

RESOLUTION NO. 2006-47

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA; AMENDING APPENDIX A, "FEE SCHEDULE", OF THE DELTONA CODE OF ORDINANCES, BY REPEALING THE SUBSECTION ENTITLED "CHAPTER 94, IMPACT FEES", AND REENACTING A NEW SUBSECTION "CHAPTER 94, "IMPACT FEES"; PROVIDING DEFINITIONS; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Deltona, 2345 Providence Boulevard, Deltona, 32725, Volusia County, Florida, is an incorporated municipality pursuant to the law of the State of Florida (hereafter "City") and, as such, is both required and authorized under the laws of Florida to adopt resolutions; and

WHEREAS, Florida State Constitution, Article VIII, § 2, cl. (b), states municipalities shall have the governmental powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City Commission retained Tindale-Oliver & Associates, Inc., Planning and Engineer Consultants, to study the need to update the City's existing impact fees for fire/rescue, recreation and parks, and to make recommendations relative to the imposition of an impact fee relating to law enforcement; and

WHEREAS, Tindale-Oliver & Associates, Inc. has prepared and presented the City Commission a report which establishes the proportionate share of new development's impacts on the public facilities for which impact fees are to be collected; and

WHEREAS, the City Commission for the City of Deltona adopted Ordinance No. 28-2006, repealing in its entirety Chapter 94, "Impact Fees" of the Code of Ordinances of the City of Deltona, and enacting a new Chapter 94, "Impact Fees; and

WHEREAS, as part of the reenactment of Chapter 94, there is a need to schedule impact fees for transportation as were included in repealed Chapter 94; and

WHEREAS, the City Commission has adopted the Ghyabi-Lassiter impact fees study, completed on March 4, 1999, which contains the latest data on which transportation impact fees are based; and

WHEREAS, pursuant to the provisions of Ordinance No. 28-2006, the City Commission for the City of Deltona needs to adopt a Resolution repealing the subsection entitled "Chapter 94, Impact Fees" of Appendix A, of the Deltona Code of Ordinances, and enacting a new impact fees subsection to update the City's impact fees schedule for fire/rescue; parks; transportation; and to provide for the imposition of an impact fee relating to law enforcement; and

WHEREAS, this Resolution is hereby adopted in accordance with Ordinance No. 28-2006 to update the City of Deltona's impact fees for fire/rescue; parks; transportation; and to establish a law enforcement impact fee.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION
OF THE CITY OF DELTONA, FLORIDA, AS FOLLOWS:**

SECTION 1. This Resolution is adopted pursuant to Ordinance No. 28-2006, and Chapter 166, Florida Statutes.

SECTION 2. Appendix A of the Code of Ordinances, City of Deltona, Florida, entitled "Fee Schedule," is hereby amended by repealing and reenacting the subsection thereto entitled Chapter 94, "Impact Fees", to read as follows:

(a) Applicability

- (1) This fee schedule applies to any impact fee established by Chapter 94 of the Code of Ordinances.
- (2) This fee schedule does not apply to accessory uses. An "accessory use" means "any use or attached or detached structure clearly incidental, subordinate and related to the principal use or structure and located on the same lot with such principal use or structure."
- (3) The fire/rescue impact fee, park impact fee, and law enforcement impact fee are established in subsection (b)(1), Table 94-1. The uses referenced in Table 94-1 have the meanings assigned in subsection (b)(2), below. Words and phrases not defined in subsection (b)(2) have the meanings assigned in Chapters 94 and 110 of the City of Deltona Code of Ordinances.
- (4) The transportation impact fee is established in subsection (c) (1), Table 94-2. The uses referenced in Table 94-2 have the meanings assigned in subsection (c)(2), below. Words and phrases not defined in this subsection (c) (2) have the meanings assigned in Chapters 94 and 110 of the City of Deltona Code of Ordinances.

