

ORDINANCE 12-08

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE TO ALLOW SITE IMPROVEMENT INCENTIVES FOR AFFORDABLE HOUSING; AMENDING CHAPTER 13 TO BE CONSISTENT WITH STATE LAW; AMENDING CHAPTER 13 TRANSFER OF DEVELOPMENT RIGHTS (TDR) TO ESTABLISH MAXIMUM TRANSFERABLE PERCENTAGE, AMENDING SEVERAL DEFINITIONS IN CHAPTER 2 AND AMENDING OTHER PROVISIONS AS NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida;

**Section 1. Purpose and Intent.** This ordinance is enacted to carry out the purpose and intent of and exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulation Act, Part II of Chapter 163, Florida Statutes, as amended and retitled the Community Planning Act in House Bill 7207 and Chapter 125, Florida Statutes, as amended.

**Section 2. Findings.** The Board of County Commissioners relies upon the following findings for the adoption of this ordinance:

1. Section 1302 of the Manatee County Land Development Code ("the Code"), and Definitions, in Section 201 of the Code set forth the procedures for consideration of various applications for development approval and permitting, including Affordable Housing Programs.
2. It is in the interest of the public health, safety and welfare to adopt the amendments to Section 1302 and Section 201 of the Code, in order to establish Affordable Housing Incentives, Amend the Transfer of Development Rights and add several new definitions.
3. The Manatee County Planning Commission held a duly noticed and advertised public hearing on January 12, 2012 the staff report has reviewed the amendments set forth in this ordinance and has found these amendments to the Land Development Code to be consistent with the Manatee County Comprehensive Plan and recommended their adoption to the Board.
4. The Board of County Commissioners held a duly noticed public hearing on February 2, 2012, on proposed Ordinance 12-08 to receive public comment and review and consider the Staff Report and the report of the Planning Commission on this proposed ordinance.
5. The Board of County Commissioners after considering public comment, the recommendations of the Planning Commission and Planning staff, has found proposed Ordinance 12-08 consistent with the Comprehensive Plan, and in furtherance of the public health, safety and welfare and has adopted this ordinance as set forth herein.

FILED  
FEB 13 2012  
CLERK OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA

**Section 3. Amendment of Chapter 2, Definitions and Rules of Construction, Land Development Code.**

Chapter 2, Section 201 is hereby amended as follows, with additions to text indicated by underlining and deletions indicated by ~~strike-out~~:

*Eligible Affordable Housing* shall mean any real or personal property dwelling 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 the Florida Building Code or previous building codes adopted under Chapter 553, or manufactured housing constructed after June 1994 and installed in accordance with the installation standards for mobile or manufactured homes contained in rules of the Department of Highway Safety and Motor Vehicles, 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.

*Special Needs Population* shall mean individuals ~~these persons~~ 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 those who have encountered resistance to their residing in particular communities;~~ suffered increased housing costs resulting from their unique needs and high risk of institutionalization; ~~but not be limited to,~~ persons with development disabilities; persons with mental illnesses or chemical dependency; persons with Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) disease; runaways and abandoned youth; public assistance recipients; migrant and seasonal farm workers; refugees and entrants; the elderly; and disabled adults.

*Extremely Low Income Household* shall mean one or more natural persons or a family that has a total annual gross household income that does not exceed 30 percent of the area median 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.

**Section 4. Amendment of Chapter 13, Housing Program** Chapter 13, Housing Program, Section 1302 is hereby amended as follows, with additions to text indicated by underlining and deletions indicated by ~~strike-out~~:

1302.1.9. *Transfer of Development Rights.*

1302.1.9.1. The transfer of development rights (which may include approved residential units, zoned units or comprehensive plan potential units) from elsewhere in the unincorporated county to a project with a minimum of twenty-five (25) percent affordable units is encouraged. The receiving project shall not exceed a total of thirty-five (35%) affordable units to ensure a true mix of incomes are realized throughout the project unless specific approval is granted by the Board of County Commissioners to exceed the thirty five (35) percent threshold.

1302.1.9.4. If the transfer of units is granted, the applicant shall enter into a land use and deed restriction agreement with the County. The agreement shall provide for the number of units which can be built subject to the transfer and to ensure that the units designated affordable are retained as affordable units for a period of time to be designated by the Board of County Commissioners. The agreement shall also ensure development rights are limited on the sending parcel, and identify any legally enforceable mechanisms necessary to ensure such limitations. A land trust may be used as a mechanism to retain units as affordable and/or special needs units.

