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ORDINANCE 2020-1

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA, BY AMENDING CHAPTER 72, ARTICLE III, CREATING DIVISION 18 ESTABLISHING THE MANUFACTURING SITE PLAN PROGRAM TO IMPLEMENT THE STATE MANUFACTURING COMPETITIVENESS ACT; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the establishment and maintenance of a strong and competitive manufacturing sector is essential to the viability and well-being of the County's economic base; and

WHEREAS, the Local Manufacturing Development Program, established pursuant to Sections 163.325 through 163.3252, Florida Statutes (the "Manufacturing Competitiveness Act" or "Act"), is designed to assist local governments in the State of Florida to attract, establish, and maintain manufacturing enterprises, in furtherance of creating a competitive economic environment, resulting in increased employment opportunities and the general economic betterment of the County; and

WHEREAS, the purpose and intent of this Ordinance is to provide for the establishment of a local manufacturing site plan program for the County through which manufacturers may obtain master development plan approval as provided by the Act; and

WHEREAS, this Ordinance, by providing for the establishment of a local manufacturing site plan program for the County, recognizes the deterrents of risk, unpredictability, excessive resource commitment to the establishment and expansion of manufacturing enterprises, and establishes a process for the expeditious and predictable review and approval of manufacturing development projects and their future expansion; and

WHEREAS, the establishment of a local manufacturing site plan program pursuant to the Act entitles manufacturers and manufacturing developers to participate in the State's coordinated manufacturing development approval process, intended to facilitate the expeditious receipt of those State permits necessary to establish or expand a manufacturing enterprise; and

WHEREAS, through the establishment of a local manufacturing site plan program, this Ordinance furthers economic development strategy and manufacturing policy established in the Comprehensive Plan.

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

SECTION I. Chapter 72, article III, division 18 of the Code of Ordinances, County of Volusia is hereby created to read as follows:

1 DIVISION 18. MANUFACTURING SITE PLAN PROGRAM

2
3 **Section 72-1144. Applicability.**

4
5 An application for the establishment of a manufacturing site plan (MSP) may be made for
6 any area of land located entirely within the boundaries of the Manufacturing Site Plan Eligibility
7 Area (MSPEA), located within the boundaries of the Daytona Beach International Airport property.
8 In the event of a conflict between this division and other provisions of this chapter, the provisions
9 of this division shall apply. The MSP may consist of either a single, discrete area of land, or of
10 multiple discrete parcels or tracts, so long as each parcel or tract is located in the MSPEA, and
11 each discrete parcel or tract is of sufficient size and configuration to accommodate a principal use
12 authorized in the MSP.

13
14 **Section 72-1145. Vested rights.**

15
16 Those existing development rights authorized by the county before the approval of the
17 MSP, and associated with the area of land included in an MSP application, shall be recognized
18 as vested development rights, if so requested by the applicant.

19
20 **Section 72-1146. Subdivision.**

21
22 All subdivision of land shall be in compliance with division 2 of article III, Land
23 Development Regulations, and occur prior to submitting an MSP application.

24
25 **Section 72-1147. Application for MSP approval.**

26
27 (a) *Certification of eligibility.* An applicant intending to file an MSP application shall first
28 apply for and obtain a certification of eligibility from the Planning and Development
29 Services Division documenting the applicant's eligibility to participate in the
30 manufacturing site plan program. The certification determines eligibility, based
31 upon:

- 32
33 (1) Whether the area wherein the applicant is seeking to establish, expand,
34 modify, or improve a manufacturing business, is located within the MSPEA;
35 and
36
37 (2) The proposed uses are classified in Sectors 31 through 33 of the North
38 American Industry Classification System, as amended, their associated
39 accessory uses, and are in compliance with the permitted uses within the
40 applicable zoning classification.

41
42 (b) *Certification of eligibility distribution.* Following the rendition of a certification of
43 eligibility. The Planning and Development Services Division shall forward a copy
44 of the certification to the Florida Department of Economic Opportunity for
45 coordination with participating state agencies.

46
47 **Section 72-1148. Manufacturing site plan review.**

48
49 (a) *Approval required.* Granting of an MSP development order is required prior to
50 issuance of a development permit allowing the commencement of site construction
51 of any development.

- 1
2 (b) *Procedures.* An MSP application shall be filed and processed pursuant to sections
3 72-503, 72-504, and 72-577(a) of article III, Land Development Regulations.
4
5 (c) *Required submittals.* An MSP application shall include the items listed within
6 section 72-577(c) of article III, Land Development Regulations and the issued
7 certificate of eligibility, as stated within section 72-1147 of this article.
8
9 (d) *Valid period and issuance of a development order.* The valid period of any MSP
10 development order shall begin on the date of approval by either the DRC or county
11 council and shall remain valid for a period of ten (10) years from the date of
12 issuance. After issuance of a MSP development order, the county shall not require
13 additional development approvals for impacts during the valid period, other than
14 approval of a building permit application to ensure compliance with the Florida
15 Building Code and any other applicable state life safety code. The submission of
16 building permit applications during the valid period of the MSP development order,
17 shall include a certification, signed by a licensed architect, engineer, or landscape
18 architect, attesting that such work complies with the approved MSP.
19
20 (e) *Modification of an approved MSP.* An MSP development order may be modified,
21 at the request of the applicant, during the valid period of the approved MSP. The
22 scope of review is limited to the proposed modification and does not subject any
23 other aspect of the approved MSP to further review.
24
25 (1) The county shall not require a modification to an MSP development order,
26 except and unless such modification is required in response to enactment
27 of a state law or local ordinance addressing an immediate and direct threat
28 to the public safety.
29

30 **Section 72-1149. Repeal.**

31
32 Consistent with Section 163.3253, Florida Statutes, division 18, article III, Chapter 72 may
33 not be repealed until it has been in effect for at least twenty (24) months. Should the county repeal
34 division 18, any application for an MSP submitted before the effective date of repeal shall be
35 reviewed in accordance with those provisions of the manufacturing site plan ordinance in effect
36 when the application was submitted. The manufacturer that submitted the application is entitled
37 to participate in the manufacturing development coordinated approval process established in
38 Section 163.3253, Florida Statutes.
39

40 **SECTION II. COPY TO DEPARTMENT OF ECONOMIC OPPORTUNITY -** A copy of this
41 Ordinance shall be forwarded to the Florida Department of Economic Opportunity, Division of
42 Community Development, 107 East Madison Street, Tallahassee, Florida 32399-4128, within
43 twenty (20) days of enactment.
44

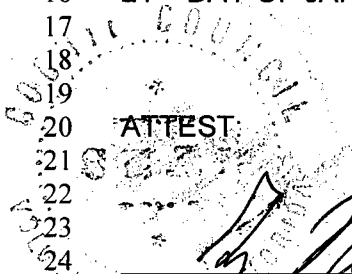
45 **SECTION III. SEVERABILITY -** Should any word, phrase, sentence, subsection or section
46 be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional,
47 then that word, phrase, sentence, subsection or section so held shall be severed from this
48 ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full
49 force and effect.
50

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

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

8
9 **SECTION VI. EFFECTIVE DATE.** This ordinance shall take effect upon electronic filing
10 of a certified copy with the Department of State.

11
12
13 ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN
14 MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C.
15 KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS
16 21ST DAY OF JANUARY, 2020.



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20 **ATTEST:**

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25 George Recktenwald
26 County Manager

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

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Ed Kelley
County Chair