EXHIBIT A
ORDINANCE NO. 18-2013

Chapter 70 GENERAL PROVISIONS

ARTICLE II. LAND DEVELOPMENT CODE

DIVISION 1. GENERALLY

Sec. 70-30. Definitions

General Terms

The following words, terms and phrases, when used in this Land Development Code (LDC), have the meanings ascribed to them in this section, except where context clearly indicates a different meaning. Webster's New Collegiate Dictionary (G & C Merriam Co., most recent edition) shall be used for the definition of any words not defined in this section.

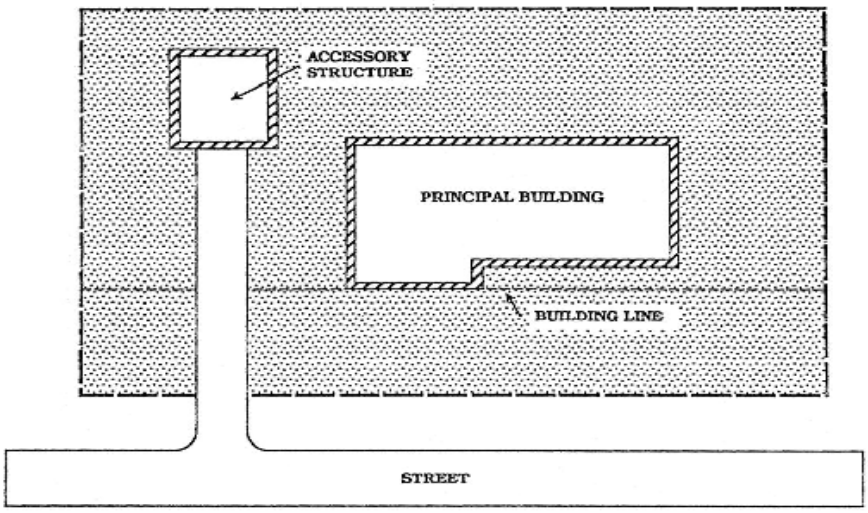
Abandon: any cessation of an existing use of land or of any structure thereon for a period greater than that specified by this chapter, other than a cessation necessarily incident to probate or mortgage foreclosure proceedings, or to the temporary absences of part-time residents.

Abandoned sign: Any sign face which advertises a business no longer conducted or product no longer sold. In making the determination that a sign advertises a business no longer being conducted, the City Manager or his/her designee shall consider any or all of the following: the existence or absence of a current occupational license, utility service deposit or account, use of the premises, and relocation of the business; any sign structure which has not been used for business purposes for over six months, that is nonconforming as to existing codes regarding height, setback or sign area; or any previously permitted portable or temporary sign of which permitted time has expired.

Accessory structure**:** *(This definition is to be used for floodplain management purposes)* A structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures typically constitute a minimal investment, are not to be used for human habitation, and are designed to have minimal flood damage potential. Examples of accessory structures are detached garages less than 400 SF, carports, storage sheds on permanent foundations less than 400 SF, storage sheds on skids, pole barns, and hay sheds.

Accessory use* or *structure: any use or attached/detached structure clearly incidental, subordinate and related to the principal use or structure and located on the same lot with such principal use or structure. Examples of accessory uses in a single-family residential zoning district include but are not necessarily limited to: storage buildings, detached garages, greenhouses, and brick barbecue grills. Provided however, a recreational vehicle; motor vehicle; mobile home; trailer or semi-trailer; railroad car; bus, truck or automobile body, or other similar unit shall not be used as an accessory structure or converted into an accessory structure even when altered, stripped, or otherwise rebuilt.

ACCESSORY STRUCTURE AND PRINCIPAL BUILDING DEFINITION



Addition (to an existing building): any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction. *An addition includes:*

1. A structure added to the original structure at some time after the completion of the original;
2. An extension or increase in floor area or height of a building or structure.

Address sign: a sign listing at least the numerical prefix of the street address. In certain cases the bay, suite, unit or apartment number must also be included. The definition is also applicable to a Directional Address Sign, which a sign is indicating the address of a building or group of buildings and the direction of travel to proceed to such address.

Adjacent lot* and *lot adjacent: means the lot immediately adjoining or contiguous to or abutting the right-of-way immediately opposite the lot that is subject to review under this chapter.

Adult bookstore: an establishment which sells or rents, or offers for sale or rent sexually oriented material. Under the following circumstances, a business establishment is not deemed to be an adult bookstore:

(1) Admission to all or any part of the establishment is not restricted to adults only;

(2) All adult material is accessible only by workers, which means that the item, material, goods or product can be physically touched, picked up, handled by a patron, or is visually displayed so that substantially more than its name or title is visible;

(3) The gross income each month from the sale and rental of adult material comprises less than ten percent of that month's gross income from the sale and rental of all goods and material at the establishment;

(4) The individual items of adult material offered for sale and rental comprise less than 25 percent of the total individual unused items publicly displayed at the establishment as stock in trade in each of the following categories: books, magazines, periodicals, other printed matter, photographs, films,

motion pictures, videotapes, slides, compact discs, computer digital graphic recordings, other visual representations, audio recordings and other audio matter, and they comprise less than 25 percent of the total individual used items publicly displayed as stock in trade in each of the same categories set out above; and

(5) The floor area used to display adult material comprises less than ten percent of the total floor area used to display all goods and material at the establishment.

Adult booth: a small enclosure inside an adult entertainment establishment accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes but is not limited to, a "peep show" booth or other booth used to view adult material but does not include a restroom or a foyer through which the public enters or exits the establishment.

Adult entertainment establishment: an adult theater, an adult bookstore, an adult performance establishment, a physical contact parlor, or an escort service operated for commercial or pecuniary gain, regardless of whether such establishment is licensed under this chapter. Operation for commercial or pecuniary gain shall not depend upon actual profit or loss. An establishment that has an occupational license or an establishment that advertises itself as a type of adult entertainment establishment shall be presumed to be operated for commercial or pecuniary gain. An establishment with an adult entertainment license shall be deemed to be an adult entertainment establishment.

Adult material: means either or both of the following, regardless of whether it is new or used:

(1) Books, magazines, periodicals, other printed matter, photographs, films, motion pictures, videotapes, slides, computer digital graphic recordings, other visual representations, compact discs, tape recordings, audio recordings or other audio matter that have as their primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or

(2) Instruments, novelties, devices or paraphernalia designed for use in connection with specified sexual activities, excluding bona fide birth control devices.

Adult motel: any motel, hotel, boardinghouse, roominghouse or other place of temporary lodging that includes the word "adult" in any name it uses or otherwise advertises the presentation of films, motion pictures, videotapes, slides or other photographic reproductions that have as their primary or dominant theme matters depicting, illustrating or relating to specified sexual activities or specified anatomical areas. The term "adult motel" is included within the definition of "adult theater."

Adult performance establishment: an establishment where any worker:

(1) Engages in a private performance, acts as a private model or displays or exposes any specified anatomical areas to a patron;

(2) Wears and displays to a patron any covering, tape, pasties or other device that simulates or otherwise gives the appearance of the display or exposure of any specified anatomical areas;

(3) Offers, solicits or contracts to dance or perform with a patron in consideration for or accepts a tip, remuneration or compensation from or on behalf of that patron; or

(4) Dances or performs with or within three feet of a patron in consideration for or accepts a tip, remuneration, or compensation from or on behalf of that patron.

This definition is not intended to apply and it is an affirmative defense to all alleged violations of this chapter regarding operating an adult performance establishment without a license, if the alleged violation demonstrates either the establishment is a bona fide private club whose membership as a

whole engages in social nudism or naturalism as in a nudist resort or camp, or that the predominant business or attraction of the establishment is not the offering to customers of a product, service or entertainment intended to provide sexual stimulation or sexual gratification to such customers, and the establishment and its advertising is not distinguished by an emphasis on the promotion of materials, workers or persons depicting, describing, displaying, exposing, simulating or relating to specified sexual activities or specified anatomical areas. An adult performance establishment shall not be deemed a place provided or set apart for the purpose of exposing or exhibiting a person's sexual organs in a manner contrary to the first sentence of F.S. § 800.03, the state's indecent exposure statute, as set forth in the decision of the Supreme Court of Florida in the case of Hoffman v. Carson, 250 So. 2d 891, 893 (Fla. 1971), appeal dismissed 404 U.S. 981 (1971).

Adult theater: any establishment that has adult booths where adult material may be viewed or any establishment that has an auditorium, rooms, or an open-air area where persons may view films, motion pictures, videocassettes, slides or other photographic reproductions that have as their primary or dominant theme matters depicting, illustrating or relating to specified sexual activities or specified anatomical areas. Adult motels and adult booth or peep show arcades are considered to be adult theaters.

Adverse impact (roads): where project traffic added to background traffic or official benchmark traffic count increases the traffic volume on an impacted thoroughfare road beyond the maximum allowable volume established for the minimum acceptable level of service standard as adopted in the City's Comprehensive Plan.

Advertising: any form of public announcement intended to aid, directly or indirectly, in the sale, use, or promotion of a product, commodity, service, activity, or entertainment.

Agricultural use: the use of land in horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee-keeping, pisciculture and all forms of farm products and farm production. This definition also includes "normal farming operation".

Agricultural waste: solid wastes resulting from the rearing and slaughtering of animals and the processing of animal products, orchard and field crops which are stored, transported or disposed of as an unwanted waste material.

Air curtain incinerator: a portable or stationary combustion device that directs a plane of high-velocity forced draft air through a manifold head into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a re-circulating motion of air under the curtain.

Alcoholic beverage: drink containing more than one percent of alcohol by weight.

Alley: a roadway dedicated to public use which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration: any changes in structural parts; type of construction; kind or class of occupancy. The word "alteration" shall include the word "alter" or "reconstruct."

Altered wetlands: wetlands which have been substantially affected by man, but which continue to be dominated by wetland or transitional vegetation.

Animals: includes, but is not limited to, both household pets and farm animals. A living organism other than a plant or bacterium, including fish, amphibians, reptiles, birds, and mammals. For purposes of this ordinance the term animal excludes humans.

Animal shelter: a lot and/or building or part thereof used for the care of lost, abandoned, or neglected animals.

Animated sign: any sign that utilizes motion of its parts by any means, or displays flashing, oscillating, or intermittent lights. This term also includes the use of animals or people for advertising purposes. This definition includes signs with rotating panels, generally referred to as trivision signs. Such signs are not permitted.

Announcing sign: a poster announcing a project to be under construction or an intended use of the premises in the immediate future.

Antenna: an arrangement of wires or metal rods used in transmitting or receiving electromagnetic waves.

Apartment: a rental dwelling unit that is located within the same building with at least two other dwelling units. Sites included in this land use are triplexes and all types of apartment buildings. The apartments in this land use include both low-rise or "walk-up" dwellings and high-rise.

Apartment house: See multiple-family dwelling.

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.~~

Applicant: any person applying for or who has been granted a development order and/or permit to proceed with a project.

Arcade: a commercial establishment with the principal activity featuring pay-to-pay games.

Area of copy: the entire area of the advertising display surface area encompassed within any sign.

Area of shallow flooding: a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of sign: section within a perimeter that forms the outside shape including any frame that forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled. On any sign with more than one face, only the square footage of the face visible from any one direction at a time will be counted, provided that all faces are equal in size and contained in a common perimeter. When a sign is composed of letters only, the sign area is the sum of the areas of the rectangles enclosing all letters. See also "Sign area."

Area of special flood hazard: the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This term is synonymous with the phrase “special flood hazard area”.

Arterial street* or *road: a route providing service which is or has the potential of relatively continuous and or relatively high traffic volume, long average trip length, high operative speed, and high mobility importance. Usually a street or road that is used primarily for through traffic. Arterial streets or roads include all United States or State of Florida numbered highways, and all roads or streets that are designated as arterials in the transportation element of the Comprehensive Plan of the City of Deltona.as it may be amended from time to time.

Artificial drainage system: any canal, ditch, culvert, dike, storm sewer, or other man-made facility which tends to control the surface flow of water.

Artificial light: any source of temporary, fixed or movable light emanating from a man-made device, including, but not limited to, incandescent mercury vapor, metal halide, or sodium lamps, spotlights, streetlights, construction or security lights. This definition shall not include hand-held or vehicular lighting.

As-built plans: the amended final site plans specifying the locations, dimensions, elevations, capacities and capabilities of structures or facilities as they have been constructed.

Attached: a building otherwise complete in itself, which depends for structural support or complete enclosure upon a division wall or walls shared in common with an adjacent building or buildings.

Automobile parts sales: means and includes automobile new parts, equipment, and accessories sales.

Automobile repair garage: a premise used for the maintenance and servicing of automobiles; and or the sales and installation of batteries, air conditioning systems, tires or other automotive accessories; and where major automotive repairs may be accomplished but excluding body repairs, major mechanical repairs and painting.

Automobile repair or body shop: includes automobile repair garages; automobile body shops; automobile service stations, types A, B, and C; bus garage and repair shops; and major automobile and truck repair garages including major repair, body work and painting services.

Automobile service station:

Type A: Any premises used for the servicing of motor vehicles, including engine tune-ups and repair; wheel balancing, alignment, brake service; the retail sale of fuel, lubricants and other products necessary to the operation and maintenance of motor vehicles, and the installation of such products; the sale of refreshments; but excluding the rebuilding or reconditioning of engines, and body repair.

Type B: In addition to type A uses, any repair, rebuilding or reconditioning of any motor **vehicle.**

Type C: Any premises used or designed to be used for the sale of gasoline in conjunction with another principal retail use.

Average trip length: the average distance in miles of external trips.

Background traffic: volume of traffic on roads identified in the City's thoroughfare network not attributable to the proposed development order.

Backlogged thoroughfare: state or city roadway operating at a level of service below the minimum standard level of service adopted by the city commission and is not programmed for construction in the first three years of the State of Florida Department of Transportation Five-Year Road Program for State Roads or is not included in the City's five-year program for capacity improvements.

Banks and savings with drive-in: has the meaning assigned in the Institute of Transportation Engineers Trip Generation Manual ("ITE Manual"), Code 912, and includes any financial institution that is characterized by the ITE Manual as a "walk-in" facility.

Banks and savings with walk-in: has the meaning assigned in the ITE Manual, Code 911, and includes any financial institution that is characterized by the ITE Manual as a "walk-in" facility.

Banner: Any temporary sign meeting the time limitation of the ordinance with characters, letters, illustrations, or ornamentation applied to cloth, paper, or fabric of any kind that is not permanently attached to a solid backing of wood, plastic, metal, masonry, or similar rigid material. A flag shall not be considered a banner.

Bar: premises devoted primarily to the retailing and drinking of malt, vinous or other alcoholic beverages, or any other premises where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises. The word "bar" shall include the words "saloon," "tavern," "pub," "barroom," "cocktail lounge" and "cabaret."

Basement: portion of a building having its floor subgrade below ground level on all sides.

Bed and breakfast homestay: owner-occupied building used as a single-family residential dwelling that provides overnight lodging and breakfast to transient, paying guests. The homestay use is to be incidental to the primary use as a private residence.

Bench sign: any sign painted on or attached to a bench.

Benchmark traffic counts: last traffic counts made prior to the adoption of the City's Comprehensive Plan that are used as the base for measuring degradation or improvement on constrained and backlogged roads.

Best management practices (BMP)**:** State-of-the-art technology as applied to a specific problem and including a schedule of activities, prohibited practices, and maintenance procedures.

Bicycle facilities: general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities, maps, all bikeways, and shared use of roadways not specifically designed for bicycle use.

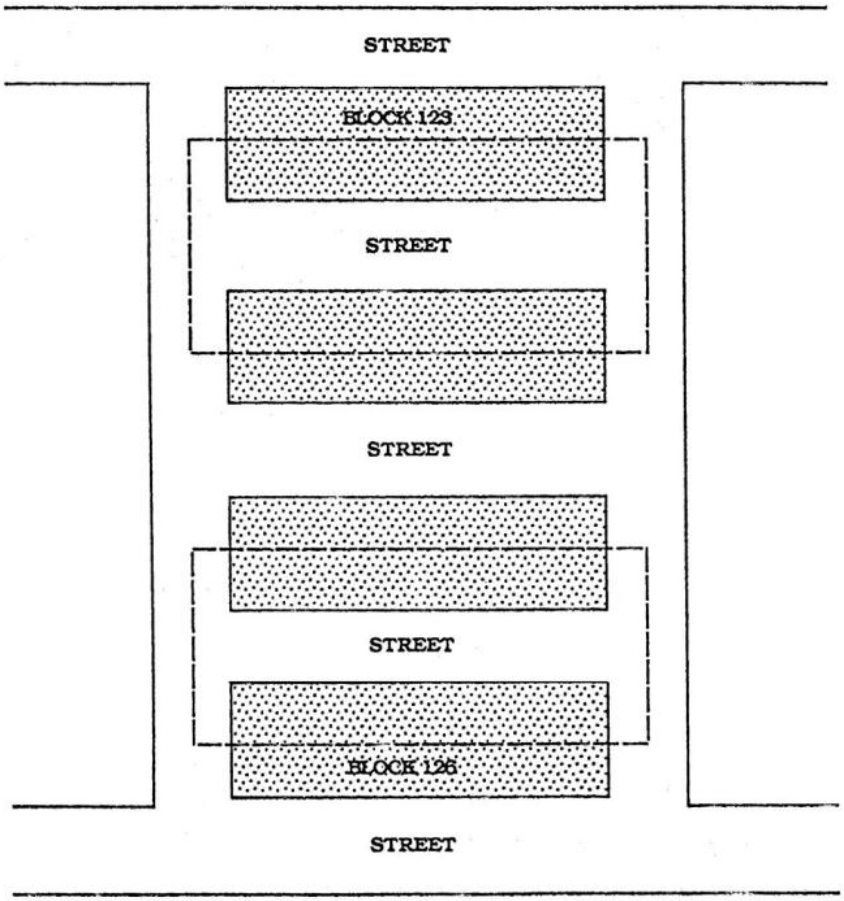
Bikeways: any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

Billboard: Any large off-site signboard, usually for sale or for lease, used for advertising or message purposes for highway oriented use and is not considered a pole or pylon sign.

Block: group of lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter, or other name through which it may be identified.

Block face: all land fronting on both sides of a street between the nearest streets, intersecting, meeting, or crossing the aforesaid street, or a linear distance of 600 feet, whichever is less.

ILLUSTRATION OF BLOCK FACE



Boardinghouse: premises other than a hotel, restaurant, or congregate living facility where meals and lodging are furnished for compensation to seven or more persons unrelated to the owner of the premises by marriage, birth, or legal adoption.

Boathouse: means a structure designed solely for the protection or storage of watercraft.

Box or cabinet sign: Any sign, the face of which is enclosed, bordered or contained within a box-like structure, frame, or other device.

Breakaway wall: means a partition that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Break point: location on a communication tower of a designed feature which, in the event of a tower failure, would result in the tower falling entirely within the boundaries of the property on which it is located.

Buffer: upland areas adjacent to wetlands which are necessary to protect the wetlands and wetland species from the detrimental impacts of development or alteration. The buffer shall include canopy, understory, and groundcover which consists of preserved existing vegetation or planted native species.

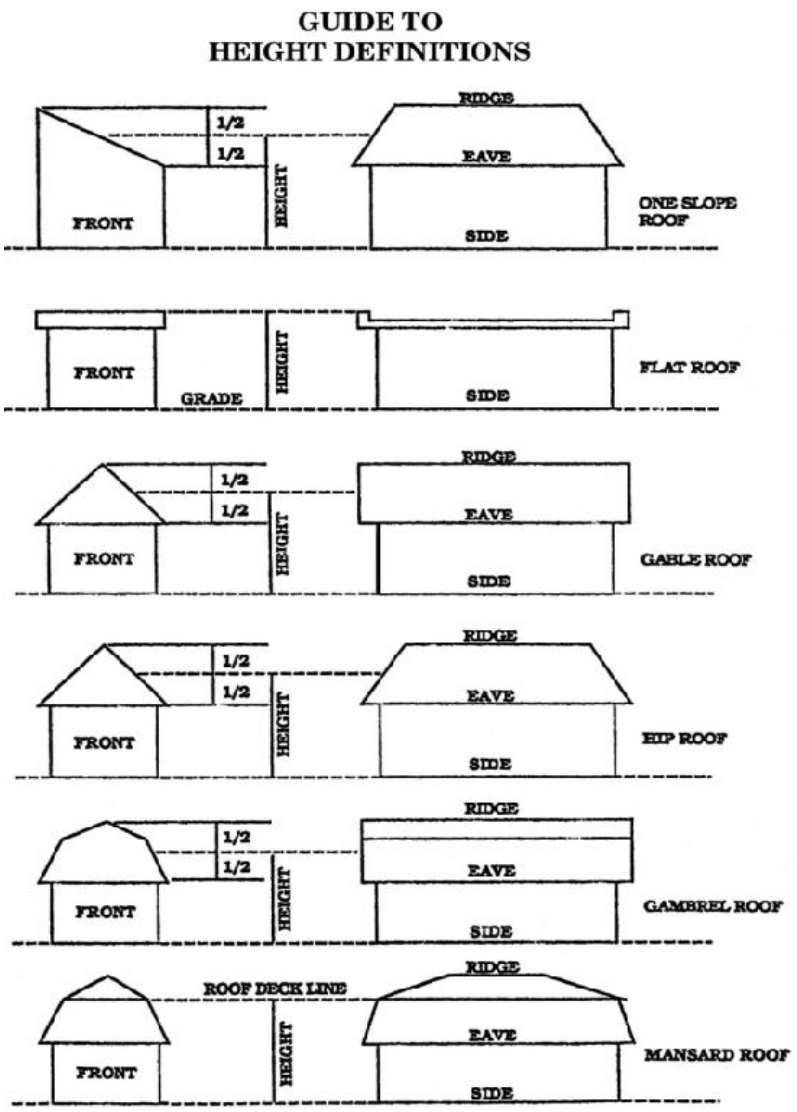
Buildable area: The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance has been met.

Building: any permanent or temporary structure, with a roof built for support, shelter, or enclosure for any occupancy or storage.

Building area: the area included within surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building areas if such areas are included within the horizontal projection of the roof or floor above.

Building frontage: linear length of a building facing the right-of-way.

Building height: vertical distance from a horizontal plane established at the average ground elevation around the perimeter of the building, and the horizontal plane through: a) the highest point of the roof assembly or parapet, whichever is greater, in the case of a building with a flat roof; or b) to the deck line of a mansard roof; or c) the average level between the eaves and ridges for gable, hip, gambrel, and other roof types; or, of no roof, to the highest point of any structure.



Building identity sign: a sign used to name a single structure either by naming the building or property or used as an identity of a main occupancy.

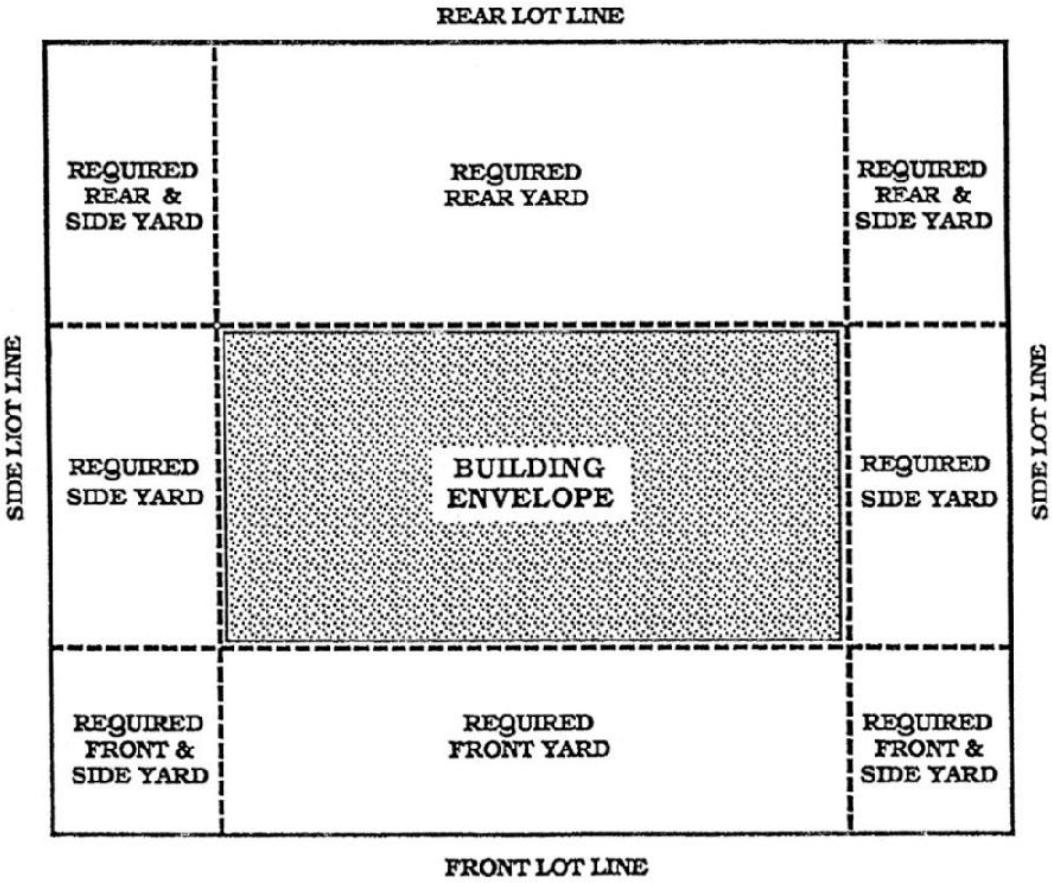
Building line: mark established by minimum yard requirements outside of which no principal structure may be erected.

Building permit: documentation required by the City Building Code that authorizes construction or alteration of any building.

Building, principal: the structure in which the primary use conducted on the lot is located.

Building separation: the least horizontal distance permitted between the nearest portions of any building envelope on a lot, or between the nearest portions of any building envelope on adjacent lots.

BUILDING ENVELOPE



Building setback line: line parallel to and of the same configuration as the lot line, and which is located behind the front lot line, the minimum distance required by the front yard requirements of this chapter, in front of which no structure shall be permitted, erected, or placed, unless otherwise expressly permitted by this chapter. Also, with reference to all lot lines, the line defining the least horizontal distance permitted between a lot line of a lot and the nearest portion of any building envelope on such lot.

Cafeteria: premises where a variety of foods and beverages are prepared in advance and then selected by customers from a buffet for consumption on the premises.

Camouflaged communication tower: tower designed to unobtrusively blend into the existing surroundings and be disguised so as to not have the appearance of a communication tower. Such structures shall be considered communication towers and not spires, belfries, cupolas or other appurtenances usually required to be placed above the roof level for purposes of applying height limitations. It is recognized that due to their height, such structures must be designed with sensitivity to elements such as building bulk, massing and architectural treatment of both the tower and surrounding development. Camouflaged towers on developed property must be disguised to appear as either a part of the structure housing the principal use or an accessory structure that is normally associated with the principal use occupying the property. Camouflaged towers developed on unimproved property should be disguised to blend in with the existing vegetation. An example of a camouflaged communication tower would be a tower that is constructed in the form and shape of a tree in order to appear to be part of a

forested area, or a tower constructed to appear to be or to actually be a component of a bell or clock tower on sites with existing industrial or institutional development, or to be or appear to be a component of a church steeple on sites with existing churches.

Camper: See "mobile recreational shelters and vehicles."

Campground: See "recreational vehicle park."

Car wash: structure containing specialized mechanical apparatus and facilities for washing motor vehicles.

Canopy: structure constructed of rigid materials, including but not limited to metal, wood, concrete, plastic or glass, attached to and supported by a building or by columns, poles or braces extended to the ground.

Canopy sign: means the same as "Marquee sign."

Capacity: Ability to absorb demand safely.

Capital improvement: includes architectural studies, preliminary engineering, engineering design studies, land surveys, property acquisition, engineering, permitting and construction of all the necessary features for any project, including:

(a) For any fire/rescue service project (Chapter 94):

1. Construction of fire stations and substations.
2. Acquisition of all firefighting and protection equipment necessary for the prevention of fires and fighting fires.
3. Acquisition, construction, and equipping of training facilities to support fire/rescue service staff.
4. Acquisition and equipping of rescue vehicles and other emergency equipment.
5. Any other buildings, improvements to land, and related equipment and vehicles used for fire and rescue activities.
6. Acquisition of land that is used for the purposes described in subsections 1. through 5., above.

(b) For any park project (Chapter 94), any preliminary engineering, engineering design studies, land surveys, property acquisition, engineering, permitting and construction of all the necessary features for district and local neighborhood parks projects, including but not limited to layout of walking paths, construction of ball_fields, picnic pavilions, installation of equipment for children's play areas, irrigation systems, lighting systems, fencing, bleachers, roads, parking facilities, restrooms, concession and community buildings, manager quarters and storage buildings.

(c) For any transportation project (Chapter 94), any transportation planning, preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting and construction of all the necessary features for any road construction project including, but not limited to:

1. Construction of new through lanes.
2. Construction of new turn lanes.

3. Construction of new bridges.

4. Construction of new drainage facilities in conjunction with new roadway construction.

5. Purchase and installation of traffic signalization (including new signalization and upgrading signalization).

6. Construction of curbs, medians, shoulders, sidewalks and bike paths.

7. Relocating utilities to accommodate new roadway construction.

(d) For any law enforcement project (Chapter 94), any:

1. Construction of police office buildings, stations, and substations.

2. Acquisition of all law enforcement equipment.

3. Acquisition, construction and equipping of training facilities to support law enforcement service staff.

4. Acquisition and equipping of law enforcement vehicles and other emergency equipment.

Catering services: premises where a variety of foods and beverages are primarily prepared in advance and then delivered to customers for consumption off the premises.

Certificate of capacity: document approved by the DRC pursuant to the terms of this chapter that constitutes proof of adequate public facilities to serve the proposed development.

Certificate of capacity exemption: document approved by the Planning and Development Services Director or his/her designee pursuant to the terms of this chapter evidencing a determination by the Planning and Development Services Director or his/her designee that the development is exempted from chapter 86 of this Code.

Certificate of occupancy: official document or permit issued by the City evidencing the completion of construction of a building in accordance with all applicable codes and its legal entitlement to permanent occupancy and use.

Changeable copy sign: Any sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign that also includes digital electronic changeable copy signs. *(amended by Or. 02-2013)*

Church: See "house of worship".

~~***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.~~

City: the City of Deltona, Florida.

City Commission: the elected legislative body of the City of Deltona that includes the mayor and the duly constituted members of the City Commission.

City Manager: chief administrative officer for the City of Deltona holding the office established by Section 7 of the City of Deltona Charter.

City property: land and appurtenances owned by the City of Deltona, Florida.

Classified: zoning classification of the zoning ordinance, chapter 110 of this Code.

Clearing: removal of any natural constructed material including trees or brush from the land, but shall not include mowing or grubbing, except as provided in chapter 98, article III of this Code.

Clinic, medical* or *dental: establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one or more persons practicing any form of the human healing arts, whether they are medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists or any similar professional licensed by the State of Florida. The term does not include a veterinarian clinic, massage parlor, or tattoo parlor.

Closure: termination of any regulated or prohibited nonresidential land use or activity covered by this chapter.

Club, night: commercial premises where food, alcoholic beverages or other refreshments may be obtained for consumption on the premises and where floor shows or other forms of entertainment may be provided for the customers.

Club, private: buildings and facilities owned and operated by a corporation or association of persons for social or recreational purposes but not operated primarily for profit or to render a service which is customarily carried on as a business. Adult entertainment establishments regulated by Ordinance No. 04-97 [chapter 78], tattoo parlors, night clubs, and dance halls shall not be classified as private clubs regardless of whether or not they have exclusive memberships or are nonprofit organizations.

Collecting agency: City's building and zoning services department.

Collector road: route providing service which is of relatively moderate, average traffic volume, moderately average trip length, and moderately average operating speed. These routes also collect and distribute traffic between local roads and/or arterial roads and serve as a linkage between land access and mobility needs. The City's collectors include those designated on the City's thoroughfare system plan map and those designated by the Florida Department of Transportation in accordance with F.S. § 335.04.

Commercial: use of land, building or structure for the purpose of building and selling commodities and supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing, transport terminals, construction, and other non-commercial uses.

~~***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.~~

Commercial hand-held sign: Any sign which contains a commercial message that is held or worn by a person and is visible from any public road right-of-way, but does not include any sign that exclusively contains a political message, or other message that is not related in any way to a commercial or business venture.

Commercial message: Any sign, wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, service, sale or sales event or other commercial activity.

Commercial nursery* and/or *greenhouse: building and or land for the growing of flowers, fruits, vegetables, plants, shrubs, trees and or similar vegetation which is sold directly from such building or lot at retail.

Common open space: means a commonly owned area of land reserved primarily for the leisure or recreational use of the owners of a residential development.

Communication antenna: antenna designed to transmit or receive communications as authorized by the Federal Communications Commission. The term shall not include amateur radio antennas, CB, marine

band or Class C commercial antennas or direct broadcast antennas less than 12 feet in height and less than 39 inches in diameter.

Communication tower: tower greater than 35 feet in height (including antenna) which supports communication (transmission or receiving) equipment. The term communication tower shall not include amateur radio operators' equipment, as licensed by the Federal Communications Commission (FCC).

Complex: group or cluster of buildings with a common access from a dedicated or nondedicated roadway.

Comprehensive plan: the "City of Deltona Comprehensive Plan" adopted by the City Commission pursuant to chapter 163, part II, Florida Statutes as amended, in compliance with the requirements of the Local Government Comprehensive Planning and Land Development Regulations, F.S. § 163.3161 et seq., as amended.

Compatible**:** building, structure, activity, or use that blends with, conforms to, or is harmonious with the surrounding ecological, physical, visual or cultural environment; which does not create nuisances caused by adverse sensory impacts with respect to the uses of other properties; and which does not have a significant adverse impact on the values of adjacent properties when those properties are used for the purposes for which they are intended in this chapter and the comprehensive plan.

Concurrency: ensure that public facilities and services needed to support development are available concurrent with the impacts of such developments.

Conditional use: use expressly so designated that would not be appropriate generally or without restriction throughout a particular zoning classification but that would not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals or general welfare, if controlled in number, area, location, relation to the neighborhood, hours of operation, or in other appropriate respects. The term "special exception" is synonymous.

Conditional use site plan: combination of documents and exhibits required by section 110-1102.

Conforming: use of land which falls within the uses permitted in and conforms to all the regulations set out in this chapter for the zone in which the use, building, or structure is located, and which conforms to the comprehensive plan and all other applicable laws, rules and ordinances.

Consistency: a requirement that all land development regulations be consistent with the comprehensive or master plan of the municipality, county, or state

Consistency, comprehensive plan: any provision thereof is consistent with the comprehensive plan, if it is not in conflict with and takes action in the direction of realizing the comprehensive plan's goals, objectives, or policies.

~~***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.~~

Construction **and** ***demolition debris:*** materials generally considered to be not water soluble and non-hazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project, and including rocks, soils, tree remains, trees, and other vegetative matter which normally results from land-clearing or land development operations for a construction project. Mixing of construction and demolition debris with other types of solid waste, including material from a construction or demolition-site which is not from the actual construction or destruction of a structure, will cause it to be classified as other than construction and demolition debris.

Construction plans: drawings or renderings, prepared by a Florida registered engineer or architect, showing how a specific structure, building or other improvement is to be constructed.

Construction project sign: a sign individually or jointly erected and maintained on the premises while undergoing construction by an architect, contractor, developer, finance organization, subcontractor or materials vendor upon which property such individual is furnishing labor, services and/or material.

Construction, real estate sign: A construction sign, as described above, which also advertises the real property where the sign is located for sale, lease or rent.

Construction sign: A sign announcing and identifying the construction project scheduled or underway on the site where the sign is located.

Construction, start of: the duly permitted permanent placing or erection of construction materials into position. When excavation or removal of an existing structure has commenced in preparation for new construction, such excavation or removal shall be deemed to be the start of construction. When fill or changes in the grade of a site have commenced in preparation for new construction, such fill or changes in grade shall be deemed to be the start of construction. The term includes built, constructed, reconstructed, moved upon or any physical operation on the premises required for building. The term shall also include the constructing, building, raising, assembling, relocating, placing, replacing, affixing, creating, structurally altering, painting, drawing, or in any other way creating or establishing a sign. It shall not include changing the copy or the customary maintenance or repair of a sign.

Conviction: determination of guilt resulting from a plea or trial, regardless of whether adjudication was withheld or whether imposition of sentence was suspended.

Copy Area or Copy Face: the wording, symbol or message on a sign surface either in permanent or removable letter form.

County: the County of Volusia, Florida.

Cross-sectional area: part of the trunk of a tree taken four and one-half feet above the base of the tree measured perpendicular to the axis of the trunk.

Curb market: the retail sales of only fresh fruit and vegetables (not live plants) from a temporary structure or vehicle on a lot.

Customer: any person at an establishment, excluding an employee or operator, who does either of the following:

(1) Is present at an establishment, regardless of whether that person has actually given any consideration or spent any money for goods or services; or

(2) Has paid or has offered, agreed, been solicited, or had someone else offer or agree on that person's behalf to pay any consideration fee, or tip to an operator or worker of an adult entertainment establishment.

Cutoff: A cutoff outdoor lighting fixture emits no more than one percent of its light above 90 degrees and ten percent above 80 degrees from horizontal.

Day care center: premises where more than five persons, other than members of the immediate family occupying the premises, are kept under supervision. The term "day care center" includes day nurseries, kindergartens, day-care services, day-care center, day-care agency, nursery school, play school, preschool or any other terms indicating that persons are under day-care control. Provided, however, that this term does not include family day care homes as defined in F.S. § 402.302.

Deficit road segment: road segment that is operating below the adopted level of service standard set forth in the comprehensive plan. A deficit road segment may be either a backlogged or constrained thoroughfare as identified in the comprehensive plan.

Density: total number of dwellings per net acre of land. For purposes of applying a specified density regulation, a fractional part of an acre will permit that fractional part of the number of dwellings allowed for a full acre; calculations resulting in a fractional part of a dwelling shall be rounded up to the next whole number of dwellings whenever the fractional part of a dwelling is one-half or greater.

Density, Gross: absolute density of all land comprising the development tract.

Density, Net: number of dwelling unit per acre excluding dedicated land.

Department: the City Manager or his authorized designee, and fire and rescue department of the City and the City law enforcement agency, including their directors, workers, officers and agents.

Design fall radius: the property area within which, in the event of a failure, a communication tower would entirely fall, as determined by the engineering design.

Designated thoroughfare: A principal arterial, minor arterial or collector road that is designated as a "Thoroughfare" as part of the City of Deltona Comprehensive Plan Thoroughfare Roadway System Map, as amended.

Designated thoroughfare plan: plan or plans of all or such portions of the geographical area of the City as the city commission shall from time to time adopt in conformity with the requirements of section 70-29 and which depicts a unified network or system of thoroughfares designed or intended to meet present and anticipated future needs of the City.

Deteriorated tree: degenerated or damaged to the point where death of the tree is imminent or to the point where the tree poses a significant hazard.

Determination of capacity: comparison of a development's impact on public facilities with the capacity of the required public facilities that are or will be available concurrent with the impacts of development as provided in chapter of this Code.

Developer: any person engaged in developing or improving a project or group of lots for use, occupancy or sale.

Developed lot: any lot which has a building or mobile home on it including all appropriate infrastructure. Developed lot shall include in its definition the swale area.

Development: any human initiated change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials and equipment, or the dividing of land into two or more parcels. Development shall include:

(1) A reconstruction, or remodeling when said remodeling includes the alteration of exterior lighting, alteration of the size, or structural change in the external appearance of a structure on land.

(2) A change in the intensity of use of land, such as: an increase in the number of dwelling units in a structure or on land, or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.

(3) Alteration of a shore or bank of a river, stream, lake, pond or canal, or other governmentally-defined navigable waterway.

(4) Commencement of drilling, except to obtain soil samples; mining; or excavation on a parcel of land.

(5) Demolition or removal of a structure.

(6) Clearing of land as an adjunct of construction.

(7) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

(8) Any land altering activity described in F.S. § 380.04.

Development order: an order authorizing the granting, denying, or granting with conditions [of] the issuance of development permits, to include building permits, for a development which is the subject of an application.

Development permit: any permit, other than a building permit, or any other official action of a unit or agency of local government having the effect of allowing the development of land to commence.

Development plan: any subdivision or site plan which is the subject of this chapter.

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.

Development, rural: residential development where the density is one unit per acre, or less.

Development, urban and suburban: residential development where the maximum density is greater than one unit per acre.

Diameter at breast height (DBH:) the trunk diameter of a tree measured four and one-half feet above the average ground level at the base of the tree. Provided, however, if the tree forks above four and one-half feet above ground level, it is measured below the swell resulting from the double stem. Stems that fork below four and one-half feet above ground level shall be considered separate trees.

Diffuse: to spread or scatter widely, or thinly.

Direct illumination: illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground of building faces.

Directional sign:

(1) A sign, permanently erected or permitted in the public right-of-way or private property by the city, county, the state or other governmental agency, including signs that denote the name of any thoroughfare, the route to any city, town, village, educational institution, public building, historic place, shrine or hospital to direct and regulate traffic, to denote any railroad crossing, bridge, ferry or other transportation or transmission company for the direction or safety of the public.

(2) A sign, notice or symbol for the information of the Federal Aviation Administration as to locations, directions, landings and conditions affecting safety in aviation.

(3) An on-premises temporary sign that contains information regarding the time and place of regular meetings of civic or religious groups.

(4) An on-premises sign within a complex or a planned unit development indicating the route of travel for reaching the place within the complex or planned unit development indicated on the sign face.

(5) Any sign used to indicate the direction to entrances, exits, parking areas, restrooms, drive-through facilities or other nonbusiness related facilities on the site.

Directory sign: Any sign listing only the names, uses or locations of more than one business, activity or professional office conducted within a building, group of buildings or commercial center.

Disability glare: bright light resulting in reduced visual performance and visibility. It is often accompanied by discomfort.

Display lot* or *area: outdoor areas where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required. To qualify as a display lot, one of the following specific uses must occur: automobile sales, boat sales, tractor sales, building supply sales, gardening or nursery sales, assembly lots, swap meets. Uses not on this list must be approved as display lot uses by the municipality.

Discharge, discharge point: the outflow of water from a project, site aquifer, drainage basin or facility.

District Park: this park will satisfy recreational needs in terms of resource-based and active-based facilities that are not typically available or suitable for the local park system. In consideration of developing a district park where acreage and locational factors are to be studied, the district parks may eliminate the need for a regional park system. These large park sites may adjoin the public junior/senior high schools or a community college site. The district park service shall include a large population sector and should be located and designed as an outdoor recreation unit.

Double-faced sign: A sign with two copy faces, which are typically parallel, but can be at an angle to one another not exceeding 30 degrees, provided that there is an apex and joinder of the two copy faces. Copy faces cannot be perpendicular to one another.

Drainage easement: land in which the public or the city has an easement devoted to, planned, proposed or required for use as a public drainage system.

Drainage system, natural drainage: surface streams or swamps which convey water to natural points of discharge.

Drawing by chance/ drawing/raffle: an enterprise in which, from the entries submitted by the public to the organization conduction the drawing, one or more entries are selected by chance to win a prize. The term drawing does not include those enterprises, commonly known as game promotions, as defined herein, matching, instant winner, or preselected sweepstakes, which involve the distribution of winning numbers, previously designated as such, to the public.

Dredging: excavation by any means in water or wetland. It also means the excavation or creation of a water body which is or is to be connected to waters, directly or via excavated water bodies or a series of excavated water bodies.

Driveway:

1. an area that connects the parking aisles of a parking lot to the public right-of-way, to a private street, or to another major driveway.
2. an area of land which provides vehicular access from a street to the off-street parking space of a premises.

Driveway entrance: portion of a driveway which immediately abuts the public right-of-way or a private street.

~~***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.~~

Dwelling: one or more rooms in a building forming a separate and independent housekeeping establishment, arranged, designed or intended to be used or occupied by one family, and having no enclosed space or cooking or sanitary facilities in common with any other dwelling unit with no ingress or egress through any other dwelling unit, and containing permanent provisions for sleeping facilities, sanitary facilities and not more than one kitchen. Not included are hotels, boarding, lodging houses or mobile homes whether such units are mobile or located in a stationary fashion as when on blocks or other foundations.

Dwelling, attached: residence attached to another residence's foundation, wall or roof.

Dwelling, detached: residence entirely surrounded by open space and not attached to another residence's foundation, wall or roof.

Dwelling, manufactured: house fabricated in a manufacturing facility and bearing a seal certifying it is constructed to standards as adopted under the authority of part IV, chapter 553, Florida Statutes, and rules adopted by the Florida Department of Community Affairs under chapter 9B-1 et seq., Florida Administrative Code.

Dwelling, mobile home: single-family residence fabricated in a manufacturing facility, having a width of more than eight feet and a length of more than 40 feet and bearing a seal certifying it is constructed either to the Federal Manufactured Housing Construction and Safety Standards Code or to obsolete ANSI 119.1 Mobile Home Design and Construction Standards.

Dwelling, model: any new house temporarily used by the builder/developer for the purpose of on-site sales, construction or security of the type of dwelling being constructed only in the development in which it is located. A model dwelling may continue to exist until it is replaced by another use. Usually model dwellings are on display for three to five years, or until the subdivisions where they are located are substantially built out. A home built for speculative sale (without a contract for purchase at completion) shall be considered a model home where it is built on the same block face as a proposed or existing model home.

Dwelling, multiple-family: building designed for or occupied exclusively by three or more families.

Dwelling, single-family: building designed for or occupied exclusively by one family on a permanent foundation. Single-family dwellings are limited to standard and manufactured dwellings, and do not include mobile homes or temporary buildings or structures.

Dwelling, standard: dwelling unit on the site where it is to be occupied and constructed to the Standard Building Code as promulgated by the Southern Building Code Congress and as adopted by the Deltona City Commission.

Dwelling, two-family: building containing only two dwellings. The term "duplex" is synonymous.

Easement: Dedicated strips of land, privately owned, used by utility companies and the City to construct and maintain utilities and drainage.

