

**AFFORDABLE/WORKFORCE HOUSING
INCENTIVES**

offered through the

***MANATEE COUNTY
LAND DEVELOPMENT
CODE***



**Manatee County Government
1112 Manatee Avenue West
Bradenton, Florida 34205**

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Affordable/Workforce Housing Incentives Offered Through The Manatee County Land Development Code

Purpose and Intent

Chapter 13 of the Manatee County Land Development Code is intended 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 needs. This Chapter is intended to comply with Florida Statutes Chapters 163 and 420.

Chapter 13 specifies incentives which may be available to developers of affordable/workforce housing developments (A/WHD). A copy of the Manatee County Land Development Code, Chapter 13 is attached as an appendix to this brochure.



Affordable Housing Developments are defined as single family, owner occupied or multi-family rental developments in which a minimum of 10% of the total units are affordable to households at or below 120% of the Area Median Income. Of the total designated units, no less than 30% shall be designated for households at 50% AMI, 30% at 80% AMI, with the remainder available for households with 120% AMI. Income limits are updated periodically and are available from the Community Services Department, Housing Section, upon request.



Workforce Housing Developments are defined as single family, owner occupied developments in which a minimum of 10% of the total units are available to households with an income no higher than 20% above the moderate income level for a family of 3 established by the Florida Housing Finance Corporation and no higher than 20% above the moderate income home sales priced established by the Manatee County Local Housing Assistance Plan, both of which may be adjusted from time to time. Income limits and sales prices are updated periodically and are available from the Community Services Department, Housing Section, upon request.



Incentives to Encourage the Development of Affordable/Workforce Housing

The incentives listed below are made available by the Board of County Commissioners in order to encourage development of Affordable/Workforce housing in unincorporated Manatee County. Most of these incentives are fully described in the Manatee County Land Development Code, Chapter 13.

◆ Housing Rapid Response Team/ Fast Tracking

- ◆ Fee Refunds
- ◆ Sidewalk Location
- ◆ Tree Protection Trust Fund
- ◆ Impact Fee Program
- ◆ Housing Trust Fund
- ◆ Density Bonuses
- ◆ Transfer of Development rights
- ◆ Workforce Housing Incentives
- ◆ Use of Nonconforming Lots for Infill Development
- ◆ Reduced Sideyard Setbacks for Nonconforming Lots
- ◆ Conveyance of County Owned Surplus Properties to Nonprofit Developers

The Manatee County Community Services Department, administers the affordable/workforce certification process, assists developers in obtaining relief of impact and review fees, enforces mechanisms to ensure affordability of assisted units and compliance with all applicable regulations.



Owner-Occupied Housing

Builders and developers of Affordable/Workforce homes for sale to income-eligible households may seek expedited review and permit processing; relief from County and School Impact Fees; review and permit fee refunds; and, modification of development standards. Impact fee relief is provided only for the designated “affordable” units in a development. The maximum sales price of the homes are restricted by local policy. Current sales price limits are available from the Community Services Department, Housing Section. Fee relief for owner-occupied housing is available only to the extent that budgeted funds remain available at the time of certification of occupancy (CO). Impact fee relief is also available to a builder building a single stand-alone affordable unit.

Rental Housing Development



Developers building rental units for income-eligible households may seek expedited review and permit processing; review and permit fee refunds; and other incentives, as applicable, provided through the Manatee County Land Development Code. Applicants must sign a Land Use Restriction Agreement pledging to rent to eligible households at affordable rents for the period required by the funding source or by local policy. To be eligible for fee relief or incentives, the developer must be certified prior to applying for permits. There can be no waiver of this requirement.

Within a rental community, affordable units may not be substantively different from market rate units in size, amenities, or condition. Affordable rents are determined annually and are available from the Community Services Department, Housing Section. Residents whose incomes increase above program limits are not required to move. However, the next available unit must be rented to an eligible household. Annual monitoring by the Community Services Department, Housing Section will be conducted annually to ensure compliance with income limits and maximum rental rates.



ADMINISTRATIVE PROCEDURES

Builders and developers may submit applications for certification of A/WHs to the Community Services Department, Affordable/Workforce Housing Coordinator, at any time. If certified, the developer is issued a preliminary approval letter. This letter serves as documentation that A/WH certification has been requested. The applicant will then be considered for expedited review and permit processing upon acceptance and execution of a Land Use Restriction Agreement (LURA).

If a certified A/WH is seeking modification of development standards, the developer must provide a concept plan and an explanation of why the requested modifications are needed. The developer may also submit plans and specifications where appropriate. The Affordable/Workforce Housing Coordinator serves as an ombudsman to shepherd the A/WH through the review and permitting process and is responsible for coordinating all County review comments, questions, and responses from a predevelopment conference held with a designated Affordable/Workforce Housing Rapid Response Team. The Affordable/Workforce Housing Coordinator will provide the developer with a single point of contact for all questions concerning the subsequent review process.

Certain modifications of development standards are awarded through administrative action. Other modifications require action of the Board of County Commissioners. The Manatee County Planning Department prepares all recommendations to the Board

of County Commissioners. Modifications are recommended for approval based on comments and responses from the Affordable/Workforce Housing Rapid Response Team, local housing needs, and compatibility with the surrounding neighborhood. Staff and the Board reserve the right to review architectural designs and specifications, and, where appropriate, make recommendations that would enhance the development and the neighborhood. Upon approval of an A/WHD, the developer will enter into a Land Use Restriction Agreement (LURA) to insure that all housing is constructed and operated in accordance with the plans reviewed and approved by Manatee County.

Applications for impact fee relief must be submitted as soon as possible during the construction phase, in order to provide sufficient staff review time for verification of an income-eligible household purchasing a single family unit at or below the maximum sales price for that household. Payment of the allowable Manatee County portion of impact fees shall be available at the time the certificate of occupancy is issued for the unit. Funds for impact fee relief are limited and available on a first-come, first served basis.

A refund of review and permitting fees shall be available upon the initial sale of a single family unit to an eligible household or upon completion and verified “rent up” to eligible households.

SUMMARY

The intent of the Affordable/Workforce Housing Program and Chapter 13 of the Manatee County Land Development Code, is to provide private sector builders and developers with regulatory and financial incentives to produce affordable/workforce housing in Manatee County. This section is intended to be a tool to both encourage construction and to engage the creativity of our development community. It is our goal that all your interactions with Manatee County Government be as simple and straightforward as we can make it. We need your feedback on how we are doing and where you see opportunities for improvement. Your comments and suggestions are always welcomed.

For further information, contact Suzie Dobbs, Affordable/Workforce Housing Coordinator, in the Manatee County Community Services Department, at (941) 749-3030 or by e-mail at: suzie.dobbs@co.manatee.fl.us



Appendix “A”
Manatee County Land Development Code
Chapter 13 Housing Program

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 needs.

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

Section 1302. Affordable Housing Incentives

1302.1 To meet the needs of Manatee County residents for Affordable Housing, a variety of incentives are provided. These incentives are listed below, along with the percentage of the units in the entire project which must meet the standards of affordable housing as defined in this Code.

1302.1.1 **Housing Rapid Response Team/Fast Tracking.** Projects in which 10% or more of the entire project is affordable will receive the assistance of the County’s Housing Rapid Response Team. The team will assist with fast-tracking the project through the necessary permitting procedures. Contact with the Housing Rapid Response Team shall be made through the Affordable/Workforce Housing Coordinator designated by the County Administrator. Priority for utilization of the Housing Rapid Response Team shall be based on the period of time proposed by the applicant for keeping the project affordable.

1302.1.2 **Fee Refund.** All projects with affordable housing units shall be eligible for refunds of County review fees (e.g. planning, building, engineering) as permitted by law. For projects where less than 25% of the project is affordable, the fees refunded shall be a pro-rata share of the fees for the entire project. For example, projects with 15% affordable units, will be eligible to request a refund of review fees only on the units designated affordable. Projects which have 25% or greater affordable units will be eligible to request a full refund of County review fees for the entire project. Note, this does not include impact fees, facility investment fees, connection fees or similar fees.

1302.1.2.1 Any applicant seeking a fee refund shall submit an application to the Affordable/Workforce Housing Coordinator who will assist applicant in working with the proper county department.

1302.1.2.2 The applicant shall enter into a land use and deed restriction agreement with the County. The agreement shall provide the designation level of affordable units required by the development to seek fee refunds according to the terms and conditions of the

agreement, as approved by the Board. A land trust may be used as a mechanism to retain units as affordable and/or special needs units.

1302.1.3 County Impact Fee Increment. In an effort to minimize the impact on affordable households of increasing impact fees, the County, pursuant to Resolution R-04-67, has elected to pay the increases in county impact fees which were effective after June 18, 2004. All affordable units are eligible to have the County pay this increment. Contact shall be made through the Affordable/Workforce Housing Coordinator.

1302.1.4 Educational Facilities Impact Fee Increment. In an effort to minimize the impact on affordable households of increasing impact fees, the County, pursuant to Resolution R-04-67, has elected to pay the increases in educational facility impact fees which were effective after June 18, 2004. All affordable units are eligible to have the County pay this increment. Contact shall be made through the Affordable/Workforce Housing Coordinator.

