

**ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS**

CATEGORY: Development/Planning/Zoning	CODE NUMBER: AC-13-12
TITLE: Housing Density Bonus Program	ADOPTED: 2/14/90
	AMENDED: 11/16/94; 05/03/05; 05/31/05; 08/14/07
	ORIGINATING DEPARTMENT: Community Development

PURPOSE/SCOPE:

Regulations governing the implementation of the Housing Density Bonus Program, the purpose of which is to stimulate the construction of very low, low, and moderate income housing in Lee County.

POLICY/PROCEDURE:

This Administrative Code (AC) implements Article VII, Division 12, Subdivision III, of the Land Development Code (LDC) (Housing Bonus Density for Provision of Very Low, Low, and Moderate Income Housing). These sections of the LDC apply to the unincorporated areas of Lee County, and to the incorporated area of Lee County to the extent permitted by interlocal agreements. However, the LDC and this AC do not apply to areas where bonus densities are specifically prohibited by the Lee Plan.

The Housing Density Bonus Program is described in Sections 34-1511 to 34-1520 of the LDC.

ATTACHMENT:

- Exhibits:
1. Sample Application
 2. Income Certification Forms - Owner/Renter Occupied Units
 3. Sample Density Bonus Program Summary Report

The Planning Division will review the application for consistency with the Lee Plan and the Local Housing Assistance Plan. (Sample application is attached as Exhibit 1.) If consistent, it will be signed by the Division Director. The application will then be forwarded to the Development Review Division where the density bonus and total number of units will be assigned. The application will then be signed by the Development Review Division Director and returned to the Planning Division.

Once the "DEVELOPER" agrees to participate in the program with the assigned density bonus, they will sign the applicable Agreement, either for the "cash contribution" or the "site specific" option. The "DEVELOPER" will either deliver to the Planning Division the bond required by the site specific option or the cash contribution for the cash contribution option. The bond requirement may be waived by the Board of County Commissioners for non-profit sponsors of very low or low income housing.

The cash contribution is \$20,000 per density bonus unit subject to Board of County Commissioners approval of the Agreement. The cash contribution may be by cash, cashier's check, or money order made payable to: The Lee County Board of County Commissioners. The funds must be deposited into the County's Affordable Housing Trust Fund.

After review by the County Attorney's Office, the Agreement will then be sent to the Board of County Commissioners. Once approved, the "DEVELOPER" must provide a copy of the Agreement to the Division of Development Review in order to obtain a final development order in cases where required. Once a "DEVELOPER" receives a final development order, they may apply for building permits.

If the Board of County Commissioners does not approve the Density Bonus Agreement, the "DEVELOPER" will receive a refund of the bond or cash contribution.

The Planning Division will be the custodian of records pertaining to the Housing Density Bonus program. The developer or subsequent owners are responsible for annual verification of the housing quality standards and the income of the housing occupants in rental units obtained through the Density Bonus Program. (Sample form is attached as Exhibit 3.) Verification forms are available from the Planning Division. In the case of owner-occupied units, there must be provided at the time of sale a deed restriction requiring that the unit remain in compliance with the terms of the ordinance and "DEVELOPER" contract for a seven-year period. All subsequent owners during the seven-year period are bound by the deed restriction. In addition, in the case of owner-occupied units and renter-occupied units, a covenant must be recorded in the public records stating that there is an obligation to rent or sell only to eligible households, as defined in section 34-1512, for a period of seven years after the certificate of occupancy is issued. The applicant will deliver a copy of the covenant proposed for recording for review and approval by the Planning Division and the County Attorney's Office.