Educational institution or school: premises or a site upon which there is an institution of learning, whether public or private, that conducts regular classes and/or courses of study.

Efficiency unit: dwelling consisting of not more than one room in addition to kitchen and bath. It is synonymous with "studio unit."

Election sign: any sign that indicates the name, cause or affiliation of any person seeking office or indicates any issue or referendum question for which an election is scheduled to be held. This includes but is not limited to signs advertising candidates, referendums or any campaign information.

Electrical sign: a sign or sign structure in which electric wiring, connections or fixtures are used as part of the sign proper.

Electronic message center: a changeable copy face, lighted sign that flashes, moves and/or flashes to create an illusion of movement for the purposes of advertising, promotion or attention-getting, with or without copy. (Similar to "Scoreboard or digital electronic changeable copy sign.*")(amended by Or. 02-2013)*

Elevated building: non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Emergency repairs: work necessary to protect and preserve life and property of inhabitants of the City.

Enclosed storage area: an area that is surrounded on all sides by a continuously connected fence or wall except where it is necessary to provide for pedestrian or vehicle openings.

Encroachment: The advance or infringements of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Enforcement Official: the director of a given city department assigned the responsibilities of enforcing designated parts of the city code, or such other person as may be designated by the city manager.

Entertainment and recreational uses and structures: any for-profit use or structure whose primary purpose is for recreation or entertainment such as go-cart tracks, water slides, driving ranges independent of golf courses, miniature golf courses, etc.

Environmental management director (EMD): the director of department of environmental management of Volusia County or his/her duly authorized representative.

Environmentally sensitive lands: lands and/or wetlands, swamps and marshes, which provide ecologically important or vital resources, particularly those ecological communities which are locally or regionally rare or threatened, or which provide habitat for wildlife species which are officially listed as endangered, threatened, or of special concern (also referred to as "critical habitat"). Examples of environmentally sensitive lands include, but are not limited to: wetlands; upland fringes of wetlands and shorelines; hardwood hammocks; and areas designated for the purpose of conserving or protecting natural resources of environmental quality. Surface water bodies, other than those associated with and within the perimeter boundaries of wetlands, swamps, or marshes, are not included in the meaning of the term Environmentally Sensitive Lands.

Equivalent residential unit (ERU): measure of consumption for potable water and sanitary sewer services.

Erected: attached, altered, built, constructed, reconstructed, enlarged or moved, and includes the painting of wall signs, but does not include copy changes on any sign. Also see "construction, start of."

Escort: any person who, for commercial or pecuniary gain, compensation or tips, agrees to, offers to go, or goes to any place, including a business, hotel, motel, residence or conveyance to do any of the following acts:

(1) Act as a companion or date for or converse with a customer;

(2) Engage in physical contact with another person;

(3) Provide private adult entertainment;

(4) Engage in private modeling or lingerie modeling;

(5) Display specified anatomical areas, strip naked, or go topless; or

(6) Engage in any specified sexual activity.

Nothing in this definition shall be construed to legalize prostitution or other conduct prohibited by this chapter or other law.

Escort service or ***escort agency:*** person, establishment, place or business, operated for commercial or pecuniary gain, that does either of the following:

(1) Advertises as an escort service or escort agency or otherwise offers or advertises that it can furnish escorts, private dancers or private models; or

(2) Offers or actually provides, arranges, dispatches or refers workers, employees, agents or independent contractors to act as an escort for a patron or customer.

It is an affirmative defense that a business is not an escort service if a person seeking to invoke this defense can demonstrate that the business is a bona fide dating or matching service that arranges social matches or dates for two persons who each wish to meet a compatible companion when neither person solicits, accepts or receives any financial gain or any monetary tip, consideration or compensation for the meeting or date.

Establishment: any place, site or premises, or portion, upon which any person conducts activities or operations for commercial or pecuniary gain, including any place, site or premises from where an escort service dispatches or refers workers to other locations, or at which an escort service receives business calls from customers.

Excavation: the hollowing out, removal by digging or leveling of any land, dirt, sand, clay, soil, rock, solid minerals or other soil materials.

Excavator: any person who sells or offers for sale, whether directly or indirectly, any excavated materials, or any person who excavates any material and transfers such excavated material from one parcel of land to any noncontiguous parcel.

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

Existing: the average condition immediately before a legal act of development or redevelopment commences.

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".

Existing manufactured home park* or *subdivision: a manufactured home park or subdivision for which the construction of facilities for servicing the lots in which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before April 18, 1974.

Expanded residential building site: two or more contiguous lots that front on the same street, that are under the same ownership, and one of which is occupied by a single-family or two-family standard dwelling, and the other of which is vacant. Lots under the same ownership having common rear lot lines, platted through lots, or lots combined to create through lots, are not included in this definition.

Expansion: Expansion of the capacity of a road applies to all road and intersection capacity enhancements and includes extensions, widening, intersection improvements, upgrading signalization and improving pavement conditions.

Expansion to an existing manufactured home park or subdivision: the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

External trip: any trip that has either its origin or destination at the development site and that impacts the major road network.

Facade: portion of a building encompassing the area extending in a generally vertical plane from the ground to the highest point of the building, marquee or canopy and extending in a horizontal plane between the vertical ends of the structure.

Family: any number of related individuals living together as a single housekeeping unit. A family may include up to six unrelated persons.

Farm worker: any person who assists with the chores, operation, security or maintenance of a farm or ranch.

Farm worker living facility: one or more dwellings located on a lot used to house farm workers. Also includes a bunkhouse.

Fascia sign. A sign located on the fascia of a roof or canopy, or affixed to the front plane of a mansard roof that is a maximum of 30 degrees from vertical, including signs that extend the plane of the structural fascia such that the vertical dimension of the sign is no more than one-third the distance from the ground to the bottom of the fascia, and no lateral supports are used.

Federal manufactured housing construction and safety standard codes: Title VI of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et seq.), as amended (previously known as the Federal Mobile Home Construction and Safety Standards), rules and regulations adopted there under (including information supplied by the home manufacturer, which has been stamped and approved by a design approval primary inspection agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), and regulations and interpretations of said code by the Florida Department of Highway Safety and Motor Vehicles Bureau of Mobile Home Construction; all of which became effective for mobile/manufactured home construction on June 15, 1976.

Fee payer: person commencing a land development activity which requires the payment of a fee required by this chapter. A "fee payer" includes any person or entity who pays a transportation impact fee or his/her successor in interest with the right or entitlement to any refund of previously paid development impact fees which is required by this article and which has been expressly transferred or assigned to the successor in interest. In the absence of an express transfer or assignment or entitlement to any refund or previously paid development impact fees, the right or entitlement shall be deemed "not to run with the land."

Fence: barrier, usually comprised of wooden or metal posts, rails or wire mesh, used as a boundary marker or means of protection or confinement.

Fill: any substance including, but not limited to, sand, dirt, limestone, concrete, clay, recycled materials, or other material used for the purpose of filling voids or low places in the topography of a lot or used to increase bulk, height, or area of a lot.

Filling: the deposit or burial of materials, such as land-clearing debris, soil, rock or other solid minerals, onto any land, water or wetlands. Does not include permitted landfills with garbage or other similar waste matter; landfilling.

Final Development Order: final site plan development order; preliminary plat or final plat development order.

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.

Finished floor elevation: vertical measure of any finished floor above or below an established bench mark.

Finished grade: the completed surface of lawns, walks or driveways brought to the grade shown on any building plans.

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.

Fire/rescue impact fee: fee required to be paid in accordance with Chapter 94 article II, Code of Ordinances.

Fish camp: any premises designed to provide for the harboring, sale or rental of boats, fishing equipment or other fishing essentials.

Flea markets: the retail sale of merchandise from individually rented spaces or temporary structures on a lot. The term is not intended to apply to similar activities by churches or other nonprofit organizations, or to a homeowner's garage sale provided that no more than two such garage sales are held during any calendar year and that such sales are limited to a duration of one week.

***Flood or flooding* means:**

a. A general and temporary condition of partial or complete inundation of normally dry land areas from:

   1. The overflow of inland or tidal waters.

   2. The unusual and rapid accumulation or runoff of surface waters from any source.

   3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a) (2) of this definition and are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

b. The collapse or subsidence of land along a shore of a lake or other body of water as the result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) (1) of this definition.

Flood Insurance Rate Map (FIRM): An official map of the community, issued by FEMA, which delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS): The official hydrology and hydraulics report provided by FEMA. The study contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-related erosion hazards. The study may also contain flood profiles, as well as the FIRM, FBFM (where applicable), and other related data and information.

Flood lamp: a specific form of lamp designed to direct its output in a specific direction (a beam) but with a diffusing glass envelope: Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

Floodlight: reflector-type light fixture which is attached directly to a building and which is unshielded.

Floodplain: Any land area susceptible to being inundated by water from any source (see definition of "flooding").

Flood proofing**:** Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor: top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor area: sum of the gross horizontal heated and/or air conditioned areas of the several floors of a dwelling measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but excluding:

(1) Unheated attic areas with a headroom of less than seven feet;

(2) Unenclosed stairs or fire escape;

(3) Elevator structures;

(4) Cooling towers;

(5) Areas devoted to air conditioning, ventilating or heating or other building machinery and equipment;

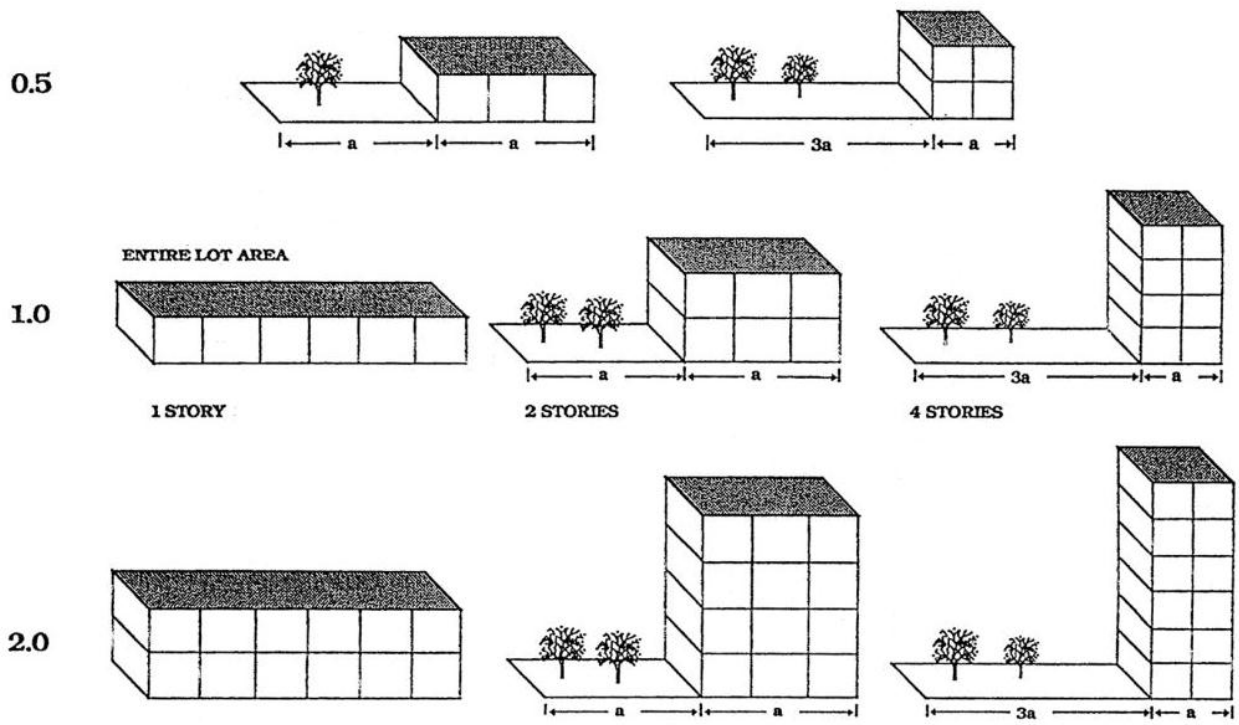
(6) Vehicle parking structures;

(7) Unheated basement space not devoted to residential use;

(8) Porches, patios, breezeways, sun porches or other similar structural additions that are unenclosed or are enclosed with screening.

Floor Area Ratio (FAR): a measure of non-residential development intensity. FAR is the building square footage divided by the lot area in square footage.

FLOOR AREA RATIO EXAMPLES



Florida registered: currently registered to practice a profession in the State of Florida.

Foot-candle: a unit of luminance equal to one lumen per square foot. It is the luminous flux per unit area in the Imperial System. One foot-candle equals approximately 11 (10.76) lux.

Frame effect: a visual effect on an electronic message center applied to a single frame to transition from one message to the next. *(Ord. No. 02-2013)*

Freeboard**:** The additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, blockage of bridge or culvert openings, and hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the heights calculated for a selected frequency flood and floodway conditions.

Freestanding sign: Same as "Ground sign".

Frontage: the length of the property line of any premises serving as a public right-of-way line.

Frontage, building: the length of an exterior building wall along a street right-of-way.

Frontage road and marginal-access road: mean a minor street which parallels and is adjacent to an arterial, thoroughfare or state road, and which provides access to abutting properties and protection from through traffic.

Frontage, street: the length of the lot line of any one premises along the street right-of-way line on which the lot borders.

Frontage wall face: building facade, excluding parapet, fascia, soffit, mansard and roof, that faces a frontage of the premises.

Full animation: The use of movement or some element thereof, to depict action or create a special effect or scene across the entire face of a sign and is also known as "background animation." *(Ord. No. 02-2013)*

Full circulation parking lot: parking lot design which permits the driver of a vehicle entering a parking lot to maneuver in front of all parking stalls and be able to restart the same movement again whether in a loop or turn around fashion without using the public right-of-way.

Full cutoff: A full cutoff outdoor lighting fixture emits zero percent of its light above 90 degrees and ten percent above 80 degrees from horizontal. (A standard IESNA definition)

Full cutoff light fixture: luminaire light distribution where no light is emitted above the horizontal, and where the intensity at 80 degrees from nadir is no greater than 100 candelas per 1,000 lamp lumens.

Fully shielded light fixture: lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

Functionally dependent facility: facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, ship-building, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Gambling, gaming, or game is not used to incorporate any legal definition of the term and does not necessitate the presence of elements of consideration, chance, or prize.

Game promotion means, but is not limited to, a contest, game of chance, sweepstakes, or gift enterprise, conducted by an operator within or throughout the state and other states in connection with and incidental to the sale of consumer products or services, and in which the elements of chance and prize are present. However, game promotion shall not be construed to apply to bingo games conducted pursuant to Section 849.0931, Florida Statutes.

Garage sales: sale of used household or personal articles held on the seller's own premises.

General information sign: a sign providing information or a warning, such as "Entrance," "Exit," "Caution," "No Trespassing," or "Parking in Rear."

General light industrial/industrial park: has the meaning assigned in the ITE Manual, Code 110, and includes Laboratories.

General office: premises on which the administrative, managerial or professional services of a business, professional person, government, etc., are carried out in a room, a series of rooms or in a building solely devoted to such use.

General recreation: means and includes agricultural centers and associated fairgrounds; aquatic preserves (state or federally designated); aquariums; cultural art centers; cultural, historical, and art centers and museums; entertainment and recreational uses and structures; fishing, forest and wildlife management areas; game rooms or arcades for pool, billiards, pinball machines, jukeboxes or other coin-operated amusements; golf course; government-sponsored civic centers; historical or archeological sites; hunting camps; museums; outdoor entertainment and recreational uses and structures; outdoor musical events; parks and recreation areas; private clubs, lodges, fraternities, sororities; public art galleries, libraries,

museums, and other public meeting places not operated for profit; public parks and recreational areas; and, publicly and privately owned parks and recreational areas.

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

General recreation/county park: any general recreation use that is located in the county.

***Glare*:** a light ray emanating directly from a lamp, reflector or lens such that it falls directly on the eye of the observer.

Golf course: relatively large premises designed and constructed to accommodate the sport of golf. The term is not intended to include independent driving ranges or miniature golf courses.

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.

Gross floor area: the total floor area designed for occupancy and exclusive use, including basements, mezzanines, and upper floors, expressed in square feet and measured from outside wall face to outside wall face.

Gross leasable area: the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, and typically excluding public concourse and restrooms.

Ground or Freestanding sign: A sign which is in contact with or in close proximity, to the ground for a minimum of 80 percent of its greatest horizontal dimension. A sign supported by a sign structure secured in the ground, typically on a foundation, and wholly independent of any building, fence, vehicle or object other than the sign structure for support.

Groundwater: water beneath the surface of the ground whether or not flowing through known and definite channels.

Groundwater recharge: the natural process of infiltration and percolation of rainwater from land areas or streams through permeable soils into water-holding strata or soils that provide underground storage.

Guyed tower: communication tower that is supported in whole or in part by guy wires and ground anchors.

Handheld sign: Handheld advertising activities shall be defined as a person twirling, holding, wearing, or otherwise displaying, within sight of any public right of way, a sign or signs advertising or promoting any commercial goods, service, business, or commercial activity.

Hardship: As related to variances from this Article means the exceptional hardship associated with the land that would result from a failure to grant the requested variance and must be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Hazardous material: a chemical or substance that is classified as a physical hazard material or a health hazard material, whether the chemical or substance is in usable or waste condition. *(NFPA 1, Fire Code, Florida 2010 Edition, Section 3.3.161.3)*

Hazardous transporter: person or entity engaged in the transportation of hazardous waste by air, rail, highway, or water.

Hazardous waste facility: any facility used for the treatment or disposition of hazardous substances by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

Height: the elevation of structures other than walls and buildings shall be the vertical distance from a horizontal plane established through the average finished grade at the base of the structure to the highest point of any structure other than a wall. The height of a wall is the vertical distance from a horizontal plane established through the average finished grade to the mean level of the top of the wall, including any dormers on the wall, when the wall is not supporting a roof. Also see the term "building height".

High-turnover restaurant: has the meaning assigned in the ITE Manual, and includes any cafeteria.

Highest adjacent grade: maximum natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic structure: Any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

c. Individually listed on the Florida inventory of historic places, which has been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

    1. By the approved Florida program as determined by the Secretary of the Interior, or

    2. Directly by the Secretary of the Interior.

Historic tree: any Live Oak (Quercus virginiana) or Bald Cypress (Taxodium distichum) 36 inches DBH or greater or other tree which is determined by the city commission to be of such unique and intrinsic value to the general public because of its size, age, historic association, or ecological value as to justify this classification. Any tree in this city selected and duly designated a Florida State Champion, United States Champion or a World Champion by the American Forestry Association shall likewise be within this definition.

Hobby breeder: a use allowing for the shelter, breeding or training of dogs or cats belonging to the resident of the premises and which has been licensed in accordance with any applicable city ordinances.

Home occupation: employment or profession which is clearly incidental to the use of a dwelling unit for residential purposes, or to the residential use of a lot occupied by a dwelling. Home occupations shall be limited to home offices which do not involve supplier or client business visits to the premises or the use of equipment or processes on the premises of the home occupation which may adversely affect nearby dwellings or properties through noise, vibrations, odors, fumes or fire hazards, light glare, electrical or radio wave interference, interference with the free circulation of air, interference with sunlight, or the like. Home occupations must meet the requirements of section 110-807 of the Code of Ordinances, and shall be limited to office use or the making of arts and crafts.

Hospital: premises with overnight facilities providing medical or surgical care of sick or injured persons and includes any hospital, animal hospital, or animal shelter.

Hospital, animal: premises with overnight facilities for the medical or surgical care of sick or injured animals.

Hotel: building or other structure, kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, in which ten or more rooms are furnished for the accommodations of such guests; and having or not having one or more dining rooms, restaurants, or cafes, if existing, being conducted in the same building or accessory buildings in connection therewith.

House of worship: premises used for worship and permitted customary accessory uses by an organization of religious believers.

Household moving center: business specializing exclusively in the rental of household moving trucks and utility trailers and in the sale and rental of other products and services directly related to do-it-yourself moving.

Hunting camp: premises to accommodate individuals who hunt game.

Hydrograph: graph showing discharge of hydrological volume over time for a selected outfall point.

Hydrologic cycle: the movement of water through the environment on, above and below the surface of the earth.

Hydro period: measure of the time (usually in days per year) that water is at or above solid surface under normal hydrologic conditions.

Identification sign: A sign that indicates the name and type of business or service, or the name of the development located on the site where the sign is located including street address, phone number, and graphic of business logo.

Illuminated sign: A sign that uses artificial light, either internal or external to the sign faces, to draw attention to the sign or otherwise increase its visibility. This also include internally illuminated signs, which are signs that are backlit internally behind the copy face or faces.

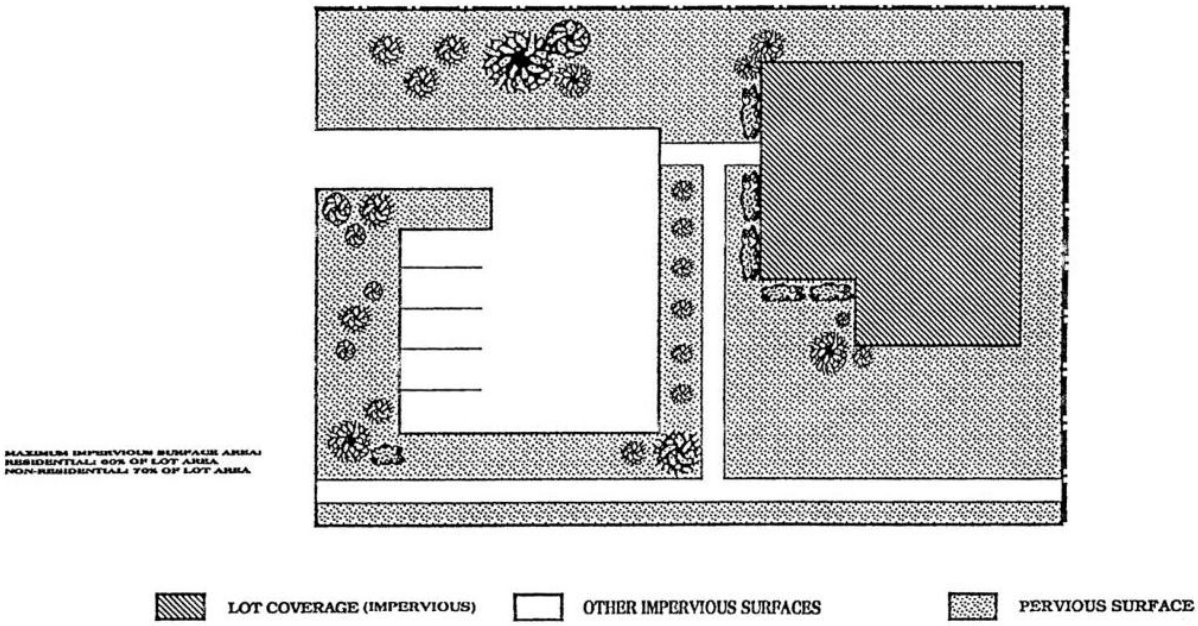
Impact fee: any fire/rescue impact fee, law enforcement impact fee, park impact fee, or transportation impact fee.

Impact Fee Study* or *2005 Impact Fee Study: the report prepared by Tindale-Oliver and Associates entitled 2005 Impact Fee Update Study (Fire Rescue - Law Enforcement - Parks and Recreation), dated December 2005, which report is hereby incorporated by this reference.

Impact Fee Study, Transportation* or *Transportation Impact Fee Study: the impact fee study completed by Ghyabi-Lassiter and Associates (GL&A), on March 4, 1999, which report is hereby incorporated by this reference.

Impervious surface area: surface covered by a material which does not permit infiltration or percolation of water into the ground.

IMPERVIOUS SURFACE ILLUSTRATION



Industry: any activity involving the manufacture, assembly, packaging, canning, bottling or processing of any item.

Information sign: the same as "General information sign" or "Use-related information sign."

Installed (lighting): the attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture.

Instructional sign*:* A sign conveying non-advertising information relating to the use of the premises, including such signs as no parking, no trespassing and warning signs.

Isolated wetlands: wetlands that have no hydrological or vegetative connections with "waters of the state" as defined in F.S. § 403.032(3).

Item of information: each syllable or abbreviation.

Junkyard: premises where junk materials such as scrapped metal, rubber tires, glass, wood scraps, plastic, tools, equipment, fixtures, appliances, construction materials, automobile parts, discarded automobiles, and paper or similar materials are bought, sold, exchanged, stored, baled, packaged, packed, disassembled or handled. The term also includes automobile wrecking yard and salvage yard operations.

Kennel* or *breeding farm: six or more household pets constitute a kennel in which dogs, cats, etc. six months of age or over are harbored.

Kitchen: any room or portion thereof which is primarily used or designed for cooking and/or the preparation of food, and contains a sink with counter working space, adequate space and wiring or connections for installing cooking and refrigeration equipment and space for the storage of cooking utensils.

Land: the earth, water, air above, below or on the surface, and includes any vegetation, improvements or structures customarily regarded as land. Land may also be referred to as "gross land area" or "gross acre of land."

Land development activity generating traffic: the carrying out of any building activity or the making of any material change in the use or appearance of any structure or land that attracts or produces vehicular trips over and above that produced by the existing use of the land.

Land development code* or *ordinance: City Ordinance No. 96-25, the land development ordinance of the City of Deltona, Florida, including all amendments thereto.

Land, net: (See also net acre) for purposes of residential density calculation, total land, excluding existing artificial and natural water bodies, watercourses, industrial, commercial and office sites, communication facility sites, utility sites, easements and rights-of-way that extend through the border of the project boundary, i.e., existing power line easements, county roads, city roads, etc., non-local parks and nature preserves, universities and colleges and other institutional uses, any land that has been credited for other development, previously dedicated road rights-of-way, and any already developed parcels whether underdeveloped or not. Approved site development plans and subdivisions approved prior to October 1, 1990, are exempt from the exclusion of above said items. Densities under PUD's approved prior to October 1, 1990, do not need to recalculate densities to exclude the above items. May be referred to as "net land area" or "net acre of land." For purposes of commercial intensity calculation, total land, excluding existing artificial and natural water bodies, watercourses, easements and rights-of-way that extend through the border of the project boundary, non-local parks and nature preserves, any land that has been credited for other development, previously dedicated and proposed road right-of-way, and any already developed parcels, whether underdeveloped or not. Site plans approved prior to the date of passage of this chapter [November 16, 1998] are exempt from commercial intensity calculations, other than maximum building coverage and maximum impervious surface area.

Landfill: A site used for the systematic long term deposition of solid waste that is engineered and designed to protect the natural environment from associated impacts.

Laundry, self-service (Laundromat): a business rendering a retail service by renting to individual customers equipment for the washing, drying and otherwise processing laundry, with such equipment to be serviced and its use and operation supervised by the management.

Law enforcement impact fee: fee required to be paid in accordance with Chapter 94, article V of the Code of Ordinances.

Law enforcement officer: an officer who is on official duty for a law enforcement agency, including but not limited to the county sheriff's department or the city law enforcement agency.

LED display screen: A type of changeable copy sign with a screen that utilizes light emitting diodes (LED) arranged in pixels to create messages changeable by electronic means.

Level of service: indicator of the extent or degree of service provided by or proposed to be provided by a facility based on the operational characteristics of the facility.

Licensee: any person whose application for an adult entertainment establishment has been granted and who owns, operates or controls the establishment.

Light pollution: any adverse effect of manmade light.

Light source: object such as an incandescent lamp and/or bulb, that directly emits light, freely penetrates ordinary glass bulbs, and depending on intensity, can cause a disabling glare when it falls directly on the eye of the observer.

Light trespass: illumination falling where it is not needed or wanted, typically across property boundaries.

Livestock feed lot: any limited area designed or used for the mass feeding of livestock.

Load factor: a mass transit service quality measure. Load factor refers to the maximum allowable passengers over a given period of time as a ratio of vehicle seating capacity.

Loading area: an area provided off the public right-of-way for the temporary parking of trucks being loaded or unloaded.

Loading space: a permanently located space for the temporary parking of vehicles which pick up, deliver, load or unload goods, supplies and merchandise.

~~***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.~~

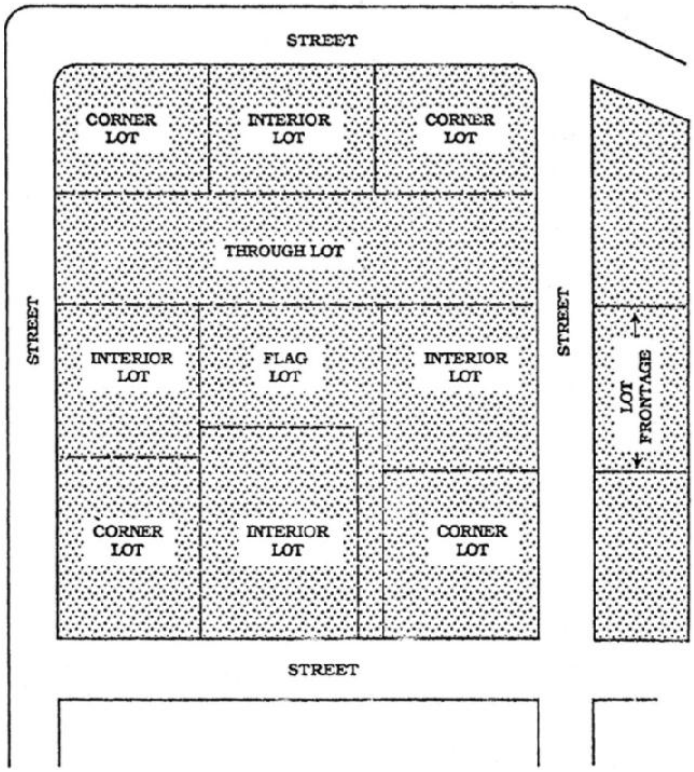
Local parks: Local parks are designed for populations of 5,000 to 50,000 and are ideally located from one-quarter to three miles from the population centers. Park sizes may vary from five to 49 acres with about ten acres being the most typical. Facilities include equipped playgrounds, multipurpose hard courts, practice fields for softball and baseball, and picnic areas. The standard of service for local parks is two acres per 1,000 permanent population.

Local street: road providing service which is of relatively low average traffic volume, short, average trip length or minimal through-traffic movements, and high land access for abutting property.

Lot:

1. an area of land which abuts a street or approved access route and which either complies with or is exempt from the city's subdivision regulations and is sufficient in size to meet the minimum area and width requirements for its zoning classification as established, and a portion of a subdivision or any other tract or parcel of land, including the air space above or contiguous thereto, intended as a unit for transfer of ownership or for development or both. The word "lot" includes the word "plot," "tract" or "parcel."
2. a parcel of land occupied or to be occupied by one main building and its accessory buildings with such open and parking spaces as are required by the provisions of this chapter and having its principal frontage upon a street.

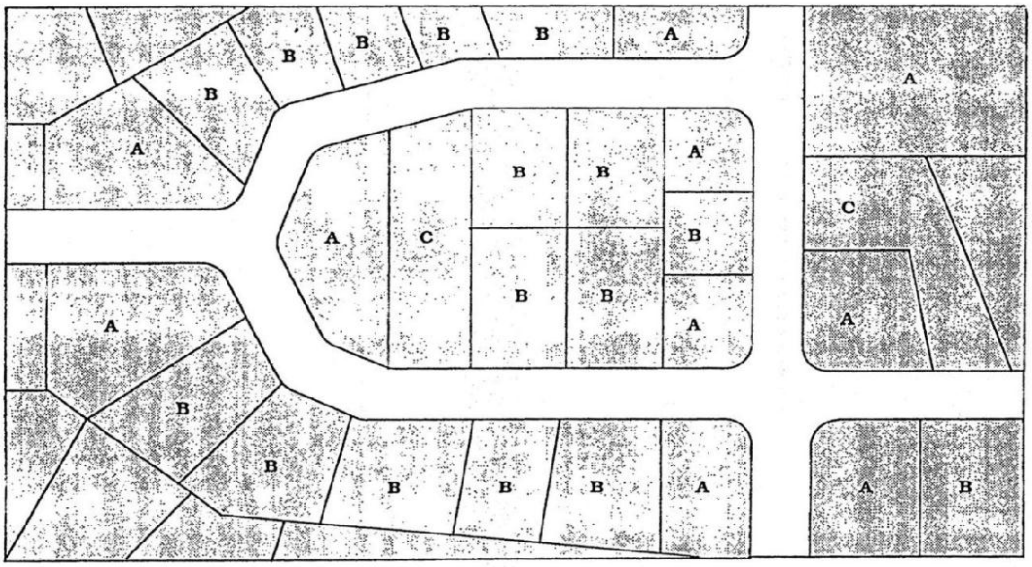
DEFINITION OF TYPES OF LOTS



Lot coverage: that area of a lot from the ground up which is occupied by principal and accessory buildings.

Lot classifications: lots shall be classified as corner lots, interior lots, through lots and atypical lots.

ILLUSTRATION OF THE BASIC TYPES OF LOTS



A= CORNER LOT B= INTERIOR LOT C= THROUGH (OR DOUBLE FRONTAGE) LOT

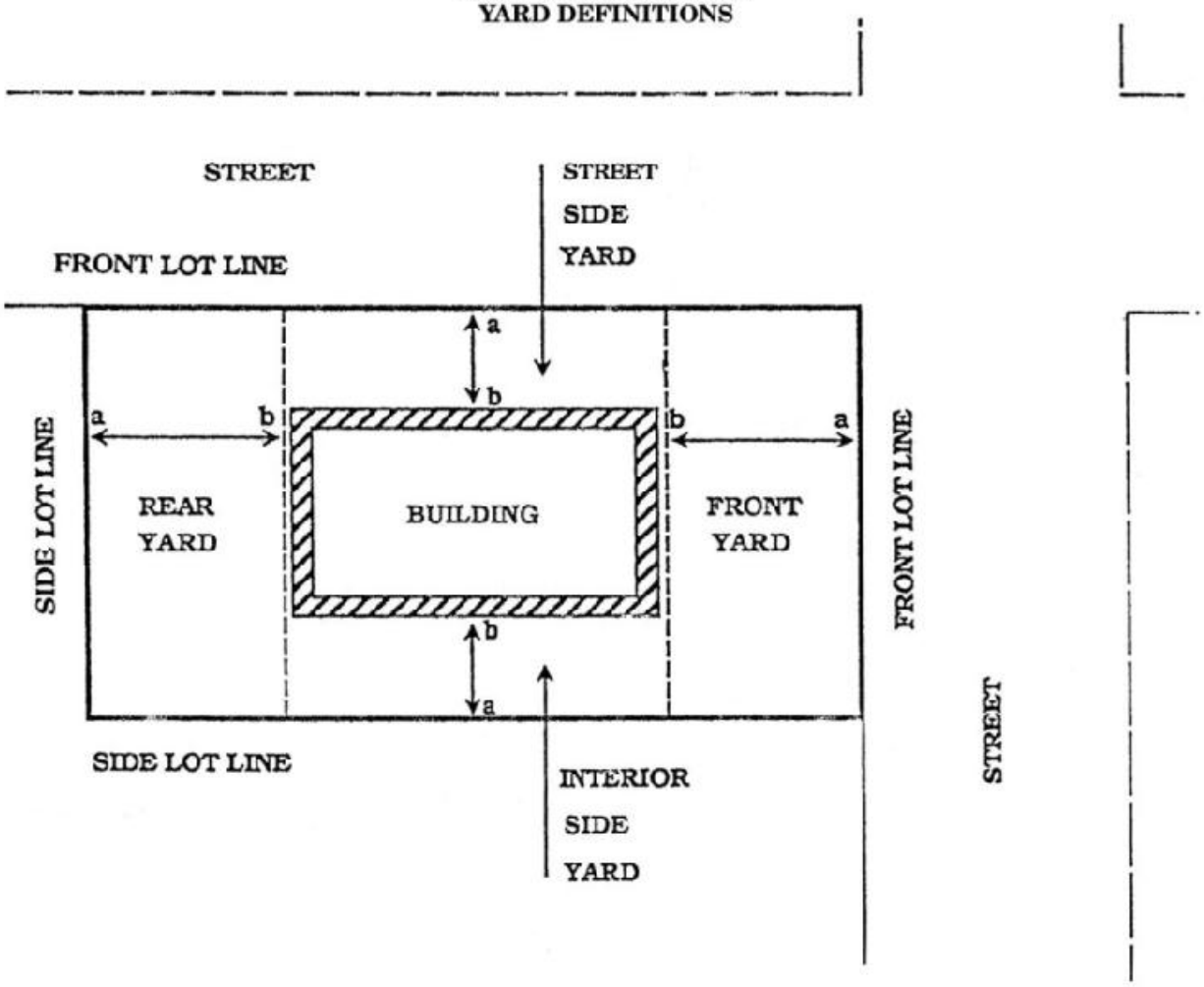
(a) Corner lots are defined as lots located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the front most points of the side lot lines to the frontmost point of the lot meet at an interior angle of less than 135 degrees.

(b) Interior lots are defined as lots with only one frontage on a street.

(c) Through lots are defined as lots other than corner lots with front yards on more than one street. Through lots abutting two streets may also be referred to as double-frontage lots.

CORNER LOT

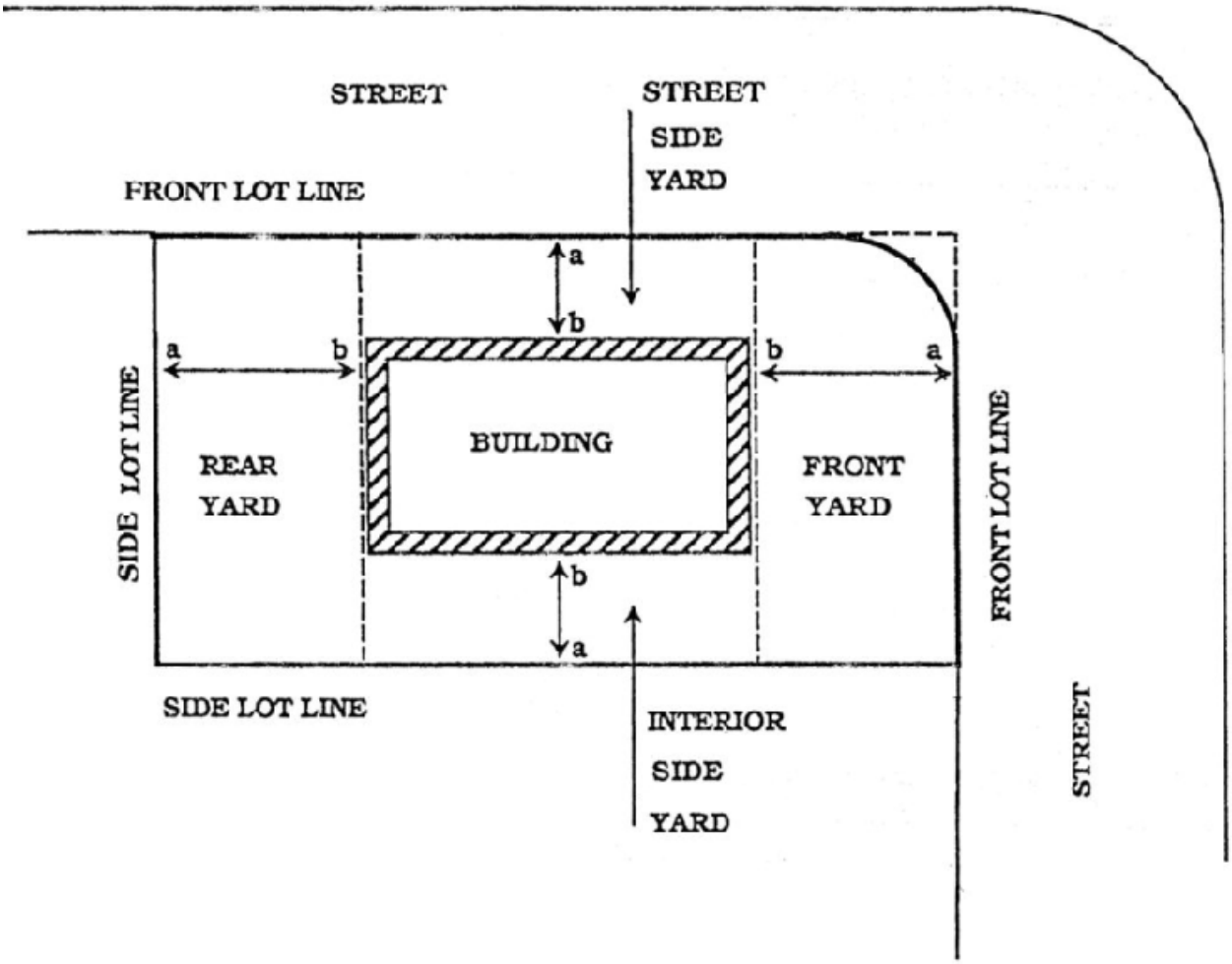
PARALLEL LOT LINES
YARD DEFINITIONS



DISTANCE ab REPRESENTS THE DEPTH OF THE REQUIRED YARD MEASURED AS LEAST HORIZONTAL DIMENSION BETWEEN LOT LINE AND NEAREST PART OF MAIN BUILDING. DISTANCE ab MUST BE THE MINIMUM DISTANCE SPECIFIED IN THE ORDINANCE.

CORNER LOT

CURVED LOT LINE
YARD DEFINITIONS



DISTANCE ab REPRESENTS THE DEPTH OF THE REQUIRED YARD MEASURED AS LEAST HORIZONTAL DIMENSION BETWEEN LOT LINE AND NEAREST PART OF MAIN BUILDING. DISTANCE ab MUST BE THE MINIMUM DISTANCE SPECIFIED IN THE ORDINANCE

(d) Atypical lots are defined as lots within a subdivision where, as a result of subdivision design, the lots abut a street at one end and any of the following at the opposite end:

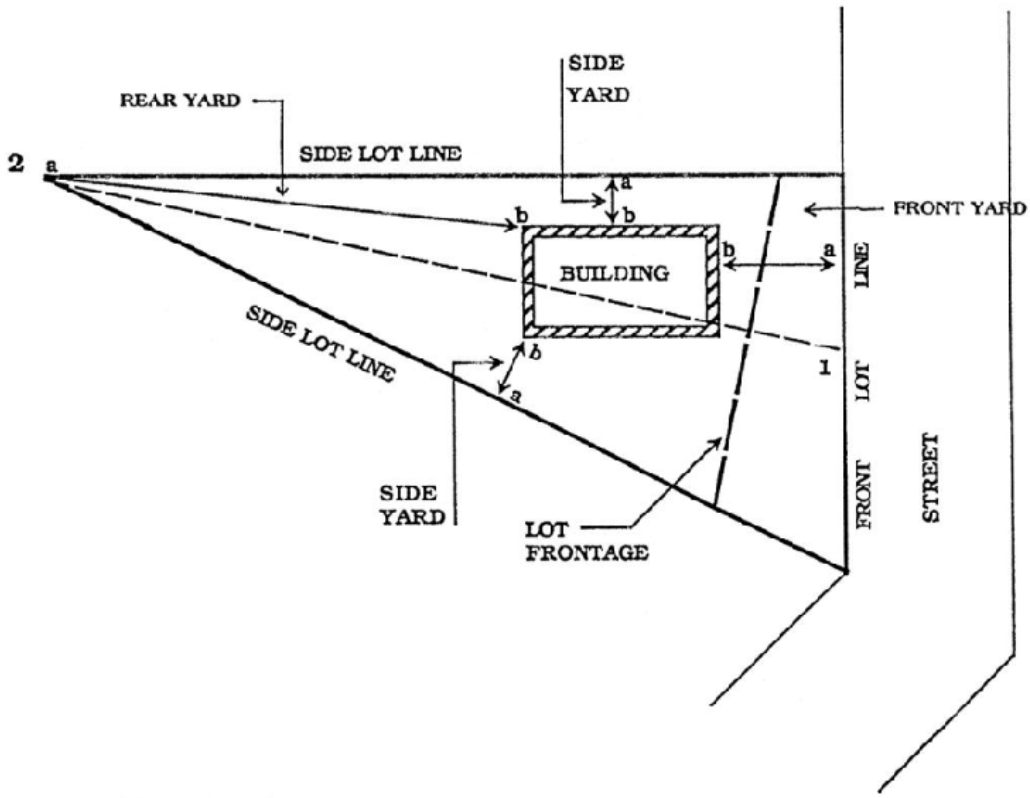
(1) A waterway or body either of which is 100 feet or more in width;

(2) A golf course fairway or green;

(3) An open space area which by itself, or when combined with other open space areas within the same subdivision, comprises at least 15 percent of the total land area in said subdivision, and in which an undivided interest is conveyed with each lot. Atypical lots may also be odd shaped lots (not square or rectangular).

