

P.C. 05/09/02

ORDINANCE 02-22

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED): AMENDING CERTAIN DEFINITIONS RELATED TO AFFORDABLE HOUSING, AMENDING CERTAIN PROVISIONS REGARDING IMPACT FEES AND AFFORDABLE HOUSING, AND AMENDING CERTAIN REGULATIONS REGARDING AFFORDABLE HOUSING INCLUDING INCENTIVES AND EXPEDITED PERMITTING; PROVIDING FOR SEVERABILITY; AND PROVIDING AND EFFECTIVE DATE.

P.C. 04/11/02

B.O.C.C. 04/23/02, 05/28/02, 06/18/02

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan, and CONSISTENT with the general purpose and standards of Section 503 of the Manatee County Land Development Code, I move to recommend ADOPTION of Manatee County Ordinance 02-22, amending the Manatee County Land Development Code (Ordinance 90-01, as amended).

PLANNING COMMISSION ACTION:

On April 11, 2002, by a vote of 7 - 0, the Planning Commission CONTINUED the public hearing for this item to May 9, 2002.

BOARD OF COUNTY COMMISSION ACTION:

On April 23, 2002, by a vote of 7 - 0, the Board of County Commissioners CONTINUED the public hearing for this item to May 28, 2002.

PUBLIC COMMENT/CORRESPONDENCE:

There was no public comment and no correspondence was entered into the record for this case at the April 11, 2002 Planning Commission and April 23, 2002 Board of County Commission public hearings.

AFFORDABLE HOUSING DISCUSSION

- There have been additions and changes to the State definitions as they relate to affordable housing. Those definitions include the addition of “affordable”, “eligible persons”, and “moderate income”. The definitions for “eligible affordable housing”, “special needs population”, “low income household”, and “very low income household” have been revised. The additions and revisions of these definitions are made to mirror the definitions provided by 420.907 Florida State Statutes as they relate to affordable housing..
- Another proposed change is to update references to the former Department of Community Affairs and Intergovernmental Relations, which no longer exists within the County. The implementation and administration of the affordable housing program for Manatee County is now the responsibility of the Department of Community Services.
- Currently, the Manatee County Land Development Code indicates (Sec. 803.2.3) that the County may pay a portion of any impact fee assessed to an affordable housing project. There is no implementation mechanism for this procedure and it is not a mandatory incentive required by the State. This language is being deleted. However, property owners eliminating affordable housing stock will still have a requirement to mitigate that loss through replacement of the stock or a transfer of impact fee credits to the affordable housing trust fund. Those impact fee credits will then become available to another developer in the corresponding construction district to help offset the impact fees assessed toward a new affordable housing development.
- Proposed changes within Chapter 13 of the Code (Affordable Housing) include the intent to comply with Chapter 163 and 420 of Florida Statutes; encouragement of a variety of housing types; use of the Landscape/Tree Protection Trust Fund; granting of density bonuses with certain stipulations; specific reference and definition of “expedited permitting” which is a mandatory incentive required by State Statute; and other minor revisions.
- Chapter 420, Florida Statutes, requires that expedited permitting be a part of the incentives offered for affordable housing. The other incentives within Chapter 13, such as reduced street widths, density bonuses, parking and landscaping reductions, are all optional and listed within the statutes to be chosen by the local governments.
- The proposed changes to the density bonus language are for clarification that such bonus is not an entitlement, but something that may be granted upon finding by the Board that such bonus would be consistent. This is part of a larger policy issue for the Board to deal with.

- The proposed changes are consistent with recent changes to the Comprehensive Plan regarding affordable housing.

**AFFORDABLE HOUSING
PROPOSED TEXT**

Chapter 2

Add the following definition:

Affordable shall mean that monthly rents or monthly mortgage payments including taxes and insurance do not exceed thirty (30) percent of that amount which represents the percentage of the median annual gross income for the households which are classified as a Low-Income household, Moderate Income household or a Very-Low Income household, based upon a formula established by the United States Department of Housing and Urban Development. However, it is not the intent to limit an individual household's ability to devote more than 30 percent of its income for housing, and housing for which a household devotes more than 30 percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30 percent benchmark.

Amend the following definition and move as appropriate:

Eligible Affordable Housing shall mean ~~any dwelling units for which monthly rents, or monthly mortgage payments including property taxes and insurance, do not exceed thirty (30) percent of the gross monthly household income. (Also see "Low Income Affordable Housing.")~~ unit located within the County which is designed and intended for the primary purpose of providing decent, safe and sanitary residential units that are designed to meet the standards of Chapter 553, Florida Statutes, (excluding mobile and manufactured homes) for home ownership or rental for eligible persons. Eligible affordable housing units shall not exceed the maximum values as defined by Manatee County's Local Housing Assistance Plan.

Add the following definition:

Eligible Persons or "eligible household" means one or more natural persons or a family determined by Manatee County to be of very low income, low income, or moderate income according to the income limits adjusted to family size published annually by the United States Department of Housing and Urban Development based upon the annual gross income of the household.

Add the following definition:

Moderate Income Household shall mean one (1) or more natural persons for or a

family with a total annual ~~adjusted~~ gross household income which does not exceed one hundred twenty percent (120%) of the median annual ~~adjusted-gross~~ income adjusted for family size for households within the metropolitan statistical area, the county, non-metropolitan median for the state. With respect to rental units, the moderate income household's annual income at the time of initial occupancy may not exceed 120 percent of the area's median income adjusted for family size. While occupying the rental unit, a moderate-income household's annual income may increase to an amount not to exceed one hundred forty percent(140%) of one hundred twenty percent(120%) of the area's median income adjusted for family size.

Amend this definition as follows:

Unique Special Needs Population shall mean those persons ~~that are either homeless and/or functionally impaired.~~ who have incomes not exceeding moderate income and, because of particular social, economic, or health related circumstances have greater difficulty acquiring or maintaining affordable housing. Such persons may include, but not be limited to, persons with developmental disabilities; persons with mental illnesses or chemical dependency; persons with Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) disease; runaway and abandoned youth; public assistance recipients; migrant and seasonal farm workers; refugees and entrants; the elderly; and disabled adults.

"Low Income Household" amend this definition as follows:

Low Income Household shall mean one (1) or more natural persons or a family with a total annual gross household income which does not exceed eighty percent (80%) of the median annual income adjusted for family size for households within the metropolitan statistical area, the county, non-metropolitan median for the state, whichever amount is greatest. With respect to rental units, the low income household's annual income at the time of initial occupancy may not exceed 80 percent of the area's median income adjusted for family size. While occupying the rental unit, a low income household's annual income may increase to an amount not to exceed one hundred forty (140) percent of eighty (80) percent of the area's median income adjusted for family size.

"Very Low Income Household" amend this definition as follows:

Very Low Income Household shall mean one (1) or more natural persons or a family, with a total annual gross household income that does not exceed ~~at or below~~ fifty (50) percent (50%) of the ~~Median Household~~ median annual income adjusted for family size for households within the state, or within the metropolitan statistical area, the county, non-metropolitan median for the state, whichever amount is greatest. With respect to rental units, the low income household's annual income at the time of initial occupancy may not exceed fifty (50) percent of the area's

median income adjusted for family size. While occupying the rental unit, a very low income household's annual income may increase to an amount not to exceed 140 percent of 50 percent of the area's median income adjusted for family size. ~~adjusted gross household income which does not exceed fifty (50) percent of the median annual adjusted gross income for households within the state, or fifty (50) percent of the median annual adjusted gross income for households within the County.~~

Chapter 5

Amend 502.4.2.1(10) as follows:

502.4.2.1. *Site Design Development Review Committee.* The Site Design Review Committee has the following duties:

- (1) To review applications for development approval and to submit written findings to the Planning Director regarding whether the proposed use complies with the requirements of this Code and other applicable regulations; and
- (2) To perform such other functions as may be directed by the Board, County Administrator, or Planning Director.

