

ORDINANCE NO. 07-O-07 AA

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING THE CITY OF TALLAHASSEE LAND DEVELOPMENT CODE RELATED TO INCLUSIONARY HOUSING REQUIREMENTS; AMENDING DEFINITIONS; ADDING DEFINITION FOR AVERAGE SALES PRICE AND MAXIMUM PURCHASE PRICE; UPDATING REFERENCES TO PLANNED DEVELOPMENT ZONING DISTRICTS; AMENDING THE MONITORING AND SUNSET REVIEW PROVISIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF TALLAHASSEE, FLORIDA, AS FOLLOWS:

SECTION 1: This ordinance shall be known as the City of Tallahassee Sales Price Methodology Amendments to the Inclusionary Housing Regulations.

SECTION 2: Chapter 9, Subdivisions and Site Plans, Article VI, Inclusionary Housing, Section 9-240, Purpose and intent, of the City of Tallahassee Land Development Code is amended as follows:

Sec. 9-240. Purpose and intent.

The regulations and requirements of this article are intended to:

- (a) Promote the health, safety and general welfare of the citizens of the city through the implementation of the goals, objectives and policies of the Tallahassee-Leon County Comprehensive Plan Housing Element;
- (b) Increase affordable home ownership opportunities within the City;
- (c) Stimulate the private sector production of housing available to families within the range of 70 percent to 100 percent of the area median income, or lower;

(d) Facilitate and encourage development that includes a range of housing opportunities through a variety of residential types, forms of ownership, and home sales prices; and;

(e) Encourage the even and widespread distribution of affordable housing opportunities throughout all portions of the community, including within new developments in fastest growing areas of the community.

SECTION 3: Chapter 9, Subdivisions and Site Plans, Article VI, Inclusionary Housing, Section 9-241, Definitions, of the City of Tallahassee Land Development Code is amended as follows:

Sec. 9-241. Definitions.

In addition to the definitions and rules of construction in section 1-2 of this Code, the following words, terms and phrases, when used in this section, shall have the meanings ascribed to them as set forth below, except where the context clearly indicates a different meaning:

Area Median Income (AMI) means the median family income for the Tallahassee Metropolitan Statistical Area, as published by the US Bureau of the Census and the US Department of Housing and Urban Development, unless otherwise specified.

Average Sales Price ("ASP ") means the price at which all inclusionary housing units in a single development must average. The current ASP is \$159,379. The ASP shall be reviewed annually by the City Commission, and reset if necessary.

Eligible households shall be defined as those households composed of residents of the City earning 70 percent - 100 percent of Tallahassee Metropolitan Statistical Area (TMSA) ~~or county-wide median family income~~, adjusted for size, based upon the most recently published Census or HUD data. In addition, eligible households shall include the following:

- 1) Households earning less than 70 percent of the area median family income but able to secure a first institutional mortgage wherein the lender is satisfied that the household can afford principal and interest mortgage payments in excess of 27 percent of its income, shall be deemed eligible households for purposes of owner-occupied housing provided pursuant to requirements of this ordinance; ~~and,~~
- 2) Households earning less than 70 percent of the area median family income but willing to pay rents in excess of 27³⁰ percent of its income, shall be deemed eligible households for purposes of rental housing provided pursuant to requirements set out in this article. and
- 3) Households earning less than 70 percent of the area median income when available housing units considered affordable to that income group by first institutional mortgage lenders are available through a development.

Fee in-lieu means the fee paid by the developer/owner of any primary development as an alternative to providing required inclusionary housing for sale within the primary development.

Inclusionary unit means a newly constructed dwelling unit offered to an eligible household at or below ~~MASP~~, the Maximum Purchase Price (MPP) such that the average sales price of all the required inclusionary units within the development are at or below the Average Sales Price (ASP) established by this ordinance.

Market-rate unit means a dwelling unit in a residential development that is not an inclusionary unit.

Maximum affordable rent means the maximum monthly rent that may be charged for an inclusionary rental unit provided in lieu of owner-occupied inclusionary housing provided within the primary development.

~~*Maximum affordable sales price ("MASP")* means the initial maximum sales price of an inclusionary housing unit at the time of the effective date shall be \$159,378.00. Thereafter, the MASP shall be reviewed no less than once every 12 months by the city commission, and reset, if necessary. The city commission review shall consider analysis of housing economic information, including supply side factors, demand side factors, and financing factors, not limited to the following: consideration MASP computed through the formula used to set the initial MASP; FHA single family home mortgage limits; CPI, area median income, prevailing mortgage rates, FHFC first time home buyers bond limit, construction materials costs, and other information as may be deemed relevant.~~

Maximum Purchase Price (MPP) means the highest price allowed for the purchase of an inclusionary housing unit as established in the City's Local Housing Assistance Plan adopted by the City Commission.

