF AFFORDABLE HOUSING ECONOMIC INCENTIVE PROGRAM; PROVIDING FOR LIMITATIONS ON THAT PROGRAM; PROVIDING FOR NO EFFECT ON THE EDUCATIONAL FACILITIES IMPACT FEE; PROVIDING FOR EXCEPTIONS; PROVIDING FOR PROCEDURE FOR SEEKING ASSISTANCE; PROVIDING FOR DISQUALIFICATION UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR ELIGIBILITY FOR OTHER MEASURES; PROVIDING FOR AFFORDABLE HOUSING ECONOMIC INCENTIVE ASSISTANCE FOR GRANDFATHERED AFFORDABLE HOUSING PROJECTS; PROVIDING FOR IMPOSITION OF LIEN ON QUALIFIED RESIDENTIAL UNITS THAT RECEIVE AFFORDABLE HOUSING ECONOMIC INCENTIVE ASSISTANCE; PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, Section C of the St. Johns County (County) Comprehensive Plan states that 1) its goal is to “encourage the provision and maintenance of an adequate inventory or decent, safe and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the County”, and 2) its objective is for the “creation and/or preservation of affordable housing and households with special needs”; and

WHEREAS, Section 5.07 of the County Land Development Code provides for an Affordable Housing Density Bonus, which addresses “the preservation of affordability of units designated under the program, for very low, low, and moderate-income households”; and

WHEREAS, Section 7 of the County Development Review Manual recognizes that “affordable housing can promote economic development by providing housing for households in the service industries, as well as for professionals such as teachers”; and

WHEREAS, on March 16, 2005, the Board of County Commissioners (Board) of St. Johns County, Florida, enacted Ordinance 2005-27, which amended, supplemented, and revised certain aspects, provisions, and fees of the County’s Impact Fee Ordinances; and

WHEREAS, before, and after the enactment of County Ordinance 2005-27, some residents of the County questioned whether the increase in residential Impact Fees would create a negative impact on preserving and promoting affordable housing in certain situations; and

WHEREAS, subsequent to the enactment of County Ordinance 2005-27, the Board directed staff of the County to develop, draft, and prepare a policy and new Ordinance that would lessen the potential negative effect of residential Impact Fee increases in certain situations, so as to preserve and promote affordable housing within the County; and

WHEREAS, this Ordinance is reflective of the Board's directive, in that this Ordinance establishes an Affordable Housing Economic Initiative, in order to 1) preserve and promote affordable housing within the County, and 2) lessen the potential negative effect of residential Impact Fee increases in certain situations; and

WHEREAS, this Ordinance is enacted pursuant to Chapters 125 and 163, Florida Statutes (2004).

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Johns County, Florida:

Section 1. Findings. The above Recitals are incorporated by reference into the body of this Ordinance, and such Recitals are adopted as Findings of Fact.

Section 2. Title. This Ordinance may be called, and referred to as, The Affordable Housing Economic Initiative Ordinance of St. Johns County, Florida.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, provision, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase, provision, or portion shall be deemed a separate, distinct, and independent provision of such holding, and shall not affect the validity of the remaining sections, subsections, sentences, clauses, phrases, provisions, or portions herein.

Section 4. Definitions. For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense shall include the future, words in the plural number shall include the singular number, and words in the singular number shall include the plural number. The words "shall" and "will" are always mandatory, and not merely directive or indicative. The word "may" is permissive and indicative, and not mandatory.

(a) *Affordable Housing* means a Qualified Person and a Qualified Residential Unit consisting of a single family home, rowhouse or townhouse/townhome (under single/joint ownership) that meet either the SHIP program or applicable HUD program published income limits for both low and moderate-income households.

(b) *AHEI* means Affordable Housing Economic Incentive.

(c) *Board* means the Board of County Commissioners of St. Johns County, Florida.

(d) *County* means St. Johns County, Florida, a political subdivision of the State of Florida.

(e) *County Administrator* means the County Administrator of St. Johns County, Florida.

(f) *County Fiscal Year* for St. Johns County means, and includes the period of time running from October 1 of one calendar year, to and through September 30 of the following calendar year.

(g) *HAP* means Homeownership Assistance Program.

(h) *HFA* means Housing Finance Authority of St. Johns County, Florida.

(i) *HOME* means Housing Opportunities Made Equal.

(j) *HUD* means the United States Department of Housing and Urban Development.

(k) *Qualified Person* means any individual, proprietorship, firm, partnership, association, corporation, limited liability corporation, organization, or other legal business entity that meets any, and/or all, requirements set forth by the County, State, and/or Federal government, in order to apply for AHEI for one or more Qualified Residential Units.

(l) *Qualified Residential Unit* means a single family residence (including a rowhouse, or townhouse/townhome under individual/joint ownership) under eighteen hundred (1800) square feet, that is otherwise eligible for partial residential Impact Fee reduction through the Affordable Housing Economic Incentive.

(m) *SHIP* means State Housing Initiatives Partnership Program of the State of Florida.

