Sarasota County
scgov.net | 941.861.5000

Neighborhood Workshop Request Form

This form is to be submitted to Planning Services upon completion of the Pre-Application (Development Review Coordination) and shall include:

- a cover memo explaining the request
- a copy of the development concept plan; and
- a processing fee of $215.00 (Resolution 2015-198)

A Planning staff member is required by Resolution 2015-198 to attend the Neighborhood Workshop. Please provide us with the desired date, time and location of the workshop.

- Project Name: CPA 2020-A & UDC Amend. #23
- Pre Application Conference Date: _____
- Date of Workshop: 6/23/2020
- Time: 6 pm
- Location: Conducted Remotely via Zoom Meeting **see following page for link**

- Advertisement in a local newspaper must be published at least 7 days prior to the date of the workshop.
- A Notice of Neighborhood Workshop must be mailed at least 10 days prior to the date of the workshop.
- An electronic version of the Notice of Neighborhood Workshop shall be sent to planner@scgov.net 10 days prior to the workshop.

Is the subject property within a Neighborhood Homeowners Association: N/A

(If yes, fill in the name of the homeowners association)

Is the subject property located within a Planned District? N/A

Is the subject property within 2 miles of another County or Municipality? N/A

List Parcel Identification Number(s) below: **(Include any adjacent properties under the same ownership as the subject property)**

None _____ _____ _____

_____ _____ _____

Contact Information:

Steve Kirk
Name

1660 Ringling Blvd
Address

Sarasota FL 34236
City /State / Zip

861-5202
Phone Number

skirk@scgov.net
Email Address

Electronic Files Provided: Word formatted labels and Excel spreadsheet

Submit to: planner@scgov.net

Please allow 2-3 business days for processing

Staff Use Only: Buffer Distance Requirement: _____ **Adjacent Jurisdiction:** _____

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Public Workshop for Comprehensive Plan Amendment No. 2020-A and Unified Development Code (UDC) Amendment No. 23, publicly-initiated amendments to modify provisions related to affordable housing to ensure consistency with Florida Statutes

Date: June 23, 2020
Location: Conducted remotely via Zoom meeting. See below for information on participating in the workshop.
Time: 6:00 p.m.

The Sarasota County Planning and Development Services Department is hosting a public workshop to discuss Comprehensive Plan Amendment No. 2020-A and Unified Development Code (UDC) Amendment No. 23, publicly-initiated amendments to modify provisions related to affordable housing to ensure consistency with Florida Statutes.

On June 28, 2019, Florida House Bill 7103 became effective. In part, the bill addresses inclusionary housing ordinances or rules that require a developer to provide a specified number or percentage of affordable housing units to be included in a development, or a contribution to a housing fund in lieu of building the affordable units. The bill requires that in exchange for the affordable housing units, a county must provide incentives to fully offset the costs to the developer of its affordable housing contribution. The proposed amendments consist of modifications to ensure consistency with this State Statute.

This is not a public hearing. The purpose of this workshop is to provide the public information on the nature of the amendments, and for staff to hear public comment.

To join the Zoom Public Workshop on June 23, 2020, 6:00 PM

Please click the link below to join the Workshop:
https://scgov.zoom.us/j/98250070525?pwd=SFA1NFBEMEkzczVjZkJQTFFPSWpBdz09
Password: 279298

To hear the workshop over a telephone dial:
888 475 4499 (Toll Free) or 877 853 5257 (Toll Free)
Webinar ID: 982 5007 0525
Password: 279298

Background information and supporting documents for the workshop can be found on the Planning and Development Services Calendar online at https://www.scgov.net/government/planning-and-development-services/pds-calendar or, www.scgov.net., Keyword: PDS Calendar. You may also call: 941-861-5000, TTY: 7-1-1 or 1-800-955-8771; or email: planner@scgov.net for more information.

Sarasota County prohibits discrimination in all services, programs or activities on the basis of race, color, national origin, age, disability, sex, marital status, familial status, religion, or genetic information. Persons with disabilities who require assistance or alternative means for communication of program information (Braille, large print, audiotape, etc.), or who wish to file a complaint, should contact Sarasota County ADA/Civil Rights Coordinator, 1660 Ringling Blvd., Sarasota, Florida 34236.

