

- I. The amount of the relief will be limited to the amount of funds available in the Hardship Fund limited to the amount of dues for the current year.
- J. Members dues may not be used to pay for any relief granted to any other member.
- K. Non-usage of the recreational and other facilities of the CA does not relieve members and/or owners of the obligation to pay the annual membership dues or any applicable fees or assessments.

3.05 AGE AND FAMILY RESTRICTIONS *(Added 5/9/07)*

The Hillsborough County Land Development Code spells out in Article III, Special Districts, Section 3.01.09 Sun City Center Senior Citizen Overlay District.

“Each dwelling unit within the overlay shall have as an occupant at least one person not less than 55 years of age and no person 18 years of age or under shall reside in the dwelling for a period of time exceeding 30 calendar days per year.”

“It shall be the responsibility of the Sun City Center Community Association, its designees or its successors to ensure that accurate records of occupancy requirements have been met and maintained.”

Furthermore, "the occupancy requirements contained in deed restrictions and/or covenants shall prevail." As stated in the Public Notice dated August 18, 1999, the Sun City Center Community Association will pursue an enforcement program against any age restriction violation.

A. ENFORCEMENT OF AGE 55 REQUIREMENT

- 1) Membership Services will monitor the Age Reports for all platted units and individual homeowner associations to verify that all individual platted units are in compliance with Department of U.S. Department of Housing and Urban Development (HUD) regulations. Membership Services will also monitor records of occupancy to verify the CA as a community also meets the HUD requirements.
- 2) The CA President may grant age waivers for CA membership after the HOA grants the residency waiver. Membership Services will then process waiver requests, where there is a HOA in a unit, after verifying the HOA unit and the CA as a community both meet the 80% over 55 HUD occupancy regulations. *(Amended 1/12/11)*
- 3) Membership Services will process both occupancy and CA waiver requests, where there is no HOA, after verifying the individual unit and the CA as a community both meet the 80% over 55 HUD occupancy regulations.
- 4) All waiver requests must be in writing and contain proof of age.
- 5) No waivers will be issued for individual occupants under the age of 50. *(Amended 1/12/11)*

- 6) No waivers will be granted for renters under age 50. *(Amended 10/12/11)*
- 7) Waiver requests will be reviewed by a Corporate Officer for compliance with CA policy. The Corporate Officer will initial and date the waiver request and forward to the CA President for signature.
- 8) No person under the age of 18 may reside in a dwelling for more than 30 calendar days per year. A visit that lasts more than four (4) hours on any given day, constitutes residency of one (1) day for the purpose of this restriction. *(Amended 10/12/11)*

ENFORCEMENT OF AGE RESTRICTIONS

- 1) When an allegation of an underage individual living in the community surfaces, a Corporate Officer will send a letter to the property owner informing the owner of the allegation. The letter will point out applicable law and the CA's responsibility in enforcing the law. The letter will give the owner 15 days to respond on how the violation of the Age and Family Restrictions will be corrected.
- 2) If the owner does not respond to the original letter within 15 days, a certified letter will be sent.
- 3) If the owner does not respond to the certified letter within 15 days, the case will be forwarded to the CA's attorney who will take appropriate action. The attorney will furnish the CA a copy of all correspondence.

C. EXCEPTIONS

Any exceptions to the above policy shall be approved by the CA Board of Directors.

3.06 CAPITAL FUND FEE *(Revised 10/26/16) (Revised 4/28/20)*

At the time of closing on the resale of a residence within Sun City Center by a buyer who is not an owner of a residence within Sun City Center or who has not owned or jointly owned a residence in Sun City Center within three (3) years of the date of closing, the Association shall cause to be collected from that buyer, a standard/customary Capital Fund Fee in the amount of \$2,100 effective May 1, 2020. All fees collected shall be placed into the Capital Fund account. The Capital Fund is restricted to funding capital projects within the Community Association. *(Amended 5/9/12) (Amended 10/9/13) (Amended 10/26/16) (Amended 4/28/20)*

Buyers who own one residence in Sun City Center are responsible for the payment of the Capital Fund Fee on the purchase of all additional residences in Sun City Center. *(Added 10/9/13)*

