

ORDINANCE NUMBER 2020 - 44

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM RESIDENTIAL, SINGLE FAMILY (RS-3) TO RESIDENTIAL, GENERAL (RG-2); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

WHEREAS, the development of the lands within this Rezoning shall proceed in accordance with the application, dated July 18, 2019, in addition to supporting documents and statements from the applicant which are a part of **Zoning File PUD 2020-06 St. Johns Housing Partnership S.R. 16** as approved by the Board of County Commissioners, and incorporated by reference into and made part hereof this Ordinance. In the case of conflict between the application, the supporting documents, and the below described special provisions of this Ordinance, the below described provisions shall prevail; and

WHEREAS, St. Johns Housing Partnership (**the "Applicant"**) has submitted an application requesting an affordable housing density bonus within the Residential-C (RES-C) Future Land Use category that allows the Applicant to petition the Board of County Commissioners for an additional density of two (2) dwelling units per acre in return for providing affordable/workforce housing dwelling units that meet all applicable criteria in Land Development Code Part 5.07.00 "Workforce/Affordable Housing Density Bonus"; and

WHEREAS, the Applicant must adhere to provisions within Land Development Code Section 5.07.03.C "Assurance of Affordability" and provide the County with guarantees, approved by the County Administrator and recorded with the Clerk of Circuit Court of St. Johns County which, for a minimum period of ten (10) years for both rental units and ownership units, maintain the affordability for units that are required for very low, low, and moderate income households.

SECTION 1. Upon consideration of the application, supporting documents, statements from the applicant, correspondence received by the Growth Management Department, recommendation of the Planning and Zoning Agency, and comments from the staff and the general public at the public hearing, the Board of County Commissioners, finds as follows:

1. The request for Rezoning has been fully considered after public hearing with legal notice duly published as required by law.
2. The rezoning to **Residential Single Family, General (RG-2)** is consistent with the Comprehensive Plan, in that:
 - (a) The rezoning is compatible and complementary to conforming adjacent land uses (Objective A.1.3.11)
 - (b) The rezoning encourages an efficient and compact land use pattern and supports balanced growth and

economic development. (Objective A.1.11)

- (c) The proposed project is consistent with the goals, policies, and objectives of the 2025 St. Johns County Comprehensive Plan.
3. The rezoning to **Residential, General (RG-2)** is consistent with the St. Johns County Land Development Code.
 4. The zone district of **Residential, General (RG-2)** is consistent with the land uses allowed in the land use designation of Residential-C (RES-C) as depicted on the 2025 Future Land Use Map.

SECTION 2. Pursuant to this application File Number **REZ 2020-06** the zoning classification of the lands described within the legal description, **Exhibit "A"**,

is hereby changed to Residential, General (RG-2).

SECTION 3. The Application requires Affordable Units to adhere to affordability limits outline within Part 5.07.00 of the St. Johns Land Development Code and further be deed restricted for a period of ten (10) years and will apply to all subsequent sales of such units. The petition for additional density and the form of restrictive covenant to be used for this development are attached hereto as **Exhibit "B"**.

SECTION 4. To the extent they do not conflict with the specific provisions of this Ordinance, all provisions of the Land Development Code as such may be amended from time to time shall be applicable to this development of property referenced herein except to the degree that development may qualify for vested rights in accordance with applicable ordinances and laws. Notwithstanding any provision of this ordinance, no portion of any impact fee ordinance, concurrency provision, building code, Comprehensive Plan or any non Land Development Code ordinance or regulation shall be deemed waived or varied by any provision herein. Notwithstanding any provision of this Ordinance, no portion of any use restriction, title conditions, restriction or covenants shall be deemed waived or varied by any provision herein.

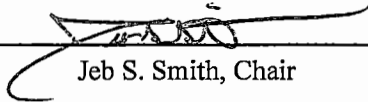
SECTION 5. This Ordinance shall be recorded in a book of land use regulation ordinances kept and maintained by the Clerk of the Court of St. Johns County in accordance with Section 125.68, Florida Statutes.

SECTION 6. Upon the effective date of this Ordinance, the zoning classification shall be recorded on the Zoning Atlas.