The Site Design Development Review Committee shall include:

- (1) Planning
- (2) Manatee County HRS/Public Health Unit
- (3) Environmental Management Department
- (4) [*Reserved.*]
- (5) Applicable Fire Districts

Additional advisory members shall include representatives of:

- (1) Manatee County Sheriff
- (2) Public Safety Department
- (3) City of Bradenton Planning Department
- (4) Sarasota-Bradenton Airport

- (5) Florida Department of Transportation
- (6) Manatee County School Board
- (7) Historic Preservation Board
- (8) Manatee County Public Works Department
- (9) Agriculture and Natural Resources
- (10) Community Affairs and Intergovernmental Coordination Services, Housing and Community Development Section

Chapter 13

Amend 1301 as follows:

Section 1301. Purpose and Intent.

The purpose of this Chapter is to provide for a variety of housing opportunities for present and future residents of Manatee County. Special emphasis shall be given to households with special ~~and/or unique~~ needs.

The Section is intended to comply with Chapter 163 F.S. generally and ~~specifically~~ specifically 163.3177(6)(f) and Chapter 420 F.S. generally and specifically 420.907, F.S.

Amend 1302.1 as follows:

1302.1 *Housing Trust Fund*. There is hereby created, pursuant to Ordinance 90-01, a Housing Trust Fund for the receipt of non-ad valorem revenues for use in the development and rehabilitation of affordable housing. Any applicant seeking to secure such funding shall submit an application to the ~~Planning Director~~ Department of Community Services, Housing & Community Development Section for approval by the Board. The Board shall establish criteria for the dispersion of such funds.

For projects providing 25 percent or more of the residential units as affordable housing, the applicant may apply for the full or partial payment of impact fees from the Housing Trust Fund in accordance with the Manatee County Local Housing Assistance Plan.

Amend 1302.2 as follows:

1302.2. *Landscape/Tree Protection Trust Fund.* Units constructed or rehabilitated meeting the definition of eligible affordable housing may be eligible for assistance in the landscaping of these units from funds generated and held in the Landscape/Tree Protection Trust Fund, ~~or the County Nursery.~~ Any applicant seeking to secure such funding ~~or nursery stock~~ shall submit ~~an application~~ a written request to the ~~Planning Director~~ Transportation Director with a recommendation by the Department of Community Services, Housing & Community Development Section for approval by the Board. The Board shall establish criteria for dispersion of such funds, ~~or nursery stock.~~

Amend 1302.3 as follows:

1302.3. *Density Bonuses.* Density Bonuses may only be earned

1. If 25 percent of the total units are developed for affordable housing, ~~E~~ each affordable unit above the 25 percent threshold ~~a density bonus would~~ may be earned a density bonus.
2. If ~~developing at least~~ 5 percent of the ~~projects~~ total units are developed for unique special needs populations as defined, (see definitions). The total units developed for unique special needs populations above the 5 percent threshold ~~would~~ may earn density bonuses.

Amend 1302.4 as follows:

1302.4 *Figuring Bonus Units.*

Built as Affordable or Unique <u>Special</u> Needs No. of Bedrooms	Bonus Unit
0--1	0.75
2--3	1.0
4+ above	1.25

1302.5 amend as follows:

1302.5 *Limitations on Bonus Units.*

1302.5.1 Density bonuses are limited to the next highest Future Land Use Designation, from the Comprehensive Plan not exceeding the Res-16 category. The Board shall consider the density and intensity of surrounding land uses and compatibility with neighboring uses in determining the maximum density to allow. This density may be below the next highest Future Land Use Designation.

1302.5.2 Density bonuses may be used only within the development creating the bonus units.

1302.5.3. The applicant shall enter into a land use and deed restriction agreement with the County, ~~which may include Planned Development zoning. The agreements and/or restrictions on property to specify~~ shall provide for the number of units which can be built subject to a density bonus and to insure that the units are permanently retained as affordable units and/or unique special needs units, for a period of time to be designated by the Board of County Commissioners.

1302.5.4. In order to receive a density bonus, rezoning to Planned Development zoning will be required.

1302.6 amend as follows:

1302.6 *Fee Waivers.* Projects providing affordable housing as defined by the Board shall be eligible for partial or full refund of review fees dependent upon the Board approval of a land use and deed restriction agreement which ensures the provision of affordable housing units. This shall not include impact fees.

1302.7 amend as follows:

1302.7 *Fast Tracking/Expedited Permitting.* ~~The Director of Planning, Permitting and Inspections~~ Director will schedule affordable housing public hearings to the next available Board agenda date, allowing for any required advertising time frames and sufficient staff review time. Any order granting, denying or granting with conditions, any application for the making of any material change in the use or appearance of any structure or land, which shall include at a minimum any building permit, rezone, subdivision approval, site plan, special or administrative permit, variance or any other official action of local government having the effect of permitting Affordable Housing activities, shall be expedited to a greater degree than other projects.

1302.8 amend as follows:

1302.8 *Site Improvement Incentives*. To promote affordable housing in Manatee County, any project which provides at a minimum, 25 percent of the total units as affordable housing, as certified by the Department of Community Affairs and Intergovernmental Coordination Services, Housing & Community Development Section, may have one or all of the following requirements modified by the Planning Director.

1. Sidewalk width;
2. Amount and location of sidewalks required;
3. Right-of-Way and street construction requirements;
4. Buffering requirements;
5. Parking requirements.

1302.10 amend as follows:

1302.10 *County Owned Property*. County owned, surplus property which is suitable for the development of affordable housing, may be dispersed, on an as needed basis, following criteria established by the Board. The county shall maintain a current listing of surplus property, these may include condemned properties, donated lands or other land secured from other private sources.

Larger sites shall be sold at a negotiated price with the condition of sale requiring at a minimum, thirty (30) percent of the constructed units to be affordable housing or ten (10) percent of the constructed units to be affordable, ~~unique~~ special needs housing.

1302.11.1 amend as follows:

1302.11.1 *Innovative Replacement Methods*. Other unique/innovative replacement contributions, which further the goals of the Manatee County ~~Housing Partnership Program~~ Local Housing Assistance Plan and the Manatee County Comprehensive Plan may be implemented to meet the requirements of Section 1302.11 above. These innovative replacement contributions must be approved by the Board, with the recommendations of the Planning Community Services Director.

NOTICE OF LAND DEVELOPMENT CODE CHANGES IN UNINCORPORATED MANATEE COUNTY

The Manatee County Planning Commission will hold a public hearing to consider amendments to certain provisions of the Manatee County Land Development Code (Ordinance 90-01, as amended), with the intent to make recommendations to the Board of County Commissioners on:

Date: Thursday, April 11, 2002
 Time: 9:00 AM or soon thereafter
 Place: Manatee County Government Administrative Center
 1112 Manatee Avenue West, 1st Floor Chambers

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ORDINANCE 02-29

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The Public is invited to speak at this hearing, subject to proper rules of conduct. The hearing may be continued from time to time to a date and time certain. The Public may also provide written comments for the Planning Commission to consider.

Rules of Procedure for this public hearing are in effect pursuant to Resolution 94-104(PC). Copies of this Resolution are available for review or purchase at cost from the Manatee County Planning Department (see address below).

Please Send Comments To: **Manatee County Planning Department**
 Attn: Agenda Coordinator
 1112 Manatee Ave. West 4th floor
 Bradenton, FL 34205

All written comments will be entered into the record.

For More Information: Copies of the proposed amendments will be available for review and copying at cost approximately seven (7) days prior to the public hearing. Information may also be obtained by calling 749-3070 x 6829, between 8:00 AM - 5:00 PM, or by e-mail at planning.agenda@co.manatee.fl.us.

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SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY PLANNING COMMISSION
 Manatee County Planning Department
 Manatee County, Florida

Published: March 29, 2002.