1302.1.5 Sidewalk Location. Projects will at least 25% affordable units shall obligated to provide sidewalks within the development and on project perimeters as would otherwise be required by this Code.

1302.1.5.1 Additionally, these projects shall be responsible for identification of sidewalk extensions as required by Section 722.1.4.4.

1302.1.5.2 In instances where sidewalk extensions would otherwise be required by Section 722.1.4.4, the County shall evaluate whether it is appropriate for the County to fund the sidewalk extensions beyond project boundaries. This evaluation shall be made as soon as practicable in the review of the project. The county may enter into a reimbursement agreement to allow the developer to build the sidewalks.

1302.1.5.3 The application shall enter into a land use and deed restriction agreement with the County. The agreement shall provide the designation level of affordable units required by the development to seek sidewalk extensions as would generally be required by Section 722.1.4.4. A land trust may be used as a mechanism to retain units as affordable and/or special needs units.

1302.1.6 Housing Trust Fund. There is hereby created, pursuant to Ordinance No. 90-01, a Housing Trust Fund for the receipt of non-ad valorem revenues for use in the development and rehabilitation of affordable housing. The use of funds from the Affordable Housing Trust Fund shall be limited to projects where 25% or more of the units meet the definition of Affordable Housing.

1302.1.6.1 The Board of County Commissioners shall establish criteria for the dispersion of such funds.

1302.1.6.2 Any applicant seeking to secure such funds shall submit an application to the Department of Community Services, Housing and Community Development Section

1302.1.6.3 Dispersion of funds shall be limited by fund availability and shall be in accordance with the standards and procedures established for the use of such funds.

1302.1.6.4 The applicant shall enter into a land use and deed restriction agreement with the County. The agreement shall provide the designation level required by the development and any other requirements in order to receive Housing Trust Fund monies as approved by the Board. A land trust may be used as a mechanism to retain units as affordable and/or special needs units.

1302.1.7 Tree Protection Trust Fund. Projects with at least 25% affordable units may apply to receive funds from the Tree Protection Trust Fund to meet landscaping requirements of the project.

1302.1.7.1 Any applicant seeking to secure such funding shall apply by submitting a written request to the Transportation Director.

1302.1.7.2 All applications will be reviewed by both the Transportation and Community Services Department.

1302.1.7.3 Allocation of these funds is discretionary and must compete with all other projects, including county landscaping projects and are based on fund availability.

1302.1.7.4 The applicant shall enter into a land use and deed restriction agreement with the County. The agreement shall provide the designated affordable units required to seek reimbursement from the Tree Trust Fund as approved by the Board. A land trust may be used as a mechanism to retain units as affordable and/or special needs units.

1302.1.8 Density Bonus. Projects with at least 25% units designated as affordable are eligible to request a density bonus from the Board of County Commissioners. This density bonus may allow the maximum project density to increase to the maximum density in the next highest category on the Future Land Use Map. For example, a project in a Res-3 area would be eligible to request a density bonus to the six dwelling units per acre maximum of Res-6. The density bonus shall not exceed the Res-16 category.

1302.1.8.1 Density bonuses may be used only within the development creating the bonus units.

1302.1.8.2 In order to receive a density bonus, rezoning to Planned Development zoning will be required. 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.

In determining the appropriateness of a density bonus, the Board of County Commissioners shall consider all factors associated with the review of a planned development project pursuant to this Code. The Board of County Commissioners shall also consider the impact of the proposed project on the transportation level of service.

Priority shall be given to projects with access to transit and neighborhood commercial nodes.

1302.1.8.3 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 a density bonus and to ensure that the units are retained as affordable units and/or special needs units, for a period of time to be designated by the Board of County Commissioners. A land trust may be used as a mechanism to retain units as affordable and/or special needs.

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 25% affordable units is encouraged.

1302.1.9.2 In order to transfer development rights, a rezoning to Planned Development zoning will be required. 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.

In determining the appropriateness of a density transfer, the Board of County Commissioners shall consider all factors associated with the review of a planned development project pursuant to this Code. The Board of County Commissioners shall also consider the impact of the proposed project on the transportation level of service.

1302.1.9.3 If units are transferred, the maximum project density permissible is the maximum density in the next highest category on the Future Land Use Map. For example, a project in a Res-3 area would be eligible to request a transfer of units to the six dwelling units per acre maximum of Res-6.

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 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.