EXHIBIT 1

**APPLICATION FOR PUBLIC HEARING
FOR BONUS DENSITY PROGRAM
UNINCORPORATED AREAS ONLY**

**Applicant's
Name:**

Project Name:

**STRAP
Number(s):**

STAFF USE ONLY

Case Number: _____ Commission District: _____

Current Zoning: _____ Fee Amount: _____

Land Use Classification: _____ Intake by: _____

Planning Community: _____

**LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 479-8585**

APPLICATION FOR PARTICIPATION IN
LEE COUNTY'S HOUSING DENSITY BONUS PROGRAM

1. Application for a Housing Bonus Density must be made in conjunction with application for a Final Development Order or a Building Permit in the case of a duplex, whichever is most applicable.
2. The Lee County Department of Community Development will review the application for a Bonus Density for compliance with the Lee Plan. Proposed developments inconsistent with the Lee Plan will not be eligible for bonus density. Those approved for a bonus density and who designate appropriate levels of residential units for very low, low, and moderate income households may be eligible for a density above the standard density range.
3. Signed agreements for the Bonus Density must be attached and become conditions of any Final Development Order or Building Permit issued for developments receiving density above the Standard Density Range.
4. Very low, low, and moderate income are defined as follows:
 - VERY LOW - Up to 50% of Lee County Median income as established by HUD
 - LOW - 51% to 80% of Lee County Median income as established by HUD
 - MODERATE - 81% to 120% of Lee County Median income as established by HUD
5. Guidelines for Bonus Density Range:

GUIDELINES FOR BONUS DENSITY*

Lee Plan Land Use Category	Standard Density Range (in dwelling units per acre)	Maximum Bonus Density (in dwelling units per acre)
Intensive Development Area	8-14	8
Central Urban Area	5 to 10	5
Urban Community Area	1 to 6	4

**Applications and information including the Housing Density Bonus Ordinance and Administrative Procedures are available at the Lee County Planning Division.*

**PART 1
APPLICANT/AGENT INFORMATION**

A. Name of applicant: _____
Address: Street : _____
City: _____ State: _____ Zip: _____
Phone: Area Code: _____ Number: _____ Ext: _____
Fax: Area Code: _____ Number: _____
E-mail address: _____

B. Relationship of Applicant to owner (check one):
_____ Applicant (including an individual or husband & wife) is the sole owner of the property.
Notarized Affidavit of Authorization form is attached as Exhibit _____. (See Part ## Exhibit Form ## attached hereto for suggested Affidavit Form for an individual.)
_____ Applicant has been authorized by the owner(s) to represent them for this action.
Notarized Affidavit of Authorization form is attached as Exhibit _____.
(Please select the appropriate Affidavit Form from the suggested forms in Part ## Exhibits attached hereto.)
_____ Applicant is a contract purchaser/vendee.
Notarized Affidavit of Authorization form is attached as Exhibit _____.
(Please select the appropriate Affidavit Form from the suggested forms in Part ## Exhibits attached hereto.)
_____ Application is County initiated. BOCC authorization is attached as Exhibit _____.

C. Authorized Agent: Name of the person who is to receive all County-initiated correspondence regarding this application.

C.1. Company Name: _____
Contact Person: _____
Address: Street: _____
City: _____ State: _____ Zip: _____
Phone: Area Code: _____ Number: _____ Ext.: _____
Fax: Area Code: _____ Number: _____
E-mail Address: _____

C.2. Additional Agent(s): the names of other agents that the County may contact concerning this application
Are attached as Exhibit _____.

