

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, KARISSA GREEN, Deputy Clerk to the County Council of Volusia County, Florida, do hereby certify that the attached and foregoing Ordinance 2022-34 is a true and correct copy of that certain ordinance as adopted by the County Council of Volusia County, Florida, at its meeting held on December 6, 2022.

WITNESS my hand and official seal at DeLand, Volusia County, Florida, this
12th day of December A.D. 2022.

BY: Karissa Green
KARISSA GREEN
DEPUTY CLERK TO THE COUNTY COUNCIL
OF VOLUSIA COUNTY, FLORIDA



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ORDINANCE 2022-34

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA RELATED TO AN UPDATE OF THE FIRE/RESCUE SERVICE IMPACT FEE; AMENDING ARTICLE II OF CHAPTER 70; ADOPTING BY REFERENCE AN IMPACT FEE STUDY BASED ON THE MOST RECENT AND LOCALIZED DATA; ADOPTING FINDINGS OF FACT AND INTENT; UPDATING ADMINISTRATIVE PROCEDURE FOR COMPLIANCE WITH LAW AND FLORIDA STATUTES; AMENDING SECTION 70-31, DEFINITIONS; AMENDING SECTION 70-35, IMPOSITION, BY ADOPTING A REVISED FIRE/RESCUE SERVICE IMPACT FEE SCHEDULE; AMENDING SECTION 70-36, PAYMENT; AMENDING SECTION 70-37, TRUST FUNDS; USE OF FUNDS; AMENDING SECTION 70-38, REFUNDS; AMENDING SECTION 70-40, ADJUSTMENTS TO FEE STRUCTURE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AUTHORIZING INCLUSION IN CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the imposition of impacts fees is one of the preferred and recommended forms of ensuring that new development bears a proportionate share of the cost of Fire Rescue capital facilities necessitated by new development; and

WHEREAS, impact fees have become a widespread and acceptable form of funding infrastructure needed for new growth in Florida; and

WHEREAS, Section 163.31801, Florida Statutes, "The Florida Impact Fee Act" (the "Act") recognizes impact fees are an important source of revenue for local governments to use in funding the infrastructure necessitated by new growth; and

WHEREAS, the Act provides the minimum requirements for the adoption, collection, and administration of impact fees; and

WHEREAS, the Report titled "Volusia County Impact Fee Study" dated September 30, 2022 and prepared by Benesch, as discussed, amended, and supplemented at public workshops and meetings of the County Council of Volusia County, is accepted as the most recent and localized data that sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for, and costs of, additional fire rescue, parks, EMS, and thoroughfare road capital facilities in Volusia County; and

46 WHEREAS, the Report title "Volusia County Impact Fee Study Supplement" dated September
47 30, 2022 and prepared by Benesch, as discussed, amended, and supplemented at public
48 workshops and meetings of the County Council of Volusia County, is accepted as the
49 demonstrated need study pursuant to Section 163.31801(6)(g), Florida Statutes; and
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51 WHEREAS, on July 27, 2022 and August 17, 2022, Volusia County held publicly noticed
52 workshops dedicated to the extraordinary circumstances necessitating the need to exceed the
53 phase-in limitations set forth in Section 163.31801(6)(b), (c), (d), and € , Florida Statutes; and
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55 WHERAS, the ordinance is enacted under the general home rule power of local governments
56 imposed under the sovereign power to provide certain services within its jurisdiction, regulate
57 land use, and engage in comprehensive land use and capital improvement planning; the home
58 rule power of a charter county under Article VII, Section 1(g), of the Florida Constitution; and
59 under the authority in section 125.01 and 163.31801, Florida Statutes; and
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61 WHEREAS, the Volusia County Council determines that a single benefit and expenditure
62 district consisting of a the unincorporated areas of Volusia County and those municipalities
63 receiving fire rescue services is appropriate;
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65 WHEREAS, Fire Rescue response is not district based and relies upon responses from
66 stations throughout the County and mutual aid responses from municipal fire stations.
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68 BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS
69 FOLLOWS:
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71 (Words in ~~strike-through~~ type are deletions; words in underscore type are
72 additions.)
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74 **SECTION I: Incorporation of Recitals and Study.** The above recitals are hereby
75 adopted as legislative findings of fact and intent. The Volusia County Impact Fee Study
76 prepared by Benesch dated September 30, 2022 is hereby incorporated by reference to this
77 ordinance.

78 **SECTION II:** Chapter 70, Article II, Section 70-31, Code of Ordinances, County of
79 Volusia, is amended to read as follows:

80 **Sec. 70-31. Definitions and rules of construction.**

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

83 (1) In case of any difference of meaning or implication between the text of this article and
84 any caption, illustration, summary table or illustrative table, the text shall control.