IRREGULAR LOT

NO REAR LOT LINE
YARD DEFINITIONS



LOT FRONTAGE

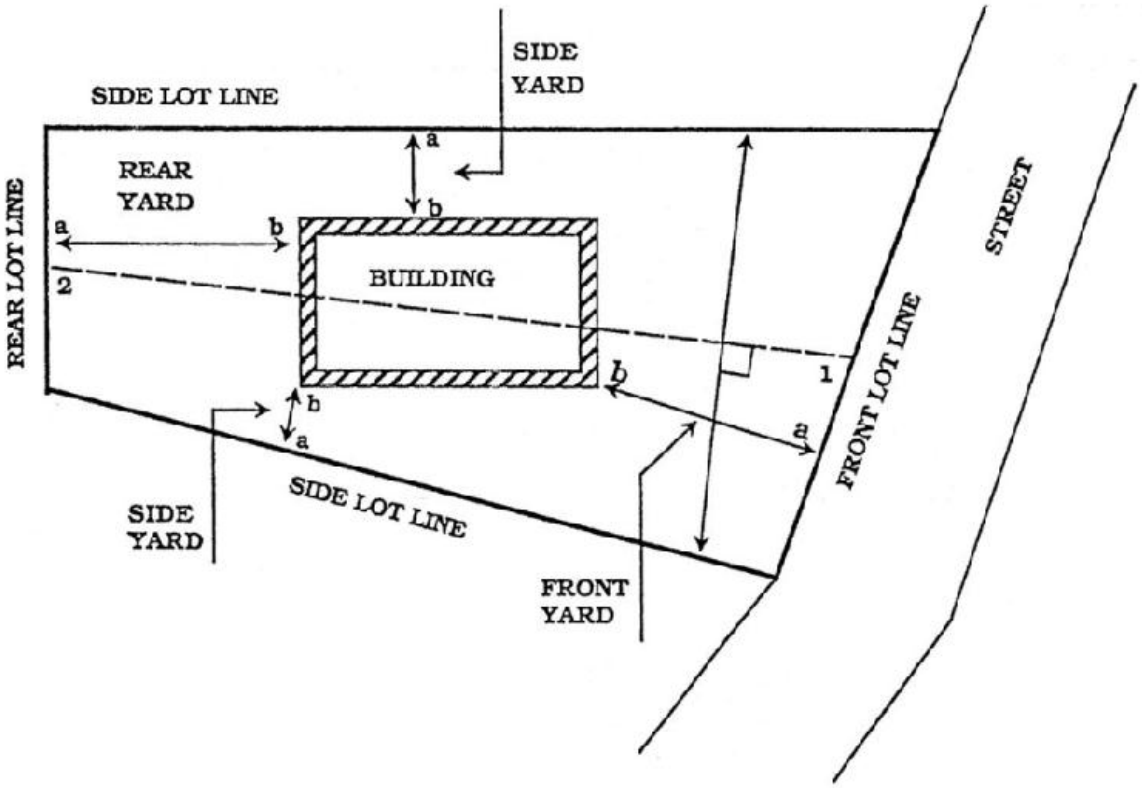
1. MID POINT OF FRONT LOT LINE.
2. MID POINT OF REAR LOT LINE.

LOT FRONTAGE MEASURED AT RIGHT ANGLES TO THE LINE JOINING POINTS 1 AND 2.

DISTANCE ab MUST AT LEAST BE THE MINIMUM SPECIFIED FOR THE REQUIRED YARD IN THE ORDINANCE.

IRREGULAR LOT

NO PARALLEL LOT LINES
YARD DEFINITIONS

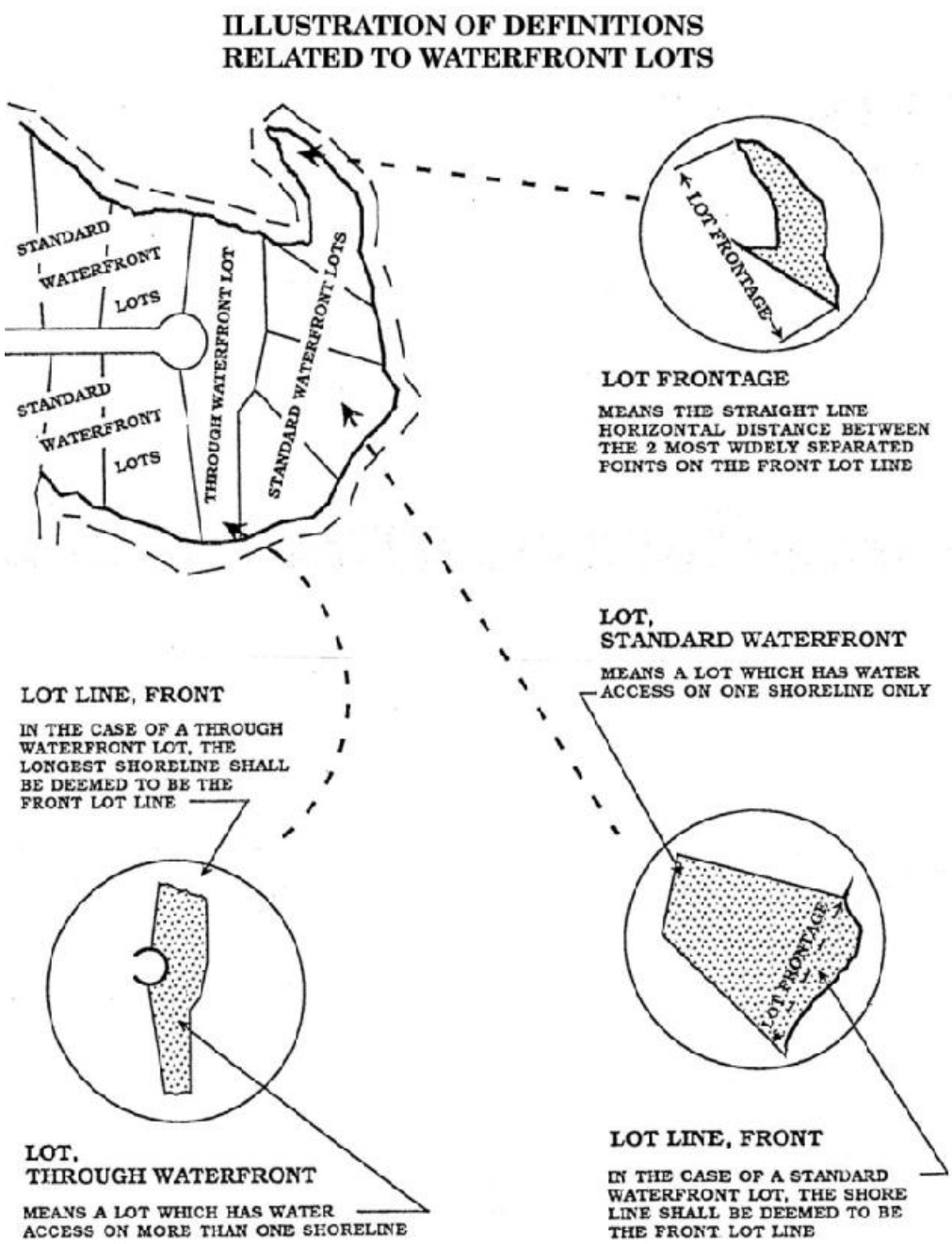


LOT FRONTAGE

1. MID POINT OF FRONT LOT LINE.
2. MID POINT OF REAR LOT LINE.

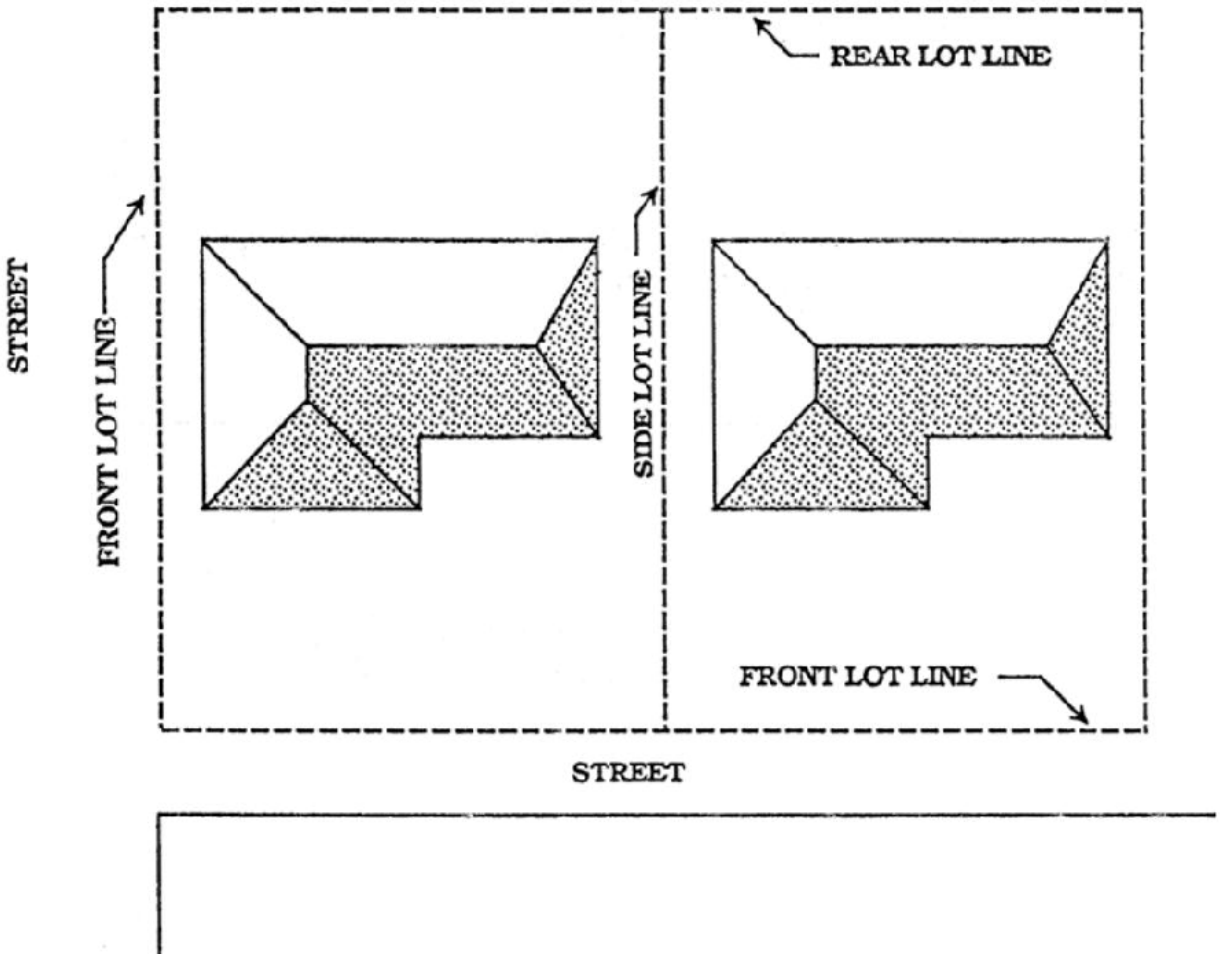
LOT FRONTAGE MEASURED AT RIGHT ANGLES TO THE LINE JOINING POINTS 1 AND 2

DISTANCE ab MUST AT LEAST BE THE MINIMUM SPECIFIED FOR THE REQUIRED YARD IN THE ORDINANCE.



Lot depth: the horizontal distance between the mid-points of the front and rear lot lines. In the case of a triangular lot, the perpendicular distance from the front lot line to the apex of the angle formed by the intersection of the side lot lines.

LOT LINE DESCRIPTIONS



Lot line, front: property line abutting any street right-of-way, or for streets with less than 50 feet of dedicated right-of-way, an imaginary line located 15 feet from and parallel to the edge of the traveled way.

Lot line, rear: property line most distant from and most nearly parallel to the front lot line. In the case of lots abutting streets on more than two sides, rear lot line shall mean the rear lot line as established by prior construction. In the case of corner lots, the lot line most distant from and parallel to the front of the building shall be the rear lot line. Except that in the case of a building facing the street corner of a corner lot, the interior lot lines shall be side lot lines.

Lot line, side: any property line that is not a front or rear property line.

Lot lines: the perimeter property lines around the lot or the space line of a rental space.

Lot, substandard: any lot that does not conform to the area or width requirements of the zoning classification in which it is located.

Lot width: horizontal distance between the side lot lines, measured at right angles to the depth.

Low-profile luminaire: light fixture set on a base which raises the source of the light no higher than 48 inches off the ground, and designed in such a way that light is directed downward from a hooded light source.

Lowest adjacent grade: The lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design standards of this ordinance.

Lumen: is a unit of luminous flux; used to measure the amount of flight emitted by lamps.

Luminaire: the complete lighting assembly, less the support assembly. For purposes of determining total light output from a luminaire, lighting assembles which include multiple unshielded or partially shielded lamps on a single pole or standard shall be considered as a single unit.

Lux: is a unit of luminance equal to one lumen per square meter. It is the luminous flux per unit area in the metric system. One lux equals approximately 0.0929 foot candles.

Machine or Device: A finding that is a simulated gambling device under section 110-840 does not preclude a finding that it is also a slot machine or device under Section 849.16, Florida Statutes.

Major sports facility: stadium or racetrack for major sports events with a permanent seating capacity of at least 5,000 spectators. Further, a major sports facility is characterized by infrequent use such that there are no more than 30 days of use per year where the facility is at, or above, ten percent occupancy. Actual fee for this land use category, provided it meets the definition, is based on the rate of frequency of use (greater than ten percent occupancy) on an annual basis.

Manufactured dwelling: structure fabricated in a manufacturing facility and bearing a seal certifying it is constructed to standards as adopted under the authority of F.S. § 553.35 et seq. and rules adopted by the Florida Department of Community Affairs under Chapter 9B-1 et seq., Florida Administrative Code.

Manufactured home: a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufacturing: air curtain incinerators; mining; commercial fish processing plants; livestock feed lots; bottling of soft drinks or milk and distribution stations; and hazardous waste transporter facilities.

Marina: boat dock or basin with facilities for berthing, securing, fueling and servicing various types of recreational watercraft. It may include the provision of supplies and storage. It does not include boat docks that are accessory to residential uses.

Market value: The building value, which is the property value excluding the land value and that of the detached accessory structures and other improvements on site (as agreed to between a willing buyer and seller) as established by what the local real estate market will bear. Market value can be established by an independent certified appraisal (other than a limited or curbside appraisal, or one based on income

approach), Actual Cash Value (replacement cost depreciated for age and quality of construction of building), or adjusted tax-assessed values.

Marquee: canopy projecting over an entrance. A canopy or marquee is not an integral part of the roof but rather is appended to the building and extends beyond the building or building line.

Marquee sign: sign attached to, hung from, supported from or forming a part of a canopy or marquee.

Master development sign: a sign designating a multi-parceled plat, PUD, or DRI that is intended to be developed in separate zoning lot parcels.

Mean high water: the average height of the high waters over a 19-year period. For shorter periods of observation, "mean high water" means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value.

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.

Medical office/clinic: includes medical and dental clinics; dental laboratories; dental offices and clinics; medical and dental offices and clinics; medical examiner facilities; veterinarian office and veterinary clinics.

Membership sign: A sign identifying affiliation with a travel club, business association, credit card company, or professional association.

Memorial sign: A permanent sign, plaque, inscription or similar group of symbols recording historical data relating to the construction of the building to which it is affixed.

Mining: the removal of natural resources from the earth by means of digging, drilling or stripping.

Mini-warehouse: an enclosed storage area containing individually rented or owned compartments or stalls for storage only.

Mitigation (environmental): environmental actions including, but not limited to, restoration, enhancement, creation of wetlands, removal or restoration of wetland buffers, flood plains, tree removal and/or tree replacement, or state and federal protected species, required to be taken by a person to offset environmental impacts of permitted and/or unpermitted activities.

Mitigation (traffic): special actions, programs and procedures intended to reduce, redistribute, modify the traffic impact on the thoroughfare system and/or increase capacity to the thoroughfare system by using professionally accepted standards and methods.

Mobile home: dwelling, manufactured; dwelling, mobile home; mobile home park; mobile home space; mobile home subdivision; Florida DCA-approved manufactured dwelling; and trailer.

Mobile home dwelling: single-family structure fabricated in a manufacturing facility, having a width of more than 8 1/2 feet and a length of more than 40 feet, and bearing a seal certifying it is constructed either to the Federal Manufactured Housing Construction and Safety Standards Code or to obsolete ANSI 119.1 Mobile Home Design and Construction Standards.

Mobile home park: area of land under one ownership where designated spaces for mobile home dwellings are rented. The overall operation is managed on a full- or part-time basis and provides various services and facilities for common use.

Mobile home space: an improved area within an approved mobile home park, designated for the placement of only one mobile home dwelling.

Mobile home subdivision: approved subdivision with lots for sale as residential sites for mobile home dwellings.

Mobile recreational shelters* and *vehicles: portable shelters and vehicles, designed for travel or recreational purposes which are not more than eight and one-half feet wide. The term includes the following:

(1) ***Tent, tent camper* or *camping trailer*:** a portable shelter usually fabricated of canvas or other water-repellant and fire-resistant material. The shelter may be designed to collapse for independent storage or may be designed to fold out from a special trailer body towed behind a motor vehicle.

(2) ***Truck camper:*** shelter without wheels of its own, which may or may not be self-contained, designed to fit directly on the bed of a pickup truck and removable for mounting on supporting jacks when not in use.

(3) ***Travel trailer:*** vehicle constructed of metal, plastic, wood or fiberglass, with one or two axles and designed to be towed behind a motor vehicle.

(4) ***Motor home or recreation vehicle*:**self-propelled and generally self-contained vehicle permanently constructed directly on or mounted on a truck or van chassis, and usually allowing for free access between driving and living compartments.

(5) ***Pickup cover*:** portable enclosure placed on the bed of a pickup truck, usually lacking any self-containment features, and primarily providing simple sleeping arrangements.

Model home: See "dwelling, model"

Model home center: one or more model homes developed on a site that is located in any non-residential zoning district, including the professional business district (PB) zoning district. Model home centers are prohibited in residential zoning districts.

Model sign: a sign that designates a particular dwelling unit design that is designated by the developer/builder as a model home.

Monopole tower: communication tower consisting of a single pole, constructed without guy wires and ground anchors.

Monument sign: same as "Ground sign."

Motel: place of lodging that provides sleeping accommodations and often a restaurant. Motels generally offer free on-site parking and provide little or no meeting space.

Movie theater with matinee: includes theaters; drive-in theaters; motion picture theaters; and live performance theaters.

Multi-class* or *multi-use lighting: any outdoor lighting used for more than one purpose, such as security and decoration.

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.~~

National Geodetic Vertical Datum (NGVD): is a vertical control used as a reference for establishing varying elevations within the floodplain.

Natural flow pattern: rate, volume and direction of the surface or groundwater flow occurring under natural conditions for any given portion of the city.

Natural resource management area (NRMA): land use category identified in the future land use element, of the city's comprehensive plan, as amended.

New and used boat sales: includes boat rental agencies; boat sales and service; marine engine repair and service; and boat service and retail for off-site use.

New and used car sales: includes automobile rental agencies; mobile home sales and service; marine engine repair and service; and truck, motorcycle, trailer, bicycle and mobile home storage, sales, service and retail for off-site use.

New buildings: structures for which the "start of construction" commenced on or after July 6, 1978, for purposes of chapter 90, article II, flood hazard management.

New construction: structures for which the "start of construction" commenced on or after the effective date of adoption of chapter 70 of the Code of Ordinances or as amended. The term also includes any subsequent improvements to such structures.

New manufactured home park* or *subdivision: a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed on or after April 18, 1974.

Non-commercial onsite directional or instructional sign: A noncommercial on-site sign that functions to provide direction, information or instruction to pedestrian or vehicular traffic that is related or reasonably necessary to the movement of pedestrian or vehicular traffic on the premises, and not displaying a commercial message, e.g., "entrance," "exit," "caution," "no parking," "one way only," "no trespassing," and the like.

Non-concurrency affidavit: document signed by an applicant which defers the application for a certificate of capacity and acknowledges that:

(1) The issuance of building permits or final development orders are subject to the requirements of this article for obtaining a determination of capacity, a certificate of capacity reservation; and

(2) No vested rights to obtain building permits or final development orders, or any other rights to develop the subject property have been granted or implied by the City's approval of the preliminary development order.

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.

Normal farming operation: the customary and generally accepted activities, practices and procedures that farmers adopt, use or engage in during the production and preparation for market of poultry, livestock and associated farm products; and in the production and harvesting of agricultural crops which include, but are not limited to, agronomic, fish farms, horticultural and silvicultural operations. Included is the management, collection, storage, composting, transportation and utilization of organic agricultural waste, manure, and wastes solely derived from agricultural crops.

Nudity: display or expose at an adult entertainment establishment less than completely and opaquely covered:

(1) Human genitals or pubic region;

(2) The cleavage of the human buttocks;

(3) The areola or nipple of the human female breast; or

(4) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Off-site improvements: road improvements, other than those referenced in the definition of site-related improvements, located outside of the boundaries of the parcel proposed for development, which are required to serve the development's external trips.

Off-site sign: Any sign which directs attention to a business, commodity, service, product or activity not conducted, sold, offered or available on the premises where such sign is located or to which it is affixed.

Off-street parking space: a permanently located off-street space for the temporary parking of vehicles.

Office: professional business offices including but not limited to accountants, attorneys, insurance agencies, mortgage brokerages, real estate agencies, and offices for architects engineers and stock and bond brokers; circus headquarters; employment agencies; Internet sales businesses that do little or no on-site sales; non-profit membership and charitable organizations; professional or trade schools related to permitted uses; and utility offices.

Official zoning map: graphic illustration of zoning boundaries and classifications drawn and approved as part of the records of the City of Deltona.

On-site sign: A sign that identifies or advertises only goods, services, facilities, events or attractions available on the premises where the sign is located and is affixed to the subject property that contains the business venture.

Opaque:

1. a material does not transmit light from an internal illumination source. Applied to sign backgrounds,
2. the area surrounding any letters or symbols on the sign either is not lighted from within, or allows no light from an internal source to shine through it.

Open space: portion of net land area not used for buildings, structures, street rights-of-way or off-street parking and loading areas.

Operated for commercial or pecuniary gain: any business or attempt to generate income and shall not depend upon actual profit or loss. An establishment that has an occupational license shall be presumed to be operated for commercial or pecuniary gain.

Operator (adult entertainment): any person who engages in or performs any activity necessary to or that facilitates the operation of an adult entertainment establishment, including but not limited to the licensee, manager, owner, doorman, bouncer, bartender, disc jockey, sales clerk, ticket taker, movie projectionist, dispatcher, receptionist or attendant.

Operator (slot machines equipment): any person, firm, corporation, enterprise, organization, or association or agent or employee thereof who promotes, operates, or conducts a game promotion, except any charitable nonprofit organization.

Opinion sign: any sign that indicates a belief concerning an issue, name, cause or affiliation not scheduled for an election and is not representing a commercial or business venture. This term includes, but is not limited to signs advertising political parties or any political information.

Outdoor light fixture: an outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but are not limited to lights used for:

Parking lot lighting;
Roadway lighting;
Buildings and structures;
Recreational areas;
Landscape lighting;
Billboards and other signs (advertising or other);
Product display area lighting;
Building overhangs and open canopies.

Outdoor entertainment and recreational uses and structures: privately owned and operated facilities providing outdoor recreation, entertainment or amusement activities to the general public usually for an admission fee. Examples of such facilities include: miniature golf courses, amusement parks, water slide and sport facilities, rifle shooting ranges, golf driving ranges, and go-cart tracks. Speedway, racetracks, motorized vehicle or motocross courses, agricultural centers and associated fairgrounds, outdoor musical events, and circus headquarters are not included in this definition.

Outdoor light output, total: the maximum total amount of light, measured in lumens, from all outdoor light fixtures. For lamp types that vary in their output as they age (such as high pressure sodium, fluorescent and metal halide), the intimal output, as defined by the manufacturer, is the value to be considered.

Outdoor musical event: any gathering of groups/individuals for the purpose of listening to or participating in outdoor entertainment, which consists in whole or part of live musical renditions

conducted in open spaces not within an enclosed structure intended to attract 1,000 or more people per day for one or more days and which has received a permit under City of Deltona Ordinance No. 96-24 as it may be amended from time to time.

Outdoor recreation facility: an area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds, soccer and football fields, golf courses, tennis courts and swimming pools.

Outstanding Florida waters (OFW): waters and associated wetlands identified in the Florida Administrative Code, 17-302.700.

Owner: the proprietor of record of a lot as such appears in the official records of the clerk of the circuit court in and for Volusia County, Florida.

Package treatment plant: small wastewater treatment systems which have a collection network, treatment plant, and disposal system. Package treatment plants are generally used to serve isolated development and are partially or completely preassembled by the manufacturer prior to shipment to the site of use.

Parasite sign: Any sign not exempted by this sign code, for which no permit has been issued, and which is attached to another sign. These signs are considered non-conforming signs and are subject to removal by the City.

Parcel of land: any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as a unit or which has been used or developed as a unit.

Park: tract of land kept for ornament or recreation and maintained as public property.

Park impact fee: mean the fee required to be paid in accordance with Chapter 94, article III, Code of Ordinances.

Parking aisle: area immediately adjacent to the car parking stalls which permits maneuvering of the cars entering and leaving a parking stall, and which connects the parking stalls to the driveway.

Parking stall: the space that is necessary to park a car, excluding aisles and driveways.

Partial circulation parking lot: parking lot design which permits a car entering a parking lot to maneuver in front of all parking stalls without using the public right-of-way.

Penthouse: an enclosed structure or structures above the roof of a building occupying not more than an aggregate area of one-third of the area of the supporting roof. Penthouses shall not be used for purposes other than the shelter of mechanical equipment or shelter of vertical shaft openings in the roof.

Percent of new trips: the number of new trips generated by the land development activity.

Permanent sign: any sign installed and affixed on-site.

Person: an individual, tenant, lessee, owner, firm, association, organization, whether social, fraternal or business, partnership, joint venture, trust, company, corporation, receiver, syndicate, business trust, or other group or combination acting as a unit.

Person aggrieved: a resident of the City of Deltona or an applicant for an administrative or quasi-judicial action pursuant to this chapter whose legal right is invaded by a decision complained of, or whose pecuniary interest is directly affected by a decision. The person's interest must be specific and personal, not common to all members of the community. When the decision affects any public recreation area, however, the phrase shall include any user of that area.

Person, interested: any person who presents evidence, testimony or argument at any public hearings, whether oral or written, in person or by representative and who provides his or her name and address to the hearing body.

Personal gain sign: sign advertising for personal gain on residential property; for example, a garage, yard or patio sale sign.

Pervious area: area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water into the ground.

Physical contact: manipulate, wash, scrub, stroke or touch, for commercial or pecuniary gain, another person's body, directly or indirectly, through a medium, using any object, instrument, substance or device. It is an affirmative defense to an alleged violation of this chapter regarding engaging in physical contact if the alleged violator can establish membership in one of the following classes of persons or businesses and the activity alleged to be physical contact is part of the bona fide practice of the profession or business of the person, which overlaps into the field regulated by this chapter:

(1) A person licensed as a massage therapist or apprentice massage therapist pursuant to F.S. Ch. 480 if providing massage services only in a massage establishment licensed under F.S. Ch. 480;

(2) A person licensed under state law to practice medicine, surgery, osteopathy, chiropractic, naturopathy, or podiatry, or persons licensed as a physician's assistant, or holding a drugless practitioner's certificate;

(3) A nurse registered under state law;

(4) A barber or beautician licensed under state law;

(5) A cosmetologist licensed under state law;

(6) A person performing services in any hospital, clinic, nursing home or sanitarium licensed under state law;

(7) An instructor, coach or trainer employed by or on behalf of any bona fide professional, Olympic or sanctioned amateur athletic team, governmental entity or any bona fide state, county or private educational institution; or

(8) A physical therapist licensed under state law.

Physical contact parlor: business, establishment or place operated for commercial or pecuniary gain where any worker engages in physical contact, or any business or establishment for which any portion is set aside, advertised or promoted as a place where physical contact occurs, including a "body scrub salon" or "relaxation salon."

Planned Unit Development (PUD): tract of land under unified ownership, to be planned and developed according to the master development plan specified in this chapter.

Planning and Zoning Board (P&Z): board established by Ordinance No. 30-98.

***Plat*:** map or delineated representation of the subdivision of land showing the designation of such land as lot(s), block(s), parcel(s), or other portions thereof, and other information. "Plat" may include the term "replat," "amended plat", “preliminary plat”, “final plat” or "revised plat." Final plats are recorded into the public records.

Platted land: any land which can be referenced to a subdivision plat.

Pole lighting: light fixture set on a base or pole which raises the source of the light higher than 48 inches off the ground.

Pole sign: A sign which is supported by one or two poles of no greater than eight inches in diameter and otherwise separated from the ground by air. Except where existing or approved through entitlements, are considered non-conforming signs and are subject to removal by the City.

Political sign: any sign that is for a Federal, State, or local election sign and is considered similar to an opinion sign. These signs are not for commercial or business venture and are not treated as such.

Potable water or potable water facilities: water that is satisfactory for drinking, culinary and domestic purposes meeting current state and federal drinking water standards. The water meets the criteria of Section 17-3.071, 17-3.404, and/or 17-22, F.A.C.

Potable water supply well: potable water well to supply water which has been permitted for consumptive use by the water district and the casing diameter is six inches or greater.

Portable sign: A sign, exclusive of handheld signs, that has no permanent attachment to a building or to the ground by means of a footing, including but not limited to, an A-frame sign, sign with wheels, pull attachments, or hot air or gas filled balloons. Depending upon the type of sign and whether a sign permit can be issued, unpermitted portable signs are considered non-conforming signs and are subject to removal by the City.

Poster frame sign: A frame or similar structurally delineated area on the exterior wall of a building designed to accept pre-printed signs that are generally displayed for weeks or months at a time, as the time period is defined with the sign permit.

***Preexisting*:**

(1) When used together with the term "adult entertainment establishment," "religious institution," "educational institution," "commercial establishment that in any manner sells or dispenses alcohol for on-premises consumption," or "residence":

a. The establishment, institution or residence is already being lawfully used or lawfully occupied;

b. A building permit for the establishment, institution or residence has been lawfully issued, all fees associated with the permit have been paid, and the permit has not expired; or

c. An application or plan to allow the establishment, institution or residence to be constructed, used or occupied has been filed and is undergoing review or is approved, with or without conditions.

(2) When used with the term "park":

a. The park is already being used; or

b. The park site has been approved or otherwise designated by the appropriate governing body.

Preliminary development order: rezoning, special exception, planned unit development, subdivision sketch plan or overall development plan, conceptual or preliminary site plan, or any other development order other than a final development order, except an [authorized] variance.

Premises: tract of land or a lot, together with all buildings and structures thereon.

Primary containment: the first level of product-tight containment, i.e., the inside portion of that container which comes into immediate contact on its inner surface with the hazardous substance being contained.

Primary well field protection zone: land area immediately surrounding any potable water supply well and extending a radial distance of 200 feet.

Principal structure: any structure occupied by the principal use.

Principal use: the primary purpose for which the premise is designed and intended to be used.

Principally above ground: At least 51 percent of the actual cash value of the structure is above ground.

Private model: any person who, for commercial or pecuniary gain, offers, suggests or agrees to engage in a private performance, modeling or display of male or female lingerie, bathing suits, undergarments, lingerie or specified anatomical areas to the view of a patron.

Private performance: modeling, posing or the display or exposure of any specified anatomical area by a worker of an adult entertainment establishment to a patron while the patron is in an area not accessible during such display to all other persons in the establishment, or while the patron or worker is in an area that is private, or in which the patron or worker is totally or partially screened or partitioned during such display from the view of persons outside of the area.

Product-tight: impervious to the hazardous substance which is or could be contained so as to prevent the seepage of the hazardous substance from the containment system. To be product-tight, the containment system shall be made of a material that is not subject to physical or chemical deterioration by the hazardous substance being contained.

Profession: a calling requiring specialized knowledge, often long and intensive academic preparation, institutional accreditation, and involving predominantly mental rather than manual labor.

Project: any area of land that is planned, designed and developed in an integral and unified arrangement. It includes all structures, improvements and equipment of every kind, nature or description incident to the development.

Projecting sign: A sign, other than a wall sign, attached to and projecting at a 90 degree angle from a structure or building.

Promotional sign: sign announcing a promotional activity sponsored by the owner or agent of the property and being located on the site of the event. The sign permit for the sign will define the time period of signage use.

Public improvements: any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, bridge, sidewalk, pedestrian way, planting strip, or other facility for which the city or other governmental agency may ultimately assume the responsibility for maintenance and operation.

Public market: public place either owned or leased by the City where people gather for the purpose of trade by private purchase and sale and where the goods being purchased and sold are fresh garden crops plants, horticultural products, art and crafted items, which goods are subject to approval by the City. Public markets may also be referred to as farmer's markets.

Public services: programs and employees determined necessary by local government to provide adequate operation and maintenance of public as well as those education, health care, social and other programs necessary to support the programs, public facilities, and infrastructure set out in the local plan or required by local, state, or federal law.

Public use: use of any premises by a public body, board, commission or authority, such as a municipal, county, state or federal government, or any agency or department thereof for a governmental or proprietary purpose.

Public utilities: an enterprise providing an essential service authorized and regulated by state or federal public utility regulatory bodies, or services owned, franchised, or permitted by the City. Included are facilities necessary to provide the service such as water towers well houses, utility poles, transmission towers, substations, sewerage, communication equipment, street lighting electric power plants, substations, water tanks, gas transfer stations, water and sewage treatment plants and other similar equipment. Public utilities also include "essential utilities services".

Publicly owned parks* and *recreational facilities: an area of land, often in a largely natural state, having facilities for rest, recreation or sports activities owned or managed by a municipal, county, state or federal government or any agency or department thereof for the benefit or enjoyment of the general public.

Pylon sign: sign erected upon a tower-like structure which is wholly independent of any building or other structure for support and having at least nine feet of clearance under the sign area. Compare to "Pole sign." The supporting structure is narrower than the sign panel width.

Racquet club/health club/spa/dance studio: includes physical fitness centers; art, dance, modeling and music schools; and artist studios.

Real estate sign: A sign erected by the owner or his agent indicating property for rent, for lease or for sale and shall be removed within 30 days of property sale.

Reasonably safe from flooding*:* Base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

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

Recreational areas: privately owned and operated facilities providing recreation and sport uses such as golf courses, country clubs, swim clubs, tennis clubs, and the like. Private recreational facilities are generally sustained through the sales of memberships, but may be open to the general public for a fee. Speedways, racetracks, motorized vehicle or motocross courses, agricultural centers and associated fairgrounds, circus headquarters, and exercise or health spas or clubs are not included in this definition.

Recreational facilities: those improvements or artificially installed accessories which facilitate the use of an area or a resource for outdoor recreation. Facilities are divided into two categories: Primary facilities are those that are essential or extremely desirable for conducting a particular outdoor recreational activity, such as launching ramps for boating, trails, for cycling, roads for access to areas, etc.; secondary facilities are those that are desirable as a further enhancement of the recreational experience but are still dispensable, such as outdoor grills for picnicking and camping, docks for boating, etc.

Recreational vehicle: means, for the purposes of floodplain management, a vehicle that is:

a. Built on a single chassis;

b. 400 square feet or less when measured at the largest horizontal projection;

c. Designed to be self-propelled or permanently towable by a light duty truck; and

d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational vehicles: See "mobile recreational shelters and vehicles".

Recreational vehicle park: area of land under single ownership divided into lots or spaces for the placement of mobile recreational shelters and vehicles.

Recreational vehicle space: an improved area within a recreational vehicle or mobile home park designated for the placement of a single mobile recreational shelter and vehicle.

Recycling collection center: a facility which is solely devoted to the collection and temporary storage of aluminum products, glass, plastic, newspapers, and similar materials for eventual reprocessing of such recycle materials. Such centers are not junk yards. This facility is not located upon the same premises as the recycling manufacturer and is an ancillary use/structure.

Recycling transfer station: a facility where materials from a recycling collection center are placed into larger vehicles/containers and temporarily stored prior to being transferred to a recycling manufacturer.

Registered land surveyor: a surveyor currently registered to practice land surveying in the State of Florida.

Regulatory floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Religious institution: premises or a site used primarily or exclusively for religious worship and related religious activities.

Religious sign: a shape symbolizing a religious belief.

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.~~

Replacement stock: any immature tree having an overall height of at least six feet but does not include any tree listed as exempt in 98-28(6). In addition replacement stock shall have minimum DBH of one and one-half inches.

Replacement value: cost/value to replace the existing building/structure with a similar type of construction.

Reservoir area: (traffic) an area not on the public right-of-way which is provided for the temporary use of vehicles waiting to enter or leave a vehicle-oriented service, or an off-street parking facility.

Residential activity: any building or structure or portion thereof that is designed for or used for residential purposes and any activity involving the use or occupancy of a lot for residential purposes. Residential activity shall include those customary and accessory residential activities associated with the principal permitted use of a lot for residential purposes as set out in the zoning ordinance or other appropriate ordinance of the City.

~~***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.~~

Residential parcel: a tract of land on which a residential structure may be built without violating the comprehensive plan, or any applicable law or ordinance.

Restaurant: premises where meals, including beverages or confections are served to customers. Restaurants are classified as:

Type A buildings where the customers normally order from individual menus while seated at a table. The order is then normally served by a restaurant employee to the same table and there consumed by the customer. This group also includes cafeterias. This group does not include drive-through service.

Type B any building containing a restaurant other than type A. (i.e., one with drive-in service or drive-through service)

~~***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.

Retail specialty shops: the duly licensed selling of specialized merchandise from a store, shop or similar building. The repair, installation, servicing and making of that merchandise is allowed as an accessory use to the permitted sales. This definition does not include a flea market or curb market.

Revetment: a sloped facing structure of an armoring material such as, but not limited to, quarry stone, concrete, or geotextile fabrics, built to protect a scarp, embankment, or shore structure against erosion by wave action or currents (see "toe scour protection").

Riding stable: a premise where the teaching of horseback riding or horsemanship for five or more students is conducted for a fee or where the boarding of five or more equine animals over six months of age is done for a fee. This use also includes the keeping of five or more equine animals which may be hired for recreational riding purposes for a fixed period of time by an individual other than the owner of said animals.

Right-of-way: an easement or dedicated strip of land owned by the City, occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for similar use.

Road: the term "road" shall be construed to include streets, sidewalks, alleys, highways and other ways open or unopened to travel by the public, including the roadbed, right-of-way, and all related culverts, drains, sluices, ditches, water storage areas, waterways, embankments, slopes, retaining walls, bridges, tunnels, and viaducts necessary for the maintenance of travel.

Roof sign: Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

Rooming house: See "boardinghouse".

~~***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.~~

Sandwich board sign: Any sign consisting of two faces that are partially joined together and is free of structure or support and not secured to the ground.

Sanitary landfill: disposal facility which meets the criteria of Chapter 17-701, Florida Administrative Code, and is permitted by the Florida Department of Environmental Regulation, excluding those exempted under subsection 17-7.030(1)(a)(1), (2) of that rule. This term shall not include a land spreading site, a surface impoundment, or an injection well defined under and subject to the provisions of Chapter 17-28, Florida Administrative Code. Sanitary landfills shall be classified into the following types:

(a) ***Class I***. Landfills which receive an average of 20 tons or more of solid waste per day as weighed by scale if available, or 50 cubic yards or more of solid waste per day as measured in place after covering.

(b) ***Class II.*** Landfills which receive an average of less than 20 tons of solid waste per day as weighed by scale if available, or less than 50 cubic yards of solid waste per day as measured in place after covering.

(c) ***Class III.*** Landfills which receive only trash or yard trash. The city commission may further limit the types of materials which may be deposited in a class III landfill. *(Section 70-26)*

Seawall: structure separating land from water areas, primarily designed to prevent upland erosion and other damage as a result of wave action.

Secondary containment: the level of product-tight containment external to and separate from the primary containment.

Secondary well field protection zone: land area surrounding the primary well field protection zone, and extending a radial distance of 800 feet from said primary well field protection zone.

Self-service laundry: premises where equipment for washing and drying laundry is made available to retail customers for a charge. It is synonymous with "Laundromat."

Self-support tower: communication tower that is constructed without guy wires and ground anchors, including lattice towers.

Semi-cutoff: A semi-cutoff outdoor lighting fixture emits no more than five percent of its light above 90 degrees and 20 percent above 80 degrees from horizontal. (A standard IESNA definition)

Service area: that portion of a loading area where goods are transferred from the truck into the building being served.

Sexually oriented business: physical contact establishment, escort service, or escort agency operated for commercial or pecuniary gain, regardless of whether such business is licensed under this chapter.

Shopping center: premises containing a group of commercial establishments planned, developed and organized as a unit.

Sidewalk café: Means a use located on a sidewalk, which is associated with and adjoining a restaurant and is primarily characterized by tables and chairs; may be shaded by awnings, canopies or umbrellas; and may include such other sidewalk cafe furniture (as hereinafter defined) as permitted and/or approved pursuant to the City.

Sidewalk café furniture: Means those nonpermanent fixtures, furnishings and equipment associated with the operation of a sidewalk cafe and approved pursuant to the City including, without limitation, tables, chairs, umbrellas, planters, heaters, fans, rolling service stations, service carts, bussing stations, and menus and/or specials boards.

Sidewalk or sandwich sign: movable sign not secured or attached to the ground.

Sign:

1. Is any structure that is regulated or specifically exempted from regulation by the Deltona Sign Ordinance.
2. A device or representation for visual communication that is used for the purpose of bringing its subject to the attention of the general public. Signs do not include the following (unless they are used as attention-getting device):
   (a) Flags of nations, or an organization of nations, states and cities, fraternal, religious and civic organizations.
   (b) Merchandise, pictures, models or projects incorporated in a window display.
   (c) National, state, religious, fraternal, professional and civic symbols or crests of less than three square feet.
   (d) Works of art that in no way identify a project or business, and do not serve a commercial purpose as advertising or as an attention-getting device.
   (e) Holiday and seasonal decorations.

Sign area: the square foot area enclosed by the perimeter of the sign face. When a sign is composed of letters only, the sign area is the area of the smallest rectangles needed to enclose all letters. See also "Area of sign."

Sign face (a.k.a. copy face): part of the sign that is or can be used for communication purposes.

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

Sign, neon: sign including luminous gas-filled tubes formed into text, symbols or decorative elements and directly visible from outside the sign cabinet.

Simulated gambling device: a mechanically or electronically operated machine, network, system, or device that is intended to be used by an entrant to a game promotion, sweepstakes, drawing, raffle, or any game of chance and that is capable of displaying a simulated gambling display on a screen or other mechanism.

Simulated gambling display: visual or aural information capable of being perceived by a user which takes the form of actual or simulated gambling or gaming play. The term includes, but is not limited to, displays depicting the following types of games:

a. Reel games or simulations of reel games, such as slot machines, eight liners, or pot-of-gold.

b. Card games or simulations of card games, such as video poker.

c. Video games representing a game regulated by Florida law, such as bingo, sweepstakes, game promotions, drawings, or raffles.

d. Video games representing a game prohibited by Florida law, such as craps, keno, and lotteries.

e. Any video game based on or involving the random or chance matching of different pictures, words, numbers, or symbols.

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.~~

Site-related improvements: (traffic) capital improvements and right-of-way dedications for direct access improvements to the development in question. Direct access improvements includes, but is not limited to, the following:

(a) Site driveways and roads;

(b) Right- and left-turn lanes leading to those driveways and roads;

(c) Traffic control measures for those driveways and roads;

(d) Acceleration/deceleration lanes;

(e) Frontage roads;

(f) Median openings/closings; and

(g) Roads necessary to provide direct access to the development.

Snipe sign: sign tacked, nailed, pasted, glued or otherwise attached to trees, poles, stakes, fences or to other objects with the message appearing on the sign.

Solid waste: sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Materials not regulated as solid wastes pursuant to Florida Administrative Code chapter 17-701 are: nuclear source or by-product materials regulated under F.S. chapter 404, or under the Federal Atomic Energy Act of 1954 as amended; suspended or dissolved materials in domestic sewage effluent or irrigation return flows, or other regulated point source discharges; regulated air emission; fluids or wastes associated with natural gas or crude oil exploration or production. Solid waste does not include scrap, or new or used material, separated at the point of generation and held for purposes of recycling, subject to state and local public health and safety laws.

Solid waste facilities: structures or systems designed for the collection, processing or disposal of solid wastes and includes transfer stations, processing plants, recycling centers and plants, and disposal systems.

Solid waste transfer station: facility where solid waste from several vehicles is placed into a larger vehicle before being transferred to a solid waste processing or disposal facility.

Special conditions: (environmental): the elevated water tables, areas within the 100-year flood prone areas in the FEMA FIRM's; dramatic topographic relief, or other unusual characteristics of the land that would require a lot to be filled above the maximum fill elevations in this chapter in order to reasonably accommodate construction in the opinion of the city engineer.

Special event: any public or private nonprofit event of limited duration in which the general public is invited to participate, and other events of limited duration that are otherwise unrelated to the primary use of the property. The term includes campaigns for election to public office and campaigns related to referenda proposing amendments to local, state or federal statutory or constitutional law, which shall be referred to as "political campaigns."

***Special event sign*:** A sign that refers to any public or private non-profit event of limited duration as listed on the sign permit, in which the general public is invited to participate, and other event of limited duration that is otherwise unrelated to the primary use of the property.

Special exception: See "conditional use".

Special flood hazard area: see "area of special flood hazard"

***Specified anatomical areas*:**

(1) Less than completely and opaquely covered:

a. Human genitals or pubic region;

b. Any part of the human buttocks; or

c. That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola (the colored ring around the nipple); which shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed.

(2) Human male genitals in a discernibly erect or turgid state, even if completely and opaquely covered.

(3) Any simulation of the above.

***Specified criminal act*:**

(1) A violation of sections 78-4 and 78-94 through 78-109;

(2) Any offense under the following: F.S. Ch. 794 regarding sexual battery, F.S. Ch. 796 regarding prostitution, F.S. Ch. 800 regarding lewdness and indecent exposure, and F.S. Ch. 847 regarding obscene literature; or

(3) An offense under an analogous statute of a state other than Florida, or an analogous ordinance of another county or city.

***Specified sexual activity* :**

(1) Human genitals in a state of sexual stimulation, arousal, erection or tumescence;

(2) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast; or

(3) Acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilous, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sapphism, sexual intercourse, sodomy or urolagnia; or

(4) Excretory functions as part of or in connection with any of the activities set forth in subsection (1), (2) or (3) of this definition.

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.~~

Spill: the unpermitted release or escape of a hazardous substance, directly or indirectly to soils, surface waters or groundwater.

Spot lamp: a specific form of lamp designed to direct its output in a specific direction (a beam) and with a clear or nearly clear glass envelope; such lamps are so designated by the manufacturers, and typically used in residential outdoor area lighting.

Square foot: (building) a building's total enclosed square footage and under roof, excluding overhangs.

Start of construction: means for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), this includes substantial improvement, and means the date

the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

State certified erosion control inspectors: individuals that have successfully completed and met all requirements of the FDEP Stormwater, Erosion, and Sedimentation Control Inspector Training Program.

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).

Storage system: any one or combination of tanks, sumps, wet floors, waste treatment facilities, pipes, vaults, or other portable or fixed containers used, or designed to be used, for the storage of hazardous substances at a facility.

