

ORDINANCE 2021- 55

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, ORDINANCE 99-51, AS AMENDED, TO AMEND THE WORKFORCE HOUSING ZONING DESIGNATION AND PROVIDE A MAXIMUM SALES PRICE; SPECIFICALLY AMENDING ARTICLE V, PART 5.11.00 WORKFORCE HOUSING ZONING DISTRICT; AMENDING ARTICLE XII, DEFINITIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR MODIFICATION DURING PUBLIC HEARING; PROVIDING FOR INCLUSION AND CODIFICATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CORRECTION OF SCRIVENERS ERRORS; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

WHEREAS, local land development regulations require evaluation and revision to address public health, safety and welfare issues that may occur during the implementation of land development regulations; and

WHEREAS, St. Johns County desires to amend certain provisions of the Land Development Code (the "Code") to provide definitions and amend certain provisions of the Code to provide for additional clarity and ease of use; and

WHEREAS, St. Johns County desires to remove the maximum sales price numerical figure from the Comprehensive Plan and Land Development Code to simplify the public hearing review process if these numerical figures were to be amended; and

WHEREAS, St. Johns County has determined that there has been an increase in the cost of construction in St. Johns County and developers are unable to construct Workforce Housing at the current two-hundred and ten thousand dollar (\$210,000) maximum sales price; and

WHEREAS, the Board of County Commissioners directed staff to increase the maximum sales price of the required Workforce Housing dwelling units to two-hundred and forty thousand dollars (\$240,000); and

WHEREAS, these regulations are intended to encourage the development of housing units that are affordable to those persons with a household income close to the current Annual Median Income (AMI) in St. Johns County; and

WHEREAS, St. Johns County has determined that the fixed amount should be removed from the Land Development Code and replaced with a formula that would better reflect market conditions; and

WHEREAS, these regulations are intended to encourage the development of workforce housing units by assisting the development community in making these units economically viable; and

WHEREAS, it is found that the hereinafter Ordinance provisions are consistent with, and restore and implement provisions of the 2025 Comprehensive Plan Amendment of St. Johns County as adopted and enacted on August 17, 2010;

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

SECTION 1. Legislative Findings of Fact. The above Recitals and Whereas clauses are hereby adopted as legislative findings by the St. Johns County Board of County Commissioners and incorporated and made a part of this Ordinance.

SECTION 2. Amending the Workforce Housing Zoning Designation. Article V, Part 5.11.00 “Workforce Housing Zoning Designation” of the Land Development Code, Ordinance 99-51, as previously amended, is hereby amended to read as follows in the attached **Exhibit A**, incorporated herein and made part of this Ordinance.

SECTION 3. Amending the Workforce Housing Zoning Designation Definition. Article XII, “Definitions” of the Land Development Code, Ordinance 99-51, as previously amended, is hereby amended to read as follows in the attached **Exhibit B**, incorporated herein and made part of this ordinance.

SECTION 4. The remaining portions of the St. Johns County Land Development Code, Ordinance 99-1, as amended, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

SECTION 5. Modification. It is the intent of the Board of County Commissioners that the Provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed with the Clerk to the Board.

SECTION 6. Inclusion and Codification into the Land Development Code. It is the intent of the St. Johns County Board of County Commissioners that the provisions of this Ordinance shall be codified and made part of the St. Johns County Land Development Code, Ordinance No. 99-51, as previously amended, and that the sections and attachments of this ordinance may be renumbered, reorganized, relettered, and appropriately incorporated into the Land Development Code in order to accomplish such intentions. It is the intent of the St. Johns County Board of County Commissioners that scrivener and typographic errors which do not change the tone or tenor of this Ordinance may be corrected during codification and may be authorized by the County Administrator or designee, without public hearing, by filing a corrected or recodified copy of the same with the Clerk of the Board.