- (2) The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
- (3) Words used in the present tense shall include the future; and words in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (4) The phrase "used for" includes "arranged for," "designed for," "maintained for" or "occupied for."
- (5) The word "person" includes an individual, a corporation, a partnership, a governmental entity or agency, an incorporated association or any other similar entity.
- (6) The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of a like kind or character.

(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., 11th Edition 1993, or any subsequent edition) shall be used for the definition of any words not defined in this section.

Applicant means any person applying for or who has been granted a permit to proceed with a project.

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. The term "building" shall be construed as if followed by the words "or part thereof."

Building permit means the permit required by section 1054.1.4 of the Standard Building Code, ~~Southern Building Code Congress~~ Florida Building Code, as adopted by the county.

Capital improvement includes architectural studies, preliminary engineering, engineering design studies, land surveys, property acquisition, engineering, permitting and construction of all the necessary features for any fire/rescue service project, including:

- (1) Construction of fire stations and substations.
- (2) Acquisition of all firefighting and protection equipment necessary for the prevention of fires and fighting fires.
- (3) Acquisition, construction and equipping of training facilities to support fire/rescue service staff.
- (4) Acquisition and equipping of rescue vehicles and other emergency equipment.

Certificate of occupancy means the official document or permit issued by a municipality or the county evidencing the completion of construction of a building in accordance with all applicable codes and its legal entitlement to permanent occupancy and use.

Collecting agency means the county or the growth management services center.

County manager means the county manager and/or designee.

Dwelling means one or more rooms in a building forming a separate and independent housekeeping establishment, arranged, designed or intended to be used or occupied by one family, and having no enclosed space or cooking or sanitary facilities in common with any other dwelling unit with no ingress or egress through any other dwelling unit, and containing permanent provisions for sleeping facilities, sanitary facilities and not more than one kitchen facility.

Feepayer means that person or entity who pays a fire/rescue service impact fee or his/her successor in interest with the right or entitlement to any refund of previously paid development impact fees which is required by this ordinance and which has been expressly transferred or assigned to the successor in interest. In the absence of an express transfer or assignment or entitlement to any refund or previously paid development impact fees, the right or entitlement shall be deemed "not to run with the land."

Fire rescue service impact fee and *fee* mean the fee required to be paid in accordance with this article.

Land development activity means the carrying out of any building activity or the making of any material change in the use or appearance of any building or land.

Multiple-family dwelling means a building containing three or more dwellings intended to be occupied primarily by permanent residents.

Nonresidential property means structures used for activities including but not limited to buying, selling, storing, trading or providing services. This classification will also include hotels, motels, hospitals, nursing homes, churches, schools, adult congregate living facilities, day care facilities and other activities that provide personal services.

Residential activity means any building or portion thereof that is designated for or used for residential purposes and any activity involving the use or occupancy of a lot for residential purposes.

Square foot. For the purpose of the fee schedule, subsection 70-35(c), means total square footage of a building area, excluding overhangs.

Zone means these geographical areas as identified on exhibit A to this article.

SECTION VI: Chapter 70, Article III, Section 70-35, Code of Ordinances, County of

Volusia, is amended to read as follows:

Sec. 70-35. Imposition.

(a) *Level of service; applicability of fee.*

- (1) *Level of service for county fire/rescue service.* The level of service that is to be the standard for this article is the existing equipment and facilities of such service. The methodology for this level of service is provided in Chapter 2 of the Volusia County

Impact Fee Study prepared by Benesch, dated September 30, 2022 which is incorporated in this ordinance. Mobility of the equipment has permitted satisfactory service to rural and urban emergencies throughout the county with an average response time 6.01 minutes. New growth should contribute to the capital assets of the service in the same pro rata share as that heretofore paid by existing residents. Brush fire suppression is mutually beneficial to all citizens and is funded through fire rescue district taxes and not this impact fee. Approximately 21.37 percent of all fire assets are required for controlling brush fires. This percent of assets has been removed from the sums used for calculating the fire impact fee. The county's fire/rescue system has expanded the number of fire stations and equipment to provide service to nonurban and urban areas. This article recognizes that the fire/rescue system has been classified in chapter 15 of the county comprehensive plan (capital improvement element) into urban, suburban and rural stations. This classification is based on type of equipment, number of calls and response time. At this time there is no substantial cost difference between the three types of stations. Changes will be recommended to ensure continued consistency between the comprehensive plan and this article. The cost data is calculated as the average for the countywide service. The fire/rescue system operates or owns 21 fire stations equipped to provide protection for a designated service area. The rolling stock inventory consists of 116 vehicles of various types of fire engines, brush trucks, tankers and other support vehicles. These assets with a value of \$20,015,909.00 provide protection for 65,522 households and 13,211,924 square footage of nonresidential property. The number of fire stations and related equipment described in this article is anticipated to change due to population growth and changes in fire/rescue system technology. Increases due to growth will be supported by impact fees. The formula allocating services and costs is presented in subsection (c) of this section.

