

Topic:	Affordable Housing; Density
Resource Type:	Regulations
State:	Florida
Jurisdiction Type:	Municipal
Municipality:	County of Bay County
Year (<i>adopted, written, etc.</i>):	Unknown
Community Type – applicable to:	Urban; Suburban; Rural
Title:	County of Bay County Density and Intensity Bonus Ordinance
Document Last Updated in Database:	January 27, 2016

Abstract

The Density and Intensity Bonus Ordinance encourages high quality affordable housing development and redevelopment in Bay County, Florida. This statute sets forth provisions for the calculation of density and intensity bonuses and establishes criteria for affordable housing and details about the application process for affordable housing.

Resource

6.02.00. DENSITY AND INTENSITY BONUSES

6.02.01. Purpose.

It is the purpose of this section to encourage new development and redevelopment that is of exceptionally high quality and design and that furthers county policies as established in the Bay County comprehensive plan. The density and intensity bonuses set forth in this section are intended to encourage the provision of affordable housing and recreational facilities. The purpose of the affordable housing density bonus is to expand housing opportunities for low- and moderate-income persons throughout the county by providing increased residential densities to developers who guarantee that a portion of their housing development will be affordable to persons of low and moderate income. The purpose of the recreational and beach access bonuses is to expand recreational opportunities in the county and to permanently preserve open space and scenic views of the Gulf of Mexico.

6.02.02. Applicability.

Density and intensity bonuses may be utilized in any character district except the Deerpoint watershed district. However, if in any case the administration of this section conflicts with rule 10D-6, F.A.C., Standards for On-Site Sewage Disposal Systems, the standards of rule 10D-6 shall apply.

6.02.03. Calculation of bonuses.

Density and intensity bonuses shall be based on the following bonus allocation system:

- A. *Provision of affordable housing.* Determine the percentage of total housing units in a residential project that are devoted to affordable housing in accordance with section 6.02.04, and calculate that percentage as a bonus, up to a maximum of 25 percent.
- B. *Provision of active recreational facilities.* Determine the percentage of the total acres in the project that are devoted to active recreational use, in accordance with section 6.02.05, and calculate half that percentage as a bonus, up to a maximum of ten percent. To qualify for a bonus, the recreation facilities may not be used to satisfy the minimum open space requirements of section 6.01.06.
- C. *Provision of public beach access points.* For each separate public beach accessway and beach parking area dedicated to the county, in accordance with section 6.02.06, calculate a five-percent bonus, up to a maximum of ten percent.

6.02.04. Affordable housing density bonus.

- A. *Submittals.* All proposed development requesting additional density for the provision of affordable housing shall provide the following information on the application for development approval:
 - 1. The application for approval of a proposed development shall indicate that the development approval is requested through compliance with the bonus standards.
 - 2. The application shall clearly show the units affordable by persons and families of low- or moderate-income, showing the basis for the requested density bonus.
- B. *Review of density bonus application.*
 - 1. After a duly noticed public hearing, the board of county commissioners may grant a density bonus for projects that include units affordable to low- or moderate-income persons, allowing a greater number of units than the maximum shown in table 6.01.06. Density bonuses shall be allotted as set forth in section 6.02.03. The number of bonus units shall not exceed 25 percent of the maximum number of units permitted in the base district without a density bonus.
 - 2. If the density bonus is approved, the developer shall enter into an agreement with the county. The county attorney shall approve all such agreements prior to execution. The agreement shall contain, among other items, the terms and conditions of the deed restrictions to be placed on the units to ensure that the units remain affordable to low- and moderate-income persons for a period of at least 30 years. The restrictions shall run with the land and shall be enforceable by the county until such restrictions expire.

- C. *Location of affordable units.* In order to qualify for a density bonus, the affordable units may be located on-site and integrated into the development project or off-site, provided that the applicant makes a satisfactory showing to the board of county commissioners that the units will be located in an area with a demonstrated need for affordable housing units.
- D. *Criteria for affordable housing.*
1. A housing unit shall be considered an affordable housing unit if it meets, and continues to meet for 30 years, one of the two following conditions:
 - a. Has an annual rental rate that is less than or equal to 33 percent of the median family income of Bay County; or
 - b. Has an annual cost (including property taxes), after a ten-percent down payment, that is less than or equal to 33 percent of the median family income of Bay County.
 2. [Reserved.]
 3. The Bay County median family income shall be that figure published and periodically updated for Bay County as a whole by the U.S. Department of Housing and Urban Development (HUD) or another source determined to be more appropriate by the board of county commissioners.