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ORDINANCE 2020-8

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA, AMENDING CHAPTER 70 IMPACT FEES AND PROPORTIONATE SHARE, ARTICLE III THOROUGHFARE ROAD IMPACT FEE, SECTION 70-71 DEFINITIONS AND RULES OF CONSTRUCTION; AMENDING CHAPTER 70, ARTICLE III, SECTION 70-75 IMPOSITION; AMENDING CHAPTER 70, ARTICLE III, SECTION 70-76 TRUST FUNDS; USE OF FUNDS.; AMENDING CHAPTER 70, ARTICLE III, SECTION 70-78 REFUNDS; AMENDING CHAPTER 70, ARTICLE III, SECTION 70-79 EXEMPTIONS AND CREDITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AUTHORIZING INCLUSION IN CODE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

(Words in strike-through type are deletions; words in underscore type are additions.)

SECTION I: AMENDMENT - Chapter 70, Article III, Section 70-71, Code of Ordinances, County of Volusia, be amended to read as follows:

Sec. 70-71. - Definitions and rules of construction.

(a) For the purposes of administration and enforcement of this article, unless otherwise stated in this article, the following rules of construction shall apply to the text of this article:

(8) The land use types listed in subsection 70-75(c)(3) shall have the same meaning as under the zoning ordinance of the county, ~~Ordinance No. 80-8, as amended (appendix B to this Code).~~

(b) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Webster's New Collegiate Dictionary (G & C Merriam Co., 10th ed. 1993, or any subsequent edition) shall be used for the definition of any words not defined in this section.

~~*Building* means any structure with an impervious roof built for the support, shelter or enclosure of persons, animals, chattels or property of any kind which has enclosing walls for 50 percent or more of its perimeter built for support, shelter, or enclosure for any~~ occupancy or storage. The term "building" shall be construed as if followed by the words "or part thereof."

1 *Building permit* means the permit required by section 404.1.1 of the ~~Standard~~
 2 ~~Building Code, Southern Building Code Congress-105 of the Florida Building Code~~, as
 3 adopted by the county.
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6
 7 *Lot*: An area of land which abuts a street and which either complies with or is
 8 exempt from the Volusia County Subdivision Regulations ~~[see appendix A, article II]~~ and
 9 is sufficient in size to meet the minimum area and width requirements for its classification.
 10

11 **SECTION II: AMENDMENT - Chapter 70, Article III, Section 70-75, Code of Ordinances,**
 12 **County of Volusia, be amended to read as follows:**
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14 **Sec. 70-75. - Imposition.**

15
 16 (a) *Applicability of fee.*

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 19
 20 (c) *Methods of determination.* The thoroughfare road impact fee for any development activity
 21 generating traffic in the county shall be determined either by using the method set forth in
 22 subsection (1) of this subsection (c) or by using the fee schedule set forth in subsection
 23 (3) of this subsection (c).
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25 * * * *

26
 27 (3) *Fee schedule.* The following fee schedule has been prepared based on the formula
 28 and data presented in the Duncan Associates study dated October 2018. On
 29 March 4, 2021, and every year thereafter, thoroughfare road impact fees will
 30 increase based on the percentage of the previous year annual Florida Department
 31 of Transportation Producer Price Index for Highway and Street Construction or
 32 successor construction cost index no less than 3% and no more than 8%. The total
 33 fees will be updated annually and published on the Volusia County official website,
 34 volusia.org.
 35

36 a. The thoroughfare road impact fee schedule is as follows:
 37

Land Use Type (ITE Code)	Unit	Trip Rate	% New Trips	Trip Length (mile)	Local Adjust. Factor	VMT/Unit	Total Fee
Single Family Detached (210)	Dwelling	9.44	100%	6.62	0.597	18.65	<u>\$5,2225,379</u>
Multi Family, Low-Rise (220)	Dwelling	7.32	100%	5.10	0.597	11.14	<u>\$3,1193,213</u>
Multi Family, Mid-Rise (222)	Dwelling	4.44	100%	5.10	0.597	6.76	<u>\$1,8931,950</u>
Mobile Home/RV Park (240)	Space	5	100%	4.60	0.597	6.87	<u>\$1,9241,982</u>

