

EDUCATIONAL FACILITIES IMPACT FEE**Section 614-1. Authority; interpretation**

This policy shall exercise the authority delegated to the school board by the Volusia County Council to establish a school impact fee methodology and school impact fee. Nothing herein shall be interpreted to conflict with that delegation. All remaining provisions within chapter 70 of the Code of Ordinances, County of Volusia, that are not subject to said delegation shall otherwise control.

Section 614-2. Definitions

The following words, terms, and phrases, when used in this policy, shall have the meanings ascribed to them herein, except where the context clearly indicates a different meaning. Webster's New Collegiate Dictionary (G & C Merriam Co., 11th ed. July 2003) shall be used for the definition of any words not defined herein.

Ancillary facilities mean the buildings, sites, and site improvements necessary to provide support services to educational programs (e.g., facilities as vehicle maintenance, warehouses, maintenance or administrative buildings not located at school plants).

Auxiliary facilities mean those portions of a school plant which are not designated for student stations.

Building permit means the permit required by the Florida Building Code in effect at the time of the application for the building permit to construct the specific type of dwelling for which the application was made.

Capital costs of educational facilities means costs incurred to provide additional public facilities capacity needed to serve new growth and development for planning, design and construction, land acquisition, land improvement, design and engineering related thereto, including the cost of constructing system improvements or facility expansions. Projected interest charges and other finance costs may be included if the school impact fees are to be used for the payment of principal and interest on bonds, notes or other financial obligations issued on behalf of the district to finance capital improvements, but such costs do not include routine and periodic maintenance expenditures.

Capital equipment means equipment with an expected useful life of three years or more.

Capital improvements means educational facilities and capital equipment which increase the capacity of the school system.

Certificate of occupancy means the official document or permit issued by a municipality in Volusia County or by 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. The term certificate of occupancy shall also include an approved final inspection for a mobile home.

County means the County of Volusia, a body corporate and politic.

District means the School District of Volusia County.

District school system means the educational facilities, auxiliary facilities, and ancillary facilities of the district, which are used to provide instruction in the public schools and the administrative or support activities relating to such instruction.

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 with no ingress or egress through any other dwelling, and containing permanent provisions for sleeping facilities, sanitary facilities and not more than one kitchen facility, and includes all dwelling types, including multifamily dwellings, mobile home dwellings and single family detached dwellings. A dwelling in a building containing multiple uses is a dwelling.

Educational facilities mean the building, furniture and capital equipment that are constructed, installed, or established for student stations, auxiliary facilities, and ancillary facilities.

External revenues means those revenues of the district which are derived from sources other than local tax sources, which are paid directly or indirectly by new development for the capital costs of educational facilities and which, based on the district's projected pattern of funding the construction of additional capacity over the next five (5) years, are reasonably anticipated to be available to the district to pay for a portion of total capital cost while continuing the district's historical pattern of funding the maintenance of existing facilities.

Feepayer means that person who pays a school impact fee.

Local capital revenues means those revenues of the district which are derived from local tax sources, which are paid directly or indirectly by new development for the capital costs of educational facilities and which, based on the district's previous five-year historical pattern and projected pattern of funding the construction of additional capacity over the next five years, are reasonably anticipated to be available to the district to pay for a portion of total capital cost while continuing the district's historical pattern of funding the maintenance of existing facilities.

Net capital cost means the difference between total capital cost and the sum of the present values of external revenues and local capital revenues attributable to new dwellings for the capital costs of educational facilities.

Person means an individual, firm, association, organization, whether social, fraternal or business, partnership, joint venture, trust company, corporation, receiver, syndicate,

business trust or other entity or group or combination acting as a unit, including any government.

Public schools mean all educational facilities for kindergarten classes; elementary, middle and high school classes and special classes; adult, part-time, vocational and evening schools, courses, or classes authorized by law to be operated under the control of the school board.

School board means the governing board of the district.

School impact fee means the fee imposed for educational facilities under this policy. The term “fee” may be used interchangeably.