SECTION 7. All applicable state or federal permits must be obtained before commencement of the development. Issuance of a development permit or development order by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

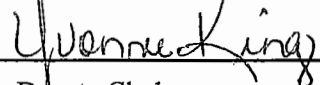
PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS 15th DAY OF September 2020.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: 
Jeb S. Smith, Chair

Rendition Date: SEP 17 2020

ATTEST: Brandon J. Patty
Clerk of the Circuit Court & Comptroller

BY: 
Deputy Clerk

EFFECTIVE DATE: SEP 17 2020





LOTS 9, 10, 11, 12, 26, 27, 28, & 29, BLOCK 30, SANTA ROSA SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN MAP BOOK 3, PAGE 149, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

CERTIFIED TO:

ST. JOHNS HOUSING PARTNERSHIP



Petition to Section 5.07.03 of the St. Johns County Land Development Code

The St. Johns Housing Partnership, Inc. will provide affordable housing units on the 197 State Road 16, herein after the 'Property' as described in the attached legal description labeled EXHIBIT "A" PROPERTY DESCRIPTION within the *Declaration of Restrictive Covenants*. The OWNER is the fee title owner of that certain real property legally described in EXHIBIT "A" PROPERTY DESCRIPTION within the *Declaration of Restrictive Covenants*.

The 8 affordable housing units on the Property will accommodate for rental projects. The multifamily property units for workforce/affordable housing exceeds fifty percent (50%), however, St. Johns County has determined that a management plan is not needed for a development of only 8 units which are not all connected.

The St. Johns Housing Partnership, Inc. guarantees as also approved by the St. Johns County Administrator in writing that this Petition will be recorded with the Clerk of Circuit Court of St. Johns County, for a period of ten (10) years all rental units will maintain affordability for very low, low, and moderate income households.

Within this ten (10) year period of time there will be no units rented or sold except to people that meet the very low, low, or moderate-income household requirement. This affordability guarantee will be recorded with the Clerk of Circuit Court of St. Johns County and will run with the land as restrictions enforceable by future tenants.

100% of the units on the Property will be for very low, low, or moderate income households. The St. Johns Housing Partnership, Inc. will record in the public record a guarantee that the households, upon entry to the unit, will meet the definition of very low, low, or moderate income households as provided in the St. Johns County Comprehensive Plan, the State Housing Initiatives Partnership Program (SHIP) and any other qualified state or federal housing programs. While the County LDC requests that **only 20% of the bonus units** are set aside for Very Low (less than 50% AMI) and Low income (between 51% and 80% AMI), and another 20 % are set aside for moderate (between 81% and 120% income renters, this petition proposes that 100% of the units, including the bonus units will be set aside for renters under 120% of the AMI. Furthermore, the SJHP proposes that 50% of the units, at least, will be rented to very low or low-income households. The chart below is adjusted annually by *The Florida Housing Finance Corporation* will be used in determining the maximum rents and income eligibility.



HUD release: 3/31/2020
 FHFC Posted: 4/1/2020
 Effective: 4/13/2020

**2020 Income Limits and Rent Limits
 Florida Housing Finance Corporation
 SHIP Program**

County (Metro)	Percentage Category	Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit					
		1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5
Saint Johns County (Jacksonville MSA)	30%	15,750	18,000	21,720	26,200	30,680	35,160	39,640	44,120	Refer to HUD		393	421	543	711	879	1,047
	50%	26,250	30,000	33,750	37,500	40,500	43,500	46,500	49,500	52,500	55,500	656	703	843	975	1,087	1,200
	80%	42,000	48,000	54,000	60,000	64,800	69,600	74,400	79,200	84,000	88,800	1,050	1,125	1,350	1,560	1,740	1,920
Median: 75,000	120%	63,000	72,000	81,000	90,000	97,200	104,400	111,600	118,800	126,000	133,200	1,575	1,687	2,025	2,340	2,610	2,880
	140%	73,500	84,000	94,500	105,000	113,400	121,800	130,200	138,600	147,000	155,400	1,837	1,968	2,362	2,730	3,045	3,360

The Income Limits and Rent Limits Florida Housing Finance Corporation SHIP Program charts are adjusted annually.

The monthly rents charged by the St. Johns Housing Partnership, Inc. will be based upon the *Income Limits and Rent Limits from the Florida Housing Finance Corporation* table adjusted annually. The Property will host four (4) separated two story duplexes. The duplexes on the Property will feature identical three (3) bedroom and one (1) bathroom units. The monthly rent charging rate according to the annually changing *2020 Income Limits and Rent Limits from the Florida Housing Finance Corporation* is \$1,560.00 dollars a month for a 3 bedroom unit within the 80% AMI percentage category. The St. Johns Housing Partnership, Inc. reserves the right to adjust rents annually per the *Income Limits and Rent Limits from the Florida Housing Finance Corporation* based on the 80% AMI percentage category and number of bedrooms in the units. The St. Johns Housing Partnership, Inc. guarantees that rental rates on the Property will not surpass the rent limits set by the *Florida Housing Finance Corporation*.