Shopping Center (820)	1,000 sq. ft.	37.74	68%	2.89	0.597	22.14	<u>\$6,1996,385</u>
Bank w/Drive-Thru (912)	1,000 sq. ft.	100.02	46%	2.46	0.597	33.79	<u>\$9,4619,745</u>
Bank w/o Drive-Thru (911)	1,000 sq. ft.	59.32	46%	2.46	0.597	20.04	<u>\$5,6115,779</u>
Quality Restaurant (931)	1,000 sq. ft.	83.84	76%	3.14	0.597	59.72	<u>\$16,72217,224</u>
High-Turnover Restaurant (932)	1,000 sq. ft.	112.18	70%	3.17	0.597	74.30	<u>\$20,80421,428</u>
Fast Food Restaurant (934)	1,000 sq. ft.	470.94	57%	2.05	0.597	164.26	<u>\$45,99347,373</u>
Auto Care (943)	1,000 sq. ft.	16.28	72%	3.62	0.597	12.67	<u>\$3,5483,654</u>
New and Used Car Sales (841)	1,000 sq. ft.	27.06	78%	4.60	0.597	28.98	<u>\$8,1148,357</u>
Supermarket (850)	1,000 sq. ft.	106.78	56%	2.08	0.597	37.13	<u>\$10,39610,708</u>
Convenience Store (853)	1,000 sq. ft.	684.2	27%	1.51	0.597	83.27	<u>\$23,31624,015</u>
Super Convenience Store (960)	1,000 sq. ft.	837.58	27%	1.51	0.597	101.93	<u>\$28,54029,396</u>
Home Improvement Store (862)	1,000 sq. ft.	30.74	74%	6.27	0.597	42.57	<u>\$11,92012,278</u>
Pharmacy w. Drive-Thru (880)	1,000 sq. ft.	90.08	32%	2.08	0.597	17.90	<u>\$5,0125,162</u>
Furniture Store (890)	1,000 sq. ft.	6.3	54%	6.09	0.597	6.18	<u>\$1,7301,782</u>
Tire Store/Auto Repair (849)	Bay	30.54	68%	2.44	0.597	15.13	<u>\$4,2364,363</u>
Quick Lubrication Shop (941)	Bay	40.00	68%	1.97	0.597	15.99	<u>\$4,4774,611</u>
Movie Theater (444)	1,000 sq. ft.	78.08	87%	2.22	0.597	45.01	<u>\$12,60312,981</u>
Hotel (310)	Room	8.36	66%	6.26	0.597	10.31	<u>\$2,8872,974</u>
Motel (320)	Room	3.34	66%	6.26	0.597	4.12	<u>\$1,1541,189</u>
General Office (710)	1,000 sq. ft.	9.74	92%	5.15	0.597	13.78	<u>\$3,8583,974</u>
Corporate Headquarters Bldg (714)	1,000 sq. ft.	7.94	92%	5.15	0.597	11.23	<u>\$3,1443,238</u>
Medical Office (720)	1,000 sq. ft.	34.80	88%	5.55	0.597	50.73	<u>\$14,20414,630</u>
Light Industrial (110)	1,000 sq. ft.	4.96	92%	5.15	0.597	7.01	<u>\$1,9632,022</u>
Manufacturing (140)	1,000 sq. ft.	3.90	92%	5.15	0.597	5.52	<u>\$1,592 \$1,546</u>
Warehouse (150)	1,000 sq. ft.	1.74	92%	5.15	0.597	2.46	<u>\$689740</u>

Mini-Warehouse (151)	1,000 sq. ft.	2.50	92%	3.10	0.597	2.13	\$ <u>596614</u>
Hospital (610)	1,000 sq. ft.	10.72	89%	2.59	0.597	7.38	\$ <u>2,0662,128</u>
Church (560)	1,000 sq. ft.	6.94	89%	2.59	0.597	4.78	\$ <u>1,3384,378</u>
Day Care Center (565)	1,000 sq. ft.	47.62	73%	2.03	0.597	21.06	\$ <u>5,8976,074</u>
Nursing Home (620)	1,000 sq. ft.	6.64	89%	2.59	0.597	4.57	\$ <u>1,2804,318</u>
Major Sports Facility	Parking Space	2.10	100%	2.59	0.597	1.62	\$ <u>454468</u>
Public Park (411)	Acre	0.78	90%	2.59	0.597	0.54	\$ <u>151156</u>

*The fees in the above schedule will take effect March 4, 2019. From March 4, 2019, through March 3, 2020, the fees collected will be 75% of the rate set forth in the schedule.

SECTION IV: AMENDMENT - Chapter 70, Article III, Section 70-77, Code of Ordinances, County of Volusia, be amended to read as follows:

Sec. 70-77. - Trust funds; use of funds.

(a) *Trust funds.* There are hereby established separate thoroughfare road impact fee trust funds, one for each thoroughfare road impact fee zone as shown in exhibit A, following this article and incorporated in this article by reference. Subsequent to the adoption of the ordinance from which this article is derived, should any parcel or area of land located within a zone be annexed into a municipality which, at the initial effective date of the ordinance from which this article is derived, was located within an adjacent zone, the boundaries of each zone shall be deemed amended as of the date of annexation so as to include the land annexed within the zone of such municipality. Such amendment of zones shall be for the purposes of this article only and shall not affect any prior payment of fees or expenditure of funds attributable to the annexed property.

