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ORDINANCE 2011-23

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 IV PARKS IMPACT FEE, SECTION 70-114 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.

15 **WHEREAS**, Chapter 70 of the Volusia County Code of Ordinances imposes impact fees
16 on residential development for district and local parks; and

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

19 **WHEREAS**, the Volusia County Council wishes to stimulate the local economy by
20 encouraging economic development and promoting job creation through the temporary
21 suspension of impact fees on residential development for district and local parks; and

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

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

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

28 **WHEREAS**, this temporary suspension shall not affect the validity of any studies, master
29 plans, or data supporting the calculation, imposition or expenditure of the suspended impact fees,
30 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 IV, section 70-114, of the Code of Ordinances, County
10 of Volusia is amended to read as follows:

11 **Sec. 70-114. Imposition.**

12 ...

13 (e) Temporary suspension of residential district park and local park impact fees.

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

18 a. All residential district park and local park impact fees, as established by
19 this 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 district park and local park impact fees,
22 as 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 district park and local park impact fees,
2 as 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 district park and
5 local park impact fees established by this article shall only apply in the areas
6 within the following legal descriptions, as graphically depicted on the Residential
7 Impact 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.

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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.

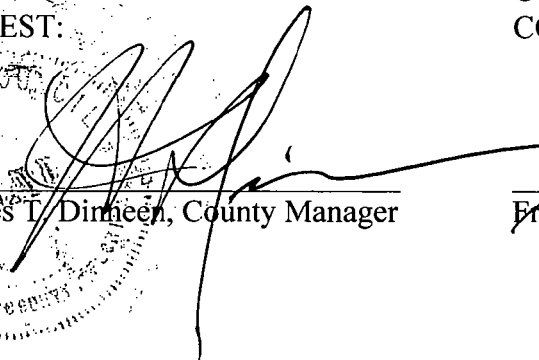
20 **SECTION IV: EFFECTIVE DATE** – A certified copy of this Ordinance shall be filed
21 with the Department of State by the County Manager within ten (10) days after enactment by the
22 County Council and this Ordinance shall take effect upon filing with the Department of State.

1 **ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA,**
2 **IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS**
3 **AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA**
4 **AVENUE, DELAND, FLORIDA, THIS 18TH DAY OF AUGUST, 2011.**

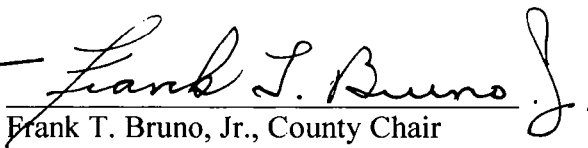
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ATTEST:

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA



James T. Dinneen, County Manager



Frank T. Bruno, Jr., County Chair