- (2) *Activities subject to fee.* Any person who makes or causes the making of an improvement to land which requires the issuance of a building permit or any person who changes the use of any building to one which will generate additional fire/rescue demands shall be required to pay a fire/rescue impact fee in the manner and amount set forth in this article.
- (3) *Payment of fee required prior to construction or change in use.* No person shall obtain a county or municipal certificate of occupancy for which the fee imposed by this article is applicable without first having obtained the required building permit and paid the proper impact fee imposed by this article. No person shall change the use or allow a change in use of any structure where the fee imposed by this article is applicable without having paid the proper fire/rescue impact fee imposed by this article. No person shall change the use or allow a change in use of any building where the fee imposed by this article is applicable without having paid the proper fire/rescue service impact fee imposed by this article.
- (4) *Payment of fee required prior to application for electrical service.* No person shall apply for service from an electric utility without having paid the proper fire/rescue impact fee imposed by this article.

- (b) *Payment of fee required prior to issuance of a certificate of occupancy, or occupancy of the building, local business tax receipt or use permit.* No county or municipal certificate of

occupancy, or occupancy of the building, local business tax receipt or use permit for which a complete application is submitted after May 10, 1989, shall be issued unless and until the fire/rescue service impact fee required by this article has been paid. The obligation of a person to pay the fee imposed by this article shall not be extinguished by the inadvertent failure of the county to collect the fee at the time required.

(c) *Formula development.*

(1) *County fire/rescue service.* The formula and net impact cost per functional resident found in Chapter 2 of the Volusia County Impact Fee Study prepared by Benesch, dated September 2022 is hereby adopted to determine the fire/rescue service impact fee per land use type. ~~The following formula shall be used to determine fire/rescue service impact fees per land use types:~~

a. ~~Residential land use.~~

**RESIDENTIAL
FIRE/RESCUE SERVICE IMPACT FEE**

	Station Costs Per Square Footage	$= (A \times B)/C = D$
Volusia	Vehicle Cost/Year	$= [(E \times B)/C]/G = H$
County	Credits	$= @PV (H, I, J) = K$
Residential =	Fee Charge	$= (\text{Gross Fee} - \text{Credits}) = D - K = L$
	Administration Fee	$= 3\%$
	<u>Total Residential Fee</u>	$= L \times 1.03 = N$

A	B	C	D	E	F	G	H	I	J	K	L	M	N
Total Capital Outlay	Percent Service Demand	Total Dwelling Units	Station Costs per Dwelling Unit	Total Vehicle Costs	Vehicle Costs per Dwelling Unit	Gross No. Vehicle Years for Depreciation	Vehicle Costs per Year	Interest Rate for Depreciation	Net No. Vehicle Years for Depreciation	Present Value of Vehicle Costs	Residential Fee Charge	Administra- tion Fee	Total Residential Fee
\$20,015,909.00	90.48	65,522	\$276.40	\$9,045,572.00	\$124.91	10	\$12.49	6.00%	4	\$43.28	\$233.12	3.00%	\$240.11

220 Where:

Total Capit al Outl ay	=	The cost to purchase property, construct buildings and provide equipment for the present service level.
Percent Servi ce Dem and	=	The percent of residential fire calls.
Vehicle Cost s	=	The total replacement cost of vehicles in the inventory.
Credits	=	Depreciation of the vehicles based on an expected useful operational life of the composite inventory of ten years. The formula provides credit for six years' depreciation with a present value of four years discounted at 6.0 percent interest.
Total Popu latio n	=	The number of full-time and seasonal residents in the unincorporated area of the county, as well as the Cities of Pierson, DeBary, Lake Helen, and Oak Hill.
Total Dwel ling Units	=	Total population divided by 2.3 average persons per household.

