

Ordinance 2008-08

(Amendments to zoning regulations – affordable housing impact fee exemption)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS, ARTICLE VII, DIVISION 4 “PUBLIC FACILITIES IMPACT FEES” BY REVISING THE DEFINITION OF “AFFORDABLE HOUSING”; EXTENDING THE AFFORDABLE HOUSING IMPACT FEE EXEMPTION TO DUPLEXES ON IN-FILL LOTS; REVISING THE MONTHLY PAYMENT LIMIT FOR AN AFFORDABLE UNIT; ADDING A COMPLIANCE REPORTING REQUIREMENT; REQUIRING IMPACT FEE PAYMENT FOR NON-COMPLIANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED by the City Commission of the City of Lake Wales, Polk County, Florida,

SECTION 1. Definition of “affordable housing”

Sec. 23-761. “Definitions” of Division 4. “Public Facilities Impact Fees” is hereby amended as follows:

Affordable housing shall mean a dwelling unit which is offered for sale or rent to low-income persons or very low-income persons and which monthly rent or monthly mortgage payments, including taxes and insurance, do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross income for low-income persons and very low-income persons. ~~for an amount which is within the standards set forth and established in Schedule A of this division.~~

SECTION 2. Requirements for exemption from impact fees – affordable housing

Sec. 23-771 “Affordable housing” is hereby amended as follows:

- a. The city shall exempt from the payment of impact fees imposed pursuant to this division any public facilities impact construction consisting of a single dwelling unit or duplex built on an infill lot within the city which will either: (1) be sold or rented for an amount which qualifies as affordable housing; (2) be funded in whole or in part by monies received pursuant to tax grant or subsidy from the United States, State of Florida, Polk County or City of Lake Wales, the use of which is specifically restricted to provide for the construction of affordable housing. For the purposes of this section, the term “infill lot” is defined as any single vacant lot located in a predominately built-up area served by city utilities, which is bounded on two (2) or more sides by existing development. In addition, any lot that contains an existing building which will be removed and replaced with a new building shall also be considered an infill lot.
- b. Any person seeking an affordable housing exemption for new dwelling unit ~~a proposed public facilities impact construction~~ shall file with the city manager an application for exemption prior to receiving a building permit for unit. ~~the proposed public facilities impact construction.~~ The application for exemption shall contain the following:

1. The name and address of the owner;
 2. The legal description of the ~~residential~~ property upon which the unit(s) ~~public facilities impact construction~~ shall be constructed;
 3. The proposed selling price if the unit(s) ~~public facilities impact construction~~ will be offered for sale or the proposed rental price if unit(s) ~~the public facilities impact construction~~ will be offered for rent;
 4. The number of bedrooms which the dwelling unit(s) will contain; and
 5. Evidence that the unit(s) is funded by a governmental affordable housing program, if applicable, including any terms, restrictions and conditions as to its use, if applicable; The nature of any government grant or subsidy which will fund the public facilities impact construction, including any terms, restrictions and conditions as to its use, if applicable;
 6. Copy of the impact fee exemption application or approved exemption from the Polk County Manager, if applicable.
 7. Evidence that the unit(s) shall be occupied by low-income or very-low income persons;
- c. If the unit(s) ~~proposed public facilities impact construction~~ meets the requirements for an affordable housing exemption, then the city manager shall issue an impact fee exemption. The impact fee exemption shall be presented in lieu of payment of the public facilities impact fees.
- d. For a ~~public facilities impact construction~~ residential unit to receive an affordable housing exemption, the monthly rent or mortgage payment, including taxes and insurance, shall not exceed 30% of the monthly income of a low-income household in Lake Wales, amount for which the public facilities impact construction may be sold or rented must be restricted to an amount consistent with the standards contained in Schedule "A", which is attached hereto and incorporated by reference, and such restriction must continue for a period of at least seven (7) years from the issuance of the building permit. For properties proposed for sale, such restriction shall be contained either within the deed for the property public facilities impact construction, within the terms, restrictions and conditions of the direct government grant or subsidy, or within the terms of a development agreement entered into pursuant to the Florida Local Government Development Agreement Act. For units proposed for rental, such restriction shall be contained in any lease or rental agreement between the owner and renter, and a notarized affidavit by the owner attesting that the rental fee meets the current restricted amount and that a copy of the affidavit has been given to the renter(s) shall be provided to the City no later than October 30 of each year. Any violation of the reporting requirements or the restriction on rental amount shall result in a requirement for payment by the owner of all impact fees waived under this section.
- e. ~~No affordable housing exemption shall be granted for a public facilities impact construction which consists of a mobile home.~~ In determining the total monthly rental charge for the purpose of determining eligibility for an impact fee exemption, all payments which are required to be made by a tenant as a condition of residing at such dwelling unit shall be included.
- f. An applicant who has been denied an impact fee exemption may request a review hearing on such decision pursuant to section 23-772.

SECTION 3: If any clause, section or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be construed as eliminated and shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 4: This ordinance shall become effective immediately upon passage by the City Commission.

CERTIFIED AS TO PASSAGE this 4th day of March, 2008.



Mayor/Commissioner

ATTEST:



City Clerk