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**ORDINANCE 2011-21**

**AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA, CHAPTER 70 IMPACT FEES, ARTICLE II FIRE/RESCUE SERVICE IMPACT FEE, SECTION 70-35 IMPOSITION, BY ESTABLISHING A TEMPORARY SUSPENSION OF IMPACT FEES; PROVIDING FOR A DEFINED AREA OF APPLICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 70 of the Volusia County Code of Ordinances imposes impact fees on residential development for fire/rescue services; and

**WHEREAS**, the Volusia County Council has determined that putting its citizens back to work is a high priority for every level of government; and

**WHEREAS**, the Volusia County Council wishes to stimulate the local economy by encouraging economic development and promoting job creation through the temporary suspension of impact fees on residential development for fire/rescue services; and

**WHEREAS**, the Volusia County Council intends for this to be a short-term measure, and the suspended impact fees will be phased back in beginning July 1, 2013; and

**WHEREAS**, the Volusia County Council does not desire to apply the suspension to building permits applied for prior to July 1, 2011; and

**WHEREAS**, the Volusia County Council wishes to include Transit-Oriented Development Areas in the temporary residential impact fee suspension in the future; and

**WHEREAS**, this temporary suspension shall not affect the validity of any studies, master plans, or data supporting the calculation, imposition or expenditure of the suspended impact fees, and the suspended fees shall not be considered new or increased impact fees when the suspension is phased out beginning on July 1, 2013 or terminated on June 30, 2015; and

1           **WHEREAS**, to the extent it is determined that the suspended fees are new or increased  
2 impact fees when the suspension is phased out beginning on July 1, 2013 or terminated on June  
3 30, 2015, the Volusia County Council hereby gives notice, by publication and adoption of this  
4 Ordinance, of its intent to increase the suspended impact fees in phases effective July 1, 2013;  
5 July 1, 2014; and July 1, 2015.

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

8           **(Words in ~~strikethrough~~ type are deletions; words in underscore type are additions.)**

9           **SECTION I:** Chapter 70, article II, section 70-35, of the Code of Ordinances, County of  
10 Volusia is amended to read as follows:

11 **Sec. 70-35. Imposition.**

12 ...

13           (f) Temporary suspension of residential fire/rescue service impact fees.

14           (1) The imposition of residential fire/rescue service impact fees shall be temporarily  
15 suspended for all residential building permits for which an application has been  
16 date stamped received on or after July 1, 2011, according to the following  
17 schedule:

18           a. All residential fire/rescue service impact fees, as established by this  
19 article, shall be suspended for a period beginning on July 1, 2011 and  
20 extending through June 30, 2013.

21           b. Two-thirds (2/3) of all residential fire/rescue service impact fees, as  
22 established by this article, shall be suspended for a period beginning on  
23 July 1, 2013 and extending through June 30, 2014.

1           c. One-third (1/3) of all of residential fire/rescue service impact fees, as  
2           established by this article, shall be suspended for a period beginning on  
3           July 1, 2014 and extending through June 30, 2015.

4           (2) Area of applicability. The temporary suspension of residential fire/rescue service  
5           impact fees established by this article shall only apply in the areas within the  
6           following legal descriptions, as graphically depicted on the Residential Impact  
7           Fee Temporary Suspension Area Map dated August 15, 2011:

8           a. East Zone. Those lands lying within the following described boundary:  
9           Beginning at the Northeasterly corner of Section 32, Township 12 South,  
10           Range 32 East, Volusia County, Florida, said corner being the Northeast  
11           corner of described boundary for said Volusia County, thence run  
12           southerly, along the Atlantic coastline and said County Boundary, to the  
13           intersection with the Southerly line of the Corporate Boundary of the City  
14           of New Smyrna Beach, Florida; thence run Westerly, along said Corporate  
15           Boundary line, to its intersection with the Westerly line of the Indian  
16           River; thence run Southerly, along said Westerly line of River, to its  
17           intersection with the Southerly Corporate Boundary of the City of Oak  
18           Hill, Florida; thence run Westerly, along said Corporate Boundary, to the  
19           Westerly Corporate Boundary line of said City of Oak Hill; thence run  
20           Northerly, along said Corporate Boundary, to the Northerly Corporate  
21           Boundary of said City of Oak Hill; thence run Easterly, along said  
22           Corporate Boundary to its intersection with the Westerly Corporate  
23           Boundary of the City of Edgewater, Florida; thence run Northerly, and

1 Westerly, along said Corporate Boundary line, to its intersection with the  
2 centerline of Interstate 95; thence run Northerly, along said Centerline, to  
3 its intersection with the Northerly Right of Way line of Pioneer Trail, said  
4 right of Way line also being the Southerly Corporate Boundary of the City  
5 of Port Orange, Florida; thence run Westerly, along said Corporate  
6 Boundary, to the Westerly Corporate Boundary of said City of Port  
7 Orange; thence run Northerly, along said Corporate Boundary, to its  
8 intersection with the aforementioned Centerline of Interstate 95; thence  
9 run Northerly, along said Centerline, to its intersection with the Centerline  
10 of State Road 40; thence run Westerly, along said Centerline, to its  
11 intersection with the Westerly Corporate Boundary of the City of Ormond  
12 Beach, Florida; thence run Northerly, along said Corporate Boundary, to  
13 the Northerly Boundary of Volusia County, Florida; thence follow said  
14 Northerly Boundary line to Coastline of the Atlantic Ocean and the Point  
15 of Beginning.

16 b. *Northwest Zone:*

17 Those lands, including unincorporated areas, lying within the exterior  
18 Corporate Limits of the City of Pierson, Florida.

