

**ORDINANCE NO. 22-03  
COUNTY INITIATED LAND DEVELOPMENT CODE TEXT AMENDMENT –  
SECTION 545 – HOUSING PROGRAM**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR PURPOSE AND INTENT REGARDING AMENDMENTS TO UPDATE THE INCENTIVES FOR AFFORDABLE HOUSING; AMENDING CHAPTER 5, HOUSING PROGRAM, SPECIFICALLY SECTIONS 545.1 and 545.2 TO CHANGE THE HOUSING/RAPID RESPONSE TEAM/FAST TRACK INCENTIVE AFFORDABLE HOUSING PERCENTAGE REQUIREMENT FROM 10% TO 25%, TO CHANGE THE FEE REIMBURSEMENT INCENTIVE TO A FEE DEFERRAL INCENTIVE, TO CLARIFY THE DENSITY BONUS INCENTIVE AND TABLE 5-6: HOUSING DENSITY BONUS, TO ADD SPECIFIC COMPATIBILITY STANDARDS, AND TO ADD BULK AND DIMENSIONAL STANDARDS AND TABLE 5-7: SCHEDULE OF BULK AND DIMENSIONAL STANDARDS FOR SPECIFIC SINGLE-FAMILY RESIDENTIAL DISTRICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR OTHER AMENDMENTS AS MAY BE NECESSARY FOR INTERNAL CONSISTENCY; AND PROVIDING AN EFFECTIVE DATE.**

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

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Community Planning Act, Part II of Chapter 163, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. The Board of County Commissioners relies upon the following findings in the adoption of this Ordinance:

1. Section 545 – Housing Program sets forth the requirements for County incentives offered to developers in exchange for the construction of affordable/workforce housing.
2. It is in the interest of the public health, safety and welfare to adopt the amendments set forth in this Ordinance to clarify the requirements and incentives for affordable/workforce housing and to add new requirements/incentives, as recommended by the Affordable Housing Advisory Committee (AHAC).
3. The Manatee County Planning Commission has been duly designated in

Section 301, Land Development Code as the Local Planning Agency of the County.

4. Section 163.3174(4)c, Florida Statutes, provides that the Local Planning Agency shall review proposed land development regulations and make recommendations to the governing body as to consistency of the proposed land development regulations with the adopted Comprehensive Plan.
5. Section 301.1.D., Land Development Code, authorizes the Planning Commission to hold public hearings and make recommendations as to proposed amendments to the text of the Land Development Code.
6. The Planning Commission acting in its capacity as the Local Planning Agency, held a duly noticed and advertised public hearing on February 10, 2022 as to the proposed LDC Text Amendment and found it to be consistent with the Manatee County Comprehensive Plan and the standards for review in Section 341, Land Development Code and has recommended their adoption to the Board
7. The Board held two (2) duly noticed and advertised public hearings on April 7, 2022 and May 19, 2022 to receive public comments and consider the recommendation of the Planning Commission as to the LDC Text Amendments.
8. The adoption of the LDC Text Amendments will foster and preserve the public health, safety and welfare and aid in the harmonious, orderly and progressive development of the County and thus will serve a valid public purpose.

Section 3. Amendments to Sections 545.1 and 545.2 of the Land Development Code. Sections 545.1 and 545.2 of the Land Development Code are hereby amended as set forth in Exhibit "A" to this Ordinance.

Section 4. Codification. The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 3 of this Ordinance into the Land Development Code.

Section 5. Applicability. The amendments set forth in this Ordinance shall apply to all applications, decisions or controversies pending before the County upon the effective date hereof or filed or initiated thereafter.

Section 6. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 7. Effective Date. This Ordinance shall become effective as provided by law.

**PASSED AND DULY ADOPTED**, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 19<sup>th</sup> day of May 2022.

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

By: \_\_\_\_\_  
Kevin Van Ostenbridge, Chairman

**ATTEST: ANGELINA COLONNESO**  
Clerk of the Circuit Court and Comptroller

By: \_\_\_\_\_  
Deputy Clerk

## **EXHIBIT A**

### **Section 545. - Housing Program**

#### **545.1. - Purpose and Intent.**

The purpose of this section is to provide for a variety of housing opportunities for present and future residents of Manatee County. This section is intended to comply with F.S. ch. 163 generally and specifically § 163.3177(6)(f) and F.S. ch. 420, generally and specifically § 420.9076, F.S.

#### **545.2. - Affordable Housing Incentives.**

To meet the affordable housing needs of Manatee County residents, 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.

- A. **Housing Rapid Response Team/Fast Tracking.** Projects in which twenty-five (25) percent 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 Housing and Community Development Manager or as designated by the County Administrator.
- B. **Review Fee Deferral.** All projects with at least 25% affordable housing units shall be eligible for deferral of County fees in accordance with Affordable Housing Programs and administrative procedures as established by Manatee County, and as permitted by law.
  - 1. Any applicant seeking a fee deferral shall submit an application to the Department Director who will assist the applicant in working with the proper county department.
  - 2. The applicant shall enter into a land use restriction agreement (LURA) with the County. The agreement shall provide the designation level of affordable units required 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 .
  - 3. Upon Certificate of Occupancy Issuance for the final affordable unit within the development, deferred County fees will be credited to the Applicant's account, provided the project meets all terms and conditions of the executed LURA.
- C. **Tree Protection Trust Fund.** Projects with at least twenty-five (25) percent affordable units may apply to receive funds from the Tree Protection Trust Fund to meet landscaping requirements of the project.

1. Any applicant seeking to secure such funding shall apply by submitting a written request to the Department Director.
2. Allocation of these funds is discretionary and must compete with all other projects eligible to receive funds from the Tree Protection Trust Fund, including county landscaping projects and are based on fund availability.
3. The applicant shall enter into a land use restriction agreement with the County. The agreement shall provide the designated affordable units required to seek reimbursement from the Tree Protection Trust Fund as approved by the Board. A land trust may be used as a mechanism to retain units as affordable.

D. **Density Bonus.** Projects with at least twenty-five (25) percent units designated as affordable are eligible to request a density bonus as follows:

1. Table 5-6 lists the maximum project density that may be approved in conjunction with the bonus. Conventional zoning districts without a bonus may still be considered under each future land use category, as indicated in Table 4-1. Those zoning districts listed under “Potential Zoning Districts” in Table 5-6 below allow for a range of densities, some without the full bonus. For example, RES-3, per the Density Bonus provision allows a maximum of 6 dwelling units per acre. However, in some cases only 3 or 4.5 dwelling units may be requested or deemed appropriate. The applicable zoning district would be RSF-3 or RDD-3 and RSF-4.5/H, respectively. To achieve 6 dwelling units per acre the more intensive residential districts must be requested, or the site be located at a designated activity center, meeting commercial locational criteria, and request the non-residential zoning designation.)

Planned Development districts may also be considered with or without a bonus request.

**Table 5-6: Housing Density Bonus**

FLUC	Potential Zoning Districts	Max. Gross (units per gross acre)	Max. Net (units per net acre)
RES-3	RSF-4.5/H, RDD-4.5/H, RSF-6/H, RSMH-6/H, RDD-6/H, RMF-6/H NC-S/H*, NC-M/H*, PR-S/H*, PR-M/H*	6	9
UF-3	RSF-4.5/H, RDD-4.5/H, RSF-6/H, RSMH-6/H, RDD-6/H, RMF-6/H NC-S/H*, NC-M/H*, PR-S/H*, PR-M/H*, GC/H*	6	12
RES-6	RSF-9/H, RMF-9/H, RMF-12/H NC-S/H*, NC-M/H*, PR-S/H*, PR-M/H*, GC/H*	12	16

FLUC	Potential Zoning Districts	Max. Gross (units per gross acre)	Max. Net (units per net acre)
RES-9	RMF-12/H, RMF-16/H NC-S/H*, NC-M/H*, PR-S/H*, PR-M/H*, GC/H*	20	24
RES-12	RMF-16/H NC-S/H*, NC-M/H*, PR-S/H*, PR-M/H*, GC/H*	24	28
RES-16	NC-S/H*, NC-M/H*, PR-S/H*, PR-M/H*, GC/H*	32	36
ROR	NC-S/H, NC-M/H, GC/H, HC/H, MX/H, PR-S/H, PR-M/H	32	36
MU	RMF-16/H GC/H, MX/H	30	36

Example: RES-9 FLUC – the maximum density of 20 du/acre may only be obtained in specific zoning districts such as GC/H and MX/H, but in RMF-12/H, the maximum allowable density is 12 du/acre.

