

ORDINANCE 2018-20

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA BY AMENDING CHAPTER 70 IMPACT FEES AND PROPORTIONATE SHARE, ARTICLE III THOROUGHFARE ROAD IMPACT FEE, SECTION 70-75 IMPOSITION; BY REPEALING AND REPLACING SUBSECTION (C)(3) FEE SCHEDULE; BY PROVIDING FOR A ROAD IMPACT FEE SCHEDULE BY LAND USE TYPE; BY PROVIDING FOR AN ANNUAL INDEXED INCREASE OF FEES; BY PROVIDING FOR CREDITS FOR NON-SITE-RELATED IMPROVEMENTS; BY PROVIDING FOR CALCULATIONS FOR MIXED-USE BUILDINGS, EXISTING BUILDING EXPANSION, FLEX OFFICE SPACE, SHOPPING CENTERS WITH OUT-PARCELS, AND UNIVERSITIES AND COLLEGES; BY PROVIDING FOR COMPARABLE LAND USE TYPES; BY PROVIDING FOR PAYMENT BY CERTIFICATE OF OCCUPANCY; BY PROVIDING FOR FARM BUILDING EXEMPTION; BY PROVIDING FOR TRANSFER OF CREDITS WITHIN IMPACT FEE ZONE; BY PROVIDING FOR EXPIRATION OF CREDITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AUTHORIZING INCLUSION IN CODE; AND PROVIDING FOR 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: Chapter 70 Impact Fees and Proportionate Share, Article III Thoroughfare Road Impact Fee, Section 70-75 Imposition, (c) Methods of determination, subsection (3) Fee schedule, of the Code of Ordinances, County of Volusia is repealed and replaced to read as follows:

Sec. 70-75. – Imposition.

...

...(c) *Methods of determination.*

...

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

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

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	\$5,379
Multi Family, Low-Rise (220)	Dwelling	7.32	100%	5.10	0.597	11.14	\$3,213
Multi Family, Mid-Rise (222)	Dwelling	4.44	100%	5.10	0.597	6.76	\$1,950
Mobile Home/RV Park (240)	Space	5	100%	4.60	0.597	6.87	\$1,982
Shopping Center (820)	1,000 sq. ft.	37.74	68%	2.89	0.597	22.14	\$6,385
Bank w/Drive-Thru (912)	1,000 sq. ft.	100.02	46%	2.46	0.597	33.79	\$9,745
Bank w/o Drive-Thru (911)	1,000 sq. ft.	59.32	46%	2.46	0.597	20.04	\$5,779
Quality Restaurant (931)	1,000 sq. ft.	83.84	76%	3.14	0.597	59.72	\$17,224
High- Turnover Restaurant (932)	1,000 sq. ft.	112.18	70%	3.17	0.597	74.30	\$21,428
Fast Food Restaurant (934)	1,000 sq. ft.	470.94	57%	2.05	0.597	164.26	\$47,373
Auto Care (943)	1,000 sq. ft.	16.28	72%	3.62	0.597	12.67	\$3,654
New and Used Car Sales (841)	1,000 sq. ft.	27.06	78%	4.60	0.597	28.98	\$8,357
Supermarket (850)	1,000 sq. ft.	106.78	56%	2.08	0.597	37.13	\$10,708
Convenience Store (853)	1,000 sq. ft.	684.2	27%	1.51	0.597	83.27	\$24,015
Super Convenience Store (960)	1,000 sq. ft.	837.58	27%	1.51	0.597	101.93	\$29,396
Home Improvement Store (862)	1,000 sq. ft.	30.74	74%	6.27	0.597	42.57	\$12,278
Pharmacy w. Drive-Thru (880)	1,000 sq. ft.	90.08	32%	2.08	0.597	17.90	\$5,162
Furniture Store (890)	1,000 sq. ft.	6.3	54%	6.09	0.597	6.18	\$1,782
Tire Store/Auto Repair (849)	Bay	30.54	68%	2.44	0.597	15.13	\$4,363
Quick Lubrication Shop (941)	Bay	40.00	68%	1.97	0.597	15.99	\$4,611
Movie Theater (444)	1,000 sq. ft.	78.08	87%	2.22	0.597	45.01	\$12,981
Hotel (310)	Room	8.36	66%	6.26	0.597	10.31	\$2,974
Motel (320)	Room	3.34	66%	6.26	0.597	4.12	\$1,189
General Office (710)	1,000 sq. ft.	9.74	92%	5.15	0.597	13.78	\$3,974
Corporate Headquarters Bldg (714)	1,000 sq. ft.	7.94	92%	5.15	0.597	11.23	\$3,238
Medical Office (720)	1,000 sq. ft.	34.80	88%	5.55	0.597	50.73	\$14,630
Light Industrial (110)	1,000 sq. ft.	4.96	92%	5.15	0.597	7.01	\$2,022
Manufacturing (140)	1,000 sq. ft.	3.90	92%	5.15	0.597	5.52	\$1,592
Warehouse (150)	1,000 sq. ft.	1.74	92%	5.15	0.597	2.46	\$710
Mini-Warehouse (151)	1,000 sq. ft.	2.50	92%	3.10	0.597	2.13	\$614
Hospital (610)	1,000 sq. ft.	10.72	89%	2.59	0.597	7.38	\$2,128
Church (560)	1,000 sq. ft.	6.94	89%	2.59	0.597	4.78	\$1,378