**PART 3
PROPERTY/REQUEST INFORMATION**

Date of Application: _____

Name of Project (if known): _____

Developer (If non-profit, include copy of certification): _____

I. LOCATION OF PROPERTY

A. Strap Number (s): _____

B. General Location (road(s) fronted upon): _____

C. Land Use Map Classification Per Lee Plan: _____

D. Present Zoning: _____

E. Proposed Zoning (if filing a rezoning application concurrently): _____

F. Planning Community: _____

G. Area location map is attached as Exhibit: _____

H. Master Concept Plan is attached as Exhibit: _____

I. Surrounding property owners:

a. List of surrounding property owners is attached as Exhibit: _____

b. Map of surrounding property owners is attached as Exhibit: _____

c. 2 sets of mailing labels are attached as Exhibit: _____

II. NET AREA AVAILABLE FOR DEVELOPMENT

_____ Acres

III. OPTION SELECTED BY DEVELOPER

A. _____ Site specific option

B. _____ Cash contribution option \$ _____ = \$20,000 x _____ units

IV. TYPE AND DENSITY OF HOUSING UNITS

1. Net Density: _____ units per acre without Bonus Total: _____ units proposed without Bonus
Net Density: _____ units per acre with Bonus Total: _____ units proposed with bonus
2. Type of units or structures proposed: _____
- a. _____ Single Family (detached)
- b. _____ Single Family (attached),
Duplex _____, Townhouses _____
- c. _____ Multi-family Units
- d. _____ Other (type and number)
3. Bedroom size distribution:
____ 1 Bd, ____ 2 Bd, ____ 3 Bd, ____ 4 + Bd. *(Applicable for site specific Density Bonus Option only)*
4. Proposed rental or sales price of Density Bonus Units:
____ 1 Bd, ____ 2 Bd, ____ 3 Bd, ____ 4 Bd. *(Applicable for site specific Density Bonus Option only)*
5. Potable Water & Central Sewer. Will the project be connected to potable water and central sewer as part of any development of the property? _____ YES. _____ NO.
- a. If the answer is NO, please explain why the connection to potable water and/or central sewer is not planned.
- b. If the answer is YES, please indicate the name of the Utility to which the connection(s) are proposed.

- V. A. Total number of dwelling units proposed for the development: _____
- B. Total number of bonus density units proposed for the development: _____
- C. Total number of dwelling units designed for very low, low, and moderate income households (relevant for site density bonus specific option only): _____

Signature, Developer or Authorized Agent Date

Signature, Planning Division Director Date

Signature, Development Services Division Director Date

Signature, Community Development Department Director Date

SUBMITTAL REQUIREMENTS

SUBMITTAL ITEMS
Completed application for Public Hearing
Filing Fee
SEVEN (7) COPIES ARE REQUIRED TO BE SUBMITTED FOR EACH OF THE FOLLOWING EXHIBITS (UNLESS OTHERWISE NOTED):
SUBMITTAL ITEMS
Notarized Affidavit of Authorization Form
BOCC authorization (if applicable)
Additional Agents
Legal Description
Sealed Sketch of the Legal Description
Boundary Survey (tied to State Plane Coordinate System)
A copy of the current deed(s) for all property being included in the request
Area Location Map
Aerial Photograph with the site clearly delineated. Originals only - photocopies are not acceptable.
Site Plan - A graphic illustration of the proposed development. Copies of the Site Plan must be provided in two sizes, 24" x 36" (2 copies), and 11" x 17" (7 copies - 2 originals required) in size and must be clearly legible and drawn at a scale sufficient to adequately show and identify the proposed development.
List of Surrounding Property Owners - 2 copies
Map of Surrounding Property Owners - 2 copies
Mailing labels - 2 copies
Potable Water & Central Sewer - An analysis providing the availability of potable water and sanitary sewer including available capacity and the location of service lines.
Covenant proposed for recording – This submittal requirement only applies to Site-specific density bonus (option 1).

*** At least one copy must be an original.**

**AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT**

I, _____, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Signature

(Type or printed name)

STATE OF _____

COUNTY OF _____

The foregoing instrument was sworn to (or affirmed) and subscribed before me this _____ (date) by _____ (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Signature of person taking oath or affirmation

Name typed, printed or stamped

Title or rank

Serial number, if any

**AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED
COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE**

I, * _____ as _____ of _____, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I am hereby authorizing the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

*Name of Entity (corporation, partnership, LLP, LC, etc)

_____ Signature	_____ (Type or printed name)
_____ (title of signatory)	

STATE OF _____
COUNTY OF _____

The foregoing instrument was sworn to (or affirmed) and subscribed before me this _____ (date) by _____ (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

_____ Signature of person taking oath or affirmation	_____ Name typed, printed or stamped
_____ Title or rank	_____ Serial number, if any

***Notes:**

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trustee, then they must include their title of "trustee."*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.*

EXHIBIT 2

**LEE COUNTY DENSITY BONUS PROGRAM
INCOME CERTIFICATION FORMS – OWNER/RENTER OCCUPIED UNITS**

Project Name and Address: _____

Date of Report: _____

This form must be used for all sales applications upon initiation of sale and annually for a seven year period for each tenant in a rental project. The form does not apply to the cash contribution option.

