PHASE II-B
SUMMARY OF THE LDC PROPOSED AMENDMENTS

The content of this document summarizes LDC changes. This particular document is for reference only and is not to be considered part of the ordinance packet.

November 19, 2013

Chapter 70. GENERAL PROVISIONS

Sec. 70-30. Definitions

Appeal: a request for a City Commission review of the enforcement official's interpretation ~~of~~regarding any provision of this ordinance. ~~or a request for a variance.~~

~~***Circus headquarters:*** administrative and operational center of a circus. Such a center would typically provide for the keeping of livestock and wild animals, storage and maintenance of vehicles, equipment and recreational vehicles, offices, dormitories, buildings and structures and training facilities customarily associated with such an enterprise.~~

~~***Commercial fish processing plant:*** premises used for the receiving, processing, packaging, storage, and wholesale or retail distribution and sale of sea and fresh water food products.~~

~~***Constrained thoroughfare:*** a state or county roadway upon which adding two or more through lanes to meet current or future traffic needs is not reasonably attainable because of physical or policy barriers.~~

Development Review Committee (DRC): group of people performing administrative review of development applications as set forth in City Ordinance No. 96-59 [section 74-1(b)], as it may be amended from time to time.

~~***Due public notice:***~~

~~(1) *"Due public notice"* as used in connection with the phrase *"public hearing"* or *"hearing with due public notice"* shall mean with respect to applications and appeals in which there is to be a public hearing of the city commission or of the planning and zoning board as provided for in this section:~~

~~a. The publication of notice with the following information: day, time, place and purpose, place or places within the City where the change may be inspected by the public, and that interested parties may appear at the meeting and be heard with respect to the proposed change. Said notice shall be published at least once in a newspaper of general circulation in the area at least ten days prior to the date of such public hearing, unless a longer notice period is required by statute for the type of application to be heard. Notices published in local newspapers shall meet or exceed the minimum requirements of state law as required by F. S. § 166.041, and chapter 163, F.S., as they may be amended from time to time.~~

~~b. In addition for applications affecting less than five percent of the total land area of the City, similar notices setting forth the time, day, place and purpose of such hearing shall be mailed, by US mail, at least ten days prior to the date of the planning and zoning board public hearing by the applicant to the last known address of the owners of the property involved, if the applicant is not the owner of the property involved, and to the owners of property within 300 feet of the property lines of the property involved. In the absence of information to the contrary, the owners of the properties to receive notice by certified mail shall be determined by reference to the latest records published by the Volusia County Property Appraiser. The owner of the property involved, or his or her duly authorized agent, shall acknowledge receipt of the notice~~

~~forms provided by the enforcement official. Provided, however, it is the intent of this provision that only one said mailing is required to be sent to owner(s) of property adjoining the property involved; but said notice shall contain the time, day, and place of all public hearing(s). In each case, the owner of the affected property, and the owners of the property within 300 feet of the affected property, shall be notified by certified U.S. mail that is postmarked at least 14 days prior to the planning and zoning board public hearing on a rezoning or a plan amendment, with a return receipt. A copy of said notice shall be provided to the enforcement official at least ten days prior to the first public hearing date that appears on the notice, and shall be kept available for public inspection during regular business hours in the office of the enforcement official. For amendments initiated by the City, the required notice by U.S. Mail shall be sent by certified mail, and a record of those to whom the notice was sent shall be maintained with the application file by the Planning and Development Services Department. For applications initiated by the City, no return receipt or acknowledgment of notice by the affected property owners shall be required. Affected parties may make their support of or objections to a city initiated amendment at a duly noticed public hearing, but their appearance at a hearing is not required. Except that if any party wishes to establish legal standing to object to the approval of the ordinance then that party must state the reasons for such objections at a public hearing as required by state law.~~

~~c. For applications affecting less than five percent of the total land area of the City, the owner or his or her duly authorized agent, or for applications initiated by the City, a member of the staff of the Planning and Development Services Department, a contractor hired by the City and duly authorized to perform said posting, or the authorized staff of another city department, shall also post, at least ten days prior to the date of such public hearing, the sign or signs provided by the enforcement official. For purposes of posting property that is the subject of a city initiated amendment, said notice may be posted on public right-of-way in front of the property affected by the proposed amendment, but shall not be placed so as to obstruct the vision of drivers at any intersection, including driveway intersections. The City shall not be required to place posted notice on or along any property line that abuts private streets or easements, but shall limit such postings to streets maintained by the City, Volusia County, or the Florida Department of Transportation, such posting shall not be required when the public agency responsible for the affected street right-of-way refuses to permit said posting within its right-of-way. However, the responsible city agency shall not prohibit said posting of notice on right-of-way maintained by the City. The sign or signs provided by the enforcement official shall be printed on a brightly-colored, easily recognizable, weather-resistant material of minimum size 22 inches in width and 28 inches in height. One sign shall be posted for each 200 feet of front lot line. Corner properties will be posted on both front lot lines. Each sign shall be placed in a location along the lot line that provides the greatest visibility from the adjacent street or road. The posted sign or signs should remain in place until the completion of the public hearing of the city commission and shall be removed by the applicant within ten days following the conclusion of the last public hearing noticed thereon. Failure to remove the sign or signs after ten days following the last noticed public hearing appearing thereon shall be a violation of this code, and shall be punishable as provided in Chapter 2, Code of Ordinances of the City of Deltona, Florida, as it may be amended from time to time. In the case of an application from the owners of 51 percent or more of the area involved, the City shall require such persons to give the notice required by mail and to post the property in accordance with this section. In all cases, affidavit proof of the required publication, mailing, and posting of the notices shall be presented to the enforcement officer or his or her designee at least ten days before the first hearing date appearing in the notice.~~

~~d. Provided, however, in lieu of the foregoing, with respect to the publication of the notice concerning the amendments of the text of this section, said notice shall be as provided in subsection (1) a., above.~~

~~e. When an agenda item for a public hearing that was duly advertised and noticed in accordance with this section is continued to a date certain, no further notice or advertisement shall be required. However when two or more hearing dates were placed on any notice, and the initial or intermediate hearing is continued to a date certain, an amended notice shall be mailed and/or posted as required by this section which shall provide notice of any changed date for any subsequent hearing for which a date certain was not set that is affected by the continuance.~~

~~f. When a hearing is tabled or postponed without a date certain, the hearing and any subsequent hearing that may have been advertised and noticed shall be re-advertised and re-noticed in accordance with the requirements of this section.~~

~~(2) Except for appeals as otherwise provided for in this section, the city commission shall provide for due public notice as used in connection with the phrase "public hearing" or "hearing with due public notice" for applications involving five percent or more of the land area of the City in the manner as provided in F.S. § 166.041, as it may be amended from time to time. For plan amendments and development agreements affecting five percent or more of the total land area of the City, notice shall be provided as required by chapter 163, F.S., as it may be amended from time to time.~~

Exempt ~~E~~excavation: an excavation that does not require a conditional use permit (refer to Sec. 110-817(o))

Existing ~~C~~construction: means, for the purposes of floodplain management, structures for which the start of construction commenced before April 18, 1974. This term may also be referred to as "existing structures".

Final Site Plan (FSP): plan required by ~~c~~Chapter ~~74~~75~~,~~ ~~article II,~~ of the ~~l~~Land ~~d~~Development ~~c~~Code in order to obtain a development order or permit, which demonstrates the manner in which the developer shall conform to the requirements of said code.

Fire ~~L~~lane: (Also called a fire or emergency access lane or road) is a driving lane adjacent to or part of a non-residential development that is reserved to provide for emergency vehicle access.

~~***General recreation/city park:*** any general recreation use that is located in the city.~~

Granny ~~F~~flat (also known as ~~I~~in-law apartments or garage apartments): a separate or attached dwelling unit, sometimes associated with a garage, including a food preparation area, built on a lot already containing a home or in conjunction with new home construction.

~~***Local park (five--19 acres):*** pedestrian-oriented park located at the approximate center of a neighborhood and designed to serve one or more of the recreational needs of the neighborhood population. The park may be landscaped areas designed for passive recreation or contain a broad range of active recreational facilities. The facilities to be provided are a function of the community requirements in a specific location and other facilities available elsewhere. This small local park may be located among several developed subdivisions or planned unit developments.~~

~~***Local park (20--50 acres):*** recreational area designated and located to provide the recreational needs of several neighborhoods, urbanized communities or rural communities. The larger local park is primarily land based with a diversity of active/user facilities and may serve a combination of the urban and rural communities. In lower density areas this type of park may be provided on site or adjacent to a public school. In denser areas, this park can be provided at the convergence of several neighborhoods and is intended to serve a larger population.~~

Mean Sea Level (MSL): The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929, or North American Vertical Datum (NAVD) of 1988.

Multi-family use: 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.

~~***Multiple-family dwelling:*** building containing three or more dwellings intended to be occupied primarily by permanent residents.~~

~~***Multifamily parcel:*** residential parcel of land which is not classified as a single-family or duplex parcel as defined in this article.~~

Non-conforming lots: area of land which abuts a street and which either complied with or was exempt from either the Volusia County Subdivision Regulations [~~chapter~~ Chapter 106, Code of Ordinances], if it was annexed after the effective date of this chapter [November 16, 1998], or the City of Deltona Subdivision Regulations (Ordinance Number 96-25, Section One, Appendix A, Article II) [section 70-58, chapter 106, Code of Ordinances] on the effective date of this chapter, but which does not meet the minimum area or width requirements of the currently adopted zoning district.

Non-conforming sign: A sign that was in existence before the adoption of Chapter 102 and does not comply with the requirements of said code.

Non-conforming use: building or land occupied by a use that does not conform to the regulations of the zoning classification in which it is located.

Non-residential activity: any activity occurring on any described parcel of land, whether or not within a structure, with the exception of residential activity as defined herein.

Non-residential parcel: parcel of land other than a residential parcel.

Non-vehicular ingress and egress easement: easement entitling the holder of the easement to control access across the easement by motor vehicles.

Reclaimed ~~W~~water: effluent treated to advanced levels meeting the Florida Department of Environmental Regulation criteria and reused through irrigation or other approved methods.

Rendition: the act of notifying the applicant or other interested stakeholders regarding the final determination made by a decision making body. ~~filing of a signed, written decision with the zoning enforcement official or his/her designee. If a timely petition for rehearing has been filed, the decision shall not be deemed rendered until its disposition.~~

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

~~***Residential land development activity:*** the carrying out of any building activity or the making of any material change in the use or appearance of any structure or land.~~

~~***Retail:*** includes the sale of non-wholesale merchandise and goods for public consumption and may include 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 Photostatting 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.~~

Retail sales and services: the duly licensed selling of general or specialized merchandise or services directly to the consumer from a store, shop or similar building. The repair, installation, servicing ~~and~~or ~~making~~fabricating of ~~that~~ merchandise sold on site is allowed as an accessory use to the permitted sales. This definition does not include a flea market or curb market.

~~***RV park:*** 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.~~

Sign ~~H~~height: vertical distance measured from the finished grade to the highest point of the structure.

Single-family use: 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.

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

Specimen tree: means the following species of trees with ~~the~~ minimum specified DBH that are considered of significance to preserve: ~~determined to be specimen trees in the City:~~

Table 70-1 Specimen Trees

Common Name	Botanical Name	DBH
Turkey Oak	(Quercus leavis)	12 inches and larger
Other Oak species	(Quercus spp.)	18 inches and larger
Maple	(Acer spp.)	18 inches and larger
Sweet Gum	(Liquidambar styraciflua)	18 inches and larger
Hickory	(Carya spp.)	18 inches and larger
Elm	(Ulmus spp.)	18 inches and larger
Loblolly Bay	(Gordonia lasianthus)	12 inches and larger
Sweet Bay	(Magnolia virginiana)	12 inches and larger
Red Bay	(Persea borbonia)	12 inches and larger
Swamp Bay	(Persea palustris)	12 inches and larger
Sycamore	(Platanus occidentalis)	18 inches and larger
Magnolia	(Magnolia grandiflora)	12 inches and larger

Bald Cypress	(Taxodium distichum)	18 inches and larger
Red Cedar	(Juniperup silicicola)	12 inches and larger

~~***Speedway:*** course for the racing of both motorized and non-motorized vehicles. The term "speedway" includes a drag strip.~~

Stock in trade: all merchandise and equipment kept on-site and used in carrying on a business; a home occupation with a valid City business tax license is not permitted to stockpile materials on-site, except as allowed by Section 110-807(e).

~~***Toe scour protection:*** mechanisms, devices or structures designed to prevent or minimize the removal of material by waves and currents at the base of a beach front structure, which includes sea walls, bulkheads, and revetments.~~

~~***Unimproved path:*** passageway cut through the existing dune system which permits pedestrian access to the coastal beaches.~~

Chapter 74 ADMINISTRATION

ARTICLE I. IN GENERAL

Sec. 74-1. Administration.

(a) *Purpose.* The purpose of this section is to set out the various administrative procedures of this ~~chapter~~Land Development Code.~~ and~~ Other purposes include ~~to provide~~providing for the establishment of the ~~d~~Development ~~r~~Review ~~c~~Committee, ~~the city planner, and the land development division~~and illustrating the duties/responsibilities of both the Development Review Committee and the City of Deltona Planning and Development Services Department regarding land development review.

(b) *Development ~~r~~Review ~~c~~Committee.*

(1) *Established.* There is hereby established a ~~d~~Development ~~r~~Review ~~c~~Committee (DRC).

(2) *Membership.* Membership of the DRC shall include the following, or their designated representative:

a. ~~City planner~~Planning and Development Services Director;

b. City ~~e~~Engineer or Public Works Director;

c. City ~~f~~Fire ~~m~~Marshal or Fire Safety Manager; or

d. Other members as may be designated by the ~~c~~City ~~m~~Manager.

Other ~~c~~City, county, local, state or federal agencies may be consulted by the DRC for advice or recommendations on any matter or application being considered by the DRC. The ~~c~~City ~~m~~Manager may add or delete ~~such~~ additional members of the DRC as he/she may deem necessary to promote the implementation of this ~~chapter~~Land Development Code. The ~~c~~City ~~m~~Manager shall appoint a chairman of the DRC from among the members of the DRC to preside at the meetings.

(3) *Duties and responsibilities.* The duties and responsibilities of the DRC shall include:

a. Reviewing all applications under this ~~chapter~~Land Development Code to:

1. Delineate areas of noncompliance with city development requirements; and

2. Define steps necessary to bring applications into compliance with city development requirements.

b. Approve~~ing~~ applications for ~~d~~Development ~~o~~Orders upon a determination that the development applications meet the City's provisions of the Land Development Code.

c. When, in the judgment of the DRC, strict application of the applicable requirements of this ~~chapter~~Land Development Code will be~~ would result in an~~ inequitable,~~ or~~ unreasonable ~~result~~, stifle innovative design~~or creative design~~, or create an undue hardship when applied to a specific project or development, the DRC may modify such requirements to the extent necessary to achieve equity or reasonableness~~,~~ or relieve the undue hardship~~;~~. However, ~~provided that~~ no such modification shall be contrary to the requirements of law or the general policies of this ~~chapter~~Land Development Code.~~;~~ Furthermore,~~ nor shall~~ any ~~such~~ modification~~ as~~ applied to one development~~,~~ shall not establish precedent with regard to any other development subject to review. ~~Application for such modification may be submitted with the development review application at any phase of the review process.~~

d. Performing ~~such~~ additional duties as the ~~c~~City ~~m~~Manager may, from time to time, assign.

(4) *Meetings.* The DRC shall meet, as required, at a~~such~~ place ~~as~~ determined by the DRC. An agenda and report shall be prepared and distributed to each member and to the applicant at least five (5) working days prior to each meeting. All applicants having requests to be reviewed by the DRC shall be invited to attend and participate in the meeting. ~~Such~~The records of the proceedings of the DRC meetings as required by law, shall be kept.

(c) ~~*Land development manager*~~*Planning and Development Services Department*.

~~(1) *Position established and appointment.* The position of land development manager (LDM) is hereby established within the planning and development services department of the City. The LDM shall be appointed in a manner consistent with the City of Deltona Charter.~~

(~~2~~1) *Duties and responsibilities.* The duties and responsibilities of the ~~LDM~~Planning and Development Services Department shall include:

a. Being a central intake point for applications;

b. Reviewing applications for completeness;

c. Acting as a liaison between applicants and the DRC;

d. Preparing and distributing agendas and reports for meetings of the DRC, P&Z, and the City Commission;

e. Taking and preparing the minutes of all DRC meetings;

f. Comparing and ensuring final construction plans and final plats with an approved Development Order to ensure consistency;

~~a~~g. Coordinating application review procedures;

~~b~~h. Issuing concurrency certificates of capacity;

~~c. Administration and management of the land development division;~~

~~d~~i. Issuing ~~d~~Development ~~o~~Orders and development permits, as applicable, in compliance with the requirements and procedures of ~~this ordinance~~requisite City Ordinances;

~~e~~j. ~~Recording~~Obtaining validation from the applicant regarding the recordation of final subdivision plats with the Volusia County ~~c~~Clerk of the C~~c~~ircuit ~~c~~Court; and

~~f. Ensuring that final construction plans and final plats are consistent with approved development orders;~~

~~g. Performing such additional duties as the city manager may assign.~~

k. Performing other functions, as may be assigned by the Director of Planning and Development Services.

~~(d) *Planning and Development Services Department.*~~

~~(1) *Duties and responsibilities.* The duties of the Planning and Development Services Department shall include:~~

~~a. Being a central intake point for applications;~~

~~b. Reviewing applications for completeness;~~

~~c. Providing liaison between applicants and the DRC;~~

~~d. Preparing and distributing agendas and reports for meetings of the DRC, P & Z, and the city commission;~~

e. Taking and preparing the minutes of all DRC meetings;

f. Comparing final construction plans and final plats with the approved development order to ensure consistency;

g. Performing such other functions as may be assigned by the director of Planning and Development Services.

Sec.74-2. Development orders, development permits, approval authority, installation of improvements, public services and facilities agreements, and appeals[Reserved].

(a) *Purpose*. The purpose of this section is to provide for the applicability, approval and issuance of development orders and development permits to ensure that all of the provisions of this chapter are complied with, to ensure the installation of required improvements, to provide for public services and facilities agreements, and to provide an appeal process.

(b) *Applicability*. No person shall undertake the development of land in the City except pursuant to a valid development order or development permit issued under this chapter unless specifically exempted as provided by this chapter. All development shall meet the requirements of this chapter prior to the approval and issuance of any development order or development permit, unless specifically exempted from the requirements of this chapter by provisions set forth herein, or one or more such requirements are waived in accordance with provisions set forth herein.

(c) *Approving authority*. The DRC shall approve, approve with conditions or deny the development order. The DRC on their own motion and for cause, may continue consideration of an application to a subsequent meeting.

(d) *Issuance of development orders and development permits*. A preliminary development order, upon issuance, shall authorize continuation to the next step in a development review process. A final development order, upon issuance, shall authorize issuance of appropriate development permits. A development permit, upon issuance, shall authorize commencement of construction of the work covered by the scope of the permit. No development or construction shall commence unless a valid final development order or development permit(s) have been issued as provided by this chapter. All development or construction commenced pursuant to a valid development order or development permit shall be completed in a manner which is consistent with the approved development order or development permit. (e) *Installation of improvements*. All improvements required to be installed, constructed or provided by the developer as a condition to the approval of a development order shall be installed and completed or guaranteed as specified in 96-51(a)(1) of this Code.

(f) *Public services and facilities agreements*. In order to further the purposes of this ordinance regarding the provision of public services and facilities to a proposed development, the city commission may enter into an agreement with the developer of the proposed development which will provide a means to:

(1) Ensure the certainty of providing public services and facilities for the proposed project;

(2) Ensure the provision of public services and facilities to other developments in the vicinity of the proposed development;

(3) Allocate the costs of providing public services and facilities;

(4) Allocate the capacities of the public services and facilities;

(5) Determine the responsibilities for construction and maintenance of the public services and facilities.

(g) *Appeals*. Any person claiming to be aggrieved by a decision of the enforcement official or the DRCmay file a written appeal within 15 days after said decision with the Planning and Development

~~Services Department to have the decision reviewed by the city commission. The appeal shall state fully the specific grounds for the appeal and all of the facts relied upon by the petitioner. The city commission shall consider only those items specified in the petition.~~

Sec. 74-3. Application review requirements.