941-861-5000, TTY 7-1-1 or 1-800-955-8771
Email: adacoordinator@scgov.net

Planning and Development Services

Planning and Development Services provides unincorporated Sarasota County with land use services in collaboration with businesses, residents and neighboring jurisdictions to build a sustainable, prosperous community that distinguishes Sarasota County.

Public Workshop Information/Overview

Comprehensive Plan Amendment No. 2020-A and Unified Development Code (UDC) Amendment No. 23, publicly-initiated amendments to modify provisions related to affordable housing to ensure consistency with Florida Statutes

On June 28, 2019, Florida House Bill 7103 became effective that in part addresses inclusionary housing ordinances or rules that require a developer to provide a specified number or percentage of affordable housing units to be included in a development, or a contribution to a housing fund in lieu of building the affordable units. The bill requires that in exchange for the affordable housing units, a county must provide incentives to fully offset the costs to the developer of its affordable housing contribution. Such incentives may include providing density or intensity increases or reducing or waiving fees such as impact fees or utility charges. Below is the language from Florida Statue with the new language underlined:

125.01055 Affordable housing.—

(1) Notwithstanding any other provision of law, a county may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances.

(2) An inclusionary housing ordinance may require a developer to provide a specified number or percentage of affordable housing units to be included in a development or allow a developer to contribute to a housing fund or other alternatives in lieu of building the affordable housing units. However, in exchange, a county must provide incentives to fully offset all costs to the developer of its affordable housing contribution. Such incentives may include, but are not limited to:

(a) Allowing the developer density or intensity bonus incentives or more floor space than allowed under the current or proposed future land use designation or zoning;

(b) Reducing or waiving fees, such as impact fees or water and sewer charges; or

(c) Granting other incentives.

(3) Subsection (2) does not apply in an area of critical state concern, as designated in s. 380.0552.

Sarasota County Comprehensive Plan polices include provisions for developer provided affordable housing through increased housing density incentives. Though these policies may generally be consistent with the new state legislation, review of the policy language revealed a need for clarification of the meaning and intent of the policies to ensure consistency. The policies proposed for amendment (refer to **Attachment 1**) include Future Land Use Policies 1.2.13, 1.2.15, 1.2.16, 4.3.1 and Village/Open Space Policy 1.4.

The Sarasota County UDC includes provisions for affordable housing found in the Affordable Housing Overlay (AHO) district and the 2050 Village and Settlement Area districts. The AHO has been implemented through Rezone Petition No. 15-01, is under construction, and is proposed to be made an inactive zoning district. The 2050 Village and Settlement Area districts are proposed to be amended to incentivize and clarify the affordable housing provisions. The proposed UDC amendments are found in **Attachment 2**.

Attachment No. 1
Proposed Comprehensive Plan Amendments

Note: Proposed revisions are shown with additions as red underlined text, and deletions with ~~red strikethrough text~~.

flu policy 1.2.13

~~Establish an inclusionary zoning ordinance as part of the implementation of HOU Policies 1.2.1, and 1.2.2.~~ As an encouragement and incentive to provide affordable housing, t~~T~~he density limits specified in FLU Policies 1.3.7, 1.3.8, 2.3.1, 2.3.2, 2.3.3, 2.3.4, 2.3.5, and 2.3.6, may be increased up to 120 percent of the upper limit within each range, if the property is developed using the density bonus component of a Community and Affordable Housing incentive zoning program.

flu policy 1.2.15

To provide for mixed use and higher residential density development in a walkable and pedestrian friendly form, and as an encouragement and incentive to provide affordable housing, a ~~A~~ property owner may be eligible to request, and densities up to twenty-five (25) dwelling units per acre may be permitted, by the Board of County Commissioners when ~~if~~ the criteria ~~conditions~~ under subsections (1) or (2) or (3), below are met:

1. The parcel is to be developed as a mixed-use development and is located within a Regional, Community, or Village Commercial Center or Town or Village Center, and not within a Barrier Island, as shown on the Future Land Use Map. A Critical Area Plan is required for mixed-use developments requesting residential densities above 13 and up to 25 dwelling units per acre. No new Critical Area Plan waivers shall be granted. Existing Critical Area Plan waivers shall be recognized. Existing Critical Area Plans may be amended to re-designate parcels, as appropriate, for mixed-use development with residential densities above 13 and up to 25 dwelling units per acre. ~~In order to request~~ As an incentive to providing affordable housing, such additional density~~,~~ may be requested when 15 percent of the additional residential densities granted over 13 dwelling per acre in the development are affordable housing units as long as the following criteria ~~issues~~ are ~~shall be~~ addressed:
    - Protection of existing residential neighborhoods adjacent to the proposed development area.
    - Creation of multi-modal (pedestrian, bicycle, public transit, and automobile) internal circulation systems that would be integrated with other public and private transportation systems and land uses, with the objective
      of reducing trip length, increasing transportation capture rates, and providing safe and efficient methods of transportation.
    - Creation of internal pedestrian circulation systems to link properties with one another and also to the surrounding area and to provide safe access

to public transit stops.

- Relative compatibility of mixed-use redevelopment versus continuation of existing use or redevelopment as traditional commercial development.
- ~~The County shall adopt an ordinance to establish the percentage of affordable housing units for mixed used development projects which percentage shall be applied to residential densities granted over 13 dwelling units per acre. The minimum percentage of affordable housing units set forth in the ordinance shall be at least 15 percent of the residential densities granted over 13 dwelling units per acre.~~
- Creation of public amenities including, for example, recreational opportunities, public squares and other accessible open space areas.
- Availability of, and opportunity to utilize existing urban infrastructure.
- Each mixed use development project will contain a mix of the following three uses: (1) residential uses; (2) office and/or institutional uses; and (3) retail and/or service uses. The mix of non-residential uses for each mixed use development will be based on a minimum of 5 percent retail and/or service uses, or a minimum of 5 percent office and/or institutional uses of the total nonresidential building square footage excluding parking. The maximum intensity of nonresidential uses within the project will be based on the Guiding Principles in the Future Land Use Element.
- The mixed-use development shall be a minimum of 10 acres in size.

2. As an incentive to providing affordable housing, such additional density may be requested when 15 percent of the additional residential densities granted over 13 dwelling per acre in the development are affordable housing units as long as t~~T~~he parcel is located within the Economic Development Resource Management Area (RMA), as shown on the Sarasota 2050 Plan Future Land Use Map Series, Figure RMA-1 (Map 8-5) and rezoned to the Planned Economic Development (PED) zoning district. ~~The County shall adopt an ordinance to establish the percentage of affordable housing units for mixed used development projects which percentage shall be applied to residential densities granted over 13 dwelling units per acre. The minimum percentage of affordable housing units set forth in the ordinance shall be at least 15 percent of the residential densities granted over 13 dwelling units per acre.~~

3. The parcel is located within a Town or Village Center, and a Critical Area Plan has been completed and approved, which designates the parcel for High Density Residential development, and permits an increase in density beyond thirteen units per acre.

flu policy 1.2.16

~~To address the need for affordable housing, when the following criteria are met,~~ As an incentive to providing affordable housing, residential development up to 25 dwelling units per acre may be approved by the Board of County Commissioners when thirty percent of the units qualify as affordable housing (those making less than 100 percent of Area Median Income (AMI) as calibrated for family size) with no less than 10 percent of the total units shall be affordable to those making less than 80 percent of AMI (as calibrated for family size) as long as the following criteria are met:

1. ~~Thirty percent of the units qualify as affordable housing (those making less than 100 percent of Area Median Income (AMI) as calibrated for family size) with no less than 10 percent of the total units shall be affordable to those making less than 80 percent of AMI (as calibrated for family size).~~
2. ~~2.~~1. The development is located within ¼ mile of a transit route.
3. ~~3.~~2. The site is not located within a Hurricane Vulnerability Zone 1 or 2 (See Environment Map 1-8)
4. ~~4.~~3. The development is certified as a green development.
5. ~~5.~~4. The affordability of the units shall be preserved in perpetuity.
6. ~~6.~~5. The request is supported by a jobs/housing balance study.
7. ~~7.~~6. The parcel is not located on a barrier island.
8. ~~8.~~7. The Future Land Use designation of the property is;
    - Commercial Center (excluding Neighborhood Commercial Centers),
    - Commercial Corridor,
    - Major Employment Center,
    - Major Government Use, or
    - Office/Multi-Family Residential,

