

ORDINANCE 2006-078

AN ORDINANCE OF SARASOTA COUNTY, FLORIDA (ZONING ORDINANCE AMENDMENT NO. 10) FLORIDA, AMENDING SARASOTA COUNTY ORDINANCE NO. 2003-052 (AS AMENDED FROM TIME TO TIME) CODIFIED AS APPENDIX A OF THE SARASOTA COUNTY CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF SARASOTA COUNTY; PROVIDING FOR FINDINGS; ADDING ARTICLE 12 TO THE ZONING ORDINANCE RELATING TO COMMUNITY AND AFFORDABLE HOUSING; PROVIDING FOR REQUIREMENTS ASSOCIATED WITH THE DEVELOPMENT OF PROPERTY DESIGNATED WITH THE AFFORDABLE HOUSING OVERLAY ON FUTURE LAND USE FIGURE 9-4 AND IN FUTURE LAND USE POLICY 3.1.7 WITHIN THE SARASOTA COUNTY COMPREHENSIVE PLAN, PROVIDING FOR EFFECT ON OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODING OF AMENDMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

WHEREAS, in 1998, The Florida Legislature set a goal that “(by) the Year 2010, this State will ensure that decent and affordable housing is available for all of its residents” (Section 420.0003(2) F.S.); and

WHEREAS, in 2002, Sarasota County Openly Plans for Excellence (SCOPE) released a study on Affordable Housing in Sarasota County that recommended:

- All local governments should make efforts to modify or eliminate regulations that create barriers to the production/rehabilitation of affordable housing or add significantly to its cost. These efforts should be balanced with specific, actionable, comprehensive plan policies for affordable housing incentives for private sector involvement.
- In order to ensure the preservation of the existing housing stock, local governments should adopt a policy that strongly promotes the rehabilitation of deteriorated, substandard housing.

And,

WHEREAS, in July 2002, the Sarasota Board of County Commissioners adopted Ordinance 2001-076, Amendment to the Sarasota Comprehensive Plan RMA-1, which included the principle:

- Villages and Hamlets shall include a range of housing types that supports a broad range of family sizes and incomes. Villages shall include housing for families with incomes below the median family income 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, density bonuses and inclusionary

requirements in the Land Development Regulations and Zoning Regulations.

And,

WHEREAS, in April 2004, the Sarasota Board of County Commissioners accepted the Community Housing Work Group Report recommending codification of incentives, direct and indirect, that will increase the supply of affordable housing; and

WHEREAS in June 2004, the Sarasota Board of County Commissioners ranked affordable housing as one of the top community priorities in the EAR Report; and

WHEREAS, in August 2004, the Sarasota Board of County Commissioners adopted Ordinance 2004-062, the implementing regulation pertaining to the Sarasota 2050 Plan, which outlines the requirements to build Affordable Housing in village developments; and

WHEREAS, in September 2004, the Board of County Commissioners adopted the following Guiding Principles regarding community housing:

1. Community housing is necessary to achieve a sustainable Sarasota;
2. Community Housing is recognized as necessary “community” infrastructure for economic and social sustainability;
3. The application of Smart Growth principles is the building block for community housing;
4. Economic opportunity, workforce availability, and community housing are interdependent;
5. Public, private and not-for-profit partnerships are essential to successful community housing;
6. Incentives and regulatory changes that stimulate private sector development of community housing are integral to community housing;
7. Public and private community infrastructure, such as transportation and utilities, is critical to locating and creating community housing;
8. Density, properly applied by design and location, is a viable catalyst for community housing; and
9. Community Housing consists of a mix of new and rehabilitated units that are diverse in design, construction, and location.

And,

WHEREAS, in March 2005, in a Community Workshop on the EAR Based Amendments to the Comprehensive Plan the participants identified the need to increase affordable housing as a priority to the community; and

WHEREAS, in June 2005, the Sarasota County Planning Commission recommended the Sarasota Board of County Commissioners establish a goal for the creation of 500 Affordable Housing Units per year; and

WHEREAS, in January 2006, Staff commenced meeting with an Inclusionary Program Work Group to develop regulations and incentives to increase and preserve the number of Affordable Housing Units in Sarasota County; and

WHEREAS, in April 2006, the Sarasota Board of County Commissioners adopted policies within the Housing and Future Land Use Chapters of the Comprehensive Plan that support the development of Community Housing and directed staff to develop an Ordinance that reflected the policies within the

Comprehensive Plan.

SECTION 1. FINDINGS

The Board of County Commissioners hereinafter referred to as the “Board,” hereby make the following findings:

- A. The findings stated above are adopted and incorporated herein by reference.
- B. The Board has held public hearings on the proposed amendments described herein in accordance with the requirements of the Sarasota County Zoning Regulations and Land Development Regulations and has considered the information received at said public hearings.
- C. The Board has received and considered the report of the Sarasota County Planning Commission, and has reviewed the proposed amendments provided herein.
- D. The Board, sitting as the Sarasota County Land Development Regulation Commission, has reviewed the proposed amendments provided herein and has found that the amendments are consistent with the Sarasota County Comprehensive Plan.