SECTION 7. Severance Clause. It is the intent of the Board of County Commissioners of St. Johns County, 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 a court of competent

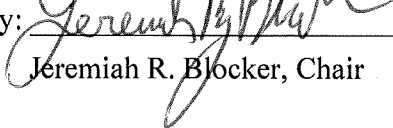
jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 8. Effective Date. This Ordinance shall take effect upon its being filed with the Department of State of Florida.


SECTION 9. This ordinance shall be recorded in a book of land use regulation ordinances kept and maintained by the Clerk of Court in accordance with Section 125.68, Florida Statutes.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 17th day of August, 2021.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

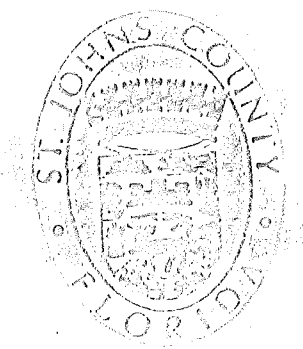
By: 
Jeremiah R. Blocker, Chair

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

By: 
Deputy Clerk

Rendition Date: AUG 18 2021

Effective Date: SEP 17 2021



Part 5.11.00 WORKFORCE HOUSING ZONING DESIGNATION

Sec. 5.11.01 Purpose

- A. The purpose and intent of this zoning district is to encourage the development of a mixture of housing types within a residential land use that is affordable to the low to moderate income households (local workforce). Those developments that provide a at least forty percent (40%) of their overall units as owner occupied affordable would be eligible to utilize flexible development standards and increased density within certain Future Land Uses.
- B. These regulations are intended to encourage the development of affordable housing units by assisting the both the public and private sector in making the provision of these units economically viable, while providing assurances to the County that these units will be affordable to the low to moderate income households.

Sec. 5.11.02 Applicability

- A. Residential Developments wishing to rezone to the Workforce Housing Zoning designation would be subject to meeting the following criteria:
 - 1. A minimum of forty percent (40%) of the overall number dwelling units onsite would be required to be workforce housing units; and
 - 2. The workforce units shall be sold to the initial homebuyer at no more than the Initial Maximum Sales Price as defined in Section 5.11.03 below.
 - ~~2.3. at a sales price of two hundred and ten thousand (\$210,000) or below; and~~
 - ~~3.4.~~The deed restriction shall also require that the initial homebuyer of each workforce unit be owner occupied.

Sec. 5.11.03. Definitions

Workforce Housing is the missing Workforce housing in St. Johns County capable of being purchased by a household within the upper "low" to "moderate" income categories (as defined by the Federal Housing Authority) as evidenced by a limit of the initial overall sales price as determined by the Maximum Initial Sales Price below of two-hundred and ten thousand dollars (\$210,000) or less and must be initially owner occupied.

Maximum Initial Sales Price for Workforce Housing is \$240,000. The base maximum sales price shall be adjusted by the Annual Average Construction Cost Index as published by the Engineering News-Record in June of each calendar year, not to exceed a three (3) percent increase/decrease. Beginning in 2022, any adjustments to the Maximum Initial Sales Price for Workforce Housing shall be effective on July 1st and each calendar year thereafter. Adjustments to the Maximum Initial Sales Price are not cumulative and will always be calculated using the base price of \$240,000.

Sec. 5.11.04 General

An Applicant will be entitled to additional Dwelling Units in accordance in accordance with this Part.

A. Minimum Number of Units to be provided.

1. Workforce Housing shall be provided through the Construction of units onsite. The minimum number of deed restricted units to be provided for all ownership development projects shall be forty-percent (40%) of the overall number of units.
2. In the initial phase of phased projects, at least forty percent (40%) of all lots platted or units would require a deed restriction required prior to the issuance of any clearance sheet .
3. Each additional phase shall provide no less than forty percent (40%) deed restrictions cumulatively of the overall Development.