Sarasota County shall adopt an Ordinance of implementing regulations which shall require each parcel utilizing these provisions to be subject to a public hearing.

flu policy 4.3.1

~~An Affordable Housing Overlay shall be added to the Sarasota County Zoning Regulations. The application of the~~ As an incentive to providing affordable housing, the Affordable Housing Overlay allows 2 to 5 dwelling units per acre on the parcel as designated on the Future Land Use Map Series Map 7-4 ~~and shall comply with the following:~~ when ~~At~~ at least 15 percent of the housing units built on site ~~shall be~~ are sold to households with Moderate Income (earning less than 100% of AMI). No less than 2/3 of these housing units shall be sold to households (based on family size of 4) with incomes at 80 percent AMI or less; the units shall be subject to Deed Restrictions, in a form approved by the County Attorney, ensuring that they will continue to be owned only by households meeting those requirements for no less than 5 years from the original purchase upon construction. In addition, the following criteria is shall be met:

~~Affordable Housing~~

- ~~At least 15 percent of the housing units built on site shall be sold to households with Moderate Income (earning less than 100% of AMI). No less than 2/3 of these housing units shall be sold to households (based on family size of 4) with incomes at 80 percent AMI or less. The units shall be subject to Deed Restrictions, in a form approved by the County Attorney, ensuring that they will continue to be owned only by households meeting those requirements for no less than 5 years from the original purchase upon construction.~~

Relationship to Sarasota - 2050

- 2050 - The Affordable Housing Overlay shall not be required to be developed as a Conservation Subdivision;
- The Affordable Housing Overlay shall respect any onsite Greenway as depicted on Future Land Use Map Series RMA- 3 (Map 8-3) and further refined by Policy GS1.1. No density credits shall be transferred from the 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.

VOS POLICY 1.4

VILLAGE/OPEN SPACE RMA PRINCIPLES

Developments within the Village/Open Space RMA shall exhibit all of the following characteristics to qualify as a Receiving Zone under Density Incentives Program outlined in Objective TDR1:

- Villages shall include a mix of uses, including residential, commercial, office, Public/Civic, schools, and Recreational Space, that provides for most of the daily needs of residents;
- Villages and Hamlets shall include a design in which the majority of housing is within a walking distance or ¼-mile radius of a Village or Neighborhood Center, with the higher densities closer to the Center;
- As a part of the Open Space requirements for development within the Village/Open Space RMA, each Village or Hamlet will be required to establish a Greenbelt as described in Policy VOS5.1;
- Villages shall include a Village Center with sufficient nonresidential uses to provide for the daily needs of Village residents, by phase of development, in a form that is conveniently served by regional bus service;

- Villages and Hamlets shall include a range of housing types that supports a broad range of family sizes and incomes. Villages shall be incentivized to include housing for families with incomes below the Area Median Income (AMI) for Sarasota County, with a goal that at least 15% of the housing will be available for families with incomes below the median family income for Sarasota County using techniques, including but not limited to bonus incentive dwelling units ~~and inclusionary requirements~~ in the Land Development Regulations and Zoning Regulations;

- Villages shall include compact design that includes a system of land subdivision and development which links one Neighborhood to another;

- Villages and Hamlets shall include interconnected streets that are designed to balance the needs of all users, including pedestrians, bicyclists and motor vehicles, and which are built with design speeds that are appropriate for Neighborhoods;

- Villages shall include alternatives for pedestrians and bicyclists through the provision of sidewalks, street trees and on-street parking which provide distinct separation between pedestrians and traffic, spatially define streets and sidewalks by arranging buildings in a regular pattern that are unbroken by parking lots; and provide adequate lighting that is designed for safe walking and signage which has a pedestrian orientation;

