

3. Transfers and Conveyances

A renewal of the affordability controls covenant will be entered into upon each change of ownership of a Community or Affordable Housing Unit, whether voluntarily or by operation of law, subject to the provisions of Article 12.11.c.ii(3).

4. Resale Price

The maximum sales price and qualification of purchaser(s) permitted on resale of a Community or Affordable Housing Unit developed per Article 12.1.1.c.1 shall be specified in the affordability control covenant for each unit.

Resale restrictions on Community or Affordable Housing Units developed per Article 12.1.1.c.1.ii may allow the seller to recover the following based on market conditions:

- i. Principle payments, and
- ii. A portion (percentage) of the appreciation of the land and structure. The appreciation shall be established by a certified appraiser. The percentage shall be set by the Board of County Commissioners, by resolution and may be changed by resolution not more than once per year.

e. Development Regulations

1. Relationship to Sarasota 2050

- i. Property designated as Affordable Housing Overlay shall not be required to be developed as a Conservation Subdivision.
- ii. Development in the Affordable Housing Overlay shall avoid the onsite Greenway as depicted on Future Land Use Map Series RMA-3 and further refined by Policy GS1.1. No density credits shall be transferred from the on site Greenway. The onsite Greenway may be modified upon demonstration that the Alternative Greenway configuration provides an equivalent or greater net ecological benefit. A management plan may be required by the Board of County Commissioners establishing the uses allowed and designating a responsible party for the maintenance of the Greenway portions of the site.

2. Density

The maximum residential density on the site shall not exceed five (5) dwelling units per acre.

3. Timing

No less than fifty (50%) percent of the Community Housing Units and/or Affordable Housing Units shall be constructed prior to the issuance of a Building Permit for more than seventy-five (75%) percent of the Market Rate Units, unless otherwise approved by the Board of County Commissioners. The phasing schedule for the proportionate construction of Community Housing Units and/or Affordable Housing Units in conformance with the thresholds specified within this section, as well as the phasing and timing of the remaining Community Housing Units and/or Affordable Housing Units shall be specified in the agreement required in Section 12.1.1.e.7.iii.

4. Exterior Finishes and Landscaping

Community and Affordable Housing Units shall be visually compatible with the Market Rate Units. External building materials, finishes and landscaping shall be of the same quality for Community and Affordable Housing Units as for Market Rate Units as viewed from a street. Compatibility and material quality shall be approved by the Design Administrator during site and development review. Approval shall be based on:

durability of materials, aesthetic quality and architectural compatibility with adjacent units. The determination of the Design Administrator regarding compatibility and material quality may be appealed to the Board of Zoning Appeals in accordance with the provisions of Article 3.11, Administrative Appeal.

5. Unit Specification

The Community and Affordable Housing Units shall be a mix of units with varying bedroom counts. The mix shall reflect the bedroom count of the market rate units of a similar building type. The bedroom count for all units within the AHO shall be specified in the Developer Agreement required by this ordinance. The number of 0 and 1 bedroom units shall not exceed 25 percent of the Community Housing Units or Affordable Housing Units. All building plans for Community and Affordable Housing Units shall comply with these specifications including the number of baths to be provided for each type and size:

<u># of Bedrooms</u>	<u># of Baths</u>	<u>Minimum Size*</u>
0 + 1	1	600
2	1	850
3	2	1100
4+	2	1250

Minimum size may be reduced by up to 2 percent based on site or design constraints

6. Appliances and Utilities

All units shall include the following appliances: energy star dishwasher, energy star refrigerator and oven/range. Mechanical, plumbing and electrical rough-in shall be required for a washer and dryer, if washers and dryers are not placed in a common area. All units shall be pre-wired for cable and telephone service. All units shall include a central HVAC system.