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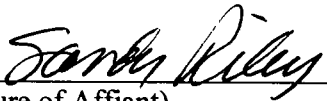
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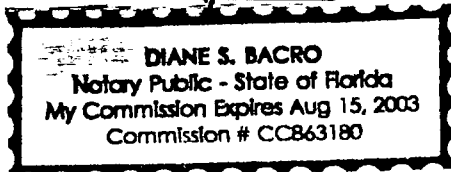
Before the undersigned authority personally appeared Sandy Riley, who on oath says that she is a Legal Advertising Representative of the Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter **NOTICE OF LAND DEVELOPMENT CODE CHANGES IN UNINCORPORATED MANATEE COUNTY** in the Court, was published in said newspaper in the issues of 3/29,'02

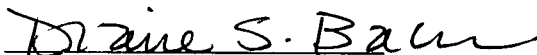
Affiant further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that 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 the said newspaper.



(Signature of Affiant)

Sworn to and subscribed before me this
2nd Day of April, 2002





SEAL & Notary Public

Personally Known OR Produced Identification
Type of Identification Produced _____

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MANATEE COUNTY PLANNING COMMISSION

Manatee County Planning Department
Manatee County, Florida

Published: March 29, 2002

1068757-0323

Add the following definition:

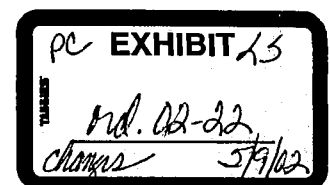
Affordable shall mean that monthly rents or monthly mortgage payments including taxes and insurance do not exceed thirty (30) percent of that amount which represents the percentage of the median annual gross income for the households which are classified as a Low-Income household, Moderate Income household or a Very-Low Income household, based upon a formula established by the United States Department of Housing and Urban Development. However, it is not the intent to limit an individual household's ability to devote more than thirty (30) percent of its income for housing, and housing for which a household devotes more than thirty (30) percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the thirty (30) percent benchmark.

Moderate Income Household shall mean one (1) or more natural persons for or a family with a total annual adjusted gross household income which does not exceed one hundred twenty percent (120%) of the median annual adjusted gross income adjusted for family size for households within the metropolitan statistical area, the county, or the non-metropolitan median for the state, whichever is greatest. With respect to rental units, the moderate income household's annual income at the time of initial occupancy may not exceed one hundred twenty (120) percent of the area's median income adjusted for family size. While occupying the rental unit, a moderate-income household's annual income may increase to an amount not to exceed one hundred forty percent (140%) of one hundred twenty percent (120%) of the area's median income adjusted for family size.

"Very Low Income Household" amend this definition as follows:

Very Low Income Household shall mean one (1) or more natural persons or a family, with a total annual gross household income that does not exceed at or below fifty (50) percent (50%) of the Median Household median annual income adjusted for family size for households within the state, or within the metropolitan statistical area, the county, or the non-metropolitan median for the state, whichever amount is greatest. With respect to rental units, the very-low income household's annual income at the time of initial occupancy may not exceed fifty (50) percent of the area's median income adjusted for family size. While occupying the rental unit, a very low income household's annual income may increase to an amount not to exceed one hundred forty (140) percent of fifty (50) percent of the area's median income adjusted for family size. adjusted-gross household income which does not exceed fifty (50) percent of the median annual adjusted gross income for households within the state, or fifty (50) percent of the median annual adjusted gross income for households within the County.

1302.3. *Density Bonuses.* Density Bonuses may only be earned



1. If 25 percent of the total units are developed for affordable housing. ~~E~~ each affordable unit above the 25 percent threshold a density bonus would ~~may~~ be earned a density bonus.
2. If ~~developing at least~~ 5 percent of the ~~projects~~ total units are developed for unique special needs populations as defined, (see definitions): ~~1~~ 7 ~~the~~ total units developed for unique special needs populations above the 5 percent threshold ~~would~~ may earn density bonuses.