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222 b. — *Nonresidential land use.*

223 **NONRESIDENTIAL**
224 **FIRE/RESCUE SERVICE IMPACT FEE**

	Station Costs Per Square Foot	$= (A \times B)/C = D$
Volusia	Vehicle Cost/Year	$= [(E \times B)/C]/G = H$
County	Credits	$= @PV(H, I, J) = K$
Nonresidential =	Fee Charge	$= (Gross Fee - Credits) = D - K = L$
	Administration Fee	$= 3\%$

	Total Nonresid ential Fee	$= L \times 1.03 = N$

A	B	C	D	E	F	G	H	I	J	K	L	M	N
Total Capital Outlay	Percent Service Demand	Total Nonresidential Square Footage	Station Costs per Square Footage	Total Vehicle Costs	Vehicle Costs per Square Footage	Gross-No. Vehicle Years-for Depreciation	Vehicle Costs-per Year	Interest Rate-for Depreciation	Net-No. Vehicle Years-for Depreciation	Present Value of Vehicle Costs	Nonresi- dential Fee Charge	Administra- tion-Fee	Total Nonresidential Fee-per Square Footage
\$20,015,909.00	9.52	13,211,924	\$0.144	\$9,045,572.00	\$0.0652	10	\$0.00652	6.00%	4	\$0.023	\$0.122	3.00%	\$0.125

226 Where:

Total Capit al Ou tla y	=	The cost to purchase property, construct buildings and provide equipment for the present service.
Percent Se rvi ce De ma nd	=	The percent of nonresidential fire calls.
Total Sq ua re Fo ota ge	=	The square footage of nonresidential buildings.
Vehicle Co sts	=	The total replacement cost of vehicles in the inventory.
Credits	=	Depreciation of the vehicles based on an expected useful operational life of the composite inventory of ten years. The formula provides credit for six years' depreciation with a present value of four years discounted at 6.0 percent interest.

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— Credits	=	$\frac{\text{Vehicle Costs} \times \text{Percent of Service Demand}}{\text{Total Square Footage}}$	$/10 \text{ Years Depreciation} \times \text{Present Value at 6.0\% for 4 Years}$
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229 (d) *Fee schedule.*

230 (1) *Areas served county fire/rescue service.* The fee schedule for areas served by county
231 fire/rescue service is as follows:

<u>ITE Land Use Cate.</u>	<u>Land Use</u>	<u>Impact Unit</u>	<u>Calculated Impact Fee</u>
<u>Residential</u>			
<u>210/220/240</u>	<u>1,200 sf & Under</u>	<u>du</u>	<u>\$485.60</u>
	<u>1,201 to 1,700 sf</u>	<u>du</u>	<u>\$559.74</u>
	<u>1,701 to 2,200 sf</u>	<u>du</u>	<u>\$596.81</u>

	<u>2,201 to 3,000 sf</u>	<u>du</u>	<u>\$626.47</u>
	<u>3,001 sf & Over</u>	<u>du</u>	<u>\$685.78</u>
<u>Transient, Assisted, Group</u>			
<u>310</u>	<u>Hotel</u>	<u>Room</u>	<u>\$582.35</u>
<u>320</u>	<u>Motel</u>	<u>Room</u>	<u>\$511.13</u>
<u>620</u>	<u>Nursing Home</u>	<u>1,000 sf</u>	<u>\$1,005.50</u>
<u>Recreational</u>			
<u>411</u>	<u>Public Park</u>	<u>Acre</u>	<u>\$20.95</u>
<u>430</u>	<u>Golf Course</u>	<u>Hole</u>	<u>\$360.31</u>
<u>445</u>	<u>Movie Theater</u>	<u>1,000 sf</u>	<u>\$1,659.08</u>
<u>Institutions</u>			
<u>560</u>	<u>Church</u>	<u>1,000 sf</u>	<u>\$171.77</u>
<u>565</u>	<u>Day Care Center</u>	<u>1,000 sf</u>	<u>\$339.36</u>
<u>Medical</u>			
<u>610</u>	<u>Hospital</u>	<u>1,000 sf</u>	<u>\$548.84</u>
<u>Office</u>			
<u>710</u>	<u>General Office</u>	<u>1,000 sf</u>	<u>\$406.39</u>
<u>714</u>	<u>Corporate Headquarters Bldg</u>	<u>1,000 sf</u>	<u>\$402.20</u>
<u>720</u>	<u>Medical Office 10,000 sf & Under</u>	<u>1,000 sf</u>	<u>\$511.13</u>
	<u>Medical Office greater than 10,000 sf</u>	<u>1,000 sf</u>	<u>\$733.18</u>
<u>Retail</u>			
<u>822</u>	<u>Retail/Shopping Center less than 40,000 sf gla</u>	<u>1,000 sf gla</u>	<u>\$875.63</u>
<u>821</u>	<u>Retail/Shopping Center 40,000 to 150,000 sf gla</u>	<u>1,000 sf gla</u>	<u>\$1,085.11</u>
<u>820</u>	<u>Retail/Shopping Center greater than 150,000 sf gla</u>	<u>1,000 sf gla</u>	<u>\$594.92</u>
<u>840/841</u>	<u>New/Used Automobile Sales</u>	<u>1,000 sf</u>	<u>\$661.96</u>
<u>849</u>	<u>Tire Superstore/Auto Repair</u>	<u>Bay</u>	<u>\$716.42</u>
<u>850</u>	<u>Supermarket</u>	<u>1,000 sf</u>	<u>\$1,030.64</u>

