

ORDINANCE NO. 05-16

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA AMENDING SECTION 62-933(a) OF THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA BY CREATING TWO ADDITIONAL EDUCATIONAL IMPACT FEE EXEMPTIONS; ESTABLISHING NEW SUBPARAGRAPHS (a)(7) AND (a)(8) CREATING EXEMPTIONS FOR APPLICATIONS FILED PRIOR TO THE EFFECTIVE DATE OF ORDINANCE 04-34 PERTAINING TO CONDOMINIUMS, TOWNHOUSES AND AFFORDABLE HOUSING INVOLVING FEDERAL TAX CREDITS; PROVIDING FOR SEVERABILITY PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA:

Section 1. Sec. 62-933(a) of the Code of Ordinances of Brevard County, Florida is hereby amended by adding two new subsections (a)(7) and (a)(8) as follows:

Sec. 62-933. Exemptions, credits and incentives.

(a) Exemptions. The following shall be exempted from payment of the educational facilities impact fee:

- (7) Condominium or townhouse projects for which an application for exemption from Ordinance 04-34 was filed prior to the time specified in section 5 of that ordinance, as amended;
- (8) Affordable housing projects eligible for federal income tax credits where an application for exemption from Ordinance 04-34 was filed with the county prior to the time specified in section 5 of that ordinance, as amended.

Section 2. Ratification. All other provisions set forth in section 62-933 are unaffected by this amendment, are ratified in full and shall remain in full force and effect.

Section 3. Severability. If any section, subsection, clause, phrase, work or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such invalid unconstitutional portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity


Officially filed with
The Secretary of State
April 27, 2005

of the remaining portions of this ordinance, provided the remaining portions effectuate purpose and intent of this ordinance.

Section 4. Effective Date. This ordinance shall take effect upon filing as provided by law. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE, ORDERED AND ADOPTED in Regular Session, this 26th day of April, 2005.

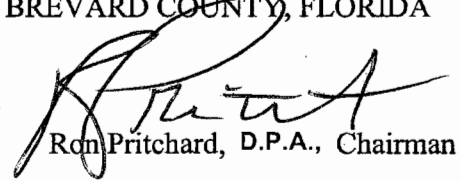
Attest:



Scott Ellis, Clerk (SEAL)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By:


Ron Pritchard, D.P.A., Chairman

As approved by the Board of County
Commissioners on April 26,
2005.

LEGISLATIVE INTENT

The purpose for enacting this amendment to Sec. 92-633 of the Code of Ordinances of Brevard County, Florida is to override a staff interpretation that prevented condominium developers from obtaining the same educational impact fee exemption that was granted to apartment complex developers. In addition, the Board was unaware of affordable housing initiatives involving federal tax credits that were in the process of receiving federal approval when Ordinance 04-34 was passed. The Board has determined that it is good public policy to create an exemption from educational impact fees for such projects if they were already in the process of obtaining federal tax credits at the time of adoption of the ordinance.