- Villages and Hamlets shall provide both Open Space and Recreational Space. Open Space outside Developed Areas is required to support the environmental goals of this Plan by preserving important environmental features, connections and functions on site. In addition to minimum Open Space outside Developed Areas, internal Recreational Spaces are required that meet the recreational needs of the community, excluding golf courses, reinforce the design of the development by providing a variety of Recreational Space amenities that serve a range of interests and distribute Recreational Space amenities throughout the development. Golf courses developed using best management practices may be developed as part of an approved Master Development Plan and shall qualify as Open Space. To avoid conversion of Native Habitat, the review of the Master Development Plan shall place high priority on the preservation of Native Habitat. Golf courses shall not qualify as Recreational Space, and shall not qualify for any Density Credits in the Density Incentives program. Within Hamlets, golf courses shall only be approved by special exception. The standards for Recreational Space, will be established as provided in Policy VOS2.3; and

Villages and Hamlets shall be Fiscally Neutral to the County residents outside the Villages and Hamlets.

Attachment No. 2
Proposed UDC Amendments

Note: Proposed revisions are shown with additions as red underlined text, and deletions with ~~red strikethrough text~~.

Amendment to Article 6 of the Unified Development Code, Chapter 124 of the Sarasota County Code, relating to General, Base, and Inactive Zoning District Development Standards.

Section 124-70(b)

(b) Inactive Districts. The following zoning districts exist on the Official Zoning Map; however, no new lands in the County shall be rezoned to these designations:

INACTIVE DISTRICTS	
PID	Planned Industrial Development
RC	Residential Combination
RMF-4	Residential Multifamily
TR	Tourist Resort
PRD	Planned Recreational Development
AHO	Affordable Housing Overlay

Section 124-78(a)

(a) Inactive Districts – Those zoning districts that were retired with adoption of the previous Zoning Codes. Under the provisions of this Unified Development Code, no new zoning applications will be accepted for the RC, RMF-4, TR, PRD, ~~and~~ PID, and AHO zoning districts. However, properties or parcel assemblages governed by these pre-existing zoning classifications may continue to be developed pursuant to the regulations for the aforementioned inactive districts contained in this Section.

The inactive districts include RC, RMF-4, TR, PRD, ~~and~~ PID and AHO.

Section 124-78(b)

(6) **Community Housing Development** (Affordable Housing Overlay (AHO))

a. *Affordable Housing Overlay*

1. *General Provisions.*

i. The intent of the Affordable Housing Overlay (AHO) is to comply with and implement Future Land Use Policy 3.1.7 of the Sarasota County Comprehensive Plan and to encourage the

development of affordable housing in combination with market rate housing in areas with access to necessary services and facilities to support development.

2. *Applicability.*

i. The provisions of this section are applicable to property designated as Affordable Housing Overlay in the Sarasota County Comprehensive Plan.

3. *Affordability Requirement.*

i. At least 15 percent of the housing units built on site shall be sold to households with Moderate Income (earning less than 100 percent of AMI). No less than 2/3 of these housing units shall be sold to households (based on family size of four) with incomes at 80 percent AMI or less. The units shall be subject to Deed Restrictions, in a form approved by the County Attorney, ensuring that they will continue to be owned only by households meeting those requirements for no less than five years from the original purchase upon construction.

4. *Financial.*

i. *Sale and Rental Rates.* The affordable housing units shall be leased at restricted rental rates or initial sale prices which correspond to the latest maximum mortgage and rental rates calculated by the Office of Housing and Community Development (OHCD), based on annual Area Median Income data from the United States Department of Housing and Urban Development (HUD).

ii. *Income and Eligibility Standards.*

a) The Affordable Housing Unit shall be the primary residence of the occupant(s).

b) The initial or subsequent purchaser(s) or leaseholder(s) shall be certified as income eligible by the County Administrator or designee.

c) Income from all sources shall be considered for the purposes of income eligibility, consistent with The Department of Housing and Urban Development guidelines. No less than 50 percent of the income shall be earned income from wages.

