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AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS TO ADDRESS FIVE LOT SUBDIVISIONS IN CERTAIN ZONING CLASSIFICATIONS; AMENDING SECTION 72-537, EXEMPTION OR VESTED RIGHTS TO CREATE A NEW PARAGRAPH 10; ALLOWING SUCH LOTS TO BE SUBDIVIDED UNDER CERTAIN CONDITIONS; AMENDING SECTION 72-777(B), PROHIBITIONS AND EXEMPTIONS; PROVIDING FOR AN ADDITIONAL EXEMPTION FROM STORMWATER MANAGEMENT DEVELOPMENT PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AUTHORIZING INCLUSION IN CODE; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Volusia County Council seeks to make the development process easier to navigate for its constituents;

WHEREAS, landowners of large agricultural parcels seek to subdivide their landholdings for estate purposes;

WHEREAS, subdivision of property into three or more parcels requires the applicant to file a plat for the subdivision;

WHEREAS, this new subdivision exemption of large lots in certain zoning designations is appropriate in areas where no further or minimal infrastructure is required to be constructed, including stormwater management facilities;

WHEREAS, nothing in this Ordinance is deemed or interpreted to waive or alter any other provision of the Land Development Regulations or Comprehensive Plan, including adherence to all environmental, building, fire-safety, or infrastructure requirements;

WHEREAS, the Volusia County Planning and Land Development Regulation Commission, as the local planning agency and regulation commission, has reviewed this amendment to the Land Development Code; and

WHEREAS, this ordinance was advertised pursuant to Section 125.66, F.S.

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: AMENDMENT –Section 72-537(a) of the Code of Ordinances of the County of Volusia is hereby amended to add paragraph 10 as follows:

Sec. 72-537. Exemption or vested rights.

- (a) *Exempt activities.* The following activities are exempt from the provisions of this division, provided said activities are consistent with the Volusia County Comprehensive Plan, Ordinance No. 90-10, as amended, and division 14 of this article.

(10) Subdivision of an existing lot as defined in this ordinance into not more than five (5) lots where the subdivision would require minimal infrastructure construction to meet safety standards and all resulting lots are consistent with the comprehensive plan. These subdivisions may be approved by the Land Development Manager (LDM) if all the following conditions are met:

- (a) The existing lot was created from a division allowed by the county regulations in effect at the time of its creation. Applications shall be on a form established by the LDM and shall include:
- i. A current signed and sealed survey of the parent property and a proposed lot plan reflecting the number of lots and data reflecting driveway location, lot width, length, and area.
 - ii. The lot plan shall also show significant environmental resources including water bodies, wetlands, historic trees, floodplains, floodways, and proposed tree preservation areas.
 - iii. Proof of ownership that identifies that no prior exempt subdivision of the land has occurred.
- (b) The property to be divided is zoned with the Prime Agriculture (A-1), Rural Agriculture (A-2), Transitional Agriculture (A-4), Forestry Resource (FR), or Resource Corridor (RC) zoning classification.
- (c) All proposed lots shall meet the minimum lot width and area requirements of the zoning ordinance but shall not be less than two and one-half (2 ½) acres in area; and shall, at the time of subdivision, contain at least five thousand (5,000) square feet of contiguous buildable area above the 100-year flood-prone level of the existing lot, and outside of any wetlands and wetland buffers.
- (d) A grading plan or, if applicable, an affidavit of drainage control for the individual lots shall be included prior to the issuance of any permits for the development of the new lots. This requirement may be waived if the applicant receives approval of a Saint Johns River Water Management District or Department of Environmental Protection permit. Pursuant to Division 8, a stormwater permit is required for subdivision of more

93 than 5 lots.

