
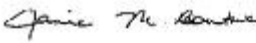




August 17, 2006		<b>AGENDA ITEM</b>		<b>Item 12</b>
<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Budget Resolution	<input checked="" type="checkbox"/> Other	
<b>Department:</b> Legal Department		<b>File Number:</b> VC-1154629851266-A		
<b>Division:</b> Legal				
<b>Subject:</b> Amending the Code of Ordinances of Volusia County, Chapter 70, titled Impact Fees.				
<b>Account Number(s):</b> N/A				
<b>Total Item Budget:</b> N/A				
<b>Staff Contact(s):</b> Jamie Seaman Phone: 736-5950 ext. 2951 Gerald N. Brinton, P.E. Phone: 736-5967 ext. 2294				
<b>Summary/Highlights:</b> Staff is proposing a text amendment to the Impact Fee Ordinance to clarify the way the County currently interprets the Ordinance relating to minimum level of service (LOS) standards. This amendment does not change in practice or how the County views the Ordinance is to be enforced.  The need for this amendment is because a number of cities within Volusia County have established different (higher) level of service standards for County roads within their jurisdictions as compared to Volusia County's standards.  This amendment clarifies that the Ordinance is based on the minimum LOS standards for County maintained thoroughfare roads as defined in the Volusia County				
<b>Recommended Motion:</b> That County Council approve the proposed amendment to Ordinance No. 2006-14 as presented.				
Daniel D. Eckert, County Attorney  	<b>OMB</b>    Approved as to Budget Requirements	<b>Legal</b>    Approved as to Form and Legality	Betty Holness County Manager's Office    Approved Agenda Item For: <b>August 17, 2006</b>	
<b>Council Action:</b>  <input type="checkbox"/> Approved as Recommended <input type="checkbox"/> Approved With Modifications <input type="checkbox"/> Disapproved <input type="checkbox"/> Continued Date:		<b>Modification:</b>		

**Summary/Highlights Continued:**

Comprehensive Plan and not the LOS standards as defined by the cities. This clarification has been prompted by discussions with the cities regarding proportionate fair share as part of the new growth management law(Senate Bill 360).

The Planning and Land Development Regulation Commission at its meeting on July 11, 2006 unanimously recommended that the proposed Ordinance be forwarded to the County Council for approval.

# ORDINANCE NO. 2006-14

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA, CHAPTER 70, TITLED "IMPACT FEES," ARTICLE III, "THOROUGHFARE ROAD IMPACT FEE" BY AMENDING SECTION 70-79, "EXEMPTIONS AND CREDITS"; BY REQUIRING THE IMPACT FEE CREDITS BE BASED ON THE COUNTY COMPREHENSIVE PLAN LEVEL OF SERVICE; BY PROVIDING FOR INCLUSION IN CODE AND SCRIVENERS ERRORS; BY PROVIDING FOR SEVERABILITY; BY 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 underline type are additions.)

**SECTION I:** That Section 70-79 of the Code of Ordinances of the County of Volusia, is amended to read as follows:

## Sec. 70-79. Exemptions and credits.

■ ■ ■

(b) *Credits.*

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

(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 contemplated in section 70-

1 77(b)(1), except for those improvements deemed site-related, shall  
2 be based on the minimum level of service standards for county  
3 maintained thoroughfares as defined in the Volusia County  
4 Comprehensive Plan and will be credited against thoroughfare road  
5 impact fees. In addition, any person who constructs or contributes  
6 land, money or services for any road improvements (whether site-  
7 related or not) contemplated in section 70-77(b)(1) which are  
8 included within the most recently adopted five-year work program of  
9 the county or of the state department of transportation for the  
10 county shall be entitled to credits against thoroughfare road impact  
11 fees imposed pursuant to this article in accordance with subsection  
12 (3) of this subsection (b) based on the minimum level of service  
13 standards for county maintained thoroughfares as defined in the  
14 Volusia County Comprehensive Plan.

15 ...

16  
17 **SECTION II:** Except as amended herein, the provisions of the Code of  
18 Ordinances of the County of Volusia remain in full force and effect.

19  
20 **SECTION III:** AUTHORIZING INCLUSION IN CODE - The provisions of this  
21 ordinance shall be included and incorporated into the Code of Ordinances of the  
22 County of Volusia, as additions or amendments thereto, and shall be

1 appropriately renumbered to conform to the uniform numbering system of the  
2 Code.

3

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

9

10 **SECTION V: EFFECTIVE DATE** - A certified copy of this Ordinance shall be  
11 filed with the Department of State by the County Manager within ten (10) days  
12 after enactment by the County Council and this Ordinance shall take effect upon  
13 filing with the Department of State.

14 ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY,  
15 FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY  
16 COUNCIL CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION  
17 CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS \_\_\_\_ DAY  
18 OF \_\_\_\_\_ A.D., 2006.

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22 COUNTY COUNCIL

23 ATTEST:

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James T. Dinneen, County Manager

28

COUNTY OF VOLUSIA, FLORIDA

\_\_\_\_\_  
Frank T. Bruno, Jr., County Chair

**MINUTES**  
**Planning and Land Development Regulation Commission**  
**July 11, 2006**

2. Proposed Amendment to the Volusia County Code of Ordinances, relating to Thoroughfare Road Impact Fee Credits.....Jon Cheney, Traffic Engineering

**Jon Cheney, Traffic Engineering**, stated this is a text amendment to the Ordinance to clarify how they issue impact fee credits. They have recently done an analysis of the different cities level of service standards, and compared it to Volusia County's standards. What they have found is that on the County thoroughfare roads there is a difference in the level of service standards. He stated five or six of the cities have a higher level of service standard than Volusia County has. Lake Helen has a level of service B on all of their roads, and Volusia County's level of service standard is level E. He stated what they would like to do an interim measure, so if any city enters or passes an ordinance for proportionate fair share, that as part of the Florida statute of Senate Bill 360, that they are eligible for impact fee credits. The impact fee credits are based on the County standard for all thoroughfare roads in Volusia County (which includes County, State, and City thoroughfare roads), and they would like to tie the issuance of the credits to the County's level of service standard.

**Mike Dyer, Assistant County Attorney**, commented that what Mr. Cheney spoke of was the way the County presently interprets the Ordinance, and this is being done to clarify that interpretation. He stated it would not be a change in practice or how they view the Ordinance is to be enforced.

**Chairman Huttman** asked if anyone had any questions for Mr. Cheney, or if anyone wished to discuss anything.

Member Rudolph **MOVED** to **FORWARD** the Proposed Amendment relating to Thoroughfare Road Impact Fee Credits to the County Council for **APPROVAL** as presented by Staff. Member Tooley **SECONDED** the motion. Motion **CARRIED** with a vote of 5-0. Members Cornett and Sixma not present to vote.