Day Care Center (565)	1,000 sq. ft.	47.62	73%	2.03	0.597	21.06	\$6,074
Nursing Home (620)	1,000 sq. ft.	6.64	89%	2.59	0.597	4.57	\$1,318
Major Sports Facility	Parking Space	2.10	100%	2.59	0.597	1.62	\$468
Public Park (411)	Acre	0.78	90%	2.59	0.597	0.54	\$156

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

3 b. In the event the impact fee rate for a particular land use is changed, including the
4 annual indexed increase, subsequent to the issuance of a building permit and before
5 the issuance of a certificate of occupancy, the impact fee will be the amount in
6 effect on the date payment is received.

7 c. Credits for right-of-way and for completed and accepted non-site-related
8 improvements, as described in section 70-79 (b), will be determined for each
9 application, and will be deducted from the thoroughfare road impact fees listed in
10 the thoroughfare road impact fee schedule at the time thoroughfare road impact fees
11 are to be paid. The value of right-of-way and non-site-related improvements for
12 which credits may be allowed will be determined by the county engineer. Credits
13 created under this subsection must be used within seven (7) years of the final
14 certificate of occupancy for the approved development phase or twenty (20) years
15 of the date the credits are created, whichever is sooner. Credits created prior to
16 January 1, 2000, must be used within seven (7) years from March 4, 2019. The
17 creation date is the date the instruments conveying legal title to the land or
18 improvements given in exchange for the credits are recorded by the clerk of the
19 court. The creation date for credits pursuant to a proportionate fair share payment
20 will be the date of receipt of funds by the county. Credits not used within the time
21 frame set forth in this subsection will expire. Credits granted under an agreement
22 approved by the county council will be governed by the terms of such agreement.

23 d. Road construction and right-of-way credits issued by the county can be
24 transferred only within the zone the credit was created. All transfers must be
25 approved by the county's director of growth and resource management or designee.

26 e. In the case of an expansion of an existing use on the same lot or an adjoining lot
27 (which may be intersected by an easement or right-of-way) requiring the issuance
28 of a building permit, the impact fee will be based upon the net increase in the impact
29 fee for the new as compared to the previous use. Provided, however, the impact fee
30 will be reduced by 50 percent from the amount of the fee that would otherwise be
31 due and payable for an expansion to an existing use. The county will be guided in
32 this determination by the report titled "Institute of Transportation Engineers, Trip
33 Generation: An Information Report" (sixth or any subsequent edition).

34 f. If a building meets the definition of mixed use building as defined by this chapter,
35 the separate land uses as shown on the approved site plan or building plan will be
36 identified and appropriately charged according to the fee schedule in subsection
37 (3)a. If a building has residential and nonresidential uses, the square footage of the

1 building identified as residential will be charged based on the number of dwelling
2 units, and then, the square footage identified as nonresidential will be charged based
3 on the remaining principle uses.