(b) Fire/Rescue, Park and Law Enforcement Impact Fees

- (1) The Fire/Rescue, Park and Law Enforcement Impact Fees are as follows:

Table 94-1 Fire/Rescue, Law Enforcement and Park Impact Fees

Land Use	Impact Unit	Fire/Rescue Impact Fee	Law Enforcement Impact Fee	Park Impact Fee
Residential				
Single Family	dwelling	\$214.49	\$116.30	\$1,556.21
Residential Condo/Townhouse	dwelling	\$242.17	\$131.30	\$1,760.21
Multi Family	dwelling	\$116.24	\$63.03	\$839.30
Mobile Home	dwelling	\$188.20	\$102.04	\$1,363.87
Transient, Assisted, Group				
Hotel / Motel	Room	\$88.56	\$48.02	--
Nursing Home / ACLF	Bed	\$132.84	\$72.03	--
Recreational				
General Recreation/City Park	acre	\$20.76	\$11.25	--
General Recreation/County Park	acre	\$27.68	\$15.01	--
RV Park	site	\$89.95	\$48.77	--
Major Sports Facility (Arena)	acre	\$593.65	\$321.88	--
Movie Theater with Matinee	screen	\$1,190.07	\$645.26	--
Racquet Club/Health Club/Spa/Dance Studio	1,000 sf	\$427.59	\$231.84	--
Institutions				
Hospital	1,000 sf	\$228.33	\$123.80	--
Day Care Center	1,000 sf	\$130.08	\$70.53	--
Church	1,000 sf	\$78.88	\$42.77	--
Office				
Office 10,000 SF or less ⁽⁹⁾	1,000 sf	\$333.50	\$180.82	--
Office greater than 10,000 SF ⁽¹⁰⁾	1,000 sf	\$196.50	\$106.54	--
Medical Office/Clinic	1,000 sf	\$239.40	\$129.80	--
Retail, Gross Square Feet				
Retail less than 10,000 GSF	1,000 sf	\$606.10	\$328.63	--
Retail 10,000 GSF to 99,999 GSF	1,000 sf	\$401.30	\$217.59	--
Retail 100,000 GSF to 1,000,000 GSF	1,000 sf	\$250.47	\$135.80	--
Retail over 1,000,000 GSF	1,000 sf	\$254.62	\$138.06	--
Pharmacy/Drug Store w/Drive-Thru	1,000 sf	\$260.15	\$141.06	--
Home Improvement Superstore	1,000 sf	\$246.32	\$133.55	--
Quality Restaurant	1,000 sf	\$936.83	\$507.95	--

High-Turnover Restaurant	1,000 sf	\$981.11	\$531.96	--
Fast Food Rest w/ Drive-Thru	1,000 sf	\$1,210.83	\$656.51	--
Quick Lube	bay	\$160.52	\$87.03	--
Automobile Parts Sales	1,000 sf	\$258.77	\$140.31	--
Supermarket	1,000 sf	\$280.91	\$152.31	--
Convenience Store	1,000 sf	\$586.73	\$318.13	--
Convenience Store w/Gas Pumps	1,000 sf	\$867.64	\$470.44	--
Convenience/Gas/Fast Food	1,000 sf	\$989.42	\$536.46	--
Auto Repair or Body Shop	1,000 sf	\$441.43	\$239.35	--
Gas Station w/ Convenience Market	fuel position	\$157.75	\$85.53	--
Tire Store	1,000 sf	\$478.79	\$259.60	--
New and Used Car Sales	1,000 sf	\$239.40	\$129.80	--
Furniture Store	1,000 sf	\$44.28	\$24.01	--
Bank/Savings Walk-in	1,000 sf	\$296.13	\$160.56	--
Bank/Savings Drive-in	1,000 sf	\$239.40	\$129.80	--
Industrial				
General Light Industrial/Industrial Park	1,000 sf	\$95.48	\$51.77	--
Business Park	1,000 sf	\$138.38	\$75.03	--
Manufacturing	1,000 sf	\$69.19	\$37.52	--
Warehouse	1,000 sf	\$53.97	\$29.26	--
Mini-Warehouse	1,000 sf	\$9.69	\$5.25	--

Note: "sf" means square feet

(2) The uses listed in Table 94-1 have the following meanings:

Automobile parts sales means and includes automobile new parts, equipment and accessories sales.