SECTION 2. PURPOSE AND INTENT

The purpose and intent of the Community Housing Development Ordinance is as follows:

- 1. To implement the goals, policies, and objectives of the Sarasota Comprehensive Plan to increase the supply of housing that is available and affordable to very-low, low, and moderate income persons;
- 2. To provide a range of housing opportunities for those who work in Sarasota County and who provide the community with essential services but may be unable to pay market rents or housing prices in the community;
- 3. To ensure that affordable housing opportunities are available throughout the entire community;
- 4. To ensure that such housing remains in the affordable housing stock;
- 5. To mitigate the impacts of market-rate housing on the supply and cost of very-low, low and moderate income housing, due to the decreasing available supply of developable sites in Sarasota County and the upward pressure on the pricing of all housing in the county;
- 6. To increase the availability of housing opportunities for very-low, low and moderate income households within Sarasota County in order to protect the economic diversity of the County’s housing stock, reduce traffic, commuting and related air quality impacts, and reduce the demands placed on transportation infrastructure in the region; and
- 7. To implement policies of the Housing Element of the Comprehensive Plan which include adopting an affordable housing program to meet the housing needs of those not currently served by the market and programs by the Office of Housing and Community Development.

SECTION 3. APPLICABILITY

This Ordinance shall be applicable to properties within the jurisdiction of Sarasota County.

SECTION 4. CREATION

PART 1. Article 12 of Appendix A of the Sarasota County Code (the Sarasota County Zoning Code) is created as follows:

Article 12. Community Housing Development

12.1.1. AFFORDABLE HOUSING OVERLAY

a. General Provisions

1. 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.

b. Applicability

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

c. Affordability Requirement

1. The Community Housing Units and Affordable Housing Units developed within the Affordable Housing Overlay shall be provided in accordance with provision i or ii as specified in this section and consistent with the financial provisions of this Article:
 - i. At least fifty (50%) percent of the housing units shall meet the definition of Community Housing where:
 - (1) No less than 1/3 of these Affordable Housing Units are affordable to households with incomes at eighty (80%) percent of Area Median Income (AMI) or less, and
 - (2) No less than 1/3 of these Affordable Housing Units are affordable to households with incomes at one hundred (100%) percent of AMI or less, and
 - (3) No less than 1/3 of these Community Housing Units are affordable to households with incomes at one hundred twenty (120%) percent of AMI or less,
 - (4) The Community Housing Units and Affordable Housing Units shall remain affordable subject to management through the Community Housing Trust of Sarasota County, Inc, and remain affordable as originally categorized here under in perpetuity; or

- ii. At least sixty (60%) percent of the housing units shall meet the definition of Community Housing where:
- (1) No less than 1/2 of these Affordable Housing Units are affordable to households with incomes at eighty (80%) percent of Area Median Income (AMI) or less, and
 - (2) No less than 1/2 of these Affordable Housing Units are affordable to households with incomes at one hundred (100%) percent of AMI or less, and
 - (3) Properties shall be subject to restrictive covenants in favor of (and enforceable by) the County, restricting the sale of the property to qualifying owners who will occupy the premises for not less than ten years from the closing date of the purchase (“the Control Period”), and if the property is sold within the Control Period, the subsequent owners shall meet the AMI guidelines set forth by the Office of Housing and Community Development and the property shall be subject to a new Control Period of an additional ten years from the date of the sale. Each time the property is sold within a Control Period, a new Control Period shall be established. At such time as a Control Period expires with the owner in occupancy for the Control Period, no further Control Periods will apply thereafter to the property.

d. **Financial**

1. Sale and Rental Rates

Community and Affordable Housing Units shall be leased at restricted rental rates or initial sale prices which correspond to rates set annually by the Board of County Commissioners, based on annual Area Median Income data as calibrated for household size and/or appropriate unit size, prevailing fixed rate 30 year mortgage rates, taxes, and insurance costs.

2. Income and Eligibility Standards

- i. The Community or Affordable Housing Unit shall be the primary residence of the occupant(s).
- ii. The initial or subsequent purchaser(s) and/or leaseholder(s) shall be certified as income eligible by the County Administrator or designee.
- iii. 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.
- iv. For determining eligibility for the purchase/lease of a Community or Affordable Housing Unit, the Housing Ratio shall be no less than 27 percent.
- v. All rental units that fulfill the development obligation for Community or Affordable Housing Units shall require any new occupant of a dwelling unit to meet the income eligibility requirements set forth in this Article.