<u>862</u>	<u>Home Improvement Store</u>	<u>1,000 sf</u>	<u>\$812.78</u>
<u>880/881</u>	<u>Pharmacy/Drug Store with and w/out Drive-Thru</u>	<u>1,000 sf</u>	<u>\$775.08</u>
<u>890</u>	<u>Furniture Store</u>	<u>1,000 sf</u>	<u>\$134.07</u>
<u>Services</u>			
<u>911</u>	<u>Bank/Savings w/out Drive-Thru</u>	<u>1,000 sf</u>	<u>\$490.18</u>
<u>912</u>	<u>Bank/Savings w/ Drive-Thru</u>	<u>1,000 sf</u>	<u>\$620.06</u>
<u>931</u>	<u>Fine Dining/Quality Restaurant</u>	<u>1,000 sf</u>	<u>\$2,249.82</u>
<u>932</u>	<u>High-Turnover (Sit-Down) Restaurant</u>	<u>1,000 sf</u>	<u>\$2,124.13</u>
<u>934</u>	<u>Fast Food Restaurant w/ Drive-Thru</u>	<u>1,000 sf</u>	<u>\$3,837.67</u>
<u>941</u>	<u>Quick Lubrication Vehicle Shop</u>	<u>Bay</u>	<u>\$674.53</u>
<u>943</u>	<u>Automobile Parts and Service Center</u>	<u>1,000 sf</u>	<u>\$452.48</u>
<u>944</u>	<u>Gas Station w/ Convenience Store less than 2,000 sf</u>	<u>Fuel pos.</u>	<u>\$615.87</u>
<u>945</u>	<u>Gas Station w/ Convenience Store 2,000 to 5,499 sf</u>	<u>Fuel pos.</u>	<u>\$967.80</u>
	<u>Gas Station w/ Convenience Store 5,500+ sf</u>	<u>Fuel pos.</u>	<u>\$1,265.26</u>
<u>Industrial</u>			
<u>110</u>	<u>General Industrial</u>	<u>1,000 sf</u>	<u>\$209.48</u>
<u>140</u>	<u>Manufacturing</u>	<u>1,000 sf</u>	<u>\$243.00</u>
<u>150</u>	<u>Warehouse</u>	<u>1,000 sf</u>	<u>\$50.28</u>
<u>151</u>	<u>Mini-Warehouse</u>	<u>1,000 sf</u>	<u>\$20.95</u>

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<u>Land Use</u>	<u>Unit</u>	<u>Fee</u>
<u>Residential</u>	<u>Single dwelling</u>	<u>\$240.11</u>
<u>Nonresidential (including hotel/motel)</u>	<u>Square foot</u>	<u>—0.125</u>

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(e) *Credits for donations; fee for mixed uses; fee for change of existing use.*

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- (1) The donation of land, facilities and equipment may qualify for credits if consistent with the county's plans and standards for station location, size and apparatus

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specifications, and upon approval by the fire services administrator. The value of improvements or donations shall be determined by the county fire services administrator and approved by the growth management and environmental service center director. Credits shall be given for qualified contributions on a dollar-for-dollar basis.

- (2) If a building permit is requested for a building with residential and nonresidential uses, then the fee shall be determined through using the schedule set out in this section by apportioning the space committed to uses specified on the schedule.
- (3) In the case of a change of use, redevelopment or modification of an existing use requiring the issuance of a building permit, the impact fee shall be based upon the net increase in the impact fee for the new as compared to the previous use.