An application for a Site Plan or Subdivision Plat ~~d~~Development ~~o~~Order, as defined by Chapter 74 of this Code, shall be reviewed, as appropriate, by the Planning and Development Services Director, the Development Review Committee (DRC), the Planning and Zoning Board, and the City Commission. ~~in accordance with section 74-4~~. Development Orders shall only be issued after all required reviews and appropriate final actions have been taken by the appropriate decision making bodies. No application for a ~~d~~Development ~~o~~Order shall be approved which does not comply with the following:

(1) The ~~c~~Comprehensive ~~p~~Plan;

(2) This ~~chapter~~Land Development Code; or

(3) ~~The zoning ordinance [ch. 110].~~Other applicable regulations.

Sec. 74-4. Development review procedures.

All applications and supporting information required by this ~~chapter~~Land Development Code shall be filed with the Planning and Development Services Department. All required application fees, as set by resolution of the ~~c~~City ~~c~~Commission, shall be paid prior to acceptance of the application. The number of copies of the supporting information needed for distribution to all concerned reviewing agencies, as determined by the Planning and Development Services Director or his/her designee, shall be submitted with the application prior to acceptance by the City. Except as otherwise provided in this ~~ordinance~~Land Development Code, the following procedures shall govern the review of ~~such~~applicable applications;~~.~~

(a) *Completeness of application.* The Planning and Development Services Director or his/her designee shall review the application to determine its completeness. Within ~~three~~seven (7) working days after application receipt, he/she shall either accept the complete application ~~if it is complete~~ and forward to the applicant a notice of acceptance, or reject the application if it is incomplete and forward to the applicant a notice of incompleteness specifying the data missing from the application received.

(1) If neither a notice of acceptance nor incompleteness is sent, the application shall be deemed accepted for purposes of beginning the time limits of this article on the ~~fourth~~eighth (8th) working day after the filing of the application.

(2) If a notice of incompleteness is sent, the applicant ~~shall~~may resubmit the application with the additional data required by the City. Upon receipt, the Planning and Development Services Director or his/her designee shall review the resubmittal application in the manner provided in this subsection for the original application.

(b) *Distribution of accepted application.* Following acceptance of an application, the Planning and Development Services Department shall forward a copy of the application to all applicable City review agencies and to any county, regional, state, or federal agency deemed by the Planning and Development Services Director or his/her designee to be a concerned agency for the review process.

(c) *Review responsibilities.* Each member of the ~~c~~City review agency shall prepare a report that details~~which sets out in writing~~ their comments specifying the exact references to the ~~c~~Code or other regulations being commented on and recommendations regarding the application. Comments ~~and~~ shall be forwarded ~~such report~~ to the Planning and Development Services Director or his/her designee

~~at or~~ before the meeting of the DRC held in accordance with this ~~article~~Land Development Code. The Planning and Development Services Director or his/her designee may waive one or more agency reviews, in whole or in part, under this section upon his/her determination that such a review has already been made regarding the same land and no change in standards or circumstances has occurred which necessitates further review. ~~The Planning and Development Services Director or his/her designee shall provide a quarterly report to the DRC, the city manager and to the city commission of all such waivers granted and the reasons therefor.~~

(d) *Review*. Applications shall be reviewed by the DRC and shall be discussed at a scheduled DRC meeting that is held in accordance with the requirements of this ~~article~~Land Development Code. ~~If the development is not wholly or partially within a flood-prone area and is for development of fewer than 20 dwelling units or less than 10,000 gross square feet of nonresidential floor area,~~ T~~t~~he Planning and Development Services Director or his/her designee shall distribute the application for review and, where appropriate, recommendation or determination, as in subsection 74-4(b), and ~~but~~ may waive the requirement that the application be reviewed at a DRC meeting. If review of the application at the DRC's meeting has been waived, the Planning and Development Services Director or his/her designee shall coordinate appropriate informal review and forward to the applicant a report of the DRC's actions within twenty (20) working days of acceptance of the application or as prescribed in Section 74-4(e).

(e) *Application revision.* An application may be revised by the applicant after it has been reviewed by the DRC, if the DRC recommends such revisions. If any portion of the review process must be repeated to accommodate the revised application, the applicable time limits prescribed in this ~~article~~Land Development Code shall be extended to the extent necessary to resolve outstanding issues upon mutual consent of the applicant and City; otherwise~~but~~ not to exceed twenty (20) working days from the date that the revision has been received.

(f) *Development ~~o~~Order review.* As provided in subsection 74-4(e) allowing extended review or, otherwise, ~~W~~within twenty (20) working days from the acceptance of an application or revised application, the DRC shall make one (1) of the following determinations:

(1) That the application or revised application is in compliance with the requirements of this ~~chapter~~Land Development Code and other applicable regulation, and shall approve the application; or

(2) That the application or revised application is not fully in compliance with the requirements of this ~~chapter~~Land Development Code and other applicable regulations, stating those conditions which they find are necessary to ensure compliance ~~with this chapter~~, and shall approve the application subject to those conditions being met; or

(3) That the application or revised application is not in compliance with the requirements of this ~~chapter~~Land Development Code and other applicable regulations, and shall deny the application, stating the basis for ~~such~~ denial, or, may continue consideration of and final action on the application pending submittal of a revised application.

(g) *Subdivision final plat review and final approval:*

(1) *DRC consideration.* ~~*and city commission final action.*~~

a. Within twenty (20) working days from the acceptance of the application or revised application for a subdivision ~~f~~Final P~~p~~lat ~~d~~Development ~~o~~Order the DRC shall consider the application and shall make a recommendation to the Planning and Zoning Board or ~~c~~City ~~c~~Commission, as appropriate ~~for final action~~; or, if the DRC determines the application is not in compliance with the requirements of this chapter, the DRC may continue consideration of the application pending submittal of a revised application.

b. If the application is recommended for approval with conditions by the DRC, the Planning and Development Services Director or his/her designee may request that the applicant submit a revised application incorporating the conditions of approval prior to sending the Final Plat application to the ~~c~~City ~~c~~Commission for final action. Within ten (10) working days after submittal of a revised application which meets the conditions of the DRC the Planning and Development Services Director or his/her designee shall transmit the revised application to the ~~c~~City ~~c~~Commission for final approval noting any conditions of approval by the DRC. The Planning and Development Services Director or his/her designee may request subsequent revised applications prior to transmitting the application to the ~~c~~City ~~c~~Commission, if the application, as revised, does not meet the requirements of the DRC's conditional approval.

c. If the application is recommended for approval by the DRC without conditions; or, if the Planning and Development Services Director or his/her designee determines that all of the DRC's conditions have been resolved~~:~~; or, that any remaining conditions should be resolved by the ~~c~~City ~~c~~Commission, the Planning and Development Services Director or his/her designee shall, within five (5) working days, transmit the application to the ~~c~~City ~~c~~Commission for consideration for final action at the next available ~~c~~City ~~c~~Commission meeting.

d. No application recommended for denial by the DRC shall be transmitted to the ~~c~~City ~~c~~Commission for final action. However, ~~except that~~ the applicant may appeal ~~from~~ the DRC's denial, pursuant to subsection 74-~~2~~5(g).

e. If the proposed Final Plat subdivision contains more than 200 lots, the DRC shall transmit the application to the Planning and Zoning Board.

(2) *Planning and Zoning Board.*

a. At a regularly scheduled public meeting, the Planning and Zoning Board shall review the application and make recommendations to the City Commission on proposed Final Plat subdivisions containing more than 200 lots.

~~(h) *Subdivision final plat review;*~~

(3) *C~~c~~ity ~~c~~Commission final action.*

a. ~~(1)~~ At a regularly scheduled public meeting the ~~c~~City ~~c~~Commission shall review the application and the DRC recommendation for conformity to this ~~chapter~~Land Development Code and shall act appropriately upon the application.

b. ~~(2)~~ The appropriate action of the ~~c~~City ~~c~~Commission shall be one of the following determinations:

1.~~a.~~ That the application is in compliance with the requirements of this ~~chapter~~Land Development Code, ~~in which case~~then the ~~c~~City ~~c~~Commission shall approve the application; ~~or,~~

2.~~b.~~ That the application is not fully in compliance with the requirements of this ~~chapter~~Land Development Code, stating those conditions ~~which they find~~that are necessary to ensure compliance with this ~~chapter~~Land Development Code, ~~in which case~~then the ~~c~~City ~~c~~Commission shall approve the application subject to those conditions being met; ~~or,~~

3.~~c.~~ That the application is not in compliance with requirements of this ~~chapter~~Land Development Code, ~~in which case~~then the ~~c~~City ~~c~~Commission shall deny the application and state the basis for such denial;

4.~~d.~~ A final determination by the ~~c~~City ~~c~~Commission under this subsection may be deferred if the ~~c~~City ~~c~~Commission finds that available information is insufficient ~~on which~~ to base either approval or denial of a particular application. In that event, ~~and~~ the ~~c~~City ~~c~~Commission will direct~~s or has directed~~ that a specific study commence, or specific information be provided, to give~~provide~~ the City ~~c~~Commission sufficient ~~with~~ information ~~sufficient~~ to form the basis on which to approve or deny the application. The information shall be provided, or~~, and~~ the study shall~~will~~ be completed within a time certain, not to exceed six (6) months from the date of the ~~c~~City ~~c~~Commission's determination under this subsection.~~; provided, however, as a~~ A prerequisite to directing that a specific study commence to provide the City ~~c~~Commission with information sufficient to form the basis on which to approve or deny a particular application, is that the City ~~c~~Commission shall identify the inadequacy of the information available with respect to the application; or

5.~~e.~~ If the ~~c~~City ~~c~~Commission determines that adequate public facilities required under this chapter are not available, but are planned to become available in the future, they may:

(i) Defer action until adequate public facilities are available; ~~or,~~

(ii) Approve the application subject to the condition that no building permit shall be issued until adequate public facilities are available; ~~or,~~

(iii) Approve the application subject to the condition that no certificate of occupancy be issued until adequate public facilities are available; or~~,~~

(iv) Approve the application subject to the condition that the developer enter into a public services and facilities agreement pursuant to this chapter to ensure that adequate public facilities are available at the time the impacts of the development occur.

(~~i~~h) *Valid period and issuance of Site Plan ~~d~~Development ~~o~~Orders.*

(1) The valid period of any Final Site Plan ~~d~~Development ~~o~~Order shall begin on the date of approval by Development Review Committee (DRC)~~either the DRC or city commission~~ and shall remain valid for a period of 24 months from the date of issuance.

(2) Development ~~o~~Orders shall be issued by the Planning and Development Services Director or his/her designee within ~~five~~ten (10) working days or a mutually agreed upon time between the applicant and City after ~~being notified of the actions of either the~~DRC approval, provided all conditions ~~or the city commission provided all conditions of approval, if any,~~ have been resolved and that the approved concurrency certificate of capacity, if required, can be or has been issued pursuant to ~~c~~Chapter 86.

(~~j~~i) *Effect of ~~d~~Development ~~o~~Order.* If construction of ~~a~~ site development has commenced pursuant to ~~a valid~~ the issuance of a building permit during the valid period of a ~~final s~~Site ~~p~~Plan ~~d~~Development ~~o~~Order, construction may be completed in accordance with the approved ~~d~~Development ~~o~~Order, as long as the building permit remains valid.

If construction of the required improvements in a subdivision development has commenced during the valid period of a ~~PPL~~Preliminary Plat ~~d~~Development ~~o~~Order, the improvements may be completed in accordance with the approved ~~d~~Development ~~o~~Order beyond the valid period of that ~~d~~Development ~~o~~Order only if the subdivision ~~f~~Final ~~p~~Plat ~~development order~~ has been approved by the ~~c~~City ~~c~~Commission and appropriately recorded with the Volusia County Clerk of the Circuit Court. Construction of the required improvements in a subdivision shall be completed or shall be guaranteed for completion, pursuant to ~~c~~Chapter 96, article III, and prior to recording the ~~f~~Final ~~p~~Plat.

~~A development order for a subdivision final plat shall be issued only after t~~The ~~f~~Final ~~p~~Plat ~~is recorded and upon issuance~~ shall remain valid until the subdivision or any part thereof is ~~abandoned~~vacated in accordance with the laws of the City of Deltona and the State of Florida.

During the period of ~~three~~ninety (90) ~~months~~ days before and ~~three~~ninety (90) ~~months~~ days after the expiration of any ~~d~~Development ~~o~~Order, the developer may request an extension of that valid period from the DRC. Such request shall be submitted to the Planning and Development Services Department. The DRC may approve an extension of that valid period for a period of time not to exceed twelve (12) months and may attach such conditions as they determine appropriate.

Sec. 74-5. ~~Determination and offsetting of impact on public services and facilities of the City.~~Development orders, development permits, approval authority, installation of improvements, public services and facilities agreements, and appeals.

(a) *Purpose.* The purpose of this section is to provide for the applicability, approval and issuance of Development Orders and development permits to ensure that all of the provisions of this chapter are complied with and to provide for an appeal process.

(b) *Applicability.* No person shall undertake the development of land in the City except pursuant to a valid Development Order and/or development permit issued under this Land Development Code, unless specifically exempted as provided by this Land Development Code. All development shall meet the requirements of this Land Development Code prior to the approval and issuance of any Development Order or development permit, unless specifically exempted from the requirements of this Land Development Code by provisions set forth herein, or one or more requirements are waived in accordance with provisions set forth herein.

(c) *Approving authority.* The DRC and the City Commission shall, as applicable, approve, approve with conditions, or deny the issuance of a Development Order or development permit. The DRC or the City Commission, as applicable, on their own motion and for cause, may continue consideration of an application to a subsequent meeting.

(d) *Issuance of Development Order and development permits.* A Development Order, upon issuance, shall authorize the issuance of appropriate development permits. A development permit, upon issuance, shall authorize commencement of construction of the work covered by the scope of the permit. No development or construction shall commence, unless a valid Development Order and/or development permit has been issued, as provided by this Land Development Code and other applicable regulations. All development or construction commenced, pursuant to a valid Development Order and/or development permit, shall be completed in a manner that is consistent with the approved Development Order and development permit.

(1) *Issuance of Development Order for Site Plan.* The Planning and Development Services Director or his/her designee shall administratively issue a Development Order for Site Plan, either with or without conditions, or deny the issuance of the Development Order, whichever is consistent with the action of the Development Review Committee (DRC).

(2) *Issuance of Development Order for subdivision plats.* Development Orders shall be issued for all subdivision Preliminary Plats and Final Plats in accordance with the Land Development Code provisions of Chapter 106. Final Plats shall be approved by the City Commission and recorded in the Volusia County Clerk of the Circuit Court office, as prescribed by Chapter 106.

(e) *Installation of improvements.* All improvements required to be installed, constructed or provided by the developer as a condition to the approval of a Development Order, shall be installed and completed or guaranteed as specified in this Land Development Code and compliant with all other applicable regulations.

(f) *Public services and facilities agreements.* In order to further the purposes of this Land Development Code and other applicable regulations regarding the provision of public services and facilities to a proposed development, the City Commission may enter into an agreement with the developer of the proposed development that is consistent with Chapter 86 of this Land Development Code.

(1) Ensure the certainty of providing public services and facilities for the proposed project;

(2) Ensure the provision of public services and facilities to other developments in the vicinity of the proposed development;

(3) Allocate the costs of providing public services and facilities;

(4) Allocate the capacities of the public services and facilities;

(5) Determine the responsibilities for construction and maintenance of the public services and facilities.

(g) *Appeals.* Any person claiming to be aggrieved by a final decision of the Planning and Development Services Director, the DRC, or the Planning and Zoning Board, may file with all applicable fees a written appeal within 15 days after said decision to the Planning and Development Services Director or his/her designee to have the decision reviewed by the City Commission. The appeal shall state fully the specific grounds for the appeal and all of the facts relied upon by the petitioner. The City Commission shall consider only those items specified in the petition.

~~(a) *Procedure.* During the review of an application for a development order, a determination will be made by the City according to policies set out in the comprehensive plan, the zoning ordinance [chapter 110, Code of Ordinances], and this chapter as to the environmental, physical and fiscal impact of the development on the public services and facilities of the City as set forth in this subsection and chapter 86 and the measures necessary to offset said impacts.~~

~~(1) The determination of impact will use the best available information as provided in chapter 86 and will be based upon the maximum impact of the proposed development as generated from the submitted application for a development order. The applicant is encouraged to provide any information in addition to required submittals that will assist in more accurately determining impact.~~

~~(2) The measures necessary to offset the impact of the proposed development shall be as set out in this subsection and chapter 86, as the case may be.~~

~~(b) *Availability of thoroughfare system roads.* The availability of the thoroughfare system roads shall be as provided in chapter 86 of this Code. The road impact fee zone fund shall only be expended in the fund zone in which the development is located. Said funds shall be expended prior to or concurrent with the expenditure of other public funds for thoroughfare system improvements.~~

~~(c) *Availability of parks and recreation facilities.* The availability of the parks and recreation facilities shall be as provided in chapter 86 of this Code. Moneys deposited by a developer pursuant to subsection 74-5(c)(1)(b) previously repealed are hereby transferred into the park impact fee zone fund. Said funds shall only be expended in the fund zone in which the development is located. Said funds shall be expended prior to or concurrent with the expenditure of other public funds for park system improvements.~~

~~(d) *Availability of the stormwater management system.* The proposed development shall be designed to provide for the construction and maintenance of a stormwater management system, which conforms to the standards of chapter 98, article IV, and chapter 86 of this Code, and of any other governmental agency having jurisdiction over the area.~~

~~(e) *Availability of the potable water system.* The availability and capacity of the potable water system shall be as provided in chapter 86 of this Code.~~

~~(f) *Availability of the sanitary sewer system.* The availability and capacity of the sanitary sewer system shall be as provided in chapter 86 of this Code.~~

~~(g) *Availability of the hazardous waste disposal system.* The hazardous waste disposal system of the City shall have the capacity to serve the proposed development at the levels of service as set out in chapter 50, solid waste.~~

~~(h) *Availability of the mass transit system.* The availability and capacity of the mass transit system shall be as provided in chapter 86 of this Code.~~

~~(i) *Protection of natural resource management areas.*~~

~~(1) Proposed developments which will directly or indirectly impact natural resource management areas (NRMA), as provided in the land use element of the comprehensive plan, shall produce minimal adverse effects on those areas. Acquisition of all applicable city, state and federal environmental permits shall be prima facie evidence of compliance with this provision.~~

~~a. An application for development of any land identified as a NRMA shall include an environmental impact assessment (EIA) report identifying the effects that the proposed development would have on the area. The EIA is to be reviewed by the environmental management department (EMD) in accordance with policies set out in the conservation element of the comprehensive plan. That assessment shall be considered by the DRC and/or city commission during review of an application.~~

~~b. For the purpose of this article, the applicant shall not have met the procedural requirements for the submittal of a complete application until an EIA has been submitted where required.~~

~~(j) *Tree protection measures.* The existing trees and tree coverage of a proposed development shall be adequately maintained and protected through consideration, to the maximum extent possible, of the standards and requirements of chapter 98, article II of this Code.~~

~~(k) *Availability of school system sites and adequacy of school bus circulation in new residential development.*~~

~~(1) The school system sites of the City shall have adequate capacity to serve the educational needs of the residents of the proposed development prior to the issuance of a certificate of occupancy. In order to provide for lands to be used to meet the need for school sites created by new residential development, a developer may dedicate land acceptable to the Volusia County School Board of suitable size, dimension, soil type, topography and general character to meet the need for school sites created by the development.~~

~~(2) Land to be utilized as school sites in connection with proposed development shall be of sufficient size and dimensions, shall be in a suitable location, shall have adequate accessibility, and shall be transferred in an appropriate manner.~~

~~a. Location and accessibility.~~

~~1. School sites should be centrally located closest to the areas of greatest student concentration in order to make the site within walking distance to those areas. The distance between schools shall be a minimum of one mile for elementary schools, two to three miles for junior high or middle schools. When a development does not generate enough students to create a full enrollment, the sites shall be located in such a way that students in adjacent residential areas can have easy access to the facility.~~

2. ~~School sites shall be located in areas that are free from health or safety hazards, and protected against noise, air pollution or odors.~~

3. ~~The site shall be accessible from two different public streets (preferably collector street) both constructed to county specifications. Median cuts, left and right turning lanes and storage lanes shall be provided as required to facilitate access of buses, teachers, parents, students and services. All roads entering or exiting from arterials or collectors shall have a minimum of 60-foot curb radius.~~

4. ~~School sites shall be connected to residential development by sidewalks, walkways and hike paths in order to facilitate safe pedestrian movement.~~

5. ~~Location of school sites immediately adjacent to arterial streets is discouraged. If such location is unavoidable, construction of overpasses or pedestrian lights shall be made a part of the project and included in the bonding requirements.~~

6. ~~Appropriate assurance that potable water and wastewater facilities will be available to serve all school buildings shall be given to the Volusia County School Board. Water supply shall include fire hydrants. Such assurance shall also be given for electric and telephone service. A positive drainage system shall be provided to the site with an easement, if necessary, to the outfall.~~

~~b. Acreage and dimensions.~~

1. ~~An elementary school site shall be at least 20 acres in size. The site shall be able to accommodate a school building of approximately 400 feet of frontage and 500 feet of depth; playfield area of ten acres, including softball field; playground area adjacent to the kindergarten classrooms; parking in front and on both sides of the school; and a bicycle parking lot. The recommended site shall have a minimum frontage of 600 feet.~~

2. ~~A junior high or middle school site shall be at least 35 acres in size. The site shall be able to accommodate a school building of approximately 800 feet of frontage of 600 feet of depth; parking in the front and on the bus pickup side; and sport facilities, including six tennis courts, six handball courts, two basketball courts, track and field events, 220 yard track, two softball fields, and a bike parking lot. Sport facilities shall be located in a single area of approximately 15 acres adjacent to the gym. The recommended site shall have a minimum frontage of 1,200 feet.~~

3. ~~A high school site shall be at least 80 acres in size. The site shall be able to accommodate a two-story school building of approximately 1,000 feet of frontage and 800 feet of depth; parking for 550 cars and service drives to kitchen and shops; sport facilities, including six handball courts, outdoor pool, track and field events, a 440-yard track, one softball and one baseball field, soccer field; bicycle parking lot; and a 200-feet by 400-feet driver education course site. The recommended site shall have a minimum frontage of 1,320 feet.~~

~~c. Procedure for conveying sites to the school board. To convey school sites to the school board, the following provisions shall be met at no cost to the school board. All documents shall be in a form approved by the school board attorney.~~

1. ~~The delivery to the school board of a complete and current abstract of title or a title insurance commitment to insure said property in a sum to be agreed upon by the school board;~~

2. ~~The delivery to the school board, or the title insurance agent, of a deed with sufficient funds for recording same;~~

3. The escrow of taxes for the current year pursuant to F.S. § 196.295, as the same may be amended, or the payment of said taxes for the year; taxes shall be prorated to date of closing.

4. The issuance of a title insurance policy subsequent to recording of the deed and escrow of taxes.

d. School bus circulation. Where it is necessary that school buses enter a residential development, there shall be a circulation system, or turnaround area of at least 100 foot diameter, such that the buses need not back up in order to leave the development. Alternatively, bus stop locations may be provided at the edge of the development. The preferred location of bus stops is adjacent to a public area such as a park.

e. Amount of land per student. The amount of land needed per student for school sites generated by new residential development is hereby found to be as follows*:

Table 74-1 Amount of Land Per Student

Elementary Student	0.026 acres
Middle Student	0.031 acres
High Student	0.042 acres

*Source: Henderson-Young Study for Volusia County School Impact Fee Ordinance, No. 92-9, as amended, page 11.

(l) *Availability of solid waste facilities.* The availability and capacity of solid waste facilities shall be as provided in chapter 86 of this Code.

(m) *Availability of pedestrian and bicycle circulation facilities.*

(1) The availability of pedestrian and bicycle facilities shall be as provided in the City's Comprehensive Plan, as amended, and chapter 96, article II of this Code.

(2) There is hereby established a City of Deltona walkway/bikeway improvement trust fund. Money deposited in this fund shall be used for the purpose of constructing walkways and bicycle facilities in areas determined by the City to be needed for the safety and convenience of the pedestrians and bicyclists of the City. The trust fund shall be divided into as many subfunds as there are road impact fee zones. Money paid into the trust fund shall be deposited into the appropriate subfund as determined by the location of the development under consideration.

a. The DRC or city commission in their consideration of a development application may approve the payment of money into the trust fund in lieu of construction of the sidewalks, walkways and/or bicycle facilities required by chapter 96, article II.

b. The amount of money to be paid in lieu of construction shall be determined by the City's engineering department by establishing the average cost of constructing such facilities. The engineering department shall review such cost annually and certify such cost to the Planning and Development Services Director or his/her designee prior to October 1 of each year. Such cost shall be utilized by the Planning and Development Services Director or his/her designee to make a determination of the amount of money owed by the developer as payment into the trust fund. The DRC may approve a different amount of money to be paid into the trust fund by the developer based upon the actual cost of constructing the facilities in the development as evidenced by a construction bid, submitted by the developer and verified by the city planner, for that purpose.

~~c. The total amount of money owed shall be paid to the Planning and Development Services Department prior to issuance of a building permit for a site development or prior to recording the final plat for a subdivision development. The Planning and Development Services Director or his/her designee shall keep a record of all money paid into the trust fund and shall, upon payment, deposit the money into the appropriate subfund. Payment of all the money owed by the developer shall constitute full payment of the money necessary for the City to construct the required facilities at the location of the development at any future time deemed appropriate by the city commission.~~

Sec. 74-6. Zoning and land development fees.

This section sets forth fees required for review and approval of land development activities pursuant to the Land Development Code. The fee schedule shall include all necessary expenses for the conduct of the municipal government and shall be established by resolution of the City Commission. Upon an application submittal for zoning or land development, the ~~director of~~Planning and ~~d~~Development ~~s~~Services Director or his/her designee will determine all designated fees which shall be applicable based on the services required to review each application. All such fees must be submitted in full to the City concurrently with each application. Failure to submit the required fee shall render the application incomplete.

~~Permitting f~~Fees shall be required for any zoning and land development activity as listed under the following designations, including and not limited to: Land development review; extensions; meetings; letters; change of grade; development orders; appeals; incomplete submittals and re-submittals; site plan reviews; development plan reviews; plat reviews; lot elevation variances; certificate of concurrency; easement and right-of-way use or vacation; combination of lots; modification requests; tree removal; model sales center; pre-construction wetland alteration permit; stormwater permit; temporary sign permit; annual sign renewal permit; special event permit; additional inspections and re-inspections; annexations; conditional uses; zoning variances; rezoning; future land use amendments; planned unit developments; engineering permits; escrow accounts and miscellaneous administrative charges.

Some land development applications may require associated consulting services and fees. In such cases, the City will hire peer professionals with expertise in associated development related disciplines to assist in the review and provide recommendations regarding land development applications. Consultant activities include, but are not limited to, traffic planning, engineering, surveying, design, environmental, etc. Consultant costs will be borne by the applicant. The hiring and payment of a consultant will be conducted consistent with applicable City procurement processes.

Sec. 74-7. Public Notice.

(a) *"Public notice"* as used in connection with the phrase *"public hearing"* or *"hearing with due public notice"* refers to applications and appeals in which there is to be a public hearing of the City Commission or of the Planning and Zoning board as provided for in this section:

(1) *Legal Notice (newspaper publication).*

a. The publication of notice with the following information: day, time, place and purpose, place or places within the City where the change may be inspected by the public, and that interested parties may appear at the meeting and be heard with respect to the proposed change.

b. Said notice shall be published at least once in a newspaper of general circulation in the area at least ten (10) days prior to the date of such public hearing, unless a longer notice period is required by statute for the type of application to be heard. Notices published in local newspapers shall meet or exceed the minimum requirements of state law as required by F. S. § 166.041, and Chapter 163, F.S., as they may be amended from time to time.

(2) *Individual Notice (certified mailing).*

a. For applications affecting less than five percent (5%) of the total land area of the City, notices setting forth the time, day, place and purpose of the hearing shall be mailed, by certified U.S. mail, at least ten (10) days prior to the date of the Planning and Zoning Board public hearing by the applicant to the last known address of the owners of the property involved, if the applicant is not the owner of the property involved, as well as, to the owners of property within 300 feet of the property lines of the property involved, all as determined by reference to the latest records published by the Volusia County Property Appraiser absent information as to ownership to the contrary.

b. The Planning and Development Services Director, or his or her designee, shall provide the notice forms to the owner of the property involved, or his or her duly authorized agent, and shall keep such notice available for public inspection during regular business hours. The applicant shall furnish the Planning and Development Services Director, or his or her designee, a copy of each of the U.S. Postal Service Certified Mail Receipt for each notice required to be sent, showing postmark in compliance with this ordinance, prior to the date of the first hearing on the application.

c. It is the intent of this provision that only one mailing is required to be sent to an owner of property within 300 feet of the property lines of the property involved; and that notice shall contain the time, day, and place of all public hearing(s).

d. For amendments initiated by the City, the required notice shall be sent by certified U.S. mail and a record of those to whom the notice was sent shall be maintained with the application file by the Planning and Development Services Department.

(3) *Posted Notice (posted sign).*

a. For applications affecting less than five (5%) percent of the total land area of the City that the owner or his or her duly authorized agent, or for applications initiated by the City, a member of the Planning and Development Services Department staff, a contractor hired by the City and duly authorized to perform said posting, or the authorized staff of another City department, shall post at least ten (10) days prior to the date of such public hearing, the signs provided by the enforcement official.

b. For purposes of posting property that is the subject of a City initiated amendment, the notice shall be posted on public right-of-way in front of the property affected by the proposed amendment, but shall not be placed so as to obstruct the vision of drivers at any intersection, including driveway intersections.

c. The City shall not be required to place posted notices on or along any property lines that abut private streets or easements, but shall limit postings to streets maintained by the City, Volusia County, or the Florida Department of Transportation. Postings shall not be required when the public agency responsible for the affected street right-of-way refuses to permit the posting within its right-of-way. However, the responsible City agency shall not prohibit the posting of notice on rights-of-way maintained by the City.

d. The sign or signs provided by the enforcement official shall be printed on a brightly-colored, easily recognizable, weather-resistant material of minimum size that is 22 inches in width and 28 inches in height.

e. One (1) sign shall be posted for every 200 feet of front lot line. Corner properties will be posted on both front/street side lot lines.

f. Each sign shall be placed in a location along the lot line that provides the greatest visibility from the adjacent street or road.

g. The posted sign or signs shall remain in place until the completion of the public hearing of the City Commission and shall be removed by the applicant within ten (10) days following the conclusion of the last public hearing. Failure to remove the sign or signs after ten (10) days following the last noticed public hearing shall be a violation of this Code, and shall be enforceable as provided in Chapter 2, Code of Ordinances of the City of Deltona, Florida, as it may be amended from time to time.

(b) Except for appeals, as otherwise provided for in this section, the City Commission shall provide for a public notice, as used in connection with the phrase "public hearing" or "hearing with due public notice", for applications involving five (5%) percent or more of the land area of the City in the manner, as provided in F.S. § 166.041, as it may be amended from time to time. For plan amendments and Development Agreements affecting five (5%) percent or more of the total land area of the City, notice shall be provided, as required by Chapter 163, F.S., as it may be amended from time to time.

(c) When an agenda item for a public hearing that was duly advertised and noticed in accordance with this section is continued to a date certain, no further notice or advertisement shall be required. When a hearing is tabled or postponed without a date certain, the hearing and any subsequent hearing that may have been advertised and noticed shall be re-advertised and re-noticed in accordance with the requirements of this section.

Sec. 74-~~7~~8--74-25. Reserved.

ARTICLE II. ~~FINAL SITE PLAN APPROVAL PROCEDURES~~Reserved

~~Sec. 74-26. Final site plan review.~~

~~(a) *Approval required.* Unless otherwise stated in this chapter, granting of a final site plan development order (FSP) is required prior to the issuance of any development permit allowing the commencement of site construction of any development in the City.~~

~~(b) *Exempt development.* The following activities shall not require compliance with this article, but may be subject to other articles:~~

~~(1) Implementation, by a governmental entity, of a water management plan approved by the city commission, as such plan relates to an approved development of regional impact (DRI) (not a conceptual DRI).~~

~~(2) Construction of a single-family home and customary accessory structures on an existing single-family classified lot.~~

~~(3) Construction of a single duplex and customary accessory uses on an existing duplex classified lot.~~

~~(4) The installation of those improvements which are required to develop a subdivision and for which development permits have been issued pursuant to chapter 106.~~

~~(5) Agricultural production practices, which include fencing, drainage, irrigation and other agricultural uses and structures, including portable structures which do not conflict with existing city ordinances.~~

~~(6) Public building under 10,000 sq. ft. subject to Development Review Committee administrative review and final action to ensure compliance with City and Fire Codes.~~

~~(c) *On and off site development.* The provisions of this article shall be applied to all development which is the subject of an FSP, whether that development is on or off the subject site.~~

~~(Ord. No. 96-25, § 1(301), 3-4-1996)~~

~~Sec. 74-27~~. ~~Conceptual or preliminary site plan review.~~

~~(a) *Necessity for filing.*~~

~~(1) All applicants for an FSP shall first submit a conceptual site plan application (CPN) to the Planning and Development Services Department.~~

~~(2) The Planning and Development Services Director or his/her designee shall, within three working days of acceptance of the application, review the application for conformity with this chapter and other development regulations and notify the applicant in writing of the results of the review. Thereafter, the applicant may submit an application for an FSP.~~

~~(b) *Procedures.* An application for an FSP shall be filed and processed pursuant to sections 74-3 and 74-4 of this chapter.~~

~~(c) *Required submittals.* A CPN or FSP application shall include the following:~~

~~(1) *Conceptual site plan application.*~~

~~a. Statement of ownership of the proposed development, and the names, addresses and telephone numbers of the developer and any project engineers, architects or planners;~~

~~b. Legal description;~~

~~c. Current zoning classification(s);~~

~~d. Schematic representation of proposed use, including building size, shape and location on the site;~~

~~e. Schematic representation of vehicular circulation within the site, including driveways, parking areas and loading areas;~~

~~f. Schematic representation of points of connection to the public right-of-way.~~

~~(2) *Final site plan application.* After receiving the written results or the CPN review an FSP application may be submitted pursuant to sections 74-3 and 74-4 of this chapter and shall include the following information and exhibits drawn to a scale of not less than one inch equals 50 feet:~~

~~a. Statement of ownership of the proposed development, and the names, addresses and telephone numbers of the developer and any project engineers, architects or planners;~~

~~b. Legal description;~~

~~c. Current zoning classification(s);~~

~~d. Vicinity map at a scale of one inch equals 2,000 feet with sufficient information to locate the property in the field;~~

~~e. A survey of the subject property, prepared by a registered surveyor, showing the boundaries of the project, and any existing streets, buildings, watercourses, easements and section lines;~~

~~f. Flood prone areas;~~

~~g. Water bodies or courses;~~

~~h. Swamp or wetland areas;~~

~~i. A site plan containing the title of the project, its date, scale and a north arrow, and illustrating the location of all proposed buildings and structures, access and traffic flow, off-street parking and off-street loading areas, recreational facilities, landscaped and buffer areas, refuse collection areas, proposed utilities, and existing and proposed topography at one-foot contour intervals;~~

~~j. Total acreage, project density, and the percentages of total acreage for each permitted use, for building coverage and for impervious surface coverage;~~

~~k. Statement of the proposed number of off-street parking and loading spaces and how that number was calculated;~~

~~l. Statement of the proposed arrangements for the maintenance of common open space areas and facilities;~~

~~m. Location and height of all structures and total floor area with dimensions to lot lines, and designation of use;~~

~~n. Building separations;~~

~~o. Vehicular circulation system for bicycles, cars and other required vehicle types, with indication of connection to adjacent streets;~~

~~p. All adjacent rights-of-way, with indication of centerline and width, paving width, existing median cuts, driveways and intersections, street light poles and power company facilities;~~

~~q. Pedestrian circulation system;~~

~~r. Provider of water and sewerage facilities;~~

~~s. Existing and proposed fire hydrant locations and water main sizes;~~

~~t. Direction of drainage flows and nature of retention facilities, if any;~~

~~u. Indication of existing native vegetation that will be preserved;~~

~~v. Identify known wildlife corridors for federal and state endangered species, threatened species or species of special concern;~~

~~w. Identify known plants and animals which inhabit the site that are listed as federal and state endangered species, threatened species or species of special concern;~~

~~x. Identify known historic and archaeological sites;~~

~~y. Tentative construction schedule for the proposed development, including, if applicable, a tentative schedule for phasing construction, the date potable water facilities are needed to serve the proposed development and a commitment from the appropriate potable water provider, if other than the City, demonstrating that adequate capacity shall be available to service the proposed development at the time of impact as provided in chapter 86; provided, however, the level of service standards described in chapter 86 shall be adhered to by any potable water facility provider;~~

~~z. The date sanitary sewer facilities are needed to service the proposed development and a demonstration and commitment from the appropriate sanitary sewer system provider, if other than the City, that adequate capacity shall be available to service the proposed development at the time of impact as provided in chapter 86; provided, however, the level of service standards described in chapter 86 shall be adhered to by any sanitary sewer provider.~~

~~aa. Location of solid waste disposal system and provisions for accessibility to refuse collection and recycling trucks;~~

~~bb. Off-street parking, loading, bicycle parking and mass transit loading (bus stop) areas and provisions for accessibility to vehicles of the required type;~~

~~cc. Areas for emergency vehicles and fire engines, and provisions for accessibility to vehicles of the required type;~~

~~dd. Design of all paved areas, including dimensions, radii and elevations, as well as plans for traffic control signs and pavement markings;~~

~~ee. Location of all drainage features, and retention areas, if any; lowest floor elevation of proposed buildings;~~

~~ff. Plans and specifications required pursuant to all other applicable articles of this chapter;~~

~~gg. Computation of pervious and impervious area, in square footage and percentage;~~

~~hh. Building floor areas, elevations, sizes, types and typical floor plans;~~

~~ii. Plans for signs, which at a minimum shall include location, size and setbacks;~~

~~jj. A landscaping plan meeting the requirements of the zoning ordinance [chapter 110, Code of Ordinances];~~

~~kk. Location and plans for any outside storage areas;~~

~~ll. Any additional information deemed necessary by any reviewing department or agency, or deemed appropriate by the developer;~~

~~mm. If the FSP was prepared on an appropriate CAD system, the applicant shall provide such computer disks to the Planning and Development Services Director or his/her designee.~~

~~nn. Location, type, and description of proposed erosion and sedimentation controls. At a minimum:~~

~~1. For proposed developments greater than or equal to one acre or to developments less than one acre that are part of a larger common plan of development, a draft copy of the NPDES Generic Construction NOI (Notice of Intent) and SWPP (Stormwater Pollution Prevention Plan) shall be submitted to the City.~~

~~2. Requirement that erosion control inspectors for project are Florida State Certified.~~

~~One or more of the above items of information may be waived by the Planning and Development Services Director or his/her designeeat the time of application if deemed unnecessary in a particular case. The waived item may still be subsequently required by any reviewing department or agency if they deem it necessary.~~

~~oo. Other relevant items as may be required by the Planning and Development Services Director, Development Review Committee and other decision-making bodies.~~

~~(Ord. No. 96-25, § 1(302), 3-4-1996; Ord. No. 43-2005, § 2, 1-3-2006)~~

~~**Sec. 74-28. Conformity to recorded plat and zoning regulations.**~~

~~(a) *Conformity to recorded plat.* If an FSP includes land previously platted, it shall conform to such plat.~~

~~(b) *Conformity to zoning regulations.* Development depicted in a FSP shall conform to all applicable city zoning regulations [chapter 110, Code of Ordinances].~~

Secs. 74-2~~9~~6--74-50. Reserved.

Chapter 75. SITE PLAN

ARTICLE I. FINAL SITE PLAN APPROVAL PROCEDURES

Sec. 75-1. Purpose.

The purpose of this Chapter is to establish requirements and procedures for site plan review activities within the City.

Sec. 75-2. Site Plan development activity; review requirements.

(a) The following development activities shall require DRC Site Plan review, unless exempted by Section 75-4(c) and shall provide the information required, per section 75-4(d):

1) Residential or nonresidential developments including nonresidential additions.

2) A change in the use of property to any permitted use that will require or voluntarily result in a site alteration in order to meet the provisions of the Land Development Code (e.g. a need for additional parking); with the exception of nonresidential structures occupied by multiple tenants where the existing and proposed uses are permitted and no site alteration is proposed or required. In such exceptions, no DRC review is required.

3) Except or otherwise provided herein, applications for new paved areas shall be reviewed and approved by the DRC. The review may be conducted informally without filing a Site Plan application or, due to its complexity or size of project, warrant the submittal of a Site Plan application requiring a DRC meeting, as may be determined by the Planning and Development Services Director.

Sec. 75-3. Conceptual site plan review.

(a) *Necessity for filing.*

(1) While there is no requirement to file a Conceptual Site Plan (CSP), all applicants for a FSP are encouraged to request a pre-application meeting with staff and have the option to file a CSP to the Planning and Development Services Department prior to submitting an application for FSP approval. The applicant may begin site plan review by filing a FSP.

(2) The DRC will review the CSP application for conformity with this Chapter and other development regulations. The Planning and Development Services Director or his/her designee will notify the applicant in writing of the results of the review. The CSP will be considered as a separate document to the FSP.

(b) *Optional submittal.* A CSP application shall include the following:

(1) *Conceptual site plan application.*

a. Statement of ownership of the proposed development, and the names, mailing addresses, email addresses, telephone numbers, and any project engineers, architects, planners or any others representing the developer;

b. Legal description;

c. Current zoning classification;

d. Schematic representation of the proposed use, including building size, shape, and location on the site;

e. Schematic representation of vehicular and pedestrian circulation within the site, including driveways, parking areas, and loading areas;

f. Schematic representation of points of connection to the public rights-of-way; and

g. Other relevant features, as may be requested by the City staff or provided by the applicant.

Sec. 75-4. Final site plan review.

(a) *Procedures.* An application for an FSP shall be filed and processed pursuant to Sections 74-3 and 74-4 of this Code.

(b) *Approval required.* Unless otherwise stated in this Chapter, the granting of a Final Site Plan (FSP) and associated Development Order is required prior to the issuance of any development permit allowing for the commencement of site construction activity for any development within the City. This Chapter does not address subdivision Preliminary Plat Development Order and Final Plat approvals consistent with Chapter 106. For information on subdivision Preliminary Plat Development Order and Final Plat approvals, see Chapter 106.

(c) *Exempt development.* The following activities shall not require compliance with this Chapter, but may be subject to other Chapters:

(1) Construction of a single-family home and customary accessory structures on an existing single-family zoned lot.

(2) Construction of a duplex and customary accessory uses on an existing duplex zoned lot.

(3) The installation of those improvements, which are required to develop a subdivision and for which Development Order, plat approvals, and related permits have been issued, pursuant to Chapter 106.

(4) Agricultural production practices, which include fencing, drainage, irrigation, and other agricultural uses and structures, including portable structures, which do not conflict with existing City ordinances.

(5) Public buildings under 10,000 sq. ft., subject to DRC administrative review and final action, to ensure compliance with City ordinances and City Fire Codes.

(d) *Required submittals.*

(1) *Final site plan application.* A FSP application shall include the following information and exhibits drawn to a scale of not less than one inch equals 60 feet:

a. Statement of ownership of the proposed property to be developed, the names, mailing addresses, e-mail addresses, and telephone numbers, and any project engineers, architects, planners, surveyors, or any others representing the developer;

b. Notarized authorization of owner, if the preparer of the site plan is someone other than the property owner;

c. Current zoning classifications;

d. Vicinity map at a scale not to exceed one inch equals 2,000 feet, with sufficient information to locate the property in the field;

e. A survey of the subject property that is less than two (2) years old, prepared, stamped and signed by a registered surveyor, showing the boundaries of the project, to include a legal

description, any existing streets, buildings, watercourses, easements and section lines. This survey shall be drawn to a scale of not less than one (1) inch equal sixty (60) feet.

f. Water bodies or courses;

g. Swamp, wetland areas, conservation areas, or environmentally sensitive areas;

h. A site plan containing the title of the project, date, scale, and a north arrow. It shall also include, among other features listed herein, the location of all existing and proposed buildings uses and structures; access and traffic flow; off-street parking and loading areas; vehicular reservoir areas; recreational facilities; and existing and proposed topography at one-foot contour intervals;

i. Total acreage, project density/intensity, and the percentages of total acreage for each permitted use, for building coverage, and for impervious surface coverage;

j. Calculation of the required and proposed number of off-street parking and loading spaces;

k. Statement of the proposed arrangements for the maintenance of common open space areas and facilities;

l. Height and setbacks of all structures and total floor area by land use;

m. Identify distances between separate buildings, where applicable;

n. Onsite vehicular circulation systems for bicycles, cars, trucks, and/or other required vehicle types, showing connections to related off-site facilities;

o. All adjacent rights-of-way, including all existing and proposed, centerlines and widths, pavement widths, acceleration/deceleration lanes, existing median cuts, driveways and intersections, street light poles, and power company facilities;

p. Onsite and connections to off-site pedestrian systems;

q. Type, size and location of all existing and proposed utilities, including water sewer, electric, gas, communication and the providers of such utilities;

r. Existing and proposed fire hydrant locations and water main sizes;

s. Direction of drainage flows, retention/detention facilities, and their association with project phasing;

t. Tree survey and related information consistent with the provisions of Chapter 98 of the Land Development Code and existing native vegetation that will be preserved that shall not be altered by site engineering;

u. Identify known wildlife corridors, habitats, plants, and/or animals for Federal and State endangered species, threatened species or species of special concern;

v. Identify known historic and archaeological sites;

w. The date potable water and sanitary sewer facilities are needed to provide service to the proposed development and a verification from the appropriate potable water and sanitary sewer utility. That adequate capacity shall be available to serve the proposed development at the time of impact and meet the required fire flows and duration, as provided in Chapter 86;

x. Location and screening of a solid waste disposal system and provisions for accessibility to refuse collection and recycling trucks;

y. Bicycle parking, mass transit loading (bus stop) areas, if any, and provisions for accessibility to vehicles of the required type;

z. Areas for emergency vehicles and fire engines and provisions for accessibility to vehicles of the required type through the use truck turning simulation shown on the plan. This provision typically includes plans to accommodate a WB-40 or greater wheelbase;

aa. Design of all paved areas, including dimensions, cross sections, radii and elevations, as well as plans for traffic-control signs and pavement markings;

bb. Per Section 110-829(f)(4)d, of the Land Development Code and within the right-of-way limits, the maximum recommended driveway grade is approximately three (3%) percent. Further, the maximum allowable grade is four and two tenths percent or one half-inch per linear foot and the maximum slope immediately beyond the right-of-way line shall not change in excess of five (5%) percent for either angle of approach or break over angle;

cc. Location of all floodplain areas, established base flood elevations (BFE), and any proposed finished floor elevations (FFE);

dd. Stormwater management construction plan calculations, which includes the computation of pervious and impervious surface areas, in square footage and percentage;

ee. Construction type(s), building floor areas, including a floor area ratio calculation, elevations, sizes, types and typical floor plans;

ff. Plans for all proposed site signage meeting Chapter 102, which includes location, design, size, copy area, and setbacks;

gg. A landscaping and irrigation plan meeting the requirements of Section 110-808 of the Land Development Code;

hh. Location of common areas and open space areas;

ii. Location of outdoor storage areas and related screening features;

jj. Illumination plan related to parking area;

kk. Any additional information deemed necessary by any reviewing department or agency, or deemed appropriate by the developer;

ll. The applicant shall provide the City with a minimum of eight (8) hard copies of the site plan package (10 copies if the project proposes to access a Volusia County roadway or is located in the Deltona North utility area) and an electronic copy of the Site Plan package including a separate PDF for each plan sheet; and

mm. A Soil and Erosion Control Plan showing the location, type, and description of proposed erosion and sedimentation controls. At a minimum, it shall include:

1. For proposed developments greater than or equal to one acre or developments less than one acre that are part of a larger common plan of development, a draft copy of the NPDES Generic Construction NOI (Notice of Intent) and SWPP (Stormwater Pollution Prevention Plan) shall be submitted to the City.

2. Requirement that erosion control inspectors for project are Florida State Certified.

nn. Waivers may occur for City regulations, if that option is already provided within a specific section of the City's Code of Ordinances for that specific regulation. If eligible, administrative waiver requests shall be made in writing by the developer to the Planning and Development Services Director.

oo. Plans and specifications required pursuant to all other applicable articles of this chapter and other relevant items as may be required by the Planning and Development Services Director, DRC, and other decision making bodies responsible for reviewing Site Plan applications.

(e) *On and off-site development.* The provisions of this article shall be applied to all development, which is the subject of a FSP, whether that development is on or off of the subject site.

Sec. 75-5. Conformity to recorded plat and zoning regulations.

(a) *Conformity to recorded plat.* All Final Site Plans shall conform to applicable plats.

(b) *Conformity to regulations and policies.* All Final Site Plans shall conform to applicable City, County, Regional, State, and Federal regulations and policies.

Chapter 106 SUBDIVISIONS

ARTICLE I. IN GENERAL

Secs. 106-1 - - 106-25. Reserved.

ARTICLE II. SUBDIVISION REGULATIONS

Sec. 106-26. Purpose.

(a) The purpose of this article is to establish procedures for the subdivision of land in the City of Deltona~~, Florida~~.

(1) *Prohibitions on transfer of lots and issuance of development or building permits for lots not in compliance with this chapter.* It shall be a violation of this ~~c~~Chapter for anyone who is the owner or agent of the owner of any land to transfer, sell, agree to sell, or negotiate to sell ~~such~~ land by reference to, exhibition of, or other use of a plat of a subdivision of ~~such~~ land without having the plat approved and recorded, and the Final Plat Development Order has been issued as required by this ~~c~~Chapter. ~~In addition, n~~No development permit or building permit shall be issued on any lot unless that lot is in compliance with this ~~c~~Chapter. In addition, the City shall require all applicable site related features associated with the legally permissible subdivision of land to be included on a plat without exception.

Sec. 106-27. Exemption or vested rights.

(a) *Exempt activities.* The following activities are exempt from the provisions of this article, but not from the standards of other articles and chapters of the Land Development Code, including but not limited to, Chapter 96, Improvements, Chapter 98 Natural Resource Protection, Chapter 94, Impact Fees, Chapter 90, Flood Control, and Chapter 110, Zoning, provided said exempt activities are consistent with the ~~c~~City's adopted ~~c~~Comprehensive ~~p~~Plan, ~~as it may be amended from time to time,~~ and Chapter 86 of this Code.

(1) Subdivision of an existing lot as defined in this chapter into two or more lots where all resulting lots are consistent with the ~~c~~Comprehensive ~~p~~Plan and contain 25 acres or more in area and where no new streets or access easements are planned to be dedicated and accepted by the public. Deeds and other conveyances shall include in bold capital letter ten-point type or greater the following statement:

"NO GOVERNMENTAL AGENCY, INCLUDING THE CITY OF DELTONA, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, STREETS, EASEMENTS OR RIGHTS-OF-WAY PROVIDING INGRESS AND EGRESS TO THE PROPERTY HEREIN CONVEYED."

(2) Conveyance of lands to another without division.

(3) ~~Any division by inheritance (whether testate or intestate), or by partition or other order of the court, including divisions of land for distribution to immediate family members and to living trusts in preparation for inheritance.~~ Residential subdivision of not more than two (2) lots, where each lot is less than one (1) acre in size, provided the lots are served by public water and sewer, have direct and proper access to paved public right-of-way and meet all zoning requirements.

(4) Acquisition of property for public purposes.

(5) The division of air space into units within a building wherein said building is held in common, undivided, ownership.

(6) Subdivision of an existing lot as defined in this chapter into not more than four (4) lots is deemed to be a minor subdivision where all resulting lots are consistent with the ~~c~~Comprehensive ~~p~~Plan only if all of the following conditions are met:

a. The original parcel was created from a division allowed by ~~the c~~City or County regulations in effect at the time of the creation.

b. The property to be divided is zoned for agricultural or single-family uses.

c. All proposed lots shall meet the minimum lot width and area requirements of the Deltona Zoning Code, as it may be amended from time to time (~~c~~Chapter 110, Code of Ordinances) but shall not be less than one (1) acre in area.

d. All lots created under this exemption provision shall be located entirely out of the 100 year floodplain as determined by the Federal Insurance Rate Maps (FIRM). However, an applicant may seek a DRC determination regarding the appropriateness of allowing a subdivision exemption that involves the floodplain under this provision that is consistent with Section 106-30(c)(4).

(7) The following types of combinations and restrictions of lots:

a. Combinations of all or portions of previously exempted, platted, or unrecorded lots where no new lots contain less area, depth, and width than the original lots, and where the number of new lots created does not exceed the number of lots existing prior to the combination.

b. Combinations of previously exempted whole platted lots or previously exempted whole unrecorded lots with non-exempted whole platted lots for the purpose of creating a unified building site to meet zoning requirements provided all resulting combined lots abut for a distance of at least 35 feet at least one publicly maintained street or road that has been opened legally as of October 29, 1976, and which is capable of being traversed by an ordinary two-wheel drive privately-owned passenger vehicle. The separated portions of lots that have been severed by a publicly dedicated street may be considered whole lots for the combining purposes of this exemption.

c. Where there is a combination of lots granted by the City, any easements along the lot line that is proposed to be removed shall be verified to ensure that no utilities exist in that area. Where utility lines are present, those easements shall remain.

(8) Divisions of land for purposes of conveyances, where ~~such~~ these divisions were lawful under regulations in effect at the time ~~such divisions~~they were ~~made~~established, and where vested rights have been acquired by the ~~subdivider (~~applicant/developer~~)~~ in reliance upon previous regulations where the following criteria have been met:

a. A platted subdivision or unrecorded map or survey illustrating the division of the lands, which plat, unrecorded map or survey was in existence prior to October 29, 1976; and

1. Substantial physical on-site development prior to October 29, 1976; or

2. Streets legally opened as of October 29, 1976, which are capable of being traversed by an ordinary two-wheel drive privately-owned passenger vehicle, and at least 25 percent of the lots have been sold by bona fide contracts to different owners in parcels of not more than four lots each.

3. Portions of existing subdivisions meeting the above criteria may be exempted.

(9) Adjustment of the lot lines of only previously exempted unrecorded lots upon a showing that:

a. The adjustment does not reduce any lot to a size less than that permitted by the zoning of the lot; and

~~b. The adjustment does not reduce any lot to a size less than the average size of comparable building sites within a radius of 500 feet from the boundary of the lot for which exemption is sought; and~~

~~c~~b. The adjustment does not increase the number of lots.

(10) Any approved "division having no substantial impact," ~~any "minor subdivision",~~ or any "summary review of division of land" into ten (10) lots or less in accordance with the previous subdivision regulations~~,~~ as amended~~,~~ and administered by the County of Volusia before the incorporation of the City is hereby exempt from provisions of this article, but not from other applicable provisions of the Code of Ordinance, City of Deltona~~,~~. This includes~~ing~~, but is not limited to ~~c~~Chapter 96, Improvements, Chapter 98, Natural Resources, Chapter 86 Concurrency Management, and ~~c~~Chapter 110, Zoning, provided that any application for the above-described divisions ~~was~~were received by the appropriate governmental agency on or before January 19,~~.~~ 1988.

(11) Divisions that were created by purchase contracts or conveyances which occurred prior to January 19, 1988, which would have met the "legal exemption and vested rights", ~~or~~ "divisions having no substantial impact" or the "summary review process" of the subdivision ~~R~~regulations, as amended and administered by the County of Volusia before the incorporation of the City.

Sec. 106-28. ~~Sketch plan review.~~Reserved.

~~(a) The intent of this review is to give the developer an opportunity to introduce a proposed subdivision to the development review committee (DRC) for the purpose of familiarizing the developer with a broad range of DRC considerations prior to the preparation of detailed plan documents. These considerations include, but are not limited to, such items as the comprehensive plan, city development policies and regulations, other development in the vicinity of the proposed subdivision, soil types, area drainage patterns, floodplain and floodprone areas, and the capability of the land to support the proposed development. One specific purpose of this procedure is to provide the applicant with staff comments concerning floodprone areas in the proposed subdivision and to provide staff recommendations concerning those floodprone areas and the level of development considered to be acceptable by the DRC.~~

~~(1) *Procedures.*~~

~~a. An application for sketch plan review shall be filed and processed pursuant to sections 74-4(a) through (e). Exhibits shall be submitted in sufficient copies, as determined by the Planning and Development Services Director or his/her designee, to meet the requirements of the DRC and any additional agency deemed to be a concerned review agency.~~

~~b. A developer may elect to skip the sketch plan review and proceed directly to the overall development plan (ODP) review at section 106-29 where it has been determined that the project does not lie wholly or partly in a floodprone area.~~

~~(2) *Required submittals.* Sketch plan shall be drawn at a scale no smaller than one inch equals 200 feet and shall illustrate clearly:~~

~~a. Vicinity map at a scale no smaller than one inch equals 2,000 feet with sufficient information to locate the property in the field.~~

~~b. Total acreage.~~

~~c. Floodprone area (if applicable).~~

~~d. Water bodies or courses.~~

~~e. Swamp or wetland areas as defined herein.~~

~~f. Specific soil types and their limitations for planned use. Soil information is to be taken from the most recent soil survey of the city. The soil types and boundaries shall be delineated on the plan.~~

~~g. Graphically depict on plan, predominant plant communities and identify types by common name and location.~~

~~h. Parcel number according to Volusia County Property Appraiser's Office.~~

~~i. Topography of the site at not more than five-foot vertical contour intervals based on mean sea level data furnished by a professional engineer or surveyor. The topographical survey shall be consistent with current land development.~~

~~j. Tentative layout of street system, lot patterns, drainage systems, approximate subdivision boundaries, and existing zoning.~~

~~k. Areas that may be reserved for parks or recreation sites, conservation easements, or natural open space areas.~~

~~l. Streets adjacent to the tract, including rights-of-way and pavement widths, and driveways on both sides of adjacent streets within 300 feet of proposed development.~~

~~m. Lots and blocks of adjacent recorded plats, giving plat book and page number along with names of such plats.~~

~~n. Current zoning and existing uses of subject property and of adjacent and surrounding properties.~~

~~o. Proposed location of water and wastewater treatment facilities.~~

~~p. All existing on-site or adjacent easements, including drainage, electricity, gas, water, wastewater, or other pipeline or utility easements.~~

~~q. The legal description of the property proposed for platting.~~

~~r. Any other appropriate information thought necessary by the prospective applicant to make a schematic presentation.~~

~~s. Identify known wildlife corridors for federal and state endangered species, threatened species or species of special concern.~~

~~t. Identify known plants and animals which inhabit the site that are listed as federal and state endangered species, threatened species or species of special concern.~~

~~u. Identify known historic and archaeological sites.~~

~~(3) *DRC review*. The DRC shall review the application and informally discuss with the applicant any steps necessary to bring the application into compliance with the requirements of this chapter. Thereafter, the applicant may submit an ODP application pursuant to section 106-29.~~

~~(4) *Floodprone areas*. If the DRC determines that a development lies within a floodprone area, it shall provide written recommendations to the applicant regarding the level of development that may be acceptable in such areas. DRC recommendations may address preservation of land contour, species preservation, development and maintenance of aesthetic values such as scenic views, and maintenance of freedom of movement of wildlife.~~

~~In defining the floodprone areas, the DRC shall consider topography, flood maps, soil conditions, vegetation, seasonal high water table, man-made drainage systems and the storage capacity thereof, natural watersheds, watercourses and basins. The applicant shall provide the DRC with the information it deems necessary regarding these items.~~

~~(5) *Request for determination by city commission.* If the applicant is aggrieved by the DRC's recommendations regarding development in floodprone areas, he/she may request an appeal to the city commission. Appeals must be filed with the Planning and Development Services Department within 20 working days following the transmission of the DRC's recommendations to the applicant and must state with particularity the points of disagreement and the specific basis for such disagreement. All other DRC recommendations are advisory only and not subject to city commission review under this appeal.~~

~~The appeal to the city commission may be based only on evidence reviewed by the DRC. No additional evidence shall be submitted to the city commission by either the applicant or the DRC subsequent to the DRC's review. Provided, however, the applicant may submit additional evidence to the DRC within 20 working days following the transmission of the DRC's recommendations to the applicant. Within 20 working days following the receipt of the additional evidence by the DRC, it shall then transmits its written response to the additional evidence to the applicant. The time to appeal to the city commission shall begin to run upon the applicant's receipt of the response from the DRC.~~

Sec. 106-29. ~~Overall development plan review~~Reserved.

