

## 6.10. Affordable Housing

### 6.10.1 Purpose and intent.

- A. The purpose and intent of this section is to provide standards for affordable housing development projects. These standards are intended to ensure equity between affordable and market rate units, to monitor projects' compliance with affordability requirements, and to provide for enforcement of penalties related to non-conformance. Standards in this section apply to all projects with an affordable housing component seeking to take advantage of an incentive offered by the City.
- B. This section also intends to implement the Live Local Act (Act), Chapter 2023-17, Laws of Florida, as amended. It provides the specific standards and procedures for projects developed under the Act.

### 6.10.2 General Requirements for Affordable Housing Development Projects with Rental Units

#### A. Equitable Development Standards.

1. All affordable units and market rate units shall be provided access through the same principal entrance(s), and all amenities shall be accessible and available to all residents of both affordable and market rate units.
2. The size and number of bedrooms in affordable units shall be proportional to the size and number of bedrooms in market rate units.

~~A. All residential and nonresidential areas of the project shall be located on the same unified lot.~~

3. Exterior appearance and interior finishes and quality must be the same for affordable and market rate units.
4. Minimum square footage for an affordable unit shall be five hundred (500) square feet.
5. Affordable units must be built at the same rate or faster than market-rate units, to be calculated at the time of issuance of certificates of occupancy.

~~B.6.~~ If the affordable housing development project is located within one-quarter of a mile of a transit stop that is accessible from the project via pedestrian-friendly means such as sidewalks or multi use trails, parking requirement reductions will be considered up to a total of 30% based on service frequency, number of routes served by the transit stop, and availability of public parking. Reductions may only be considered where ~~parking minimums are not provided by the zoning district standards~~ zoning district standards require 100% of minimum parking.

#### B. Monitoring and Compliance.

1. An annual report must be provided by the property owner or property manager to confirm affordability is being maintained consistent with F.S. § 420.0004 and this section. This report must be submitted to the City no later than January 31<sup>st</sup> of each year. Annual income

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compliance reports required by other federal or state agencies, including but not limited to, the Florida Housing Finance Corporation, the State of Florida, or Housing and Urban Development may satisfy this requirement.

**2. Multifamily income restrictions and rent limitations.**

- a. Prior to the issuance of a building permit, a land use restriction agreement for affordability shall be recorded in the official records of Sarasota County that is binding on all successors in interest during the affordability period and is in a form acceptable to the City Attorney. The following income restrictions and rent limitations apply:
  - i. Income restrictions. Tenants of the affordable units shall meet the limits of the respective income categories for which those units are designated. The property owner or property manager shall annually recertify the income qualification for the tenants of each unit.
  - ii. Rent limitations. Monthly tenant rent shall conform with any income or rental limitation requirements of any funding source for the affordable housing development project, or if no such requirements exist, shall not exceed the amounts as annually established by the Florida Housing Finance Corporation. If the Florida Housing Finance Corporation has not established updated amounts, the prior year's limits shall be used until an update occurs. Additionally, monthly tenant rent shall not exceed 30 percent of the household income occupying the unit.

**3. Tenant selection.** The following tenant selection policies must be followed:

- a. Affordable units must be restricted to tenant-applicants in the appropriate income category;
- b. All selection policies shall be reasonably related to the tenant-applicants' ability to perform the obligations of the lease; and
- c. A tenant-applicant with a certificate or voucher under Section 8 tenant-based assistance for low and very-low-income households shall not be excluded.

**4. Recordkeeping requirements.**

- a. Records for at least the most recent five years shall be retained on each affordable unit, including a copy of leases and all income verification documents and rent calculation documentation.

**C. Enforcement.** An affordable housing development project shall satisfy the applicable requirements of this section throughout the affordability period. Failure to maintain compliance may result in the project being deemed non-conforming and enforcement action under Section 1-14 or Chapter 2, Article VI of the City Code of Ordinances.

**D. Termination of Affordability Period.** Where a structure or associated site improvement exists by reason of the structure or site improvement being granted allowances under this Code as an

affordable housing development project, and the affordable housing development project has successfully completed its affordability period, and such structure or site improvement no longer serves as an affordable housing development project, such structure or improvement may continue so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure(s) or improvement(s) may be enlarged or altered in a way that increases nonconformity.
2. Such structure(s) or improvement(s) or portions thereof may be altered to decrease nonconformity.

#### 6.10.3 *General Requirements for Affordable Housing Development Projects with Owner-Occupied Units*

**A. General Standards.** Prior to the issuance of a building permit, a land use restriction agreement for affordability shall be recorded in the official records of Sarasota County that is binding on all successors in interest and is in a form acceptable to the City Attorney. Income verification documentation for a prospective new owner and sales price verification for the home purchase shall be completed by the developer or subsequent owner prior to any transfer of a home during the affordability period. Records for each property for at least the most recent five years shall be maintained, including income verification and ownership transfers.

##### **B. Equitable Development Standards.**

1. The size and number of bedrooms in affordable units shall be proportional to the size and number of bedrooms in market rate units.
2. Exterior appearance and interior finishes and quality must be the same for affordable and market rate units.
3. Minimum square footage for an affordable unit shall be five hundred (500) square feet.
- A.4. Affordable units must be built at the same rate or faster than market-rate units, to be calculated at the time of issuance of certificates of occupancy.