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

- ~~(1) The imposition of residential fire/rescue service impact fees shall be temporarily suspended for all residential building permits for which an application has been date stamped received on or after July 1, 2011, according to the following schedule:~~
 - ~~a. All residential fire/rescue service impact fees, as established by this article, shall be suspended for a period beginning on July 1, 2011 and extending through June 30, 2013.~~
 - ~~b. Two-thirds of all residential fire/rescue service impact fees, as established by this article, shall be suspended for a period beginning on July 1, 2013 and extending through June 30, 2014.~~
 - ~~c. One-third of all of residential fire/rescue service impact fees, as established by this article, shall be suspended for a period beginning on July 1, 2014 and extending through June 30, 2015.~~
- ~~(2) Area of applicability. The temporary suspension of residential fire/rescue service impact fees established by this article shall only apply in the areas within the following legal descriptions, as graphically depicted on the "Residential Impact Fee Temporary Suspension Area Map", dated August 15, 2011:~~
 - ~~a. East zone. Those lands lying within the following described boundary:~~
 - ~~—Beginning at the northeasterly corner of Section 32, Township 12 South, Range 32 East, Volusia County, Florida, said corner being the northeast corner of described boundary for said Volusia County, thence run southerly, along the Atlantic coastline and said county boundary, to the intersection with the southerly line of the corporate boundary of the City of New Smyrna Beach, Florida; thence run westerly, along said corporate boundary line, to its intersection with the westerly line of the Indian River; thence run southerly, along said westerly line of river, to its intersection with the southerly corporate boundary of the City of Oak Hill, Florida; thence run westerly, along said corporate boundary, to the westerly corporate boundary line of said City of Oak Hill; thence run northerly, along said corporate boundary, to the northerly corporate boundary of said City of Oak Hill; thence run easterly, along said corporate boundary to its intersection with the westerly corporate boundary of the City of Edgewater, Florida; thence run northerly, and westerly, along said corporate boundary line, to its intersection with the centerline of Interstate 95; thence run northerly, along said centerline, to~~

its intersection with the northerly right-of-way line of Pioneer Trail, said right-of-way line also being the southerly corporate boundary of the City of Port Orange, Florida; thence run westerly, along said corporate boundary, to the westerly corporate boundary of said City of Port Orange; thence run northerly, along said corporate boundary, to its intersection with the aforementioned centerline of Interstate 95; thence run northerly, along said centerline, to its intersection with the centerline of State Road 40; thence run westerly, along said centerline, to its intersection with the westerly corporate boundary of the City of Ormond Beach, Florida; thence run northerly, along said corporate boundary, to the northerly boundary of Volusia County, Florida; thence follow said northerly boundary line to coastline of the Atlantic Ocean and the point of beginning.

b. *Northwest zone.*

—Those lands, including unincorporated areas, lying within the exterior corporate limits of the City of Pierson, Florida.

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

—Beginning at the intersection of the centerline of State Road 415 and the centerline of the St. Johns River, said centerline of river also being the boundary line for Volusia County, Florida; thence run westerly and northerly, along said county boundary line, to its intersection with the northerly corporate boundary of the City of DeBary, Florida; thence run easterly, along said corporate boundary, to its intersection with the westerly corporate boundary of the City of Orange City, Florida; thence run northerly, along said corporate boundary, to its intersection with the centerline of State Road 472; thence run easterly, along said centerline, to its intersection with the centerline of State Road 15/600 (U.S. 17/92); thence run northerly, along said centerline, to its intersection with the corporate boundary of the City of DeLand, Florida; thence run westerly and northerly, following said corporate boundary, to its intersection with the centerline of State Road 15-A; thence run northerly, along said centerline, to its intersection with the centerline of State Road 44; thence run westerly, along said centerline, to its intersection with Hazen Road; thence run northerly, along said Hazen Road, to its intersection with the centerline of Plymouth Avenue; thence continue running northerly, along said Hazen Road, to its intersection with the aforementioned corporate boundary of the City of DeLand; thence run easterly, along said corporate boundary, to its intersection with the aforementioned centerline of State Road 15-A; thence run northerly, along said centerline, to its intersection with the aforementioned corporate boundary of the City of DeLand; thence run westerly and northerly, along said corporate boundary, to its intersection with Greens Dairy Road; thence run easterly, continuing along corporate boundary, to its intersection with the centerline of State Road 15-A; thence run northerly, along said centerline to its intersection with State Road 15 (U.S. 17); thence, from said intersection, run northeasterly, along the centerline of County Road 15-A, to its intersection with State Road 11; thence run southerly, along State Road 11, to its intersection with the northerly corporate boundary of the aforementioned City of DeLand; thence run easterly, along said corporate boundary, to its intersection with Marsh Road; thence run southerly, along said Marsh Road, to its