Stormwater management system facility: system of manmade structures or natural resources designed or used to collect, convey, hold, divert or discharge stormwater, and includes stormwater sewers, canals, detention structures, retention structures, lakes, holding basins, wetlands, and natural depressions.

Straddle dance, lap dance, face dance* or *friction dance:

(1) The use by any worker of any part of his body to touch the genital or pubic area of another person while at the establishment, or the touching of the genital or pubic area of any worker to another person while at the establishment. It shall be a "straddle dance" regardless of whether the "touch" or "touching" occurs while the worker is displaying or exposing any specified anatomical area. It shall also be a "straddle dance" regardless of whether the "touch" or "touching" is direct or indirect (through a medium).

(2) The straddling of the legs of any worker over any part of the body of a person other than another worker at the establishment, regardless of whether there is a touch or touching.

Street: a public or private vehicular right-of-way or easement which affords a primary means of access to abutting properties, whether designated as a street, avenue, highway, road or however otherwise designated, but excepting driveways to other buildings. The term "street" shall include all road designations shown on the thoroughfare system plan map.

Structural alterations: any change, except for repairs or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists or roof joists.

Structure: anything constructed or erected that requires location on the ground or is attached to an object having a location on the ground.

Subdivision: division of a parcel of land into two or more lots, blocks, or parcels as recorded in the Public Records of Volusia County, Florida.

Subdivision home sales center: those sites approved pursuant to chapter 110 as model home sales centers in subdivisions.

Subdivision sign: sign designating a subdivision, plat or other division of real property.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the current market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. This term does not, however, include any repair or improvement of a structure to correct existing violations of State of Florida or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official prior to the application for permit for improvement, and which are the minimum necessary to assure safe living conditions. This term does not include any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Substantially improved existing manufactured home parks or subdivision: where the repair, reconstruction, rehabilitation or improvements of the streets, utilities and pads equals or exceed 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Supermarket: includes grocery stores with or without meat sales and shopping centers.

Supplementary wall sign: A non-permanent sign installed within a poster frame, window, door, clip frame, or other similar display fixture or area. Temporary window signs are considered supplementary wall signs.

Swale area: portion of land between the traveled roadway and the sidewalk or property line.

Tailwater recovery systems: facilities, permitted by the St. John's River Water Management District, or the United States Department of Agriculture Conservation Service, to collect, store and transport residual irrigation water for reuse in a farm irrigation distribution system.

Temporary: means a period of less than 12 months, except that certain temporary uses and structures that are specifically recognized in this chapter may exist for longer time periods in accordance with the specific provisions of this chapter until they are replaced by other uses or structures.

Temporary lighting: lighting which does not conform to the provisions of this chapter and which will not be used for more than one 30-day period within a calendar year, with one 30-day extension. Temporary lighting is intended for uses which by their nature are of limited duration, for example, holiday decorations, civic events or construction projects.

Temporary portable storage unit: any container designed for the storage of personal property that is typically rented to owners or occupants of property for their temporary use and that is typically delivered and removed by a truck. A temporary portable storage unit is allowed on property solely for the loading, unloading and temporary storage of goods.

Temporary sign: any sign or attention-getting device intended to be used less than 12 months or only during the duration of a particular activity (for example, construction) or event (for example, a fair). Advertising on retail equipment, vehicles, trailers, real estate signs and the outside placement of products or displays except where specifically provided for in the approved site plan or uniform sign plan are examples of temporary signs.

Temporary sign permit: a permit for a temporary sign.

The traveled way: paved portion of the roadway or that surface between both edges of pavement or back of curb, including, but not limited to, turn lanes, parking lanes, deceleration and acceleration lanes, or 12 feet from center line on both sides of the right-of-way of unpaved roads.

Thoroughfare: public road, the primary though not sole purpose or use of which is to facilitate through movement of vehicles in moderate to substantial volume, rather than the providing of direct access to abutting properties (see the City's Comprehensive Plan Figure 2-1: Thoroughfare Roadway System).

Thoroughfare corridor land area comprised of a thoroughfare and its intersections, and that part of any intersecting non-thoroughfare street and its intersections which is within 660 feet of both sides of the thoroughfare as measured along the center line of the non-thoroughfare street from the center line of the thoroughfare.

Thoroughfare system: any roadway that has been designated as either an arterial or collector in the City's Comprehensive Plan.

Thoroughfare system plan: thoroughfare plan as set out and included in the comprehensive plan.

Time and temperature: electronic or mechanical sign designed to alternate from time to temperature only.

To plat: to divide, consolidate, or subdivide land into lots, blocks, parcels, tracts, sites or other divisions, however the same may be designated, and the recording of a plat in the office of the clerk of the circuit court. The term "to plat" shall include replat.

Toe: lowest part of an embankment.

~~***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.~~

Town House: individually owned single-family standard or manufactured dwelling constructed as a group of three or more attached single-family dwellings, each on its own lot.

Toxic material: a material that produces a lethal dose or a lethal concentration within any of the categories as described in section 3.3.161.11 of the NFPA 1, Fire Code, Florida 2010 Edition.

Traffic analysis zone: limited geographic area defined and used for traffic modeling and analysis.

Traffic generation statement: documentation of proposed trip generation rates submitted prior to and as a part of a traffic impact analysis. This documentation shall include actual traffic generation information from a representative sampling of existing similar developments.

Traffic impact analysis: study prepared by a qualified professional engineer, licensed to practice within the State of Florida, to determine the vehicular impact of the development upon the major road network system. This study includes: determination of trip generation; trip distribution; traffic assignment; capacity analysis; and improvements to the roadway system necessitated by the development, such as required new roads, additional lanes and signalization. The analysis may include modal split and volume to capacity (V/C) ratios.

Trailer* or *mobile home: any unit used for business purposes as an office, or for living and sleeping purposes and which is equipped with wheels or similar devices used for the purposes of transporting said unit from place to place, whether by motive power or other means.

Trailer sign: sign placed in or on or attached to a portable or mobile device or a device that may be made portable or mobile. These signs cannot be used as permanent signs.

Translucent: permitting light to pass through but diffusing it so that persons, objects, etc., on the opposite side are not clearly visible.

Transportation impact fee: charge required to be paid in accordance with Chapter 94, article IV of the Code of Ordinances.

Trash: the combination of yard trash and construction and demolition debris along with other debris such as paper, cardboard, cloth, glass, street sweepings, and other like matter.

Travel time and delay study: study to evaluate the quality of traffic movement along a thoroughfare road and determine the locations, types and extent of traffic delays by using a moving test vehicle for the ultimate objective of determining whether the existing level of service and available roadway capacities differ from the service levels and available capacities used by the conventional and generalized Florida Department of Transportation highway capacity tables.

Tree: any woody self-supporting plant characterized by having a single trunk of at least six inches DBH or multistem trunk system with well-developed crown at least 15 feet high as measured from its base shall be considered a tree.

Trip: one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end).

Trip generation: the attraction or production of trips caused by a given type of land development.

Trip Generation Manual: the most recent publication entitled Trip Generation published by the Institute of Transportation Engineers, which document is hereby incorporated by reference.

Truck stop: premises where the principal use is the refueling, parking and servicing of trucks and trailers.

Under-canopy sign: A sign painted on or attached to the underside of a canopy or marquee.

Uniform sign plan: sign plan for more than one business use setting forth standards for uniform sign area, letter style, letter height and sign colors.

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

U-pick sign: sign advertising a farming operation where, for a fee, produce may be gathered by the general public.

Urban bus system: fixed route mass transit system in which the estimated demand for mass transit service is equal to or greater than 20 passenger trips per square mile.

Use:

(1) Any purpose for which premises may be designed, arranged, intended, maintained or occupied; or

(2) Any activity, occupation, business or operation conducted or intended to be conducted on the premises.

Use-related informational sign: sign that relates to an activity on the premises upon which it is located.

Used car lot: lot or group of contiguous lots, used only for the storage, display and sales of used automobiles, not to include junk yards.

Utilities: includes, but is not limited to, water systems, electrical power, sanitary sewer systems, gas distribution systems, storm drainage systems, telephone systems, and cable television systems.

Vehicle: a device or structure that is designed to transport persons or things (i.e. car, truck, etc.)

Vehicle sign: sign for the purpose of identification affixed to a transportation vehicle, including automobiles, trucks, boats, trailers and campers. These signs cannot be used as permanent signs.

Veterinary clinic: premises for the medical and surgical care of sick or injured animals, with limited overnight facilities.

Violation: The failure of a structure or other development to be fully compliant with the requirements of the Land Development Code. For purposes pertaining to Chapter 90 violation means, a structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Volume to Capacity Ratio (V/C Ratio): a measure of a roadways capacity to handle a given volume of traffic

Wall sign: A sign painted on or affixed to the structural wall of a building, with a sign face approximately parallel to the wall perpendicular to the ground and projecting no more than 12 inches from the wall. The general term "wall sign" shall also include window signs and fascia signs.

Water body: lake, pond or other natural, or manmade, body of surface water of any type.

Watercourse: A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water detention structure: a normally dry facility which provides for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.

Water retention structure: a normally wet facility which provides for storage of storm water runoff.

Well: any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, development, or artificial recharge of groundwater; but such term does not include any well for the purpose of obtaining or prospecting for oil, natural gas, minerals, or products of mining or quarrying, for inserting media to dispose of oil brines or to repressure oil bearing or natural gas-bearing formations or for storing petroleum or natural gas or other products or for temporary dewatering or subsurface formations for mining, quarrying or construction purposes.

Well, Private: a well that serves one home is owned and/or maintained by a private entity.

Well, Public: a well that is governmentally owned, supplied, and/or regulated.

Wetlands: lands which are identified by being inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The definition includes all contiguous and noncontiguous or isolated wetlands to waters, water bodies, and watercourses. Wetlands include, but are not limited to, swamp hammocks, hardwood hydric hammocks, riverine cypress, cypress ponds, bayheads, bogs, wet prairies, freshwater marshes, tidal flats, salt marshes, mangrove swamps and marine meadows. Dominant wetland vegetation shall be determined as provided in rule 17-3.022, Florida Administrative Code.

Wetland vegetation: defined in rule 17-3.022, Florida Administrative Code.

Window sign: sign installed inside or painted on a window or other opening so as to be visible from outside the premises. This term does not include merchandise located in a window.

Window sign, temporary or promotional: window sign of a temporary nature used to direct attention to the sale of merchandise, or a change in the status of the business, including signs for sales, specials, going out of business, grand openings, etc.

Worker: person who works, performs or provides services at an adult entertainment establishment or who is an escort, irrespective of whether such person is paid a salary or wage. The term includes but is not necessarily limited to employees, independent contractors, subcontractors, lessees or sublessees who work or perform in, at or for an adult entertainment establishment. An operator is deemed a type of worker.

Yard: open space on the same lot with a building, occupied and unobstructed from the ground upward, except by trees, shrubbery, or vegetative ground cover, and unoccupied by buildings or structures except as specifically provided herein.

DEFINITION OF YARD

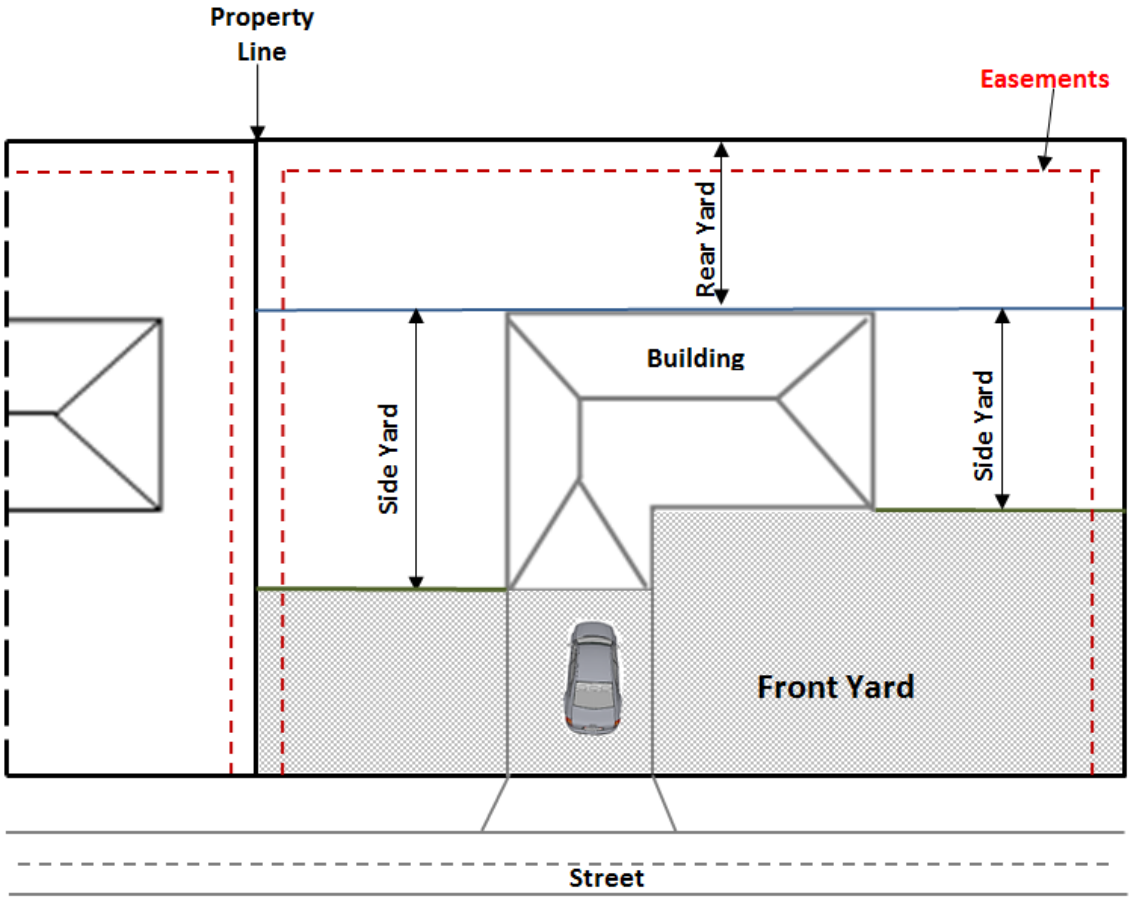
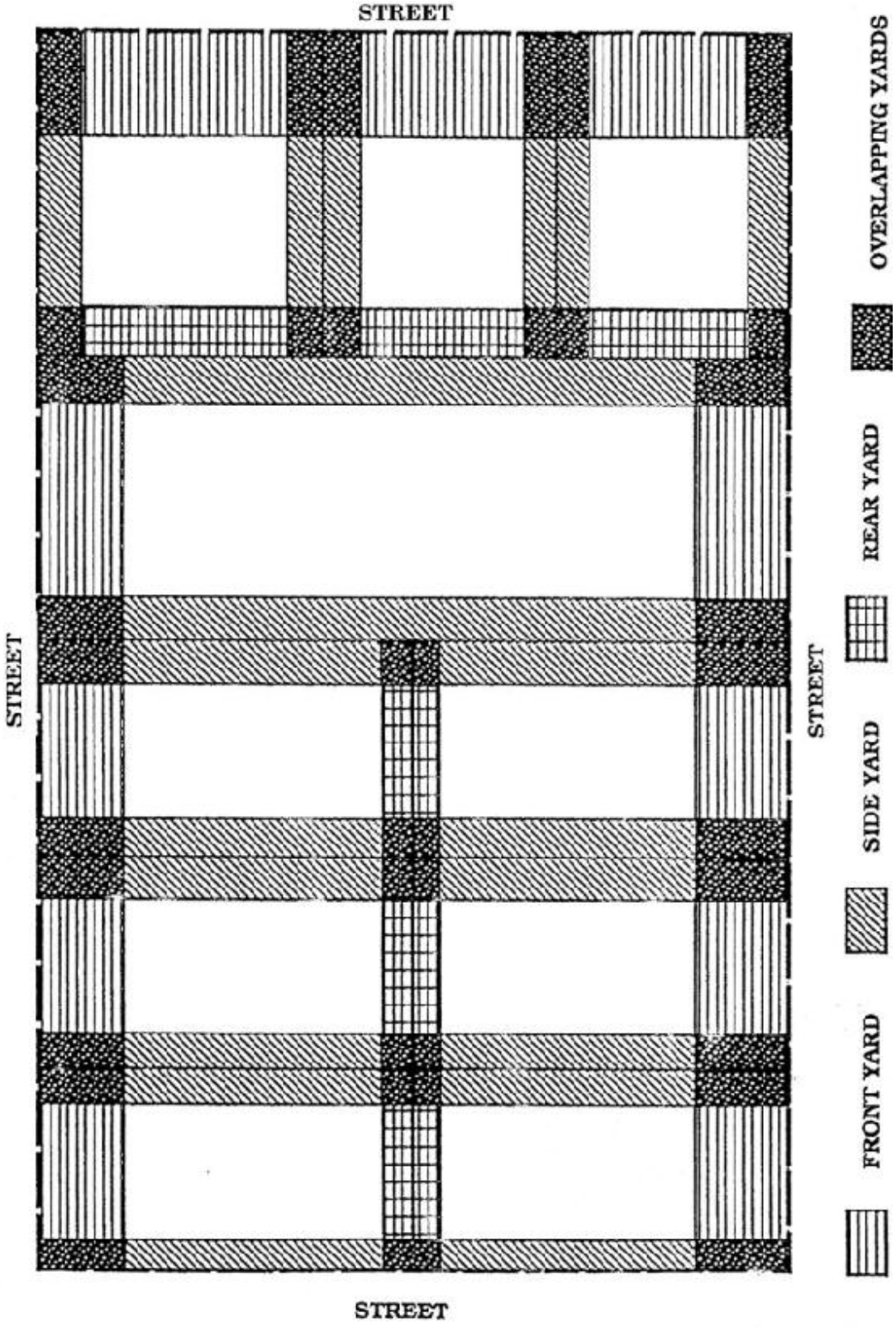


ILLUSTRATION OF FRONT, SIDE & REAR YARD



Yard, front: open space or lawn across the full width of the lot, extending from the front line of the building to the front line of the lot, excluding steps.

Yard, rear: open space or lawn extending across the full width of the lot, extending from the rear line of the building to the rear line of the lot, excluding steps. On a through or double frontage lot, the yard extends from either: (a) The rear of the building to the lot line, or (b) the rear of the building to the rear of the buildings facing the opposite street, depending upon the orientation of the principal building on the lot.

Yard, side street: an open unoccupied space situated between the front or side of a building and the side lot line where it abuts the side street line of a corner lot. The side street yard shall extend from the rear boundary of the front yard, as the front yard is defined in this code and to include the rear boundary of the minimum required front yard setback, at a perpendicular angle to the nearest interior side or rear lot line.

Yard trash: vegetative matter resulting from landscaping maintenance or land clearing operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and stumps.

Yard, waterfront: open space abutting a body of water.

Zoning enforcement official: the Director of the Planning and Development Services Department of the City of Deltona or his or her duly authorized representative.

Zoning ordinance: the zoning ordinance of the City of Deltona, Florida, Ord. No. 30-98, as amended it is a component of the Land Development Code.

(Ord. No. 19-2011, Ord. No. 04-2012)

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~~Circuit ~~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 action 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~~The 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.~~, and~~ In that event, 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 ~~with~~sufficient 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 the 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 provisions 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 Services 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.

ARTICLE III. USE PERMIT

Sec. 74-51. Regulations.

(a) *Purpose.* The purpose of this article is to regulate the location, installation or adjustment of any facility on or under city rights-of-way, traveled ways or easements or other city-owned property (city property), including canals and drainage easements or ditches by any person.

(b) *Permit required.* Any person placing, installing or adjusting any facility on city property shall have been issued a use permit prior to the commencement of construction. Facilities include driveways

with access to city roads, utility lines and equipment, and traffic control devices. A copy of the City of Deltona Use Permit is attached hereto and incorporated herein by reference as Exhibit "A"*.

***Editor's note:** Exhibit "A" follows § 74-59.

(c) *Jurisdiction.* This article shall apply to and be enforced on all City property.

(d) *Application procedure.* Notwithstanding any other articles of this chapter, an application for a use permit shall be filed, processed and approved as follows:

(1) An application for a use permit shall be filed with the city engineer or designee and the required filing fee paid.

(2) Three copies of the required submittals shall be submitted with the application. The submittals shall meet the requirements of this chapter and contain the following information:

a. A vicinity map showing the work area location at a scale of one inch equals 2,000 feet;

b. The offset from the center line of the right-of-way or road to the proposed facility;

c. The road right-of-way and pavement width;

d. The distance from the edge of the traveled way to the facility and the location of all other utilities within the work area;

e. One or more typical cross-sections as required by the city engineer to adequately reflect the location and construction details of the proposed facility;

f. The minimum vertical clearance above or below the road, ground or pavement;

g. Any other information required by the city engineer; and

h. Ordinance number and date of issue and/or copy of the franchise issued to the applicant for use of the right-of-way.

(3) The city engineer shall determine the completeness of the application within three working days of filing. (4) Upon receipt, the city engineer shall review the application. If the application meets all of the requirements of this article, it shall be approved within seven working days of receipt. Incomplete applications shall be returned to the applicant.

(5) If the application has been approved, the city engineer shall issue the use permit within two working days. If the application has been denied, the city engineer shall immediately notify the applicant. If denied, the applicant or any aggrieved person may refile in accordance with the provisions of this subsection, as for a new application, the applicant or any aggrieved person may appeal the denial to the DRC, as provided in subsection 74-2(g).

(6) A guarantee of completion (bond or letter of credit) of the permitted construction may be required by the city engineer if in his/her opinion the proposed construction would constitute a significant traffic hazard if not completed as proposed. Such guarantee shall be the same as established in subsection 96-76(a) and shall be returned to the permittee upon satisfactory completion of construction or shall be used to ensure completion of construction by the city where construction is not satisfactorily completed.

(7) The use permit may be revoked by the city engineer for reasons of public safety or public nuisance.

(e) *Prohibited structures.* Any sporting equipment temporarily or permanently placed (e.g. basketball goals) or homemade or other non-conforming traffic control devices are strictly not permitted as a matter of safety. Violators shall be subject to the fine provisions of this article.

(Ord. No. 96-25, § 1(601), 3-4-1996; Ord. No. 03-98, § 1(601.01--6.1.05), 2-2-1998; Ord. No. 18-98, § 1, 8-17-1998)

Sec. 74-52. Stipulations.

(a) *Permissive use.* A use permit is a license for a permissive use only, and the placing of facilities upon city property pursuant to the permit shall not operate to create or to vest any property right in the holder thereof. The issuance of a use permit does not relieve the permittee of the need for obtaining a franchise and any other permits that may be required by the appropriate authorities. The permittee shall be responsible for maintenance, repair and restoration of right-of-way (ROW), which may include but is not limited to drainage swales, sodding, or sidewalks of all such facilities permitted except for those conveyed to the public and accepted for maintenance by the City.

(b) *Assumption of risk.* The rights and privileges herein set out are granted only to the extent of the City's right, title and interest in the land to be entered upon and used by the applicant; and the applicant shall at all times assume all risk of and hold harmless, indemnify and defend the City from and against any and all loss, damage, cost or expense arising in any manner on account of the exercise or attempted exercise by the applicant of the aforesaid rights and privileges.

(c) *Encroachment or interference.* The construction and/or maintenance of a utility or facility shall not interfere or encroach upon the property and rights of a prior occupant.

(d) *Relocation or protection of facilities.* In the event of widening, repair, reconstruction or improvement of city property, including but not limited to installation of pavement, drainage structures or sidewalks, the permittee shall, upon notice by the city engineer, relocate or protect existing facilities to clear such construction at no cost to the City.

(Ord. No. 96-25, § 1(602), 3-4-1996; Ord. No. 03-98, § 1(602.01--602.04), 2-2-1998; Ord. No. 18-98, § 2, 8-17-1998)

Sec. 74-53. Supporting regulations.

(a) *City, county, state and federal regulations and specifications.* When applicable, the provisions of the latest editions of the following references shall apply:

(1) This chapter;

(2) "FDOT Standard Specifications for Road and Bridge Construction";

(3) Regulations for the transportation of natural and other gas by pipelines (Parts 191 and 192, Title 49 of the Code of Federal Regulations);

(4) "USDOT Manual on Uniform Traffic Control Devices";

(5) "FDOT Utility Accommodation Guide";

(6) "FDOT Minimum Standards for Streets and Highways";

(7) The City of Deltona Zoning Ordinance;

(8) FDOT Roadway and Traffic Design Standards.

(9) Florida Stormwater, Erosion and Sedimentation Control Inspector Manual.

(b) *Conflict of regulations.* In the event of a conflict between the regulations and specifications referred to in subsection 74-53(a) above, and the other provisions of this article, the most restrictive shall apply.

(Ord. No. 96-25, § 1(603), 3-4-1996; Ord. No. 03-98, § 1(603.01, 603.02), 2-2-1998; Ord. No. 43-2005, § 3, 1-3-2006)

Sec. 74-54. Qualifications of permittee.

(a) Subject to possession of a franchise or as otherwise approved by the city commission and satisfaction of and compliance with requirements contained herein, a use permit may be issued to the following:

(1) *Utility companies.* Utility corporations or companies (including county and municipal utilities) that will be servicing the installed facility.

(2) *Contractors.* Contractors responsible for the installation of any utility facility or structure subject to these regulations.

(3) *Private citizens.* Private citizens, corporations or organizations with a reasonable and legitimate purpose in using the right-of-way, which purpose poses no threat or danger to the public health, safety or welfare.

(4) *Underground utility contractors.* Underground utility contractors must hold a current county or State of Florida general contractor's certificate, or a current county or State of Florida plumbing contractor's certificate. The City may require prequalification of the contractor for the type of work to be performed.

(Ord. No. 96-25, § 1(604), 3-4-1996; Ord. No. 03-98, § 1(604.01--604.04), 2-2-1998; Ord. No. 18-98, § 3, 8-17-1998)

Sec. 74-55. Exceptions.

(a) *Service connections without pavement cuts.* Scheduled short side service connections, including but not limited to water and sewer hookups with no pavement cut or road crossings and all scheduled maintenance repair (i.e., pole replacement with no change in location or alignment, splice pits, etc.) in the right-of-way where limits of excavation are not in or within six feet of the edge of the traveled way, will not require a use permit; however, prior notification of the commencement of such work shall be given to the city engineer before starting work.

(b) *Relocations requested by the city.* On any city construction project where facilities on city property are requested by the City to be relocated, a use permit shall be required. An application shall be submitted by the person responsible for the relocation as required by subsection 74-51(b), but no fee will be charged, providing there is no expansion of the facilities involved.

(c) *Emergency repair.*

(1) A disruption in any utility service shall constitute an emergency. Emergency repairs may be performed without obtaining a use permit prior to such repair. Emergency repair work shall be completed in accordance with applicable directives from the City or other authority as expeditiously as possible. During normal City working hours, verbal approval for the emergency work shall be obtained from the public works department. If emergency work is required at night, on weekends or holidays, the public works department shall be notified of all emergency

repair work by 10:00 a.m., the first workday following beginning of such repair work. An application for a use permit shall be submitted within two working days following commencement of emergency repair work. The person, company or utility performing the emergency repair work shall be exempt from the requirements of section 74-56 for prior notification to other agencies, with exception of gas utility companies, but shall notify those agencies by 10:00 a.m., the day following the commencement of the emergency repair work.

(2) Notification to gas utility companies. Notification to gas utility companies shall be accomplished prior to commencement of any emergency work. This may be accomplished by telephone or other expeditious method.

(d) *Performance criteria.* For those situations described in subsections (a), (b) and (c), all work must be performed in compliance with the other provisions of this article and all other applicable laws and regulations.

(e) *City commission approved construction projects.* City construction projects on city property which have been approved by the city commission shall comply with the permitting provisions of this article, but not otherwise require a R-O-W use permit.

(Ord. No. 96-25, § 1(605), 3-4-1996; Ord. No. 03-98, § 1(605.01--605.05), 2-2-1998)

Sec. 74-56. Notification to other agencies.

(a) *Notification required by city engineer.* Notification to gas utility companies shall be accomplished prior to commencement of the permitted work. If required by the city engineer, the applicant shall notify in writing all other users of city property in the immediate vicinity of the permitted work, in order to determine if there are any objections to it. Any objections to the permitted work by affected right-of-way users must be forwarded in writing to the applicant and to the city engineer within seven days of the said letter. Except as herein provided, the city engineer may hold a permit application for a period not to exceed seven days, to allow time for the receipt of objections to the permitted work. The seven days period may be waived if the applicant includes proof that other affected right-of-way users have been notified and that said users have no objections to the issuance of the use permit.

(b) *Verification of notification.* The applicant shall verify the notification to other users by submitting the proof called for in subsection (a) and completing the section provided in the application for such verification. It is the full and complete responsibility of the applicant to determine that all other users are notified of the proposed work. Any work performed without such notification, shall be at the sole risk of the applicant.

(c) *Gas notification number.* Pursuant to the provisions of F.S. § 553.851, as amended, all applicants will indicate on the permit application, if required, the gas notification number immediately following the gas company's name. No permit for excavation of the right-of-way will be issued until the applicant has certified his compliance with F.S. § 553.851(2)(a) and (c), as amended.

(Ord. No. 03-98, § 1(606.01--606.03), 2-2-1998)

Sec. 74-57. Responsibility for compliance.

(a) The applicant assumes full and total responsibility for compliance with this article, supporting regulations, additional requirements of the city commission, any municipal, city, state or federal laws, ordinances or other directives which may apply to the proposed work.

(Ord. No. 96-25, § 1(607), 3-4-1996; Ord. No. 03-98, § 1(607), 2-2-1998)

Sec. 74-58. Utility location standards.

(a) *Protection of right-of-way.* The primary concern in the design and location of utility installations is protection of the right-of-way and the safety of the road user, and in all cases full consideration shall be given to sound engineering principles and economic factors.

(b) *Underground facilities.* Where possible, all longitudinal underground utility facilities shall be placed outside of four feet of the traveled way.

(c) *Location to consider future road widening and other facilities.* Proposed location of poles, fire hydrants, water meters, etc., should take into consideration future road widening, sidewalk, storm drainage or other construction. Minimum guidelines for roadside recovery area shall be as shown in the latest edition of the "FDOT Minimum Standards for Streets and Highways." (Green Book). Deviations require approval by the city engineer.

(d) *Water meter boxes.* Water meter boxes shall not be placed within the limits of a proposed or existing sidewalk.

(e) *Fire hydrants.* Fire hydrants shall be located no closer to the road travel way than that required for recovery areas by the Green Book. If no sidewalks exist, the hydrant should be located approximately one foot inside the right-of-way line. Where sidewalks are required, the desired location of the fire hydrant shall be between the sidewalk and the street with said location dependent on street design speeds and rights-of-way. Deviations shall require approval by the city engineer.

(f) *Prohibited structures, signs, signals.* Pursuant to F.S. § 316.077, no person shall place, maintain or display upon any city property any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal. No person shall place or maintain upon any city property any sign or signal bearing thereon any commercial advertising.

Every such prohibited sign, signal or marking is declared to be a public nuisance and a violation of this chapter, and the enforcement official is empowered to remove the sign or cause it to be removed without notice.

(g) *Mail boxes and newspaper delivery boxes.* The locations and construction of mail boxes, newspaper delivery boxes and similar structures shall be in accordance with the latest edition of "A Guide for Erecting Mail Boxes on Highways" by the AASHTO. Any such existing structure not in conformance with this section may be required to be made to conform with this section if the city engineer determines such existing structure to be a traffic hazard.

(h) *Headwalls and drainage inlets.* Headwalls and drainage inlets shall not constitute a hazard to traffic and shall be designed in accordance with "FDOT Standard Specifications for Road and Bridge Construction" and "FDOT Roadway and Traffic Design Standards."

(Ord. No. 96-25, § 1(608), 3-4-1996; Ord. No. 03-98, § 1(608.01--608.08), 2-2-1998; Ord. No. 01-2009, § 1, 4-20-2009; Ord. No. 22-2009, § 1, 2-15-2009)

Sec. 74-59. Permits and inspections.

(a) *Copy to applicant.* Upon approval of the application, one copy of the approved plans and the use permit will be returned to the applicant.

(b) *Permit available on site.* The use permit must be available at all times at the work site while work is being performed. Any work in progress on, or use of, city property without a valid use permit available at the site shall be suspended until such time as a valid use permit is produced on the site.

(c) *Permit valid for one year.* The use permit for construction is valid for a period not to exceed one year from date of issuance. The expiration date will appear on the permit. No work will be performed under an expired permit. Prior to expiration, a request for an extension may be submitted to Building and Enforcement Services Department and Engineering Department. Extension requests shall be submitted a minimum of 30 days prior to the expiration date of the permit. Only one 90-day extension may be granted.

(d) *Modification of permits.* Letter requests for modification of permits will be processed in accordance with provisions of sections 74-56 through 74-60 hereof. The letter requesting modification must contain the appropriate gas company's name, the gas notification identification number, and to expedite processing, a statement that the other right-of-way users have no objection to the requested modification.

(e) *Inspection and approval of materials and work.* The city engineer or designee shall have the right to inspect and approve materials and/or phases of permitted work at any time. Final inspection and acceptance of the permitted work by the city engineer must be obtained prior to completion of the work. Work will be considered incomplete until that portion of the permit indicating final inspection and approval has been signed and dated by the inspector.

(f) *Notice to city for subterranean road crossing.* The permittee shall notify the city engineer at least 48 hours prior to beginning work, and prior to commencing any subterranean road crossing, whether by open cutting, boring, jacking, pushing, pulling, driving, or some combination of these. The date, time and location regarding these scheduled subterranean crossings must be given at the time of this notification.

(g) *Underground facilities.* Underground facilities (buried cable, water lines, etc.) will not be covered until approved by the city inspector, either through on-site inspection or prior authorization.

(h) *Failure to obtain inspections.* Failure of the permittee to obtain the appropriate inspections prior to proceeding with work shall not relieve the permittee from re-excavation or other measures necessary for the inspection of the work.

(i) *Correction of noncompliance.* Any and/or all items found not to be in compliance with these regulations will be immediately corrected by the permittee.

(j) *Permit termination.* The inspector's signature on the completion line on the permit terminates that permit, and no further work may be done under the permit except repairs as directed by the city engineer.

Exhibit A

RIGHT OF WAY USE PERMIT

City of Deltona

Building and Zoning Services
2345 Providence Blvd. Deltona, Florida 32725
Telephone: 386-878-8650 Fax: 386-878-8651

This Permit MUST be available on the job site.

Date: _____ **Permit _____**

Permittee:	**Site Address**
Name	Address
Address	
City, State Zip	Parcel ID Number
Telephone Number	Fax Number
PERMITS SHALL BE ISSUED TO PROPERTY OWNERS, LICENSED CONTRACTORS, AND UTILITY FRANCHISE HOLDERS ONLY.	

This permit is to certify that the above named permittee has permission to:

_____

_____

____Driveway Construction Only: ___Residential ___Commercial

___ Yes ___ No **SPECIAL PROVISION**

Notification **MUST** be made to Property Owners / Occupants along the planned route / construction zone of the work as outlined in the Use Permit.

Inspection Record: (Initial and Date) _____

ROADWAY	**CABLE TV**	**TELEPHONE**	**WATER/ SEWER**	**POWERLINES OVERHEAD**	**POWERLINES UNDER GROUND**	**OTHER**

****THIS PERMIT EXPIRES ONE YEAR FROM DATE OF ISSUANCE****

Permittee must call the Sunshine State One-Call of Florida Inc. at 811, Not Less than Two Nor More than Five Business Days Before Beginning Excavation – See Attached Instructions and Conditions

Issued By:

_____

Steve Roland, Building Official **Date**

_____

Gerald Chancellor, P.E. City Engineer **Date**

INSTRUCTIONS AND CONDITIONS

The issuance of this permit is governed and regulated by the following applicable directives:

- Florida State Statutes, Chapter 124.42;
- Chapter 77-153, Laws of Florida, Protection of Gas Pipelines;
- City of Deltona, Land Development Code;
- Regulations for the Transportation of Natural and Other Gas by Pipelines (Parts 1-1 & 192, Title 49 of the Code of Federal Regulations); and
- Any additional requirements of the City Codes and Ordinances.

It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the City's right, title and interest in the land to be entered upon and used by the permittee; and the permittee will at all times, assume all risk of and indemnify, defend and save/hold harmless the City of Deltona from and against all loss, damage, cost or expense arising in any manner on account of the exercise or attempted exercise by said permittee of the aforesaid rights and privileges.

Permittee declares that prior to filing this permit, he has ascertained the location of ALL existing utilities, both aerial and underground.

It is expressly stipulated that this permit is a license for permissive use only and that the placing of facilities upon public property pursuant to this permit shall not operate to create or to vest any property right in said holder. The construction and/or maintenance of a utility shall not interfere with the property and rights of a prior occupant.

In the event of widening, repair or reconstruction of such road or highway, upon reasonable notice, the permittee shall move its facilities to clear such construction at no cost to the City of Deltona, insofar as such facilities are within the public right-of-way.

THIS PERMIT IS TO CERTIFY THAT THE PERMITTEE HAS PERMISSION TO:

____ Install driveway and apron: ___with culvert ___ without culvert
____ Install pipe, cable, duct or other underground utility along ROW
____ Install poles or other overhead utility along ROW
____ Install retaining wall or other encroachment
____ Other-Description:_____

SPECIAL CONDITIONS

____ 1. Apron must be 2.5 feet wider on each side of the driveway at the street where it meets the pavement edge.
____ 2. Positive drainage in the ROW swale shall not be compromised.
____ 3. Culvert under driveway shall be a minimum diameter of 15" with mitered ends and meet FDOT standards.
____ 4. **NO** reinforcement in the ROW apron is allowed.
____ 5. Concrete shall be a minimum of 6" in depth and 2,500 PSI compressive strength.
____ 6. Guard rail or fence shall be installed.
____ 7. Driveway surface or culvert invert shall match the existing swale grade and constructed to not impede flow.
____ 8. **Please call 386-575-6900, 24 hours prior to pouring concrete for inspection/approval prior to pour.**

PENALTIES:
Any work that commences without the required permits available on the job site shall be immediately suspended until such time as the required permits have been acquired. A penalty fee for work commenced without a valid permit issued shall be

charged in addition to the normal permit fee. The penalty fee shall be equal to the permit fee. *Emergency work is excluded from penalty fees.
Work performed without City inspections and approval is done so at permittee's and property owner's risk and may be subject to removal and replacement.

The undersigned permittee has read and acknowledges his/her understanding of this permit, instructions, and conditions. Accepted and acknowledged by:

_____ _____

Permittee/Applicant **Date**

Revised 5/1/08

Sec. 74-60. Crossings.

(a) *General considerations.* The normal crossing under paved surfaces will be made without cutting the pavement. Pavement cuts will be allowed on roads with a surface that has been in place for ten years or longer, and has a traffic count of 3,000 vehicles or less per lane per day. Requests for open street cuts on roads which do not meet these criteria will not be considered.

(1) All subterranean crossings of a traveled way, 40 feet or more in length, shall require a tracked type bore and jack, with encased augur. Crossings less than 40 feet may be made by boring, jacking, pushing, pulling, driving or some combination of these.

(2) Closed end jacking may be permitted for pipe with a maximum outside diameter of three inches. The pipe shall extend six feet from the edge of pavement.

(3) All other pipe must be jacked with the end open or bore and jacked and extend a minimum of six feet beyond the edge of pavement or as directed by the city engineer.

(4) If mechanical boring is used, the tip of the drill head shall not precede the end of the pipe by more than two inches.

(5) The minimum depth of cover shall be 36 inches from the top of the pipe to the existing and proposed surface.

(6) All such crossings shall be a continuous operation and be completed and the pits backfilled prior to ceasing the operation.

(7) Any deviation from approved materials, location or operation shall be grounds for stopping work, directing the plugging of the line with concrete, and restoring the area.

(b) *Open street cuts.*

(1) Traffic maintenance. As a general rule, a minimum of one lane of traffic must be maintained at all times and adequate safety precautions taken. Any street closures will require a traffic plan submitted at least seven days in advance of the proposed closure and approved by the county traffic engineer. If a detour is contemplated, the complete detour route must be indicated. Inclusive dates of the proposed closure must be firm.

Prior to closing the street to traffic, the appropriate police and emergency (rescue, fire, etc.) agencies shall be notified. In addition, the county traffic engineer and Volusia County School Board Transportation Director shall be notified. Traffic-control devices in accordance with the

"USDOT Manual on Uniform Traffic Control Devices" shall be installed, and approved by the city engineer or designee prior to starting work.

(2) Unpaved streets. The top 12 inches of the excavation shall be stabilized with suitable materials to a condition equal to or better than existing surface. Compaction density of this layer shall equal 98 percent of maximum density as determined by AASHTO Specification T-180.

(3) Paved streets.

a. Pavement or roadway surfaces cut or damaged shall be replaced by the permittee in equal or better condition than the original, including stabilization, base course, curb and gutter, or other appurtenances.

b. Where existing pavement is to be removed, the surfacing shall be mechanical saw cut prior to trench excavation, leaving a uniform and straight edge, with minimum disturbance to the remaining adjacent surfacing. The width of cut for this phase of existing pavement removal shall be minimal.

c. The base shall be replaced in accordance with city requirements.

d. Immediately following the specified backfilling and compaction, the final roadway surface restoration shall be commenced as approved on the permit. Type S-3 or other asphalt, concrete or other material approved by the city engineer shall be used. In advance of final restoration, the existing asphalt surface shall be mechanically sawed straight and clean to the stipulated dimensions.

(Ord. No. 96-25, § 1(610), 3-4-1996; Ord. No. 03-98, § 1(610.01, 610.02), 2-2-1998)

Sec. 74-61. Construction standards.

(a) *Street, curb, sidewalk, driveway.* All street, curb, sidewalk, driveway curb, etc., construction shall be in accordance with this chapter.

(b) *Approved pipe.* Drainage pipe used in city right-of-way shall conform to FDOT Standard Specifications for Road and Bridge Construction. Pipes underneath traveled ways shall be reinforced concrete per FDOT standards, or equivalent alternative approved by the city engineer.

(c) *Sanitary sewer and water installation.* All work shall be in accordance with this chapter and current ANSI/AWWA and ASTM standards and specifications.

(d) *Gas.* The provisions of the National Standard Code for pressure piping as adopted by the Florida Public Service Commission shall apply.

(e) *Overhead installations.* All overhead installation shall comply with the current standards established by the State of Florida Department of Transportation.

(f) *Buried cable.*

(1) Vertical clearance. Minimum vertical clearance for direct buried cable, conduit casings and duct systems is 36 inches below top of pavement and 30 inches below existing ground.

(2) Casings.

a. Casings will be required for crossing of underground utilities where the carried conduit is of insufficient strength due to composition or depth of cover.

b. Casings will be required for crossing under existing pavement where the carrier is of such composition that it cannot be installed in accordance with subsection 74-60(a). Any request for exception to the foregoing requirements must be fully justified in writing by the applicant.

(g) *Storm drainage structures.* Installation shall be in accordance with this chapter. Backfill and testing requirements shall be in accordance with subsection (h), below.

(h) *Backfill and compaction.*

(1) All trenches shall be backfilled with suitable material approved by the city engineer.

(2) Backfill shall be deposited in a minimum of two lifts. The first lift shall extend from the invert of the facility to one foot above the facility. The second lift shall extend from the top of the first lift to the top of surface or bottom of sub-base as applicable.

a. The first lift shall be installed in six-inch layers and thoroughly compacted prior to placement of the second lift. Compaction shall equal 98 percent of maximum density AASHTO Specification T-180.

b. The remainder of the excavation shall be backfilled and compacted in layers compatible with the type of material and compaction equipment used. The density requirements as determined by American Association of State Highway and Transportation Officials (AASHTO), Specification T-180 shall equal 98 percent under the traveled way, and extending ten feet beyond the back of curb or curbed roadways, and on roadways with open drainage systems, extending ten feet beyond the edge of the traveled way.

c. Sub-grade and base density requirements are 95 percent of AASHTO Specification T-180 or T-134, as applicable.

(i) *Traffic signals.* Any permittee working at intersections where traffic signals are located shall contact the Volusia County Traffic Engineer, if such intersection is within the area of responsibility of Volusia County, for location of all underground signal wiring. Damages to signals or signal wiring will be the responsibility of the permittee. Repairs may be made by contract personnel, but must be made with the concurrence and under the requirements as set forth by the county traffic engineer. In some instances, repairs may be made by the city, with total costs paid by the permittee.

(j) *Traffic signs.* When traffic signs are located within the area of approved installation or construction, the permittee is required to notify the city engineer, to arrange for removal or relocation. Costs incurred by the city for removal and resetting or relocation of signs shall be paid by the permittee. Curve line markings shall be of a type and standard approved by the city engineer based on safety and aesthetic concerns as set forth in city public works policy guidelines, as may from time to time be amended. Nonconforming or homemade devices shall be removed from within the rights-of-way without consent of the adjacent property owners at the discretion of the city engineer or designee.

(k) *Pavement markings.*

(1) Permittees that disturb or destroy current pavement markings shall be required to replace said pavement markings with approved reflectorized paint or plastic marking material and to restore such markings to their original condition, or better.

(2) When new turn, bypass, deceleration and/or acceleration lanes are constructed, a striping plan shall be submitted for approval by the city engineer. Striping shall be accomplished by the permittee in accordance with the approved plan.

(l) *Jetting or tunneling prohibited.* Jetting, except for hydraulic compaction, or tunneling within city rights-of-way is prohibited.

(m) *Driveway connection to city road.*

(1) A driveway connection on city property between an approved private driveway and a city maintained road shall be constructed to the requirements of this article, article IV, and specifications determined by the city engineer.

(2) A use permit shall be obtained prior to the commencement of construction of the connection, and a final inspection shall be approved pursuant to this article prior to the final approval of any development served by the connection.

(3) All one- and two-family residential home sites, agricultural and other undeveloped lands shall be served by driveways which meet the following standards:

a. Number of driveway entrances. Although a single driveway will typically serve each property, the following may be permitted:

1. One driveway may be permitted to serve an agricultural or vacant or undeveloped property. Such a driveway shall not effect location and configuration for future development uses (e.g. special exceptions, subdivisions, site plans, etc.)