**Section 5. Creation of Affordable Housing Economic Incentive Program; Amount Allocated for AHEI Assistance.**

An Affordable Housing Economic Incentive Program is created and established in St. Johns County, in order to lessen the potential negative impact on the construction of affordable housing within the County, which may be related to the imposition of increased residential Impact Fees by the Board.

For the County Fiscal Year that begins October 1, 2005, the total amount of AHEI assistance allocated shall be set by the Board, by Resolution. Thereafter, for each County Fiscal Year that the AHEI continues, the Board shall, by Resolution, set the total amount of AHEI assistance.

**Section 6. Applicability of Affordable Housing Economic Incentive; Limitations.**

To the extent that the AHEI Program contains sufficient funds, and an application for assistance under the AHEI Program has been submitted by a Qualified Person, and subsequently approved by the County, then an otherwise Qualified Residential Unit is eligible for assistance under the AHEI. The amount of assistance available to an applicant (deemed under this Ordinance as a Qualified Person) for a Qualified Residential Unit shall be determined by the Administrator of the AHEI Program. For purposes of this Ordinance, the Administrator of the AHEI Program shall be the County Administrator or his/her designee.

The amount of AHEI assistance received will be applied to Impact Fees, and therefore off-set Impact Fees on a Qualified Residential Unit by a corresponding amount.

For a Qualified Residential Unit, AHEI assistance is available to reduce the following residential Impact Fees imposed by the Board: a) roads; b) public buildings; c) law enforcement; d) fire/rescue; and e) parks. A Qualified Residential Unit is not entitled to AHEI assistance in order to off-set, reduce, lessen, and/or eliminate the Educational Facilities Impact Fee.

For a Qualified Residential Unit, AHEI assistance is available only to the extent that sufficient funds remain within the AHEI Program.

No one Qualified Person may secure AHEI assistance for one or more Qualified Residential Units, when the AHEI assistance (for such Unit or Units) would represent more than twenty percent (20%) of the total amount of AHEI assistance allocated by the Board for any one County Fiscal Year. The purpose of this provision is to ensure that AHEI assistance may be available to more than one Qualified Person and/or Qualified Residential Unit. Nevertheless, a Qualified Person may seek a waiver of this 20% limitation, for cause. A Qualified Person seeking waiver of the 20% limitation must submit to the County, a written request, describing in detail the reason(s) for such request, and the benefit that the County would receive by granting such a waiver request. Thereafter, the Board, within sixty (60) days of such waiver request, shall consider such waiver request, and either approve or deny such waiver request. In order for the Board to grant such a waiver request, the Board must determine that the granting of such waiver request will provide an overall benefit for the County with respect to promoting Affordable Housing in the County.

Section 7. No Effect on Educational Facilities Impact Fee; Exceptions. Except as noted in Section 10 of this Ordinance, this Ordinance shall in no way effect, reduce, and/or lessen the Educational Facilities Impact Fee that is currently in effect in the County. As a result, the existing Educational Facilities Impact Fee enacted by virtue of County Ordinance 2005-27 remain, and such Educational Facilities Impact Fee shall be paid in full, unless reduced, delayed, and/or waived by a subsequent authorized action by the Board, or order, or directive by a court of competent jurisdiction.

Section 8. Procedure for Seeking AHEI Assistance; Disqualification Under Certain Circumstances.

In order to receive AHEI assistance, an applicant (deemed a Qualified Person) must apply for such assistance on behalf of a Qualified Residential Unit. An applicant must provide to the

County AHEI Program Administrator all required information on a County-approved application form. An applicant's submitted application form must be complete and correct. Failure to submit a complete and correct application form will toll/suspend any timeframes for administrative review and/or action. Moreover, the submission of false information will disqualify an applicant from being deemed a Qualified Person, and will disqualify the applicant from seeking and/or receiving AHEI assistance for a period of twenty-four (24) months from the date that Administrator of the AHEI Program issues a disqualification letter.

It is expressly noted that a complete and correct application form does not entitle and/or guarantee an applicant to AHEI assistance. Moreover, a complete and correct application form does not entitle and/or guarantee an applicant (deemed a Qualified Person) AHEI assistance on a Qualified Residential Unit.

Section 9. Eligibility for Other Measures.

A Qualified Residential Unit that receives AHEI assistance may be eligible for the following: (a) expedited permitting; and (b) exemption from individual building plan review if part of a set of pre-approved plans. A Qualified Residential Unit may also be eligible for a utility connection deferral under the procedures set forth in County Ordinance 2001-25, as may be amended (the County's Utility Ordinance). It is expressly understood, that none of the other measures noted in this Section are guaranteed. Moreover, the final determination of eligibility will be made by the County, and is determined on a case-by-case basis.

Section 10. Automatic AHEI Assistance for Grandfathered Affordable Housing Projects.

Prior to the enactment of County Ordinance 2005-27, the Board approved various forms of residential Impact Fee relief for the following projects: 1) Hancock Place, 32 units under HAP; 2) Northridge Lakes, 61 units under HAP; 3) Ravenswood Forest, 81 units under HOME; 4) Dream Homes of the First Coast, 35 units scattered throughout the County under HOME; and 5) The Housing League, 40 units scattered throughout the County under HOME.