(b) *Use of funds; administrative fee.*

* * * *

(5) The county public works department ~~service center~~ shall, each fiscal year, prepare a preliminary capital improvement road program to be funded from each thoroughfare road impact fee trust fund. The preliminary road program for each zone shall be presented to the TAC for that zone for its review and comment. Comments of each TAC shall be submitted to the county manager. The county manager after review of such comments, shall present to the county council the proposed capital improvement road program in the capital improvements element of the comprehensive plan, assigning funds, including any accrued interest, from the several thoroughfare road impact fee trust funds to specific road improvement projects and related expenses, along with any TAC comments received. Moneys, including any accrued interest, not assigned in any fiscal period shall be retained in the same thoroughfare road impact fee trust fund until the next fiscal period, except as provided by the refund provisions of this article.

(6) The county shall be entitled to collect and retain the actual costs of administering the impact fee program ~~a three percent administrative fee~~, which is in addition to the fee otherwise owed. This fee is collected to offset the costs of administering this article. The cost of administration shall be calculated on an annual basis and adopted by the county council by resolution. The total fee paid shall include the actual costs of administration in addition to the impact fee.

SECTION V: AMENDMENT - Chapter 70, Article III, Section 70-78, Code of Ordinances, County of Volusia, be amended to read as follows:

Sec. 70-78. - Refunds.

(a) If a building permit expires and no construction has been commenced, then the fee payer shall be entitled to a refund of the initial total amount impact fee paid as a condition for its issuance, except that the county shall retain ~~a portion of the funds~~ its actual costs of administration to offset the costs of refund, ~~based on the following schedule:~~

Fee Paid (Excluding Administrative Fee)	Retained Percent
\$5,000.00 or less	3%
\$5,000.01 plus	3% of the first \$5,000.00 and 1% of the remainder above \$5,000.00

~~The schedule set out in this subsection shall apply to all requests for refunds originally submitted on or after the effective date of the ordinance from which this subsection is derived (Ordinance No. 93-7), regardless of the date of permit issuance or original fee payment.~~

(b) Any funds not expended or encumbered by the end of the calendar quarter immediately following seven years from the date the thoroughfare road impact fee was paid shall, upon application of the fee payer within 180 days of that date, be returned to such fee payer with interest at the rate of five percent per annum.

SECTION VI: AMENDMENT - Chapter 70, Article III, Section 70-79, Code of Ordinances, County of Volusia, be amended to read as follows:

Sec. 70-79. - Exemptions and credits.

(a) *Exemptions.* The following activities shall be exempted from payment of the thoroughfare road impact fee:

(b) *Credits.*

(1) No credit shall be given for site-related improvements, except as provided for in subsection (b)(2) of this section.

(2) All roadway improvements and/or right-of-way dedications required under a county or city development order or approval which are included within the roads

1 contemplated in subsection 70-77(b)(1), except for those improvements deemed
2 site-related, shall be based on the minimum level of service standards for county
3 maintained thoroughfares as defined in the Volusia County Comprehensive Plan
4 and will be credited against thoroughfare road impact fees. In addition, any person
5 who constructs or contributes and, money or services for any road improvements
6 (whether site-related or not) contemplated in subsection 70-77(b)(1) which are
7 included within the most recently adopted five-year work program of the county or
8 of the state department of transportation for the county shall be entitled to credits
9 against thoroughfare road impact fees imposed pursuant to this article in
10 accordance with subsection (b)(3) of this section based on the minimum level of
11 service standards for county maintained thoroughfares as defined in the Volusia
12 County Comprehensive Plan.
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- 14 (3) Credits shall apply to the person making the contribution. Such person shall have
15 the right to transfer all or a portion of the available credits within limits described in
16 subsection 70-75(c)(3)j. Any transfers of this type which occur shall be filed with
17 growth and resource management department services group at the time of, or
18 prior to the approval of a development order on a form provided by the county.
19 The costs utilized in computing credits shall be reasonable, but not to exceed the
20 actual costs of the improvements constructed or contributed. The person seeking
21 determination of the credit shall present cost estimates and property appraisals
22 prepared by qualified professionals to be utilized by the public works department
23 service center and growth and resource management department services group
24 in determining the amount of credits. The county retains the right to prepare its
25 own cost estimate for its use in determining the credit allowed by this subsection.
26

27 **SECTION VII: AUTHORIZING INCLUSION IN CODE** - The provisions of this ordinance
28 shall be included and incorporated into the Code of Ordinances of the County of Volusia, as
29 additions or amendments thereto, and shall be appropriately renumbered to conform to the
30 uniform numbering system of the code.
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32 **SECTION VIII: SEVERABILITY** - Should any word, phrase, sentence, subsection or
33 section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or
34 unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed
35 from this ordinance and all other words, phrases, sentences, subsections, or sections shall remain
36 in full force and effect.
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38 **SECTION IX: CONFLICTING ORDINANCES** - All ordinances, or part thereof, in conflict
39 herewith are, to the extent of such conflict, repealed.
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41 **SECTION X: EFFECTIVE DATE** – This Ordinance shall take effect upon electronic filing
42 of a certified copy with the Department of State.
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1 ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING
2 DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C. KELLY
3 ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS 17TH
4 DAY OF MARCH A.D., 2020.

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8 ATTEST:

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

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14 George Reckentwald
County Manager

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Ed Kelley
County Chair