- A. If the \$2,100 Capital Fund Fee is not collected at the time of closing, a letter shall be sent to the buyer(s) reminding them of this responsibility.
- B. A buyer who does not pay this Capital Fund Fee within 30 days after the date of closing will be considered delinquent. The buyer will pay a late penalty of \$147 for the next 30 days after the delinquent date. This penalty will escalate to \$294 for a delinquency in excess of 60 days after the delinquent date. *(Amended 1/11/12) (Amended 4/28/20)*

Sec. 3.01.09. - SPI-SCCSC: Sun City Center Senior Citizen Overlay District

A. Generally

The purpose of the Sun City Center Senior Citizen Overlay District (SPI-SCCSC) is to restrict occupancy of a dwelling unit within the boundaries of the Overlay on the basis of age. The Overlay district is consistent with the Housing for Older Persons Act of 1995, which exempts housing for older persons from provisions of the Fair Housing Act. The Housing for Older Persons Act of 1995 allows housing intended and operated for persons 55 years of age or older to be exempt from the Fair Housing Act's prohibition of discrimination on the basis of familial status, provided that, in addition to other requirements, at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older.

The Sun City Center Senior Citizen Overlay District will foster and preserve the health, safety, comfort, welfare and support systems developed to benefit senior citizens in this age restricted self-contained community. The Overlay provides for the efficient preservation, protection, and enhancement of the values and amenities, specific rights, and privileges provided in an age restricted senior citizen community.

B. Applicability

All residential development on parcels located within the geographic area defined by Figure 3.4 shall be subject to the SPI-SCCSC regulations. In the event there exists a conflict between occupancy requirements contained in deed restrictions and/or covenants and the residency requirements contained herein, the occupancy requirements contained in deed restrictions and/or covenants shall prevail. The provisions of the overlay are not applicable to non-residential development. Additionally, these regulations shall not be applicable to persons in occupancy prior to the effective date of this Section. Nonconforming status may only be granted to persons in occupancy prior to the effective date of this ordinance. Said nonconforming status shall terminate upon the abandonment of the dwelling in which the person or persons not meeting the age restrictions of subsection C. resided prior to the effective date of this ordinance.

C. Regulations

1. The SPI-SCCSC district is an overlay zone that shall be combined with residentially zoned and/or developed parcels located within the designated overlay district (Figure 3.4).

2. The regulations of the underlying zoning districts within the overlay district shall remain in effect.
3. Each dwelling unit within the overlay shall have as an occupant at least one person not less than 55 years of age and no person 18 years of age or under shall reside in the dwelling for a period of time exceeding 30 calendar days per year.
4. All Senior Citizen occupancy requirements for State, Federal, and local exemptions to fair housing regulations, as amended, must be met and maintained or the overlay will become void. It shall be the responsibility of the Sun City Center Community Association, its designees or its successors to ensure that accurate records of occupancy requirements have been met and maintained.

D. Variance for Underage Occupancy

Unless otherwise provided for in existing deed restrictions and/or covenant, persons not meeting the age restrictions of subsection C. above may apply for a variance. Variances shall be considered pursuant to the procedures of Part 10.02.00 and the requirements of Part 11.04.00 of this Code, with the exception that the requirements of subsection 11.04.02.A.2 shall not apply.