B. Assurances of Affordability

1. —The Developer shall provide deed restrictions, approved by the County Administrator or his/her designee in writing which shall be recorded with the Clerk of the Circuit Court of St. Johns County encumber the property with a restriction that limits the gross sales price of the property, with a completed attached/detached single-family residence, to an amount not to exceed the Maximum Initial Sales Price for the initial homebuyer ~~a maximum of two-hundred and ten thousand dollars (\$210,000) or less for the initial homebuyer.~~

- 2.1.
 - 3.2. Deed restriction(s) shall be provided for each workforce housing unit upon approval of a plat and prior to issuance of any clearance sheets.

- 4.3. The initial buyer of each workforce housing unit must occupy the Property as their primary residence.
- 5.4. No Clearance sheet(s) shall be issued prior to approval of the associated plat.
- 6.5. Every clearance sheet must demonstrate that at least 40 percent of the previously approved, or concurrently approved clearance sheets within the plat are designated workforce.

Section 5.11.05. Development Standards

In order to reduce costs associated with the development and construction of Workforce Housing, the property development standards set forth in this section are established for the Workforce Zoning designation. These site development standards represent a relaxation of standards normally applied to housing that are established in order to facilitate and promote the development of Workforce Housing. As further encouragement to develop Workforce Housing beyond the relaxation of site development standards, the County may also offer an increase in density provided for in this Section.

A. Lot Size.

1. Single Family Dwellings – 3,500 square feet
2. Duplex/Townhomes – 1,400 square feet
3. Multi-family – 1,400 square feet

B. Lot Width

1. Single Family Dwellings – 35 feet
2. Duplex – 14 feet
3. Multifamily – 14 feet; 20 feet for end units

C. Setbacks

1. Single Family
 - i. Front – 10 feet; 20 feet to face of garage and provided the face of the garage shall be a minimum of twenty-five (25) feet from the edge of the sidewalk.
 - ii. Side – 5 feet, with a minimum of 10 feet between structures.
 - iii. Rear – 10 feet
2. Duplex/Townhomes
 - i. Front – 10 feet

- ii. Side – 0 feet; (end of structure to property line) 10 feet
- iii. Rear – 10 feet

3. Multi-family

- i. Front (w/sidewalk) – 22 feet from the edge of sidewalk to the garage face and 15 feet from the property line to the building.
- ii. Front (without sidewalk) - 22 feet from the back edge of the curb to garage face and 15 feet to building.
- iii. Side – 0 feet; 10 feet for end units.
- iv. Rear – 10 feet.

D. Lot Coverage

- 1. Single Family - 50%
- 2. Multi-family – 70%

E. Impervious Surface Ratio

- 1. Single/Multi-Family - 70%

F. Density

Within the Workforce Zoning District an increase in density shall be allowed within the certain Future Land Use designations Those rezoning to the Workforce Zoning designation may increase density within the following Future Land Use Districts:

- 1. Residential B (Res-B) Land Use – maximum of six (6) dwelling units per acre.
- 2. Residential C (Res-C) Land Use – maximum of six (6) dwelling units per acre.
- 3. Residential D (Res-D) Land Use – maximum of thirteen (13) dwelling units per acre.
- 4. Mixed Use Land Use – maximum of thirteen (13) dwelling units per acre.

G. Expiration of time limits

In the event the development within this zoning category has failed to commence construction within two (2) years, the property shall revert automatically back to the prior zoning district category that was maintained prior to the rezoning of the subject parcel(s) to the Workforce Zoning designation. At any time before two (2) years from the effective date of the ordinance, the owners/applicant may apply for an extension of time limits and such application shall proceed and be processed in the same manner as a standard rezoning application.

EXHIBIT B – Article XII

**ARTICLE XII
DEFINITIONS**

PART 12.00.00 GENERALLY

This Article contains most of the definitions for use with this Code. Other definitions, however, may be located elsewhere in this Code and should be used as indicated.