d) For determining eligibility for the purchase/lease of a Affordable Housing Unit, the Housing Ratio shall be no less than 27 percent.

e) All rental units that fulfill the development obligation for Affordable Housing Units shall require any new occupant of a dwelling unit to meet the income eligibility requirements set forth in this article.

iii. *Transfers and Conveyances.* For a period of five years from the initial purchase of a new Affordable Housing Unit, a renewal of the affordability controls covenant will be entered into upon each change of ownership of an Affordable Housing Unit, whether voluntarily or by operation of law.

iv. Resale Price. The maximum sales price and qualification of purchaser(s) permitted on resale

of an Affordable Housing Unit developed per subsection (3)a, above shall be specified in the affordability control covenant for each unit.

5. *Development Regulations.*

i. *Relationship to Sarasota 2050.*

a) Property designated as Affordable Housing Overlay shall not be required to be developed as a Conservation Subdivision.

b) 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 establishing the uses allowed and designating a responsible party for the maintenance of the Greenway portions of the site.

ii. *Density*. The overall maximum residential density on the site shall not exceed five dwelling units per acre.

iii. *Timing*. No less than one Affordable Housing Units shall be constructed prior to the issuance of a Building Permit for more than five Market Rate Units, unless otherwise approved by the Board of County Commissioners. The phasing schedule for the proportionate construction of Affordable Housing Units in conformance with the thresholds specified within this section, as well as the phasing and timing of the remaining Affordable Housing Units shall be monitored and regulated by Sarasota County by way of incremental and subsequent plat approvals.

iv. *Unit Specification*. The Affordable Housing Units shall have a minimum of three bedrooms.

v. *Implementation.*

a) The following zoning districts are implementing districts for the AHO:

1) Any residential single family size zoning 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.

b) 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 5 of the UDC. The application shall provide the following information:

1) Total density on the site.

2) Number of Affordable Housing Units, identification of the location of the Affordable

Housing Units and type of unit to be provided.

3) An explanation of how the increased density allowable within the AHO will further the goals, objectives and policies of the Comprehensive Plan.

b. *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.

c. *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 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 30 percent of the area median income.

Low Income: Households with annual gross incomes between 50 percent and 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 80 percent and 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 30 percent and 50 percent of area median income.

Workforce Housing: Housing, regardless of tenure, which is affordable housing to households earning between 60 percent and 100 percent of Area Median Income.

Amendment to Article 10 of the Unified Development Code, Chapter 124 of the Sarasota County Code, relating to Special Development Regulation.

Section 124-203

Section 124-203. – Community Housing Development. Reserved

~~(a) *Affordable Housing Overlay*~~

~~(1) *General Provisions.*~~

~~a. The intent of the Affordable Housing Overlay (AHO) is to comply with and implement Future Land Use Policy 3.1.7 of the Sarasota County Comprehensive Plan and to encourage the development of affordable housing in combination with market rate housing in areas with access to necessary services and facilities to support development.~~

~~(2) *Applicability.*~~

~~a. The provisions of this section are applicable to property designated as Affordable Housing Overlay in the Sarasota County Comprehensive Plan.~~

~~(3) *Affordability Requirement.*~~

~~a. At least 15 percent of the housing units built on site shall be sold to households with Moderate Income (earning less than 100 percent of AMI). No less than 2/3 of these housing units shall be sold to households (based on family size of four) with incomes at 80 percent AMI or less. The units shall be subject to Deed Restrictions, in a form approved by the County Attorney, ensuring that they will continue to be owned only by households meeting those requirements for no less than five years from the original purchase upon construction.~~

~~(4) *Financial.*~~

a. *Sale and Rental Rates.* The affordable housing units shall be leased at restricted rental rates or initial sale prices which correspond to the latest maximum mortgage and rental rates calculated by the Office of Housing and Community Development (OHCD), based on annual Area Median Income data from the United States Department of Housing and Urban Development (HUD).

b. *Income and Eligibility Standards.*

1. The Affordable Housing Unit shall be the primary residence of the occupant(s).

2. The initial or subsequent purchaser(s) or leaseholder(s) shall be certified as income eligible by the County Administrator or designee.

