

ORDINANCE NO. 397

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA TO INCREASE THE SUPPLY OF AFFORDABLE HOUSING WITHIN THE CITY, PROVIDING FOR PURPOSE, PROVIDING FOR DEFINITIONS, PROVIDING FOR DEVELOPER INCENTIVES, PROVIDING FOR CONSTRUCTION STANDARDS, PROVIDING FOR ELIGIBILITY, QUALIFICATIONS AND PRIORITY IN PARTICIPATION, PROVIDING FOR LIMITS ON SALES, RENTAL PRICES, PROVIDING FOR ADMINISTRATION, PROVIDING FOR MONITORING AND REVIEW, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORT ST. JOE, FLORIDA AS FOLLOWS:

1. Section 1. Purpose.

The purpose of this article is to establish the guidelines and criteria for a voluntary housing assistance program(s) as required by Objective 1.9 of the Housing Element of the Port St. Joe Comprehensive Plan, and to provide incentives for future housing developments to contribute to providing owner occupied housing or rental housing that is affordable to very low, low and moderate income households within the City of Port St. Joe.

2. Section 2. Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them as set forth below, except where the context clearly indicates a different meaning.

(1) *Affordable housing unit*: Housing built with funding from federal, state, local or private resources and designated for affordable housing for moderate, low and very low income households (as hereinafter defined).

(2) *Affordable owner occupied housing unit*: A dwelling unit for which the mortgage payment (including principal, interest, taxes and insurance) does not exceed thirty (30) percent of the gross income of the households that meet the income criteria and also meet the other requirements of the city's affordable housing programs.

(3) *Affordable renter occupied housing unit*: A dwelling unit for which the rental payment does not exceed thirty (30) percent of the gross income of the households that meet the income criteria and also meet the other requirements of the city's affordable housing programs.

(4) *City*: The City of Port St. Joe, Florida

(5) *Density bonus unit*: A unit as a result of an increase in density permitted above the per acre density established by the City of Port St. Joe Comprehensive Plan, including the certified Future Land Use Map (FLUM) and the Land Development Regulations.

- (6) *Development*: A housing development, including any mixed use residential development, at one (1) location including dwelling units for which approvals have been granted.
- (7) *Developer*: Any person, firm, partnership, association, joint venture, corporation or any combination of said entities.
- (8) *Eligible household*: A household that qualifies for participation in an affordable housing program as designated in this article. Priority will be given to persons who work in the city limits prior to the date of application for an affordable unit and who qualify to participate in one (1) of the city's affordable housing programs.
- (9) *First time home buyer*: A household in which no person has had ownership of a residence within the past three (3) years.
- (10) *Household*: One (1) person living alone or two (2) or more persons sharing residency whose income is considered for the affordable housing program.
- (11) *Affordable housing programs policies and procedures*: Administrative policies and procedures approved by the city commission for the implementation of this ordinance.
- (12) *Inclusionary housing plan*: The plan submitted by the developer as part of site plan approval that, at a minimum, designates the number of inclusionary units within the residential development.
- (13) *Inclusionary unit*: A housing unit offered to eligible households and restricted by covenants.
- (14) *Low income*: Household income fifty-one (51) percent up to eighty (80) percent of the median income of Port St. Joe, Florida and adjusted for household size.
- (15) *Market rate unit*: A unit in a residential development other than an affordable housing unit.
- (16) *Median income*: Median income is determined by the Department of Housing & Urban Development for Gulf County, and is updated annually.
- (17) *Moderate income*: Household income eighty-one (81) percent to one hundred twenty (120) percent of the median income of Port St. Joe, Florida, and adjusted for household size. Moderate income may also be defined as workforce income.
- (18) *Owner*: The person or persons who hold title to the property as indicated in the Gulf County Public Records and is the mortgagor.
- (19) *Primary residence*: The legal residence of the household and qualifies for homestead exemption, if an owner occupied unit.
- (20) *Residential development*: A development at one (1) location of any single family, duplex, townhouse, condominium dwelling, or other residential unit in residential or mix-use developments. Residential development shall include the conversion of rental housing to condominiums or similar residential uses.
- (21) *Sales price*: The contracted price as designated at closing as the sale price of the residential unit.
- (22) *Very low income*: Household income which is up to fifty (50) percent of the median income of the City of Port St. Joe, Florida, and as adjusted for household size.
- (23) *Workforce income*: Household income eighty-one (81) percent to one hundred twenty (120) percent of the median income of the City of Port St. Joe, Florida, and adjusted for household size. Workforce income may also be defined as moderate income.

