

ORDINANCE NO. 09-03

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 54, ARTICLE III, DIVISION 1 ENTITLED "IMPACT FEES" BY CREATING SECTION 54-56, WHICH REDUCES CURRENT IMPACT FEES BY TWENTY-FIVE PERCENT (25%) FOR THE NEXT EIGHTEEN MONTHS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS the Florida Legislature recently passed the 2008 General Appropriations Act, including specific appropriation 1616; and

WHEREAS, the Act specifies that the State Housing Trust Fund shall be used for homeownership assistance in counties and municipalities in the state which have reduced impact fees within the twelve (12) months prior to the effective date of this act, or reduce impact fees subsequent to the effective date of this act, by a minimum of twenty-five percent (25%) for a period not less than eighteen (18) months, or which impose no impact fees entirely for homeownership purposes; and

WHEREAS, the City Commission finds that an adjustment of impact fees by twenty five percent for the next eighteen months would promote the health, safety and welfare of the citizens of Key West by qualifying the City to receive significant funding to aid in the current housing crisis.

WHEREAS, the City Commission passed resolution 08-330 calling for a reduction of impact fees in order to qualify for funding under the 2008 General Appropriations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Section 54-56 is hereby added to the Code of Ordinances as follows:

54-56 Impact fee Reduction; Sunset

(a) All impact fees currently charged by the City of Key West shall be reduced by twenty five percent (25%) from the effective date of this ordinance.

(b) The reduction of impact fees shall continue for a period of eighteen months, unless earlier terminated as described in paragraph c below.

(c) This section shall expire eighteen months from its effective date, unless the City of Key West does not receive a grant from the State Housing Trust Fund. In the event the City of Key West receives

notification that it will not obtain funding from the State Housing Trust Fund pursuant to the 2008 General Appropriations Act, this section shall immediately expire.

Section 2. If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3. All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict. However nothing herein is intended to supersede the rates specified for impact fees in the current Ordinances, but only to temporarily reduce such fees consistent with section 54-56. Such Ordinances specifying fees are declared not to be in conflict with the instant Ordinance.

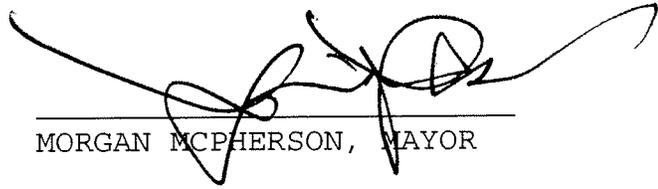
Section 4. This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 6th day of January, 2009.

Read and passed on final reading at a regular meeting held this 3rd day of February, 2009.

Authenticated by the presiding officer and Clerk of the Commission on 4th day of February, 2009.

Filed with the Clerk February 4, 2009.



MORGAN MCPHERSON, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK