

ORDINANCE 2013-10

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 III
THOROUGHFARE ROAD IMPACT FEE; TO ALLOW
LIMITED TRANSFERS OF CREDITS BETWEEN ZONES;
PROVIDING FOR SEVERABILITY; PROVIDING FOR
CONFLICTING ORDINANCES; AND PROVIDING FOR
AN EFFECTIVE DATE.

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

(Words in ~~striketthrough~~ type are deletions; words in underscore type are additions.)

SECTION I: Chapter 70, article III, section 70-75, of the Code of Ordinances, County of
Volusia is amended to read as follows:

Sec. 70-75. Imposition.

(a) *Applicability of fee.*

...

(c) *Methods of determination.* The thoroughfare road impact fee for any development
activity generating traffic in the county shall be determined either by using the method set
forth in subsection (1) of this subsection (c) or by using the fee schedule set forth in
subsection (3) of this subsection (c).

...

(3) *Fee schedule.* The following fee schedule has been prepared based upon
the formula presented in Volusia County Roadway Impact Fee Update
Technical Memorandum dated September 25, 2003. The rate set for the

1 effective date uses the cost component that is equal to 100% of the county
2 roadway construction costs. For the convenience of the public, the fees
3 which are based on trip generation have been converted to dollar amounts
4 based on dwelling units, bays, building square footage, beds, campsites,
5 parking spaces or rooms, or screens, depending upon the particular land
6 use.

7 ...

8 j. Road construction and right-of-way credits issued by the county's
9 public works department can be transferred only between lots as
10 ~~long as both lots are~~ in the same zone; provided however that
11 credits from zone 1 may be transferred into a portion of zone 2
12 bounded by I-95 and SR 44, including lots fronting its southern
13 side; from zone 2 into a portion of zone 1 bounded by I-95 and SR
14 421, including lots fronting its northern side; from zone 3 into a
15 portion of zone 4 bounded by US 17-92, I-4 and SR 44, including
16 lots fronting its northern side; and from zone 4 into a portion of
17 zone 3 bounded by US 17-92, I-4, and SR 472, including lots
18 fronting its southern side. A lot shall be deemed to front one of the
19 four named state roads if all or part is within 300 feet of the right
20 of way line. All transfers must be approved by the county's director
21 of growth and resource management or the authorized
22 representative.

23 **SECTION II:** Chapter 70, article III, section 70-79, of the Code of Ordinances, County

of Volusia is amended to read as follows:

Sec. 70-79. Exemptions and credits.

(a) *Exemptions.* The following activities shall be exempted from payment of the thoroughfare road impact fee:

...

(b) *Credits.*

...

(3) Credits shall apply to the person making the contribution. Such person shall have the right to transfer all or a portion of the available credits within limits described in section 70-75(c)(3)j. Any transfers of this type which occur shall be filed with growth management services group at the time of or prior to the approval of a development order on a form provided by the county. The costs utilized in computing credits shall be reasonable, but not to exceed the actual costs of the improvements constructed or contributed. The person seeking determination of the credit shall present cost estimates and property appraisals prepared by qualified professionals to be utilized by the public works service center and growth management services group in determining the amount of credits. The county retains the right to prepare its own cost estimate for its use in determining the credit allowed by this subsection.

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

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

6 **SECTION V: CONFLICTING ORDINANCES** - All ordinances or part thereof, in
7 conflict herewith are, to the extent of such conflict, repealed.

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

11
12 **ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA,**
13 **IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS**
14 **AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA**
15 **AVENUE, DELAND, FLORIDA, THIS 2nd DAY OF MAY, 2013.**
16
17

18
19 **ATTEST:**

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

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24 James T. Dinneen, County Manager

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30 Jason P. Davis, County Chair