The St. Johns Housing Partnership, Inc. will consider any restrictions on rental rates throughout the ten (10) year deed restriction period. The restrictions, covenants, rights, and privileges granted, made, and conveyed shall run with the Property as mentioned in the *Declaration of Restrictive Covenants*.

All units on the Property will be distributed between very low, low, and moderate-income households. The property does offer varied bedroom and floor area options, these options will include similar variations in the workforce/affordable housing.

The density of the Property does exceed the allowable density as outlined in the Future Land Use Element. The unit count on the Property is not allowed by density designations on the Future Land Use Map. However, the St. Johns Housing Partnership, Inc. is seeking a density bonus. The residents living on the Property have available access to transportation, the nearest transportation is a bus stop location on the intersection of Masters Drive and State Road 16 which is located approximately 400 feet from the Property. In addition, there are several businesses around the Property that will be able to support the very low, low, and moderate income job positions.

No persons will be displaced as a result of Development of the workforce/affordable housing density bonus project. No such relocation plan will be needed from the construction of this Workforce/Affordable Housing Project.

This instrument prepared by:
Carol S. Miller, Jacksonville Area Legal
Aid, Inc. 126 W Adams St.
Jacksonville FL 32202
and approved as to form by:
St Johns County Attorney's Office

DECLARATION OF RESTRICTIVE COVENANTS

Property Appraiser Tax Folio Number:

This Declaration of Restrictive Covenants ("Declaration"), made this ___ day of June, 2020 ("Effective Date"), by St Johns Housing Partnership, Inc., a Florida not for profit corporation, hereinafter referred to as "OWNER."

WHEREAS, OWNER is the fee title owner of that certain real property legally described in Exhibit "A," attached hereto and incorporated herein (the "Property"); and

WHEREAS, OWNER hereby covenants that OWNER is lawfully seized of said Property in fee simple; that the Property is free and clear of all encumbrances that are inconsistent with the terms of this Declaration; that OWNER has good right and lawful authority to make this Declaration; and that OWNER agrees to fully warrant and defend this Declaration against the claims of all persons whomsoever; and

WHEREAS, the Property shall be subject to the covenants, restrictions, and other requirements, as set forth herein.

NOW, THEREFORE, OWNER hereby declares that the Property shall be held, transferred, sold, conveyed, leased, mortgaged, used, and improved subject to these covenants and restrictions, which run in favor of COUNTY (as hereinafter defined in Section 4) and other requirements, all as hereinafter set forth:

1. The recitals set forth above are true and correct and are incorporated into these restrictive covenants.
2. Restrictive Covenants. OWNER hereby declares that the Property shall be subject to the following covenants and restrictions, which covenants and restrictions shall be covenants running with the land for a period of ten (1) years effective and commencing upon the date of the recording of this Declaration:
 - (a) As of the effective date of this Declaration, the Property shall be used solely for residential purposes. The Property may not be used for any nonresidential purposes, other than home offices when permitted by applicable zoning regulations.
 - (b) The Property, upon completion of the residential dwelling unit, shall be maintained by the owner as affordable rental property and occupied solely by persons who, at the time of purchase, meet the criteria specified in subparagraphs (b)(1) through (6), below. Rental shall be defined as traditional 12 month lease agreements.

