

**ORDINANCE NO. 2016-\_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, RELATING TO ORDINANCE NO. 2008-30 WHICH PROVIDES FOR THE IMPOSITION OF TRANSPORTATION IMPACT FEES ON NEW ROAD IMPACT CONSTRUCTION IN ORDER TO EXTEND A MORATORIUM INITIALLY IMPOSED PURSUANT TO CLAY COUNTY ORDINANCE NO. 2009-11 ON THE COLLECTION OF SUCH FEES AND EXTENDED BY ORDINANCE NO. 2010-55, AND FURTHER EXTENDED BY ORDINANCE NOS. 2011-21, 2012-19, 2013-8, AND 2014-13, 2015-14, AND 2015-34, WHICH MORATORIUM WILL OTHERWISE EXPIRE ON DECEMBER 31, 2016; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on July 22, 2008, the Board of County Commissioners (the Board) adopted Ordinance No. 2008-30 which imposed a transportation impact fee (the Impact Fee) on new Road Impact Construction as that term is defined in Ordinance No. 2008-30; and,

**WHEREAS**, under Ordinance No. 2008-30, the collection of Impact Fees was deferred until January 1, 2009; and,

**WHEREAS**, on April 28, 2009, the Board imposed a moratorium on the collection of Impact Fees pursuant to Ordinance No. 2009-11, in order to stimulate new residential and commercial construction starts which might in turn create jobs for tradesmen and all associated with the construction industry in Clay County (the Moratorium); and,

**WHEREAS**, the duration of the Moratorium under Ordinance No. 2009-11 was for two years, from January 1, 2009, through December 31, 2010; and,

**WHEREAS**, on December 14, 2010, the Board extended the Moratorium pursuant to Ordinance No. 2010-55, in order to continue its efforts to stimulate new residential and commercial construction starts which might in turn create jobs for tradesmen and all associated with the construction industry in Clay County (the First Extension); and,

**WHEREAS**, the duration of the First Extension was for six months, from December 31, 2010, through June 30, 2011; and,

**WHEREAS**, on June 28, 2011, the Board further extended the Moratorium pursuant to Ordinance No. 2011-21, in order to continue its efforts to stimulate new residential and commercial construction starts which might in turn create jobs for tradesmen and all associated with the construction industry in Clay County (the Second Extension); and,

**WHEREAS**, the duration of the Second Extension was for one year, from June 30, 2011, through June 30, 2012; and,

**WHEREAS**, on June 26, 2012, the Board further extended the Moratorium pursuant to Ordinance No. 2012-19, in order to continue its efforts to stimulate new residential and commercial construction starts which might in turn create jobs for tradesmen and all associated with the construction industry in Clay County (the Third Extension); and,

**WHEREAS**, the duration of the Third Extension was for one year, from June 30, 2012, through June 30, 2013; and,

**WHEREAS**, on June 25, 2013, the Board further extended the Moratorium pursuant to Ordinance No. 2013-8, in order to continue its efforts to stimulate new residential and commercial construction starts which might in turn create jobs for tradesmen and all associated with the construction industry in Clay County (the Fourth Extension); and,

**WHEREAS**, the duration of the Fourth Extension was for one year, from June 30, 2013, through June 30, 2014; and,

**WHEREAS**, on May 27, 2014, the Board further extended the Moratorium pursuant to Ordinance No. 2014-13, in order to continue its efforts to stimulate new residential and commercial construction starts which might in turn create jobs for tradesmen and all associated with the construction industry in Clay County (the Fifth Extension); and,

**WHEREAS**, the duration of the Fifth Extension was for one year, from June 30, 2014, through June 30, 2015; and,

**WHEREAS**, on June 9, 2015, the Board further extended the Moratorium pursuant to Ordinance No. 2015-14, in order to continue its efforts to stimulate new residential and commercial construction starts which might in turn create jobs for tradesmen and all associated with the construction industry in Clay County (the Sixth Extension); and,

**WHEREAS**, the duration of the Sixth Extension was for six months, from June 30, 2015, through December 31, 2015; and,

**WHEREAS**, on December 8, 2015, the Board further extended the Moratorium pursuant to Ordinance No. 2015-34, in order to continue its efforts to stimulate new residential and commercial construction starts which might in turn create jobs for tradesmen and all associated with the construction industry in Clay County (the Seventh Extension); and,

**WHEREAS**, the duration of the Seventh Extension was for one year, from December 31, 2015, through December 31, 2016; and,

**WHEREAS**, the Board has determined that the Moratorium should be extended once again in order to stimulate new residential and commercial construction starts which might in turn create jobs for tradesmen and all associated with the construction industry in Clay County, and to stimulate the construction industry and local economy by providing opportunities for real estate buyers who might otherwise choose not to purchase new construction at this time; and

**WHEREAS**, the Board continues to study options to fund essential future transportation infrastructure capacity and needs additional time to complete the analysis.

**Be It Ordained by the Board of County Commissioners of Clay County:**

Section 1. The moratorium on the collection of Impact Fees which would otherwise be due pursuant to Ordinance No. 2008-30 for any Road Impact Construction, as initially imposed pursuant to Ordinance No. 2009-11 and as heretofore extended pursuant to Ordinance Nos. 2010-55, 2011-21, 2012-19, 2013-8, 2014-13, 2015-14, and 2015-34 and is further extended from December 31, 2016 through December 31, 2017.

Section 2. If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 3. This ordinance shall become effective as prescribed by Florida general law.

**DULY ADOPTED** by the Board of County Commissioners of Clay County, Florida, this 13<sup>th</sup> day of December, 2016.

BOARD OF COUNTY COMMISSIONERS  
CLAY COUNTY, FLORIDA

By: \_\_\_\_\_  
Wayne Bolla  
Its Chairman

ATTEST:

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S. C. Kopelousos  
County Manager and Clerk of the Board