7. Implementation

- i. The following zone districts are implementing districts for the AHO:
 - (1) Any residential single family size zone district with a Planned Unit Development Overlay.
 - (2) Any modification to an approved Planned Unit Development shall be consistent with Article 6 of the Zoning Regulations.
- ii. In order to utilize the additional density provided for in this section, an application for the proposed development must include all lands in the Affordable Housing Overlay and must be filed and approved in accordance with the process for a rezoning application as specified in Article 3 of the Zoning Regulations. The application shall provide the following information:

- (1) Total density on the site.
 - (2) Number of Community/Affordable Housing Units, identification of Community/Affordable Housing Units and type of unit to be provided.
 - (3) Anticipated sale price or rental rate of each residential unit by type.
 - (4) An explanation of how the increased density allowable within the AHO will further the goals, objectives and policies of the Sarasota County Comprehensive Plan.
- iii. The property owner shall record in the public records an agreement with Sarasota County approved by the County Attorney that states the number of Community Housing Units, phasing of the construction of the Community Housing Units, and income ranges correlated to a percentage of annually adjusted AMI to be served by the Community Housing Units. The agreement shall be recorded prior to approval of a preliminary plat or site and development plan.

12.1.2. **ADMINISTRATION**

The County Administrator or its designee shall administer the implementation of the Ordinance. Among other things, the County Administrator or its designee shall be responsible for certifying the eligibility of applicants before certificates of occupancy or their equivalent are issued for Community Housing Units and for certifying eligibility of tenants for rental units.

12.1.3. **DEFINITIONS**

The following words and phrases, as used in this Section, have the following meaning:

AMI: See definition for Area Median Income.

Affordability Control Covenant: A document recorded in the public records of Sarasota County, Florida which limits the resale price of a Community/Affordable Housing Unit to ensure long term affordability.

Affordable Housing Unit: A dwelling unit where monthly rents, including utilities, or monthly mortgage payments, including taxes and insurance, may not exceed thirty (30%) percent of median gross income for extremely low income, very low income, low income and moderate income households.

Area Median Income (AMI): For a specific geographic entity, the value at which the income distribution is divided into two equal groups, half having incomes above the median, half having incomes below the median.

Community Housing Unit: Housing, regardless of tenure, which is affordable to households whose income is equal to or less than 120 percent of area median income.

Extremely Low Income: Households with gross income at or below thirty (30%) percent of the area median income.

Low Income: Households with annual gross incomes between fifty (50%) percent and eighty (80%) percent of area median income.

Housing Ratio: Percent of household income spent on a mortgage payment including principal, interest, taxes and insurance or the percent of household income spent for rent including utilities.

Market Rate Housing: Housing units sold on the open market between two or more

unassociated parties.

Market Rate Unit: A residential unit that is not a Community Housing Unit.

Moderate Income: Households with annual gross income between eighty (80%) percent and one hundred (100%) percent of area median income.

Residential Development: The proposed development of any single-family, duplex or condominium dwelling unit in residential or mixed-use development requiring site and development approval or preliminary plat approval under the County's Subdivision Ordinance.

Resale Price: The maximum sale price and qualification of purchaser(s) permitted on resale of a Community Housing Unit shall be specified in the affordability control covenant for each unit.

Very Low Income: Households with annual gross income between thirty (30%) percent and fifty (50%) percent of area median income.

Workforce Housing: Housing, regardless of tenure, which is affordable housing to households earning between sixty (60%) percent and one hundred (100%) percent of Area Median Income.

SECTION 5. EFFECT ON OTHER ORDINANCES

The provisions of the Ordinance shall prevail in the event of conflict with the provision of any existing ordinance.

SECTION 6. SEVERABILITY

If any work, phrase, clause, section or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of the Ordinance.

SECTION 7. CODING OF AMENDMENTS

Provisions of this ordinance shall be incorporated in Appendix A of the Sarasota County Code and the word "ordinance" may be changed to "section," "article" or other word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that language added to an existing Ordinance is underscored and shall be codified. Sections 1-3 of this Ordinance shall not be codified.

SECTION 8. EFFECTIVE DATE

This Ordinance shall take effect immediately upon filing with the Office of Secretary of State of Florida.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA THIS _____ DAY OF _____ 2006.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

By: _____
Nora Patterson, Chair

ATTEST:

KAREN E. RUSHING, Clerk of the
Circuit Court and Ex-Officio Clerk
of the Board of County Commissioners
of Sarasota County, Florida

By: _____
Deputy Clerk