- (1) One or more natural persons or a family that is at or below one hundred twenty percent (120%) of the Area Median Income ("AMI") for St Johns County, adjusted for family size. For the purposes of this requirement, AMI is understood to mean the dollar amount where half the population earns less and half earns more.
 - (2) For a term of at least ten (10) years after the Effective Date of this Declaration, any subsequent purchaser of the Property shall be required to meet criteria (1), (2), and (3) above.
 - (3) For a term of at least ten (10) years after the Effective Date of this Declaration, prior to any transfer of title or closing on a purchase of the Property, each purchaser of the Property shall request and receive a written certification that the above criteria have been satisfied from the COUNTY Administrator, or authorized designee.
- (c) For the purposes of this provision, the term "adjusted for family size" means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four (4) people, or higher for households with more than four (4) people, based upon a formula as established by the Florida Housing Finance Corporation.
3. The restrictions, covenants, rights, and privileges granted, made, and conveyed herein shall run with the Property (collectively "covenants and restrictions") for a period of ten (10) years following the date of recordation of this Declaration by the OWNER. These covenants and restrictions shall be binding on all persons and entities acquiring title to or use of the Property, or any portion thereof, and all persons and entities claiming under them, until that date which occurs ten (10) years following the date of recordation of this Declaration by the OWNER ("Termination Date").
 4. When used herein, the term "COUNTY" shall mean St Johns County, Florida, its successors and assigns. The term "OWNER" shall mean the person or persons or legal entity or entities holding interests of record to the Property or any portion of the Property. Wherever used herein, the terms "OWNER" and "COUNTY" shall include their heirs, personal representatives, successors, agents, and assigns.
 5. COUNTY is the beneficiary of these covenants and restrictions, and, as such, COUNTY may enforce these covenants and restrictions by action at law or in equity, including, without limitation, a decree of specific performance or mandatory or prohibitory injunction against any person or persons, entity, or entities, violating or attempting to violate the terms of these covenants and restrictions.
 6. Any failure of COUNTY to enforce these restrictive covenants shall not be deemed a waiver of the right to do so thereafter. No waiver, modification, or termination of this instrument shall be effective unless contained in a written document executed by COUNTY. Any waiver shall only be applicable to the specific instance to which it relates and shall not be deemed to be a

continuing or future waiver. If any covenant, restriction, condition, or provision contained in this document is held to be invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any other covenant, restriction, condition, or provision herein contained, all of which shall remain in full force and effect. This document shall be construed in accordance with the laws of Florida and venue shall be St. Johns County, Florida.

7. This Declaration shall be recorded by the OWNER in the Public Records of St. Johns County, Florida, and shall become effective upon recordation.

IN WITNESS WHEREOF, OWNER has executed this Declaration of Restrictive Covenants as follows:

OWNER

St. Johns Housing Partnership, Inc., a Florida not for profit corporation,

By: _____

Title: _____

First witness
Print name: _____

Second witness
Print name: _____

STATE OF FLORIDA

COUNTY OF ST. JOHNS

The foregoing instrument was sworn to, subscribed and acknowledged before me this

____ day of June, 2020, by _____ as

Director/CEO for St. Johns Housing Partnership, Inc., a Florida not for profit corporation. He/She is personally known to me or has produced Florida Driver's License No. _____ as identification.

Print Name:

Notary Public in and for the
County and State last aforesaid
My Commission Expires

EXHIBIT "A"

PROPERTY DESCRIPTION

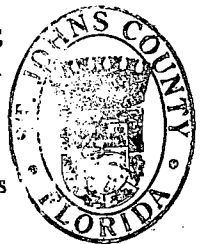


Gulfstream Design Group, LLC
906A Anastasia Blvd. | St. Augustine, FL 32080
Tel. 904.794.4231

LOTS 9, 10, 11, 12, 26, 27, 28, & 29, BLOCK 30, SANTA ROSA SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN MAP BOOK 3, PAGE 149, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

CERTIFIED TO:
ST. JOHNS HOUSING PARTNERSHIP

I HEREBY CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY AS ON RECORD IN ST. JOHNS COUNTY, FLORIDA. WITNESS MY HAND AND SEAL, THIS 23rd DAY OF September 20
ST. JOHNS COUNTY CLERK OF COURT
Ex-Officio Clerk of the Board of County Commissioners



BY: Yvonne King D.C.

THE ST. AUGUSTINE RECORD
Affidavit of Publication

GULF STREAM DESIGN
404 SHORE DRIVE

SAINT AUGUSTINE, FL 32086

ACCT: 19017
AD# 0003295077-01

PO#

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

STATE OF FLORIDA
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared MELISSA RHINEHART who on oath says he/she is an Employee of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida; that the attached copy of advertisement being a NOTICE OF HEARING in the matter of REZ-2020000006 was published in said newspaper on 07/27/2020.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in St. Johns County, Florida, and that the said newspaper heretofore has 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, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says the he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing this advertisement for publication in said newspaper.