4 g. The thoroughfare road impact fee on a shopping center will be computed using
5 one retail-commercial rate for all stores except for the out-parcels, which will be
6 calculated using the rate for that land use from the thoroughfare road impact fee
7 schedule.

8 h. If an affidavit is filed by the owner of real property with the county or
9 municipality certifying that a farm building on a farm is exempt from issuance of a
10 building permit under Florida law, then the building will also be exempt from
11 impact fee charges.

12 i. When a floor plan/site plan shows flex office/warehouse use, the assessment will
13 be calculated at the light industrial rate for this land use. The county reserves the
14 right to conduct an independent study during the next ordinance update to review
15 the flex office/warehouse use. When cumulative non-warehouse floor space per
16 building exceeds 35 percent of the total floor space of the building, then the building
17 owner will be required to pay additional road impact fees for that part over the 35
18 percent converted to other uses based on the road impact fee schedule as set forth
19 in subsection 70-75(c)(3)a.

20 j. Thoroughfare road impact fees for private universities and colleges will be based
21 on the number of additional full-time equivalent ("FTE") students that any
22 improvements to the school are designed to accommodate. The fee will be based
23 on 2.38 trips per FTE as indicated by the Institute of Transportation Engineers Trip
24 Generation Manual, Sixty Edition. Individual studies will be utilized to demonstrate
25 the average trip length for each proposed project, if the project results in an increase
26 in the planned FTE student capacity. The college or university president will certify
27 that the project will not increase said FTE's.

28 k. If the type of development activity for which a building permit is applied is not
29 specified on the fee schedule set out in this section, the county will use the fee
30 applicable to the most nearly comparable type of land use on the fee schedule. The
31 county will be guided in the selection of a comparable type by the report titled
32 "Institute of Transportation Engineers, Trip Generation: An Information Report"
33 (sixth or any subsequent editions). If the county determines that there is no
34 comparable type of land use on the fee schedule set out in this section, then the fee
35 will be determined by using traffic generation statistics contained in the report titled
36 "Institute of Transportation Engineers, Trip Generation: An Information Report"
37 (sixth or any subsequent edition), average trip length and percent of new trips based
38 upon the best data available to the county and by applying the formula set forth in
39 subsection (1) of this subsection.

1 **SECTION II:** Chapter 70 Impact Fees and Proportionate Share, Article III Thoroughfare
2 Road Impact Fee, Section 70-75 Imposition, (d) Temporary suspension of residential thoroughfare
3 road impact fees, of the Code of Ordinances, County of Volusia is repealed.

4 **SECTION III:** Chapter 70 Impact Fees and Proportionate Share, Article III Thoroughfare
5 Road Impact Fee, Section 70-75 Imposition, (e) Temporary discounted deductions from
6 thoroughfare road impact fee credit accounts for residential development, of the Code of
7 Ordinances, County of Volusia is repealed.

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

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

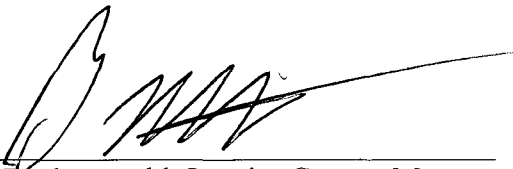
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19 **SECTION VI:** CONFLICTING ORDINANCES - All ordinances, or part thereof, in
20 conflict herewith are, to the extent of such conflict, repealed.

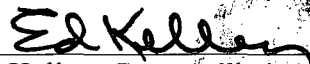
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22 **SECTION XXV:** EFFECTIVE DATE - A certified copy of this Ordinance shall be
23 electronically filed with the Department of State and shall take effect on March 4, 2019.

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25 ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN
26 OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE
27 THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE,
28 DELAND, FLORIDA, THIS 4th DAY OF December, A.D., 2018

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31 ATTEST:

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

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George Recktenwald, Interim County Manager


Ed Kelley, County Chair