19 c. *Southwest Zone.* Those lands lying within the following described  
20 boundary:

21 Beginning at the intersection of the Centerline of State Road 415 and the  
22 Centerline of the St. Johns River, said Centerline of River also being the  
23 Boundary line for Volusia County, Florida; thence run Westerly and

1 Northerly, along said County Boundary line, to its intersection with the  
2 Northerly Corporate Boundary of the City of DeBary, Florida; thence run  
3 Easterly, along said Corporate Boundary, to its intersection with the  
4 Westerly Corporate Boundary of the City of Orange City, Florida; thence  
5 run Northerly, along said Corporate Boundary, to its intersection with the  
6 Centerline of State Road 472, thence run Easterly, along said Centerline,  
7 to its intersection with the Centerline of State Road 15/600 (U.S. 17/92);  
8 thence run Northerly, along said Centerline, to its intersection with the  
9 Corporate Boundary of the City of DeLand, Florida; thence run Westerly  
10 and Northerly, following said Corporate Boundary, to its intersection with  
11 the Centerline of State Road 15-A; thence run Northerly, along said  
12 Centerline, to its intersection with the Centerline of State Road 44; thence  
13 run Westerly, along said Centerline, to its intersection with Hazen Road;  
14 thence run Northerly, along said Hazen Road, to its intersection with the  
15 Centerline of Plymouth Avenue; thence continue running Northerly, along  
16 said Hazen Road, to its intersection with the aforementioned Corporate  
17 Boundary of the City of DeLand; thence run Easterly, along said  
18 Corporate Boundary, to its intersection with the aforementioned  
19 Centerline of State Road 15-A; thence run Northerly, along said  
20 Centerline, to its intersection with the aforementioned Corporate  
21 Boundary of the City of DeLand; thence run Westerly and Northerly,  
22 along said Corporate Boundary, to its intersection with Greens Dairy  
23 Road; thence run Easterly, continuing along Corporate Boundary, to its

1 intersection with the Centerline of State Road 15-A; thence run Northerly,  
2 along said Centerline to its intersection with State Road 15 (U.S. 17);  
3 thence, from said intersection, run Northeasterly, along the Centerline of  
4 County Road 15-A, to its intersection with State Road 11; thence run  
5 Southerly, along State Road 11, to its intersection with the Northerly  
6 Corporate Boundary of the aforementioned City of DeLand, thence run  
7 Easterly, along said Corporate Boundary, to its intersection with Marsh  
8 Road; thence run Southerly, along said Marsh Road, to its intersection  
9 with the aforesaid Corporate Boundary of the City of DeLand; thence run  
10 Easterly, along said Corporate Boundary, to the Easterly line thereof;  
11 thence run Southerly, along said Easterly line and the southerly projection  
12 thereof, to its intersection with the Centerline of State Road 600 (U.S. 92);  
13 thence run Easterly, along said Centerline, to its intersection with the  
14 Centerline of Kepler Road; thence run Southerly, along said Centerline, to  
15 its intersection with the Centerline of aforementioned State Road 44;  
16 thence run Easterly, along said Centerline, to its intersection with County  
17 Road 4139; thence run Southerly, along said County Road, to its  
18 intersection with the aforementioned Corporate Boundary of the City of  
19 DeLand; thence run Easterly, along said Corporate Boundary, to Interstate  
20 4; thence Southerly, along said Interstate 4, to its intersection with Summit  
21 Avenue (C.R. 4139); thence run Southerly, along said Summit Avenue, to  
22 its intersection with the Corporate Boundary of the City of Lake Helen,  
23 Florida; thence run Easterly, along said Corporate Boundary, to the

1 Easterly Line thereof; thence run Southerly, along said Easterly Boundary,  
2 to its intersection with Lake Helen / Osteen Road; thence run Southerly,  
3 along said Road, to its intersection with Corporate Boundary of the City of  
4 Deltona, Florida; thence run Easterly to the Eastern Corporate Boundary  
5 of said City of Deltona; thence run Southerly, along said Eastern  
6 Boundary and its Southerly projection thereof, to its intersection with the  
7 Centerline of State Road 415; thence run Southerly, along said Centerline,  
8 to its intersection with the Centerline of the aforesaid St. Johns River and  
9 the Point of Beginning.

10  
11 **SECTION II: AUTHORIZING INCLUSION IN CODE** – The provisions of this  
12 ordinance shall be included and incorporated into the Code of Ordinances of the County of  
13 Volusia, as additions or amendments thereto, and shall be appropriately renumbered to conform  
14 to the uniform numbering system of the code.

15 **SECTION III: SEVERABILITY** – Should any word, phrase, sentence, subsection or  
16 section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or  
17 unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed  
18 from this ordinance and all other words, phrases, sentences, subsections, or section shall remain  
19 in full force and effect.

20 **SECTION IV: EFFECTIVE DATE** – A certified copy of this Ordinance shall be filed  
21 with the Department of State by the County Manager within ten (10) days after enactment by the  
22 County Council and this Ordinance shall take effect upon filing with the Department of State.  
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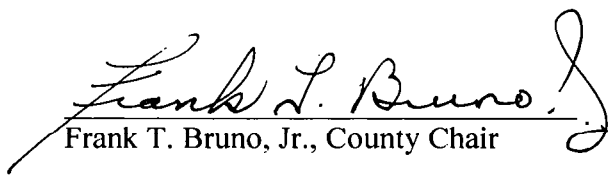
**ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA,  
IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS  
AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA  
AVENUE, DELAND, FLORIDA, THIS 18<sup>TH</sup> DAY OF AUGUST, 2011.**

ATTEST

COUNTY COUNCIL  
COUNTY OF VOLUSIA, FLORIDA



James T. Dinneen, County Manager



Frank T. Bruno, Jr., County Chair