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2 **ORDINANCE 2023-33**
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4 AN ORDINANCE OF THE COUNTY COUNCIL OF
5 VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF
6 ORDINANCES OF THE COUNTY OF VOLUSIA RELATED
7 TO CONTINUANCES FOR ITEMS HEARD BEFORE THE
8 PLANNING AND LAND DEVELOPMENT REGULATION
9 COMMISSION; AMENDING SECTION 72-412 RULES OF
10 PROCEDURE TO PROVIDE FOR PROCEDURES AND
11 LIMITATIONS ON CONTINUANCES; PROVIDING FOR
12 SEVERABILITY; PROVIDING FOR CONFLICTING
13 ORDINANCES; AUTHORIZING INCLUSION IN CODE; AND
14 PROVIDING AN EFFECTIVE DATE.
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16 WHEREAS, Section 125.022(1), Florida Statutes, provides shot clocks for development
17 permit and development orders requiring the county to approve, approve with conditions, or
18 deny an application for a development permit or development order within 180 days for quasi-
19 judicial items requiring a public hearing that are deemed complete; and
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21 WHEREAS, adherence to shot clocks and time frames for approval and limiting
22 continuances provide certainty to applicants and members of the public who may support or
23 oppose land development proposals that a decision or recommendation will be made and
24 provides for efficiency and economy of time; and
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26 WHEREAS, the limitations are intended to apply to properly noticed and heard items
27 where staff provides a presentation, and there is an opportunity for the applicant or interested
28 members of the public to speak on an application. It is not intended to apply to applications
29 continued for failure to provide due public notice or to items that are not formerly heard before
30 the Planning and Land Development Regulation Commission.
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32 BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS
33 FOLLOWS:
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35 **(Words in ~~strike-through~~ type are deletions; words in underline type are**
36 **additions.)**
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38 **SECTION I:** RECITALS. The above whereas clauses are hereby adopted as
39 statements of intent and findings of fact.

40 **SECTION II:** AMENDMENT. Section 72-412 of Article II, Chapter 72 of the Code
41 of Ordinances of the County of Volusia is hereby amended as follows:

42 **Sec. 72-412. Rules of procedure.**

43 (a) The commission shall meet at regular monthly intervals, and at such other times as it may
44 deem necessary, for the transaction of its business. It shall adopt written bylaws and keep
45 a properly indexed public record of its resolutions, transactions, findings and
46 recommendations. The commission may in its bylaws limit the number of new amendments
47 or special exception applications which it shall hear each month. A quorum shall be four
48 members. No recommendations for approval of any amendment to this section,
49 amendment to the official zoning map, or special exception application may be made
50 unless a majority of members present concur. No variance shall be granted, in whole or in
51 part, unless four members concur. A tie vote shall be grounds for continuance to the next
52 scheduled meeting.

53 (b) Continuance of items to be approved by the commission. If the commission requires
54 additional information to make a final determination on an item, then the commission may,
55 on its own motion, continue a properly noticed, heard, and discussed variance to another
56 date no more than four (4) months after the initial hearing, unless force majeure or other
57 extraordinary circumstances prevent the hearing of the item. Items that are not heard and
58 only continued are not subject to this limitation on continuances. An applicant for a privately
59 initiated application may agree to another continuance or a continuance for a longer period,
60 which the commission may grant. The commission is not obligated to grant further
61 continuances. Unless waived in writing by the applicant, the commission shall approve,
62 approve with conditions, or deny the application within the timeframes provided in section
63 125.022(1), f.s.

64 (c) Continuance of items to be approved by County Council. If the commission requires
65 additional information to make a recommendation to County Council, then the commission
66 may, on its own motion, continue a properly noticed, heard, and discussed comprehensive
67 plan amendment, amendment to this Chapter, amendment to the official zoning map, or
68 special exception application one time to another date no more than three (3) months after
69 the initial hearing, unless force majeure or other extraordinary circumstances prevent the
70 hearing of the item. Items that are not heard and only continued are not subject to this
71 limitation on continuances. An applicant for a privately initiated application may agree to
72 another continuance or a continuance for a longer period, which the commission may grant.
73 If the commission is unable to provide a recommendation at the continued hearing, the item
74 will be forwarded to the County Council for final action without the commission's
75 recommendation of approval or finding of consistency with the comprehensive plan;
76 however, all previous discussions, evidence, and information presented will be made part
77 of the record for the item and will be forwarded to County Council.

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

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

85 **SECTION V:** AUTHORIZING INCLUSION IN CODE. The provisions of this
86 ordinance shall be included and incorporated into the Code of Ordinances of the County of
87 Volusia, as additions or amendments thereto, and shall be appropriately renumbered to
88 conform to the uniform numbering system of the Code.

89 **SECTION VI:** EFFECTIVE DATE. This ordinance shall take effect upon
90 electronic filing of a certified copy with the Department of State.

91 ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN
92 MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS
93 C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA,
94 THIS [REDACTED] DAY OF [REDACTED] A.D., 2023.

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ATTEST:	COUNTY COUNCIL VOLUSIA COUNTY, FLORIDA
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George Recktenwald County Manager	Jeffrey S. Brower County Chair