PART 12.01.00 DEFINITIONS

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Window Treatment: Any type of material that prevents or reduces the amount of interior light escaping outside, including, but not limited to, curtains, drapes, blinds, solar screens, non-reflective film and storm shutters.

Window Tint or Film: A material applied to the entire glass area of a window or door which attains a shading coefficient comparable to that prescribed for tinted glass.

Workforce Housing: The missing Workforce housing in St. Johns County capable of being purchased by a household within the upper "low" to lower "moderate" income categories (as defined by the Federal Housing Authority) as evidenced by a limit of the initial overall sales price ~~of two hundred and ten thousand dollars (\$210,000) or less~~ and must be initially owner occupied.

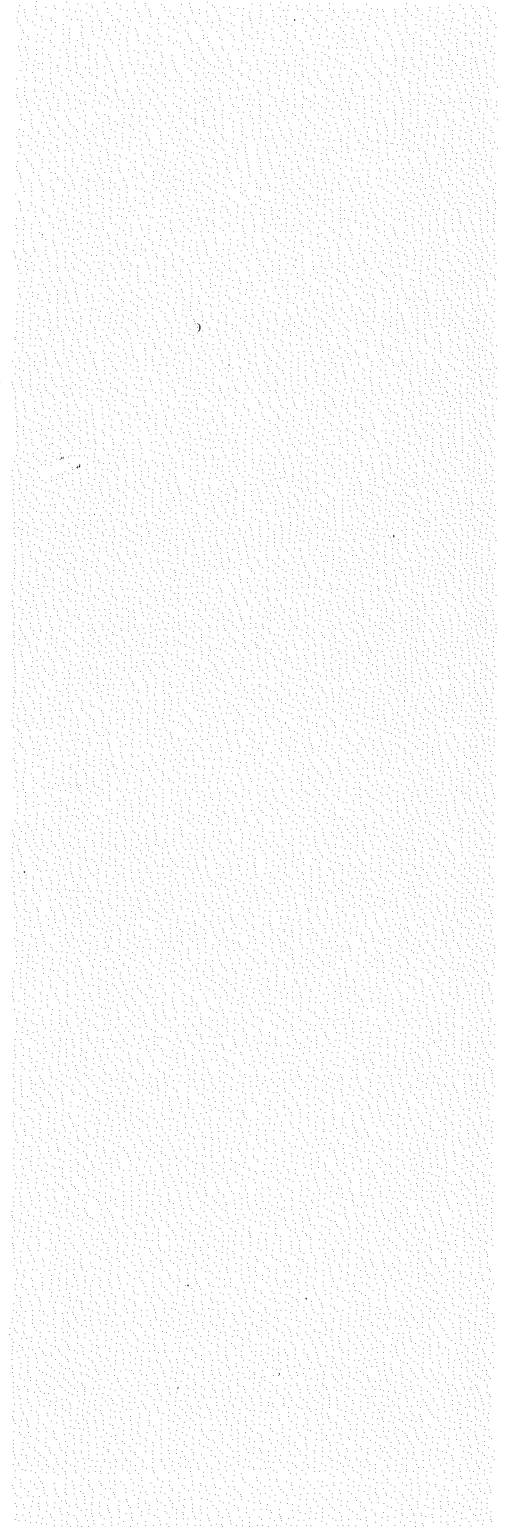
Working Days: Normal working days for St. Johns County to include Monday through Friday except County holidays.

Xeric Hammock: See Significant Natural Communities Habitat.

Xeriscape or Florida Friendly: Water conserving landscaping utilizing native or drought tolerant vegetation and water efficient irrigation systems.

History: Ord. 2012-2; Ord. 2015-9; Ord. 2015-14; Ord. 2017-22; Ord. 2019-84

February 17, 2015XII-2



MINUTES AND RECORDS
500 SAN SEBASTIAN VIEW
ST. AUGUSTINE, FL 32084

ACCT: 15634
AD# 0003366752-01
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 SA LEGAL AD DISPLAY in the matter of ESTABLISHMENT OF ORDINANCE/ REGULATIONS AFFECTING THE USE OF LAND was published in said newspaper on 08/03/2021.