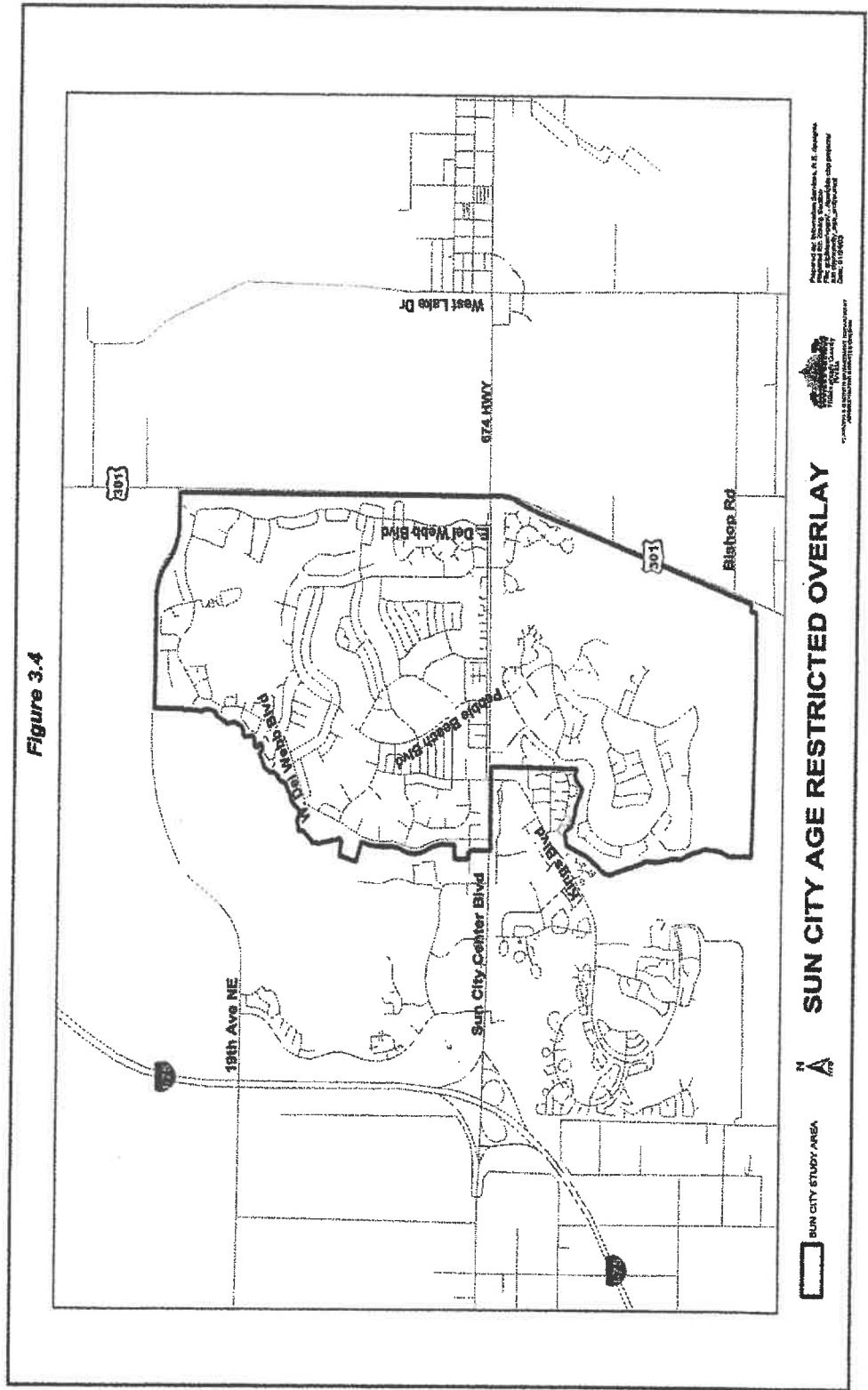
1. Findings Required

All findings of fact shall be made in the indicated order by the Land Use Hearing Officer, who is not empowered to grant a variance without an affirmative finding of fact on one of the criteria below. Each finding of fact shall be supported by substantial evidence in the record.

2. Variances shall be considered for exceptional or unusual family situations and shall be valid for a period of two years. Exceptional or unusual family situations shall include but not be limited to instances where an underage spouse or cohabiting adult family member wishes to continue occupying a dwelling unit within the boundaries of the overlay or it is necessary for a person 18 years of age or younger to reside in a dwelling unit within the boundaries of the overlay in excess of 30 calendar days in a year after one of the following events:
 - a. The death of the resident meeting the age requirement; or
 - b. The long term medical relocation of the resident meeting the age requirement; or
 - c.

An emergency situation involving the immediate family of a household meeting the age restrictions of subsection C. above requires that a person 18 years of age or younger maintain residence in a dwelling unit within the boundaries of the overlay for a period in excess of 30 calendar days.

It shall be the responsibility of the applicant to provide evidence of exceptional or unusual family situations and to provide proof that the requested variance is in compliance with all applicable residency requirements for State, Federal, and local exemptions to fair housing regulations



Prepared by: [unreadable]
 Date: [unreadable]



SUN CITY AGE RESTRICTED OVERLAY



SUN CITY STUDY AREA

Sun City Age Restricted Overlay District