The Board recognizes that in spite of the enactment of County Ordinance 2005-27, such Affordable Housing projects should be grandfathered for purposes of retaining prior approved relief for certain residential Impact Fees.

It is specifically noted, that such grandfathered affordable housing projects might not have qualified for AHEI assistance under one or more criteria noted in this Ordinance. Nevertheless, for purposes of this Ordinance, such grandfathered affordable housing projects are deemed qualified for automatic AHEI assistance. As such, the Qualified Residential Units in such grandfathered affordable housing projects are deemed qualified for automatic AHEI assistance. Such grandfathered Qualified Residential Units will receive enough AHEI assistance, so as to off-set all residential Impact Fees imposed under County Ordinances 87-57, as previously amended, 87-58, as previously amended and 87-59, as previously amended, or County Ordinance 2005-27 (whichever is applicable)

Section 11. Imposition of Lien on Qualified Residential Units that Receive AHEI Assistance. Any Qualified Residential Unit that receives AHEI assistance from the County shall be subject to the imposition of a lien in the manner, form, and format established by County policy, and/or County Resolution. Under such circumstances, a Qualified Person shall execute a Mortgage Lien Agreement that is consistent with the County SHIP policies and procedures.

Section 12. Effective Date. This Ordinance shall be effective upon its proper filing with the Department of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 1 day of November, 2005.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Bruce A. Maguire  
Bruce A. Maguire, Chairman

ATTEST: CHERYL STRICKLAND, CLERK OF COURTS

By: Juanne King  
Deputy Clerk

Effective Date: November 7, 2005



RENDITION DATE 11/04/05

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared CHARLES BARRETT who on oath says that he is an Accounting Clerk of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida: that the attached copy of advertisement, being NOTICE OF HEARING in the matter of ORD AFFORDABLE HOUSING was published in said newspaper in the issues of OCTOBER 18, 2005.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 18TH day of OCTOBER, 2005.

by [Signature] who is personally known to me or who has produced PERSONALLY KNOWN as identification.



Patricia A. Bergquist My Commission DD275991 Expires December 18, 2007

[Signature of Patricia A. Bergquist] (Signature of Notary Public)

(Seal)

PATRICIA A. BERGQUIST

NOTICE OF PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS... NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Tuesday, November 1, 2005 at 9:00 a.m. in the County Auditorium at the County Administration Complex, 4010 Lewis Speedway (County Road 16A) and U.S. 1 North, St. Augustine, Florida, to consider adoption of the following ordinance: AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, ESTABLISHING AN AFFORDABLE HOUSING ECONOMIC INCENTIVE PROGRAM; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR A TITLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR AN AMOUNT ALLOCATED FOR AFFORDABLE HOUSING ECONOMIC INCENTIVE PROGRAM; PROVIDING APPLICABILITY OF AFFORDABLE HOUSING ECONOMIC INCENTIVE PROGRAM; PROVIDING FOR LIMITATIONS ON THAT PROGRAM; PROVIDING FOR NO EFFECT ON THE EDUCATIONAL FACILITIES IMPACT FEE; PROVIDING FOR EXCEPTIONS; PROVIDING FOR PROCEDURE FOR SEEKING ASSISTANCE; PROVIDING FOR DISQUALIFICATION UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR ELIGIBILITY FOR OTHER MEASURES; PROVIDING AFFORDABLE HOUSING ECONOMIC INCENTIVE ASSISTANCE FOR GRANTS; PROVIDING AFFORDABLE HOUSING PROJECTS; PROVIDING FOR IMPOSITION OF LIEN ON QUALIFIED RESIDENTIAL UNITS THAT RECEIVE AFFORDABLE HOUSING ECONOMIC INCENTIVE ASSISTANCE; PROVIDING FOR AN EFFECTIVE DATE. The proposed ordinance is on file in the Office of the Clerk of the Board of County Commissioners of the St. Johns County Administration Complex, Room 1119, 4020 Lewis Speedway (CR 16A and U.S. 1), St. Augustine, Florida and may be examined by parties interested prior to the public hearing and be heard with respect to the proposed ordinance. If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 823-2235 at the St. Johns County Courthouse, 4010 Lewis Speedway, Room 276, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-4770, no later than 5 days prior to the date of the hearing. BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CHERYL STRICKLAND, ITS CLERK By: [Signature] Deputy Clerk L2644-5 Oct 18, 2005



FLORIDA DEPARTMENT OF STATE  
**Glenda E. Hood**  
Secretary of State  
DIVISION OF LIBRARY AND INFORMATION SERVICES

FILED

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CHERYL STRICKLAND  
CLERK COUNTY COMMISSION  
ST. JOHNS COUNTY FL

November 7, 2005

Ms. Yvonne King, Supervisor  
Minutes and Records Department  
St. Johns County  
4010 Lewis Speedway  
St. Augustine, Florida 32084

Dear Ms. King:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 4, 2005 and certified copy of St. Johns County Ordinance No. 2005-101, which was filed in this office on November 7, 2005.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/mp

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