Section 1303 Workforce Housing Incentives

1303.1 To meet the needs of Manatee County residents for Workforce Housing, the following incentive is provided.

1303.1.1 Housing Rapid Response Team/Fast Tracking. Projects in which 10% or more of the entire project is workforce housing will receive the assistance of the County's Housing Rapid Response Team. The team will assist with fast-tracking the project through the necessary permitting procedures. Contact with the Housing Rapid Response Team shall be made through the Affordable/Workforce Housing Coordinator designated by the County Administrator.

1303.1.1.1 Priority shall be given to projects providing affordable housing; subsequent priority will be based on the period of time proposed by the applicant for keeping the project units at the affordable or workforce level. In circumstances where the period of time is equivalent, the percentage of the project which is affordable or workforce housing shall be used to determine priority. A higher percentage means a higher priority.

Section 1304 Affordable Housing Stock Lost to Development.

1304.1 Any development which eliminates affordable housing stock shall either:

- a. provide replacement stock;
- b. provide payment to the Housing Trust Fund in an amount established by the Board;
- c. provide an innovative replacement contributions meeting the requirements of 1304.2
- d. donate land to be used by the County for the development of affordable housing.

1304.2 Innovative Replacement Methods. Other unique or innovative replacement contributions which further the goals of the Manatee County Local Housing Assistance Plan and the Manatee County Comprehensive Plan may be implemented to meet the requirements of Section 1304.1 above. These innovative replacement contributions must be approved by the Board, after recommendation by the Community Services Director.

1304.3 Replacement Exemption. Single family structures which are replaced with another single family structure by the same property owner are exempt from the replacement requirements of this Code.

Section 1305 Infill Development. Infill development or redevelopment activities may be approved on existing lots of record meeting the requirements of Section 1107.3.1* Use of Nonconforming Lots for Affordable Housing and Section 702.6.6.1** Side Yard Reductions Utilized for Affordable Housing.

Section 1306 County Owned Property. County owned surplus property which is suitable for the development of affordable housing may be dispersed on an as-needed basis pursuant to procedures established by the Board in accordance with Ordinance No. 05-30 and other applicable law.

* Section 1107.3.1. *Use of Nonconforming Lots for Affordable Housing.* Nonconforming lots which were legally created and are in single ownership, sharing continuous street frontage, if taken together would meet the minimum zoning district regulations, do not have to combine lots to meet the zoning district regulations if all of the lots are developed as affordable housing.

** 702.6.6. *Side Yard Reductions on Small Individual Lots of Record Within the Urban Core Areas, as Identified in the Comprehensive Plan.* Notwithstanding any other provision of this Code, any lot of record, having lot widths of fifty-five (55) feet or less, and which do not share continuous frontage with an adjoining vacant lot in the same ownership on the Effective Date of this Code, (October 15, 1990) shall be permitted to reduce the minimum side yard setback to five (5) feet.

After consultation with the Building Director, the Transportation Director may approve encroachments of Cornices and Similar Features in accordance with the provisions of Section 702.7.1 and 702.7.1.1.

702.7.1. *Cornices and Similar Features.* Cornices, awnings, eaves, gutters, or other similar features shall be at least eight (8) feet above finish grade, and may extend three (3) feet into any required yard or yard setback, but not nearer to any lot line than a distance of five (5) feet, except as provided below in Section 702.7.1.1. Such features listed above may encroach a maximum of eighteen (18) inches into an easement.

702.7.1.1 After consultation with the Building Director, the Transportation Director may approve encroachments of Cornices and Similar Features closer to the property line than five (5) feet, after making a finding that the encroachment will have no negative effect, specifically on the stormwater management plan for the property. In no case may the encroachment be closer than four (4) feet to the property line.

AFFORDABLE/WORKFORCE HOUSING
INCENTIVE MATRIX
October 25, 2005

INCENTIVE	10% AFFORDABLE	25% AFFORDABLE	10% WORKFORCE
Impact Fee Increment	All Affordable Units Eligible	All Affordable Units Eligible	NO
School Impact Fee Increment	All Affordable Units Eligible	All Affordable Units Eligible	NO
Rapid Response/Fast Track	YES	YES	YES
Review Fee Refund	YES (Pro-rate to 25%)	YES (All fees)	NO
Sidewalk Location Assistance	NO	YES	NO
Housing Trust Fund	NO	YES (Subject To Fund Availability)	NO
Tree Trust Fund	NO	YES (Subject To Fund Availability)	NO
Density Bonus	NO	YES	NO
Transfer of Development Rights (Applicability determined on a case-by-case basis at the preapplication meeting)	NO	YES	NO