

Date: 02/04/2016		AGENDA ITEM		Item: 27
<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Budget Resolution	<input type="checkbox"/> Other	
Department: Legal Department Division: Legal				
Subject: Ordinance 2016-04, amending Chapter 70 Impact Fees, Article III Thoroughfare Road Impact Fee, Section 70-79 by providing for the use of exemptions on adjoining parcels.				
Daniel D. Eckert Director Legal Department  Department Approval		Legal Jamie E. Seaman County Attorney  Approved as to Form and Legality	County Manager's Office Donna de Peyster Deputy County Manager 	
Council Action: Modification:				
Account Number(s): NA Total Item Budget: NA				
Staff Contact(s): Jamie E. Seaman		Phone: 386 736 5950	Ext.	
Summary/Highlights: The county thoroughfare impact fee ordinance allows an exemption when property is redeveloped and buildings are removed. The exemptions are calculated based on the amount of traffic trips generated by the previous use of the property. Those trips are deducted from any additional impact fees that may be owed due to the use of the property under the new construction. If the new construction does not use all of the exemptions, they stay with the parcel on which the original structure was built. Recent redevelopment has included projects with multiple parcels that are adjoining, including parcels across a roadway. To encourage these types of redevelopment, it is recommended that the code be amended to allow exemptions to be used on adjoining parcels subject to a single planned master development, or on adjoining parcels combined under a common ownership or joint venture for the purpose of integrated redevelopment.				
Recommended Motion: Approval.				

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ORDINANCE 2016-04

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA, CHAPTER 70 IMPACT FEES AND PROPORTIONATE SHARE, ARTICLE III THOROUGHFARE ROAD IMPACT FEE, BY AMENDING SECTION 70-79 EXEMPTIONS AND CREDITS, BY PROVIDING FOR THE USE OF EXEMPTIONS ON ADJOINING PARCELS; 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 70-79, *Exemptions and credits* 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:

(1) Alterations or expansions of an existing building where no additional units are created, and where no additional vehicular trips will be produced over and above that produced by the existing use.

(2) The construction of an accessory building which will not produce additional vehicular trips over and above that which is produced by the principal building or use of the land.

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

(4) The construction of a sanctuary or church adjacent to and in connection with an existing sanctuary or church, notwithstanding that the existing church or facility is not demolished but is used for other church activities, provided that the exemption from the fee which would otherwise be due shall be limited to an amount of square footage equal to the size of the existing sanctuary.

SECTION II: 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.

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

1 **SECTION IV: CONFLICTING ORDINANCES** - All ordinances, or part
2 thereof, in conflict herewith are, to the extent of such conflict, repealed.

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4 **SECTION V: EFFECTIVE DATE** – This Ordinance shall take effect upon
5 electronic filing of a certified copy with the Department of State.

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7 ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY,
8 FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL
9 CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123
10 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS ____ DAY OF
11 _____ A.D., 2015.

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14 COUNTY COUNCIL
15 ATTEST: COUNTY OF VOLUSIA, FLORIDA

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19 _____
20 James T. Dinneen, County Manager

Jason P. Davis, County Chair