School impact fee calculation report means the report, entitled "Volusia County 2021 Impact Fee Update Study," dated July 22, 2021, prepared by Tindale-Oliver & Associates, Inc., n/k/a Benesch or as may be subsequently updated.

School plant means the land, building, furniture, equipment and site improvements which are necessary to accommodate students, faculty, administrators, staff and the activities of the educational programs and services for each student; the term includes educational facilities and auxiliary facilities.

Student generation rate means the average number of public school students who are expected to reside in a typical new dwelling in the district.

Student station means the square footage of building area per student, excluding auxiliary facilities and ancillary facilities, depending on the type of the instructional programs to be housed in the educational facility.

Superintendent means the superintendent of schools of the district or designee.

Total capital cost means the total cost of all capital improvements required to increase the capacity of the Volusia District School System, in order to accommodate the demand on that system which is reasonably attributable to the construction of each new dwelling in the district. The term includes the cost of financing of that proportion of such cost paid by debt instruments, certificates of participation in lease-purchase programs, or their equivalents.

Section 614-3. Legislative findings; interpretation.

- A. School impact fees are a preferred method of ensuring that new development bears a proportionate share of the capital costs of educational facilities which are necessary to accommodate new development. The County of Volusia (the “County”) first passed a school impact fee ordinance in July of 1992, as Ordinance No. 92-9, cited as the Volusia County Educational Facilities Impact Fee Ordinance, and imposing an educational facility impact fee. Ordinance No. 92-9 was repealed in 1997 by Ordinance No. 97-7, also imposing an educational facility impact fee, or school impact fee. Ordinance No. 97-7 was amended on February 24, 2005, when the County

adopted Ordinance No. 2005-01 (the “Ordinance”). On February 21, 2008, the County enacted Ordinance 2008-04, delegating to the School Board the authority to establish by rule a fee determination methodology and the school impact fee, or a fee schedule.

- B. In order to maintain current levels of service the district must expand the capacity of the system if new development in the district is to be accommodated. This expansion of capacity must be done in order to promote and protect the public health, safety and welfare of the residents of Volusia County.
- C. The imposition of an impact fee is one of the preferred methods of ensuring that new development bears a proportionate share of the capital costs of educational facilities which are necessary to accommodate new development. This must be done in order to promote and protect the public health, safety and welfare.
- D. The calculation and assessment of the impact fee is done to assure that the fee imposed on new development does not require feepayers to bear more than their equitable share of the net capital cost in relation to the benefits conferred.
- E. This rule establishes a revised school impact fee commencing ninety (90) days after the date of approval and adoption of this Policy 614, setting the school impact fee for 2023 and thereafter as provided herein.
- F. The impact fee calculation report is approved by the school board. Any subsequent impact fee calculation report must be approved by the school board.
- G. The impact fee calculation report sets forth a reasonable methodology and analysis for the determination of the impact of new land development on the need for and costs of additional educational facilities in the district and is based on the average student generation rate per dwelling.
- H. The school impact fee set forth in section 614-5 is discounted, in its sole legislative discretion, by the school board at this time. Said fee does not exceed the costs of providing for the acquisition of new school sites, the expansion and equipping of existing educational facilities, and the construction and equipping of new educational facilities necessitated by new land development for which the impact fee is imposed.
- I. Nothing in this policy shall be interpreted to prevent its amendment by the school board at any time and within its sole legislative discretion.

Section 614-4. Methodology.

- A. The maximum school impact fee amount shall be determined by the impact fee calculation set out in the impact fee calculation report. The impact fee calculation shall apply the following formula:

School impact fee (net capital cost) = Total capital cost - External revenues - Local capital revenues apportioned per dwelling based upon the student generation rate.

- B. The school impact fee determination methodology shall be a consumption-based fee methodology. A consumption-based school impact fee charges new development based upon the value of the district's infrastructure consumed per dwelling unit. School impact fees shall be assessed on a county-wide basis and shall be charged based on the student generation rates.

Section 614-5. Fee amount.