3. Income from all sources shall be considered for the purposes of income eligibility, consistent with The Department of Housing and Urban Development guidelines. No less than 50 percent of the income shall be earned income from wages.

4. For determining eligibility for the purchase/lease of a Affordable Housing Unit, the Housing Ratio shall be no less than 27 percent.

5. All rental units that fulfill the development obligation for Affordable Housing Units shall require any new occupant of a dwelling unit to meet the income eligibility requirements set forth in this article.

c. *Transfers and Conveyances.* For a period of five years from the initial purchase of a new Affordable Housing Unit, a renewal of the affordability controls covenant will be entered into upon each change of ownership of an Affordable Housing Unit, whether voluntarily or by operation of law.

d. *Resale Price*. The maximum sales price and qualification of purchaser(s) permitted on resale of an Affordable Housing Unit developed per subsection (3)a, above shall be specified in the affordability control covenant for each unit.

(5) ***Development Regulations.***

a. *Relationship to Sarasota 2050.*

1. Property designated as Affordable Housing Overlay shall not be required to be developed as a Conservation Subdivision.

2. 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 establishing the uses allowed and designating a responsible party for the maintenance of the Greenway portions of the site.

b. *Density*. The overall maximum residential density on the site shall not exceed five dwelling units per acre.

c. *Timing*. No less than one Affordable Housing Units shall be constructed prior to the issuance of a Building Permit for more than five Market Rate Units, unless otherwise approved by the Board of County Commissioners. The phasing schedule for the proportionate construction of Affordable Housing Units in conformance with the thresholds specified within this section, as well as the phasing and timing of the remaining Affordable Housing Units shall be monitored and regulated by Sarasota County by way of incremental and subsequent plat approvals.

d. *Unit Specification*. The Affordable Housing Units shall have a minimum of three bedrooms.

e. *Implementation.*

1. The following zoning districts are implementing districts for the AHO:

i. Any residential single family size zoning district with a Planned Unit Development

ii. Overlay.

iii. Any modification to an approved Planned Unit Development shall be consistent with Article 6 of the Zoning Regulations.

2. 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 5 of the UDC. The application shall provide the following information:

i. Total density on the site.

ii. Number of Affordable Housing Units, identification of the location of the Affordable Housing Units and type of unit to be provided.

iii. An explanation of how the increased density allowable within the AHO will further the goals, objectives and policies of the Comprehensive Plan.

(b) ***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.

(c) ***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 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 30 percent of the area median income.~~

~~***Low Income***: Households with annual gross incomes between 50 percent and 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 80 percent and 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 30 percent and 50 percent of area median income.~~

~~***Workforce Housing:*** Housing, regardless of tenure, which is affordable housing to households earning between 60 percent and 100 percent of Area Median Income.~~

Amendment to Article 14 of the Unified Development Code, Chapter 124 of the Sarasota County Code, relating to 2050 Plan Regulations.

Section 124-271(a)(1)b.1.

1. Be formed around Neighborhoods that include a broad range of family sizes and incomes in a broad range of housing types, including ~~a substantial number and proportion of~~ Affordable Housing Units, which are integrated with commercial, office and Public/Civic uses;

Section 124-271(c)(3)a.5.

5. Maximum Density allowed within Developed Area: 5 du/Gross Developable Acre or, as an incentive to providing affordable housing, 6 du/Gross Developable Area if the additional units are ~~Affordable Housing Units~~ sold or rented to families at or below 100 percent of the AMI for the County.

Section 124-271(c)(3)d.5.