~~(a) *Procedures.* After a sketch plan review has been completed pursuant to section 106-28, an ODP application shall be filed, processed and reviewed pursuant to sections 74-3 and 74-4 of this Code. The application and exhibits shall be consistent with the recommendations developed by the DRC during the sketch plan review.~~

~~(b) *Required submittals.* The application shall include the following supporting information:~~

~~(1) *Information submitted for sketch plan review.* All items required for sketch plan review under section 106-28(a)(2), revised to reflect changes from sketch plan submittal phase.~~

~~(2) *General information.*~~

~~a. Name of subdivision; name, address, telephone number of the subdivider, subdivision designer, professional engineer and registered surveyor;~~

~~b. Date of survey and schematic plan preparation, north point and graphic scale;~~

~~c. Total acreage in tract, acreage in public or other land usage, total number of lots, linear feet in streets;~~

~~d. Names and location of adjoining subdivisions and streets;~~

~~e. Other supplemental materials or any deed restrictions or protective covenants for the subdivision and any other information considered by either the applicant or the DRC to be pertinent to the review of the ODP.~~

~~(3) *Existing site data.*~~

~~a. City limits lines (if any), property lines, rights-of-way, pavement widths, easements, streets, driveways, railroads, utility transmission lines, storm sewers, ditches and culverts, sanitary sewers, water mains, bridges, buildings, bulkhead and bulkhead lines;~~

~~b. Wooded, wetland, and 100-year flood plain areas, marshes, watercourses, ponds, and other similar conditions affecting the site;~~

~~c. Topography of the site at not more than two-foot vertical contour intervals based on mean sea level data furnished by a professional engineer or surveyor;~~

~~d. Soil borings if required.~~

~~(4) *Proposed site data.*~~

~~a. Street rights-of-way and pavement widths;~~

~~b. Other rights-of-way or easements;~~

~~c. Schematic plans of all underground utilities, including but not limited to sanitary sewers, storm sewers, water lines or electric lines if located underground; schematic details indicating proximity and/or connections to existing systems or proposals for development of new systems;~~

~~d. Proposals for dikes or any created water bodies or changed watercourses;~~

~~e. Locations of bulkheads and bridges, if any;~~

~~f. Typical lot dimensions;~~

~~g. Parks, school sites, and other public uses, if any;~~

~~h. Designation of areas to be used for purposes other than residential and public, if any;~~

~~i. Surface drainage patterns with direction of flow and method of disposal on-site and off-site;~~

~~j. Approximate spot elevations sufficient to indicate proposed grading of the streets and landscapes;~~

~~k. Plans and information required pursuant to all other applicable articles of this chapter;~~

~~l. Tentative construction schedule for the proposed development, including, if applicable, a tentative schedule for phasing construction, the date potable water facilities are needed to serve the proposed development and a commitment from the appropriate potable water provider, if other than the city, demonstrating that adequate capacity shall be available to service the proposed development at the time of impact as provided in chapter 86; provided, however, the level of service standards described in chapter 86 shall be adhered to by any potable water facility provider;~~

~~m. The date sanitary sewer facilities are needed to service the proposed development and a commitment from the appropriate sanitary sewer system provider, if other than the city, that adequate capacity shall be available to service the proposed development at the time of impact as provided in chapter 86; provided, however, the level of service standards described in chapter 86 shall be adhered to by any sanitary sewer provider.~~

Sec. 106-30. Preliminary plat and construction plan review.

(a) ~~After issuance of an ODP the developer may file an application for a preliminary plat and construction plan (PPL) development order. The PPL shall be filed, processed and approved pursuant to sections 74-3 and 74-4 of this chapter~~. Two application submittal processes are provided for Preliminary Plats:

(1) *Phased Developments.*

a. In all cases involving phased developments, the applicant shall file a Preliminary Plat and Construction Plan and, upon receipt of the related Development Order, may then file a Final Plat application for the first phase of the project.

b. No Final Plat application shall be filed until the Preliminary Plat (PP) and Construction Plan (CP) Development Order has been issued.

c. Preliminary Plat and Construction Plan Development Orders shall be filed, processed and approved consistent with Sections 74-3 and 74-4 of this Land Development Code.

d. Phased subdivisions applications shall include tables, illustrations, other ways to convey information that describe relevant geographic (i.e. boundary of phases), and measurable elements (i.e. number of lots) that pertain to each phase of the project and totals for the project as a whole, including those areas intended for public and private use.

(2) *Non-Phased Developments.* For subdivisions that do not involve phased developments, the developer may bypass the requirement to file a Preliminary Plat application and proceed to file the Final Plat and Construction Plan Development Order, as provided in Section 106-31(a)(1)b.

(b) All applicants who are prepared to submit a Preliminary Plat and Construction Plan application are strongly urged to participate in a pre-application meeting with City staff in order to discuss substantive issues related to the pending submittal.

(~~b~~c) The Preliminary Plat and Construction Plan application shall be consistent with ~~the approved ODP and the requirements of this chapter~~this Land Development Code and all other applicable regulation.

(1) *Procedure and required submittals.* The applicant shall provide the Planning and Development Services Department with a minimum of 8 hard copies of the Preliminary Plat and Construction Plan package (10 copies if the plat proposes to access a Volusia County roadway or is located in the Deltona North utility area), an electronic copy of the Preliminary Plat and Construction Plan package including a separate PDF for each plat sheet, and appropriate fee. ~~An application for preliminary plat and construction plan review, the proper fee, and sufficient copies of the exhibits, as determined by the Planning and Development Services Director or his/her designee, shall be filed with the Planning and Development Services Department. Exhibits~~The application shall include:

a. ~~*General information*~~*The Preliminary Plat and Construction Plan format requires that:*

1. ~~All plans shall be submitted on 24" × 36" sheet sizes.~~

~~(i)~~ Construction plans shall be submitted on 24" x 36" sheet sizes in a format approved by the ~~c~~City ~~e~~Engineer.

2.~~(ii)~~ ~~A p~~Preliminary ~~plan~~Plats, submitted as a separate document from the Construction Plan, ~~of the final plat~~ shall be submitted in the same format as required for ~~f~~Final ~~p~~Plats by Florida~~.~~ Statute~~.~~ ~~ch.~~Chapter 177~~,~~ and by the applicable provisions of this ~~chapter~~Land Development Code.

~~2. A survey of the subject property prepared by a registered surveyor containing the legal description of the subject property and the surveyor's certificate of accuracy.~~

b. *General information and General Notes.*

1. A current, no older than two (2) years, at scale survey of the subject property prepared by a registered surveyor containing the legal description of the subject property, Property Appraiser's tax identification number(s), and the surveyor's certificate of accuracy. The legal description shall also be presented to the City as part of a Word file;

2. A vicinity map at a scale not to exceed one inch equals 2,000 feet with sufficient information to locate a property in the field;
3. Name of the proposed subdivision; and the name, address, telephone number, and e-mail address of the applicant/owner, subdivision designer, professional engineer, and registered surveyor, and other members of the development team;
4. Date of survey and schematic plan preparation, north arrow, and graphic scale;
5. Total acreage in the tracts, acreage in public or other land usage, total number of lots, and the linear feet of streets;
6. Names and location of adjoining plats/subdivisions and lots, blocks and streets; including the plat book and page number as applicable;
7. Current zoning and existing uses of the subject property and of adjacent and surrounding properties; and
8. Other supplemental information requested by the Planning and Development Services Director or the DRC.

c. *Existing Site Data – identify public and privately owned.*

1. City limit lines (if applicable), property lines, easements, streets, easements, rights-of-way, cross sections, driveways, railroads, utility transmission lines, adjacent street and rights-of-way within 300-ft. of the site, storm sewers, ditches and culverts, sanitary sewer, potable water, and reuse water infrastructure, bridges, buildings, bulkheads;
2. Wooded, wetland and 100 year floodplain areas, marshes, predominant plant communities, watercourses, ponds, and other similar conditions affecting the site;
3. Identify plants and animals which inhabit the site that are listed as federal and state endangered species, threatened species, or species of special concern and known wildlife corridors;
4. Identify topography of the site at not more than one (1) foot vertical contour intervals based on mean sea level data furnished by a professional engineer or surveyor.
5. Identify specific soil types and their limitations for the planned use. Soil information is to be taken from the most recent soil survey or from soil borings, if required;
6. Identify known historic and archaeological sites.

~~b~~d. *Proposed site data and construction details* ~~.~~

1. Tentative construction schedule of the proposed development, including, if applicable, a tentative schedule for phasing construction;
2. The date potable water and sanitary sewer facilities are needed to serve the proposed development and a commitment from the appropriate potable water and/or sanitary sewer provider demonstrating adequate capacity shall be available to service the proposed development at the time of impact as provided in Chapter 86;
3. Engineering plans and locations for all utilities, including, but not limited to, sanitary sewer, storm sewers, water lines and electric lines (if located underground). Show connections to existing systems; stormwater detention or retention facilities or alternative stormwater control system; storm drainage and sewage disposal systems; storm and sanitary profiles; and, when present or proposed, cross sections, inverts, and top elevations of structures;

4. Information on essential services, including electric or gas services, including a commitment from the provider that adequate electric or gas service, where appropriate, will be available prior to issuance of the Development Order;

~~1~~5. Street rights-of-way, pavement widths, grades and elevations, street names, plans, profiles, and, when requested by the city engineer, cross-sections. Street center line dimensions, scalar block and lot layouts, lot and block numbers;

~~2~~6. Other rights-of-way or easements, including locations, dimensions and purposes;~~.~~

7. Any deed restrictions, protective covenants, homeowner association/property owner association documents for the subdivision and any other information deemed necessary by either the applicant or the DRC;

~~3. Plans for all underground utilities, including but not limited to sanitary sewers; storm sewers; water lines; and electric lines, if located underground; showing connections to existing systems, or proposals for developing new water supply; storm drainage; and sewage disposal systems; storm and sanitary profiles; and, when required by the city engineer based on site conditions, cross-sections; and inverts and top elevations of structures.~~

~~4~~8. Contour changes, dikes or any created water bodies or changed watercourses~~.~~;

~~5~~9. Bulkheads and bridges; engineering plans, and cross-sections~~.~~;

~~6. Street center line dimensions, scalar block and lot layouts, lot and block numbers.~~

10. Parks, school sites, common areas, and other public uses, if any;

~~7~~11. Areas to be used for purposes other than residential and public; and with the purposes, location and dimensions of each indicated~~.~~;

12. Areas reserved for natural resources protection, conservation easements, tree protection areas, open space, etc. Natural and/or preservation areas shall not be used for stormwater management;

13. Surface drainage patterns with direction of flow;

~~8. Information on essential services, including electric or gas services, including a commitment from the provider that adequate electric or gas service, where appropriate, will be available prior to issuance of the development order pursuant to the comprehensive plan.~~

~~9~~14. ~~Location, type, and description of proposed erosion and sedimentation controls. At a minimum~~Stormwater management and Best Management Practices during construction; to include the following:

i. ~~For proposed developments greater than or equal to one acre or to developments less than one acre that are part of a larger common plan of development, a draft copy of the NPDES Generic Construction NOI (Notice of Intent) and SWPP (Stormwater Pollution Prevention Plan) shall be submitted to the city.~~The location, type, and description of all proposed erosion and sedimentation controls (i.e., silt fences, synthetic hay bales, etc.).

ii. ~~Requirement that erosion control inspectors for project are Florida State Certified~~Fuel storage areas.

iii. Concrete washout areas.

iv. Temporary construction entrance and fire apparatus access roadway details.

v. Areas where construction waste and material storage have the potential to impact stormwater runoff.

vi. Dewatering areas and the associated discharge points with turbidity limits.

vii. For proposed developments greater than or equal to one acre or developments less than one acre that are part of a larger common plan of development, a draft or final copy (if applicable) of the site construction generic permit (CGP) notice of intent (NOI), to be submitted to the City.

vii. Other information, as deemed necessary by the City.

(2) *Developer's option to commence construction.*

a. *Phased Development:* The developer may elect to commence site development~~construction~~ of the subdivision after the ~~PPL~~Preliminary Plat and Construction Plan ~~d~~Development ~~o~~Order has been issued. ~~and may at the same time apply for a final plat (FPL) development order or may apply for a FPL development order prior to commencement of construction.~~

~~(3) *Development permits required prior to commencement of construction.* No construction shall commence nor shall an application for a FPL development order be accepted unless a PPL development order has been issued.~~ If the developer elects to commence site development~~construction~~ prior to or concurrently with ~~f~~Final ~~p~~Plat approval, he/she shall notify in writing the Planning and Development Services Director or his/her designee of that intention. The Planning and Development Services Director or his/her designee shall then issue a development permit authorizing the commencement of site development~~construction pursuant to~~ consistent with the approved ~~c~~Construction ~~p~~Plans, provided the approval process for all other permits adheres to applicable~~from~~ local, regional, state, and federal~~, state or regional agencies have been issued~~ laws.

(3) *DRC review.* The DRC shall review and take final action on all Preliminary Plat and Construction Plan applications, to ensure compliance with the provisions of the Land Development Code.

(4) *100 year flood zone.* If a 100 year flood zone is present on-site, as defined by the Federal Insurance Rate Maps (FIRM), the DRC shall recommend that development and related investment be directed away from this flood zone or other mitigation measures as deemed appropriate.

(5) *Appeal DRC decision to the City Commission.* If the applicant is aggrieved by the DRC's decision, he/she may request an appeal to the City Commission. Appeals must be filed with the Planning and Development Services Department within twenty (20) working days following the transmission of the DRC's decision to the applicant and must specify the points of disagreement and basis for the disagreement.

Sec. 106-31. Final ~~p~~Plat ~~r~~Review.

(a) ~~After the PPL development order has been issued pursuant to section 106-30, the developer may submit an application for a FPL development order.~~ No improvements, including streets, shall be accepted and maintained by the ~~c~~City unless and until the Final Plat (FPL) has been approved by the ~~c~~City ~~c~~Commission, and has been duly recorded by the Volusia County Clerk of the Circuit Court~~, County of Volusia, Florida~~. The ~~c~~Clerk shall record only those Final Plats~~FPL's~~ that ~~which~~ have been submitted for recording by the Planning and Development Services Director or his/her designee.

(1) *Procedures.*

a. *Phased Developments*: For phased developments a~~A~~n application for a~~n FPL~~ Final Plat ~~d~~Development ~~o~~Order shall be filed, processed and approved ~~pursuant~~consistent with ~~to s~~Section 74-4 of this Land Development Code. The submittals shall be consistent with the issued ~~PPL~~Preliminary Plat ~~d~~Development ~~o~~Order and shall include any conditions.

~~a~~1. The developer shall submit ~~as the FPL~~an application for a Final Plat only for that portion of the property with an approved ~~PPL~~Preliminary Plat ~~which the subdivider proposes to record and develop at the time.~~ ~~Such~~and that portion of the site shall conform to all requirements of this ~~c~~Chapter.

~~b~~2. The developer shall submit an appropriate number of copies~~blue line prints~~, as determined by the Planning and Development Services Director or his/her designee, of the ~~f~~Final ~~p~~Plat to the Planning and Development Services Department.

~~c~~3. The ~~FPL~~Final Plat shall be prepared by a currently registered land surveyor at a scale of one inch equals 100 feet, or ~~such~~ other scale approved by the ~~c~~City ~~e~~Engineer. All ~~FPL's~~ Final Plats shall be prepared on standard sheet sizes as required by F.S. ~~c~~Ch. 177, as amended, and shall be 22 inches by 28 inches, including a three-inch binding margin on the left side and a one-inch margin on the other three sides.

b. *Non-Phased Developments:* For non-phased developments an application for a Final Plat and Construction Plan Development Order shall be filed, processed and approved consistent with Sections 74-3 and 74-4 of this Land Development Code. In addition to the required submittals of Section 106-31(a)(2), the application for a Final Plat and Construction Plan Development Order shall include all items required under Sections 106-30(c)(1)c. *(Existing Site Data)* and 106-30(c)(1)d. *(Proposed site data and construction details)*. All applicants who are prepared to submit a Final Plat and Construction Plan application are strongly urged to participate in a pre-application meeting with City staff in order to discuss substantive issues related to the pending submittal.

(2) *Required submittals.*

a. The following information shall be shown on the submittals:

1. Name of the subdivision, date of the survey, north ~~point~~arrow, and graphic scale.

2. A vicinity map drawn at scale of one inch equals ~~400~~2,000 feet, or other scale deemed appropriate by the ~~c~~City ~~e~~Engineer.

3. Names and locations of all adjoining ~~or interior~~ subdivisions, ~~c~~City limit lines, bulkhead lines, property lines, rights-of-way and easements.

4. Accurate location and legal description of all monuments, markers and control points. The legal description of the property being platted shall appear on sheet 1 of the ~~FPL~~Final Plat.

5. Sufficient horizontal and vertical survey data to readily ~~determine~~identify and reproduce on the ground every onsite straight or curved boundary line, lot line, right-of-way line, easement line, bulkhead line and setback line, including, but not limited to, linear dimensions, bearings or deflection angles, radii, arcs, ~~and~~ central angles, top of slope, slope angle, bottom of slope, points of curve, points of reverse curve, points of tangent, and other commonly used survey features. All dimensions shall be measured to the nearest one-hundredth of a foot and all angles to the nearest second of a degree.

6. The purpose of ~~A~~all proposed rights-of-way, easements and areas to be dedicated to public use~~ with the purpose of each stated~~.

7. Areas to be used for purposes other than residential and public, if any, with the purpose, location and dimensions of each indicated.

8. Lot and block numbers, street names and all right-of-way or easement widths.

9. Signed certificates shall appear on sheet 1 of all ~~FPL's~~Final Plats. The following signed certificates shall be completed on the ~~FPL~~Final Plat prior to submission: dedication, joinder and consent to dedication, all required acknowledgements, certificate of surveyor, certificate of approval by ~~c~~City registered land surveyor (RLS), certificate of approval by ~~c~~City ~~c~~Commission, and certificate of approval by land development manager and certificate of clerk.

10. The ~~FPL~~Final Plat shall include ~~such~~ additional information as may be required by F.S. ch. 177, as amended.

b. The following information shall be provided on sheets separate from the ~~FPL~~Final Plat:

1. Name, address and telephone number of the ~~subdivider~~owner, subdivision designer, professional engineer, registered surveyor, abutting property owners, and mortgagees of the property.

2. A title opinion which meets the requirements of F.S. ch. 177, as amended.

3. Any deed restrictions or protective covenants, with the appropriate filing fees.

4. ~~Such c~~Engineering plans to include:~~,~~ cross sections, plan and profile drawings of streets, bulkheads, bridges, sidewalks, water distribution systems, water treatment plants, sewerage collection systems, sewage treatment plants, and storm sewer systems as required by the ~~c~~City.

~~5. A filing fee, payable to the Clerk of the Circuit Court of Volusia County, for recordation of the FPL.~~

~~6~~5. A tax receipt or statement confirming that all current and previous taxes have been paid in accordance with F.S. § 197.0152, as amended.

c. If the developer elects to construct the improvements after the issuance of the ~~FPL~~Final Plat, the following information shall be provided in addition to subsections 106-31(a)(2)a. and b.:

1. A signed and sealed professional engineer's estimate of the total construction cost or a signed contract which encompasses all proposed improvements.

2. A performance guarantee in accordance with subsection 96-76(a).

~~3. All items required in subsection 106-31(a)(2)d.1. through 4. must be provided after subdivision improvements have been completed.~~

d. Upon completion of construction of the required improvements, the following information shall be provided in addition to subsections 106-31(a)(2)a. and b.:

1. A signed and sealed professional engineer's certification of the constructed improvements and the total construction cost. If fire hydrants were installed, the professional engineer must certify that the water distribution system of the development meets the National Fire Protection Association capacity requirements for fire hydrants.

2. A maintenance agreement in the form of cash or letter of credit in the amount of fifteen (15%) percent of the total construction cost that is acceptable to the ~~city's legal department~~City Attorney and the ~~c~~City ~~e~~Engineer.

3. ~~Two~~Three (3) sets of bond copies and a CD with AutoCAD and Portable Document Format (PDF) of the ~~mylar~~ as-built construction plans signed and sealed by the professional engineer which encompass all required improvements. ~~If the as-built construction plans were prepared on an appropriate CAD system, t~~ The applicant shall also provide the Planning and Development Services Director or his/her designee an electronic version of the approved 'as built' plans using a software platform acceptable to the City.~~such computer disks to the Planning and Development Services Director or his/her designee.~~

4. ~~Adequate test reports signed and sealed by a professional engineer, as required by the city engineer, and to assure that all improvements substantially meet city standards and specifications.~~ Test reports prepared by an independent testing laboratory qualified to perform test(s) specific to the development, as accepted by the City Engineer, in order to ensure that all improvements are in compliance with City standards and specifications.

(3) *Recording requirements.*

~~a. Recording period. No plat may be recorded except during the effective period of an FPL.~~

~~b~~a. *Plat~~ted~~ dedications.* All streets, alleys, easements, rights-of-way, parks, school sites and public areas shown on an accepted and recorded plat, unless otherwise stated, shall be deemed to have been dedicated or granted, as appropriate, to the public for ~~the~~ uses by ~~of~~ the public. The recorded plat shall constitute, unless otherwise stated, an acceptance of said offer to dedicate, grant or reserve. Reservations must be clearly indicated as such, and must include the word "reservation~~s~~."