3. Section 3. Density Bonuses.

- (1) Residential developments that contain inclusionary units may utilize the following density bonus units for each inclusionary unit provided as different household income levels:
 - (a) A very low income household unit qualifies the developer for five (5) bonus market rate units until a maximum of one hundred (100) percent increase over current land use plan designation is achieved through the additional market rate units and inclusionary units.
 - (b) A low income household unit qualifies the developer for three (3) bonus market rate units until a maximum of fifty (50) percent increase over current land use plan designation is achieved through the additional market rate units and inclusionary units.
 - (c) A moderate income household unit qualifies the developer for one (1) bonus market rate unit until a maximum of fifty (50) percent increase over current land use plan designation is achieved through the additional market rate units and inclusionary units.
- (2) To the extent that any inclusionary unit incorporates Uniform Federal Accessibility Standards (i.e. ADA compliant), then an additional bonus of one (1) market rate unit will be provided for each such unit constructed, provided that additional density bonus for ADA compliance will not exceed the 50-100% maximum density bonus increase.
- (3) The inclusionary units and the bonus density units are additional units and represent an increase over current land use plan designation.
- (4) In order to receive density bonus consideration a developer must file an inclusionary housing plan as part of the required submittals for a development order as defined in the City of Port St. Joe Land Development Regulations.
- (5) Affordable housing density bonuses allocated consistent with the provisions of this section are conditioned upon the recordation of a restrictive covenant that maintains the units as affordable housing units for the income groups described above for a period of at least thirty (30) years for rental housing and at least thirty (30) years for owner-occupied housing, whichever is applicable.
- (6) The density bonus may be applied to any land within the City of Port St Joe provided that residential use is an allowable use on the receiving land. If the FLUM allows residential use on the receiving land, no comprehensive plan amendment will be required to build the additional residential units, except if the receiving land is located within the Coastal High Hazard Area.
- (7) The provisions contained within this article shall be evaluated by the city annually after the effective date of this section for their effect in the facilitation of development, including that of affordable housing.
- (8) No density bonus shall be allowed for any property within the City limits zoned R-1 as of the date of this ordinance and no density bonus shall be allowed in future R-1 subdivisions unless application therefore is made and approved at the time of the zoning designation.

4. Section 4. Construction standards for inclusionary units.

Inclusionary units built pursuant to this article shall conform to the following standards:

- (1) *Design.* Except as otherwise provided in this article, inclusionary units must be dispersed throughout a residential development and must be comparable in construction quality and exterior design to the market rate units constructed as part of the development. Inclusionary units may be smaller in aggregate size and may have different interior finishes and features than market rate units so long as the interior features are of good quality and consistent with contemporary standards for new housing.

(2) *Size of units.* The unit mix (bedroom count per unit) of the inclusionary units must be proportional to the unit mix (bedroom count per unit) of the overall project. When measurements determining the unit mix of inclusionary units result in any decimal fraction less than 0.5 shall be rounded down to the nearest whole number, and any decimal fraction of 0.5 or more shall be rounded up to the nearest whole number.

(3) *Timing of construction.* A certificate of occupancy for inclusionary units must be issued concurrently with or prior to the certificate of occupancy of market rate units of the development on a proportionate basis (i.e. if the total unit count is two hundred and the inclusionary unit count is twenty, then for every one inclusionary unit that receives a certificate of occupancy, ten market rate units can receive a certificate of occupancy. In phased developments, inclusionary units may be constructed and occupied in proportion to the number of units in each phase of the residential development.

5. Section 5. Expedited review of plans.

Residential developments that provide inclusionary units shall be afforded, to the extent possible, expedited reviews by the department of development services for site plans, building permit applications and required inspections.

6. Section 6. Eligibility for inclusionary units.

No household may purchase or lease an inclusionary unit unless the household is an eligible household pursuant to the requirements of this article and the eligible household must occupy the housing unit as its primary residence.

7. Section 7. Sales and rental prices for inclusionary units.

(1) *Initial sales price.* The initial sales price of an inclusionary unit to an eligible household shall be set such that the monthly mortgage payment, including interest and property taxes, permits the unit to be an affordable housing unit for the family size in accordance with the city's affordable housing policies and procedures.

(2) Transfers of property under the following circumstances shall be allowed and are not subject to restrictions included in this program provided that the property is still the primary residence of the subsequent owner of record.

(a) Transfers by inheritance to the purchaser-owner's spouse or offspring; or

(b) Transfers to a spouse as part of a divorce proceeding, or

(c) Acquisition of ownership or interest therein in conjunction with marriage.