5. Village Affordable Housing ~~Requirements~~ Incentives.

i. *Intent.* It is the intent of the Village development to provide for a broad range of land uses and lifestyles to support residents of diverse ages, incomes, and family sizes, including incentivising housing that is affordable to residents at or below the median income for the County.

ii. ~~*Requirements to*~~ *Provisions for Buildi*~~*n*~~*g Affordable Housing.* ~~At a minimum, 15 percent of the dwelling units within the Village shall be affordable. This requirement shall be fulfilled as follows:~~ When affordable housing units are constructed, the following standards shall apply:

a) ~~At a minimum, ten percent of dwelling~~ Two thirds (2/3) of the affordable housing units provided within the Village shall be sold or rented to families at or below 80 percent of the Area Median Income (AMI) for the County, and ~~an additional five percent of dwelling~~ one third (1/3) of the affordable housing units provided within the Village shall be sold or rented to families at or below 100 percent of the AMI for the County; or

b) Any other methodology or program that, at a minimum, achieves these levels of housing affordability within a Village, and is approved by the Board.

vii. *Residential Dwelling Unit Incentive for Villages.* As an incentive for providing housing that is affordable within Villages, the following incentive dwelling units shall be granted with the approval of a Master Land Use Plan.

a) 2.0 incentive dwelling units for every ~~Affordable H~~housing unit provided for a family at or below the 80 percent AMI ~~on site~~.

b) 1.5~~0~~ incentive dwelling unit for every ~~Community H~~housing unit provided for a family at or below the 100 percent AMI ~~on site~~.

c) 1.0 incentive dwelling unit for every housing unit provided for a family at or below the 120 percent AMI.

The incentive units can be subtracted from the number of Development Rights that will be required from a Sending Zone. The TDR Table in a Master Land Use Plan will specify the incentive units in the calculations.

Section 124-271(d)(3)a.

a. *Residential Density.*

Minimum Density within Developed Area: 3 du/Gross Developable Acre.

Target Density: 6 du/Net Residential Acre.

Maximum Density within Developed Area: 5 du/Gross Developable Acre or, as an incentive to providing affordable housing, 6 du/Gross Developable Acre if the additional units are ~~Affordable Housing Units~~ sold or rented to families at or below 100 percent of the AMI for the County.

Section 124-271(m)(5)e. through h. of the Unified Development Code is hereby amended as follows:

~~e. In the event that the Receiving Site is contiguous to land designated as Major Employment Center/Interstate Office Park, the total number of Development Rights available for transfer from a Sending Site that is located within the Developed Area of a Village shall be increased by a number of units that are set aside for Community Housing over and above the number of required Affordable Housing Units. In order to be eligible for this TDR increase, at least 50 percent of the total Community Housing units over and above the number required Affordable Housing Units are required to be affordable to families making 100 percent or less of the median income for Sarasota County.~~

e.~~f.~~ In the event that a Sending Site does not qualify for any of the special considerations provided for in paragraphs a. through e. above, the number of Development Rights available for transfer from the Sending Site shall be the number of units determined from the aforementioned table.

f.~~g.~~ The number of Development Rights assigned to a Sending Site shall be reduced by one dwelling unit for every residential structure situated on the Sending Site at the time of the determination.

g.~~h.~~ All Development Rights shall be in whole numbers, no fractions shall be permitted. Any fractional unit shall be considered a whole unit if one-half or more of a whole unit and, if less than one-half unit, the fractional unit shall be dropped.

Notwithstanding any other provision of this section, the number of transferable Development Rights transferred from Sending Site(s) through:

1. On-site transfers, with respect to Developed Areas and Open Space within an approved Village, shall not exceed two dwelling units per acre.

2. Off-site transfers, with respect to Greenway RMA and Open Space properties located outside an approved Village, shall not exceed two dwelling units per acre.

3. Transfers not made in connection with an approved Village, such as a transfer to the TDR Bank,

shall not exceed two dwelling units per acre.

Section 124-271(m)(7)b.6. and 7.

~~6. In the event that Development Rights are requested for Community Housing over and above the number of required Affordable Housing Units, evidence that the units to be constructed will be 1) affordable using current data, with units priced in proportion to household size 2) initially sold to an income-qualified, owner-occupant household, or rented to an income-qualified household for at least five years, and 3) such units will be constructed according to a binding phasing plan; and~~

6.~~7.~~ The Director of Planning and Development Services shall review the sending area application and make a determination of the number of Development Rights available for transfer from the Sending Site. As part of review of the application, the Director of Planning and Development Services shall complete a site investigation to ensure that the site qualifies as a Sending Site pursuant to paragraph (2) above.