intersection with the aforesaid corporate boundary of the City of DeLand; thence run easterly, along said corporate boundary, to the easterly line thereof; thence run southerly, along said easterly line and the southerly projection thereof, to its intersection with the centerline of State Road 600 (U.S. 92); thence run easterly, along said centerline, to its intersection with the centerline of Kepler Road; thence run southerly, along said centerline, to its intersection with the centerline of aforementioned State Road 44; thence run easterly, along said centerline, to its intersection with County Road 4139; thence run southerly, along said County Road, to its intersection with the aforementioned corporate boundary of the City of DeLand; thence run easterly, along said corporate boundary, to Interstate 4; thence southerly, along said Interstate 4, to its intersection with Summit Avenue (C.R. 4139); thence run southerly, along said Summit Avenue, to its intersection with the corporate boundary of the City of Lake Helen, Florida; thence run easterly, along said corporate boundary, to the easterly line thereof; thence run southerly, along said easterly boundary, to its intersection with Lake Helen/Osteen Road; thence run southerly, along said road, to its intersection with corporate boundary of the City of Deltona, Florida; thence run easterly to the eastern corporate boundary of said City of Deltona; thence run southerly, along said eastern boundary and its southerly projection thereof, to its intersection with the centerline of State Road 415; thence run southerly, along said centerline, to its intersection with the centerline of the aforesaid St. Johns River and the point of beginning.

- d. ~~Recorded subdivisions.~~ Those lands lying within the boundaries of the following recorded subdivisions:
-Ridgewood Crossings and Pioneer Trail Reserve.

SECTION VII: Chapter 70, Article II, Section 70-36, Code of Ordinances, County of

Volusia, is amended to read as follows:

Sec. 70-36. Payment.

(a) *Time of payment; lien.*

- (1) The person applying for the issuance of a county or municipal building permit shall pay the fire/rescue service impact fee prior to the issuance of a certificate of occupancy, or the occupancy of the building. The county or municipality shall issue an impact fee statement to the applicant for a building permit. Such impact fee statement shall set forth the amount of impact fee due.
- (2) The obligation for payment of the impact fee shall run with the land. However, this section shall not be construed to relieve an applicant of responsibility or liability for payment of the impact fees imposed by this article.
- (3) In the event the impact fee is not paid prior to the issuance of a certificate of occupancy or the occupancy of the building, the county may collect the impact fee, together with interest from the date payment was due at the rate fixed by law for judgments, an administrative penalty of five percent per month (to a maximum of 25

percent of all fees unpaid at the time they were due according to the terms of this article), the costs of such collection and a reasonable attorney's fee. Interest and penalties shall be remitted for addition to the trust fund, and the recovered costs and fees for collection shall be retained by or remitted to the government incurring the expense of collection. The county attorney, or duly authorized representative, may execute, serve upon the owner by certified mail and record a notice of nonpayment in the official records of the county, which shall contain the legal description of the property and the amount of the impact fee liability. Said notice shall thereupon operate as a lien against such property for the amount of the impact fee, together with interest, penalties, and the costs and fees for collection, coequal with the lien of all state, county, district and municipal taxes.

(4) In the event the impact fee rate for a particular land use is changed subsequent to the ~~issuance~~ application of a building permit and before the issuance of a certificate of occupancy, the impact fee shall be the amount in effect on the date the application for a current or pending building permit is received ~~payment is received~~. The impact fee rate for a void, expired, noncurrent, or denied building permit will be the changed impact fee. If no building permit is required upon a change of use of a building, the fee imposed by this article shall be payable at such time as the person making such change shall be required to apply for a county or municipal local business tax receipt or use permit.

(5) All fees due under this article shall become a lien at the time of the issuance of the building permit or in the case of a change of use on the issuance of a local business tax receipt, as the case may be, such fees shall be due, and shall remain a lien, coequal with the lien of all state, district, county and municipal taxes, superior in dignity to all other liens, titles and claims, until paid. Such lien shall be upon the land on which an improvement is made requiring the payment of fees and shall be for the amount of the fee required, as well as for all penalties and interest due under the provisions of this article.

(b) *Method of payment.* Payment of fire/rescue service impact fees shall be made to the County of Volusia.

(c) *Disposition of funds.* All funds collected shall be properly identified by fire/rescue service impact fee zone and promptly transferred for deposit into the appropriate fire/rescue service impact fee trust fund to be held in separate accounts as determined in section 70-37 and used solely for the purposes specified in this article.

SECTION VIII: Chapter 70, Article II, Section 70-37, Code of Ordinances, County of

Volusia, is amended to read as follows:

Sec. 70-37. Trust funds; use of funds.

