



## **Business Impact Estimate**

*This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the County's website by the time notice of the proposed ordinance is published.*

Proposed ordinance's Ordinance Number and Short Title:  
ORDINANCE NO. 2023-47

**AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, DECLARING AND IMPLEMENTING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING, AND CONSIDERATION OF DEVELOPMENT ORDERS, DEVELOPMENT PERMITS, SITE PLANS, OR BUILDING PERMITS FOR DEVELOPMENTS LOCATED IN THE I-2 HEAVY INDUSTRIAL CLASSIFICATION; REQUIRING COUNTY STAFF TO REVIEW THE CURRENT CODE FOR COMPATIBILITY AND PROPOSE NEW RESTRICTIONS FOR THE I-2 CLASSIFICATION; PROVIDING FOR NON-CODIFICATION; CONFLICTS; SEVERABILITY; AND AN EFFECTIVE DATE.**

This Business Impact Estimate is provided in accordance with section 125.66(3), Florida Statutes. If one or more boxes are checked below, this means the County is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance, but the County is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the county government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:

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<sup>1</sup> See Section 125.66(3)(c), Florida Statutes.

- a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
- b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the County hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The ordinance enacts a temporary moratorium on the acceptance and issuance of all development permits, development orders, site plans, or building permits in the I-2 Heavy Industrial Zoning District for a period of nine (9) months from November 21, 2023. The County, in good faith, determined that the ordinance is in the best interest of the County and its residents, business, and property owners, and promotes the health, safety, and welfare of the public. The study and potential update to standards and requirements relating to the allowable uses in the I-2 Heavy Industrial Classification will further promote land use compatibility, account for the proximity of residential neighborhoods when accounting for noise, light pollution, noxious fumes, vibration, traffic, and other potential byproducts of industrial expansion, and result in greater quality of life and increased property values for surrounding neighborhoods.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the County, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the County's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

(a) No charges or fees are proposed for properties subject to the moratorium. Properties in the I-2 Heavy Industrial Zoning district may not apply for or receive development permits, development orders, site plans, or building permits unless such permits or orders are vested as provided for in the temporary moratorium. There is an unknown as compliance is related to proposed development, there is an indeterminate cost as development is fact specific to each property and for each business.

(b) No new fee or charge is imposed on businesses for which they will be financially responsible.

(c) There will be minimal regulatory costs associated with the moratorium. Holds are placed on the acceptance or issuance of development orders or permits in I-2 Heavy Industrial Zoning Districts. There may be minor staff costs for communicating with property owners. Additionally, property owners may seek a zoning verification letter (cost \$49) or a vested rights determination letter (cost \$166) to determine if existing permits are affected.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

Based on an analysis of County zoning districts, there are five (5) parcels with the I-2 Heavy Industrial Zoning District.

4. Additional information the governing body deems useful (if any):

*[You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: County staff solicited comments from businesses in the County as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on County website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses].*

County Council directed staff to amend the I-2 heavy industrial zoning district, thereby declaring a pending zoning ordinance. This moratorium ordinance seeks to clearly define the limits of the temporary impact as well as the proposed return for the changes to the I-2 heavy industrial zoning district. The timeframe of less than a year is a reasonable time for a moratorium of this type.