~~c~~b. *Necessary documents.* Prior to recording, an applicant shall furnish the ~~c~~City with those documents necessary to evidence and ensure compliance with ~~such~~ requirements, standards, restrictions or conditions of this chapter as requested by the ~~c~~City. ~~Such~~These documents ~~may~~shall include, but are not limited to, bonds or other security, agreements, restrictive covenants, deeds and easements, ~~if evidence of compliance with such requirements,~~ standards, restrictions or conditions ~~is not appropriately contained in the development order or on~~and recorded with the ~~f~~Final ~~p~~Plat to be recorded.

~~d~~c. *Recordation of plats*. Plats shall be recorded in the following manner:

1. Following City Commission approval, ~~All fees, documents, the original plat and three mylar copies of the plat shall be submitted~~the developer/applicant shall submit the original mylar plat signed by the developer/applicant, and one paper copy of the approved plat to the Planning and Development Services Director or his/her designee. The applicant shall provide to the City an appropriate electronic version of the plat in a format approved by the Planning and Development Services Director or his/her designee. The developer/applicant shall ~~then transmit the~~be required to comply with all applicable provisions of F.S. Ch. 177, City Code, and any related conditions of approval by the City of Deltona. The developer/applicant shall record the Final Plat at Volusia County Clerk of the Circuit Court within twenty (20) working days following City Commission approval of the Final Plat. ~~fees and documents to the clerk of the circuit court, hereinafter referred to as the clerk. The clerk shall, thereafter, transmit notice of completion of filing to the Planning and Development Services Director or his/her designee. Also, if the application was prepared on an appropriate CAD system,~~

~~the applicant shall provide such computer disks to the Planning and Development Services Director or his/her designee.~~

2. The Planning and Development Services Director shall sign the original mylar plat and arrange for the ~~one~~ mylar~~ copy of the~~ plat ~~will~~to be signed by the Mayor and City Registered Surveyor.~~retained by the clerk. One mylar copy of the recorded plat shall be retained by the DAD, and the other mylar copy of the recorded plat will be returned to the applicant.~~ The Final Plat, completely signed by all parties, shall be transmitted to the developer/applicant for processing and recordation at Volusia County Clerk of the Circuit Court.

3. The applicant will provide the City with two (2) hard copies of the recorded plat. Note that the Volusia County Clerk of the Circuit Court will retain the original mylar and will require one (1) mylar copy for their internal records.

4. Upon receipt of a copy of the recorded Final Plat, the Planning and Development Services Director or his/her designee will issue a Final Plat Development Order to the applicant that is consistent with Section 106-26 of this Chapter and other applicable provisions. In cases where related infrastructure has not been built or received final inspection, such infrastructure shall be bonded in accordance with Section 96-76.

~~3~~5. No plat of lands in the ~~c~~City subject to these regulations shall be recorded, whether as an independent instrument or by attachment to another instrument entitled to record, unless and until ~~such~~the Final ~~p~~Plat has been approved by the ~~c~~City ~~c~~Commission and ~~an FPL~~all appropriate signatures have been affixed to the plat~~ has been issued~~.

Sec. 106-32. Vacation of platted subdivisions.

(a) The City Commission of the City of Deltona may adopt resolutions vacating plats in whole or in part of recorded subdivisions in the ~~c~~City returning the property covered by ~~such~~these plats either in whole or in part into acreage. Before ~~such~~ resolutions ~~of~~to vacate~~ing~~ any plat either in whole or in part ~~shall be~~are entered by the ~~c~~City ~~c~~Commission, it must be shown that the persons making application for ~~such~~the vacation own the fee simple title to the whole or that part of the tract covered by the plat sought to be vacated, and it must be further shown that the vacation will not adversely affect the ownership or right of convenient access of persons owning other tracts or parts of the subdivision, or properties that are accessed through such subdivision.

(b) Persons making application for vacation of plats, either in whole or in part shall give notice of their intention to apply to the ~~c~~City ~~c~~Commission to vacate ~~such~~the plat by publishing legal notice in a newspaper of general circulation in ~~the~~Volusia ~~c~~County ~~in which the tract or parcel of land is located,~~ in not less than two (2) weekly issues of ~~such~~the paper, and must attach to the petition for vacation and the proof of ~~such~~ publication, together with certificates showing that all state and county taxes have been paid.

(c) ~~Every such r~~Resolution by the ~~c~~City ~~c~~Commission shall have the effect of vacating all streets and alleys which have not become highways necessary for use by the traveling public. ~~Such~~A vacation shall not become effective until an original or a certified copy of ~~such~~the related resolution has been filed in the offices of the Volusia County~~circuit court~~ ~~c~~Clerk of the Circuit Court and duly recorded in the public records of ~~such~~Volusia ~~c~~County.

(d) The owner of any land subdivided into lots may ~~file for~~ record a plat for the purpose of showing ~~such~~the subject land as acreage. ~~Such~~This plat and the procedure~~ in connection therewith,~~ shall conform to the requirements of F.S. ~~c~~Chapters 163 and 177, except that:

(1) No survey or certificate of any surveyor or engineer shall be required. However, the ~~c~~City ~~c~~Commission may require a survey of the exterior boundaries of the land and the placing of suitable monuments along ~~such~~the boundaries if it finds that the last preceding survey of record is faulty or inadequate or that insufficient monuments are in position along ~~such~~these boundaries.

(2) No improvements shall be required except ~~such~~ as may be necessary to provide equivalent access, as provided in this section.

(3) No findings need be made ~~as to~~for the suitability of the land or as to the provision of public facilities and services ~~for it~~.

~~(e) The city commission may, on its own motion, order the vacation and reversion to acreage of all or any part of a subdivision within its jurisdiction, including the vacation of streets or other parcels of land dedicated for public purposed of any such streets or other parcels when:~~

~~(1) The plat of the subdivision was recorded as provided by law not less than five years before the date of such action; and~~

~~(2) In the subdivision or part thereof, not more than ten percent of the total subdivision area has been sold as lots by the original subdivider or his successor in title.~~

~~(f) Such action shall be based on a finding by the city commission that the proposed vacation and reversion to acreage of subdivided land conforms to the comprehensive plan of the area and that the public health, safety, economy, comfort, order, convenience and welfare will be promoted thereby. Before acting on a proposal for vacation and reversion of subdivided land to acreage, the city commission shall hold public hearing thereon, with due public notice.~~

~~(g) If land in a subdivision or part thereof is proposed for reversion to acreage either at the instance of the city commission or by filling a plat by the owner, and such land is subject to existing zoning regulations, the city commission shall, upon recommendations as to zoning, where such agency exists concurrently with the proceedings for vacation and reversion to acreage, or for consideration of an action on such plat, conduct provisable in view of the conditions that will exist subsequent to such reversion to acreage.~~

~~(h) No owner of any parcel of land in a subdivision shall be deprived by the reversion to acreage of any part of the subdivision of reasonable access to such parcel or of reasonable access therefrom to existing facilities to which such parcel has therefore had access. Such access remaining or provided after such vacation need not be the same as that theretofore existing, but shall be reasonably equivalent thereto.~~

~~(i) Every such resolution or motion to vacate plat and reversion to acreage by the city commission shall not become effective until the original or a certified copy of such resolution or motion has been filed and recorded in the office of the clerk of the circuit court of the county, and the clerk of the circuit court shall thereupon make proper notation of such resolution or motion on such vacated plat.~~

Note: Some amendments to Chapter 110 merely change the reference from Chapter 74 to reflect the new Chapter 75 of the Land Development Code. Sections that only change references from Chapter 74 to Chapter 75 are not listed below.

Chapter 110 ZONING*

ARTICLE III. ESTABLISHMENT OF CLASSIFICATIONS AND OFFICIAL ZONING MAP

Sec. 110-307. R1-AAA, AA, A, and R1, Single-family classifications.

(e) Dimensional requirements.

R1-AAA, AA, A, and R1 *Single-Family*	**R1-AAA**	**R1-AA**	**R1-A**	**R1**	**R1** ***(Arbor Ridge Subdivision)***
Minimum lot size					
Area (sq. ft.)	20,000	12,000	9,500	7,400	5,000
Width (ft.)	100	90	80	75	45
Minimum yard size					
Front yard(ft.)	25	25	25	25	25
Front yard abutting an arterial or collector street (ft)	30	30	30	30	30
Rear yard (ft.)	10	10	10	10	10
Side yard (ft.)	6	6	6	6	6
Side street yard (ft.)	25	25	25	25	~~25~~15
Waterfront (ft.)[1]	25	25	25	25	25
Maximum building height (ft.)	35	35	35	35	35
Maximum lot coverage *(with principal and accessory buildings)*(%)	35	35	35	35	35
Minimum floor area (sq. ft.)	1,400	1,400	1,400	1,200	1,200
Accessory Structures Minimum Setbacks (ft.)					
Front yard (ft.)[2]	*Not permitted*	*Not permitted*	*Not permitted*	Not permitted	*Not permitted*
Rear yard (ft.)	10	10	10	10	10
Interior side yard (ft.)	6	6	6	6	6
Side street yard back-to-back existingSFR structures (ft.)[2]	15	15	15	15	15
Side street yard with existing house adjacent to a vacant lot)[2]	25	25	25	25	25
Side street yard adjacent to the existing front yard of a developed lot[2]	25	25	25	25	25
Side street yard abutting an arterial or collector street[2]	~~25~~30	~~25~~30	~~25~~30	~~25~~30	~~25~~30

[1] 25 feet from the rear property line or the ordinary high water mark, whichever is most restrictive (110-818).

(2) Accessory buildings and structures, other than lawn ornaments and fences built in accordance with this chapter, shall not be located in the front yard forward of the edge of the principal dwelling, or ~~in~~beyond any side street yard setback on lots of less than 2.45 acres. On lots of 2.45 acres or more, accessory uses and structures other than swimming pools and their decks may be located in the front yard and side street yard past the main building line provided they are set back a minimum of 100 feet from the front yard and the side street yard and 75 feet from any interior side lot line. (Sec. 110-827(c)(1)d.)

ARTICLE II. INTERPRETATION

Sec. 110-319. PUD, Planned Unit Development.

(a) Purpose and intent. The purpose and intent of the PUD Planned Unit Development classification is to provide for integrated and innovative developments, which are consistent with the ~~c~~Comprehensive ~~p~~Plan, in order to advance our City's economic growth potential and promote a more balanced and effective development pattern~~so as to promote a mixture of housing costs and types and economical and orderly development consisting of a single or of a mixture of compatible land uses.~~ ~~Further~~In addition, it is intended that a proposed development be sensitive to existing adjacent and future land uses as depicted by the ~~f~~Future ~~l~~Land ~~u~~Use M~~m~~ap of the ~~c~~Comprehensive ~~p~~Plan, the natural environment and the impact upon supporting public infrastructure through such mechanisms as, but not limited to, the establishment of appropriate buffer areas between land uses, limitations upon the types of permissible uses, and structures ~~which~~that are to be permitted in the development.

The PUD ~~Planned Unit Development~~ classification has been divided into four (4) sub-classifications for land uses of~~. These sub-classifications are~~ residential, business, industrial and mixed use. ~~Further regulations applicable to all planned unit developments are located in section 110-813 et seq., of this chapter.~~

PUDs that~~Residential Planned Unit Developments (RPUD), Business Planned Unit Developments (BPUD), and Industrial Planned Unit Developments (IPUD) which~~ were in existence prior to the effective date of this ~~c~~Chapter [November 16, 1998] shall continue in accordance with their original approval ~~by the city commission,~~ and shall be deemed to be lawful conforming land uses. To the extent of any specific amendment to these ~~aforesaid~~ PUD's, ~~said~~the amendment must comply with the requirements of this ~~ordinance~~Chapter. Terms previously used in ~~said~~said the approved PUD's may continue to be employed.

(b) Permitted principal uses and structures. The permitted principal uses and structures shall be those agreed upon by the ~~c~~City ~~c~~Commission~~ and are dependent upon which sub-classification is requested~~.

A Residential Planned Unit Development ~~shall~~will be indicated ~~by~~on the Official Zoning ~~m~~Map with the symbol RPUD. The permitted uses within an RPUD may be ~~those~~applied from~~ found in~~ any of the residential zoning classifications of this ~~c~~Chapter and shall be~~, provided that said uses are~~ listed in the ~~d~~Development ~~a~~Agreement, and depicted as part of the PUD plan. All uses shall be~~have been~~ approved by the ~~c~~City ~~c~~Commission.

A Business Planned Unit Development ~~shall~~will be indicated ~~by~~on the Official Zoning ~~m~~Map with the symbol BPUD. The permitted uses within a BPUD may be applied from~~those found in~~ any of the business oriented zoning classifications of this ~~c~~Chapter and shall be~~, provided that said uses are~~ listed in the ~~d~~Development ~~a~~Agreement, and depicted as part of the PUD plan. All uses shall be~~have been~~ approved by the ~~c~~City ~~c~~Commission.

An Industrial Planned Unit Development ~~shall~~will be indicated ~~by~~on the Official Zoning Map~~may~~ with the symbol IPUD. ~~t~~The permitted uses within an IPUD may be applied from~~those found in any of~~ the ~~i~~Industrial zoning classifications of this ~~c~~Chapter and shall be~~, provided that said uses are~~ listed in the ~~d~~Development ~~a~~Agreement, and depicted as part of the PUD plan. All uses shall be ~~and have been~~ approved by the ~~c~~City ~~c~~Commission.

A Mixed Use Planned Unit Development ~~shall~~will be indicated on the~~ by the~~ Official Zoning Map with the~~ may~~ symbol MPUD. The permitted uses within an MPUD may consist of any of the uses as approved by the ~~c~~City ~~c~~Commission within a mixed-use development program format that is consistent with the City's Comprehensive Plan, including the Mixed Use Development matrix, and achieves both residential and non-residential uses. Residential uses shall be at a proposed density that is complementary to the non-residential development and shall be incorporated into the project, so that development of the residential component of the master development program is achieved.

~~A Planned Unit Development within the Deltona Activity Center as identified in the Deltona Comprehensive Plan, shall be limited to the land uses permitted in the MF, PB, C-1, C-2, and I classifications. Multi-family residential land uses shall only be proposed as a component of an office-residential development, and shall not exceed 30 percent of the land area of the PUD.~~

(c) Dimensional requirements.

(1) Minimum parcel size. To utilize the PUD zoning process, the minimum parcel size shall be one (1) acre.

~~Area:~~

~~Residential only: Five acres.~~

~~Business only: 1.5 acres.~~

~~All others: One acre.~~

(d) Minimum lot area and yard requirements. Minimum lot sizes, width, and yard areas shall be described in the ~~d~~Development ~~a~~Agreement. In determining yard sizes, the ~~c~~City ~~c~~Commission shall consider whether or not the proposed PUD will have adverse effects upon adjoining properties. ~~Factors which may be considered in determining yard sizes include, but are not limited to, existing and future land uses, lot size, and buffer requirements.~~

(e) Intensity/Density. The floor area ratio (FAR) or total number of dwelling units per acre of land shall be calculated and described in the ~~d~~Development ~~a~~Agreement, and shall not ~~permit on the site a number of dwelling units that~~ exceeds the range~~maximum number of dwelling units that are~~ permitted by the underlying future land use category ~~in~~of the adopted ~~Deltona~~ Comprehensive Plan. A Comprehensive Plan amendment may be needed prior to the proposed PUD zoning action.

(f) Landscape buffer requirements. A landscape buffer area meeting or exceeding the minimum requirements of section 110-808 shall be constructed. ~~As peripheral landscaped buffer areas are expanded, the minimum amount of required landscaping materials shall be increased, at minimum in the same proportion as the increase in the area of the landscaped buffer zone.~~Due to the fact that the PUD process is undertaken as a uniform master development program, a landscape plan is required that shows the proposed perimeter buffer yard widths, level of opacity for screening from adjacent land uses, internal landscape buffers between parcels and within parcels, foundation landscaping, entryway and common area landscaping, and proposed plant material. The proposed landscape plan shall meet or exceed standards established in Section 110-808 of this Code.

(g) Off-street parking and loading requirements. Off-street parking and loading areas shall meet~~ing~~ the requirements of ~~s~~Section 110-828 of this Code~~shall be constructed~~. No waivers or modifications of the minimum required number of off street parking and loading spaces shall be permitted in the

developmentter's agreement for any PUDs. No reduction of the minimum required pervious surface area, landscaped area, or numbers of plants shall be permitted in the developer's agreement for any PUD. However, creative designs that meet or exceed the minimum required pervious surface area, landscaped area, and/or amount of landscaping materials may be permitted. Creative designs that meet or exceed the minimum number of required parking spaces and dimensional requirements for parking facilities may be permitted.

(h) *Transportation impact analysis report: Purpose.* TheA transportation impact analysis report is designed to identify the transportation impacts and problems, which are likely to be generated by a proposed use, because of size, density, traffic, generation rates, or location. The report will also identify all improvements required to ensure safe ingress and egress from a proposed development, maintenance of adequate street capacity, and elimination of hazardous conditions and improvements necessary for immediately surrounding roadways and intersections, as a result of the property development.

(i) *Thresholds for traffic impact and analysis report.* A transportation impact analysis (TIA) report shall be required for any project that is anticipated to generate in excess of 1,000 trips per day, as defined by the current edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual or if a PUD is located in an area that has traffic safety or congestion concerns. The contents of the transportation impact analysis report shall, at a minimum, be consistent with a locally accepted methodologies. unless waived by the director of development services upon consultation with a qualified traffic engineer employed or contracted by the city, for any use which, according to the Institute of Transportation Engineers Trip Generation Manual, latest edition, rates published by the Florida Department of Transportation or rates documented by study and agreed to prior to use by the director of development services or his or her duly authorized representative, will generate in excess of 1,000 trips per day. The contents of the transportation impact analysis report shall meet the requirements of section 110-821.07.

(j) *Types of signs permitted.* Signs are permitted in accordance with the requirements of the Deltona Sign Code Chapter 102, Code of Ordinances, as it may be amended from time to time. No variances or waivers of minimum Deltona Sign Code requirements mayshall be authorized. in the developer's agreement, development order, or ordinance for any PUD.

(k) *Planned Unit Development regulations.* The following regulations apply to all Planned Unit Developments (PUDs):

(1) *Unified ownership.* All land within the PUD shall be under the ownership of one entity, either by deed, agreement for deed or contract for purchase. PUD applicants shall present either an opinion of title by an attorney licensed in Florida or a certification by an abstractor or a title company, authorized to do business in Florida, that, at the time of initial application, unified ownership of the entire area within the proposed PUD is in the name of the applicant, or contract seller. Unified ownership shall thereafter be maintained until after the recording of the Development Agreement and Master Development Plan.

(2) *Utility distribution lines.* All utility distribution lines within an RPUD and the residential portions of a MPUD shall be located underground, where possible. Aboveground utility connections may be permitted where there is hardship, as determined by the City Engineer, and the permissibility shall be recorded in the Development Agreement.

(3) *Open space requirements.* A minimum of 25 percent of the open space shall be designated as common open space. Common open space shall meet the following standards:

a. Its location, shape, size and character shall be illustrated on the PUD plan.

b. It shall be dedicated to and maintained by a HOA or POA. Maintenance guarantees shall be included in the Development Agreement.

(4) Procedure for rezoning to PUD.

a. *Pre-application stage.* A pre-application meeting shall be conducted before a PUD rezoning application can be accepted. After the pre-application meeting, a conceptual plan may be submitted for review and comment prior to filing the application for rezoning.

1. *Pre-application meeting.* The pre-application meeting is intended to provide for an informational exchange between the applicant and the administrative staff and will be arranged by the Planning and Development Services Department. No fee shall be charged. The applicant need not submit any plans or other information. However, the more information provided to staff for the proposed PUD will assist staff in providing guidance. At a minimum, the applicant will be advised of the PUD procedures and requirements, forms, application materials, guidelines, checklists, the Comprehensive Plan, zoning and other land development regulations. This information will be made available at a reasonable cost.