Metropolitan Statistical Area (MSA) means a geographic entity defined by the federal office of management and budget for use by federal statistical agencies, based on the concept of a core area of a city with 50,000 or more inhabitants, or the presence of an urbanized area, as defined by the office of management and budget, and a total population of at least 100,000, plus adjacent communities having a high degree of economic and social integration with that core. The Tallahassee MSA (TMSA) consists of the city, Leon County, Gadsden County, Jefferson County, and Wakulla County, Florida, and all inclusive local governments.

Off-site unit means an inclusionary unit that will be built at a different location than the primary development.

On-site unit means an inclusionary unit that will be built as part of the primary development.

Primary development means a subdivision or site plan including 50 or more housing units intended for sale and owner-occupancy, required to provide inclusionary housing within its physical confines or to provide those in-lieu comparables as authorized by this section.

Selected census tracts means those census tracts where the median family income is greater than the countywide median, based upon the most recently published Census or HUD data.

SECTION 4: Chapter 9, Subdivisions and Site Plans, Article VI, Inclusionary Housing, Section 9-242, Applicability, of the City of Tallahassee Land Development Code is amended as follows:

Sec. 9-242. Applicability.

(a) The requirements of this section shall apply to new development within the urban services area, located within selected census tracts as defined herein, ~~Critical Planning Area (CPA) and Target Planning Area (TPA)~~ zoning districts that implement the Planned Development future land use category, and Developments of Regional Impact (DRIs) with 50 or more residential dwelling units intended for owner occupancy. Developments subject to the requirements of this section providing no less than 10 percent and as much as 100 percent of the total number of residential dwelling units in the primary development as inclusionary housing units shall be eligible for development incentives as provided in accordance with section 9-246.

(b) Sales Price Methodology: Any inclusionary housing development project shall meet the following requirements:

- (i) All housing units produced to satisfy the requirements of this article shall be sold for no more than the Maximum Purchase Price established by this article, as it may be amended from time to time; and
- (ii) The average sales price of all units produced to satisfy the requirements of this article shall not exceed the Average

Sales Price established by this article, as it may be amended from time to time.

(c) City Commission Review of Average Sales Price (ASP): The City Commission review of the ASP shall consider analysis of housing economic information, including supply-side factors, demand-side factors, and financing factors, not limited to the following: consideration of ASP computed through the formula used to set the initial ASP; Florida Housing Authority (FHA) single-family home mortgage limits; Consumer Price Index (CPI), area median income, prevailing mortgage rates, Florida Housing Finance Corporation (FHFC) first-time home buyers bond limit, construction materials costs and other information as may be deemed relevant. The formula used to set the initial ASP shall consider published HUD income limits and the current interest rate based on the average interest rate of the most recent six months (30-year, fixed-, non-jumbo rate) as published by the Federal Housing Finance Board. The City Commission through the passing of a resolution can amend the ASP.

~~(b)~~(d) Developments not subject to (a) above, and located within selected census tracts that provide no less than ten percent and as much as 100 percent of the total number of residential dwelling units in the primary development as inclusionary housing units shall be eligible for those development incentives as provided in accordance with section 9-246.

~~(e)~~(e) For the purposes of this section, two or more developments shall be aggregated and considered as one development, if they are no more than 1/4-mile apart and any two of the following criteria are met:

- (1) There is a common interest in two or more developments;
- (2) The developments will undergo improvements within the same five-year period;
- (3) A master plan exists, submitted to a governmental body, addressing all developments;
- (4) All developments share some infrastructure or amenities; or,
- (5) A common advertising scheme addresses all development.

SECTION 5: Chapter 9, Subdivisions and Site Plans, Article VI, Inclusionary Housing, Section 9-244, Exemptions, of the City of Tallahassee Land Development Code is amended as follows:

Sec. 9-244. Exemptions.

...

(e)All developments within the Southern Strategy Area, as established in the *Tallahassee-Leon County Comprehensive Plan*, except for those that included within ~~Critical Planning Area (CPA) and Target Planning Area (TPA) zoning districts~~ Planned Development zoning district, or Developments of Regional Impact (DRIs); and,

...

SECTION 6: Chapter 9, Subdivisions and Site Plans, Article VI, Inclusionary Housing, Section 9-245, Requirements for Inclusionary Housing, of the City of Tallahassee Land Development Code is amended as follows:

Sec. 9-245. Requirements for inclusionary housing.