Automobile repair or body shop includes automobile repair garages; automobile body shops; automobile service stations, types A, B, and C; bus garage and repair shops; and major automobile and truck repair garages including major repair, body work and painting services.

Banks and savings with drive-in has the meaning assigned in the Institute of Transportation Engineers Trip Generation Manual ("ITE Manual"), Code 912, and includes any financial institution that is characterized by the ITE Manual as a "walk-in" facility.

Banks and savings with walk-in has the meaning assigned in the ITE Manual, Code 911, and includes any financial institution that is characterized by the ITE Manual as a "walk-in" facility.

Church means a house of worship.

General light industrial/industrial park has the meaning assigned in the ITE Manual, Code 110, and includes Laboratories.

General recreation means and includes agricultural centers and associated fairgrounds; aquatic preserves (state or federally designated); aquariums; cultural art centers; cultural, historical, and art centers and museums; entertainment and recreational uses and structures; fishing, forest and wildlife management areas; game rooms or arcades for pool, billiards, pinball machines, jukeboxes or other coin-operated amusements; golf course; government-sponsored civic centers; historical or archeological sites; hunting camps; museums; outdoor entertainment and recreational uses and structures; outdoor musical events; parks and recreation areas; private clubs, lodges, fraternities, sororities; public art galleries, libraries, museums, and other public meeting places not operated for profit; public parks and recreational areas; and, publicly and privately owned parks and recreational areas.

General recreation/city park means any General Recreation use that is located in the City.

General recreation/county Park means any General Recreation use that is located in the County.

High-turnover restaurant has the meaning assigned in the ITE Manual, and includes any cafeteria.

Hospital means and includes any hospital, animal hospital, or animal shelter.

Hotel/motel means and includes rooming houses; boardinghouses; bed and breakfast establishments; and homestay facilities.

Major sports facility means and includes airports and landing fields; bowling alleys; billiard rooms; bicycle motocross tracks, and speedways.

Manufacturing means and includes air curtain incinerators; mining; commercial fish processing plants; livestock feed lots; bottling of soft drinks or milk and distribution stations; and hazardous waste transporter facilities.

Medical office/clinic includes medical and dental clinics; dental laboratories; dental offices and clinics; medical and dental offices and clinics; medical examiner facilities; veterinarian office and veterinary clinics.

Mobile home means and includes dwelling, manufactured; dwelling, mobile home; mobile home park; mobile home space; mobile home subdivision; Florida DCA-approved manufactured dwelling; and trailer.

Movie theater with matinee means and includes theaters; drive-in theaters; motion picture theaters; and live performance theaters.

Multi-family means and includes apartment houses; cooperative apartments; condominiums; two-family dwellings; multiple-family dwellings; efficiency units; penthouses; farm worker living facilities; and two-family (duplex) dwellings.

New and used car sales includes automobile rental agencies; boat or mobile home sales and service; marine engine repair and service; and boat, truck, motorcycle, trailer, bicycle and mobile home storage, sales, service and retail for off-site use.

Nursing home/ACLF means and includes community residential homes; community residential group homes and convalescent homes.

Office means and includes professional business offices including but not limited to accountants, attorneys, insurance agencies, mortgage brokerages, real estate agencies, and offices for architects engineers and stock and bond brokers; circus headquarters; employment agencies; Internet sales businesses that do little or no on-site sales; non-profit membership and charitable organizations; professional or trade schools related to permitted uses; and utility offices.

Racquet club/health club/spa/dance studio means and includes physical fitness centers; art, dance, modeling and music schools; and artist studios.

Residential condo/townhouse means and includes single-family town homes, town home condominiums, and single-family attached villas.