- 94
- 95 (e) The parent property must front on, and have direct access to, an existing paved or
- 96 unpaved street or easement, subject to meeting the emergency access requirements
- 97 in Chapter 54, Article III, Fire Safety Standards, prior to the time of subdivision. In
- 98 addition, the following rules apply:
- 99
- 100 i. New lots may be accessed via an existing private easement if the applicant has
- 101 free and clear rights to add the new lots to the private easement.
- 102
- 103 ii. Where any of the proposed lot(s) abut a public street, which is identified on the
- 104 thoroughfare map and the capital improvement program of the comprehensive
- 105 plan, or as required by the County Development Engineer for properties
- 106 abutting county right-of-way, and said street does not meet the right-of-way
- 107 requirements of section 72-612(f), Additional right-of-way and/or pavement
- 108 widths, of this ordinance, additional right-of-way shall be dedicated or conveyed
- 109 by easement to the county in return for county road impact fee credits as
- 110 provided in section 70-79, of the Code of Ordinances of the County of Volusia.
- 111
- 112 (f) The division does not represent a multiple division of contiguous lands by the same
- 113 owner, after the adoption of this ordinance, November 19, 2024.
- 114
- 115 (g) This subsection does not waive any other Division or Article in Chapter 72 or Chapter
- 116 50. Subdivisions of land under this sub-paragraph must still comply with all other
- 117 provisions of the land development code or comprehensive plan.
- 118

119 **SECTION II: AMENDMENT – Section 72-777(b) of the Code of Ordinances, County of**

120 **Volusia is hereby amended as follows:**

121

122 **Sec. 72-777. Prohibitions and exemptions.**

123

124 * * * *

125 (b) *Exemptions and concurrent review.*

126

- 127 (1) Except as provided in subsection (b)(3) below, the following activities shall be
- 128 exempt from this division:
- 129
- 130 a. Single-family and duplex residences and accessory structures;
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- 132 b. Bona fide agricultural pursuits, including forestry, except where an
- 133 artificial drainage system will be used to increase the flow of surface
- 134 water from the applicant's land;
- 135
- 136 c. Maintenance work performed on existing mosquito control drainage
- 137 canals for the purpose of public health and welfare;
- 138

- 139 d. Maintenance work on utility or transportation system; provided such
140 maintenance work does not alter the purpose and intent of the
141 drainage system as constructed;
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143 e. Any maintenance to an existing structure not changing or affecting rate
144 or volume of stormwater runoff;
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146 f. The one-time construction of any structure or pavement not otherwise
147 exempt and not exceeding 1,000 square feet of impervious area on or
148 parallel to the ground;
149
150 g. Publicly owned landfills permitted under state regulations;
151
152 h. Subdividing of land into four lots or less, each being one acre or larger
153 in size where no new paved streets are proposed;
154
155 i. Subdividing of land pursuant to section 72-537(a)(10).
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157 **SECTION III: SEVERABILITY** - Should any word, phrase, sentence, subsection or
158 section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or
159 unconstitutional, then that word, phrase, sentence, subsection or section so held shall be
160 severed from this ordinance and all other words, phrases, sentences, subsections, or sections
161 shall remain in full force and effect.
162

163 **SECTION IV: CONFLICTING ORDINANCES** - All ordinances, or part thereof, in conflict
164 herewith are, to the extent of such conflict, repealed.
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166 **SECTION V: AUTHORIZING INCLUSION IN CODE.** The provisions of this ordinance
167 shall be included and incorporated into the Code of Ordinances of the County of Volusia, as
168 additions or amendments thereto, and shall be appropriately renumbered to conform to the
169 uniform numbering system of the Code.
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171 **SECTION VI: EFFECTIVE DATE.** This ordinance shall take effect upon electronic filing
172 of a certified copy with the Department of State.
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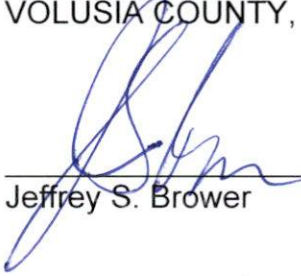
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ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN
MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C.
KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA,
THIS 19th DAY OF November A.D., 2024.

ATTEST: COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA



George Recktenwald



Jeffrey S. Brower