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**B.C. Enforcement.** An affordable housing development project shall satisfy the applicable requirements of this section throughout the affordability period. Failure to maintain compliance may result in the project being deemed non-conforming and enforcement action under Section 1-14 or Chapter 2, Article VI of the City Code of Ordinances.

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**C.D. Termination of Affordability Period.** Where a structure or associated site improvement exists by reason of the structure or site improvement being granted allowances under this Code as an affordable housing development project, and the affordable housing development project has successfully completed its affordability period, and such structure or site improvement no longer serves as an affordable housing development project, such structure or improvement may continue so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure(s) or improvement(s) may be enlarged or altered in a way that increases nonconformity.

2. Such structure(s) or improvement(s) or portions thereof may be altered to decrease nonconformity.

*6.10.4 Live Local Act ("Act").*

**A. Project Requirements.** As less than 20% of land in the City is designated as Commercial or Industrial, the following standards apply to any affordable housing development project seeking to take advantage of the Act, in addition to the standards in Section 6.10.2 of this Code.

1. The affordable housing development project must be a multifamily or mixed use residential project located within one of the city's mixed use zoning districts or a mixed use residential project located within Commercial (CM) or Industrial (IND) zoning districts or the inactive districts of Commercial, General (CG), Commercial Shopping Center (CSC), or Industrial, Light and Warehousing (ILW). The existing future land use designation has no bearing on the project's ability to take advantage of the Act.
2. For mixed-use residential projects, a minimum of 65% of the total square footage must be used for residential purposes. A minimum of 10% of the total square footage must be used for non-residential purposes.
3. Residential amenities, service areas, and other common space for residents shall be counted towards residential square footage for the purposes of this section.
4. A minimum of 40% of the residential units in the affordable housing development project must be rental units that are, for a period of at least 30 years, affordable as defined in F.S. § 420.0004. Prior to the issuance of a building permit, a land use restriction agreement for affordability shall be recorded in the official records of Sarasota County that is binding on all successors in interest and is in a form acceptable to the City Attorney.
5. Density is limited to ~~eighteen (18) dwelling units per acre~~ the highest density in the city that is permitted by right.
6. Building height is limited to the highest currently allowed height by right for a commercial or residential development located in the City within one mile of the affordable housing development project or 3 stories, whichever is higher, at the time of application. If the affordable housing development project is adjacent, on two or more sides, to a parcel zoned RSF that is within a single-family residential development comprising at least 25 contiguous single-family homes, the height of the project may be restricted to 150 percent of the tallest building on any property adjacent to the project, the highest currently allowed height by right in Section 2 of this Code, or 3 stories, whichever is higher. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line but does not include properties separated by a public road.
7. Any previously approved affordable housing development project that relied on the Act cannot be used for density or height comparisons.

8. Any affordable housing development project must be consistent with Comprehensive Plan Strategy OS 1.9.3 regarding density in the Coastal High Hazard Area.
9. Perimeter buffering must be consistent with Table 4.3 in Section 4.3 of this Code based on the proposed use and adjacent use.
10. Parking requirements shall be reduced by 20% for an affordable housing development project authorized under this subsection if the project:
  - a. is located within one-half mile of a major transportation hub, as defined in F.S. § 166.04151, that is accessible from the project via pedestrian-friendly means such as sidewalks or multi use trails; or
  - b. has available parking within 600 feet of the proposed development, which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the project. The available parking is not required to compensate for the reduction in spaces allowed by this subsection.
11. If the affordable housing development project is located within one-quarter of a mile of a transit stop that is accessible from the project, parking requirement reductions will be considered up to a total of 30% based on service frequency, number of routes served by the transit stop, and availability of public parking. Such reductions may only be considered where zoning district standards require 100% of minimum parking.
12. The application and review requirements applicable to site and development plans shall apply ~~except~~ the project shall be administratively approved by the Zoning Administrator if the development:
  - a. satisfies the applicable land development regulations;
  - b. is consistent with the development standards of the RMF-4 zoning district;
  - c. meets the requirements of this section; and
  - d. is consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, floor area ratios, height, and land use.
13. For purposes of public notification and neighborhood workshop requirements in Section 1.2 of this Code, the procedures for administrative applications shall be followed.
14. Nothing in this subsection precludes the granting of a bonus for density height, or floor area ratio pursuant to an existing City ordinance or regulation if the affordable housing development project satisfies the conditions to receive such bonus, except for any condition which conflicts with this subsection. If a project qualifies for such bonus, the bonus must be administratively approved by the Zoning Administrator.
15. This subsection does not apply to airport-impacted areas as provided in F.S. § 333.03.

## 9.1 Defined Terms

**A. Definitions.** The following words, terms and phrases, when used in this LDR, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Affordability Period:** The period during which sale or rental prices are required to be maintained at a specified level; this period lasts a minimum of ten (10) years for all projects and may be longer if required by City Council, Florida law, or any entity providing incentives or funding for a project.

**Affordable Housing Development Projects:** Developments subject to site and development plan approval under Section 1.9 that seek to take advantage of any incentive for affordable housing provided by the City, or that request special approvals based on the condition that affordable units will be provided.

**Affordable Units:** Units priced for sale or rent according to the definition in F.S. § 420.9071(2).

**Market Rate Units:** Units priced for sale or rent based on existing market value and demand, not subsidized by a government funding source, and not priced in relation to area incomes.

**Transit Stop:** A bus station with shelter, benches, and passenger information that receives scheduled bus service at regular intervals. This includes rapid transit stations.