- A. Upon effective date by operation of law, educational school impact fee rates shall be established as follows:
- a) All Single-Family Residential Dwellings shall be charged seven thousand, *twenty-two dollars and seventy cents (\$ 7,022.70) per unit permitted for any new construction;*
 - b) All Multi-Family Residential Dwellings per unit permitted shall be charged three thousand, seven hundred twenty-eight dollars and ninety-five cents (\$3,728.95) for any new construction;
 - c) All Mobile Home Residential Dwelling units permitted placement shall be charged one thousand, four hundred fifteen dollars and twenty-five cents (\$1,415.25) for any new placement.:
- B. [RESERVED FOR LATER USE]
- C. The then current school impact fee in effect prior to the revision of this Policy 614 shall remain in force and effect until the rates set forth herein shall be enacted.

Section 614-6. Administrative review of determinations.

- A. A feepayer shall have the right of administrative review by the superintendent, or designee, of any decision relating to:
- 1. A determination that a development activity is required to pay an impact fee under this policy; or
 - 2. A determination regarding the amount or application of a credit to be applied against the impact fee.

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

- B. Except as otherwise provided in this policy, the administrative review must be requested by the feepayer within 30 calendar days (including Sundays and legal holidays) from the date of issuance of the impact fee statement or the date of the decision sought to be reviewed, whichever shall last occur. Failure to request administrative review within the time provided in this subsection will be deemed a waiver of that right.

- C. A written request for administrative review must be filed with the superintendent or designee. The request shall contain the following:
1. The name and address of the feepayer;
 2. The telephone number at which the feepayer may be reached during daytime hours;
 3. The legal description of the property in question;
 4. If issued, the date the building permit/impact fee statement was issued and the building permit/impact fee statement number;
 5. If paid, the impact fee receipt number and date of payment;
 6. A brief description of the nature of the land development activity to be undertaken pursuant to the building permit/impact fee statement; and
 7. A statement of the reasons why the feepayer is requesting the administrative review, including any supporting information and site or construction plan, if appropriate.
- D. Within 10 working days, the district staff shall schedule an informal hearing before the superintendent. The informal hearing shall be conducted in accordance with procedures established by the superintendent, and shall be limited to presentations by the parties and discussions between the parties. The applicant and district staff shall have the opportunity to appear and present the issues set forth in the appeal. Thereupon, the superintendent shall approve in whole or in part or deny the appeal based upon the criteria set forth in this policy. In addition, the superintendent may refer the matter back to district staff to consider additional information. The decision of the superintendent shall be in writing. The decision may contain reasonable conditions necessary to affect the purposes of this policy. The decision of the superintendent shall be considered final agency action pursuant to chapter 120, Fla. Stat.
- E. In accordance with the authority delegated by section 70-181 of the Code of Ordinances, County of Volusia, this section constitutes the controlling applicable administrative review procedure.

Section 614-7. Review of fee.

Beginning on or about January 1, 2026, the district shall commence review of the school impact fee and methodology. The district shall appoint an *ad hoc* advisory committee to provide comments and recommendations to the superintendent as part of the review process. The committee shall include representation by the Volusia Building Industry Association or successor entity. Recommendation by the superintendent of any amendment to the school impact fee amount and methodology shall be presented to the school board for consideration on or before December 31, 2026, or as soon thereafter as

practicable. Any adoption of an amended fee shall be supported by an amended or re-adopted methodology and an updated or re-adopted school impact fee calculation report.

Section 614-8. Severability.

If any provision of this policy or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this policy which can be given effect without the invalid provision or application, and to this end the provisions of this policy are severable.

Legal Authority:

1001.41(1), 1001.41(2), 1001.42(23), Florida Statutes; Chapter 70, article V, Code of Ordinances, County of Volusia.

Laws Implemented:

1001.42(4)(c), 1001.43(4), 1001.43(10), 1013.33, 1013.36, 163.31777, Florida Statutes.

History:

(Adopted -- March 13, 2012)

(Revised March 13, 2012; August 27, 2013; December 13, 2016, January 24, 2023)

(Effective Date – January 24, 2023)