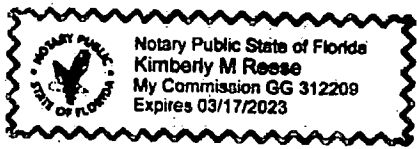
Sworn to (or affirmed) and subscribed before me by means of

physical presence or
 online notarization

this _____ day of JUL 27 2020

by *Melissa Rhinehart* who is personally known to me or who has produced as identification

Kimberly M Reese
(Signature of Notary Public)

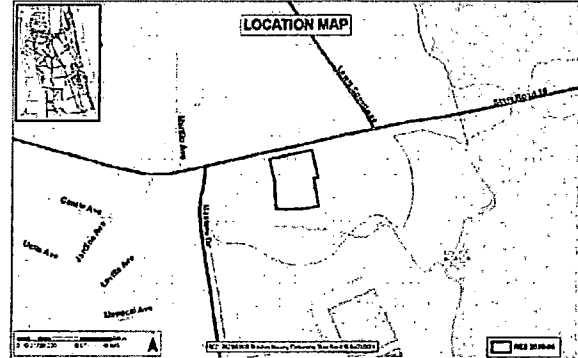


NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on 8/20/2020 at 1:30 pm before the Planning and Zoning Agency in the St. Johns County Auditorium located at 500 San Sebastian View, St. Augustine, Florida and on 9/15/2020 at 9:00 am before the Board of County Commissioners in the St. Johns County Auditorium located at 500 San Sebastian View, St. Augustine, Florida to consider a Request to rezone approximately 1.8 acres of land from Residential, Single Family (RS-3) to Residential, General (RG-2) to allow for affordable housing/rental duplexes.

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM RESIDENTIAL, SINGLE FAMILY (RS-3) TO RESIDENTIAL, GENERAL (RG-2); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

The subject property is South side of State Road 16, east of Masters Drive. See attached map (Exhibit A). This file and the proposed ordinance are maintained in the Planning and Zoning Section of the Growth Management Department located at the St. Johns County Permit Center, 4040 Lewis Speedway, St. Augustine, Florida 32084 and may be inspected by interested parties prior to said public hearing. Items not heard by 5 pm shall automatically be continued until 9 am the following day, unless otherwise directed by the Board.



Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

In accordance with Executive Order 20-69, and St. Johns County emergency proclamation 2020-03, this meeting may be conducted remotely, under communication media technology (CMT) without a physical quorum of the members present. CMT means the electronic transmission of printed matter, audio, full motion video, free-frame video, compressed video, and digital video by any method available. CMT being used to conduct the meeting includes Government TV (GTV), phone, and wireless microphone. Should a person wish to submit printed material, it must be submitted a minimum 5 days in advance of this meeting. Such printed documentation will be presented at the meeting.

A person may attend this CMT meeting by calling the telephone number at 904-209-1265 and viewing the meeting on GTV or <http://www.sjcl.us/GTV/watch?v=ASPSJ>. Written or physical documentation may be submitted to the St. Johns County Growth Management Department at 4040 Lewis Speedway, St. Augustine, FL 32084, or e-mail address: plandep@sjcl.us. A designated access point to this CMT meeting is located at 500 San Sebastian View.

Additional information may be obtained at:
Mailing address: 4040 Lewis Speedway, St. Augustine, FL 32084
Email address: plandep@sjcl.us
Phone number: 904.209.0675

If a person decides to appeal any decision made with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or 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. Any evidence, testimony, and argument which is offered utilizing CMT shall be afforded equal consideration as if were offered in person and shall be subject to the same objections.

This matter is subject to court imposed quasi-judicial rules of procedure. Interested parties should limit contact with the Board of County Commissioners or the Planning and Zoning Agency members on this topic, except in compliance with Resolution 95-126, to properly noticed public hearings or to written communication, care of SJC Planning and Zoning Section, 4040 Lewis Speedway, St. Augustine, Florida, 32084.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact the County's ADA Coordinator at (904) 209-0650 or at the County Administration Building, 500 Sebastian View, St. Augustine, Florida, 32084. Hearing impaired persons, call Florida Relay Service (1 800 955 8770), no later than 5 days prior to the meeting.

PLANNING AND ZONING AGENCY BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA ST. JOHNS COUNTY, FLORIDA
MIKE KOPPENHAFFER, CHAIR JEB S. SMITH, CHAIR
FILE NUMBER: REZ-2020000006
PROJECT NAME: St Johns Housing Partnership State Road 16

0003295077 July 27, 2020



FLORIDA DEPARTMENT OF STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

September 17, 2020

Honorable Brandon Patty
Clerk of Courts
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Yvonne King

Dear Mr. Patty:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of St. Johns Ordinance No. 2020-44, which was filed in this office on September 17, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

FILED SEP 17 2020
ST. JOHNS COUNTY
CLERK OF COURT
BY: Yvonne King
DEPUTY CLERK