\* Subject to Commercial Locational Criteria.

2. Density bonuses are not permitted on sites within the CEA or CHHA Overlay Districts.
3. In order to receive the affordable housing density bonus, the site must be rezoned to a zoning district designation that allows the requested density as listed in Table 5-6, above. In reviewing rezoning applications, the Board shall consider the criteria for rezoning listed in Section 342.3. The zoning designations listed with an H (e.g. RSF-9/H, max. density 9 d.u./acre) indicates that an affordable housing density bonus was approved for that site. The eligibility for the density bonus shall be terminated for projects that do not qualify for the affordable housing density bonus. A rezone to a zoning district consistent with the Future Land Use Classification of the site (see Table 4-1), is required prior to any other development of the site.
4. Density bonuses may be used only within the project creating the bonus units.
5. In reviewing the site plan for a development utilizing a density bonus, the Department Director shall consider the following:
  - a. The proposed project shall not have a negative impact on the transportation level of service.

- b. The design of new development shall respect the scale and development pattern of existing residential sites abutting the affordable housing project.
- c. The project shall meet, at a minimum, the following project compatibility standards. More stringent setbacks and buffers may be proposed by the applicant to achieve compatibility. At minimum the applicant must choose from i., ii., or iii. below and must comply with iv.:
  - i. To encourage the placement of smaller lots interior to the site, the minimum side and rear building setbacks for those lots abutting a single-family residential zoning district shall be as required by the zoning district or the same required setback of the adjacent single family residential district, whichever is greater, or
  - ii. Lots that are consistent in size with those in the adjacent zoning district shall be located along the perimeter of the project, or
  - iii. A twenty (20) foot screening buffer shall be provided in accordance with Section 701.4.B.3, and
  - iv. Additional building setbacks are required if the building exceeds three (3) stories (see Section 401.5).
- 6. The applicant shall enter into a land use 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. A land trust may be used as a mechanism to retain units as affordable.

**E. Bulk and Dimensional Standards.** The zoning district dimensional standards contained in Chapter 4 shall apply, except for specific zoning districts, as indicated in Table 5-7, and Planned Development.

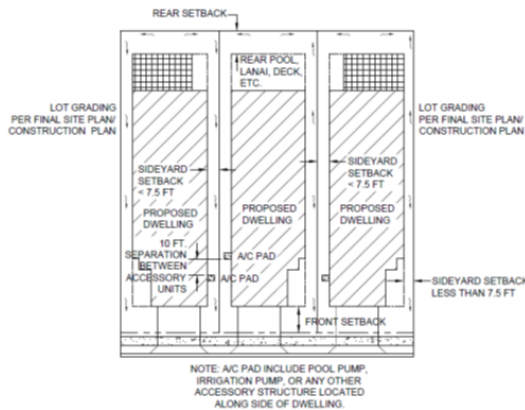
**Table 5-7: Schedule of Bulk and Dimensional Standards for Specific Single-Family Residential Districts**

	<b>RSF-4.5/H</b>	<b>RSF-6/H</b>	<b>RSF-9/H</b>
<b>Min lot size</b>	<b>4,000</b>	<b>3,500</b>	<b>3,500</b>
<b>Min. width</b>	<b>40</b>	<b>35</b>	<b>35</b>
<b>Min. front setback</b>	<b>20/25<sup>1</sup></b>	<b>20/25<sup>1</sup></b>	<b>20/25<sup>1</sup></b>

<b>Min. side setback</b>	<b>5</b>	<b>5</b>	<b>5</b>
<b>Min rear setback</b>	<b>15</b>	<b>15</b>	<b>15</b>

<sup>1</sup>Front-loaded carports and garages, detached or attached to a single-family dwelling, require a minimum 25-foot front yard setback.