2. *Written Development Agreement (DA).* As part of the PUD plan, a written Development Agreement shall be prepared, following a general format supplied by the Planning and Development Services Department at the pre-application meeting. The DA, along with the PUD plan, shall govern the development of the PUD and shall regulate the future use of the land. The DA shall include any statements or information requested by any reviewing department or agency at the pre-application meeting, such as:

aa. Evidence of unified ownership and control.

bb. Statement agreeing to:

1) Proceed with the proposed development according to all regulations;

2) Provide appropriate performance and maintenance guarantees;

3) Follow all other provisions of this Chapter to the extent not expressly inconsistent with the written DA, and bind the applicant's successors in title to his commitments.

cc. The acreage and percentage of the total land area devoted to each of the proposed land uses.

dd. Maximum density for each type of dwelling.

ee. Maximum building heights.

ff. Minimum building spacing and floor areas.

gg. Lot sizes, yard areas and buffer areas, including perimeter buffers.

hh. Statement regarding the disposition of sewage and stormwater, and arrangements for potable water.

ii. Statement regarding ingress/egress controls to the site.

jj. Statement regarding any road improvements to be made and the thresholds for the traffic impact analysis.

kk. When the PUD is planned for phase development, a schedule of the phases.

ll. The proposed language of any covenants, easements or other restrictions.

mm. Environmental considerations.

nn. Any additional information or statements subsequently deemed necessary by any reviewing department or agency.

b. *Master Development Plan (MDP).* After the pre-application meeting, a MDP shall be submitted to the Planning and Development Services Department. When submitted, written comments on the MDP shall be made within twenty (20) business days by the Planning and Development Services Department and any other departments. The Planning and Development Services Department shall coordinate this review. A MDP shall indicate general land use categories and the approximate height, location, architectural character and site intensities/density of dwelling units, and other structures. The MDP shall show the proposed street layout, approximate street widths, school sites, open space areas, parks, existing structures, natural/conservation areas, floodplain areas (if applicable), total acreage and the existing zoning. Finally, the MDP shall include a vicinity map, and any other salient information deemed appropriate by the applicant.

c. *RPUD application stage.* A completed and signed application for rezoning to a RPUD, together with a PUD Master Development Plan, Development Agreement, and all related fees shall be submitted to the Planning and Development Services Department. If a rezoning applicant desires concurrent review under the Land Development Code, the applicant shall state it at the time of application, and shall submit any additional applications and information as required by those regulations.

The RPUD Master Development Plan shall consist of an illustrative plan and a written Development Agreement. Those documents shall include the following information:

1. *RPUD plan exhibits.* The plan shall consist of the following:

aa. Name of project and name, address, telephone number of the developer and his professional project engineers, architects, planners, etc.

bb. The date the plan was drawn, its scale, and a north arrow.

cc. Names and location of adjoining streets and names of abutting property owners.

dd. Legal description of property, boundary survey and the location of all existing streets, buildings, railroads, bulkhead lines, easements, and other important features on or adjoining the property.

ee. The general topography and physical conditions of the site, including natural areas of vegetation and type, general soil types, wetland areas, 100-year floodplain areas, watercourses, water bodies, and natural drainage patterns.

ff. Conceptual configuration of proposed streets, which depict access into and traffic flow within the development, with particular reference to the separation of vehicular traffic from pedestrian or other types of traffic.

gg. General feasibility plans for potable water, sewage disposal, and stormwater drainage.

hh. Approximate location and area encompassed for each proposed land use within the development.

ii. Approximate location and size of common open space.

jj. Additional material, maps, studies, or reports deemed necessary by any reviewing department or agency.

d. *BPUD, IPUD or MPUD requirements: application stage.* An application for rezoning to BPUD, IPUD or MPUD, together with a PUD Master Development Plan, Development Agreement, and all related fees set at the pre-application meeting, shall be submitted to the Planning and Development Services Department. If an applicant for rezoning desires concurrent review under the Land Development Code Ordinance No. 96-25 as it may be amended from time to time, the applicant shall so state at the time of application and shall submit any applications and additional information as required by those regulations. The Master Development Plan shall include:

1. *BPUD, IPUD, and MPUD plan exhibits.* The Master Development Plan shall be drawn to an appropriate engineers scale to include the location and boundary of the site referenced by the legal description and boundary survey; the date the plan was drawn, its scale, and a north arrow; and the name, address and telephone number of the developer and his professional project engineers, architects and planners. In addition, the MDP shall include all of the following, if applicable:

aa. The approximate size and location of all proposed buildings and other structures, the specified use of buildings and structures may be indicated, if known.

bb. Generalized off-street parking and loading plans, including circulation plans for vehicular movement.

cc. Driveway and access controls, including number and approximate location of driveways.

dd. Approximate location, size and description of open spaces, landscaped areas, or buffers.

ee. Approximate location and size of all easements, rights-of-way, or drainage facilities and structures.

ff. Approximate boundary lines and dimensions of parcels proposed to be subdivided.

gg. The general topography and physical conditions of the site, including features such as water bodies, wooded areas, wetland areas, vegetation types, soils, 100-year floodplain areas, and steep grades or depressions on the site.

hh. General location of signs.

ii. Environmental considerations.

jj. Any other conditions of development, specifications, limitations, constraints, standards or proposed physical features not specifically included in items a. through h. above.

(5) Post-approval stage.

a. *Recording PUD plan.* After City Commission approval of the rezoning application to PUD, the Master Development Plan, and the written Development Agreement, both signed by the Mayor, and attested by the City Clerk, shall be recorded in the public records of Volusia County, Florida, by and at the expense of the applicant.

b. *Subdivision and/or Final Site Plan approval.* After the MDP and Development Agreement is recorded, a subdivision and/or Final Site Plan applications shall be prepared and submitted in the manner required by the Land Development Code.

c. *Construction.* During permitting and construction, the Enforcement Official shall enforce compliance with the approved Final Site Plan or the Final Plat.

d. *Amendments.* Minor amendments not altering the intent and purpose of the approved Master Development Plan or Development Agreement may be approved by the appropriate Enforcement Official after departmental review and comment. Examples of minor amendments include de-minimis design oriented changes to landscaping, parking or building elevation. PUD amendments that are determined to be major revisions to the MDP and/or DA will need to be reviewed and processed under Section 110-1101 of the Land Development Code. Major amendments can be described as materially altering proposals that involve changes of uses, density/intensity, reconfiguration of lots, etc.

ARTICLE VIII. SUPPLEMENTARY REGULATIONS

Sec. 110-806. Fences, walls and hedges.

~~Fences, walls and hedges may be permitted in any yard area, provided:~~

~~*(a)* No fence, wall, hedge or other continuous planting shall be erected, placed or maintained on any lot line within any front yard or within the side street yard setback in residential areas more than four feet in height measured from the natural contour of the ground of adjoining lots or the particular lot (whichever is lower). Fences, walls and hedges, except those fences whose opacity of 25 percent or less erected to meet the requirements of the Florida Building Code as it may be amended from time to time, shall not exceed four feet in height when erected on an atypical, waterfront, or golf course lot rearward of the rearmost point of the principal structure. Fences, walls and hedges in other rear and side yards shall not exceed six feet in height. On vacant lots, the permitted fencing is the same as that for developed lots in the same zoning district. Razor wire, barbed wire, chicken wire, and electric fences are prohibited in residential zoning districts or development, except that electric fences to contain horses are permitted in the RE-5 and RE-1 zoning districts where lots are 2.45 acres or larger and horses are present on the lots.~~

~~*(b)* Non-conforming fences lawfully permitted prior to January 20, 2004 may be replaced in its originally permitted location with an issued building permit. The homeowner shall present evidence to the building official of prior permitting, such as copies of original building permit; or copies of a survey showing fence at permitted location dated prior to December 31, 1995; or one (1) sworn affidavit that a lawful building permit for the fence was obtained by the homeowner and one (1) sworn affidavit from a person, other than the homeowner, that the fence existed in the location prior to January 20, 2004.~~

~~*(c)* Retaining walls shall not exceed the above height limitations measured on the high side of the property.~~

~~*(d)* This section shall not be applied to any commercial or industrial classifications or the RP Resource Protection or P Public use classifications.~~

a) *Purpose and Intent*. Fences, walls, and hedges are a recognized method to establish property boundaries, provide a level of privacy and security, and contain domesticated animals. However, fences, especially along roads, can alter the streetscape where vistas associated with the open space and natural characteristics of the City are diminished. In addition, fencing along roads can harmfully impact pedestrian and motorist safety by impeding sightlines and visibility. The requirements of this section are intended to ensure that the benefits of fencing, walls, and hedges remain an option while protecting the scenic characteristics of the City and maintaining a level of safety for the traveling public.

b) A fence permit is required prior to building or installing any fence or wall within the City of Deltona.

c) Walls erected in accordance with this Section shall meet the requirements of the Florida Building Code, as amended.

d) *Materials.*

1) Fences or walls, may be constructed of wood, chain link, masonry, concrete, vinyl, or wrought iron.

2) Agricultural fencing such as razor wire, barbed wire, chicken wire, and electric fences are prohibited in residential zoning districts or development, except that electric fences to contain horses are permitted in the RE-5 and RE-1 zoning districts where lots are 2.45 acres or larger and horses are present on the lots.

e) *Height and Setback Requirements.* The measurement of fence, wall, and hedge height shall be taken from the natural contour of the ground of adjoining lots or the particular lot (whichever is lower). Refer to Section 70-30 (Definitions) for graphic illustration of yard areas.

1) *Front Yard.* Fences, walls, and hedges no higher than four (4) feet may be erected, placed, or maintained within any front yard.

2) *Rear Yard.* Any fence or wall constructed along the rear property line shall not exceed six (6) feet in height. For fence height and setback requirements on waterfront and golf course lots refer to Section 110-806(g).

3) *Side Yard.* Any fence or wall constructed along a side lot line between properties shall not exceed six (6) feet in height.

4) *Side Street Yard.* Any fence or wall constructed along a side street yard shall not exceed six (6) feet in height and may be placed within the side street yard, as allowed below, in order to facilitate greater use of the yard:

a. The nearest exterior wall of the dwelling;

b. The side street setback line; or

c. The side street accessory structure setback line for the R1-AAA, AA, A, and R1 per Section 110-307(e).

f) Residential fences shall be constructed with the finished side facing outward from the property. Fence posts and support beams shall be on the side of the fence facing away from the neighboring property.

g) *Fences, walls, and hedges on waterfront, or golf course lot.* On waterfront or golf course properties, fences, walls, and hedges constructed along the rear property line and within that portion of the side lot lines located within the rear yard shall comply with the following:

1) Up to four (4) feet in height: Fences, walls, and hedges constructed on a waterfront or golf course lot with an opacity of 25 percent or more shall not exceed four (4) feet in height above natural grade.

2) Up to six (6) feet in height: Fences, walls, and hedges constructed on a waterfront or golf course lot with an opacity of 25 percent or less shall not exceed six (6) feet in height above natural grade.

3) Fences shall be built with a uniform percentage of opaqueness.

h) *Fences, walls, and hedges on vacant lots*. On vacant lots, the permitted fencing is the same as that for developed lots in the same zoning district. On vacant corner lots, fences, walls, and hedges shall be located only within the minimum allowable setback area. If a dwelling is added later, the fence, wall or hedge may need to be relocated with possible height adjustments to meet code requirements.

i) *Non-conforming fences.* Unless it is integral or a necessary part of another structure, whether principal or accessory, at such time that an entire fence on a property is destroyed or planned to be replaced, the

property owner shall obtain a building permit and locate the new fence in accordance with the provisions of the City Code. In cases where the fence is integral or a necessary part of the structure noted above, the type, size, and location of the fence may be replaced in-kind.

j) The above regulations also apply to residential uses within non-residential zoning districts.

k) This section shall not be applied to any agricultural, commercial, industrial, Resource Protection (RP), Public (P) use classifications, or any publicly used property.

Sec. 110-808. Landscaping requirements.

(m) Modification of development standards for site plan approval.

(1) This section is established to provide standards and procedures for the granting of administrative modifications of development standards. The modification of standards is specifically intended to promote high standards for ~~f~~Final ~~s~~Site ~~p~~Plan reviews under ~~c~~Chapter 75~~74, article II~~, Code of Ordinances,~~,~~ as it may be amended from time to time, to provide flexibility in the administration of standards in recognition of site specific conditions, and to establish conditions to ensure compatibility, where standards are modified.

Sec. 110-809. Mobile home.

(a) General requirements. The following regulations apply to mobile home parks:

(7) *Final ~~s~~Site ~~p~~Plan ~~d~~Development ~~o~~Order required.* A ~~f~~Final ~~s~~Site ~~p~~Plan ~~d~~Development ~~o~~Order for new parks and expansion of existing parks, meeting the requirements of ~~c~~Chapter 75~~74, article II,~~ Code of Ordinances, as it may be amended from time to time, shall have been issued prior to commencement of construction. Prior to issuance of any building permit for any sale of the mobile homes in the park, construction of the required improvements shall have been completed in accordance with ~~c~~Chapter 96, ~~a~~Article III, Code of Ordinances, as it may be amended from time to time.

Sec. 110-813. ~~Planned unit development regulations~~Reserved.

~~The following regulations apply to all planned unit developments (PUD) unless the specific type (i.e. RPUD, MPUD, BPUD, or IPUD) is otherwise referenced.~~

~~*(a) Unified ownership.* All land within the PUD shall be under the ownership of one person, either by deed, agreement for deed or contract for purchase. PUD applicants shall present either an opinion of title by an attorney licensed in Florida or a certification by an abstractor or a title company, authorized to do business in Florida, that, at the time of initial application, unified ownership of the entire area within the proposed PUD is in the applicant, or contract seller. Unified ownership shall thereafter be maintained until after the recording of the master development plan or final plat.~~

~~*(b) Commercial uses in an MPUD.* Commercial uses and structures shall be located and designed primarily to serve the needs of the MPUD residents. Commercial areas should normally be located in an area accessible only from streets within the MPUD. When commercial uses or structures are approved as part of an MPUD, the commercial operation shall not begin until certificates of occupancy have been issued for all dwelling units in the total project, unless otherwise provided in the development agreement.~~

~~*(c) Utility distribution lines.* All utility distribution lines within the PUD shall be located underground; however, those appurtenances requiring aboveground installations may be exempted by the city commission.~~

~~*(d) Open space requirements.* Sixty percent of an RPUD project or the residential portion of an MPUD containing residential uses shall be open space. A minimum of 35 percent of the open space shall be designated as common open space. Common open space shall meet the following standards:~~

~~(1) It shall be dedicated to and usable by all residents of the RPUD/MPUD.~~

~~(2) Its location, shape, size and character shall be illustrated on the master development plan.~~

~~(3) Maintenance guarantees shall be approved by the city commission.~~

~~*(e) Procedure for rezoning to PUD.*~~

~~(1) *Pre-application stage.* A pre-application meeting is required before a PUD rezoning application can be accepted. After the pre-application meeting, a sketch plan may be submitted for review and comment prior to filing the application for rezoning.~~

~~a. *Pre-application meeting.* The pre-application meeting is intended to provide an opportunity for an informational exchange between the applicant and the administrative staff. It will be arranged by the Planning and Development Services Department. No fee shall be charged. The applicant need not submit any plans or other information; however, the more information, such as sketch plans, proposed land uses, site information, adjacent land uses, and proposed density, that the applicant does submit, the more complete the responsive comment can be. As a minimum, the applicant will be advised of the usual procedures and requirements. Forms, application materials, guidelines, checklists, copies of the comprehensive plan, and of the zoning and subdivision regulation, will be made available at a reasonable cost.~~

~~b. *Sketch plan.* After the pre-application meeting, a sketch plan may be submitted to the Planning and Development Services Department. If submitted, written comments on the sketch plan shall be made by the growth management department and any other interested departments within 30 days. The growth management department shall coordinate this review. If submitted, a sketch plan shall indicate general land use categories and the approximate height, location, architectural character and density of dwellings, and other structures. The sketch plan shall also show the tentative major street layout, approximate street widths, sites of schools, open space areas and parks, existing structures, waterways, wooded areas, wetlands, floodplain areas (if applicable), total acreage and existing zoning. Finally, it shall include a vicinity map, and any other information deemed appropriate by the applicant.~~

~~Written comments on the sketch plan are informational only and are subject to change after a more detailed review of the rezoning application.~~

~~(2) *RPUD application stage.* An application for rezoning to RPUD, together with a master development plan (MDP) and such application fees as are set at the pre-application meeting, shall be submitted to the Planning and Development Services Department. If a rezoning applicant desires concurrent review under the land development code, he shall so state at the time of application, and shall submit any additional information required by those regulations.~~

~~The master development plan shall consist of a preliminary plan and a written development agreement. Those documents shall include the following information:~~

~~a. *Preliminary plan exhibits.* The preliminary plan shall consist of the following:~~

1. ~~Name of project and name, address, telephone number of the developer and his professional project engineers, architects and planners.~~

2. ~~The date the plan was drawn, its scale, and a north arrow.~~

3. ~~Names and location of adjoining streets and names of abutting property owners.~~

4. ~~Legal description of property, boundary survey and the location of all existing streets, buildings, railroads, bulkhead lines, easements, and other important features in or adjoining the property.~~

5. ~~The general topography and physical conditions of the site, including natural areas of vegetation and type, general soil types, wetland areas, 100-year floodplain areas, watercourses, water bodies, and natural drainage patterns.~~

6. ~~Conceptual configuration of proposed streets, which depict access into and traffic flow within the development, with particular reference to the separation of vehicular traffic from pedestrian or other types of traffic.~~

7. ~~General feasibility plans for potable water, sewage disposal, and stormwater drainage.~~

8. ~~Approximate location and area encompassed for each proposed land use within the development.~~

9. ~~Approximate location and size of common open space.~~

10. ~~Such additional material, maps, studies, or reports subsequently deemed necessary by any reviewing department or agency.~~

b. ~~*Written development agreement*. In addition to a preliminary plan, a written development agreement shall be prepared, following a general format supplied by the Planning and Development Services Department at the pre-application meeting. The development agreement, along with the preliminary plan, shall govern the development of the PUD and shall regulate the future use of the land. The development agreement shall include any statements or information requested by any reviewing department or agency at the pre-application meeting, such as:~~

1. ~~Evidence of unified ownership and control.~~

2. ~~Statement agreeing to:~~

   a) ~~Proceed with the proposed development according to all regulations;~~

   b) ~~Provide appropriate performance and maintenance guarantees;~~

   c) ~~Follow all other provisions of this chapter to the extent not expressly inconsistent with the written development agreement, and bind the applicant's successors in title to his commitments.~~

3. ~~The acreage and percentage of the total land area devoted to each of the proposed land uses.~~

4. ~~Maximum density for each type of dwelling.~~

5. ~~Maximum building heights.~~

6. ~~Minimum building spacing and floor areas.~~

7. ~~Lot sizes, yard areas and buffer areas, including perimeter buffers.~~

8. ~~Statement regarding the disposition of sewage and stormwater, and arrangements for potable water.~~

9. When the PUD is planned for phase development, a schedule of the phases.

10. The proposed language of any covenants, easements or other restrictions.

11. Any additional information or statements subsequently deemed necessary by any reviewing department or agency.

(3) *BPUD, IPUD or MPUD application stage.* An application for rezoning to BPUD, IPUD or MPUD, together with a master development plan (MDP) and such application fees as are set at the pre-application meeting, shall be submitted to the Planning and Development Services Department. If an applicant for rezoning desires concurrent review under the land development code Ordinance No. 96-25 as it may be amended from time to time, he shall so state at the time of application and shall submit any additional information required by those regulations. The master development plan shall consist of a preliminary plan and a written development agreement. Those documents shall include the following information:

a. *Preliminary plan exhibits.* The preliminary plan shall be drawn to an appropriate engineers scale to include the location and boundary of the site referenced by the legal description and boundary survey; the date the plan was drawn, its scale, and a north arrow; and the name, address and telephone number of the developer and his professional project engineers, architects and planners. In addition, the preliminary plan shall include all of the following, if applicable:

1. The approximate size and location of all proposed buildings and other structures, the specified use of buildings and structures may be indicated, if known.

2. Generalized off-street parking and loading plans, including circulation plans for vehicular movement.

3. Driveway and access controls, including number and approximate location of driveways.

4. Approximate location, size and description of open spaces, landscaped areas, or buffers.

5. Approximate location and size of all easements, rights-of-way, or drainage facilities and structures.

6. Approximate boundary lines and dimensions of parcels proposed to be subdivided.

7. The general topography and physical conditions of the site, including features such as water bodies, wooded areas, wetland areas, vegetation types, soils, 100-year floodplain areas, and steep grades or depressions on the site.

8. General location of signs.

9. Any other conditions of development, specifications, limitations, constraints, standards or proposed physical features not specifically included in items a. through h. above.

b. *Written development agreement.* In addition to a preliminary plan, a written development agreement shall be prepared, following a general format supplied by the Planning and Development Services Department at the pre-application meeting. The development agreement, along with the preliminary plan, shall govern the development of the BPUD, MPUD or IPUD and shall regulate the future use of the land. The development agreement shall include the following information:

1. Evidence of unified ownership and control.

2. Statement agreeing to:

a) Proceed with the proposed development according to all regulations;

b) Provide appropriate performance and maintenance guarantees;

c) Following all other provisions of this chapter to the extent not expressly inconsistent with the written development agreement, and bind the applicant's successors in title to his commitments.