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.

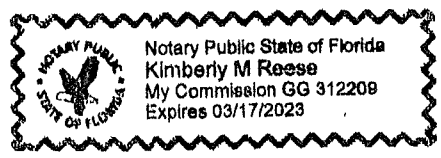
Sworn to (or affirmed) and subscribed before me by means of

physical presence or
 online notarization

this day of **AUG 03 2021**

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

[Signature]
(Signature of Notary Public)



NOTICE OF PUBLIC HEARINGS OF
THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS
AND PLANNING & ZONING AGENCY
ON ESTABLISHMENT OF ORDINANCE/REGULATIONS
AFFECTING THE USE OF LAND

NOTICE IS HEREBY GIVEN that public hearings will be held to consider adoption of the following proposed ordinance at regular meetings, as follows:

- Planning & Zoning Agency
Thursday, July 15, 2021, at 1:30 p.m.
- Board of County Commissioners
Tuesday, August 3, 2021, at 9:00 a.m.
- Board of County Commissioners
Tuesday, August 17, 2021, at 9:00 a.m.

All public hearings will be held in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida:

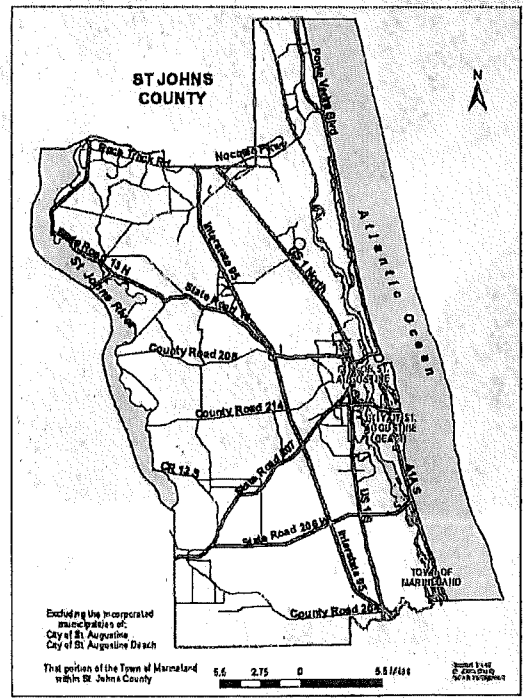
AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, ORDINANCE 99-51, AS AMENDED, TO AMEND THE WORKFORCE HOUSING ZONING DESIGNATION AND PROVIDE A MAXIMUM SALES PRICE; SPECIFICALLY AMENDING ARTICLE V, PART 5.11.00 WORKFORCE HOUSING ZONING DISTRICT; AMENDING ARTICLE XII, DEFINITIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR MODIFICATION DURING PUBLIC HEARING; PROVIDING FOR INCLUSION AND CODIFICATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CORRECTION OF SCRIVENERS ERRORS; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, and may be examined by parties interested prior to said public hearings. Please take note that the proposed ordinance is subject to revision prior to hearing or adoption. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearings.

If a person decides to appeal any decision made with respect to any matter considered at the hearings, such person 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 the ADA Coordinator at (904) 209-0650 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida 32084. For hearing impaired individuals: Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the meeting.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
BRANDON J. PATTY, ITS CLERK
By: Yvonne King, Deputy Clerk



ED-0003366752-01



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

August 20, 2021

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. 2021-55, which was filed in this office on August 20, 2021.

Sincerely,

Anya Grosenbaugh
Program Administrator

AG/lb

FILED AUG 20 2021
ST. JOHNS COUNTY
CLERK OF COURT
BY: Yvonne King
DEPUTY CLERK