2. Two driveways for a one- and two-family existing residential lot may be permitted if all the requirements of this section are met and if the minimum distance between the two driveways equals or exceeds 30 feet.

3. Three driveways entering a one- and two-family existing residential lot may be permitted if all of the requirements of this section are met and if the minimum distance between adjacent driveways equals or exceeds 100 feet.

4. No more than three driveways will be permitted for a one- and two-family existing residential lot.

b. *Driveway location limitations.*

1. No driveway shall be constructed in the radius return of an intersection.

2. No driveway shall be constructed with a corner clearance of less than 50 feet measured along the edge of the traveled way between the return radius and the nearest point of the driveway on or adjacent to thoroughfares. This distance may be reduced to 25 feet on local streets.

3. No driveway entrance shall include any public facility such as traffic signal standards, drainage inlets, crosswalks, loading zones, utility poles, fire alarm support, meter boxes, sewer cleanouts or other similar type structures.

4. No driveway shall be located closer than five feet from an adjacent property line.

5. No driveway shall be located less than five feet from objects such as utility poles, fire hydrants, streetlights, etc.

6. Existing driveway approaches shall not be relocated, altered, or reconstructed without prior approval. When the use of any driveway approach is changed making any portion or all of the driveway approach unnecessary, the developer of the abutting property shall obtain a permit to abandon the driveway approach and shall at their expense replace all necessary curbs, gutters and sidewalks.

c. Design requirements.

1. Drainage elements.

i. All driveways shall be constructed so as to not impede roadside drainage. For typical mild roadside swales, the driveway must conform to the swale shape and provide for continued positive drainage.

ii. For swales and ditches that cannot be conformed to, as referenced above, due to the depth, width, etc., a pipe is required under the driveway. The minimum pipe size is 15 inches in diameter; larger pipes may be required based upon field conditions.

iii. FDOT standard mitered end sections are required for all pipes installed in city rights-of-way.

(4) Driveway width.

a. Residential minimum width is ten feet and the maximum width is 24 feet (widths to be measured at the street right-of-way line).

b. Additional stabilized widening is required on each side of the driveway when crossing ditch sections.

c. The width of a curb opening shall not exceed the driveway width by more than five feet on each side.

d. Driveway width shall flare an additional minimum five feet starting at a point a minimum eight feet from the edge of a traveled way.

e. A 25-foot paved radius or equivalent chord return are required on thoroughfares with posted speeds of 45 m.p.h. or more on 3,000 ADT.

(5) Driveway materials.

a. Asphalt pavement structural section for residential driveway shall conform to the local street pavement requirements.

b. Concrete residential driveways shall be a minimum thickness of six inches without reinforcement.

c. Driveways are required to be paved within the public right-of-way along all existing paved roadways.

d. Unpaved driveways shall be a minimum of six inches of stabilized material.

(n) *Restoration of sidewalks, curbs, driveways, etc.*

(1) Repair of these items requires that a saw cut be made at a joint if within five feet of either side of work location and all concrete within the area be removed and replaced to a condition equal to or better than existing at the commencement of construction, with like material.

(2) Asphaltic concrete shall be repaired or replaced by saw cutting the asphalt and base for the entire width and replacing the base and asphalt in accordance with the open street cut requirements. In the event of longitudinal driveway cuts, it shall be replaced with a minimum width of 36 inches or as directed by the city engineer.

(Ord. No. 96-25, § 1(611), 3-4-1996; Ord. No. 03-98, § 1(611.01--611.14), 2-2-1998)

Sec. 74-62. Density testing--Open trench restoration.

(a) *Certified testing laboratory.* Density tests for determination of the specified backfill, base, etc., compaction shall be made by a certified testing laboratory approved by the city engineer and at the expense of the permittee. Test locations shall be at random locations and shall be spaced not more than 300 feet apart where the trench cut is continuous, unless otherwise approved by the city engineer. Tests shall be required for the first lift, second lift and the base. A copy of the laboratory report shall be submitted to the city engineer.

(b) *Spacing of tests.* For each test section, a minimum of one test is required for the first lift (up to one foot above the utility). Testing for the second lift backfill under the traveled way shall be a minimum of one test at two-foot vertical intervals for each crossing.

(1) Tests for second lift backfill in other areas will be at the discretion of the city engineer.

(2) A minimum of one density test for the base course for each 300 continuous feet of each road crossing shall be required.

(c) *Concrete compression.* Concrete compressive strength tests may be required at the option of the city engineer.

(d) *Unsatisfactory test results.* If any test results are unsatisfactory, the permittee shall reexcavate and recompact the backfill at his/her expense until the desired compaction is obtained. Additional compaction tests shall be made to each side of an unsatisfactory test, as directed by the city engineer, to determine the extent of reexcavation and recompaction necessary.

(Ord. No. 96-25, § 1(612), 3-4-1996; Ord. No. 03-98, § 1(612.01--612.04), 2-2-1998)

Sec. 74-63. Working hours.

Operations permitted by this regulation shall normally be conducted 7:00 a.m. to 7:00 p.m., Monday through Friday. Any deviation from these hours requires prior approval from the city engineer. Emergency repairs are excluded from this time restriction.
(Ord. No. 96-25, § 1(613), 3-4-1996; Ord. No. 03-98, § 1(613), 2-2-1998)

Sec. 74-64. Maintenance of traffic.

Unless otherwise provided, all roads within the limits of the permit shall be kept open to all traffic by the permittee. When approved by the city or county traffic engineer or an appropriate designee, traffic may be bypassed over an approved detour route. The permittee shall keep the portion of the project being used by the public traffic, whether it be through or local traffic, in such condition that traffic will be adequately accommodated. The permittee shall furnish, erect and maintain barricades, warning signs, delineators, flagmen or pilot cars in accordance with the "USDOT Manual on Uniform Traffic Control Devices." The permittee shall also provide and maintain in a safe condition, temporary approaches or crossings and intersections with trails, roads, streets, businesses, parking lots, residences, garages and farms. The permittee shall bear all expense of maintaining the traffic over the section of road undergoing construction and of constructing and maintaining such approaches, crossings, intersections and other features as may be necessary. Materials stored at the site of the work shall be so placed as to cause no obstruction to vehicular or pedestrian traffic. No roadway shall be closed or opened except by express permission of the city engineer or such other authorized public agency having jurisdiction.
(Ord. No. 96-25, § 1(614), 3-4-1996; Ord. No. 03-98, § 1(614), 2-2-1998)

Sec. 74-65. Restoration and cleanup.

(a) *Protection of monuments, section corners.* The permittee shall ensure that all monuments, section corners and property markers shall be protected and perpetuated during construction.

(b) *Liability for damage.* The permittee shall be liable for all damage, injury or loss to persons or property of any character arising from or resulting from any act of commission, omission, neglect or misconduct in the performance of work by the permittee, his employees or agents. The permittee shall be further liable for all damage, injury or loss to persons or property arising from or as a result of defective work or materials.

(c) *Area outside roadway.* Where any work disturbs the area outside the roadway, the permittee shall ensure that the area is completely restored in a manner acceptable to the city. Sod that is removed shall be replaced with the same type. Unsodded areas shall be graded and then seeded and mulched in accordance with this chapter. The permittee is responsible for establishing a dense stand of permanent type grass within a reasonable time. Trees and shrubbery that are removed or destroyed shall not be replaced. Grassing and mulching operations are to begin immediately after construction/installation has been completed.

(d) *Existing utilities.* Existing utilities that are damaged, destroyed or temporarily removed by the permittee shall be replaced or repaired at the expense of the permittee by the permittee to the satisfaction of the city or owner with no expense to the city or owner.

(e) *Debris and waste removal.* The permittee shall ensure that work site cleanup and property restoration follows construction/installation operations without delay. In order to maintain an acceptable site, debris and waste material shall be removed from the site immediately and daily trenching shall be coordinated to provide a minimum overnight trench opening. Site maintenance, along with ongoing cleanup and final property restoration, shall be subject to the direction and approval of the city engineer.

(Ord. No. 96-25, § 1(616), 3-4-1996; Ord. No. 03-98, § 1(615.01--615.05), 2-2-1998)

Sec. 74-66. Safety.

(a) The safety provisions of applicable laws, ordinances, building codes and construction codes shall be observed.

(b) The permittee will take all reasonable precautions for and be responsible for initiating, maintaining and supervising all programs relating to the safety of all persons and property affected by or involved in the performance of work under a use permit. The permittee will take all reasonable precautions to prevent damage, injury or loss to:

(1) All persons who may be affected by the performance of the work, including employees;

(2) All materials and equipment at the work site location; and

(3) All property at or surrounding the work site.

(c) In any emergency affecting the safety of persons or property, the permittee will act with reasonable care and discretion to prevent any threatened damage, injury or loss.

(Ord. No. 96-25, § 1(616), 3-4-1996; Ord. No. 03-98, § 1(616), 2-2-1998)

Sec. 74-67. Warranty.

(a) *One year from date of completion.* The permittee shall guarantee, in accordance with subsection 96-77(d)(3), all work performed under the terms of the permit for a period of one year from the date of completion as certified on the permit by the city engineer or designee.

(b) *Repair of failures within five days.* Any failure shall be repaired by the permittee, at the direction of the city engineer, within five working days, unless the urgency of the problem requires a quicker reaction time.

(Ord. No. 96-25, § 1(617), 3-4-1996; Ord. No. 03-98, § 1(617.01, 617.02), 2-2-1998)

Sec. 74-68. 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

Cross references: Buildings and building regulations, ch. 18; environment, ch. 38; streets, sidewalks and other public places, ch. 58; concurrency management, ch. 86; flood control, ch. 90; natural resources protection, ch. 98; signs, ch. 102; zoning, ch. 110.

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 recorded 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.*

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~~an 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 e~~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 ~~mylar~~bond copies and a CD with AutoCAD and Portable Document Format (PDF) of the 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~~ use~~s~~ 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~~.

CHAPTERS 107--109 RESERVED

Chapter 110 ZONING*

***Editor's note:** Ord. No. 30-98, adopted Nov. 16, 1998, set out provisions pertaining to zoning included herein as §§ 110-100--110-1302 to read as herein set out. Subsequent amendments are noted in the parenthetical note following each section.

Cross references: Administration, ch. 2; adult entertainment, ch. 78; building and building regulations, ch. 18; businesses, ch. 22; communications, ch. 28; design-build contracts, ch. 29; environment, ch. 38; land development code, general provisions, ch. 70; land development code, administration, ch. 74; land development code, concurrency management, ch. 86; land development code, flood control, ch. 90; land development code, improvements, ch. 96; land development code, ch. natural resources protection, ch. 98; land development code, subdivision, ch. 106; land development code, zoning, ch. 110; solid waste, ch. 50; streets, sidewalks and other public places, ch. 58; traffic and vehicles, ch. 66; utility systems, ch. 68.

ARTICLE I. TITLE, PURPOSE, JURISDICTION

Sec. 110-100. Title.

These regulations shall be known and may be cited as the "Zoning Ordinance of the City of Deltona, Florida."

Sec. 110-101. Purpose and intent.

(a) These zoning regulations have been prepared and adopted by the Deltona City Commission with due consideration to existing conditions, future conditions and the adopted comprehensive plan for the City of Deltona.

(b) The zoning regulations are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote public health, safety, morals and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to retain productive agricultural areas; and to facilitate the provision of essential governmental services, such as transportation, water, sewage disposal, schools and parks.

Sec. 110-102. Jurisdiction.

The provisions of this ordinance shall apply to the City of Deltona, Florida, as now or hereafter defined.

ARTICLE II. INTERPRETATION

Sec. 110-200. General rules of interpretation.

(a) The following general rules of interpretation shall apply:

(1) The present tense includes the future.

(2) The singular number includes the plural, and vice versa, so long as the substitution of either the plural or the singular, as the case may be, cannot change the meaning of any provision being interpreted.

(3) The word shall is mandatory; the word may is permissive.

(4) Reference in one section of this chapter to another section of this chapter by section number shall include all subsections within that section.

(5) Any terms defined in the Florida Statutes or the Florida Administrative Code shall be given the same meaning unless a different definition is specifically provided herein. Any other terms shall be given their plain meanings examples of which may be found in Webster's II New Collegiate Dictionary (Houghton Mifflin Company, 1995) and The Zoning Dictionary (Lehmann & Associates, 1996).

Sec. 110-201. Reserved

ARTICLE III. ESTABLISHMENT OF CLASSIFICATIONS AND OFFICIAL ZONING MAP

Sec. 110-300. Official zoning map.

(a). Identification of official map.

The Official Zoning Map of the City of Deltona, Florida, adopted by Ordinance No. 30-98, as it has been amended from time to time, is hereby repealed; and a new official zoning map is hereby adopted. The Official Zoning Map shall consist of a cover page and a series of map pages and a master map or maps of the entire city, depicting the incorporated area of the city. The cover page and each master map depicting half or more of the city, shall bear the City Seal and the following words:

"This is the Official Zoning Map of the city of Deltona referred to in section 110-300, Code of Ordinances, City of Deltona, Florida, as it may be amended from time to time, adopted on November 3, 2003."

True copies of the Official Zoning Map shall be displayed and available for public viewing and purchase in the main and branch offices of the Planning and Development Services Department . File copies of the Official Zoning Map shall be maintained by the City Clerk.

(b). Amendments. Approved amendments to the official zoning map shall be promptly noted on the official zoning map and the true copies located in Planning and Development Services Department by inserting the correct zoning classification, and the case number on or near the affected lot. Approved annexations of unincorporated areas into the city shall be promptly noted on the official zoning map and its true copies located in the Planning and Development Services Department by inserting the correct municipal limit line and the city ordinance number annexing the property, if applicable.

(c). Retention of earlier zoning maps. All zoning maps and regulations or portions thereof which have had official force and effect in the city after the date of its incorporation and prior the date of adoption of this ordinance shall be retained as public records. A true copy of the official zoning map in force prior to the date of adoption of this ordinance shall be retained as public records by the city clerk and the Planning and Development Services Department.

(d). Replacement of official zoning map. If a map page of the official zoning map is damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the city commission may adopt, after due public notice, a replacement page for the official zoning map which will supersede the prior official zoning map page. The replacement page of the official zoning map may correct drafting or other errors or omissions in the prior official zoning map page, but no such corrections shall have the effect of amending the adopted official zoning map, except that the map page shall bear the following words:

"This map page, dated (insert date map was replaced) supersedes and replaces the Official Zoning Map page adopted on the effective date of this ordinance."

Unless the prior official zoning map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adopting or amendment.

Sec. 110-301. Establishment of classifications.

The city is hereby divided into the zoning classifications specified in this article, in the manner shown on the official zoning map. That map and the explanatory material contained on its face is incorporated in this chapter by reference.

The following classifications and their included regulations are established:

Table 110-1 Zoning Districts and Classifications

ZONING DISTRICT RESOURCE PROTECTION	
RP	Resource Protection
ZONING DISTRICT PUBLIC USE	
P	Public Use
ZONING DISTRICT AGRICULTURE	
A	Agriculture
ZONING DISTRICT RESIDENTIAL	
RE-5	Residential Estate Five
RE-1	Residential Estate One
R1-AAA, AA, A and R1	Single-Family Residential
R-1B	Single-Family Residential
R-2	Two-Family (Duplex) Residential
RM-1	Multi-Family Residential, Medium Density

RM-2	Residential Multi-Family, High Density
MH	Mobile Home Park
OR	Office Residential
ZONING DISTRICT NON-RESIDENTIAL	
PB	Professional Business
C-1	Retail Commercial
C-2	General Commercial
C-3	Heavy Commercial
I	Industrial
EO	Enterprise Commercial Overlay

Sec. 110-302. RP Resource Protection.

(a) Purpose and intent. It is intended that the RP Resource Protection classification be applied to certain lands which are either owned or controlled by a government agency, but it may be applied to privately owned lands upon request of the owner. It is the purpose of this classification to protect and preserve.

(1) Parks, recreation or similar areas;

(2) Historic or archaeological sites;

(3) Fishing, wildlife, or forest management areas;

(4) The natural environment of other selected public lands such as wellfields; and

(5) Any other unusual or unique feature or areas such as governmentally designated canoe trails, wild or scenic watercourses.

(b). Permitted principal uses and structures. In the RP Resource Protection classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Aquatic preserves (state or federally designated).

Communication towers up to 70 feet high, in accordance with the Deltona Communications Antenna and Tower Code, Chapter 82, Code of Ordinances, as it may be amended from time to time.

Essential utility services.

Exempt excavations (refer to section 110-817.00(o))

Exempt landfills (refer to section 110-817.00(p))

Fire stations.

Fishing, forest and wildlife management areas.

Historical or archeological sites.

Parks and recreation areas.

Public uses.

Public utility uses and structures (refer to section 110-817(a)).

Publicly and privately owned parks and recreational areas.

Publicly owned or regulated water supply wells of less than eight inches diameter, in accordance with the potable water wellfield protection requirements the Land Development Code chapter 98, article V, Code of Ordinances, City of Deltona, as it may be amended from time to time.

(c). Permitted conditional uses. Additional regulations/requirements governing permitted conditional uses are located in sections 110-817.00 and 110-1102.00 of this chapter.

Communication towers over 70 feet high, in accordance with the requirements of the Deltona Communications Antenna and Tower Code, Chapter 82, Code of Ordinances, as it may be amended from time to time.

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

(d) Dimensional requirements. None.

(e). Off-street parking and loading requirements. Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.

(f) Types of signs permitted. Signs are permitted in accordance with the Deltona Sign Code, Chapter 102, Code of Ordinances.

Sec. 110-303. P, Public Use classification.

(a). Permitted principal uses and structures. In the P Public Use classification, no premises shall be used except for the following uses and their customary uses and structures:

Agricultural and silvicultural uses.

Agricultural centers and associated fairgrounds.

Airports and landing fields.

Communication towers up to 70 feet high, in accordance with the Deltona Communications Antenna and Tower Ordinance, Ordinance No. 06-97 [chapter 82, Code of Ordinances], as it may be amended from time to time.

Contractor's shop, storage and equipment yard.

Essential utility services.

Exempt and nonexempt excavations.

Exempt and nonexempt landfills.

Fire stations.

General offices.

Group homes.

Heliports and helipads.

Hospitals.

Laboratories.

Law enforcement facilities.

Libraries.

Medical and dental clinics.

Medical examiner facilities.

Museums.

Other public uses.

Other public utility uses and structures.

Plant facilities for essential utility services.

Potable water treatment plant.

Public parks and recreational areas.

Public schools.

Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of the Land Development Code chapter 98, article V, Code of Ordinances of the City of Deltona, Florida.

Recycling collection centers, transfer stations, and processing centers.

Solid waste transfer stations.

Wastewater treatment plants,

(b) Permitted conditional uses. Additional regulations/requirements governing permitted conditional uses are located in sections 110-817.00 and 110-1102.00 of this chapter.

Communication towers over 70 feet high in accordance with the requirements of the Deltona Communications Antenna and Tower Code Chapter 82, Code of Ordinances, as it may be amended from time to time.

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

(c) Dimensional requirements.

(1) Minimum lot size:

Area: One acre.

Width: No minimum.

Maximum building height: 45 feet.

Maximum lot coverage: None.

(d. Landscape buffer requirements. At least a ten foot-wide natural landscape buffer shall be maintained around the perimeter of the property.

(e) Off-street parking and loading requirements. Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.

(f) Types of signs permitted. Signs shall be permitted in accordance with the Deltona Sign Code Chapter 102, as it may be amended from time to time.

Sec. 110-304. A, Agriculture classification.

(a) Purpose and intent. The purpose and intent of the A Agriculture classification is to preserve and protect small farms for personal and limited agricultural production or to provide a transitional agricultural production or to provide a transitional agricultural zone between more intensive agricultural use areas and residential areas. It is intended that this classification be applied to properties which are undeveloped or in agricultural use and which lie between other undeveloped or agricultural areas and areas developed as or designated for non-agricultural uses by the Comprehensive Plan, or to properties, whether designated agriculture by the Comprehensive Plan, or not, so as to coincide with the existing character of an area in a manner consistent with the comprehensive plan.

(b) Permitted principal uses and structures. In the A Agriculture classification, no premises shall be used except for the following uses and their customary accessory uses or structures.

Except for those permitted special exceptions listed hereunder, all agricultural pursuits, including the processing, packaging, storage and sale of agriculture products which are raised on the premises.

Animal hospitals and veterinary clinics, minimum lot size five acres.

Animal husbandry

Apiaries.

Aviaries.

Communication towers up to 70 feet high, in accordance with, Chapter 82, Code of Ordinances, as it may be amended from time to time, except that licensed amateur radio operators' towers as an accessory use to a residential or agricultural use may be permitted up to 199 feet high.

Contractors storage including equipment in completely enclosed buildings, minimum lot size ten acres.

Essential utility services.

Exempt excavations (refer to section 110-817(o).

Exempt landfills (refer to section 110-817(p)).

Fire stations.

Granny Flats (refer to section 110-827(c)(4))

Hobby breeder.

Home occupations (refer to section 110-807).

Parks and recreation areas accessory to residential developments.

Pisciculture.

Public schools.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of the Land Development Code Chapter 98, article V, Code of Ordinances.

Single-family standard or manufactured dwelling.

Riding stables (minimum parcel size requirement of five acres)

Tailwater recovery systems.

(c) Activity center permitted uses. Only the following land uses are permitted in the area zoned within the activity center designated in the adopted Deltona Comprehensive Plan, as they may be amended from time to time.

Office uses as follows: professional, financial, banks, insurance agencies, real estate agencies, travel agencies, stock and bond brokers, commodities brokers, mortgage companies, accountants, attorneys, architects, engineers, and office uses determined by the enforcement official to have the same characteristics as those specifically listed herein.

Restaurants, cafeterias, lounges, coffee shops, and similar eating establishments without drive through windows, but not fast food or drive-in restaurants; bars or taverns for on-premises consumption of alcoholic beverages.

Service establishments as follows: barber or beauty shops, interior decorators, photography shops, weight loss salon or gymnasium, laundry and dry cleaning establishments; self-service laundry; tailor or dressmaker; business school; and establishments determined by the enforcement official to have substantially the same characteristics as those specifically listed herein, but not adult entertainment establishments or tattoo parlors.

Computer hardware or software services and sales.

Medical or dental clinics.

Neighborhood convenience stores with or without gas pumps.

Motion picture or live performance theater, but not adult entertainment establishments.

(d) Conditional uses. Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Communication towers, other than towers used by licensed amateur radio operators, over 70 feet high, other than the permitted licensed amateur radio accessory towers, in accordance with Chapter 82, Code of Ordinances, as it may be amended from time to time.

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Bed and breakfast homestay (refer to section 110-817(s)).

Boardinghouse (refer to section 110-817(l))

Day care centers (refer to section 110-817(f)).

Excavations only for stormwater retention ponds for which a permit is required by this chapter.

Group home facility (refer to section 110-817(l)).

Houses of worship, and cemeteries (refer to section 110-817(d)).

Kennels. (minimum lot size, five acres, must consist of enclosed buildings with outdoor runs).

Nursing home and nursing home facility (refer to section 110-817(l)).

Off-street parking areas (refer to section 817.00(n)).

Private clubs (refer to section 110-817(m)).

Public markets.

Public uses not listed as a permitted principal use.

Public utility uses and structures (refer to section 110-817(a)).

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

Recreational (refer to section 110-817(c)).

Riding stables (minimum parcel size requirement of five acres).

Schools, parochial and private (refer to section 110-817(d)).

(e) Dimensional requirements.

A - *Agriculture*	
Minimum lot size	
Area (acre)	1
Exceptions:	
Animal hospital and veterinary clinics(acres)	5
Contractors' enclosed storage facilities(acres)	10
width (ft.)	150
Minimum yard size	
Front yard (ft.)	40
Rear yard (ft.)	40
Side yard (ft.): [(1)]	
Abbutting any lot	25
Abbutting any street	40
Waterfront yard	40
Maximum building height (ft.)	55
Maximum lot coverage (%) *(with principal and accessory buildings)*	35
Minimum floor area (sq. ft.)	1,400

[1]Animal hospitals, veterinary clinics, and contractors' enclosed storage facilities from lot lines abutting residential zones or residential uses on lots of less than two and one-half acres: 200 feet

(f) Off-street parking and loading requirement. Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.

(g) Skirting requirement for mobile home dwelling. The area between the ground and floor of the mobile home dwelling shall be enclosed with skirting.

(h) Types of signs permitted. Signs shall be permitted in accordance with the Deltona Sign Code Chapter 102, Code of Ordinances, as it may be amended from time to time.

Sec. 110-305. RE-5, Residential Estate Five classification.

(a) Purpose and intent. The purpose and intent of the RE-5 Residential Estate Five classification is to provide for development, in a manner that is consistent with the comprehensive plan, in areas of the city that are characterized by extensive large lot development, and to provide for future low density subdivisions that may include trails, open space, golf courses, equestrian amenities and accessory uses. The low density subdivisions permitted by the RE-5 district are intended to be placed in areas of the city that separate it from agricultural, forestry, and open lands situated in the unincorporated area of Volusia County, and sited to take advantage of existing and planned trails, recreational facilities and equestrian amenities, or on large enough tracts of land to allow the creation of new golf courses, trails, parks, equestrian trails, common stable areas, polo fields, riding tracks, and similar amenities. Equestrian developments are required to meet applicable nationally recognized standards for the types of equestrian development proposed. Equestrian amenities are not required, but are permitted, and the development contemplated by this zoning district will generally occur on large tracts of land.

(b) Permitted principal uses and structures. In the RE-5 Residential Estate Five classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Communication towers up to 70 feet high, in accordance Chapter 82, Code of Ordinances, as it may be amended from time to time, except that licensed amateur radio operators' towers as an accessory use to a residential or agricultural use may be permitted up to 199 feet high.

Fire stations.

Golf courses with or without club houses and related accessory facilities.

Granny Flats (refer to section 110-827(c)(4)

Home occupations (refer to section 110-807).

Publicly owned parks, trails, and recreational areas, and those privately owned and maintained by homeowners associations.

Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of Chapter 98, Article V, Code of Ordinances, City of Deltona.

Keeping of horses as accessory uses to permitted single family dwellings on lots of two acres or more of net land area.

Single-family dwelling or DCA-approved manufactured dwelling.

Equestrian facilities, trails, and tracks accessory to residential developments, and equestrian accessory uses and structures that are customarily accessory to large lot single family subdivision development. Equestrian uses and structures that are customarily accessory to five-acre lot single family dwellings.

(c) Conditional uses. Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Communication towers over 70 feet high, other than the permitted accessory licensed amateur radio towers, in accordance with Chapter 82, Code of Ordinances, City of Deltona, as it may be amended from time to time.

Group home facility (refer to section 110-817(l))

Houses of worship (refer to section 110-817(d).

Nursing home and nursing home facility (refer to section 110-817(l))

Off-street parking areas (refer to section 110-817(n)).

Public markets.

Public uses not listed as a permitted principal use.

Publicly or privately owned municipal or public water supply wells of eight inches in diameter or greater.

Public utility uses and structures (refer to section 110-817(a)).

Recreational areas (refer to section 110-817(c)).

Schools, public, parochial or private (refer to section 110-817(d)).

(d) Maximum density. The maximum development density permitted is one dwelling unit per five net acres, with the exceptions permitted herein.

(1) When protected resources are set aside in common ownership as open spaces protected for at least 50 years in a conservation easement approved by the city, and no drainage or utilities are permitted to encroach into the easement area, the area of the easement shall be credited one dwelling unit per four acres of easement area, which credit shall be increased to one dwelling unit per three acres of conservation area when the entire area is conveyed to public ownership. The density credits shall be increased by one-half dwelling unit for the creation of interconnected wildlife habitat greenways suitable for the movement of wildlife through the site. The resulting density credit may be transferred to upland development area within the project boundaries.

(2) A credit of one dwelling unit per four acres shall be given for the area established for commonly owned golf courses, parks, and recreational facilities, which credit shall be increased to one dwelling unit per three acres when such facilities are open to the general public through deed

restriction or dedication to the city. The density credits for golf courses and recreational facilities shall be computed as allowable dwelling units to be permitted in upland areas of the site.

(3) The additional units permitted herein as density credits may be applied in upland areas above the one dwelling unit per five net acres maximum limit established herein, but not above the maximum permitted gross density established by the Deltona Comprehensive Plan.

(e) Dimensional requirements.

RE-5, *Residential Estate Five*	Single Family Detached Development
Minimum lot size	
Area	5 acres [1] (net)
Area	1 acre [2] (cluster)
Lot area if on-site sewage disposal systems are used (acre)	- - - -
Lot area if community or public water and sewer service are available, but not including community septic tanks (sq. ft.)	——
Width (ft.)	150
Minimum yard size	
Front yard(ft.)	
Large lot (one acre or more)	45
Small lot	25
Rear yard (ft.)	
Large lot (one acre or more)	45
Small lot	35
Side yard (ft.)	
Abutting any lot	25
Abutting any street	45
Waterfront or golf course yard	45
Abutting equestrian facilities or golf course	45
Yard between interior	- - - -
Buffer yard between the periphery	150
Maximum building height (ft.)	35
Maximum lot coverage *(with principal and accessory buildings)*(%)	35
Minimum floor area (sq. ft.)	1,400
[1] Refer to Section 110-305(d).	

[(2)]In clustered development when development is serviced by an onsite sewage disposal system. Minimum lot size may be reduced to 10,000 square feet in clustered development when community or public water and wastewater systems are provided, excluding community septic tanks. Clustered development shall not exceed the density standards established herein.

(f) Off-street parking and loading requirements. Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.

(g) Types of signs permitted. Signs shall be permitted in accordance with the Deltona Sign Code, Chapter 102, Code of Ordinances, City of Deltona, as it may be amended from time to time.

Sec. 110-306. RE-1 Residential Estate One classification.

(a) Purpose and intent. The purpose and intent of the Residential Estate One classification is to provide for development, in a manner which is consistent with the comprehensive plan, in areas of the city that are characterized by extensive large lot development or large vacant parcels of land, and to provide for future large lot subdivisions that may or may not include equestrian amenities and accessory uses.

(b) Permitted principal uses and structures. In the RE-1, Residential Estate One classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Communication towers up to 70 feet high, in accordance with Chapter 82, Code of Ordinances, as it may be amended from time to time, except that licensed amateur radio operators' towers as an accessory use to a residential or agricultural use may be permitted up to 199 feet high.

Fire stations.

Granny Flats (refer to section 110-827(c)(4)

Home occupations (refer to section 110-807).

Public and private parks and recreation areas.

Public schools.

Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of Chapter 98, article V, Code of Ordinances of the City of Deltona.

Keeping of horses as accessory uses to permitted single family dwellings on lots of two acres or more of net land area.

Equestrian trails, and commonly-owned equestrian facilities within subdivisions that have approved subdivision plans including equestrian land uses.

Single-family dwelling or Florida DCA-approved manufactured dwellings.

(c) Conditional uses. Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Bed and breakfast homestay (refer to section 110-817(s)).

Communication towers over 70 feet high, in accordance with Chapter 82, Code of Ordinances of the City of Deltona, as it may be amended from time to time.

Day care center (refer to section 110-817(f)).

Group home facility (refer to section 110-817(l))

Houses of worship.

Nursing home and nursing home facility (refer to section 110-817(l)

Public markets.

Public uses not listed as a permitted principal use.

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

Public utility uses and structures (refer to section 110-817(a)).

Recreational areas (refer to section 110-817(c)).

Schools, parochial and private (refer to section 110-817(d)).

(d) Maximum density. The maximum development density permitted is one dwelling unit per net acre, with the exceptions permitted herein. When protected resources are set aside as open spaces protected for at least 50 years in a conservation easement approved by the city, and no drainage or utilities are permitted to encroach into the easement area, the area of the easement shall be credited one dwelling unit per three-fourths protected acre. The resulting density credit may be transferred to upland development area within the project boundaries. A credit of one dwelling unit per park/recreational acre will be given for the area established for commonly owned golf courses, parks, and recreational facilities, which credit shall be increased to one dwelling unit per three-fourths park/recreational acre when such facilities are open to the general public through deed restriction or dedication to the city.

(e) Dimensional requirements.

RE-1, *Residential Estate One*	Single Family Detached Development
Minimum lot size	
Area	1 acre [(1)]
Width (ft.)	100
Minimum yard size	
Front yard(ft.)	
Large lot (one acre or more)	40
Small lot	25

Rear yard (ft.)	
Large lot (one acre or more)	40
Small lot	35
Side yard (ft.)	
Abutting any lot	15
Abutting any street	40
Waterfront or golf course yard	40
Abutting equestrian facilities or golf course	40
Yard between interior	- - - -
Buffer yard between the periphery [(2)]	150
Maximum building height (ft.)	35
Maximum lot coverage *(with principal and accessory buildings)*(%)	35
Minimum floor area (sq. ft.)	1,400

[(1)]In clustered development when development is serviced by an onsite sewage disposal system. Minimum lot size may be reduced to 10,000 square feet in clustered development when community or public water and wastewater systems are provided, excluding community septic tanks. Clustered development shall not exceed the density standards established herein.

[(2)] 100 percent opaque landscaping using trees, shrubs, and groundcover permitted in the Landscaping provisions of this chapter.

(f) Off-street parking and loading requirements. Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.

(g) Types of signs permitted. Signs shall be permitted in accordance with Chapter 102, Code of Ordinances of the City of Deltona.

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

(a) Purpose and intent. These classifications are established within the city to provide areas for single family dwellings and customary accessory buildings. The regulations for this classification are designed to promote the construction and continued use of land for single-family dwellings, and to provide as conditional uses certain structures and uses required to serve the residents, such as churches and noncommercial recreational areas. Prohibited are uses of land that would create potential nuisances to residential areas, adversely affect residential property values, overburden public facilities or create potentially adverse individual or cumulative impacts to adjacent lakes that would diminish their water quality or aesthetic appeal.

(b) Permitted principal uses and structures. In the R-1AAA, AA and A districts, no premises shall be used except for the following principal uses and their customary accessory structures or uses.

Single-family dwellings and their customary accessory uses and structures when located on the same lot as the principal uses.

Home offices as restricted by section 110-807 of this chapter.

Publicly or privately owned municipal or public water supply wells less than eight inches in diameter.

Communication towers up to 70 feet high, in accordance with Chapter 82, Code of Ordinances of the City of Deltona, as it may be amended from time to time.

Antennas and towers up to 70 feet high for amateur radio, citizens band, marine band, and business band radio communications, consistent with applicable state and federal regulations regarding antennas and towers for these services.

Publicly owned parks and recreational areas.

Privately owned parks and recreational areas that are part of a city-approved subdivision, or single-family planned development.

(c) Conditional uses and structures.

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Communication towers over 70 feet high, in accordance with Chapter 82, Code of Ordinances of the City of Deltona, as it may be amended from time to time.

Day care centers (refer to section 110-817(f) of this chapter).

Granny Flats (refer to section 110-827(c)(4))

Group home facility (refer to section 110-817(l)).

Houses of worship (refer to section 110-817(d) of this chapter).

Nursing home and nursing home facility (refer to section 110-817(l))

Public markets.

Public uses not listed as a principal permitted use.

Publicly or privately owned municipal or public water supply wells of eight inches or more in diameter.

Public utility uses and structures (refer to section 110-817(a) of this chapter).

Non-commercial recreational areas not listed as principal permitted uses (refer to section 110-817(c) of this chapter).

Public, parochial, or private schools (refer to section 110-817(d) of this chapter).

(d) Maximum density. With septic tanks, maximum 1dwelling unit per acre. With community or public water and sewer (except community septic tanks):

1. R-1AAA: Two dwelling units per acre.
2. R-1AA: Three dwelling units per acre.
3. R-1A: Four dwelling units per acre.

4. R-1: Six dwelling units per acre.

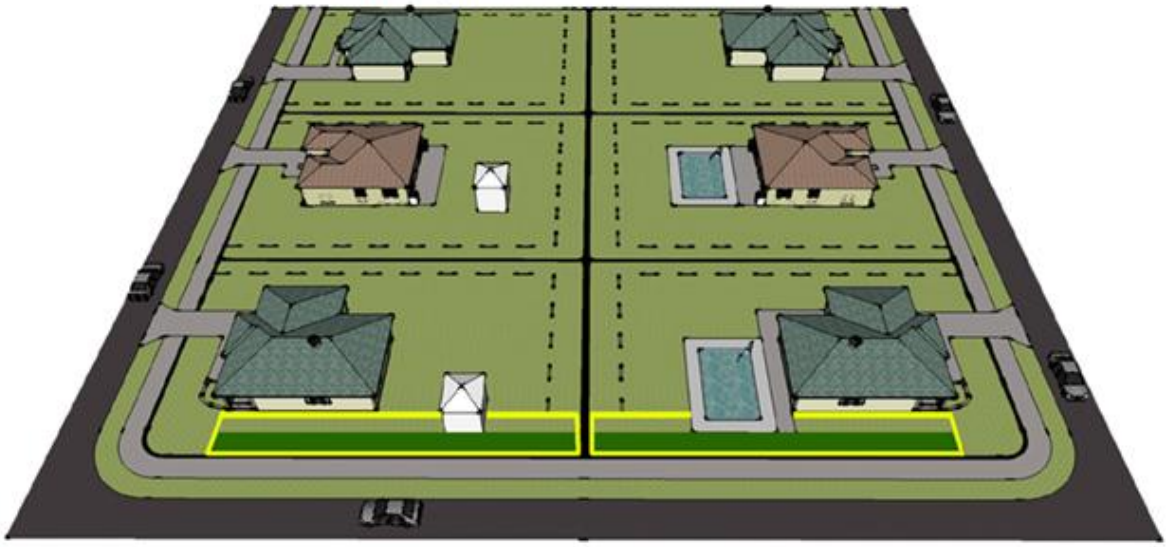
(e) Dimensional requirements.

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.)

Accessory Structure Setbacks Back-to-Back Lots



SIDE STREET YARD SETBACK FOR ACCESSORY STRUCTURE
(Area where no accessory structures are allowed)

SIDE STREET YARD

Accessory Structure Setbacks Side Driveway

SIDE STREET YARD SETBACK FOR ACCESSORY STRUCTURE
(Area where no accessory structures are allowed)

SIDE STREET YARD

Accessory Structure Setbacks Adjacent to Vacant Lot

SIDE STREET YARD SETBACK FOR ACCESSORY STRUCTURE
(Area where no accessory structures are allowed)

SIDE STREET YARD

Sec. 110-308. R1-B Single-Family Residential classification.

(a) Purpose and intent. The purpose and intent of the R-1B Single-Family Residential classification is to provide for medium density single family development, in a manner which is consistent with the comprehensive plan, and preserve the character of existing small lot subdivisions.

(b) Permitted principal uses and structures. In the R1-B Urban Single-Family Residential classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Communication towers and antennas up to 70 feet high, in accordance with the requirements of Chapter 82, Code of Ordinances, City of Deltona, as it may be amended from time to time.

Antennas and towers up to 70 feet high for amateur radio, citizens band, marine band, and business band radio communications, consistent with applicable state and federal regulations regarding antennas and towers for these services.

Fire stations.

Home occupations (refer to section 110-807).

Public and private parks and recreation areas.

Public schools.

Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of Chapter 98, article V, Code of Ordinances of the City of Deltona.

Single-family standard or Florida DCA-approved manufactured dwellings.

(c) Conditional uses. Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Communication towers over 70 feet high, in accordance with Chapter 82, Code of Ordinances of the City of Deltona, as it may be amended from time to time.

Community residential home

Group home facility (refer to section (110-817(l))

Houses of worship (refer to section 110-817(f)).

Nursing home and nursing home facility (refer to section 110-817(l))

Off-street parking areas (refer to section 110-817(n)).

Public markets.

Public uses not listed as a permitted principal use.

Public utility uses and structures (refer to section 110-817(a) and (b)).

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

Recreational areas (refer to section 110-817(c)).

Schools, parochial and private (refer to section 110-817(d)).

(d) Maximum density. The maximum development density permitted is six dwelling units per net acre, with the exceptions permitted herein. When protected resources are set aside as open spaces protected for at least 50 years in a conservation easement approved by the city, and no drainage or utilities are permitted to encroach into the easement area, the area of the easement shall be credited three dwelling units per protected acre, but not more than the gross density permitted by the Future Land Use Map. The resulting density credit may be transferred to upland development area within the project boundaries. A credit of three dwelling units per park/recreational acre will be given for the area established for commonly owned golf courses, parks, and recreational facilities, which credit shall be increased to four dwelling units per park/recreational acre when such facilities are open to the general public through deed restriction or dedication to the city. No density credits shall allow the site to exceed the maximum gross density limits established in the Comprehensive Plan Future Land Use Map.

(e) Dimensional requirements.

R1-B, *Single Family Residential*	
Minimum lot size	
Area	5,000 sq. ft.
Width	50 feet
Minimum yard size	
Front yard	25 feet
Rear yard	**10** feet
Side yard:	
Abutting any lot[1]	**7.5** feet
Abutting any street[2]	25 feet
Waterfront or golf course yard[3]	25 feet
Maximum building height	35 feet
Maximum lot coverage *(with principal and accessory buildings)*	35%
Minimum floor area[4]	1,200 sq. ft.

[1]May be reduced to five feet or the width of side yard easement, whichever is greater, as measured from the closest points of buildings or roofs if Fire Code compliant fire rated materials are used on the external walls and roofs, or if residential fire sprinklers approved by the city fire marshal are installed in each building.

[2]May be 15 feet within subdivisions approved prior to November 3, 2003.

[(3)]20 percent of the lot depth, but not less than 25 feet

[(4)]Except for any subdivisions approved prior to November 3, 2003.

(f) Off-street parking and loading requirements. Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.

(g) Types of signs permitted. Signs shall be permitted in accordance with Chapter 102, Code of Ordinances of the City of Deltona, as it may be amended from time to time.

Sec. 110-309. R-2, Two Family (Duplex) Dwelling District.

(a) Purposed and intent. The purpose of this zoning district is to allow, single-family dwellings, single-family detached patio homes, and duplex consistent with the development standards and density requirements of the Low Density Residential Future Land Use Category.

(b) Permitted uses. Within the R-2, Two Family (Duplex) Residential Dwelling District, no building, structure, land, or water shall be used except for one or more of the following uses and their customary, incidental, and subordinate accessory uses.

1. Single-family dwellings.
2. Single-family patio homes.
3. Two-family (duplex) dwellings.
4. Accessory buildings and uses customarily incident to the above uses when located on the same lot as the principal use, and not involving the conduct of a business (other than the customarily incidental business of onsite management and maintenance of apartment buildings).
5. Essential utility services.
6. Publicly owned or regulated public water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of Chapter 98, Article V, Code of Ordinances, City of Deltona, as it may be amended from time to time.
7. Communication towers up to 70 feet high in accordance with the requirements of Chapter 82, Code of Ordinances, City of Deltona, as it may be amended from time to time.
8. Home occupation offices.

(c) Conditional uses. The following land uses and their customary subordinate and incidental accessory uses are permitted as conditional uses subject to the public hearing and staff review requirements established for conditional uses in this chapter.

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Community residential home

Group home facility (refer to section 110-817(l))

Nursing home and nursing home facility (refer to section 110-817(l))

Publicly owned park and recreational facilities and recreational areas. In the platted Deltona Lakes Subdivisions, such facilities are permitted on a site designated as "Park" on the Deltona Lakes Master Development Plan, and passive parks and recreational facilities may be placed on designated drainage tracts.

Schools, public or private, including colleges and universities, junior or community colleges, high schools, junior high or middle schools, elementary schools, kindergarten schools, day care centers, correspondence and vocational schools, schools for adult education, and libraries. Schools are permitted in the platted Deltona Lakes Subdivisions only when they are located on a site designated as "school" on the Deltona Lakes Master Development Plan.

Houses of worship. In the platted Deltona Lakes subdivision, Houses of worship are permitted only on land designated "church" on the Deltona Lakes Community Development Plan.

Public markets.

Public uses not otherwise listed under permitted uses or conditional uses.

Publicly owned or regulated water supply wells of eight inches in diameter or greater.

Communication towers over 70 feet high, in accordance with Chapter 82, Code of Ordinances, as it may amended from time to time.

(d) Building height regulation. No building shall exceed a height of 35 feet.

(e) Density.

1. No development shall be permitted to exceed the maximum density limits established for the development site by the Low Density Residential Future Land Use Map Category established in the Deltona Comprehensive Plan, as it may be amended from time to time.
2. Maximum Density: Six dwelling units/acre.

(f) Dimensional requirements.

R-2, *Two Family (Duplex) Dwelling*	Single-Family Dwellings	Single-Family Patio Homes	Two-Family (Duplex) Dwellings
Minimum lot size			
Area	7,500 sq. ft.	3,500 sq. ft.	7,500 sq. ft.
Area if on-site sewage disposal systems are used (acre)	- - - -	1	- - - -
Area if community or public water and sewer service are available, but not including community septic tanks (sq. ft.)	- - - -	20,000	- - - -
Width (ft.)	75	- - - -	75
Interior Lot	- - - -	50	- - - -
Corner lot	- - - -	70	- - - -
Minimum yard size			
Front yard(ft.)	25	25	25

Rear yard (ft.)	25	25	25
Side yard (ft.):			
Abutting any lot[1]	7.5	0	0
Abutting any street	15	15	15
Waterfront yard	40	40	40
Abutting golf course	40	40	40
Maximum building height (ft.)	35	35	35
Maximum lot coverage *(with principal and accessory buildings)*(%)	40	40	40
Minimum floor area (sq. ft.)[2]	1,200	1,200	750 *(each unit)*

[1]7.5 feet, or ten percent of the width of the lot at the front property line, whichever is greater. Except that patio homes and duplexes may have a zero feet side yard setback along interior lot lines between patio homes and duplexes.

[2] Minimum floor area exclusive of terraces, attached roofed-over porches, carports, patios, attached garages, and utility rooms. 600 square feet net living area--One bedroom apartments; 750 square feet net living area-two bedroom apartments; 800 square feet net living area three or more bedroom apartments.

(g) *Off-street parking and loading requirements.* Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.

(h) *Types of signs permitted.* Signs shall be permitted in accordance with Chapter 102, Code of Ordinances of the City of Deltona.

Sec. 110-310. RM-1, Multiple Family Residential Dwelling District.