The following requirements shall apply:

(a) *Number of inclusionary units required.* Subdivisions and site plans including 50 or more dwelling units shall provide a minimum of ten percent of the units at prices no greater than the ~~MASP~~ Maximum Purchase Price

and with purchase prices averaging not greater than the Average Sales Price. For purposes of this section accessory apartment units shall not be construed as a dwelling or residential unit, either for purposes of determining the number of inclusionary units required or the number of inclusionary units provided.

...

(c) *Location of inclusionary units.* Required inclusionary housing units shall be provided within the primary development, at an alternative location within the same census tract or, in a contiguous selected census tract, so long as the off-site location is within the urban service area; the option of providing inclusionary housing at an off-site location shall not be available for developments within ~~TPA or CPA~~ Planned Development zoning district, nor within DRIs.

...

(e) *Developer financial responsibility.* At the time of the approval of any site plan or preliminary plat for any primary development required to provide on-site or off-site, owner-occupied or rental, inclusionary housing units, or buildable lots, as authorized by this section, the applicant shall post a bond or submit a letter of credit or other acceptable instrument equivalent to the fee in-lieu of providing the required inclusionary housing. The City shall retain the bond money in escrow in an interest-bearing account for a period of no less than three years, or other time period agreed upon by the applicant and the City, or until the City has documented that the required

inclusionary housing or in-lieu comparables have been provided. Upon documentation that the inclusionary housing requirement has been met in part or in full, the City shall remit that portion of the bond money and interest proportionally equivalent to portion of the inclusionary housing requirement satisfied to the applicant or their assigns. If, after a period of three years, or other time period agreed upon by the applicant and the City, the applicant has not demonstrated compliance with the requirement, the bond shall be forfeited and the bond money and interest shall be transferred to the Inclusionary Housing Trust Fund, and may thereafter be utilized for purposes of providing inclusionary housing. In those instances where the applicant has agreed in advance to pay a fee in-lieu of all or a portion of the required inclusionary housing, no bond shall be required to be posted for that amount of the requirement to be satisfied through payment of the fee in-lieu. This provision shall not be available for developments within TPA or CPA Planned Development zoning districts, nor within DRIs.

(f) *Fee in-lieu of providing inclusionary units.* As an alternative to providing inclusionary housing units, the owner/developer may a pay a fee in-lieu -to the City. The fee rate shall be as follows:

- (1) For those developments where the ~~median-average~~ sales price of all housing units is equal to greater than 100% of the Maximum Affordable-Average Sales Price (MASP) up to but less than 110% of MASP: \$10,000 per required inclusionary unit not constructed;

(2) For those developments where the ~~median-average~~ sales price of all housing units is greater than 110% of MASP and less than or equal to 175% of MASP: \$15,000 per required inclusionary unit not constructed;

(3) For those developments where the ~~median-average~~ sales price of all housing units is greater than 175% of MASP and less than or equal to 225% of MASP: \$20,000 per required inclusionary unit not constructed; and,

(4) For those developments where the ~~median-average~~ sales price of all housing units is greater than 225% of MASP: \$25,000 per required inclusionary unit not constructed.

This provision shall not be available for developments within ~~TPA or CPA~~ Planned Development zoning districts, nor within DRIs.

(g) *Multifamily rental housing in-lieu of providing inclusionary units.* As an alternative to providing inclusionary owner-occupancy housing units, the owner/developer may provide 1½ multifamily rental units per each owner-occupancy unit not otherwise provided. Rental units provided in lieu of owner-occupancy units shall be provided on-site within the primary development, at an alternative location within the same census tract or, in an adjacent selected census tract, so long as the off-site location is within the urban service area. Rents charged for these rental units shall not exceed the current US HUD's High HOME rent limit by bedroom size in the Tallahassee Metropolitan Statistical Area (TMSA). The option of providing

off-site multifamily rental housing in-lieu of providing inclusionary units shall not be available for developments within ~~TPA or CPA~~ Planned Development zoning districts, nor within DRIs.

SECTION 7: Chapter 9, Subdivisions and Site Plans, Article VI, Inclusionary Housing, Section 9-249, Monitoring and Sunset Review, of the City of Tallahassee Land Development Code is amended as follows:

Sec. 9-249. Monitoring and Sunset Review.

The inclusionary housing implementation provisions in this Code shall be monitored to ensure effective and equitable application. ~~Prior to October 1, 2008,~~ ~~†~~The City Manager will present a status report to the City Commission on the implementation of the ~~City's Inclusionary Housing Program~~ this article every two years or as needed.