Retail means and includes adult bookstores; adult theatres; accounting and bookkeeping services; antique shops; apiaries; art goods and bric-a-brac shops; auction parlors; automobile driving schools; aviaries; bakeries, retail (including preparation of products for sale on the premises); beauty shops and parlors; barber shops; bars and liquor stores; bicycle stores; boathouses; building materials storage and sales; bus stations; carwashes; catering services; cigar stores; night clubs; private clubs; commercial nurseries and/or greenhouses; kennels or breeding farms; computer hardware or software service and sales; confectionery and ice cream stores; conservatories; contractor and building material yards; curb markets; curio stores; drug and sundry stores; electric service and sales; electronic service and sales; fish camps; flea markets; florist shops; florists retail; fruit stores; funeral homes; garden supplies and retail fertilizer stores; general retail

sales and services; hardware stores (retail only); household moving centers; interior decorating, costuming, draperies; jewelry stores; watch repairs; laundromats; laundry and cleaning agencies; laundry and dry cleaning establishments; self-service laundries; lawn equipment service and sales; leather goods stores (retail only); linen supply and industrial launderers; marinas; millineries, wearing apparel and furrier stores; mobile recreational vehicle and shelter sales, services, storage and repair; model home centers; moving and storage companies; music and radio stores; newsstands; paint stores; pawnshops; pest exterminators; pet stores; photograph galleries; plumbing fixture shops (retail only); plumbing shops with indoor storage only; plumbing, sales and service; printing and engraving, including photostating and publishing; printing shops; retail plant nurseries; retail specialty shops; riding stables; rug cleaning establishments; stamp redemption centers; tailor or tailor shops; tattoo parlors and body piercing establishments; taxicab stands; travel agencies; truck and freight transfer terminals; truck stops; truck storage; welding and soldering shops; and, wholesale-retail nurseries.

RV Park means and includes mobile home parks and accessory laundry buildings, commissaries, swimming pools and recreational facilities; campers; campgrounds and recreational vehicle parks; and mobile recreational shelters and vehicles.

Single family means and includes garage apartments; single-family dwellings; model homes; expanded residential building sites; patio homes; and single-family dwellings for the owner or manager of an existing permitted principal use.

Supermarket includes grocery stores with or without meat sales and shopping centers.

Trip Generation Manual means the 3-volume publication entitled Trip Generation published by the Institute of Transportation Engineers, 7th edition, dated 2003, which document is hereby incorporated by reference.

(3) The following uses have the meaning assigned in the Trip Generation Manual:

- Business Park
- Convenience Store
- Convenience Store with gas pumps
- Convenience/Gas/Fast Food
- Day Care Center
- Essential utility services
- Fast Food Rest with Drive-Thru
- Furniture Store

Gas Station with Convenience Market
Home Improvement Superstore
Mini-Warehouse
Pharmacy/Drug Store w/Drive-Thru
Quality Restaurant
Quick Lube
Tire Store
Warehouse

- (4) The following land uses are not considered to have an additional impact on capital improvements, and are therefore exempt from the imposition of impact fees:

Garage sales;
Hobby breeder;
Home occupations;
Home offices;
Keeping of horses as accessory uses to permitted single family dwellings;
Municipal or public water supply wells;
Public utility uses and structures that are not designed for occupancy by employees or workers;
Fire stations;
Heliports and helipads;
Cemeteries;
Law enforcement facilities;
Libraries;
Plant facilities for essential utility services;
Police and sheriff stations;
Potable water treatment plant;
Public, parochial, or private schools;
Radio and television broadcasting stations;
Recycling collection centers;
Recycling processing centers;
Recycling transfer stations;
Schools, public, parochial or private;
Solid waste transfer stations; and,
Wastewater treatment plants;

- (c) Transportation Impact Fee

- (1) The transportation impact fee schedule is as follows:

Table 94-2 Transportation Impact Fees

Land Use		Units	Rate	
Residential	Single-family	DU	\$502.33	
	Apartment	DU	\$489.04	
	Residential condominium/townhouse	DU	\$256.33	
	Mobile home within a park	DU	\$177.40	
Nonresidential	Hotel	Rooms	\$292.50	
	Motel	Rooms	\$159.05	
	Nursing home	Beds	\$51.80	
Office and financial	Office under 10,000 GSF	sq. ft.	\$0.98	
	Office over 10,000 GFS	sq. ft.	\$0.52	
	Corporate headquarters building	sq. ft.	\$0.33	
	Medical office	sq. ft.	\$1.26	
	Hospital	sq. ft.	\$0.57	
	Bank w/drive-thru	sq. ft.	\$2.48	
	Bank w/no drive-thru	sq. ft.	\$1.03	
	Industrial	Light industry	sq. ft.	\$0.28
		Manufacturing	sq. ft.	\$0.15
Warehouse		sq. ft.	\$0.20	
Mini-warehousing		sq. ft.	\$0.10	
Retail	Retail: Less than 10,000	sq. ft.	\$1.21	
	Retail: 10,000--99,999	sq. ft.	\$0.79	
	Retail: 100,000--1,000,000	sq. ft.	\$0.70	
	Retail: Greater than 1,000.000	sq. ft.	\$0.84	
	Quality restaurant	sq. ft.	\$1.83	
	High-turnover restaurant	sq. ft.	\$2.40	
	Fast food restaurant	sq. ft.	\$5.22	
	CBD sandwich shop	sq. ft.	\$1.08	
	Quick lubrication	Bays	\$871.89	
	Auto care	sq. ft.	\$0.84	
	New and used car sales	sq. ft.	\$1.19	
	Tire store/auto repair	Bays	\$626.15	
	Supermarket	sq. ft.	\$1.54	
	Convenience store	sq. ft.	\$3.89	
Convenience store w/gas pumps	sq. ft.	\$3.31		
Convenience store w/gas & fast food	sq. ft.	\$6.24		
Home improvement store	sq. ft.	\$0.82		
Pharmacy/drugstore w/drive-thru	sq. ft.	\$0.66		

Land Use		Units	Rate
	Furniture store	sq. ft.	\$0.14
	General recreation	Parking space/campsites	\$174.15
	Major sports facility	Parking space	\$105.73
	Local park	Parking space	\$79.77
	District park	Parking space	\$118.54
Miscellaneous	Movie theater	Screens	\$2,130.20
	Church	sq. ft.	\$0.27
	Day care	sq. ft.	\$1.00

(2) The uses listed in Table 94-2 have the following meanings:

Apartment means a rental dwelling unit that is located within the same building with at least two other dwelling units. Sites included in this land use are triplexes and all types of apartment buildings. The apartments in this land use include both low-rise or "walk-up" dwellings and high-rise.

Dwelling or dwelling unit means one or more rooms in a building:

- (i) forming a separate and independent housekeeping establishment or arranged, designed, occupied or intended for use or occupancy as separate living quarters, or use or occupancy by one family; and
- (ii) having no enclosed space, or cooking, or sanitary facilities, in common with any other dwelling unit; and
- (iii) containing permanent sleeping facilities, sanitary facilities, and a kitchen or cooking facility.

Hotel means a place of lodging that provides sleeping accommodations, restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, and other retail and service shops. Some of the sites included in this land use category are actually large motels providing the facilities of a hotel.

Major sports facility means a stadium or racetrack for major sports events with a permanent seating capacity of at least 5,000 spectators. Further, a major sports facility is characterized by infrequent use such that there are no more than 30 days of use per year where the facility is at, or above, ten percent occupancy. Actual fee for this land use category, provided it meets the definition, is based on the rate of frequency of use (greater than ten percent occupancy) on an annual basis.

Manufactured dwelling means a dwelling fabricated in a manufacturing facility and bearing a seal certifying it is constructed to standards as adopted under the authority of F.S. § 553.35 et seq. and rules adopted by the Florida

Department of Community Affairs under Chapter 9B-1 et seq., Florida Administrative Code.

Mobile home dwelling means a single-family dwelling fabricated in a manufacturing facility, having a width of more than 8 1/2 feet and a length of more than 40 feet, and bearing a seal certifying it is constructed either to the Federal Manufactured Housing Construction and Safety Standards Code or to obsolete ANSI 119.1 Mobile Home Design and Construction Standards.

Mobile Home Park means an area of land under one ownership where designated spaces for mobile home dwellings are rented. The overall operation is managed on a full- or part-time basis and provides various services and facilities for common use.

Motel means a place of lodging that provides sleeping accommodations and often a restaurant. Motels generally offer free on-site parking and provide little or no meeting space.