(a) *Purpose and intent.* The purpose of this zoning district is to allow single-family detached patio homes, duplex dwellings, and multiple family dwellings consistent with the development standards and density requirements of the Medium Density Residential Future Land Use Category.

(b) *Permitted uses.* Within the RM-1, Multiple Family Residential Dwelling District, no building, structure, land, or water shall be used except for one or more of the following uses and their customary, incidental, and subordinate accessory uses.

1. Single-family patio homes.
2. Single-family townhomes and townhome condominiums.
3. Two-family (duplex) dwellings.
4. Multiple-family dwellings, including cooperative apartments and condominiums.
5. Accessory buildings and uses customarily incident to the above uses when located on the same lot as the principal use, and not involving the conduct of a business (other than the customarily incidental business of onsite management and maintenance of apartment buildings).

6. Essential utility services.
7. Publicly owned or regulated public water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of Chapter 98, Article V, Code of Ordinances, City of Deltona, as it may be amended from time to time.
8. Communication towers up to 70 feet high in accordance with the requirements of Chapter 82, Code of Ordinances, City of Deltona, as it may be amended from time to time.
9. Home occupation offices.

(c) Conditional uses. The following land uses and their customary subordinate and incidental accessory uses are permitted as conditional uses subject to the public hearing and staff review requirements established for conditional uses in this chapter.

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Community residential home

Group home facility (refer to section 110-817(l))

Nursing home and nursing home facility (refer to section 110-817(l))

Publicly owned park and recreational facilities and recreational areas. In the platted Deltona Lakes Subdivisions, such facilities are permitted on a site designated as "Park" on the Deltona Lakes Master Development Plan, and passive parks and recreational facilities may be placed on designated drainage tracts.

Schools, public or private, including colleges and universities, junior or community colleges, high schools, junior high or middle schools, elementary schools, kindergarten schools, day care centers, correspondence and vocational schools, schools for adult education, and libraries. Schools are permitted in the platted Deltona Lakes Subdivisions only when they are located on a site designated as "school" on the Deltona Lakes Master Development Plan.

Public markets.

Public uses not otherwise listed under permitted uses or conditional uses.

Publicly owned or regulated water supply wells of eight inches in diameter or greater.

Communication towers over 70 feet high, in accordance with Chapter 82, Code of Ordinances, as it may amended from time to time.

(d) Density.

1. No development shall be permitted to exceed the maximum density limits established for the development site by the Future Land Use Map Category established in the Deltona Comprehensive Plan, as it may be amended from time to time. No development shall approved with less than the minimum density established for the property by the Future Land Use Map Category in the Deltona Comprehensive Plan, as it may be amended from time to time.
2. Maximum density: 12 dwelling units/acre.
3. Minimum density: Six dwelling units/acre.

(e) Dimensional requirements.

RM-1, *Multiple Family Residential Dwelling*	Single-Family Patio Homes	Single-Family Attached Townhouse
Minimum lot size		
Area (sq. ft.)	3,500	1,600
Area if on-site sewage disposal systems are used (acre per unit)	1	1
Area if community or public water and sewer service are available, but not including community septic tanks (sq. ft.)	20,000	20,000
Width (ft.)		
Interior Lot	50	20
End lot	- - - -	26
Corner lot	70	38
Depth (ft.)	- - - -	90
Minimum yard size		
Front yard(ft.)	25	25
Rear yard (ft.)	25	25
Side yard (ft.):		
Abutting any lot[1]	15	15
Abutting any street	15	15
Waterfront yard	40	40
Abutting golf course	40	40
Yard between interior[2]	0	0
Maximum building height (ft.)	45	45
Maximum lot coverage *(with principal and accessory buildings)*(%)	40	40
Minimum floor area (sq. ft.)[3]	1,400	1,400
Minimum building separation (ft.)		
Between fronts or rears of principal buildings	- - - -	50
Between any other combination of principal building arrangements	- - - -	25
Minimum building setback from streets and drives (ft.)	- - - -	
From any interior street drive or off-street parking area[4]	- - - -	10
Maximum building length and width (ft.)	- - - -	200
Building Development Standards[5]		
Minimum dwelling units in a building	- - - -	2
Maximum dwelling units in a building	- - - -	8
Minimum distance between buildings (ft.)	- - - -	30

[1] 15 feet, or ten percent of the width of the lot at the front property line, whichever is greater. Side yard for multi-family shall be a minimum of width of fifteen, or one-half the height of the building, whichever is greater.

[2] Patio homes are required to have an interior open air courtyard, atrium, or patio.

[3] Minimum floor area exclusive of terraces, attached roofed-over porches, carports, patios, attached garages, and utility rooms. 600 square feet net living area--One bedroom apartments; 750 square feet net living area-two bedroom apartments; 800 square feet net living area three or more bedroom apartments.

[4] This requirement shall not diminish the minimum front, side and rear yard requirements for townhouse developments.

[5] The exterior facades of all townhouse units shall be varied in material and design so that no more than two abutting units will have the same architectural appearance and front yard setback and depth. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit, and no setback distance shall be less than the required minimum.

(f) Off-street parking and loading requirements. Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.

(g) Types of signs permitted. Signs shall be permitted in accordance with Chapter 102, Code of Ordinances of the City of Deltona.

Sec. 110-311. RM-2, Multiple Family Residential Dwelling District.

(a) Purposed and intent. The purpose of this zoning district is to allow single-family detached patio homes, duplex dwellings, and multiple family dwellings consistent with the development standards and density requirements of the Medium Density Residential Future Land Use Category.

(b) Permitted uses. Within the RM-2, Multiple Family Residential Dwelling District, no building, structure, land, or water shall be used except for one or more of the following uses and their customary, incidental, and subordinate accessory uses.

1. Single-family patio homes.
2. Single-family townhomes and townhome condominiums.
3. Two-family (duplex) dwellings.
4. Multiple-family dwellings, including condominiums and cooperative apartments.
5. Accessory buildings and uses customarily incident to the above uses when located on the same lot as the principal use, and not involving the conduct of a business (other than the customarily incidental business of onsite management and maintenance of apartment buildings).
6. Essential utility services.
7. Publicly owned or regulated public water supply wells of less than eight (8) inches in diameter in accordance with the potable water wellfield protection requirements of Chapter 98, Article V, Code of Ordinances, City of Deltona, as it may be amended from time to time.
8. Communication towers up to 70 feet high in accordance with the requirements of Chapter 82, Code of Ordinances, City of Deltona, as it may be amended from time to time.
9. Home occupation offices.

(c) Conditional uses. The following land uses and their customary subordinate and incidental accessory uses are permitted as conditional uses subject to the public hearing and staff review requirements established for conditional uses in this chapter.

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Community residential home

Group home facility (refer to section 110-817(l))

Nursing home and nursing home facility (refer to section 110-817(l))

Publicly owned park and recreational facilities and recreational areas. In the platted Deltona Lakes Subdivisions, such facilities are permitted on a site designated as "Park" on the Deltona Lakes Master Development Plan, and passive parks and recreational facilities may be placed on designated drainage tracts.

Schools, public or private, including colleges and universities, junior or community colleges, high schools, junior high or middle schools, elementary schools, kindergarten schools, day care centers, correspondence and vocational schools, schools for adult education, and libraries. Schools are permitted in the platted Deltona Lakes Subdivisions only when they are located on a site designated as "school" on the Deltona Lakes Master Development Plan.

Public markets.

Public uses not otherwise listed under permitted uses or conditional uses.

Publicly owned or regulated water supply wells of eight inches in diameter or greater.

Communication towers over 70 feet high, in accordance with Chapter 82, Code of Ordinances, as it may amended from time to time.

(d) Density.

1. No development shall be permitted to exceed the maximum density limits established for the development site by the Future Land Use Map Category established in the Deltona Comprehensive Plan, as it may be amended from time to time. No development shall approved with less than the minimum density established for the property by the Future Land Use Map Category in the Deltona Comprehensive Plan, as it may be amended from time to time.
2. Maximum Density: 20 dwelling units/acre.
3. Minimum Density: 12 dwelling units/acre.

(e) Dimensional requirements.

RM-2, *Multiple Family Residential Dwelling*	Single-Family Patio Homes	Single-Family Attached Townhouse
Minimum lot size		
Area (sq. ft.)[1]	3,500	1,600
Area if on-site sewage disposal systems are used (acre per unit)	1	1
Area if community or public water and sewer service are available, but not including community septic tanks (sq. ft.)	20,000	20,000
Width (ft.)		
Interior Lot	50	20
End lot	- - - -	26
Corner lot	70	38
Depth (ft.)	- - - -	90
Minimum yard size		
Front yard(ft.)	25	25
Rear yard (ft.)	25	25

Side yard (ft.):		
Abutting any lot[2]	15	15
Abutting any street	15	15
Waterfront yard	40	40
Abutting golf course	40	40
Yard between interior[3]	0	0
Maximum building height (ft.)[4]	80	80
Maximum lot coverage *(with principal and accessory buildings)*(%)	40	40
Minimum floor area (sq. ft.)[5]	1,400	1,000
Minimum building separation (ft.)		
Between fronts or rears of principal buildings	- - - -	50
Between any other combination of principal building arrangements	- - - -	25
Minimum building setback from streets and drives (ft.)	- - - -	
From any interior street drive or off-street parking area[6]	- - - -	10
Maximum building length and width (ft.)	- - - -	200
Building Development Standards[7]		
Minimum dwelling units in a building	- - - -	2
Maximum dwelling units in a building	- - - -	8
Minimum distance between buildings (ft.)	- - - -	30

[1] For Single family attached townhouse, lots required to be individually platted.

[2] 15 feet, or ten percent of the width of the lot at the front property line, whichever is greater. Side yard for multi-family shall be a minimum of width of fifteen, or one-half the height of the building, whichever is greater.

[3] Patio homes are required to have an interior open air courtyard, atrium, or patio.

[4] Not over five habitable floors.

[5] Minimum floor area exclusive of terraces, attached roofed-over porches, carports, patios, attached garages, and utility rooms. 600 square feet net living area--One bedroom apartments; 750 square feet net living area-two bedroom apartments; 800 square feet net living area three or more bedroom apartments.

[6] This requirement shall not diminish the minimum front, side and rear yard requirements for townhouse developments.

[7] The exterior facades of all townhouse units shall be varied in material and design so that no more than two abutting units will have the same architectural appearance and front yard setback and depth. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit, and no setback distance shall be less than the required minimum.

(f) Off-street parking and loading requirements. Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.

(g) Types of signs permitted. Signs shall be permitted in accordance with chapter 102, Code of Ordinances of the City of Deltona.

Sec. 110-312. MH, Mobile Home Park classification.

(a) Purpose and intent. The purpose and intent of the MH Mobile Home park classification is to provide areas for the use and development of mobile home parks.

(b) Permitted principal uses and structures. In the MH Mobile Home Park classification, no premises shall be used except for the following uses and their customary accessory uses or structures.

(1) Communication towers up to 70 feet high, in accordance with chapter 82, Code of Ordinances, as it may be amended from time to time.

(2) Essential utility services.

(3) Exempt excavations (refer to ~~s~~Section 110-817(o) and/or those which comply with the Land Development Code of the City of Deltona, ~~c~~Chapter 75~~74, Article II~~, Code of Ordinances and/or final plan review procedures of this ~~c~~Chapter.

(4) Exempt landfills (refer to section 110-817(p)).

(5) Fire stations.

(6) Home occupations (refer to section 807.00)

(7) Mobile home parks meeting the requirements of section 110-809 and accessory laundry buildings commissary, swimming pools and recreational facilities.

(8) Public schools.

(9) Publicly owned parks and recreational areas.

(10) Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of chapter 98, article V, Code of Ordinances.

(c) Conditional uses. Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Excavations only for stormwater retention ponds for which a permit is required by this chapter.

Mobile home sales accessory to a mobile home park (refer to section 110-817). Off-street parking areas (refer to section 110-817(n)).

Public markets.

Public uses not listed as a permitted principal use.

Public utility uses and structures (refer to section 110-817(a)).

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

Communication towers over 70 feet high, in accordance with chapter 82, Code of Ordinances, as it may be amended from time to time.

(d) Dimensional requirements for mobile home park.

MH - *Mobile Home Park*	
Minimum project size (acres)	10
Maximum spaces per net acre of land[(1)]	7
Minimum mobile home space size	
Area (sq. ft.)	5,000
Width (ft.)	50

Depth (ft.)	50
Minimum yard size	
Front yard (ft.)	10
Rear yard (ft.)	7.5
Side yard (ft.):	
Abutting any space	7.5
Abutting any street	10
Waterfront yard	25
Minimum floor area (sq. ft.)	750
(1) Not more than the gross residential density permitted by the underlying future land use category of the comprehensive plan.	

(e) Final site plan requirements. Final site plan approval meeting the requirements of ~~c~~Chapter 75~~74, article II~~, Code of Ordinances, as it may be amended from time to time, is required.

(f) Off-street parking and loading requirements. Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.

(g) Landscape buffer requirements. A landscaped buffer area meeting the requirements of section 110-808 shall be constructed.

(h) Skirting requirement. The area between the ground and floor level of the mobile home dwelling shall be enclosed with block or decorative skirting.

(i) Types of signs permitted. Signs are permitted in accordance with the requirements of the Deltona Sign Ordinance,chapter 102, Code of Ordinances, as it may be amended from time to time.

Sec. 110-313. OR, Office Residential Zoning District.

(a) Purpose and intent. The purpose of the Office Residential (OR) Zoning District is to meet two objectives. First, the district is intended to be established in single-family residential areas where road expansions and/or high traffic volumes, nearby nonresidential development, and existing or developing nuisances (noise, lights, vibrations, etc.) decrease or potentially diminish the future potential for the continued use of the area for single-family residential purposes. Second, the OR District is intended to be established as a buffer between existing or proposed single-family residential development and existing or proposed commercial development and high traffic volume streets, and other nuisance producing areas. Designation of an area as an OR zoning district recognizes that the area is a transitioning commercial area, as referenced in the adopted Deltona Comprehensive Plan, as it may be amended from time to time.

(b) Permitted uses. In the Office Residential (OR) Zoning District, no land, building, structure, or water shall be used for any purpose except for the following land uses and their customary, incidental and subordinate accessory uses, which are permitted:

(1) Single-family dwellings.

(2) Accounting and bookkeeping services.

(3) Professional offices.

(4) General offices.

(5) Internet sales businesses that do little or no on-site sales.

(6) Dental laboratories.

(7) Other uses may be approved by the enforcement official, if they are office or retail service land uses that have similar parking, trip generation, and nuisance characteristics to the non-residential land uses permitted by this paragraph. Parking generation and trip generation are to be determined using professionally acceptable data and analysis, consistent with Institute of Transportation Engineers recommended practice. The fact that other codes in other jurisdictions may permit reduced parking requirements for land uses that may come under consideration shall not be sufficient cause to allow such land uses.

(c) Conditional uses. The following land uses and their customary, incidental and subordinate accessory uses may be permitted in the Office Residential (OR) Zoning District as conditional uses:

General retail sales and services.

Medical and dental offices and clinics.

Banks and other financial institutions.

Stock and bond brokers.

Florist, retail only.

Group home, community residential home.

Public markets.

Publicly regulated water supply wells of eight inches or greater diameter, in accordance with Chapter 98, Article V, Code of Ordinances, City of Deltona.

Communication antennas and towers over 70 feet high, in accordance with Chapter 82, Code of Ordinances, City of Deltona.

Houses of worship.

The above conditional uses must meet all conditional use requirements in this chapter, and furthermore, must occur on sites large enough to accommodate minimum required parking, drainage facilities, landscaping and landscaped buffers, minimum building setbacks, and utility services. The above conditional uses shall be served by community or public water and sewer systems when sites equal to or greater than 0.75 acres or four combined lots are developed.

The floor area ratio of banks and other financial institutions, and medical and dental offices and clinics shall not exceed 0.12.

(d) Dimensional Requirements

OR - *Office Residential*	Single Family Dwellings	Permitted Nonresidential Uses	Conditional Uses
Lot Area (sq. ft.)	7,500	7,500	12,500

Lot Width (ft.)	75	75	- - - -
when access is from a thoroughfare street, arterial street, or major collector	- - - -	- - - -	100
when access is from a local street that is not a major collector	- - - -	- - - -	75
Yard Size			
Front yard(ft.)	25	25	25
Rear yard (ft.)[1]	25	25	25
Side yard (ft.)[2]	7.5	7.5	7.5
Side street yard (ft.)	15	15	15
Density and Intensity Standards, Minimum Floor Area			
Density	Not to exceed the permitted in the applicable Comp. Plan FLU Map Category	- - - -	- - - -
Maximum Floor Area Ratios (F.A.R.)[3]	- - - -	0.35	- - - -
Minimum Floor Area[4]	1,200	- - - -	- - - -
Maximum building height (ft.)	35	35	35
Maximum lot coverage (%) *(with principal and accessory buildings)*	30	30	30

[1]Except 30 feet from the ordinary high water mark or lot line, whichever is most restrictive, on lots adjacent to surface water bodies or golf courses.

[2] Seven and one-half feet, or ten percent of the width of the lot, whichever is greater. Nonresidential side-yard may be reduced to zero when there is adjoining nonresidential development, when the property owners enter into a recorded agreement that provides for reasonable access for building maintenance and repairs, and provisions are made in building design for proper fire protection.

[3] Banks, financial institutions, medical and dental offices and clinics: **Maximum F.A.R. 0.12.**

[4] Exclusive of garages, carports, attached roofed-over porches, terraces, and patios.

(e) Off-street parking regulations. See section 110-828, except that the permitted internet sales businesses shall have the same parking requirements as offices.

(f) Landscaped buffer requirements. Landscaped buffer areas meeting the requirements of section 110-808 shall be constructed prior to locating a non-residential use on a site in the Office Residential (OR) Zoning District. Except that when an existing building encroaches within the minimum required perimeter landscaped buffer area, then the required buffer width shall be the distance between the building and the lot line. Access shall be provided in the building encroachment area for maintenance of the building and landscaping.

(g) Final site plan requirements. Final site plan approval is required meeting all applicable requirements of the Land Development Code, Subpart B, Code of Ordinances, City of Deltona, prior to constructing a business use, or converting a residential structure to a business use.

(h) Types of signs permitted. Signs are permitted in accordance with the Deltona Sign Code, chapter 102, Code of Ordinances, City of Deltona, as it may be amended from time to time.

Sec. 110-314. PB, Professional Business Zoning District.

(a) Purpose and intent. The purpose of the Professional Business (PB) Zoning District is to establish a transitional zone between high volume streets and single family residential areas, and between higher intensity development and single family residential areas. The Professional Business Zoning District is established in areas that are transitional in character. Therefore, a mix of single family and compatible office development, with some retail sales, is permitted. The Professional Business (PB) Zoning District was first established in the original Deltona Lakes Community Development Plan to serve this purpose in the planned development. It may be applied to achieve a zoning transition in all other appropriate areas of the City of Deltona, including those areas that were not included in the original Deltona Lakes Community Development Plan, consistent with the commercial future land use designations on the adopted Future Land Use Map.

(b) Permitted uses. In the Professional Business (PB) Zoning District, no building, structure, land or water shall be used except for one or more of the following uses:

(1) Any business office, provided no retail sales are conducted. Permitted professional business offices include, but are not necessarily limited to: accountants, attorneys, insurance agencies, mortgage brokerages, real estate agencies, and offices for architects and engineers.

(2) Barber and beauty shop.

(3) Communication towers up to 70 feet high, in accordance with Chapter 82, Code of Ordinances, City of Deltona, as it may be amended from time to time.

(4) Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of Chapter 98, Code of Ordinances, City of Deltona, as it may be amended from time to time.

(5) Medical offices

(6) Banks

(7) Single-family dwellings and their customary accessory uses.

(8) Townhomes.

(9) Off-street parking areas.

(10) Essential utility services.

(11) Excavations only for stormwater retention ponds, subject to applicable permitting requirements.

(c) Conditional uses. Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter. The following land uses and their customary, incidental and subordinate accessory uses may be permitted in the Professional Business (PB) Zoning District as conditional uses:

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Communication towers greater than 70 feet high, in accordance with Chapter 82, Code of Ordinances, City of Deltona, as it may be amended from time to time.

Community residential home

Day care centers (refer to section 110-817(f)).

Group home facility (refer to section 110-817(l))

Houses of worship (refer to section 110-817(d)).

Nursing home and nursing home facility (refer to section 110-817(l))

Professional or trade schools related to permitted uses (refer to section 110-817(b)).

Public markets.

Public uses not listed as a permitted principal use.

Public utility uses and structures (refer to section 110-817(a)).

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

Schools, parochial or private (refer to section 110-817(d)).

(d) *Residential density.* No residential construction shall exceed a density of nine dwelling units per acre.

(e) Dimensional Requirements.

PB - *Professional Business*	Single Family Dwellings	Single Family attached Townhouse	Nonresidential
Lot Area (sq. ft.)[1]	7,500	1,600 *interior lots* 2,000 *end lots* 2,800 *corner lots*	12,500
Development site if onsite sewage disposal systems are used (acre)	- - - -	1	- - - -
Development site if community or public water and sewer service are available, but not including community septic tanks (sq. ft.)	- - - -	15,000	- - - -
Lot Width (ft.)	75	- - - -	100
Interior lot	- - - -	20	- - - -
End lot	- - - -	26	- - - -
Corner lot	- - - -	38	- - - -
Yard Size			
Front yard(ft.)[2]	25	25	25
Rear yard (ft.)	25	25	25
Waterfront rear yard (ft.)[3]	30	30	30

Side yard (ft.)[4]	7.5	- - - -	7.5
Interior lot(ft.)[5]	- - - -	0 *between townhouses*	- - - -
Side street yard (ft.)	15	15	15
Minimum Floor Area (sq. ft.)	1,000	1,000	- - - -
Maximum Floor Area Ratios (F.A.R.)	- - - -	- - - -	0.35[6]
Maximum building height (ft.)	35	35	35
Maximum lot coverage *(with principal and accessory buildings) (swimming pools and screened enclosures are excepted from this provision)*(%)	35	30	30
Minimum building separation (ft.)			
Between fronts or rears of principal buildings	- - - -	50	- - - -
Between any other combination of principal building arrangements	- - - -	30	- - - -
Minimum building setback from streets and drives (ft.)			
From any interior street drive or off-street parking area[7]	- - - -	10	- - - -
Maximum building length and width (ft.)	- - - -	200	
Building Development Standards[8]			
Minimum dwelling units in a building	- - - -	2	- - - -
Maximum dwelling units in a building	- - - -	8	- - - -

[1]No site for nonresidential development shall be created, and no conversion of an existing site or building to nonresidential use shall be permitted unless the site area meets the minimum standard.

[2] Except that medical offices and banks shall be limited to a front yard equal to the minimum required width of the required landscaped buffer.

[3] No building shall be erected nearer than 30 feet to the ordinary high water mark, or the platted property line, whichever is more restrictive.

[4] 7.5 feet or 10 percent of the width of the lot at the front property line, whichever is greater.

[5] Between townhouse buildings and adjacent interior building site side lot line 7.5 feet.

[6] The maximum floor area ratio for medical offices shall be 0.12 and for banks shall be 0.10.

[7] This requirement shall not diminish the minimum front, side and rear yard requirements for townhouse developments.

[8] The exterior facades of all townhouse units shall be varied in material and design so that no more than two abutting units will have the same architectural appearance and front yard setback and depth. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit, and no setback distance shall be less than the required minimum.

(f) Off-street parking regulations. See section 110-828 of the Code of Ordinances, City of Deltona, as it may be amended from time to time.

(g) Landscaped buffer requirements. Landscaped buffer areas meeting the requirements of section 110-808 of the Code of Ordinances, City of Deltona, as it may be amended from time to time, shall be constructed prior to locating a non-residential use on any site.

(h) Final site plan requirements. Final Site Plan approval meeting the requirements of Chapter 75~~74, Article II~~, Code of Ordinances, City of Deltona, as it may be amended from time to time, is required

prior to constructing a business use, ~~townhome use,~~ or converting a residential structure to a business use.

(i) Types of signs permitted. Signs are permitted in accordance with Chapter 102, Code of Ordinances, City of Deltona, as it may be amended from time to time.

(j) General provisions, exceptions, and prohibitions.

(1) See Article VIII. Supplementary regulations.

(2) All Professional Business, PB district sites must be located on a thoroughfare roadway as identified in Deltona Comprehensive Plan as it may be amended from time to time.

Sec. 110-315. C-1, Retail Commercial district.

(a) Purpose and intent. The purpose of the C-1-Retail Commercial Zoning District is to establish neighborhood commercial development along high volume roads that is compatible with nearby single-family residential areas. The C-1-Retail Commercial Zoning District is not suitable for transitional areas. Therefore, low intensity commercial development with no residential mix is permitted. The C-1-Retail Commercial Zoning District was first established in the original Deltona Lakes Community Development Plan to serve this purpose in the planned development. It may be applied to achieve a commercial development suitable for serving surrounding single-family residential development in all other appropriate areas of the City of Deltona, including those areas that were not included in the original Deltona Lakes Community Development Plan. The C-1-Retail Commercial Zoning District shall only be applied to areas that are designated in the commercial future land use category on the adopted Future Land Use Map in the Deltona Comprehensive Plan, as it may be amended from time to time.

(b) Uses permitted. Within the C-1 Retail Commercial district, no building, structure, land or water shall be used except for one or more of the following uses:

(1) Motels and hotels.

(2) Restaurants, Types A and B

(3) Retail shops, professional offices, and personal service enterprises similar to the following:

Animal hospital.

Antique shops.

Aquariums.

Art goods and bric-a-brac shops.

Artist studios.

Automobile new parts, equipment and accessories; sales only.

Automobile service stations, Type C.

Bakeries, retail (including preparation of products for sale on the premises.)

Banks and other financial businesses

Barber shops.

Bars.

Beauty parlors.

Bicycle stores.

Billiard rooms, pool rooms or bowling alleys.

Car washes.

Cigar stores (retail only).

Confectionery and ice cream stores.

Conservatories.

Convenience stores.

Cultural, historical, and art centers and museums.

Curio stores.

Day care centers.

Dental offices and clinics.

Drug and sundry stores.

Electric sales and service.

Electronic sales and service.

Employment agencies.

Essential utility services.

Fire stations.

Florist shops.

Fruit stores (retail only).

Furniture stores.

Garden supplies and retail fertilizer store.

General offices.

Grocery stores with or without meat sales.

Hardware stores (retail only).

Houses of worship.

Interior decorating, costuming, draperies.

Jewelry stores, watch repairs.

Laundromats.

Laundry and cleaning agencies (provided no gasoline or explosives of any kind are stored or used therein).

Lawn equipment sales and service.

Leather goods stores (retail only).

Libraries.

Medical offices and clinics.

Millinery, wearing apparel, furrier stores.

Music and radio stores.

Night clubs.

Non-profit membership and charitable organizations.

Newsstands.

Paint stores.

Pest exterminators.

Pet stores.

Photograph galleries.

Physical fitness centers.

Printing shops.

Private clubs, lodges, fraternities, sororities.

Plumbing fixture shops (retail only).

Plumbing, sales and service.

Police and sheriff stations.

Public art galleries, libraries, museums, and other public meeting places not operated for profit.

Retail sales and services, excluding sales or rental of automobile, motorcycle, truck, motor home, or travel trailers, automobile driving schools, boat or mobile home sales and services.

Retail specialty shops.

Schools.

Tailor shops.

Theaters.

Utility offices.

Veterinarians.

(4) Communication towers up to a height of 70 feet are permitted in accordance with Chapter 82, Code of Ordinances, as it may be amended from time to time.

(5) Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water well field protection requirements of the Land Development Code Chapter 98, article V, Code of Ordinances, as it may be amended from time to time.

(c) Conditional uses.

Communication towers exceeding 70 feet in height above ground level, in accordance with Chapter 82, Code of Ordinances, as it may be amended from time to time.

Group home facility (refer to section 110-817(l))

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Automobile driving schools.

Automobile repair garage.

Automobile service stations, Type A; permitted only on building sites with not less than 150 feet frontage on all abutting streets.

Community residential home

Funeral homes.

Group home facility (refer to section 110-817(l))

Nursing home and nursing home facility (refer to section 110-817(l))

Public markets.

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater in accordance with the potable water well field protection requirements of the land development code Chapter 98, article V, Code of Ordinances, as it may be amended from time to time.

(d) Dimensional Requirements:

C-1, *Retail Commercial*	
Minimum lot size	
Area (sq. ft.)	10,000
Width (ft.)[1]	100
Minimum yard size	
Front yard (ft.)	25
Rear yard (ft.)	15
Side yard (ft.)[2]	5
Side street yard(ft)	15
Maximum building height (ft.)	35
Maximum lot coverage (%) *(with principal and accessory buildings)*[3]	40
Maximum floor area ratio (F.A.R.)	0.35

(1)Except 150 feet shall be required along all abutting street frontages for land uses with drive through service or windows, and all three types of automobile service stations.

(2)Except may be reduced to zero foot where adjacent to existing building with zero foot setback, or coordinated with proposed building with zero foot setback. When two or more lots are used as one building site the setback restrictions set forth in this zoning district shall apply to the exterior perimeter of the combined site.

(3)Excluding swimming pools and screened enclosures, except, that screened enclosures used for storage, trash or equipment containment, and covered parking areas are included. This provision shall not be interpreted to allow a floor area ratio of any principal building or group of principal buildings to exceed the maximum permitted.

(e) Off-street parking regulations. See sections 110-828(f) through 810(j).

(f) Landscape buffer requirements. Landscape buffer areas meeting the requirements of section 110-808 shall be constructed.

(g) Final site plan requirements. Final site plan approval meeting the requirements of ~~a~~Article III of the Land Development Code [~~c~~Chapter 75~~74, article II~~, Code of Ordinances], is required.

(h) Types of signs permitted. Signs are permitted in accordance with the city's sign code Chapter 102, Code of Ordinances, as it may be amended from time to time.

(i) General provisions, exceptions and prohibitions. See article VIII.

Sec. 110-316. C-2, General Commercial.

(a) Purpose and intent. The purpose and intent of the C-2 General Commercial classification is to encourage the development of intensive commercial areas providing a wide range of goods and services, and located adjoining at least one major collector or arterial road. The C-2 classification is intended to be applied to strip retail areas and may be applied to Interstate Highway interchange areas and other intersections that are characterized by high traffic volumes appropriate for highway-oriented commercial development and shopping centers. This district is not intended to be applied within established residential areas, except when those areas are either in transition, blighted, or designated in the Commercial future land use category on the adopted Future Land Use Map. This zoning district shall only be applied to areas designated in the Commercial future land use category on the adopted Deltona Comprehensive Plan Future Land Use Map.

(b) Permitted uses. In the C-2 General Commercial zoning district, no premises shall be used except for one of the following uses and their customary accessory uses and structures:

Art, dance, modeling and music schools.

Automobile driving schools.

Automobile rental agencies.

Automobile sales, new and used.

Automobile service station, Types A and C.

Barber and beauty shops.

Bars and liquor stores.

Boat, mobile home and recreational vehicle sales and service establishments.

Bowling alleys.

Catering services.

Communication towers up to 70 feet high, in accordance with Chapter 82, Code of Ordinances, as it may be amended from time to time.

Cultural art centers.

Dental laboratories.

Employment agencies.

Essential utility services.

Exempt excavations (refer to ~~s~~Section 110-817(o)) and/or those which comply with the Land Development Code of the City of Deltona, Chapter 75~~74, article II~~, Code of Ordinances, as it may be amended from time to time and/or final plan review procedures of this ~~c~~Chapter.

Exempt landfills (refer to section 110-817(p)).

Financial institutions.

Fire stations.

Funeral homes.

Game rooms or arcades for pool, billiards, pinball machines, jukeboxes or other coin-operated amusements.

General offices.

Government-sponsored civic centers.

Home occupations (refer to section 110-807).

Household moving center.

Laundry and dry cleaning establishments.

Libraries.

Moped/Motorcycle sales and services

Museums.

Nightclubs.

Outdoor musical event.

Pawnshops.

Pest exterminators.

Private clubs.

Public schools.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells of less that eight inches in diameter in accordance with the potable water wellfield protection requirements of, the Land Development Code Chapter 98, article V, Code of Ordinances, as it may be amended from time to time.

Recycling collection center.

Restaurants, Types A and B.

Retail plant nursery.

Retail sales and services.

Retail specialty shops.

Stamp redemption centers.

Tailors.

Taxicab stands.

Theaters.

Travel agencies.

Veterinary clinics.

(c) *Conditional uses.* Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Communication towers greater than 70 feet high, in accordance with Chapter 82, Code of Ordinances, as it may be amended from time to time.

Bicycle motocross tracks.

Boardinghouse (refer to section 110-817(l))

Bus stations.

Car washes.

Community residential home

Day care centers (refer to section 110-817(f)).

Excavations only for stormwater retention ponds for which a permit is required by this chapter.

Group home facility (refer to section 110-817(l)).

Nursing home and nursing home facility (refer to section 110-817(l)).

Outdoor entertainment and recreational uses and structures.

Professional or trade schools related to permitted uses (refer to section (110-817(b)).

Public markets.

Public uses not listed as a permitted principal use.

Public utility uses and structures (refer to section 110-817(a)).

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

Schools, parochial or private (refer to section 110-817(d)).

Tattoo parlors.

Only one single-family dwelling for the owner or manager of an existing permitted principal use.

(d) Dimensional requirements.

C-2, *General Commercial*	
Minimum lot size	
Area (sq. ft.)	15,000
Width (ft.)[1]	100
Minimum yard size	
Front yard (ft.)	35
Rear yard (ft.)[2]	10
Side yard (ft.)[2]	10
Waterfront yard(ft)	25
Maximum building height (ft.)	75
Maximum lot coverage (%) *(with principal and accessory buildings)*	35
Maximum floor area ratio (F.A.R.)	0.50

[1]Except 150 feet shall be required along all abutting street frontages for land uses with drive through service or windows, and all three types of automobile service stations.

[2]Unless abutting any residentially zoned property, then 35 feet.

(e) Off-street parking and loading requirements. Off-street parking and loading areas meeting the requirements of section 110-828 shall be constructed.

(f) Landscape buffer requirements. Landscaped buffer areas meeting the requirements of section 110-808.00 shall be constructed.

(g) Final site plan requirements. Final ~~s~~Site ~~p~~Plan approval meeting the requirements of the Land Development Code, ~~c~~Chapter 75~~74, article II~~, Code of Ordinances, as it may be amended from time to time, is required.

(h) *Types of signs permitted.* Signs are permitted in accordance with the requirements of the city's sign code Chapter 102, Code of Ordinances, as it may be amended from time to time.

Sec. 110-317. C-3, Heavy Commercial classification.

(a) *Purpose and intent.* The purpose and intent of the C-3 Heavy Commercial classification is to provide areas for commercial uses and structures that are not generally compatible with B-4 uses and structures.

(b) *Permitted principal uses and structures.* In the C-3 Heavy Commercial classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Art, dance, modeling and music schools.

Auction parlors.

Automobile body shops.

Automobile driving schools.

Automobile rental agencies.

Automobile sales, new and used.

Automobile service stations, Types A, B and C.

Bars and liquor stores.

Beauty and barber shops.

Boat, truck, motorcycle, trailer, bicycle and mobile home storage, sales, service and rental for off-site use (new and used).

Bowling alleys.

Building material sales and storage.

Car washes.

Catering services.

Communication towers up to 70 feet high, in accordance with the requirements of Chapter 82, Code of Ordinances, as it may be amended from time to time.

Contractor's shop, storage and equipment yard.

Cultural art centers.

Dental laboratories.

Employment agencies.

Essential utility services.

Exempt excavations (refer to section 110-817(o))

Exempt landfills (refer to section 110-817(p)).

Financial institutions.

Fire stations.

Funeral homes.

Game rooms or arcades for pool, billiards, pinball machines, jukeboxes or other coin-operated amusements.

General offices.

Government sponsored civic centers.

Home occupations (refer to section 110-807).

Laundry and dry cleaning establishments.

Libraries.

Marine engine repair and service.

Mini-warehouses which meet the requirements of section 110-817(e).

Mobile recreational vehicle and shelter sales, service, storage and repair.

Museums.

Nightclubs.

Outdoor musical event.

Pawnshops.

Pest exterminators.

Printing and engraving, including Photostatting and publishing.

Private clubs.

Public schools.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of the Land Development Code Chapter 98, article V, Code of Ordinances, as it may be amended from time to time.

Radio and television broadcasting stations.

Recycling collection center.

Restaurants, Types A and B.

Retail sales and services.

Retail specialty shops.

Rug cleaning establishments.

Stamp redemption centers.

Tailors.

Tattoo parlors.

Taxicab stands.

Theaters.

Travel agencies.

Veterinary clinics.

Welding and soldering shops.

Wholesale-retail nursery.

(c) Conditional uses. Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Communication towers greater than 70 feet high, in accordance with the requirements of Chapter 82, Code of Ordinances, as it may be amended from time to time.

Bus garages and repair shops.

Bus stations.

Curb markets.

Drive-in theaters.

Excavations only for stormwater retention ponds of which a permit is required by this chapter.

Flea markets (refer to section 110-817(g)).

Houses of worship (refer to section 110-817(d)).

Moving and storage companies.

Outdoor entertainment and recreational uses and structures.

Professional or trade schools related to permitted uses (refer to section 110-817(b)).

Public markets.

Public use not listed as a permitted principal use.

Public utility uses and structures (refer to section 110-817(a)).

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

Schools, parochial or private (refer to section 110-817(d)).

Only one single-family dwelling for the owner or manager of an existing permitted principal use.

Truck and freight transfer terminals.

Truck stops.

Truck storage.

Warehouse.

(d) Dimensional requirements.

C-3, *Heavy Commercial*

Minimum lot size	
Area (sq. ft.)	15,000
Width (ft.)	100
Minimum yard size	
Front yard (ft.)	35
Rear yard (ft.)[1]	25
Side yard (ft.)[1]	10
Waterfront yard(ft)	25
Maximum building height (ft.)	75
Maximum lot coverage (%) *(with principal and accessory buildings)*	35
Maximum floor area ratio (F.A.R.)	0.55
[1]Unless abutting any residentially zoned property, then 35 feet.	

(e) *Off-street parking and loading requirements.* Off-street parking and loading areas meeting the requirements of section 110-828 shall be constructed.

(f) *Landscape buffer requirements.* Landscaped buffer areas meeting the requirements of section 110-808 shall be constructed.

(g) *Final ~~s~~Site ~~p~~Plan requirements.* Final ~~s~~Site ~~p~~Plan approval meeting the requirements of the Land Development Code chapter 75~~74, article II~~, Code of Ordinances, as it may be amended from time to time, is required.

(h) *Types of signs permitted.* Signs are permitted in accordance with the requirements of the city's sign code Chapter 102, Code of Ordinances, as it may be amended from time to time.

Sec. 110-318. I Industrial district.

(a) Uses permitted.

(1) Retail and service. Any retail or service establishment necessary to serve the needs of the industrial area, and Type A or B restaurants; business or professional offices; fire stations and public uses not otherwise listed; linen supply and industrial launderer; tattoo parlors and body piercing establishments, major automobile and truck repair garages, including major repair, body work and painting services, and enclosed storage areas, or outdoor storage areas completely screened from view from adjacent properties and from any street or road; new and/or used automobile, truck farm implement, camping trailer and/or boat sales; bottling of soft drinks or milk and distribution stations; contractor and building material yards completely screened from view from adjacent properties and from any street or road; plumbing shops with indoor storage only; and automobile service stations, types A, B, and C. All parking and storage areas for heavy equipment and large trucks shall be completely screened from view from nearby properties, streets and roads.

(2) Warehousing. Warehouses for the storage of merchandise and materials, motor freight stations or terminals, and hauling and storage establishments for household goods.

(3) Laboratories. Experimental testing laboratories, provided no operation shall be conducted or equipment used which would create hazards, noxious or offensive effects.

(4) Manufacturing. The manufacturing, compounding, processing, packaging and assembling of products such as:

a. Food products: Bakery goods, candy, cosmetics, toiletries, meat products, except slaughter houses, fish, sauerkraut, vinegar, yeast and rendering or refining of fats or oils.

b. Instruments: Musical toys, novelties, rubber or metal stamps, and other small rubber or plastic products.

c. Advertising and sheet metal products: Neon sign manufacturing and repair, billboard and other commercial advertising structures; light sheet metal products, including heating and air conditioning equipment, cornices, eaves, and the like (except where presses over 20 tons rated capacity are employed). In the activity center, all materials, equipment, interim product, finished products, and by-products shall be stored indoors. In the activity center, parking areas for heavy equipment and vehicles shall be completely screened from view from adjacent buildings and from all streets and roads.

d. Electrical: Electrical applies, electronic instruments and devices, television sets, radios and phonographs.

e. General: Products manufactured from the following previously prepared materials; bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals, or stones, shell, textiles, tobacco, wax, wood (except where saw planning mills are employed) and yarns. In the activity center, all materials, equipment, interim products, finished products, and by-products shall be stored indoors. In the activity center, parking areas for heavy equipment and vehicles shall be completely screened from view from adjacent buildings and from all streets and roads.

(5) Public utility uses and structures. Any public utility building or structure, including storage yards. In the activity center, all outdoor storage and heavy equipment parking areas shall be completely screened from view from adjacent buildings and from all streets and roads.

(6) Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements the Land Development Code Chapter 98, article V, Code of Ordinances, as it may be amended from time to time.

(7) Communication towers up to a height of 70 feet are permitted in accordance with Chapter 82, Code of Ordinances, as it may be amended from time to time.

(8) One dwelling unit, in conjunction with a permitted use, providing that the unit is necessary for safety or security purposes and providing that the unit is incorporated within the principal structure.

(9) Essential utility services.

(b) Conditional uses. Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Communication towers greater than 70 feet in height, in accordance with the requirements of Chapter 82, Code of Ordinances, as it may be amended from time to time.

Public markets.

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

(c) Dimensional Requirements

	I - *Industrial*
Minimum lot size[1]	
Area (sq. ft.)	20,000
Width (ft.)	100
Minimum yard size[2]	
Front yard (ft.)	50
Rear yard (ft.)[3]	20
Side yard (ft.)[3]	10
Side and Rear yard abutting residentially zoned property (ft.)	35
Maximum building height (ft.)[4]	75
Maximum lot coverage (%) *(with principal and accessory buildings)*[5]	40
Maximum floor area ratio (F.A.R.)	1.0

[1]Except that in the Activity Center each Industrial classified lot shall be a minimum of one and two-tenths acres of net land area and have a minimum width of 100 feet.

[2]Measured from the front, rear, and side wall of the main structure to the road or street-right-of-way line, rear and side lines of lot or parcel of land respectively, eaves and steps shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot or easement.

[3]For buildings over 35 feet in height the side and rear yard shall be increased by one foot of yard for each foot of building height over 35 feet.

[4]In the Activity Center, buildings having a height over 55 feet shall provide perimeter landscaping and visual screening that is 50 percent higher both at the time of planting and within three years than the minimum height requirements of Article VIII, Section 110-808, Landscaping Requirements.

[5]Swimming pools and screened enclosures are excepted from this provision.

(d) Off-street parking regulations. See section 110-828.

(e) *Landscape buffer requirements.* Landscape buffer areas meeting the requirements of section 110-808 shall be constructed, except for the increased requirements noted above in the activity center.

(f) *Final ~~s~~Site ~~p~~Plan requirements.* Final ~~s~~Site ~~p~~Plan approval meeting the requirements of ~~a~~Article III of the Land Development Code, Ordinance No. 96-25 [~~c~~Chapter 75~~74, article II~~, Code of Ordinances], as it may be amended from time to time, is required.

(g) *Types of signs permitted.* Signs are permitted in accordance with the requirements of the city's sign ordinance, Ordinance No. 12-97 [chapter 102, Code of Ordinances], as it may be amended from time to time.

(h) *General provisions, exceptions and prohibitions.*

(1) See article VIII .

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 development~~er'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.* ~~The~~A 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 ~~may~~shall 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.

Sec. 110-320. EO, Enterprise Commercial Overlay District.

(a). Purpose. Gateway corridors serve as primary entrances to The City of Deltona. The Enterprise community has recognized historical significance. The purpose of this section is to ensure the design of non-residential sites, landscaping, site appurtenances, and building architecture at the gateways to Deltona and Enterprise along Doyle Road, DeBary Avenue, and Enterprise Road near and within the Enterprise Community is consistent with the historical character of Enterprise. Gateway areas are the area within a 1/4 mile radius of the intersection of I-4 and DeBary Avenue, and the area within a 1/4 mile radius of the intersection of Providence Boulevard with Doyle Road/DeBary Avenue.

(b) Basis guidelines, elevated guidelines and applicability. Basis guidelines consist of existing, or hereafter amended, development guidelines presently contained in the City of Deltona Code of Ordinances and/or Land Development Regulations.

Elevated guidelines consist of development guidelines hereafter set forth in sections 110-320(c) and 110-320(d). In case of a conflict in the applicability of guidelines, the most stringent and restrictive shall apply.

(c) Elevated architectural guidelines.

(1) Applicability. The architectural guidelines shall apply to all new development and redevelopment within the Enterprise area, and gateways to both Deltona and the Enterprise community, except for additions, renovations, replacement or redevelopment of an existing structure or project, where the cost of such additions, renovations, replacement or redevelopment does not exceed 50 percent of the value of the existing structure(s), or 35 percent

of the square footage of the existing structure(s), unless the use of the structure(s) or project has ceased for a period of more than 365 consecutive days, or unless cumulative additions, renovations, replacement or redevelopment initiated during any five-year period meet the thresholds listed above, whereupon the provisions herein shall apply.

(2) Submittal and approval requirements. The architectural guidelines shall be monitored and enforced by the City of Deltona. All development proposals shall be submitted to the city for approval in accordance with all applicable laws, rules and ordinances. No development proposal shall be submitted to the city that does not comply with all applicable requirements. Deviations from these requirements shall require a variance approved by the city commission in accordance with the ordinance procedures and standards for zoning variance.

