

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I, JAMES T. DINNEEN, County Manager and Clerk to the County Council of Volusia County, Florida, do hereby certify that the attached and foregoing ORDINANCE 2017-14 is a true and correct copy of that certain ordinance adopted on June 15, 2017.

WITNESS my hand and official seal at DeLand, Volusia County, Florida, this 15th day of June, A.D. 2017.

JAMES T. DINNEEN  
COUNTY MANAGER AND CLERK TO THE  
COUNTY COUNCIL OF VOLUSIA COUNTY,  
FLORIDA

BY: \_\_\_\_\_

MARCYA A. ZIMMERMAN, DEPUTY CLERK



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

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

...

...

1           (3) *Fee schedule.* The following fee schedule has been prepared based upon  
2           the formula presented in Volusia County Roadway Impact Fee Update  
3           Technical Memorandum dated September 25, 2003. The rate set for the  
4           effective date uses the cost component that is equal to 100% of the county  
5           roadway construction costs. For the convenience of the public, the fees  
6           which are based on trip generation have been converted to dollar amounts  
7           based on dwelling units, bays, building square footage, beds, campsites,  
8           parking spaces or rooms, or screens, depending upon the particular land  
9           use.

10          ...

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

1 county's director of growth and resource management or the  
2 authorized representative.

3  
4 **SECTION II:** Chapter 70, article III, section 70-79, of the Code of Ordinances, County  
5 of Volusia is amended to read as follows:  
6

7 **Sec. 70-79. - Exemptions and credits.**

8  
9 (a) *Exemptions.* The following activities shall be exempted from payment of the  
10 thoroughfare road impact fee:

11 ...

12 (3) The replacement of a legally permitted building in use on or after May 1, 1986  
13 (the date upon which road impact fees were established in Volusia County),  
14 provided, however, ~~that no additional~~ new trips ~~will resulting~~ from a  
15 redevelopment project the building replacement, in excess of that exceed the trips  
16 produced by the original use of the land shall be charged the applicable impact fee  
17 rate. Exempt trips calculated pursuant to this subsection may be used on the  
18 original parcel, adjoining parcels subject to a single planned master development  
19 approved by the local government, or on adjoining parcels combined under a  
20 common ownership or joint venture for the purpose of integrated redevelopment.  
21 Adjoining parcels may include land directly across a street or highway. Common  
22 ownership shall mean entities that share a majority of officers, members or  
23 partners.

- 1 a. All existing or previously demolished structures will be evaluated for size  
2 and most recent use.
- 3 i. If impact fees were paid, the trip exemption will be based on  
4 the use and size of the structure used to calculate the impact  
5 fee.
- 6 ii. If impact fees were not paid, use will be determined based on  
7 the most recent business tax receipt issued for the address, the  
8 zoning, building permits, property appraiser data, and other  
9 public records, as well as documentation provided by the  
10 property owner.
- 11 iii. If building permits are not available due to the age of the  
12 structures, aerials will be used to calculate the square footage.
- 13 b. The trips will be calculated using the trip generation rate in the impact fee  
14 ordinance.
- 15 i. If the development activity is not specified on the impact fee  
16 ordinance, the trip generation rate of the most nearly  
17 comparable type of land use on the fee schedule will be used.
- 18 ii. If there is no comparable development activity in the impact  
19 fee ordinance, the traffic generation statistics in the most recent  
20 version of the Institute of Transportation Engineers, Trip  
21 Generation: An Information Report shall be used.
- 22 c. If the project is a mixed use development that is under construction as a  
23 single phase, the property owner may apply the exempt trips to the highest

1 impact fee rate first, and draw down the trips from the highest rate to the  
2 lowest rate until all exemptions are used. If the development is a  
3 multi-phase project, trips will be applied based on the use of the buildings  
4 under construction in each phase.

5 i. If the exempt trips are not completely used, the surplus will  
6 remain with the property identified for the exemption  
7 calculation under section 72-79 (a)(3).

8 ii. If the exempt trips are completely used, the property owner  
9 will pay impact fees on the balance of the development at the  
10 applicable impact fee rate.

11 d. The calculation of the exempt trips can be administratively reviewed under  
12 section 70-81. The property owner may appeal the trip generation  
13 calculation and application of the trips and impact fee rate to the county  
14 council under section 70-82.

15 ...

