

CITY COUNCIL ORDINANCE NO. 2020-2174

**AN ORDINANCE OF THE CITY OF LAKE CITY, FLORIDA
AMENDING SECTION 102-38 OF THE CITY CODE TO PROVIDE
FOR THE WAIVER OF IMPACT FEES FOR THE DEVELOPMENT
AND CONSTRUCTION OF AFFORDABLE HOUSING; PROVIDING
FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING
FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Lake City, Florida (hereinafter the “City”), in compliance with section 166.0451, Florida Statutes, has identified real property within its jurisdiction owned by the City that is appropriate for use as affordable housing; and

WHEREAS, the City desires to offer appropriate parcels of real property to the public with the restriction that the properties are developed for use as permanent affordable housing; and

WHEREAS, in order to promote the development and construction of permanent affordable housing within the City, the City Council finds that a waiver of impact fees otherwise charged by the City is necessary; and

WHEREAS, sections 166.04151(4) and 163.31801(9), Florida Statutes, give the City the ability to provide incentives to developers of affordable housing, including the ability to waive impact fees.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are all true and accurate and are hereby incorporated herein and made a part of this ordinance.

Section 2. That Section 102-38 of the Code of the City of Lake City, Florida is hereby amended to read as follows (additions are underlined and deletions are ~~stricken~~):

Sec. 102-38 Exemptions; creation of impact fee trust fund.

(a) Notwithstanding the schedules of impact fees provided by section 102-36, such fees may be waived by duly adopted resolution of the city council in circumstances substantially satisfying the following criteria:

(1) The proposed connection is for an existing, in place utility system having more than 20 online customers, or customers whose aggregate use exceeds 20 ERUs; or

(2) The value of the facilities to be connected to the city system is equal to or exceeds the value of the applicable impact fee or fees which would otherwise be charged if this subsection were not applied; or

(3) The proposed connection is consistent with prevailing regional utility plans, as set out in the city utility master plans or the 201 facilities plan; or

(4) The proposed connection(s) is for affordable housing that complies with the following requirements:

(i) Such development shall consist of thirty (30) percent affordable housing units for families or individuals and only the individual dwelling units deemed as affordable housing shall have impact fees waived.

As a condition of full or partial impact fee waiver, the developer shall enter into a written agreement with the City, guaranteeing the affordable dwelling units within the development shall remain affordable for a period of ten (10) years upon the date of the Certificate of Occupancy issuance.

Example: 100 dwelling unit apartment complex with 30 percent of dwelling units deemed affordable housing, only 30 dwelling units shall have the impact fees waived.

(ii) If the project is providing affordable rental housing, then such development shall have secured its necessary low-income housing tax credits from Florida Housing Finance Corporation and shall submit proof of such to the city council in connection with the request for waiver; and

(iii) If the project is providing affordable home ownership, then, prior to the issuance of building permits, the applicant shall provide the city with a covenant and deed restrictions, in forms acceptable to the city attorney, which assure that such units remain

affordable for a period of at least ten (10) years and that the home owner(s) are responsible for submitting proof of such to the city manager, or a designee, on an annual basis, and the required covenants shall include enforcement and penalty language to address non-compliance.

(iv) As used in this section, *affordable housing*, shall have the same meaning as set forth in Florida Statute § 420.0004(3) or any successor statute and means the monthly rents or monthly mortgage payments including taxes, insurance and utilities do not exceed thirty (30) percent of that amount which represents the percentage of the median adjusted gross annual income for the households with extremely low, low, moderate or very low income as defined in subsections (9), (11), (12), and (17) respectively of Florida Statute § 420.0004 (2020).

(b) Procedure for Requesting Waiver. Any developer or owner of property qualifying for one of the exemptions set forth in Sec. 102-38(a), may apply in writing to the city for the waiver of the impact fees ordinarily required under Sec. 102-36. All applications for waiver shall set forth the circumstances supporting the request, together with such supporting information. The council may grant a waiver from the fees ordinarily required under Sec. 102-36, following a public hearing, upon finding that the requested waiver meets the criteria set forth in Sec. 102-38(a).

(c) In the event that, at any time during the next ten (10) years following the initial closing for a residential home or the issuance of the certificate of occupancy for a multiple family dwelling development, a residential home is sold or the development becomes unoccupied and then rented to a person who is not a qualified affordable housing candidate or if the home or dwelling unit becomes non-owner or renter-occupied, then a sum equivalent to the waived impact fees is, contemporaneously with the occurrence of such event, due to be paid over to the city by the property owner. The developer at closing or prior to the issuance of the certificate of occupancy shall place a notice approved by the city on the title and cause same to be recorded in the Columbia County property records clearly stating this restrictive covenant in favor of the city for the full amount of the reduction in fees granted. The restriction shall be in effect for ten (10) years from the date of

closing for a residential home or issuance of the certificate of occupancy for a multiple family dwelling development.

(d) There is hereby created in the city accounting system an account to be known as the impact trust fund, into which all impact fees imposed by section 102-36 shall be deposited. The impact fee trust fund, together with any interest earnings thereon, shall be kept separate and distinct from all other funds and shall be expended only for the purpose of making major emergency repairs, extending or oversizing, separating or constructing new additions to the water and sewer systems, or as otherwise provided for in this section.

Section 3. All ordinances or parts of ordinances in conflict herewith are and the same are hereby repealed.

Section 4. If any section, subsection, sentence, clause or phrase of this ordinance or the particular application thereof shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining section(s), subsection(s), sentence(s), clause(s) or phrase(s) under application shall not be affected hereby.

Section 5. It is the intention of the City Council of the City of Lake City, Florida, that the provisions of this ordinance shall become and be made a part of the Code of the City of Lake City, Florida and that the sections of this ordinance may be numbered appropriately in order to accomplish such intentions.

[Remainder of this page left blank intentionally.]

Section 6. This ordinance shall take effect immediately upon its adoption.

PASSED upon first reading this ____ day of _____ 2021.

NOTICE PUBLISHED on the _____ day of _____ 2021.

PASSED AND ADOPTED on the _____ day of _____ 2021.

CITY OF LAKE CITY, FLORIDA

By: _____
Stephen M. Witt, Mayor

ATTEST:

APPROVED AS TO FORM AND
LEGALITY:

By: _____
Audrey E. Sikes, City Clerk

By: _____
Frederick L. Koberlein, Jr.,
City Attorney