(a) *Trust funds.* There is hereby established a single fire/rescue service impact fee trust fund and is 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 the unincorporated area of Volusia County 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 unincorporated area of Volusia County, the boundaries of the municipality shall be deemed amended as of the date of annexation so as to include the land annexed within the municipality. Such amendment 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.*

- (1) The fire services administrator shall, each fiscal year, prepare a preliminary capital improvement program for facilities to be funded from the fire/rescue service impact fee trust fund. The county manager shall present to the county council the proposed capital improvement program in the capital improvement element of the comprehensive plan for fire/rescue facilities, assigning funds, including any accrued interest, from the fire/rescue service impact fee trust fund to specific improvements and related expenses. Moneys, including any accrued interest, not assigned in any fiscal period shall be retained in the fire/rescue service impact fee trust funds until the next fiscal period except as provided by the refund provisions of this article.
- (2) Funds shall be used exclusively for capital improvements, or expansion, or equipment within the unincorporated area of Volusia County or appropriate municipalities from which funds were collected. Funds shall be deemed expended in the order in which they are collected.
- (3) The county shall be entitled to collect and retain an ~~three percent~~ administrative fee of actual costs of administration, which is in addition to the fee otherwise owed. This fee is collected to offset the costs of administering this article.

SECTION IX: Chapter 70, Article III, Section 70-38, Code of Ordinances, County of

Volusia, is amended to read as follows:

Sec. 70-38. Refunds.

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

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

441 ~~The schedule in this subsection shall apply to all requests for refunds originally submitted on or~~
442 ~~after the effective date of the ordinance from which this article is derived, regardless of the~~
443 ~~date of permit issuance or original fee paid.~~

444 (b) Any funds not expended or encumbered by the end of the calendar quarter immediately
445 following ten (10) five years from the date the fire/rescue service impact fee was paid shall,
446 upon application of the feepayer within 180 days of that date, be returned to such owner
447 with interest at the rate of six percent per annum.

448

449 **SECTION XI:** Chapter 70, Article II, Section 70-40, Code of Ordinances, County of Volusia, is
450 amended to read as follows:

451 **Sec. 70-40. Adjustments to fee structure.**

452 ~~(a) Annual adjustment. The fire/rescue impact fee formula and schedules set out in~~
453 ~~subsection 70-35(c) shall be adjusted annually. The total cost of rolling stock and fixed~~
454 ~~assets will be adjusted based on annual percentage changes in the Consumer Price Index~~
455 ~~(CPI). Annual changes shall be effective on May 1 of each year, based upon the index~~
456 ~~change for the 12 months ending on December 31 of the previous year.~~

457 ~~(ab)~~ (a) Fee review. The fire/rescue service impact fee shall be reviewed by the County council no
458 less than once every four (4) six years. The review shall consider the adequacy of the
459 service to meet the needs of new demands created by new developments. The purpose of
460 this review is to analyze the effects of inflation on the actual acquisition and operation of
461 the fire/rescue service. This review will consider any changes which have occurred in
462 county revenue sources and their effect upon funding of the fire/rescue service.

463

464 **SECTION XIII: SEVERABILITY** - Should any word, phrase, sentence, subsection or
465 section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or
466 unconstitutional, then that word, phrase, sentence, subsection or section so held shall be
467 severed from this ordinance and all other words, phrases, sentences, subsections, or sections
468 shall remain in full force and effect.

469 **SECTION XIV: CONFLICTING ORDINANCES** - All ordinances, or part thereof, in
470 conflict herewith are, to the extent of such conflict, repealed.

471 **SECTION XV: AUTHORIZING INCLUSION IN CODE.** The provisions of this ordinance
472 shall be included and incorporated into the Code of Ordinances of the County of Volusia, as

473 additions or amendments thereto, and shall be appropriately renumbered to conform to the
474 uniform numbering system of the Code.

475 **SECTION XVIII: EFFECTIVE DATE.** This ordinance shall take effect on March 6, 2023
476 upon filing a certified copy with the Department of State.

477 ADOPTED BY A TWO-THIRDS VOTE OF THE COUNTY COUNCIL OF VOLUSIA
478 COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL
479 CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA
480 AVENUE, DELAND, FLORIDA, THIS 6TH DAY OF DECEMBER A.D., 2022.

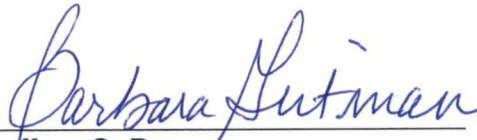
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ATTEST:

COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA



George Recktenwald
County Manager


for Jeffrey S. Brower
County Chair