16 **SECTION III:** Chapter 70, article III, section 70-81, of the Code of Ordinances, County  
17 of Volusia is amended to read as follows:  
18

19 **Sec. 70-81. - Administrative review; procedures.**

20  
21 (a) A feepayer shall have the right of administrative review of any decision relating  
22 to:

23 (1) A determination that a development activity is required to pay an impact fee  
24 under this article;

1           (2) A determination of an exemption and the number of exempt trips;

2           (3)(2)A determination of the amount of the impact fee; or

3           (4)(3)A determination regarding the amount or application of a credit to be applied  
4           against the impact fee.

5           The administrative review shall be in the form of an administrative review de novo of the  
6           decision.

7           ...

8           **SECTION IV:** Chapter 70, article III, Exhibit A, of the Code of Ordinances, County of  
9           Volusia is amended to read as follows:

10          ...

11          *Zone No. 3:*

12          Beginning at the southeast corner of Section 36, Township 19 South, Range 33 East; run thence  
13          west, along the south lines of Sections 36, 35 and 34, to the southwest corner of said Section 34,  
14          Township 19 South, Range 33 East; thence north, along the west lines of Sections 34, 27, 22, 15,  
15          10 and 3, to the northwest corner of said Section 3, Township 19 South, Range 33 East; thence  
16          west, along the south lines of Sections 33, 32 and 31, Township 18 South, Range 33 East, to the  
17          southwest ~~west~~east corner of said Section 31; thence north, along the range line, to the northwest  
18          corner of Section 6, Township 18 South, Range 33 East; thence west, along the township line, to  
19          the southwest corner of Section 31, Township 17 South, Range 32 East; thence north, along the  
20          range line, to the northwest corner of Section 7, Township 17 South, Range 32 East; thence west,  
21          along the south line of Sections 1 to 6 inclusive, Township 17 South, Range 31 East, to the  
22          southwest corner of said Section 6; thence south, along the range line, to the southwest corner of

1 Section 13, Township 17 South, Range 30 East; thence west, to the southwest corner of said  
2 Section 13; thence south, along the east line of Section 23, Township 17 South, Range 30 East,  
3 to the southeast corner thereof; thence west, along the south lines of Sections 23, 22 and 21,  
4 Township 17 South, Range 30 East, and continuing west, along the north line of Section 29,  
5 Township 17 South, Range 30 East, to the northeast corner of the northwest quarter of the  
6 northeast quarter of the northeast quarter of the northeast quarter of said Section 29; thence south  
7 to the southeast corner of said northwest quarter of the northeast quarter of the northeast quarter  
8 of the northeast quarter of Section 29; thence west to the southwest corner of said northwest  
9 quarter of the northeast quarter of the northeast quarter of the northeast quarter of Section 29;  
10 thence north to the south line of Section 20, Township 17 South, Range 30 East; thence west,  
11 along the south lines of Sections 20 and 19, Township 17 South, Range 30 East and continuing  
12 west along the south line of Section 24, Township 17 South, Range 29 East, to its intersection  
13 with the easterly shoreline of Lake Beresford; thence southerly, along said easterly shoreline of  
14 Lake Beresford, to its intersection with the range line between Range 29 East and Range 30 East;  
15 thence continuing southerly, along the last-described range line, to its intersection with the  
16 township line between Township 17 South and Township 18 South; thence westerly, along the  
17 last-described township line, to its intersection with the thread of the St. Johns River, being the  
18 west boundary of the county; thence southerly, along said thread of the St. Johns River, to its  
19 intersection with the south line of Section 35, Township 21 South, Range 33 East; thence east,  
20 along the south lines of Sections 35 and 36, Township 21 South, Range 33 East, to the southeast  
21 corner of said Section 36; thence north, along the range line to the point of beginning.



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

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

10           **SECTION VII: CONFLICTING ORDINANCES** - All ordinances or part thereof, in  
11 conflict herewith are, to the extent of such conflict, repealed.

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

15  
16           **ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA,**  
17 **IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS**  
18 **AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA**  
19 **AVENUE, DELAND, FLORIDA, THIS 15th DAY OF JUNE, 2017.**

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22  
23 ATTEST:

COUNTY COUNCIL  
COUNTY OF VOLUSIA, FLORIDA

24  
25  
26  
27 James T. DiNoen, County Manager

Ed Kelley, County Chair