1302.1.10 Upon receiving a request for an extension of an initial transportation component of a Certificate of Level of Service (CLOS) for a residential project designated affordable housing, as certified by the Manatee County Neighborhood Services Department, Manatee County shall prioritize such extension request for processing ahead of residential project(s) not containing affordable housing if the residential project containing affordable housing is located (1) within the Urban Core and (2) within one-quarter (1/4) mile of a public transit stop.

1302.1.11 Site Improvement Incentives. To promote affordable housing in Manatee County, any project which provides at a minimum 25 percent (25%) of the overall units as affordable housing, as certified by the Manatee County Neighborhood Services Department, may request one or all of the following requirements be modified through the planned development rezone process:

1. Parking requirements provided the parking shall be located so as not to obstruct sidewalks, roadways or required street trees. (see Section 710.1.4)
2. Buffering requirements
3. Right of Way and street construction requirements
4. Setback requirements

1302.1.11.1 Projects rezoned to a planned development district that provide twenty-five percent (25%) or more of their residential units as affordable housing may opt to utilize zero lot line. Privacy walls shall be required on the common walls. Developers may request a reduced setback for such developments if parking is designed not to obstruct sidewalks, roadways or street tree requirements. Additionally, developments utilizing the above designs may reduce the required lot size to no less than 3,500 square feet.

**Section 5. Codification.** The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to incorporate the amendments in Sections 3 and 4 of this ordinance into the Land Development Code, but shall not codify the remaining Sections.

**Section 6. Applicability.** The amendments set forth in this ordinance shall apply to all applications, decisions or controversies pending before the County upon the effective date hereof or filed or initiated thereafter.

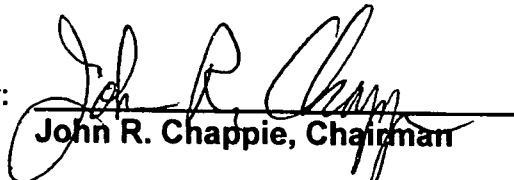
**Section 7. Severability.** If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or

unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

**Section 8. Effective Date.** This Ordinance shall become effective as provided by law.

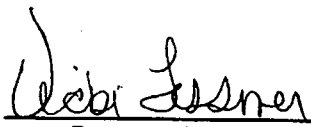
**PASSED AND DULY ADOPTED**, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 2nd day of February, 2012.

**BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA**


By:   
**John R. Chappie, Chairman**

**ATTEST: R.B. SHORE  
Clerk of the Circuit Court**



By:   
**Deputy Clerk**



STATE OF FLORIDA, COUNTY OF MANATEE  
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.  
Witness my hand and official seal this 8th day of February, 2012  
**R.B. SHORE**  
Clerk of Circuit Court  
By:  **R.B.**



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KURT S. BROWNING**  
Secretary of State

February 15, 2012

Honorable R. B. "Chips" Shore  
Clerk of the Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, Florida 34206

RECEIVED  
FEB 22 2012  
BOARD RECORDS

Attention: Ms. Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated February 8, 2012 and certified copies of Manatee County Ordinance Nos. 12-02, 12-08 and PDR-11-03(Z) (P), which were filed in this office on February 13, 2012.

As requested, one date stamped copy of each is being returned for your records.

Sincerely,

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

Liz Cloud  
Program Administrator

LC/srd

Enclosure

**From:** [ords@municode.com](mailto:ords@municode.com)  
**To:** [candace.carver@mymanatee.org](mailto:candace.carver@mymanatee.org); [Diane Vollmer](#)  
**Subject:** Manatee County, FL Land Development Code - 1990 (12202) Supplement 41  
**Date:** Wednesday, May 16, 2012 9:12:48 AM  
**Attachments:** [ATT00001.bin](#)  
[ATT00002.bin](#)

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\*\*\*\*THIS IS AN AUTOMATICALLY GENERATED EMAIL\*\*\*\*

Below, you will find the material that we have received/recorded to your account. This material is being considered for inclusion in your next/current update, Supplement 41

Document	Adopted Date	Recorded	Recorded Format
<a href="#">Ordinance No. 12-08</a>	2/2/2012	3/9/2012	Word
<a href="#">Ordinance No. 12-11</a>	5/3/2012	5/16/2012	Word



Update the internet version of your Code more often than a printed supplement. We can update the Internet quarterly, monthly, even weekly.



We can post newly enacted ordinances in the online Code after each meeting.

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Florida has a very broad Public Records Law. This agency is a public entity and is subject to Chapter 119 of the Florida Statutes, concerning public records. E-mail communications are covered under such laws & therefore e-mail sent or received on this entity's computer system, including your e-mail address, may be disclosed to the public or media upon request.