SECTION 8: Conflicts. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

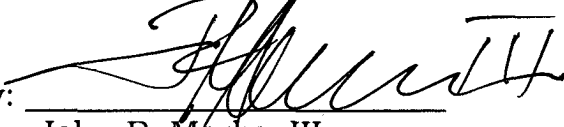
SECTION 9: Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

SECTION 10: Effective Date. This ordinance shall become effective immediately upon adoption.

INTRODUCED in the City Commission on the 14TH of February, 2007.

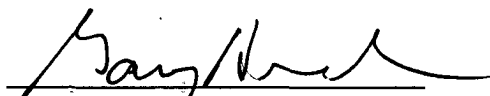
PASSED by the City Commission on the 20th of August, 2008.


CITY OF TALLAHASSEE

By: 
John R. Marks, III
Mayor

ATTEST:

APPROVED AS TO FORM:

By: 
Gary Herndon
City Treasurer-Clerk

By: 
James R. English
City Attorney

RECEIVED
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2008 SEP -2 AM 8:49

TALLAHASSEE DEMOCRAT
PUBLISHED DAILY
TALLAHASSEE-LEON-FLORIDA

STATE OF FLORIDA COUNTY OF LEON:
Before the undersigned authority personally
appeared Cassandra Moore, who on oath says
that she is a Legal Advertising Representative of
the Tallahassee Democrat, a daily newspaper
published at Tallahassee in Leon County,
Florida; that the attached copy of advertising
being a Legal Ad in the matter of

NOTICE OF PUBLIC HEARING

In the Second Judicial Circuit Court was
published in said newspaper in the issues of:

AUGUST 10, 2008

Affiant further says that the said Tallahassee
Democrat is a newspaper published at
Tallahassee, in the said Leon County, Florida,
and that the said newspaper has heretofore been
continuously published in said Leon County,
Florida each day and has been entered as second
class mail matter at the post office in
Tallahassee, in said Leon County, Florida, for a
period of one year next preceding the first
publication of the attached copy of
advertisement; and affiant further says that she
has never paid nor promised any person, firm or
coporation any discount, rebate, commission or
refund for the purpose of securing this
publication in the said newspaper.

CASSANDRA MOORE

LEGAL ADVERTISING REPRESENTATIVE

Sworn To or Affirmed and Subscribed Before
Me.

This 12 Day of August 2008, by
Cassandra Moore, Cassandra Moore

Personally Known

OR Produced Identification

Type of Identification Produced _____

(SEAL) R. Vickers Notary Public
State of Florida
County of Leon



1	Legal Notices	1	Legal Notices	1	Legal Notices
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NOTICE OF PUBLIC HEARING

Notice is hereby given that the Tallahassee City Commission will conduct a public hearing on Wednesday, August 20, 2008 at 6 pm, at the City Commission Chambers, 2nd floor, City Hall, Tallahassee, Florida to consider adoption of the City Land Development Code. The Ordinance will amend the inclusionary housing requirements and will amend the sales price methodology for the required inclusionary housing units. The Ordinance will also implement a recent comprehensive plan amendment. The purpose of the meeting is to determine the Ordinance's consistency with the Comprehensive Plan. The ordinance the City Commission will consider is:

ORDINANCE NO. 07-O-07AA

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING THE CITY OF TALLAHASSEE LAND DEVELOPMENT CODE RELATED TO INCLUSIONARY HOUSING REQUIREMENTS; AMENDING DEFINITIONS; ADDING DEFINITION FOR AVERAGE SALES PRICE AND MAXIMUM PURCHASE PRICE; UPDATING REFERENCES TO PLANNED DEVELOPMENT ZONING DISTRICTS; AMENDING THE MONITORING AND SUNSET REVIEW PROVISIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

All interested parties are invited to present their comments at the public hearing at the time and place set out above. Speakers are requested to limit their comments to 3 minutes.

Anyone wishing to appeal the action of the City Commission with regard to this matter will need a record of the proceedings and should ensure that a verbatim record is made.

If you have a disability requiring accommodations, please call 850-891-8130 or 1-800-955-8771 (TDD), at least 48 hours (excluding weekends and holidays) prior to the start of the meeting.

For further information pertaining to this ordinance, contact Deepika andavarapu, Tallahassee-Leon County Planning Department 3rd Floor, Renaissance Building, 435 N. Macomb Street, Tallahassee, FL 32301, Phone 850-891-6400. Copies of said Ordinance may be inspected in the Planning Department.

AUGUST 10, 2008

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