(3) Elevated guidelines (appearance criteria). Compliance with the intent, guidelines and provisions of this ordinance shall be as provided for below:

a. *Architectural style and application.* It is the intent of this ordinance to ensure a harmonious streetscape and compatibility between structures within the Enterprise Road/Doyle Road/DeBary Avenue corridors, and at the Deltona/Enterprise gateways at the intersections of Deltona Boulevard and DeBary Avenue and Providence Boulevard with Doyle Road and DeBary Avenue, sympathetic and respectful of commercial structures in and around Enterprise, which will serve as a guide for the aesthetic of new development. The styles that accomplish this are the Florida Cracker, a subset of the Florida Vernacular, and the Florida Victorian. (Examples of Interpretation, Figure 1)

1. Structures shall reflect similar styles, materials, details and colors.

2. In the, the following guidelines shall be implemented for new structures and renovations.

3. All construction shall conform in street orientation and massing to pre-approved site plan.

b. *Building mass.*

1. For structures less than 5,000 square feet in gross building area on the ground floor, no uninterrupted horizontal length of a building facade shall exceed 20 linear feet.

2. For structures greater than 5,000 square feet in gross building area on the ground floor, no uninterrupted horizontal length of a building facade, (defined as the front of a building), shall exceed 35 linear feet.

3. Blank wall areas for each floor-to-floor relationship (those without relief or uninterrupted) shall incorporate the use of landscaping to break up the monolithic appearance of such areas. Blank wall areas uninterrupted by landscaping shall not exceed ten feet in vertical direction or 20 feet in horizontal direction of any building facade.

4. Elements acceptable for the interruption of blank wall surfaces are: Belt courses, Trim Bands, and related horizontal and vertical recessed and protruding elements.

5. For structures where verandahs, (defined as a usually roofed open porch on the exterior of the building), have been included, a change from grade to finish floor of structure of 12" will be included in the design.

c. *Design detail.* Buildings shall be designed to enhance the attractiveness of the city's streetscape. Buildings shall, through use of architectural details and scale, have architectural features and patterns that provide visual interest from the perspective of the pedestrian and the motorist. The following techniques shall be incorporated into building design in order to accomplish such requirements (see Illustration No. 2):

1. All buildings shall be required to provide the following exterior design elements:

   a) Canopies or porticos, integrated with, and responsive to, building massing and style at entryways - see 1.1.3.3 (D).

   b) Trim elements of appropriate materials and profiles at entries and fenestration.

2. building elevation configurations and techniques: For structures greater than 5,000 square feet in gross building area on the ground floor, eaves, cornices, facades shall include detailing, (i.e. raised access bands, cap elements, etc.), emphasizing horizontal lines.

3. Windows (may be active or fixed) shall be placed along at least 50 percent of any facade that is visible from a public right-of-way. Windows shall be recessed (set to the inside of the building face wall) and shall include prominent sills and some form of framing or trim as outlined below. Examples of Interpretation, Figure 2)

   a) Windows at street level elevation shall be un-tinted.

   b) Windows shall be of square, vertical proportion, or horizontal.

   c) Windows shall be divided lite (true or simulated). Picture pane and storefront glazing will not be allowed.

      • Simulated division of windows requires full profile muntins, (defined as the strip separating panes of glass in a sash).

      • Windows immediately adjacent to commercial entrances shall have a sill height of between 12" and 36" above finish floor.

      • No window on any facade shall be lower than 12" above finish floor.

   d) One accent window with decorative glass per building facade may be circular or hexagonal. Additionally, each facade of a cupola or entry tower may act as a facade for this window type, i.e. a six sided cupola may have six accent windows of either circular of hexagonal shape.

   e) Windows in stucco or wood facades shall have molded or squared casings, respectively, keeping with the architectural style of the structure.

   f) Windows in brick facades shall be trimmed with brick moldings but not cased. Windows in brick facades shall have either brick jack or segmented arches and classic brick sills, preferably a molded shape, not rowlock or headers.

   g) Palladian semi-circular window arches are not allowed.

   h) Retail frontages, which require storefront styled window areas, can use exposed steel, or aluminum clad in wood.

d. *Entryways/customer entrance design.* Entryways shall be designed to provide project focal points. Entryways shall be designed in accordance with the techniques listed below. In the

event that the entryway is not oriented toward the major road that, as determined by the city, provides access to the building, the side of the building facing such road shall also be designed to comply with item a. below.

1. Entryways shall be differentiated from the remainder of the facade through at minimum the use of color, change in materials, application of architectural features (arches, columns, colonnades, etc.), setbacks, offsets, level changes and the like.

2. Entryway design shall incorporate landscaping, landscape planters or wing walls with landscaped areas.

3. Entryway areas shall be provided with structural or vegetative shading features and benches or other seating components.

e. *Building orientation.* Buildings shall be oriented so as to enhance the appearance of the city's streetscape. This requirement shall be met by incorporating the following techniques into project design and shall be approved in site plan development review.

1. Buildings shall be designed and oriented so the entrance is visible from the public road from which driveway access is provided.

2. Either each the building's primary facade shall face parallel to the public road from which driveway access is provided, or each facade, which is clearly visible from a public right-of-way, or public area of adjoining properties shall be designed with full architectural treatment.

3. Building orientation shall be such that service areas are placed out of view from public rights-of-way, parking areas and adjacent properties. Structural screening and/or landscape screening to comply with these guidelines shall be used to visually encapsulate service areas.

f. *Exterior materials and colors.* Exterior building materials and colors contribute significantly to the visual impact of a building on a community, which, in turn, individually and collectively reflect upon the visual character and quality of a community. In order to project an image of high quality city aesthetics, building materials and colors shall conform to the following requirements: (Examples of Interpretation, Figure 3)

1. All buildings shall be faced with materials that exhibit a durable, high quality appearance.

2. Materials shall be of a low maintenance type, retaining a consistent, clean appearance.

3. Generally accepted exterior facing materials shall relate to the mass of the structure and be prioritized in their use based on square footage as follow:

a) For structures less than 5,000 square feet in gross building area on the ground floor acceptable materials shall include on all facades that are or will be exposed to the general public:

Wood

Cellulose fiber - reinforced cement building boards.

Brick

Stone

Stucco, if used shall be flat finish or sand finish.

b) For structures greater than 5,000 square feet in a gross building area on the ground floor acceptable materials shall include on all facades that are or will be exposed to the general public:

Wood

Cellulose fiber - reinforced cement building boards.

Stucco, if used shall be flat finish or sand finish.

Brick

Stone may be used at foundations and structural pier locations.

c) Two wall materials may be combined on any facade, up to all four facades, horizontally. The visually heavier facade material must be below and can cover the first third of the overall wall height only.

4. Exterior colors shall not be specifically limited, but shall be consistent with historically appropriate tones and hues, as is consistent with paint manufacturer's produced palettes of historic colors and combinations on file with city staff. Variation from established combinations should be discouraged. Corporate colors not included on historic palettes, shall be limited to logo signage only.

5. Building materials and colors shall be consistent around the entire building.

6. Metal building structures are acceptable if clad in the approved materials as outlined above.

g. *Reserved.*

h. *Roof design and materials.* Roof features shall be in scale with the building's mass and complement the character of the structure, developments and neighborhoods. Roofs shall be constructed of durable, high quality materials in order to enhance the appearance and attractiveness of the community. Roofs shall incorporate the design elements and materials listed below: Examples of Interpretation, Figure 4)

1. For structures less than 5,000 square feet in gross building area on the ground floor the design of roof structures shall be of flat, hip, or gable. If roof surface is visible, hipped or gabled, the material shall be metal standing seam or "V" crimp.

2. For structures greater than 5,000 square feet in gross building area on the ground floor the design of roof structures shall be flat with parapet wall. The parapet wall and cornice shall include decorative caps and brackets that do not act as waterproofing elements.

3. Parapets when provided will be broken with a minimum of one stepped pediment articulated with a centered entry below or no more than two per 50' of length centered on a main entry below and centered over side windows.

4. Roof-like appurtenances such as false roofs, parapets and other similar features may be allowed if, such features are required for mechanical equipment screening or acoustical control that cannot be accomplished through utilization of approved roof

styles. Application of such-roof like features shall be accomplished in such a manner as to minimize the appearance of a flat roof design.

5. Roofs shall be designed to be of such height, bulk and mass so as to appear structural even when the design is non-structural.

6. Cupolas shall only be included on roof structures when windows are for natural light illumination of a space beyond or through louver venting of an attic volume.

7. If the use of a flat roof is desired, the exterior of the building shall be clad in brick or stucco.

i. *Fence and wall design.* Design and construction quality of fences and non-building walls are important visual reflections of community character and quality. In order to promote quality site aesthetics, fence and wall design and construction shall comply with the following requirements:

1. Fences and walls, whether required for project approval or whether incorporated into overall project design, shall be designed as an integral part of the principal structure(s). Such design shall include the use of similar materials, colors and finishes as the principal structure.

2. Fences and walls shall be architecturally designed with offsets, raised elements and landscape pockets to avoid an expansive monolithic appearance.

3. Chain link fencing, plastic fencing panels, and vinyl fencing is not permitted.

j. *Perimeter planting.* Plantings located around the perimeter of buildings enhance site aesthetics and increase green space. All projects shall incorporate perimeter plantings into project design in accordance with the requirements listed below:

1. This section supplements and does not supercede the City of Deltona Landscaping Code requirements. All minimum requirements of the City of Deltona Landscaping Code must be met, notwithstanding anything to the contrary that may be contained in this section.

2. Perimeter landscape plantings shall be located adjacent to the primary facade(s) and along any blank facade wall areas that are, or will be, exposed to the general public. Such plantings shall also be included at entrance areas, plazas and courtyards.

3. Perimeter landscaping shall consist of a combination of trees, palms, shrubs and ground covers. Planting material type, size and spacing shall, at a minimum, be consistent with the requirements of the city's tree and landscape ordinance.

k. *Screening of mechanical equipment.* Lack of, or inadequate screening of, mechanical equipment can have negative visual impacts on the city's streetscape, ambient landscape or community image. Such impacts shall be minimized through compliance with the following requirements:

1. Mechanical equipment located on the ground, such as air conditioning units, heating units, satellite dishes, irrigation pumps, propane tank displays and refilling areas, utilities lift stations and the like shall be screened from public view. Screening shall, at a minimum, be at the same height as the equipment. Structural screening shall be architecturally integrated into the overall project design and shall be compatible, in terms of style, construction materials, colors, and finish, with the principle

structure(s). Landscaping may be substituted for structural screening if plantings are compatible with the landscape plan for the project and are of such size and maturity as to be able to provide a fully opaque screen at time of planting.

2. Equipment and appurtenances mounted on rooftops shall be kept to a minimum. All exposed rooftop mounted equipment and appurtenances shall be fully screened from view from any public right-of-way. All screening shall, at a minimum, be at the same height as the equipment and appurtenances. Screening shall be an integral part of the design of the building(s) and shall be architecturally consistent with the style, colors, construction materials and finish of the building(s).

l. *Lighting.* Lighting fixture design and placement are important components of an attractive urban environment as well as important to public safety. In order to enhance site aesthetics and minimize visual distraction, yet maintain adequate public safety, project lighting shall comply with the requirements listed below:

1. An exterior building and site lighting master plan detailing areas and structures requiring illumination, lighting fixture styles, light source and light levels shall be included as part of a project's submittal for approval.

2. Recessed lighting fixtures shall be required in order to conceal the actual light source, reduce glare and direct light to specific areas while shielding other areas.

3. Lighting of parking areas, access drives and vehicular circulation areas shall be as follows: See 719.04(d).

4. Neon lighting and fiber optic lighting, signs, or company logos/slogans, or neon or fiber optic lighting of any use is not permitted.

5. Building illumination and architectural lighting shall be indirect and with no visible light source.

6. Ground level light fixtures shall be of the burial vault type or shall be fully screened by landscaping materials.

7. Lighting fixtures will not create ambient lighting or trespassing lighting scenarios.

m. *Utilities.* The location and aesthetic treatment of utilities is an important factor in creating an attractive urban environment. In order to enhance and maintain the image of quality in the urban environment, utilities construction and placement shall comply with the following requirements:

1. All utility lines, whether new or relocated, shall be installed underground.

2. Utility conduit and utility panels/boxes shall be painted to match the color of the building on which they are placed. Additionally, panels/boxes shall be located on the same facade considered the service side or entrance.

3. Water and sewer lift stations, pump houses and similar features shall be located at the rear of the project site and shall be fully screened from view by structural or vegetative means. Where screening is accomplished structural means, such screening shall be compatible in design and color with the main building.

n. *Outdoor storage.* Outdoor storage areas are not permitted.

o. *Accessory uses and structures.* Structures and uses accessory to principle structures and uses shall be integrated into project design in a manner such that they will not detract from site aesthetics. Such structures and uses shall comply with the requirements listed below:

1. Accessory structures shall be designed and constructed so as to be compatible, (i.e. similar in style and image), with the architectural design of the principle structure(s). Exterior finishes, colors and materials on accessory structures shall be similar to those used on the principle structure(s).

2. Outdoor display and sales areas are not permitted.

3. Site furnishings such as benches, bicycle racks, newspaper racks, trash receptacles and the like shall be compatible with the architectural design of the principle structure. Permanent shopping cart storage shall be contained within the principal structure. Any site furnishings as listed above will be painted black, so as to blend in with the existing landscape and environment.

4. Except for cellular and other communications towers and antennas that shall be regulated pursuant to Chapter 82 of the Code of Ordinances, as it may be amended from time to time, no accessory wireless communications towers or antennas are permitted within these guidelines for the Enterprise Commercial Overlay District to be ground mounted, (i.e. placed on concrete pads with appropriate anchoring systems on grade). Dishes and antennas required for the operation of the principal business will be located on a roof structure and will not visible from the R.O.W. Such placements shall comply with the following requirements:

   a) For facilities mounted on an existing or new building, the tower, and antenna must be of a color that is identical to, or closely compatible with, the color of the building so as to make them as visually unobtrusive as reasonably possible. In addition, supporting electrical and mechanical equipment shall be screened from view or camouflaged.

   b) No such wireless telecommunication antennas shall exceed 20 feet in height from the top of the building, existing tower or other structure.

   c) For all wireless telecommunication antennas mounted on an existing building, the maximum height of such antenna's support structure shall not exceed ten feet from the top of the building.

   d) The diameter of roof-mounted dish antennas shall not exceed 12 feet, provided that no such antenna shall be visible as stated in 1.1.3.3(O)4. and the color, location and design shall blend into and not detract from the character and appearance of the building and surrounding properties.

   e) The diameter of a tower-mounted dish antenna shall not exceed four and one-half feet.

   f) Aesthetic effects, devices and techniques. The purpose of this subsection is to assist the city in determining whether or not a proposed tower is camouflaged and/or concealed appropriately in a given area. The applicant shall submit the following documentation:

      • Colorized pictorial representation, artist rendering, or similar representation drawn to scale.

- Design specifications of the various proposed techniques (if drawings, plans and/or other graphic representations are included, they shall be drawn to scale).
- A corresponding statement explaining what the nature and character of the area is within which the tower is proposed with respect to land use, surrounding environment, building heights and design, and how the proposed camouflaging and/or concealment agent(s) will blend in and harmonize with the nature and character of the area.

(d) Elevated site guidelines. Elevated guidelines shall consist of the following:

(1) Location and design of parking areas. All parking areas and access ways and driveways shall be designed in accordance with the requirements of the zoning and land development code of the City of Deltona, as they may be amended from time to time. Parking areas shall be located, designed and visually screened/landscaped so as to minimize potential impacts on adjacent property owners. Parking areas shall be located and designed so as to maximize traffic circulation patterns and minimize traffic hazards.

(2) Cross access. Driveways, curb cuts, parking and internal roadway/traffic circulation shall be designed so that uninterrupted vehicular access from parcel to parcel is achieved. Cross access easements shall be provided as detailed elsewhere in this section and in the Deltona Land Development Code.

(3) Pedestrian access. A clear, safe and convenient pedestrian path shall be provided from the sidewalk along the corridor right-of-way to the main entry door of each principal structure. The pedestrian path shall be functionally delineated by using construction materials that are different than the materials used for the construction of the parking area (e.g., use of brick or concrete for the pedestrian access when the parking lot is an asphalt surface). Sidewalks shall meet the minimum design and construction standards for sidewalks contained in the Deltona Land Development Code, as it may be amended from time to time. Bikeways and other bicycle facilities shall be provided as required by the Deltona Comprehensive Plan and the Deltona Land Development Code, as they may be amended from time to time.

(4) Lighting. General - Recessed lighting fixtures shall be required in order to conceal the actual source of the light so as to reduce glare and direct the light to specific areas while shielding other areas. Lighting shall be of the metal halide type.

a. Backlighting--Backlit awnings/canopies are not permitted.

b. Parking areas--Parking lot lighting shall be designed as follows:

1. Light poles shall be located only within landscaped strips, interior landscape islands, or terminal landscape islands. Light poles are not allowed in corridor buffers.
2. Illumination on to adjacent properties shall not exceed one foot-candle.
3. The maximum height of the light pole shall be 20 feet, including the basis.
4. The minimum setback of the light source from the property line shall be a horizontal distance of ten feet.
5. The character of style selected for the Enterprise Commercial Overlay District will be used on all properties for all structures through the entire visible surrounding area of the Enterprise Commercial Overlay District. Examples of acceptable styles are included as Figure 5.

(5) Outside storage. No outside storage of materials, equipment or merchandise shall be allowed.

(6) Utilities. All utilities, new or relocated, shall be installed underground. Underground utilities shall be installed in accordance with the procedures and requirements of the City of Deltona Land Development Code, as it may be amended from time to time.

(7) Screening (roof top). All roof top equipment shall be screened from public view. The screen shall consist of a material, and shall be designed, so as to be compatible and consistent with the building on which the equipment is located and in keeping with the architectural portion of these guidelines.

(e) Examples of interpretation. Figures referenced in sections 110-320(c) and 110-320(d):

Figure 1 (Referenced in 1.1.3.3(A) Architectural Style and Applicability)

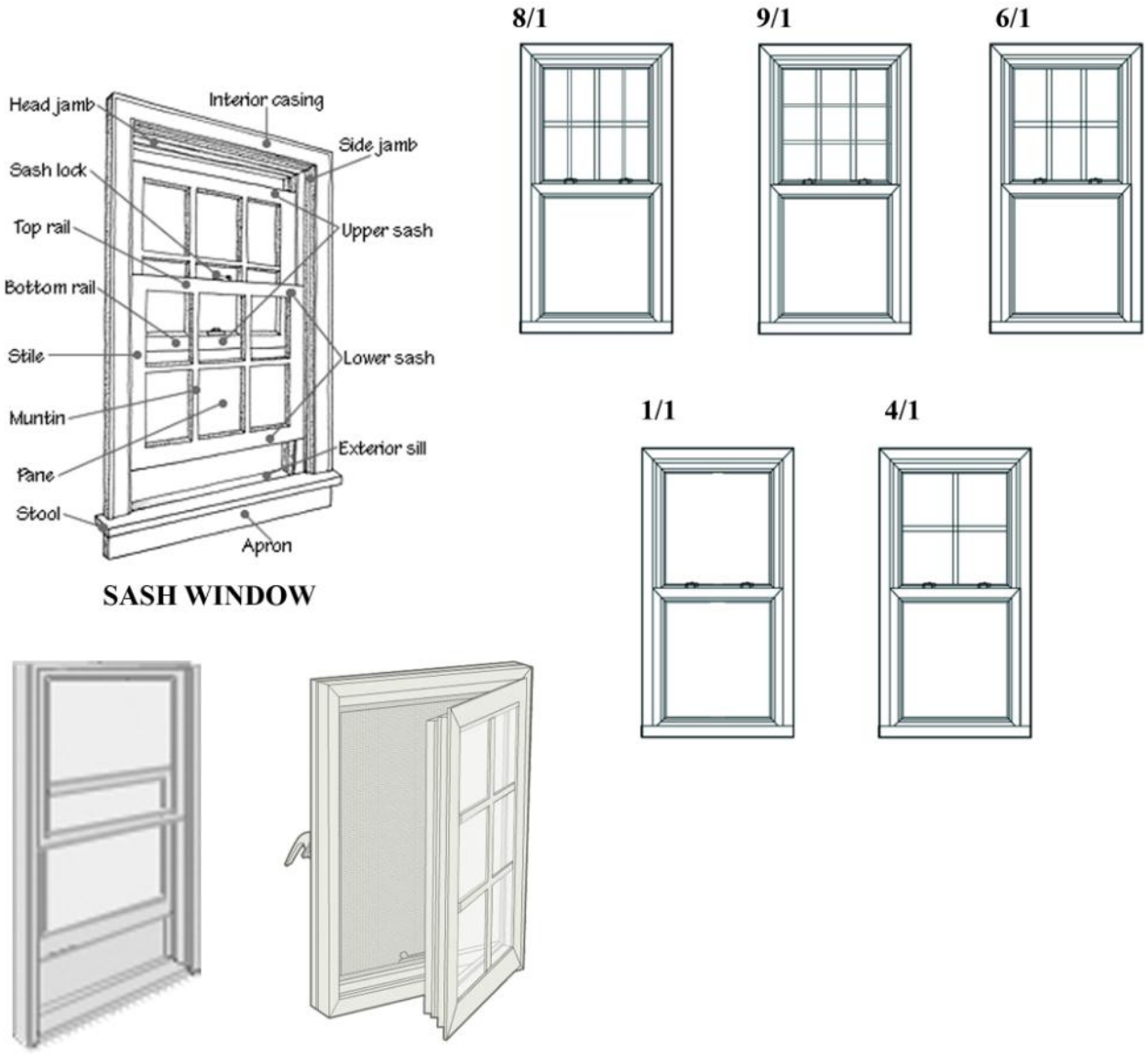


Figure 2 (Referenced in 110-320(c)(3)c. Design Detail)

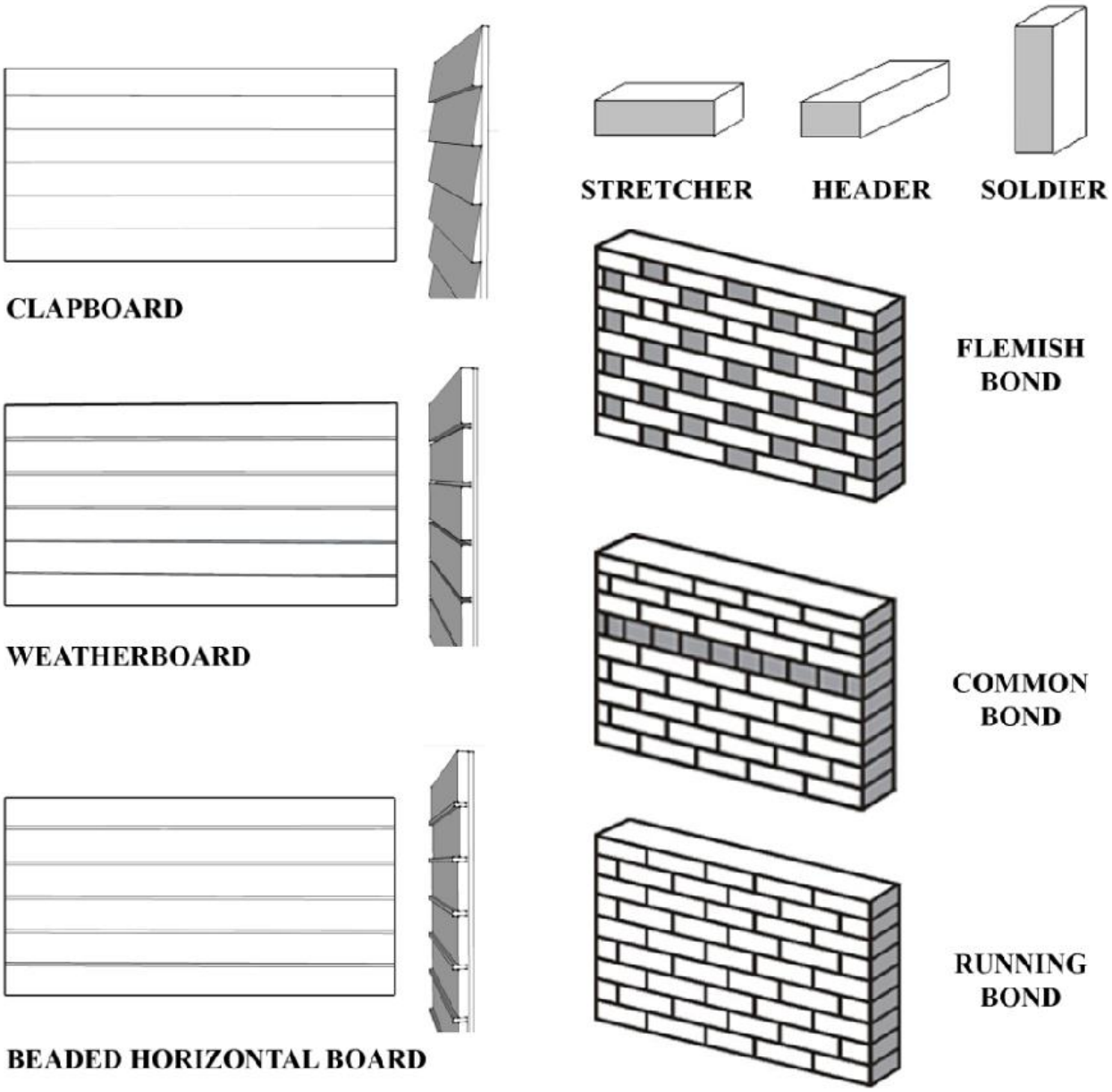


Figure 3 (Referenced in 110-320(c)(3)f. Exterior Materials and Colors)

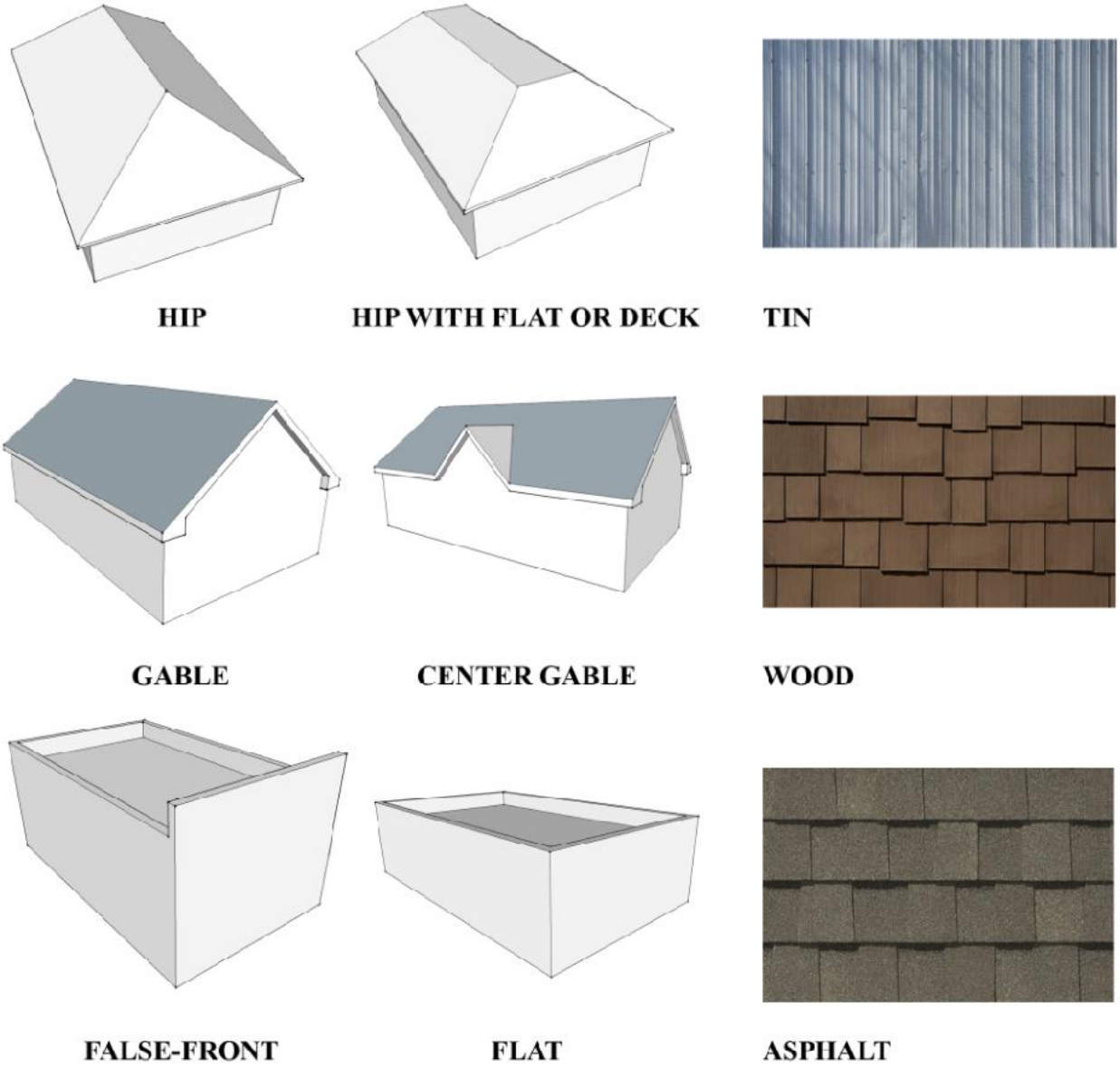


Figure 4 (Referenced in 110-320(c)(3)h. Roof Design and Materials)

This is an example only for reference of acceptable aesthetic style. This specific style may not be able to meet the city light code.

ARTICLE IV. RULES OF INTERPRETATION OF CLASSIFICATION BOUNDARIES

Sec. 110-400. Interpretation of classification boundaries.

The following rules of interpretation shall be used to locate the classification boundaries shown on the official zoning map:

(a) Boundaries following streets. Boundaries following, or approximately following, the centerlines of streets shall be construed to follow those centerlines. If a street is vacated, the classification boundary shall be construed to remain in its location, except when ownership of the vacated street is divided other than at the center, in which case, the boundary shall be construed to move with the ownership.

(b) Boundaries following lot lines. Boundaries following, or approximately following, lot lines shall be construed to follow those lot lines.

(c) Boundaries following city limits. Boundaries following, or approximately following, city limits shall be construed to follow those city limits.

(d) Boundaries following railroad lines. Boundaries following, or approximately following, railroad lines shall be construed to follow the centerline of the railroad right-of-way. If a railroad right-of-way is vacated, the classification boundary shall be construed to remain in its location; except when

ownership of the vacated railroad right-of-way is divided other than at the center, in which case, the boundary shall be construed to move with the ownership.

(e) Boundaries following water bodies. Boundaries following, or approximately following, the shorelines of water bodies shall be construed to follow and move with those shorelines. Boundaries following, or approximately following, the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow and move with those centerlines.

(f) Boundaries entering any body of water. Boundaries entering any body of water, but not continuing to intersect with other zoning boundaries, shall be construed to extend in the same direction in which they entered the body of water, until they intersect with other zoning boundaries.

(g) Increase of Incorporated Area by Municipal Annexation. If city limits change through annexation, no different use may be made of the property annexed until an appropriate zoning classification for it has been assigned in the manner prescribed by law.

(h) Reduction of Incorporated Area by Municipal Deannexation. If city limits change through deannexation, classification boundaries shall be construed to move with the city limits.

(i) Boundaries parallel to or extensions of above features. Boundaries apparently parallel to or extensions of the features indicated in subsections 110-400(a) through 110-400(h) above shall be construed to be parallel to or extensions of those features, as the case may be.

(j) Other cases. Boundaries splitting existing lots in subdivisions and any other boundaries not determined by the above rules shall be determined by reference to the expressed distances on or the scale of the official zoning map. In instances where boundaries, other than resource corridor boundaries, split existing lots, parcels or other tracts of land, the minimum yard and other requirements of the respective zoning classifications shall be measured from the classification boundary. If the existing lot will not accommodate any of the uses permitted in the multiple classification indicated thereon, a rezoning to an appropriate classification shall be required.

In instances where resource corridor boundaries split lots, parcels or other tracts of land, and when that area of the lot classified as resource corridor has less than 25 acres of area, principal and accessory structures shall be located on the area not classified as resource corridor utilizing the minimum yard requirements of the zoning classification of the area not classified as resource corridor as measured from the property line.

In instances where the structure cannot be located in the area not classified as resource corridor, the structure may be located in the area classified as resource corridor utilizing the minimum yard requirements of the resource corridor classification as measured from the property line.

(k) Administrative adjustment of zoning classification boundaries. Where the boundary of a land use designation accorded an individual parcel or lot by the future land use map of the comprehensive plan has been administratively adjusted in a manner which is consistent with the provisions of said plan, the corresponding zoning classification boundary shall not be realigned, nor shall it be interpreted as having been realigned, concurrent with the adjusted boundary of the land use designation except as provided for herein. Proposed realignment of any zoning classification boundaries so as to correspond to the revised boundary of a land use designation shall be processed in the manner required by section 110-1005 of this chapter unless the realignment of said zoning classifications is necessitated by the adjustment of the boundaries of the environmental systems corridor land use designation; provided, however, that the revised boundary of the land use designation does not adjoin land owned by a person

other than the owner of the property for which the administrative adjustment of the land use designation boundary has been requested.

ARTICLE V. SCOPE

These regulations shall apply uniformly to all premises.

Sec. 110-500. Zoning affects all premises.

No premises shall hereafter be used or occupied and no principal building, accessory structure or sign shall be hereafter erected, constructed, moved or altered except in conformity with these regulations.

Sec. 110-501. Interpretation of uses and structures permitted.

If a use or structure is not expressly permitted in any classification, the enforcement official shall not permit such use or structure in the classification unless it is substantially similar to a use or structure otherwise permitted in the classification.

Sec. 110-502. Yard, lot coverage, floor area, and building height requirements.

Every principal or accessory structure to be erected upon a lot shall meet all yard, lot coverage, floor area and building height requirements of its classification unless otherwise expressly permitted by this chapter.

Sec. 110-503. Multiple use of required space prohibited.

No part of a yard, or other required open space, or of the off-street parking or loading spaces for one structure, shall be included as part of a yard, open space or off-street parking or loading space requirements for any other structure.

Sec. 110-504. Reduction of lot area and width prohibited.

No lot existing on the effective date of this chapter [November 16, 1998] shall be reduced in area and width below the minimum requirements of its classification, except lots made up of combinations of nonconforming lots (refer to section 110-600(a)).

Sec. 110-505. Reduction of yards below certain minimum dimensional requirements prohibited.

No yard existing on the effective date of this chapter [November 16, 1998] shall be reduced below the minimum dimensional requirements of its classification.

ARTICLE VI. NONCONFORMITY

Sec. 110-600. Types of nonconformity.

Within the classifications established by this chapter, there may exist lots, uses of premises, or structures which lawfully existed before this chapter was effective [November 16, 1998] or amended, but which would be prohibited, regulated or restricted under the terms of this chapter. These nonconformities may continue in their present condition but shall not be enlarged, expanded, extended or used for adding other structures or uses prohibited elsewhere in the same classification, subject to the provisions of this section. There are three types of nonconformity:

(a) Nonconforming lots. Permitted principal and accessory structures can be built on any single nonconforming lot in any zoning classification, except as provided in this section.

(1) When, on the date of their adoption, the provisions of this chapter or any of its amendments make nonconforming two or more adjoining lots under single ownership, then those lots shall be joined together as necessary to create a conforming lot. When a conforming lot cannot be created by the joining of two or more nonconforming lots, the lots will be joined into a single building site to reduce their degree of nonconformity.

(2) Adjoining lots, under single ownership on the effective date of this chapter or any of its amendments, at least one of which is made nonconforming, shall not be further subdivided or sold separately. If they are separated to create one or more nonconforming lots, no building permits shall be issued to allow construction on them until they are re-joined under single ownership to form a single building site. Except that such lots may be combined, subdivided, or re-platted in a manner that results in conforming lots.

(3) When a nonconforming lot is so small that no permitted principal building can be built without variances, only the minimum variances needed to make use of the lot may be permitted. A variance application may be filed with the city in accordance with the variance procedures as cited in section 110-1103. Such variances to make use of a substandard lot shall not require the payment of administrative fees for processing and advertising.

(4) When a substandard lot or lot combination is so small that the granting of variances to permit the establishment of a permitted principal use would result in potential fire or health hazards, encroachments upon or nuisances affecting adjacent property, or an adverse impact on surrounding property values, no variance shall be granted to permit construction thereon.

(b) Nonconforming use of premises. In any classification, a lawful principal or accessory use of premises existing on the effective date of adoption or amendment of this chapter [November 16, 1998], but not permitted thereafter, may continue, or be resumed if destroyed, provided:

(1) It is not enlarged, increased or extended to occupy a greater area than was occupied on the effective date of adoption or amendment of this chapter;

(2) It is not moved in whole or in part to any portion of the lot other than that occupied by such use on the effective date of adoption or amendment of this chapter; and

(3) No additional structure is constructed or erected in connection with such nonconforming use.

This article shall not be construed to permit the continued parking of any vehicles or watercraft in violation of the applicable provisions of this chapter after its effective date [November 16, 1998]. (See also section 110-811 herein.)

(c) *Nonconforming structure.* In any classification, a lawful structure existing on the effective date of adoption or amendment of this chapter, that could not thereafter be built because of classification requirements, dimensional requirements other than density, or other requirements, may still be used, provided:

(1) It is not enlarged or altered in a way which increases its nonconformity. (It may be altered to decrease its nonconformity, however.)

(2) If the dwelling unit is damaged in excess of 50 percent, of its replacement value, as defined in section 70-30,any reconstruction shall comply with this chapter. Provided, however, if such dwelling is damaged through no fault of its owner, and its nonconformity is to the minimum square footage requirements, such structure may be rebuilt to the same or larger square footage, but otherwise in conformity with this code. Such home replacement that does not expand the non-conformity shall obtain a building permit within one year of the damages, otherwise the replacement home shall conform to the requirements of this code.

(3) If it is moved for any reason, or for any distance, it shall thereafter conform to this chapter.

(4) Nonconforming signs shall be subject to the regulations for such signs that appear in the Deltona Sign Ordinance, City Ordinance No. 12-97 [chapter 102, Code of Ordinances], as it may be amended from time to time.

(d) *Involuntary moves.* Subsections 110-600(b)(2) and 110-600(c)(2) are not intended to apply to involuntary movements of uses or structures as a result of condemnation actions or other litigation.

(e) *Actions of governmental agencies.* In any classification, should a governmental agency obtain after the effective date of this amendment a portion of a conforming lot for public purposes and thereby create a nonconforming lot, it may be possible to erect or construct on said nonconforming lot the principal and accessory structures otherwise authorized under these regulations provided that all other requirements of this chapter are met.

Sec. 110-601. Abandonment of nonconforming use of premises.

If a nonconforming use of premises has been abandoned for a period of six consecutive months, it shall not thereafter be reestablished. After abandonment of a nonconforming use, any future use shall conform to this chapter.

ARTICLE VII. RESERVED

ARTICLE VIII. SUPPLEMENTARY REGULATIONS

Sec. 110-800. Access control.

To promote the safety of vehicular traffic and pedestrians and to minimize traffic congestion and conflict, access to any project or development shall comply with the requirements of chapter 96, article II, Code of Ordinances, as it may be amended from time to time.

Sec. 110-801. Exceptions to minimum yard or lot coverage requirements.

Every part of every yard shall be open and unobstructed from the ground up, except as otherwise permitted by this chapter:

(a) Accessibility ramps needed to meet the current Florida Building Code accessibility requirements may encroach within any yard area. However, accessibility ramp encroachment into a yard area shall be minimized to the greatest extent possible.

(b) On any corner lot, no structure or shrubbery shall cause any obstruction to vision of motorists in accordance with the provisions for obstructions to vision in chapter 96, article II, Code of Ordinances, as it may be amended from time to time.

(c) In all zoning classifications, off-street parking lots may be in yards to the extent permitted by sections 110-828 and 110-811

(d) Fixed awnings may encroach on front yard setbacks as per Section 102-100(3).

(e) Projections of sills, belt courses, cornices, buttresses, ornamental features, chimneys, eaves, and other similar structures; provided, however, that none of the above mentioned projections may project into any yard more than 30 inches. If a yard is associated with a platted easement, then the terms of Section 110-803 may be applicable.

(f) Open or enclosed fire escapes, fire proof outside stairways, moveable awnings (when fully extended) and balconies may project into any minimum yard not more than three and one-half feet.

(g) All structures erected to protect or support fern or other agricultural crops are exempt from the yard requirements. All buildings erected to protect or grow nursery plants are exempt from the maximum lot coverage requirements in all of the agricultural zoning classifications.

(h) Those exceptions permitted in section 110-814 pertaining to automobile service stations.

(i) In all residential classifications, where a lot is situated between two lots, each having a principal building which projects beyond the minimum front yard requirements for its classification, its minimum front yard requirement shall be the average of the distance between the front lines and the fronts of the principal buildings on the adjacent properties.

(j) If, because of prior zoning regulations, or because of a unified plan of development, or for any other reason, a majority of the houses already constructed in a particular residential neighborhood observe a setback greater than that which is required by these regulations, the average setback actually observed shall apply to all new construction in that neighborhood, anything in these regulations to the contrary notwithstanding.

(k) On any nonconforming lot not more than 50 feet in width, that has a single-family zoning classification, the minimum side yard may be decreased to seven feet.

(l) On any lot with 50 feet or less of depth and at least 5,000 square feet of area, that has a single-family zone classification, the minimum front yard may be reduced to 12.5 feet and the minimum rear yard may be reduced to ten feet providing:

(1) The lot abuts a city or county arterial thoroughfare road;

(2) The lot was reduced in size by the action of the city, county, state or federal government;

(3) The lot is to be utilized only for a single-family residence and its accessory uses and structures; and

(4) The proposed single-family residence is to be connected to central water and sewer services.

(m) In all zoning classifications, package sewage treatment plants may be located in yards to the extent permitted by sections 110-816 and 110-817(a)(3).

(n) Reserved.

(o) On any lot which has a septic system or a septic system drain field located in the rear yard to meet the requirements of the city's lot fill and underground utilities ordinance, Ordinance No. 01-20, one minimum side yard may be reduced to five feet providing:

(1) The minimum distance separation between the principal building and the nearest adjacent principal building is not less than 12 1/2 feet; and

(2) The principal building does not encroach into a platted easement; and

(3) The reduction is the minimum necessary to provide a ten-foot clearance between the opposite side yard lot line and the projections, if any, of the principal building; and

(4) No equipment or accessory structures may be located within the opposite side yard or within ten feet of the opposite side lot line from the rear of the principal building on that side to a line representing an extension of the rear line of the septic tank drain field; and

(5) The change in setbacks is necessary to allow the passage to the rear yard of equipment that is necessary to maintain or replace the septic system.

Sec. 110-802. Boat docks and boathouses.

The following regulations shall apply in all residential zoning classifications:

(a) Boathouses and boat docks may be located in waterfront yards but shall not be permitted within 15 feet of any side lot line, or its extension into the water (see section 110-801(e), above). No boathouse extending into any waterway shall have more than 400 square feet area. The highest point of such structure shall not exceed 15 feet above the ordinary high-water mark.

(b) No more than one boathouse may be erected on an individual waterfront lot.

(c) Boathouses shall not be used for dwelling purposes or contain any sleeping or living quarters.

Sec. 110-803. Construction or Projections in platted easements.

(a) Principal and accessory structures and related projections, including driveways and swimming pool decks shall not be erected in platted easements unless the easement has been abandoned/vacated consistent with Section 58-32 – Section 58-37 of the City Code of Ordinances.

(b) However, the following improvements may be permitted in non-vacated/abandoned platted easements:

(1) Fences

(2) Boat docks, boat houses and walkways that traverse platted easements in a perpendicular manner.

Sec. 110-804. Erection of more than one principal structure on a lot.

In the A and RE-5 classifications, more than one principal structure may be erected on a lot; but only one principal standard or manufactured single-family or mobile home dwelling may be erected. In commercial, industrial conservation and public use classifications, more than one principal structure may be erected on a lot, provided that the requirements of this chapter shall be met for each principal structure as though it were on an individual lot, except hotels. In all other classifications, only one principal structure may be erected on a lot.

Sec. 110-805. Exceptions to height regulations.

Spires, belfries, cupolas, clerestory windows, antennas, water tanks, ventilators, solar panels, windmills, chimneys, penthouses or other similar accessory structures customarily required to extend above the roof level, may extend for an additional 20 feet above the maximum building height prescribed for the classification in which they are located. Antennas are permitted in accordance with chapter 82, Code of Ordinances.

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.

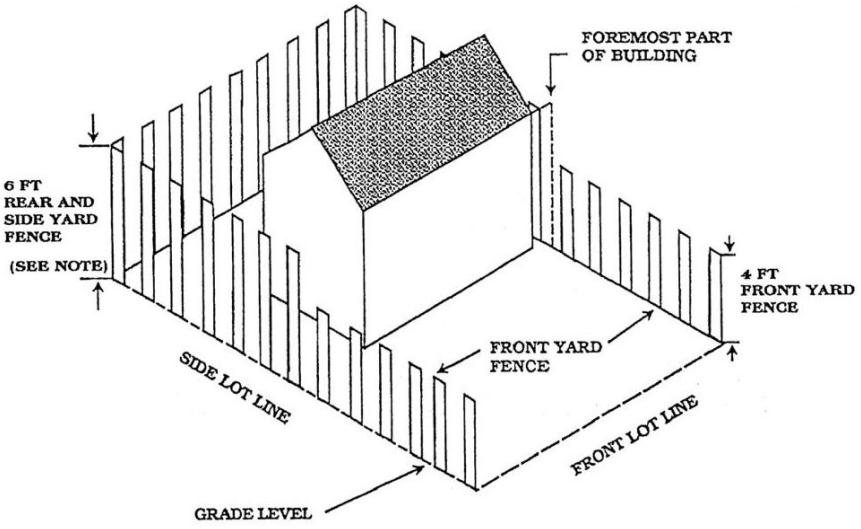
h) *Fences, walls, and hedges on vacant lots*. On vacant lots, the permitted fencing is the same as that for developed lots in the same zoning district. On vacant corner lots, fences, walls, and hedges shall be located only within the minimum allowable setback area. If a dwelling is added later, the 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.