3. A listing of the land uses agreed upon in each component of the BPUD, MPUD or IPUD.

4. Maximum building heights.

5. Minimum building spacing and floor areas.

6. Lot sizes, yard areas, and buffer areas, including perimeter buffers.

7. Statement regarding ingress/egress controls to the site.

8. Statement regarding any road improvements to be made and the thresholds for the traffic impact analysis.

9. Statement regarding the disposition of sewage and stormwater, and arrangements for potable water.

10. When the BPUD, MPUD or IPUD is planned for phase development, a schedule of the phases.

11. The proposed language of any covenants, easements or other restrictions.

12. Any additional information or statements subsequently deemed necessary by any reviewing department or agency

(f) Post-approval stage.

(1) *Recording MDP.* After city commission approval of the rezoning application to PUD, the preliminary plan, and the written development agreement, both signed by the mayor, and attested by the city clerk, shall be recorded in the public records of Volusia County, Florida, at the expense of the applicant.

(2) *Final site plan approval.* After the MDP is recorded, a final site plan shall be prepared and submitted in the manner required by the land development code, Ordinance No. 96-25, as it may be amended from time to time. If the PUD includes a subdivision required to comply with the land development code, preliminary and final plats of the subdivision portion may be submitted in lieu of the final site plan, for review and approval as governed under the land development code.

(3) *Construction.* During construction, the zoning enforcement official shall enforce compliance with the approved final site plan or the final plat.

(4) *Amendments.* Minor amendments not altering the intent and purpose of the approved master development plan may be approved by the zoning enforcement official after such departmental comment as he deems appropriate.

Sec. 110-815. Final site planReserved.

Procedure. Where final site plan is required by this chapter, it shall be submitted to the Planning and Development Services Department. An approved final site plan shall expire as provided in chapter 74, article I, section 74-4(i), Code of Ordinances as it may be amended from time to time.

Sec. 110-817. Conditional uses.

The following uses or structures are permitted as conditional uses only when listed as permitted conditional uses in article III and meet all requirements as set forth in article XI.

(a) Public utility uses and structures.

(2) A ~~f~~Final ~~s~~Site ~~p~~Plan meeting the requirements of ~~c~~Chapter 75~~74, article II~~, Code of Ordinances, as it may be amended from time to time, is required.

(o) Excavations.

(2) The following requirements and conditions must be met for any non-exempt excavation. A non-exempt excavation requires a Conditional Use to this ~~c~~Chapter and issuance of a permit in accordance with the ~~f~~Final ~~s~~Site ~~p~~Plan procedures of ~~c~~Chapter 75~~74, article II~~, Code of Ordinances, as it may be amended from time to time.

a. Each application for a special exception shall be accompanied by plans, drawings, and information prepared by a Florida registered engineer depicting, at a minimum:

1. Existing and proposed topography at one-foot contour interval. Such topography shall extend a minimum of 150 feet beyond the top of the bank of excavation.

2. Proposed side slopes and depths, which meet these minimums~~:~~

All sides of the excavated area shall, at a minimum, comply with the following:

a) One foot vertical for each six (6) feet horizontal to a depth of ten (10) feet below the dry season water table elevation, unless waived by the City ~~c~~Commission.

b) For depths greater than ten (10) feet below the dry season water table elevation, the slope may be one-foot vertical for each one-foot horizontal.

Notwithstanding ~~s~~Section 110-806 of this ~~z~~Zoning ~~o~~Ordinance, any excavation in excess of the aforementioned slope shall be enclosed by a six-foot-high chain link fence approved by the Planning and Development Services Department ~~which~~and shall include a gate that shall be closed and locked at all times when~~during which~~ the excavation pit is not in use. ~~Said f~~Fencing shall be completely installed prior to initiation of the excavating activity and shall remain in place, ~~unless determined otherwise by the City engineer division,~~ until the excavation is satisfactorily reclaimed, as determined by the City Engineer or his/her designee.

3. Wet and dry season water elevations and the existing surface drainage pattern.

4. Notwithstanding any other minimum yard sizes required by this ~~c~~Chapter, the top of the bank of an excavation shall be set back one hundred fifty (150) feet from the following ~~minimum distance~~:

a) ~~One hundred fifty feet from t~~The right-of-way of any public street, road, or highway.

b) ~~One hundred fifty feet from a~~Abutting residential or mobile home classified property.

c) ~~One hundred fifty feet from a~~Any other abutting property.

d) ~~One hundred fifty feet from a~~Any natural or man-made surface water body, watercourse, or wetland.

5. Perimeter landscape buffers in which, at a minimum, are 50 feet in width. Said buffers shall be established prior to initiation of the excavating activity and shall meet the requirements of ~~s~~Section 110-808(b)(1).

6. The area and amount of material to be excavated in cubic yards. A discussion of the proposed method of excavation shall be provided.

7. The proposed method of dewatering.

8. The time, duration, phasing and proposed work schedule of the total project.

9. A detailed reclamation plan, drawn to an acceptable scale, and program to be performed upon completion of the project. As a minimum, the plan of reclamation shall include:

   a) Time, duration, phasing and proposed work schedule of the reclamation.

   b) Depiction of finished, stabilized, side slopes, including methods and plant materials proposed for use. For a wet excavation, a littoral zone is required to be established around the resultant water body. The specifications of said zone shall be determined in conjunction with the Planning and Development Services Department, in accordance with the administrative policies and procedures established by that department. The establishment, to the fullest extent practical, of sinuous shorelines is required.

   c) Landscape plan for the portion of the property disturbed by excavation and associated activities, including an inventory of plant/tree species to be used.

   The reclamation plan must be approved by the ~~d~~Development ~~r~~Review ~~c~~Committee.

   d) The resultant artificial water body shall comply with the standards established by the St. Johns River Water Management District and other appropriate agencies. Said water bodies may be required to be stocked with fish. Ambient water quality testing may also be required.

10. A hydro-geologic report, prepared by a qualified engineer or hydrologist, of the proposed excavation-site. ~~Such a~~The report shall, at a minimum, provide:

    a) A detailed description of subsurface conditions.

    b) A groundwater contour map.

    c) A map depicting the thickness and depths of material to be excavated.

    d) A discussion of the environmental impacts of the proposed excavation, including but not limited to the impact of the proposed excavation upon existing area wells.

    e) A recommendation of the necessity to install monitoring wells.

11. The proposed location of access points to the site and proposed haul routes for disposal of excavated material. Vehicular access to and from excavations shall be designated by the ~~council~~City Commission at the time of approval of the special exception.

12. Proposed plans for fencing and signs.

13. A statement from the applicant identifying all other federal, state and local permits required, if any.

b. The bottom of any reclaimed excavation should be graded to allow all water to drain to a sump area not less than 15 feet by 15 feet (225 square feet). The bottom of the excavation shall be graded in a fashion which will not cause water to accumulate in stagnant pools. The bottom of excavations shall be uniformly graded to prevent anoxic sinks.

c. Whenever the City of Deltona of Public Works Department determines that the use of any ~~c~~City or ~~c~~County right-of-way designated by the applicant for ingress and egress to and from the excavation-site will be subject to excessive deterioration resulting in the breakdown of the subsurface and base of ~~such~~that right-of-way, the applicant may be required to agree to

provide the ~~c~~City ~~with~~ funds in the amount necessary to mitigate the adverse impact upon the right-of-way ~~which~~that is caused by the excavation operation and to ensure that ~~said~~the roadway is maintained in a satisfactory condition. In the case of roads maintained by the ~~c~~County, the applicant may be required to ~~come to~~execute an agreement with the ~~c~~County ~~about how the~~to mitigate adverse impacts~~ will be mitigated~~. ~~In furtherance of this~~The agreement with either the ~~c~~City or the ~~c~~County, or both, the excavator may be required by the City ~~c~~Commission to post an acceptable performance bond, irrevocable letter of credit, or funds in escrow in the amount up to 100 percent of the estimated reconditioning costs, as estimated by the City's Public Works ~~d~~Department~~ of public works~~.

d. All excavations, as applicable, shall be reclaimed in accordance with the rules of the State of Florida~~ Department of Natural Resources, Division of Resource Management~~, as found in ~~chapters 16C-36 and 16C-39,~~the Florida Administrative Code. The requirements of this chapter shall not relieve a person from complying with the above said state rules, as applicable. Should the requirements of this ~~c~~Chapter conflict with said ~~s~~State rules, the stricter reclamation and restoration requirements shall govern.

e. All reclamation activities shall be initiated at the earliest possible date. Reclamation of the site concurrent with excavation activities is encouraged, provided that the reclamation activities will not interfere with the excavating activity or if the excavating activity will damage the reclaimed areas.

f. All temporary structures shall be removed from the premises upon completion of the excavation activity, unless said structures are of sound construction ~~[~~and~~]~~ are compatible with the reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.

g. Whenever it is determined that reclamation of the excavation pit is required at the termination of the project, in order to prevent soil erosion, adverse effects on ~~c~~City or ~~c~~County-maintained rights-of-way or natural drainage patterns, to protect the natural environment surrounding the excavation pit or to protect the character and value of surrounding property, the ~~c~~City ~~c~~Commission may require an acceptable performance bond, funds in escrow, or irrevocable letter of credit in the amount of 100 percent of the estimated cost of reclamation. ~~Said~~The cost shall be derived using the proposed plan of reclamation. ~~Said~~The bond or letter of credit shall be conditioned so that the excavation and reclamation shall be in accordance with the approved reclamation plan.

h. No person may engage in the business of being an excavator, until ~~such~~that person has secured an occupational license in accordance with the ~~c~~City and ~~c~~County occupational license requirements.

i. No excavator may excavate a parcel of land until he or she shall obtain an excavation permit issued by the Planning and Development Services Department in accordance with the terms of this ~~c~~Chapter prior to any excavation being made on the property to be excavated.

j. The excavation shall not be used for the disposal of foreign material without prior approval from the Planning and Development Services Department, and, when required, the ~~c~~County ~~e~~Environmental ~~m~~Management ~~department~~Division, and the Florida Department of Environmental ~~Regulation~~Protection and without obtaining all appropriate federal, state and local permits.

k. The excavation shall comply with the tree protection requirements specified by ~~c~~Chapter 98, ~~a~~Article II, Code of Ordinances, as it may be amended from time to time, and the ~~c~~City noise ordinance, Ordinance No. 96-15 [~~c~~Chapter 38, ~~a~~Article III, Code of Ordinances], as it may be amended from time to time.

l. If upon the conclusion of public hearings the Conditional Use is approved, ~~f~~Final ~~s~~Site ~~p~~Plan approval is required, as specified by ~~c~~Chapter 75~~74, article II~~, Code of Ordinances, as it may be amended from time to time~~, is required~~.

m. Off-site discharge is prohibited.

Sec. 110-827. Accessory Uses and Structures

(c) Design standards.

(1) In all residential zoning districts for single family projects only, accessory buildings, antennas and their supporting structures, and swimming pools shall be subject to the following requirements:

a. Swimming pools shall be allowed only in the rear and side yards.

b. Transmission towers for amateur radio antennas and their supporting structures shall be allowed in accordance with Chapter 82, Communication Antennas and Towers, Code of Ordinances of the City of Deltona, Florida, as it may be amended from time to time, and shall meet the standards as set forth in Chapter 82, ~~d~~Division 2, Code of Ordinances, except that on single family residential and agricultural lots of five acres or more amateur radio antennas and their supporting structures shall be permitted uses up to a height of 199 feet measured from the finished grade at the base of the tower, and shall be set back from the nearest property line a distance equal to the height of the antenna plus the tower (i.e. the fall radius).

c. The zoning lot coverage for all accessory buildings and structures on a zoning lot shall be included as part of the calculation of maximum impervious areas for the particular zoning district in which the use is located. However, only half of the surface area of swimming pool basins (not including surrounding deck area) shall be considered impervious surface.

d. Accessory buildings and structures, other than lawn ornaments and fences built in accordance with this chapter, shall not be located in the front yard forward of the edge of the principal dwelling, or ~~in~~beyond any side street yard setback on lots of less than 2.45 acres. On lots of 2.45 acres or more, accessory uses and structures other than swimming pools and their decks may be located in the front yard and side street yard past the main building line provided they are set back a minimum of 100 feet from the front yard and the side street yard and 75 feet from any interior side lot line.

ARTICLE XII. PLANNING AND ZONING BOARD

Sec. 110-1202. Powers and duties.

(a) Designation as local planning agency. The ~~b~~Board is hereby designated as the City's ~~l~~Local ~~p~~Planning ~~a~~Agency (LPA), as required by the Local Government Comprehensive Planning and Land Development Regulation Act, ~~s~~Section 163.3161 et seq., and ~~s~~Section 163.3174, Florida Statutes. ~~The board shall prepare, or cause to be prepared, the elements of the comprehensive plan required in section 163.3177, Florida Statutes, and any other appropriate elements, and shall make recommendations regarding the comprehensive plan to the city commission.~~ The ~~b~~Board shall have the general responsibility for adherence to the ~~conduct of the c~~Comprehensive ~~p~~Planning program. The ~~b~~Board and the ~~c~~Comprehensive ~~p~~Planning program shall comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulation Act and the Board shall monitor and oversee the effectiveness and status of the ~~c~~Comprehensive ~~p~~Plan, and recommend

to the ~~c~~City ~~c~~Commission such changes in the ~~c~~Comprehensive ~~p~~Plan, as may from time to time. ~~be required.~~ The ~~b~~Board shall perform any other duties assigned by the ~~c~~City ~~c~~Commission, and may prepare and recommend to the ~~c~~City ~~c~~Commission any other proposals to implement the ~~c~~Comprehensive ~~p~~Plan.

(b) Designation as land development regulations commission. The ~~b~~Board is hereby ~~also~~ designated as the City's ~~l~~Land ~~d~~Development ~~r~~Regulations ~~c~~Commission in accordance with the provisions of the Local Government Comprehensive Planning and Land Development Regulations Act, ~~s~~Section 163.3161, et seq., and Section 163.3194, Florida Statutes. The ~~b~~Board shall develop and recommend to the ~~c~~City ~~c~~Commission land development regulations that implement the ~~c~~Comprehensive ~~p~~Plan and review land development regulations or amendments thereto for consistency with the adopted ~~c~~Comprehensive ~~p~~Plan.

~~*(c) Annual Work Program.* The board shall receive recommendations from the Planning and Development Services Department regarding an annual work program. Following receipt of those recommendations, the board shall prepare an annual work program for recommendation to the city commission. The work program shall include an estimated budget for its implementation. The work program shall be in a format developed by the staff and approved by the city manager. The city manager and the city commission shall determine the priorities given the individual items in the work program in the proposed annual budget and in the adopted budget, respectively.~~

~~*(d) Five year capital improvements program and annual capital improvements budget.* The board shall review the city's proposed capital improvements plan and budget, and make recommendations on capital budget priorities to the city commission annually. This review shall require one public hearing with due public notice. This public hearing shall be conducted in accordance with the requirements of subsection 163.3181(3), Florida Statutes, as it may be amended from time to time. The proposed five-year capital improvements plan is mandated by the Local Government Comprehensive Planning and Land Development Regulation Act, chapter 163, part II, Florida Statutes, and shall be developed annually for presentation to the board by an interagency capital improvements committee chaired by the director of development services. The capital improvements committee shall consist of the director of development services; the director of finance and internal services; the director of public works; the assistant city manager or other staff person charged with senior management responsibility for parks and recreational facilities; the fire chief; and such other members as may be appointed by the city manager. The city manager shall determine the priorities and recommended funding levels given to the planning and zoning board's recommended capital improvements budget for the capital improvements program and budget annually proposed to the city commission. The city commission shall determine the priorities and funding given to the recommendations of the board and the city manager for the adopted capital improvements program and budget.~~

(~~e~~c) Applications and proposals requiring public hearings. The Planning and Zoning Board shall review all applications and proposals to be transmitted to the City Commission for a vote on the following items: ~~Prior to the transmittal of an application or proposal to the city commission, the board shall hold one public hearing with due public notice on the following applications and proposals, whether initiated by the city or by other applicants:~~

(1) Plan amendments, including future land use map amendments;

(2) Zoning map changes;

~~(3) Changes to the city's zoning ordinance or a proposed new zoning ordinance;~~

~~(4) Changes to the city's sign ordinance or a proposed new sign ordinance;~~

(~~5~~3) Changes to the ~~l~~Land ~~d~~Development ~~c~~Code or a proposed new ~~l~~Land ~~d~~Development ~~c~~Code, including subdivision regulations;

(~~6~~4) Planned unit developments;

(~~7~~5) Conditional uses;

(~~8~~6) Zoning variances;

(~~9~~7) Amendments to the approved capital improvements program or budget;

(~~10~~8) The establishment of, or changes to established, community development districts;

(~~11~~9) Changes to ~~or~~ proposed architectural design standards;

~~(12) Changes to or proposed landscaping ordinances, tree preservation ordinances, or environmental protection ordinances;~~

(~~13~~10) Proposed ~~d~~Development ~~a~~Agreements created pursuant to the "Florida Local Government Development Agreement Act";

(~~14~~11) Proposed ~~d~~Developments of R~~r~~egional I~~i~~mpact (DRI); and

~~(15) Development review final site plans for buildings over 30,000 square feet in area under heating and cooling or developments over 15 dwelling units per acre; and~~

(~~16~~12) Proposed Final Plat subdivisions containing more than 200 lots.

When reviewing applications and proposals requiring public hearings, the Board shall consider the following criteria, as applicable, per application and proposal:

(1) Consistency with the City's Comprehensive Plan;

(2) Consistency with adopted ordinances, relevant laws, and zoning regulations;

(3) Land use compatibility, neighborhood character, community safety, land uses for function and aesthetics, and the physical ability to construct or alter a site;

(4) Impacts of the development on the natural environment including flora, fauna, and other natural resources;

(5) Public facilities and services (i.e. water, sanitary sewer, parks, schools, fire, police, etc.); and

(6) Transportation systems.

~~The board shall review all such applications for consistency with the adopted comprehensive plan, for consistency with the purposes and intent of this chapter or of the ordinance proposed to be amended, and for the ability of the application to meet the standards for approval of the application that are contained in the relevant laws and ordinances governing the application's approval. The board shall also consider:~~

~~(1) Noise, vibrations, odor, glare, shadows, or visual impacts on the neighborhood and adjoining properties.~~

~~(2) Any impacts on environmentally sensitive lands or natural resources, including but not limited to water bodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants or animal species or species of special concern, wellfields, and individual wells;~~

~~(3) Adequacy of public facilities to serve the development, including but not limited to roads, sidewalks, bikepaths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreational facilities, and public schools;~~

~~(4) On site and off site traffic impacts, pedestrian safety and adequate access and egress for city service and emergency vehicles;~~

~~(5) Use of space from a functional and aesthetic perspective;~~

~~(6) Safety of occupants, visitors, and the surrounding neighborhood;~~

~~(7) Proposed use of materials and architectural features in relationship to neighborhood or surrounding area character, and aesthetic considerations.~~

(~~f~~*d*) *Advisory recommendations to the C~~c~~ity ~~c~~Commission.* The ~~b~~Board shall make a recommendation to the ~~c~~City ~~c~~Commission by formal written approved motion of the ~~b~~Board as to the conclusion of the ~~b~~Board's review that an application or proposal should be considered by the ~~c~~City ~~c~~Commission for approval, approval with specific conditions recommended by the ~~b~~Board, or denial. The ~~b~~Board's recommendation shall be transmitted to the ~~c~~City ~~c~~Commission with all related information through the established City Commission agenda process.~~staff reports, an index and executive summary of the staff reports prepared by the Planning and Development Services Department, a summary of written materials submitted by the public for consideration at the board's public hearing, a summary of public comments at the hearing, and the complete application or proposal.~~

(~~g~~*e*) *Applications and proposals exempt from ~~b~~Board review.* Planning and ~~z~~Zoning ~~b~~Board review shall not be required for amendments to ~~c~~City ordinances that are initiated by the staff or the ~~c~~City ~~c~~Commission to correct grammar and spelling errors, change fees as set by the City Commission, change the organization of the ordinances with no content changes, or change processing procedures when mandated by ~~s~~State ~~s~~Statutes.~~, provided such changes do not affect consistency with the comprehensive plan, the use of land, or change the meaning of the adopted regulations.~~