Any other transfers shall be treated as if there is a sale of the property and the applicable provisions of this article shall control.

(3) *Resale price of inclusionary unit.* The maximum sales price for an inclusionary unit shall be in accordance with the city's affordable housing policies and procedures. Any resale of an inclusionary unit during the thirty-year period in accordance with the recorded covenant shall be sold to an eligible household. The price must be set such that the monthly mortgage payment, including insurance and taxes, permits the unit to be an affordable housing unit for the family size in accordance with the city's affordable housing policies and procedures.

(4) *Rental prices.*

(a) Rental prices are established per income level type and size as detailed in the inclusionary housing plan and leased to eligible households. The monthly price will be an affordable housing

unit at the time of lease signing in accordance with the city's affordable housing policies and procedures.

(b) After the signing of the first lease with an eligible household, renewal leases may be granted in the following circumstances per household income type:

1. Very low income household's annual anticipated gross income may increase to an amount not to exceed one hundred forty (140) percent of fifty (50) percent of the applicable median income adjusted for family size.

2. Low income household's annual anticipated gross income may increase to an amount not to exceed one hundred forty (140) percent of eighty (80) percent of the applicable median income adjusted for family size

3. Moderate income household's annual anticipated gross income may increase to an amount not to exceed one hundred forty (140) percent of one hundred twenty (120) percent of the applicable median income adjusted for family size.

(c) Upon the request of the city, the eligible household shall submit documentation in a form acceptable to city, and as outlined in the city's affordable housing policies and procedures, that the household is eligible to continue as an eligible household occupying an inclusionary unit.

(5) Should the owner occupied inclusionary unit become non-homestead property, the inclusionary unit shall be considered the same as a unit that has been sold and the city shall be paid the shared equity in accordance with the City Affordable Housing Program, Policies and Procedures as if the unit were sold. If any payment to the City required by said Procedures is not paid to the city within a reasonable time after notice to the owner of record, the city may place a lien against the property and foreclose the lien in the manner applicable to the foreclosure of mortgages.

8. Section 8. Qualifications for eligible household under the designated affordable housing programs.

(1) The eligible household must be a first time homebuyer if purchasing a unit.

(2) For the purchase of a residential unit, at least one (1) adult member of the eligible household must work or reside in the City of Port St. Joe and have worked or resided in the City of Port St. Joe for at least one (1) full year prior to any application under the designated affordable housing program. For participation in a rental program, at least one (1) adult member of the eligible household reside in the City of Port St. Joe.

(3) The household income must meet the income criteria for either very low income, low income or moderate income as defined in Section 2 of this article.

(4) The assets of the eligible household must not exceed fifty thousand dollars (\$50,000.00) per household member.

(5) The eligible household must occupy the affordable housing unit within the city limits of the City of Port St. Joe.

9. Section 9. Priority for participation in affordable housing programs.

(1) The initial priority for the inception of the program shall be given to the following: (a) Gulf County Public School teachers working at a school in Port St. Joe, and (b) Gulf County licensed health professionals working at Sacred Heart Hospital and (c) certified public safety personnel. For households qualified under this paragraph, the length of residency or employment described in Section 8(2) shall be waived.

(2) Any and all changes to the priorities for participation in the program shall be subject to approval by resolution of the City Commission of Port St. Joe; however, nothing shall preclude other eligible households from applying for the affordable housing programs and being considered for the city's affordable housing programs.

10. Section 10. Density Bonus Agreement. A developer may enter into a density bonus agreement pursuant to F.S. 420.615 by providing to the City off site land to be used for the production and preservation of permanently affordable housing.

11. Section 11. Administration

The City may delegate the administration of any city affordable housing program to a Gulf County based not for profit entity with expertise in affordable housing issues.

12. Section 12. Monitoring and review.

The community development division, department of development services, shall monitor the implementation of this provision. On or before October 1 of each calendar, the city manager shall present a status report to the city commission on the implementation of this article.

13. Section 13. Review by the city commission.

One (1) year after the adoption of this ordinance, the city commission shall review its implementation and effectiveness.

14. REPEAL: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

15. EFFECTIVE DATE: This ordinance shall become effective upon passage by the City Commission.

16. SEVERABILITY: If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

DULY PASSED AND ADOPTED by the Board of City Commissioners of Port St. Joe, Florida this 18th day of December, 2007.

THE CITY OF PORT ST. JOE

By: 
MEL C. M AGIDSON, JR.,
MAYOR-COMMISSIONER

ATTEST:


CITY CLERK

The following commissioners voted yea: Magidson, White, Stephens, Roberts & Horton

The following commissioners voted nay: None