<sup>2</sup>On residential sites where the minimum side yard setback is less than seven and one half (7 ½) feet, accessory equipment such as air conditioning units, pumps, generators, and similar elements shall be separated from similar elements on adjacent sites by a distance of at least ten (10) feet.



**F. Modification of Other Standards.** It is recognized that because of the individual unique characteristics or circumstances of any given development, flexibility in the application of development requirements may be warranted in certain situations, pursuant to Section 365. Modifications of the standards provided in this Code may be requested by an applicant as part of the development review process. If multiple modifications or modifications that would apply to more than one (1) lot/site are requested, each modification shall be evaluated independently, and may require approval through a rezone to Planned Development.

#### **F. G. Transfer of Development Rights.**

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



granted by the Board of County Commissioners to exceed the thirty-five (35) percent threshold.

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 Map Designation.
3. In determining the appropriateness of a density transfer, the Board shall consider all factors associated with the review of a planned development project pursuant to this Code. The Board shall also consider the impact of the proposed project on the transportation level of service.
4. 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 equal to the six (6) dwelling units per acre maximum of RES-6.
5. If the transfer of units is granted, the applicant shall enter into a land use restriction agreement with the County. The agreement shall provide for the number of units which can be built subject to the transfer and to ensure that the units designated affordable are retained as affordable units for a period of time to be designated by the Board. 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.

**~~G.~~ H. CLOS Extension Request.** Upon receiving a request for an extension of an initial transportation component of a Certificate of Level of Service (CLOS) for a residential project designated affordable housing, Manatee County shall prioritize such extension request for processing ahead of residential project(s) not containing affordable housing if the residential project containing affordable housing is located: (1) within the Urban Core; and (2) within one-quarter (¼) mile of a public transit stop.

**~~H.~~ I. Site Improvement Incentives.** To promote affordable housing in Manatee County, any project which provides at a minimum twenty-five (25) percent of the overall units as affordable housing, as certified by the County, may request modifications of standards per [Section 365](#) of this Code.

Projects rezoned to a planned development district that provide twenty-five (25) percent or more of their residential units as affordable housing may opt to utilize

zero lot line. Privacy walls shall be required on the common walls. Developers may request a reduced setback for such developments if parking is designed not to obstruct sidewalks, roadways or street tree requirements. Additionally, developments utilizing the above designs may reduce the required lot size to no less than three thousand five hundred (3,500) square feet.

### **545.3. - Workforce Housing Incentives.**

To meet the needs of Manatee County residents for Workforce Housing, projects in which ten (10) percent or more of the entire project is workforce housing will receive the assistance of the County's Housing Rapid Response Team which will assist with fast-tracking the project through the necessary permitting procedures. 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.

### **545.4. - Affordable Housing Stock Lost to Development.**

A. Any development which eliminates affordable housing stock shall either:

1. Provide replacement stock;
2. Provide payment to the Housing Trust Fund in an amount established by the Board;
3. Provide innovative replacement contributions meeting the requirements of Section 545.4.B.
4. Donate land to be used by the County for the development of affordable housing.

B. 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 545.4.A above. These innovative replacement contributions must be approved by the Board, after recommendation by the Department Director.

C. 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.

**545.5. - Infill Development.**

Infill development or redevelopment activities may be approved on existing lots of record meeting the requirements of Section 107.8.C.1 (Use of Nonconforming Lots for Affordable Housing). For affordable housing projects, within Urban Core Areas, meeting the requirements of this Section, as infill or redevelopment projects, such lots do not have to meet the requirement to combine lots as set forth in Sections 107.8.C.1 through 3.

**545.6. - 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 Section 2-17-1, Code of Ordinances (Conveyance of county-owned property to nonprofit agencies) and other applicable law.