

ORDINANCE NO. 786

AN ORDINANCE AMENDING CHAPTER 23, ARTICLE V, SECTION 23-176 OF THE DEFUNIAK SPRINGS, FLORIDA MUNICIPAL CODE ENTITLED "TIME AND ASSESSMENT OF PAYMENT" PURSUANT TO ORDINANCE 702; AND ADDING A NEW SECTION ENTITLED "IMPACT FEE PAYMENT PLANS" TO CHAPTER 23, ARTICLE V, SECTION 23 OF THE DEFUNIAK SPRINGS, FLORIDA MUNICIPAL CODE, ENTITLED "WATER, SEWERS, AND SEWAGE DISPOSAL" TO BE INSERTED AND NUMBERED AS SECTION 23-179; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the City Council of the City of DeFuniak Springs, Florida, that Chapter 23, Article V, Section 23-176 of the DeFuniak Springs, Florida Municipal Code Entitled "Time of Assessment and Payment", enacted pursuant to Ordinance 702, hereby amended to insert a provision referencing the availability of impact fee payment plans, and shall now read as follows:

Section 23-176. Time and assessment of payment.

All appropriate impact fees will be assessed and paid in full at the time of request for service with the exceptions of planned developments not yet constructed, or for those developments entering into an impact fee payment plan pursuant to Section 23-179 of this code.

AND

BE IT FURTHER ORDAINED that the City Council of the City of DeFuniak Springs, Florida desires to add a new section to Chapter 23 entitled "Impact Fee Payment Plans", and said new section shall be inserted into Chapter 23 and numbered as Section 23-179, and shall read as follows:

Section 23-179. Impact fee payment plans.

Notwithstanding any provision herein, the payment of impact fees specified within this section may be permitted to be made in installments upon approval of the City Council. Such payments shall be made in three equal payments, with the first payment being due upon issuance of a notice of zoning compliance/development order.

Payment plans shall only be available for projects defined as "commercial" and that are located within the Enterprise Zone.

An applicant seeking to utilize the payment plan specified herein shall make a written request using the form provided by the City at the time said applicant initially submits a project for review.

This provision is voluntary and must be initiated by the applicant. An applicant who requests and is approved for an impact fee payment plan shall be deemed to waive any right to refund or reimbursement, in whole or in part, for any sums paid pursuant to the payment plan.

Failure to make payment as required by a payment plan implemented pursuant to this section shall result in the balance of all outstanding impact fees becoming due in full and payable immediately. An applicant who fails to make payment and is thereby required to make immediate payment in full may petition the City Council for an extension of time to make payments based upon demonstrated hardship. The burden shall rest solely upon the applicant to request such an extension and to demonstrate a unique and specific circumstance that has resulted in hardship to the applicant.

This provision shall be valid from the date of adoption through December 31, 2013, at which time this provision shall expire, unless extended by subsequent action of the City Council.

This Ordinance shall become effective upon adoption.

Adopted this 14 day of June, 2010.

C. Harold Argentieri
Mayor

ATTEST:

By: [Signature]