Multiple-family dwelling means a building containing three or more dwellings intended to be occupied primarily by permanent residents.

Single-family dwelling means a building containing only one dwelling. This term includes a manufactured or mobile home dwelling.

- (d) Administrator fee for abatement of nuisance . . . \$100.00.

SECTION 3. This Ordinance shall become effective on February 5, 2007, which satisfies the ninety (90) day notice required by Section 163.1801(16), Florida Statutes.

SECTION 4. All resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

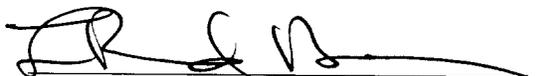
ADOPTED BY the City Commission of the City of Deltona this 6th day of November, 2006.


DENNIS MULDER, MAYOR

ATTEST:


FAITH G. MILLER, MMC, CITY CLERK

Approved as to form & legality for use &
Reliance by the City of Deltona, Florida


L. ROLAND BLOSSOM, CITY ATTORNEY

NAME	YES	NO
CARMOLINGO	✓	
DENIZAC	✓	
DEYETTE	✓	
HARVEY	✓	
McFALL	✓	
MULDER	✓	
SANTIAGO	✓	

AGENDA MEMO

FILE COPY

TO: MAYOR & CITY COMMISSION **AGENDA DATE:** 11/06/06

FROM: STEVEN T. THOMPSON **AGENDA ITEM:** ~~9-A~~ 8-B
CITY MANAGER

SUBJECT: RESOLUTION NO. 2006-47, AMENDING APPENDIX A, "FEE SCHEDULE" OF THE DELTONA CODE OF ORDINANCES, BY REPEALING SUBSECTION ENTITLED "CHAPTER 94, IMPACT FEES", AND REENACTING A NEW SUBSECTION ENTITLED "CHAPTER 94, IMPACT FEES"

BACKGROUND:

The City of Deltona retained Tindale-Oliver and Associates, Inc., to study the need to update the City's existing impact fees for fire/rescue, and recreation, and to make recommendations relative to the imposition of impact fees relating to law enforcement services.

As a result, the City Commission for the City of Deltona adopted Ordinance No. 28-2006, repealing in its entirety Chapter 94, "Impact Fees" of the City's Code of Ordinances, and enacting a new Chapter 94, "Impact Fees" providing for an impact fee schedule for fire/rescue, parks, law enforcement and transportation.

As to the transportation fees, the City Commission has adopted Ghyabi-Lassiter's transportation impact fees study, completed on March 4, 1999, which contains the latest data to adequately address the cost of providing such services to the public which requires extensive use of facilities, equipment and personnel.

Pursuant to the provisions of Ordinance No. 28-2006, the City Commission needs to adopt a Resolution repealing the subsection entitled "Chapter 94, Impact Fees" of Appendix A, of the Deltona Code of Ordinances, and enacting a new impact fees subsection to update the City's impact fees schedule for fire/rescue, parks, transportation, and, to provide for the imposition of an impact fee relating to law enforcement.

Appendix A, Subsection "Chapter 94, Impact Fees", reflects the new impact fees established for fire/rescue, law enforcement, parks, and transportation services, which will help the City to address the infrastructure costs associated with new growth.

**ORIGINATING
DEPARTMENT:**

Finance Department

REVIEWED BY:

City Manager, City Attorney

PRESENTED BY:

Robert Clinger, Interim Finance Director

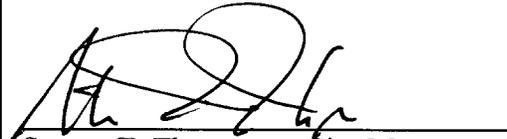
**STAFF
RECOMMENDATION:**

To approve Resolution No. 2006-47 as presented.

**POTENTIAL
MOTION:**

"I move to approve Resolution No. 2006-47 amending Appendix A, "Fee Schedule" of the City of Deltona's Code of Ordinances by repealing subsection entitled as "Chapter 94, "Impact Fees" and enacting a new subsection entitled "Chapter 94, "Impact Fees".

**AGENDA ITEM
APPROVED BY:**


Steven T. Thompson, City Manager