Check one: Ownership ___ Rental ___

Unit Number or Street Address: _____

Proposed Sales Price: _____ (attach Good Faith Estimate)

Monthly Rent: _____ No. Bedrooms: ___ Est. Cost of Utilities (water, sewer, electric): _____

Household's Name: _____

Mailing Address: _____

City/State/Zip: _____

Telephone: _____

A. Please list all members in your household, beginning with the head of household.

Household Member Number	Name	Social Security Number	Relationship to Household Head	Age	Sex
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					

B. Please list all income received by each member of household, such as gross wages, self-employment, benefits (Social Security, VA, Unemployment, Workmen's Compensation, Pension), child support, alimony, welfare.

Household Member Number	Types of Income (If wages, please list names and addresses of employers)	Gross Monthly Income
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

C. Please list all assets of each household member, such as checking accounts, savings accounts, C.D.'s, stocks, bonds, lots.

Household Member Number	Description of Assets	Present Balance of Value	% Rate of Int. of Div. Earned Yearly
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

I hereby swear and affirm that the above information I have provided is true and correct to the best of my knowledge.

Signature of Head of Household

Date

Signature of Spouse

***** OFFICE USE ONLY - APPLICANT SHOULD NOT COMPLETE *****

Household size: _____ Household's gross yearly income: \$ _____

<input type="checkbox"/>	VERY LOW INCOME	<input type="checkbox"/>	LOW INCOME	<input type="checkbox"/>	MODERATE INCOME
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Checked by: _____ Date: _____

***** OFFICE USE ONLY - APPLICANT SHOULD NOT COMPLETE *****

EXHIBIT 3

**LEE COUNTY DENSITY BONUS PROGRAM SUMMARY REPORT
To Be Filed Annually**

Date of Report:

Report should reflect the occupancy of the facility on September 30. The report must be received by Lee County Planning Division on or before November 1 of each year for a period of 7 years.

Property: _____

Location: _____

Total: _____

Total Bonus Density Units Awarded: _____

Total Units Occupied: _____

Submitted by (Owner/Manager): _____

Total Units Occupied by Very Low, Low, and Moderate Income Households: _____

Complete Below for all Bonus Units that are Occupied: _____

Unit No. Tenant Name Annual Income Verification Report Attached

1.	11.	21.	31.	41.	51.	61.	71.	81.	91.
2.	12.	22.	32.	42.	52.	62.	72.	82.	92.
3.	13.	23.	33.	43.	53.	63.	73.	83.	93.
4.	14.	24.	34.	44.	54.	64.	74.	84.	94.
5.	15.	25.	35.	45.	55.	65.	75.	85.	95.
6.	16.	26.	36.	46.	56.	66.	76.	86.	96.
7.	17.	27.	37.	47.	57.	67.	77.	87.	97.
8.	18.	28.	38.	48.	58.	68.	78.	88.	98.
9.	19.	29.	39.	49.	59.	69.	79.	89.	99.
10.	20.	30.	40.	50.	60.	70.	80.	90.	100.

CERTIFICATION

I/We hereby certify that I/We am/are the owner(s)/manager(s) of the above property and that to the best of my/our knowledge, all the information is true and correct.

Owner's Signature: _____ Date: _____

Owner's Signature: _____ Date: _____

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by
_____, who is personally known to me or who produced
_____ as identification and who did not take an oath.

Notary Public

My Commission Expires: _____