FENCING REQUIREMENTS



NOTE: ON TYPICAL LOTS, REAR YARD FENCES CANNOT EXCEED 3 FEET HEIGHT REARWARD OF THE PRINCIPAL BUILDING, EXCEPT WHEN THE STANDARD SWIMMING POOL CODE REQUESTS HIGHER FENCING.

Sec. 110-807. Home occupations.

(a) Home occupations shall have no employees on the premises. Only immediate family members for whom the premise in question is the family member's domicile may conduct the home occupation.

For purposes of this subsection, the term employee shall include, but not limited to, independent contractors, volunteers and other non-paid workers.

(b) The home occupation shall be clearly incidental and subordinate to the residential use and shall under no circumstances change the residential character of the dwelling.

(c) The floor area devoted to the home occupation shall not exceed 25 percent of the floor area of the dwelling. However, up to 500 square feet in an attached or detached garage of a dwelling, or in any accessory building in an agricultural classification, may be used for a home occupation in lieu of floor space within the dwelling.

(d) There shall be no change in the outside appearance of the premises other than one unlighted nameplate no more than one square foot in area. Any sign shall be mounted flat against the wall of the building. There shall be no display that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling.

(e) Storage of stock in trade (i.e. materials or supplies used in the home occupation) shall be located within an enclosed buildings and within the space limitations in section 110-807(d). No products shall be displayed on the premises. No toxic/hazardous materials shall be stored on the premises.

(f) No mechanical equipment shall be used except such as is permissible for purely domestic and household uses. Further, no equipment shall be used in the home occupation which creates fire hazards, electrical interference, noise, vibration, glare, fumes or odors detectable to the normal senses off the lot if the occupation is conducted in a single-family dwelling or mobile home dwelling, or outside the dwelling if conducted in other than a single-family dwelling or mobile home dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

(g) No vehicular traffic shall be generated by the home occupation in greater volumes than would normally be generated by the dwelling unit. For the purposes of this section the typical trip generation rates for each type of residential use are those specified in the latest edition Trip Generation, published by the Institute of Traffic Engineers (ITE). In an instance where two or more trip generation rates may apply to a particular land use the enforcement official shall determine the appropriate rate. In an instance where the Trip Generation Manual does not specify a rate for a particular proposed land use, the enforcement official shall determine a rate using a professionally acceptable source of information, or using the results of a professionally acceptable study that meets all of the requirements for such studies as outlined in Trip Generation and in other ITE publications.

(h) The home occupation shall not adversely affect the habitability or value of the surrounding properties nor alter the essentially residential character of the neighborhood.

(i). Any violation of these regulations may result in the revocation of any home occupation permit, in addition to any other remedy for such violation provided in this chapter or by law.

(j) The issuance of a permit to engage in a home occupation in accordance with this chapter shall not be deemed to be a change of zoning nor an official expression of opinion as to the proper zoning for the particular property.

(k) Agricultural home occupations shall be permitted as conditional uses in the A-1, Prime Agriculture classification. Agricultural home occupations include commercial land uses, as well as office uses and arts and handicrafts. Agricultural home occupations are permitted to have customers visit the premises, have employees on the premises, and have deliveries to the premises, subject to the

conditions of their approval. Those agricultural home occupations that are covered by section 110-817, permitted conditional uses, are subject to the requirements of both section 110-817 and section 110-1006. All other agricultural home occupations shall be approved in accordance with the requirements of section 110-1006 that provides the procedures and standards for approval of conditional uses.

Sec. 110-808. Landscaping requirements.

(a) Application to development. The requirements of this section shall apply to all development within the City of Deltona. The requirements of this section apply to individual one- and two-family residential lots only to the extent that such lots are specifically addressed herein. This shall not be construed to exempt any residential developments that require approval from article II of the land development code, Ordinance No. 96-25 [chapter 106, Code of Ordinances], as it may be amended from time to time.

(b) Landscape plan and irrigation plan required. When the construction upon or the development of a new site or the redevelopment, reconstruction, upgrading, or expansion in use of a previously developed site will require a landscape plan and irrigation plan, the provisions of this section shall be applied to all landscaped areas required by this regulation consistent with the water-efficient landscaping standards established herein.

(1) *Landscape plan.*

a. The landscape plan shall graphically portray the layout of all landscape plant materials, turf areas, walls, fences and buffers, pavement and parking areas, curbing, structures, signs, easements, existing or proposed utility service lines and all other site improvements. The landscape plan shall list the common and botanical name, container size, quantity and spacing of each item. The landscape plan shall indicate the total regulated landscape area and size of each water use zone by square feet. In addition, the landscape plan shall clearly indicate the location of existing vegetation which shall remain undisturbed. Any existing trees six inches DBH or larger proposed for removal shall be clearly indicated.

b. Low water use zone plant material shall comprise at least 20 percent of the total regulated landscaped areas. High water use zone plant material which includes most turfgrasses shall comprise no more than 40 percent of the total regulated landscape area.

(2) *Irrigation plan.*

a. Irrigation systems shall be designed to correlate to the organization of plants into zones as described above. A temporary above ground irrigation system may be used in areas where low water use zone plant material are proposed. All permanent underground irrigation systems shall be automatic with cycling capacity and shall be designed to avoid irrigation of impervious surfaces. Irrigation systems shall be maintained to eliminate waste of water due to loss from damaged, missing or improperly operating sprinkler heads, valves, pipes, or controllers.

b. The irrigation plan shall be submitted showing a detailed layout and description of a permanent underground irrigation system providing 100 percent coverage of all landscaped areas. The irrigation plan shall include information such as sprinkler head type, pipe size, radius of throw, valve and backflow preventer and rain sensor device locations, location of well or source of water and other relevant information for an irrigation system.

c. Installed trees and plant materials shall be grouped together into zones according to their water use needs. The water use zones shall correlate to the water use zone designations identified in the approved plant species list set forth in Figure I to this chapter. Plants with similar cultural (soil, climate, and light) requirements should be grouped together and irrigated according to their water requirements. Turfgrass shall be irrigated on a separate zone from trees, shrubs and ground cover beds.

d. All water use zones shall be indicated on the landscape plan and irrigation plan. A rain sensor device or switch shall be required on any newly installed automatic irrigation system to prevent irrigation during periods of sufficient rainfall. The use of low volume, emitter or target irrigation is preferred for trees, shrubs and ground cover. The use of irrigation systems shall comply with all water use restrictions imposed by law.

e. When an effluent reuse system is available to serve the premises and sufficient capacity exists, reclaimed water shall be used to irrigate any area required to be landscaped.

f. Irrigation systems shall be installed according to manufacturer's specifications and the Florida Irrigation Society Standards and Specifications for Turf and Landscape Irrigation Systems.

(c) Review and enforcement. The landscaping and irrigation plan shall be reviewed by the Planning and Development Services Department, and no building permit or development order shall be issued for any structure until the landscaping and irrigation plan is approved. Any person aggrieved by a determination of the zoning enforcement official under this section may appeal that determination in writing to the city commission within 30 days after the rendition of a determination.

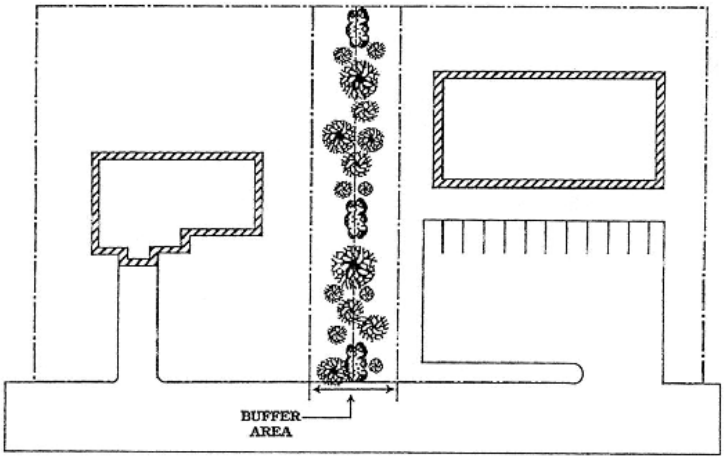
(d) Approved plant species list. All plant material proposed to be installed on a site to meet the requirements of this chapter shall be site appropriate and selected from the approved plant species list set forth in Table 110-7 to this chapter. Use of any other plant material shall require prior approval by the enforcement official. The plants listed in Figure I to this part have demonstrated ability to grow and thrive in the Central Florida area.

(e) Landscaped perimeter buffers. Landscape buffers shall be designed, established and maintained in accordance with this section.

(1) *General interpretation.* When more than one requirement applies to a specific land use or development, the most restrictive requirement shall apply.

(2) *Bufferyards.* Landscaped bufferyards shall be established between differing land uses around development project perimeters in accordance with the requirements of this section. These requirements shall be deemed the minimum necessary to achieve compatibility between land uses. Bufferyards shall be developed by each use classification based on existing contiguous land uses, zoning, or land use plan designation, whichever is most intense.

BUFFER AREA



(3) *Bufferyard requirements.* Bufferyard requirements shall be determined by subtracting the land use intensity factor of the least intense land use from that of the more intense land use as shown in the following table in this paragraph. Where two differing land uses are opposite each other across a right-of-way, the intensity factor shall be further reduced as follows:

Table 110-2 Reduction of Intensity Difference

Right-of-way Width	Reduction of Intensity Difference
60 feet or less	1
61 feet to 100 feet	2
101 feet to 150 feet	3
151 feet or more	4

However, all development adjacent to rights-of-way shall provide landscaping adjacent to the right-of-way in accordance with the minimum requirements of this section.

All plant materials in required landscape bufferyards between differing land uses shall be evergreen, except where natural vegetation is preserved. Natural vegetation may be preserved within the required landscape bufferyard. Natural vegetation shall be supplemented with walls, berms, or planted landscaping to achieve the desired screening.

Plant materials shall be placed within the required bufferyard to produce the maximum screening effect between the affected properties. Trees shall be spaced within the bufferyard to provide a continuous screen at maturity. Trees shall be selected and planted so their crown spreads at maturity will be as close as possible to one another. The use of flowering understory trees is required in this bufferyard. Shrubs shall also be located within the bufferyard to provide maximum opacity, whether they are evenly spaced

or clustered. Plants shall be selected to provide variety and interest, as well as screening. The entire bufferyard shall not be covered with only one plant species of any type.

Bufferyard design type shall be based on the land use intensity score difference using the following table:

Table 110-3 Bufferyard Design Type Required Plantings

		Required Plantings per 100 lineal feet:		
Bufferyard Design Type	Width (feet)	Shade Trees	Understory Trees	Shrubs
1	5	2	2	20
2	10	3	3	30
3	20	4	4	40
4	30	5	6	50
5	40	7	8	60
6	50	8	10	70
7	60	9	12	80
8	70	10	14	90
9	80	10	16	100

(4) *Land use intensity factors.*

Table 110-4 Land Use Intensity Factors

Land Use Category	**Intensity Factor**
Forestry	0
Agriculture: Pasture/Fields/Nurseries/100'+ of water or space	4
Agriculture: Processing/Hatcheries	10
Residential: Less than two dwelling units/acre	1
Residential: 2.1--4 dwelling units/acre	2
Residential: 4.1--8 dwelling units/acre	3
Residential: 8.1--16 dwelling units/acre	4
Residential: Over 16 dwelling units/acre	5

Office: Less than 0.50 ISR*	4
Office: 0.50--0.65 ISR*	5
Office: Greater than 0.65 ISR*	6
General Commercial: Less than 0.50 ISR*	5
General Commercial: 0.50--0.65 ISR*	6
General Commercial: Over 0.65 ISR*	7
Highway Commercial/Warehouse/Mini-warehouse: 0.50--0.65 ISR*	7
Highway Commercial/Warehouse/Mini-warehouse: Over 0.65 ISR	9
Enclosed Industrial: Less than 0.65 ISR*	8
Enclosed Industrial: Over 0.65 ISR*	9
All Outside Storage	9
All Outside Processes	10

*Impervious Surface Ratio (ISR) may exceed 0.65 for the purposes of this section, because the measurement shall not include landscaped bufferyards required along rights-of-way.

(5) *Landscape buffers along rights-of-way.*

a. *Minimum width.* The following landscape buffer widths shall be established and measured perpendicular to the property line at the right-of-way.

1. All streets designated on the thoroughfare map in the Deltona Comprehensive Plan, as amended: 25 feet.

2. All other streets: 15 feet.

b. *Multifamily development.* Multifamily Development shall provide a landscape buffer of at least 20 feet on all streets, except where a greater buffer width is required by section(7)(a).

c. *Neighborhood and transitional commercial and transitional office.* Neighborhood and transitional commercial and transitional office development, when lot frontages face one- or two-family residential development, shall provide a minimum landscape buffer of 30 feet along all streets.

d. *Minimum length.* Landscape buffers shall extend along the entire length of the property boundary abutting a street right-of-way or adjacent property, and may only be altered for the following purposes:

1. Construction of accessways as necessary and in compliance with an approved development plan. Accessways shall traverse the required buffer yards at angles between 80 and 90 degrees.

2. Installation of stormwater, drainage or utility improvements as necessary and in compliance with an approved development plan. Such improvements and their associated easements shall traverse the required landscaped buffer yards by the shortest

routes possible, and shall not have a length within the required buffer yard that exceeds 115 percent of the minimum required width of the buffer yard.

3. Selective clearing for visibility of freestanding signs in accordance with an approved site or sign plan.

4. The regular pruning of trees to provide clear trunk and visibility between three feet and eight feet above grade. Pruning to 15 feet above grade shall be required within the vision triangle at road and accessway intersections. Such pruning shall only be permitted for trees with height and maturity necessary to reasonably accommodate such activity. Such pruning shall be permitted only to provide a view of approved freestanding signs and traffic control devices, and to maintain drivers' visibility within required vision triangles at intersections and driveways, and to maintain the health of understory trees and shrubs. Other unnecessary excessive pruning shall be prohibited.

5. The regular removal of dead material and debris.

6. Installation of additional landscape materials required by this Code, including walls and fences.

7. Construction of loading/unloading zones as required by this chapter for commercial lots adjacent to a platted alleyway, in which the loading zones are located in the rear of the commercial building, to be accessed through the alleyway, and to be shielded from view of the street. Additional screening of the loading zone is required in this situation to protect the view of residential zoning districts also adjacent to the alleyway. Such screening requirements shall include the use of fences, walls, landscaped berms and/or hedges to the height of eight feet at 100 percent opacity along the sides of the loading zone that face a residential zoning district.

No public or private right-of-way, stormwater retention or detention area, building, impervious surface, or easement other than those listed above shall be located in any required buffer yard.

(6) *Minimum planting requirements.* Minimum planting requirements within landscape buffers along rights-of-way shall be determined based upon the required buffer width.

Table 110-5 Minimum Planting Requirements

	Per 100 lineal feet of property line at the right-of-way		
Buffer Width (feet)	**Shade Trees**	**Understory Trees**	**Shrubs**
10	2	2	30
15	3	3	30
20	4	4	30
25	4	4	35
30	6	6	45

50	8	8	60
55	8	8	65
65	9	9	70

When possible, placement of shrubs shall not be linear, and in clusters containing no less than seven shrubs each.

(7) *Perimeter landscape buffers.*

a. *Minimum width.* A minimum landscaped area shall be established along the entire length of all internal property lines, as described below.

1. Five feet measured perpendicular to the property line for all land uses and major subdivisions, except multifamily and individual single-family lots. The landscaping for major subdivisions shall be around the subdivision perimeter, shall not be included within individual lots, and shall be maintained by a homeowners association.

2. Fifteen feet measured perpendicular to the property line for multifamily.

b. *Minimum planting requirements.* One shade tree, two understory trees shall be planted per 50 lineal feet of property frontage at the right-of-way line and at adjacent property lines. A row of shrubs shall be planted within the buffer areas that will reach three feet in height within one year after planting, and provide as nearly as possible 100 percent opacity.

(8) *Landscape buffers for double frontage residential lots.*

a. *Minimum width.* Landscape buffers for all double frontage residential lots shall be 25 feet measured from the property line parallel to the abutting the rights-of-way.

b. *Required vegetation.* A minimum of one shade tree and two flowering evergreen understory trees shall be planted in each bufferyard, and arranged to create maximum screening of the building or building site at maturity. Alternatively, the bufferyards may be left in natural vegetation, but must be supplemented with additional plants if the desired screening effect is not achieved. Shrubs shall be planted within the buffer to provide additional 100 percent opaque screening to a height of four feet at maturity.

c. *Fences or walls.* Fences or walls may be installed within the required buffers in accordance with the requirements for fences and walls in the front yards of the zoning district in which the double frontage residential lot is located. If a 100 percent opaque fence or wall is installed to a height of four feet on a double frontage residential lot, shrubs are not required to be planted behind it, or in front of it. The finished side of such fences and walls shall face the exterior property line. Masonry and concrete fences shall be finished with false brick facades, or with stucco or split face block in earth tones or pastel colors.

(9) *Buffer design guidelines.*

a. *Landscape material selection.* Landscape materials within buffers along rights-of-way shall be designed to display variety and color by utilizing flowering and variegated species. Such variety and color may be accomplished by using a combination of shrubs and ornamentals from the approved plant lists provided herein. Ornamentals may be substituted for required shrubs on a two ornamentals for one shrub basis. In no case shall more than 50 percent of the required shrubs be replaced by ornamentals.

b. *Location of landscaping.*

1. The placement of landscape materials within landscape buffers shall have a rational relationship to the existing patterns and densities of adjoining areas that have been preserved. Arrangements shall be organic or curvilinear, and shall not be linear unless dimensional limitations necessitate such an arrangement.

2. Landscape materials shall be clustered into groupings, which simulate a natural, rather than man-made, appearance.

c. *Maximum vegetation removal.*

1. A minimum of 65 percent of any landscape buffer over ten feet in width shall be set aside for preservation of existing trees, except Sand Pines and exotic species. Removal of understory trees and shrubs may be permitted to provide for shallow swales without removal or damage to any existing shade trees in order to create retention areas. In no instance shall more than 50 percent of the preserved understory tree canopy be removed.

(f) Landscaping adjacent to structures.

(1) *Minimum planting requirements.* The interior of any site, including those areas directly adjacent to structures shall be landscaped in accordance with the following provisions. Landscape materials required in this subsection are in addition to any landscape materials that may otherwise be required in this chapter, unless stated herein. The measurement of any exterior building to determine the required number of plantings shall not include overhead or loading area doors, openings for motor vehicle bays or entrances, or the perimeter of attached or detached canopies.

a. *Professional business, commercial, medical, or industrial uses.*

1. One foundation plant shall be required for every one foot of the front of building, and for every one foot of the building exterior that is faces a street, parking area, or is exposed to view from adjacent residential property.

2. One understory tree shall be required for every 20 feet of the front of building, and for every 20 feet of the building exterior walls that are exposed to view from an adjacent street or parking area. One understory tree shall be required for every 15 linear feet of exterior building wall that is exposed to view from adjacent residential areas.

b. *Multifamily.*

1. One foundation plants shall be required for every one foot of the front of building and for every exterior wall that is exposed to view from an adjacent street. Two foundation plants shall be required for every one foot of every exterior wall of the building that is exposed to view from an adjacent single-family or two-family residential area.

2. One understory tree shall be required for every 20 feet of the front of building and for every exterior wall of the building that is exposed to view from an adjacent street. One understory tree shall be required for every 15 feet of the building that is exposed to view from an adjacent two-family or single-family residential area.

3. Landscaped berms, appropriately scaled, shall be provided adjacent to single-family and two-family development and on road frontages. Landscaped berms shall use topsoil that is clean and free of construction debris, weeds, rocks, noxious pests and diseases.

Berms shall be stabilized to prevent subsidence and erosion. Berms shall not cause water runoff to adjacent properties or streets that is in excess of pre-development conditions or that otherwise poses a nuisance. Landscaped berms shall be at the maximum height possible for the width of the required buffer and the soil, topography, and drainage conditions on and adjacent to the site. All berms shall be planted with groundcover or sod, and shall be planted with a continuous hedge. In cases where more than 65 percent of the existing trees that are categorized as protected trees by the city's land development code (excluding Sand Pines) must be removed to create the required landscaped berms, at least 15 percent of the developed site must be set aside in a natural vegetation retention area to preserve existing trees.

(2) *Planting.* Foundation plants required by this subsection may be comprised of shrubs and/or ground covers in any arrangement or combination provided that no less than 50 percent of the total required materials are shrubs.

(3) *Function of landscape materials.* Landscape materials required by this subsection should be located to achieve the following in order of priority:

a. Provide transition between the building and the ground;

b. Provide visual breaks along the front of monotonous building facades;

c. Enhance walkways, entrances, seating areas, bus stops or any other pedestrian areas;

d. Separate and buffer pedestrian and public areas from cruise lanes, drives and parking areas;

e. Provide direction to focal areas and main entrances;

f. Screen mechanical equipment, air conditioning units, or any other visible outdoor equipment; and

g. Screen service areas.

(4) *Location of landscape materials.* Generally, landscape materials required by this subsection should be located within five to 25 feet of the building foundation. Emphasis should be afforded to those areas, which are visible from any public or private street or from any public area internal to the site.

(g).*Landscaping of off-street parking areas.* Required off-street parking areas constructed after April 13, 1989, and having off-street parking spaces for more than eight vehicles, shall have interior landscaped areas covering a minimum of 15 percent of the total off-street parking area, excluding any required landscaped buffer areas. Landscaped islands shall be required at the ends of each row of interior parking spaces not abutting the perimeter of the parking area. A landscaped island shall be provided for every ten parking spaces. Interior landscaped areas shall be dispersed so as to define aisles.

Landscaped row ends shall have a minimum area of 175 square feet with no width less than ten feet and no length less than 17.5 feet if it abuts one parking space, or 35 feet if it abuts two parking spaces. Islands in parking bays, other than row ends, shall have a minimum landscaped area of nine feet width and 16 feet length. Every landscaped island, including row ends, shall include at least one tree. Row end islands abutting parking facility entry and exit accessways, and in front of principal buildings shall have at least one overstory tree. Interior landscaped areas, other than required landscaped islands, shall have a minimum area of 100 square feet with no dimension less than ten feet. Two feet of these landscaped areas may be part of the required depth of each abutting parking space, provided wheel stops or curbs are used to protect them.

Each landscaped area less than 400 sq. ft. shall include at least one understory tree. A canopy tree may be used in lieu of the understory tree if recommended by the director of development services or his or her designee. In landscaped areas of 400 sq. ft. or more any canopy tree may be used in lieu of an understory tree. A minimum of 35 percent of each landscaped area shall have a combination of shrubs less than four feet high, and ground covers. The remaining area shall be landscaped with shrubs, grass, ground cover, or other materials, such as stone, gravel or mulch.

Accessways longer than 100 feet that provide direct access to entry or exiting driveways classified as intermediate or major driveways by the city's land development code, as it may be amended from time to time, shall have landscaped buffers on each side. These landscaped buffers shall be planted with groundcover, a continuous shrub hedge broken only by traversing sidewalks, and two understory trees and one overstory tree for every 50 lineal feet of buffer. Perpendicular interior vehicular accessways shall not traverse the landscaped buffer strip at intervals of less than 100 feet.

Where the strict application of this subsection will seriously limit the function of the parking area, as determined by the zoning enforcement official or his or her designee, the required landscaping may be located near the perimeter of the paved area.

(h) Wheel stops/curbing. All landscaped areas shall be protected from vehicle encroachment by wheel stops or curbing. If curbing is raised above abutting landscaped areas, it shall be perforated to permit drainage from the paved ground surface area onto the landscaped areas. Curbing used to protect landscaped areas shall not be inverted, or Miami, curbing. Where a wheelstop or curb is utilized, no more than two feet of the paved area between the curb and the end of the parking spaces may be omitted if the area is landscaped in addition to the required landscaping herein with a material such as ground cover, rock, or gravel, requiring minimal maintenance.

(i) Landscape materials. All plant materials shall be Florida No. 1 grade, or better; according to the current "Grades and Standards for Nursery Plants", State of Florida, Department of Agriculture, Tallahassee, except where in the discretion of the enforcement official natural vegetation is adequate to provide the necessary visual screening. Existing trees situated in the required buffer may be used to satisfy the buffer tree requirement. Existing upland native vegetation shall be incorporated, where appropriate, into off-street parking areas and landscape buffers of a proposed development.

(1) *Tree planting standards.* Canopy trees shall have a minimum caliper at DBH of one and one half inches and a minimum height of six feet, and understory trees shall have a minimum height of six feet and minimum caliper at DBH of three-fourths inch at installation. Trees shall not be planted where they interfere with site drainage.

Where utility lines are present, trees shall be placed at the edge of the required buffer area farthest from the utility lines. The requirements for canopy trees may be waived by the enforcement official if they interfere with above ground utility lines. Trees planted under, or close to, utility lines shall be selected to ensure that their crowns at maturity will not interfere with the utility lines. This does not change the number of trees required.

a. *Required mix of tree species.* When eight or more trees are required to be planted to meet the requirements of this section, a mix of tree species shall be provided, at least one of which shall be native to the Central Florida region. The minimum number of species to be planted are indicated below.

Table 110-6 Required Mix of Tree Species

Required Mix of Tree Species	
Required Number of Trees Planted	**Minimum Number of Species**
8--14	2
14--20	3
21--30	4
30+	5

(2) *Shrubs.* Shrubs and hedges shall be a minimum of two feet in height, at installation. Plants shall be spaced no less than three feet apart measured from center to center. Hedges, where required, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen within a maximum of one year after the time of planting.

(3) *Ground cover.* Ground cover plants include plant materials which reach a maximum height of not more than 24 inches and may be used in lieu of grass. Ground cover plants must present a reasonably complete coverage at time of planting. Ground cover plants shall be a minimum of one-gallon size when planted and spaced a maximum of two feet on center. Ground covers must present a finished appearance and provide reasonably complete coverage at the time of planting.

(4) *Turfgrass.* Grass areas shall be planted in species normally grown as permanent lawns in the City of Deltona. Grass areas may be sodded, plugged, sprigged or seeded; provided, however, that solid sod shall be used in swales or other areas that are found to be subject to erosion. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases. Turfgrass areas should be consolidated and limited to those areas on the site that receive occasional pedestrian traffic, provide for recreational uses, provide soil erosion control such as on slopes or in swales; or where turfgrass is used as a design unifier, or other similar practical use. Unless sod or grass seed is used, nursegrass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.

(5) *Use of drought-resistant plant material.* All new or replacement plantings required for any off-street parking area or landscape buffer shall use, to the maximum extent possible, native plant material or other species with equivalent drought-resistant properties. The intent of this requirement is to promote and conserve the water resources of the City of Deltona and Volusia County.

(6) *Preservation of existing native plants and material.* Every reasonable effort shall be made in the design and construction of all site improvements and alterations to save existing healthy trees and native vegetation and maintain the existing topography. The enforcement official may require alternate designs and construction techniques to better achieve tree and native vegetation preservation while still allowing the permitted use of the property. Existing native vegetation specified to remain shall be preserved in its entirety, with all trees, understory, ground cover and duff left intact. Areas of existing natural vegetation should not be irrigated.

(7) *Mulch.* In order to preserve soil moisture, all planting areas not left in the natural state shall be mulched with no less than two inches of organic mulch. Wood chips, pine needles or oak leaves are preferred. Mulch shall be placed directly on the soil or landscaping fabric and planting areas shall be properly edged to retain mulch.

(j) Solid waste containers. All solid waste containers shall be enclosed on at least three sides with a six-foot high screen. The screen shall consist of a masonry wall. A hedge consisting of shrubs of a species selected from Figure 1, planted one-foot apart within three feet of the solid waste container enclosure, and groundcover selected from Figure 1 shall abut the enclosure walls. The landscaping around the solid waste container enclosure shall be maintained in accordance with the requirements for maintenance of landscaping in this section, and shall be planted in a strip of soil wide and deep enough to ensure its survival.

The container shall be enclosed in such a manner so that said container will be screened from public streets and adjoining properties. A concrete or asphalt pad of appropriate size and construction shall be provided as a base for the container. The container pad shall be at the approximate level of the service vehicle approach areas so that the truck's loading mechanism can align with the container's sleeves.

The screened enclosure shall not be located within any street right-of-way or required yard area. Containers and enclosures shall be located so as to allow ease of access for collection trucks and direct access to drive areas. Straight-in or circular drives are encouraged to reduce truck-maneuvering problems. No parking or other obstructions shall be permitted in the access area for enclosures.

(k) Enforcement official. The enforcement official may, in his or her discretion, waive or modify certain requirements in this section by an amount not to exceed 15 percent, if literal interpretation of this section will seriously hamper the use to which the property is intended.

(l) Maintenance requirements. The property owner will be responsible for maintenance of all required landscape and irrigation improvements as originally approved. Therefore, these maintenance requirements shall carry with the land and shall be the responsibility of any subsequent owners of the property.

Landscape areas and site improvements shall be maintained in good condition for a healthy, neat, and orderly appearance and shall be kept free from weeds and debris. All plant materials shall be maintained in a healthy and vigorous condition through proper irrigation, fertilization, pruning, weeding, mowing, and other standard horticultural practices. Plant material should grow to their normal shape, color, and height, to fulfill the required functions of screening, shading, buffering, and aesthetic appeal set forth by the City of Deltona. The hat racking of trees is prohibited. All dead plants shall be replaced. This requirement includes, but is not limited to, the replacement of plants damaged by insects, diseases, vehicular traffic, acts of God, and vandalism. Mulch shall be maintained at the proper coverage and depth.

The irrigation system shall be fully operational and shall be operated on a regular basis to provide the appropriate amount of water to the plant materials to maintain adequate plant health and growth. In situations where drought tolerant plant materials have not been properly maintained primarily due to lack of sufficient watering, the enforcement official may require the installation of a permanent irrigation system meeting the specifications of this chapter.

The city shall notify the property owner in writing of any maintenance violations. Upon notification of a maintenance violation, the property owner, tenant, or authorized agent shall correct the violation within 30 days.

If an existing site that is nonconforming with regard to landscape or buffer requirements, number of trees or other landscape standards is made more so by the removal, destruction or death of the plant material, then the owner shall be required to replace what was removed or destroyed in that area and to provide additional materials to the extent that it would be practically and economically feasible to do so, to meet minimum current standards.

Table 110-7 Approved Plant Species List

Table 110-7A Canopy Trees

CANOPY TREES (Mature Size 40' or more in Height)			
Common Name	Botanical Name	Water Zone	Native (Y/N)
American Holly*	Ilex opaca (or X attenuata)	L	Y
Bald Cypress	Taxodium distichum	L	Y
Black Cherry	Prunus serotina	M	Y
Black Gum/Swamp Tupelo*	Nyssa sylvatica	H	Y
Cabbage Palm*	Sabal palmetto	L	Y
Chinese Elm*	Ulmus parvifolia	L	N
Florida Elm*	Ulmus americana var. floridana	M	Y
Florida Scrub Hickory*	Carya floridana	L	Y
Formosan Gum	Liquidambar formosana	L	N
Date Palm*	Phoenix dactylifera	L	N
Desert Fan Palm*	Washington filifera	L	N
Green Ash	Fraxinus pennsylvanica	M	N
Laurel Oak	Quercus laurifolia	L	Y
Live Oak	Quercus virginiana	L	Y
Loblolly Pine	Pinus taeda	L	Y
Longleaf Pine	Pinus palustris	L	Y
Nagi Podocarpus*	Podocarpus nagi	M	N
Oriental Sycamore	Platanus orientalis	M	N
Pecan	Carya illinoinensis	M	N
Pignut Hickory	Carya glabra	L	Y
Pond Cypress	Taxodium ascendens	H	Y

Red Maple	Acer rubrum	H	Y
Redbud*	Cercis Canadensis	M	Y
Sand Pine	Pinus clausa	L	Y
Shumard Oak	Quercus shumardii	L	Y
Slash Pine	Pinus elliotti	L	Y
Southern Basswood*	Tilia floridana	M	Y
Southern Magnolia	Magnolia grandiflora	L	Y
Sugarberry	Celtis laevigata	L	Y
Sweetgum	Liquidambar styraciflua	L	Y
Sycamore	Plantanus occidentalis	H	Y
Tulip Tree	Liriodendron tulipifera	H	Y
Tupelo Gum	Nyssa aquatica	H	Y
Turkey Oak*	Quercus laevis	L	Y
Washington Palm*	Washingtonia robusta	L	N
Water Oak	Quercus nigra	M, L	Y
Weeping Willow	Salix babylonica	H	N
Winged Elm	Ulmus alata	L	Y

*Canopy trees that may be used in lieu of understory trees in landscaping with the parking areas if recommended by the director of development services or his or her designee.

Table 110-7B Understory Trees

UNDERSTORY TREES (Mature Size 12' to 35' Height) AND PALMS			
Common Name	Botanical Name	Water Zone	Native (Y/N)
American Hornbeam	Carpinus caroliniana	H	Y
Australian Fan Palm	Livistonia australis	L	N
Bluejack Oak	Quercus incana	L	Y
Bradford Pear	Pyrus calleryana "Bradfordi"	M	N
Canary Island Date Palm	Phoenix canariensis	L	N
Carolina Ash	Fraxinus caroliniana	M	Y

Chapman Oak	Quercus chapmanii	L	Y
Cherry Laurel	Prunus caroliniana	M	Y
Chickasaw Plum	Prunus angustifolia	L	Y
Chinese Fan Palm	Livistonia chinensis	L	N
Coastal Plain Willow	Salix caroliniana	H	Y
Common Persimmon	Diospyros virginiana	L	Y
Crape Myrtle	Lagerstroemia indica	L	N
Dahoon Holly	Ilex cassine	M	Y
Decidous Holly	Ilex decidua	M	Y
Drake Elm	Ulmus parviofolia "Drake"	L	N
Dwarf Siberian Elm	Ulmus pumila	L	N
Eastern Red Cedar	Juniperus virginiana	L	Y
European Fan Palm	Chamaerops humulis	M	N
Firethorn Pyracantha Tree	Pyrancantha coccinea	L	N
Flowering Dogwood	Cornus florida	L	Y
Fraser's Photinia	Photinia x Fraseri	M	N
Fringetree	Chionanthus virginicus	M	Y
Glossy Tree Privet	Ligustrum lucidum	M	N
Japanese Persimmon	Diosypros kaki	L	N
Jerusalem Thorn	Parkinsonia aculeata	L	N
Kawakami Pear	Pyrus calleryana "Kawakami"	M	N
Leyland Cypress	Cupressocyparis leylandii	M	N
Loblolly Bay	Gordonia lasianthus	H	Y
Loquat	Eriobotry a japonica	M	N
Mayhaw	Crataegus opaca	M	Y
Myrtle Oak	Quercus myrtifolia	L	Y
Parsley Hawthorn	Crataegus marshalli	L	Y
Paw Paw	Asimina triloba	M	Y
Pindo Palm	Butia capitata	L	N

Podocarpus	Podocarpus macrophyllys "maki"	L	N
Queen Palm	Arecastrum romanzoffianum	L	N
Red Bay	Persia borbonia	L	Y
Ribbon Fan Palm	Livistonia decipiens	L	N
Sand Post Oak	Quercus stellata	L	Y
Saucer Magnolia	Magnolia soulangeana	M	N
Senegal Date Palm	Phoenix reclinata	L	N
Southern Juniper/Red Cedar	Juniperus silicicola	L	Y
Spiny Fiber Palm	Trithrinax acanthocoma	L	N
Star Magnolia	Magnolia stellata	M	N
Sweet Viburnum	Viburnum odoratissimum	M	N
Sweetbay	Magnolia virginiana	M	Y
Taiwan Flowering Cherry	Prunus campanulata	M	N
Waxleaf Privet	Ligustrum japonicum	M	N
Wax Myrtle	Myrica cerifera	L	Y
Wild Date Palm	Phoenix sylvestris	L	N
Windmill Palm	Trachycarpus fortunei	L	N
Yaupon Holly	Ilex vomitoria	L	Y

Table 110-7C Shrubs, Small Palms and Cycads

SHRUBS, SMALL PALMS AND CYCADS			
Common Name	Botanical Name	Water Zone	Native (Y/N)
Abelia	Abelia grandiflora	M	N
American Arborvitae	Thuja occidentalis	M	N
Asian Butterfly Bush	Buddleia asiatica	M	N
Banana Shrub	Michelia figo	M	N
Bear Grass	Yucca smalliana	L	Y
Beautyberry	Callicarpa americana	L	Y

Boxthorn	Severinia buxifolia	N	N
Brook Euonymus	Euonymus americana	M	Y
Burford Holly	Ilex cornuta "Burfordi"	M	N
Camellia	Camellia japonica	M	N
Cardboard Plant	Zamia furfuracea	L	N
Cassia	Cassia spp.	M	N
Century Plant	Agave americana	L	N
Chapman Rhododendron	Rhododendron chapmannii	H	Y
Christmasberry	Lycium carolinianum	L	Y
Chinese Holly	Ilex cornuta	M	N
Chinese Witch Hazel	Loropetalum chinese	M	N
Chinese Juniper	Juniperus chinensis	L	N
Chinese Mahonia	Mahonia fortunei	M	N
Cleyera	Cleyera japonica	M	N
Common Buttonbush	Cephalanthus occidentalis	H	Y
Coontie	Zamia floridana	L	Y
Coralberry Ardisia	Ardisia crispa (or crenata)	M	N
Crinum Lily	Crinum asiaticum	M	N
Croton	Codiaeum variegatum	L	N
Dwarf Azaleas	Rhododendron obtusum	H	N
Dwarf Yaupon Holly	Ilex vomitoria "nana"	L	Y
Dwarf Palmetto	Sabal minor	L	Y
English Boxwood	Buxus sempervirens	M	N
Fatsia	Fatsia japonica	M	N
Feijoa	Feijoa sellowiana	M	N
Fetterbush	Lyonia spp.	L	Y
Firebush	Hamelia patens	L	Y
Firethorn Pyracantha	Pyracantha coccinea	M	N
Florida Flame Azalea	Rhododendron austrinum	H	Y

Florida Elderberry	Sambucus simpsonii	M	Y
Florida Anise	Illicium floridanum	M	Y
Florida Privet	Forestiera segregata	M	Y
Fragrant Honeysuckle	Lonicera fragrantissima	M	N
Fraser's Photinia	Photinia fraseri	M	N
Gallberry	Ilex glabra	L	Y
Garden Hydrangea	Hydrangea macrophylla	H	N
Gardenia	Gardenia jasminoides	M	N
Golden-Dewdrop	Duranta repens	M	N
Groundsel Tree	Baccharis halimifolia	L	Y
Hardy Bamboo Palm	Chamaedorea microspadix	L	N
Heavenly Bamboo	Nandina domestica	L	N
Holly Malpighia	Malpighia coccigera	M	N
Indian Hawthorn	Raphiolepis indica	L	N
Indica Azaleas	Rhododendron indica	H	N
Japanese Boxwood	Buxus microphylla	M	N
Japanese Privet	Ligustrum japonicum	L	N
Japanese Holly	Ilex crenata	M	N
Junipers	Juniperus spp.	L	N
King Sago	Cycas revoluta	L	N
Kumquat	Fortunella japonica	L	N
Kurume Azaleas	Rhododendron obtusum	H	N
Lady Palm	Rhapis excelsa	M	N
Lantana	Lantana camara	L	N
Laurustius Viburnum	Viburnum tinus	H	N
Leatherleaf Mahonia	Mahonia bealei	M	N
Leucothoe	Leucothoe axillaris	H	Y
Mazari Palm	Nannorrhops ritchiana	L	N
Nagi Podocarpus	Podocarpus nagi	M	N

Needle Palm	Rhapidohyllum hystrix	M	Y
Oakleaf Hydrangea	Hydrangea quercifolia	M	Y
Oleander	Nerium oleander	L	N
Pittosporum	Pittosporum tobira	M	N
Plumbago	Plumbago auriculata	L	N
Podocarpus	Podocarpus macrophyllus	L	N
Pygmy Date Palm	Phoenix roebelinii	M	N
Radicalis Palm	Chamaedorea radicalis	L	N
Red Buckeye	Aesculus pavia	L	Y
Rosemary	Ceratiola ericoides	L	Y
Sandankwa Viburnum	Viburnum suspensum	H	N
Sasanqua Camellia	Camellia sasanqua	H	N
Saw Palmetto	Serenoa repens	L	Y
Scarlet Hibiscus	Hibiscus coccineus	M	Y
Scrub Palmetto	Sabal etonia	L	Y
Serrissa	Serissa foetida	M	N
Shiny Blueberry	Vaccinium myrsinites	L	Y
Shrimp Plant	Beloperone guttata	M	N
Silverthorn	Elaeagnus pungens	L	N
Slender Buckthorn	Bumelia reclinata	M	Y
Snowbell	Styrax americana	H	Y
Spanish Bayonet	Yucca aloifolia	L	Y
Spanish Dagger	Yucca gloriosa	L	Y
Sparkleberry	Vaccinium arboreum	L	Y
Spice-Bush	Lindera benzoin	M	Y
St. John's Wort	Hypericum spp.	M	Y
Star Anise	Illicium anisatum	M	N
Surinam Cherry	Eugenia uniflora	M	N
Swamp Honeysuckle Azalea	Rhododendron viscosum	H	Y

Sweet Pepperbush	Clethra alnifolia	M	Y
Sweet Pinxter Azalea	Rhododendron canescens	H	Y
Sweet Viburnum	Viburnum odoratissimum	M	N
Sweetshrub	Calycanthus floridus	M	Y
Tar-Flower	Befaria racemosa	L	Y
Thryallis	Galphima (or Thryallis) glauca	L	N
Tough Bumelia	Bumelia tenax	M	Y
Walter Viburnum	Viburnum obovatum	M	Y
Witch Hazel	Hamamelis virginiana	M	Y
Yellow Anise	Illicium parviflorum	M	Y
Yellow Pineland Lantana	Lantana depressa	L	Y

Table 110-7D Groundcovers

GROUNDCOVERS			
Common Name	Botanical Name	Water Zone	Native (Y/N)
Algerian Ivy	Hedera canariensis	M	N
Asparagus Fern	Asparagus spp. (Sprengeri)	L	N
Beach Sunflower	Helianthus debilis	L	Y
Beach Morning Glory	Ipomoea stolonifera	L	Y
Bigleaf Periwinkle	Vinca major	M	N
Black Eyed Susan	Rudbeckia hirta	L	Y
Blue Daze	Convolvulus 'Blue Daze'	M	N
Blue Flag	Iris virginica	H	Y
Blue Lily of the Nile	Agapanthus africanus	M	N
Bugleweed	Ajuga reptans	H	N
Butterfly Iris	Dietes bicolor	H	N
Carolina Jessamine	Gelsemium sempervirens	M	Y
Cast Iron Plant	Aspidistra elatior	L	N

Cinnamon Fern	Osmunda cinnamomea	H	Y
Confederate Jasmine	Trachelospermum asiaticum	M	N
Coontie	Zamia pumila	L	Y
Cordgrass	Spartina spp.	L	Y
Coreopsis	Coreopsis gladiata (or tinctoria)	H	Y
Creeping Fig	Ficus pumila	L	N
Creeping Juniper	Juniperus horizontalis	l	n
Creeping Phlox	Phlox nivalis	L	Y
Daylilly	Hemerocallis spp.	L	N
Dwarf Coreopsis	Coreopsis auriculata 'Nana'	H	N
Dwarf Heavenly Bamboo	Nandina domestica 'nana'	M	N
Dwarf Oyster Plant	Rhoeo spathacea 'nana'	L	N
Dwarf Pittosporum	Pittosporum tobira 'Wheeleri'	M	N
English Ivy	Hedera spp.	M	N
Fancyleaved Caladium	Caladium x Nortulanum	M	N
Gaillardia	Gaillardia pulchella	L	Y
Gerbera Daisy	Gerbera jamesonnii	M	N
Hall's Honeysuckle	Lonicera japonica 'Halliana'	L	N
Holly Fern	Cyrtomium falcatum	M	N
Japanese Garden Juniper	Juniperus procumbens	L	N
Leatherleaf Fern	Rumohra adiantiformis	M	N
Lilly Turf	Liriope spp.	M	N
Mondo Grass	Ophiopogon japonicus	M	N
Moss Pink	Phlox subulata	M	N
Nick's Compact Juniper	Juniperus c.p. 'Nick's Compacta'	L	N
Parson's Juniper	Juniperus squamata "Parsonii'	L	N
Periwinkle, Vinca	Catharanthus roseus	M	N
Prairie Iris	Iris hexagona	H	Y
Red Muhly Grass	Muhlenbergia spp.	L	Y

Royal Fern	Osmunda regalis	H	Y
Sedum	Sedum spp.	L	N
Shield Fern	Thelypteris spp.	M	Y
Shore Juniper	Juniperus conferta	L	N
Society Garlic	Tulbaghia violacea	L	N
Star Jasmine	Trachelospermum jasminoides	M	N
Swamp Lily	Crinum americanum	H	Y
Sword or Boston Fern	Nephrolepis spp.	H	Y
Trailing Fig	Ficus sagittata	L	N
Virginia Creeper	Parthenocissus quinquefolia	H	Y
Wedelia	Wedelia trilobata	L	N
Weeping Lantana	Lantana montevidensis	L	N
Wintercreeper	Euonymus fortueri 'coloratus'	M	N
Yellow Pineland Lantana	Lantana depressa	L	Y

Table 110-7E Non-Native Vines

NON-NATIVE VINES		
Common Name	Botanical Name	Water Zone
Algerian Ivy	Hedera canariensis	M
Allamanda	Allamanda cathartica	M
Chinese Wisteria	Wisteria sinensis	L
Clematis	Clematis spp.	M
Confederate Jasmine	Trachelospermum asiaticum	M
Coral Vine	Antigonon leptopus	L
Downy Jasmine	Jasminum multiflorum	M
English Ivy	Hedera spp.	M
Hall's Honeysuckle	Lonicera japonica 'halliana'	L
Mexican Flame Vine	Senecio confusus	L
Star Jasmine	Trachelospermum jasminoides	M

Table 110-7F Turfgrasses

TURFGRASSES		
Common Name	Botanical Name	Water Zone
Bahia Grass		M
Bermuda Grass		M
Centipede Grass		H
St. Augustine FX-10		M
St. Augustine Grass		H
Zoysia Grass		M

Water Zone Key:

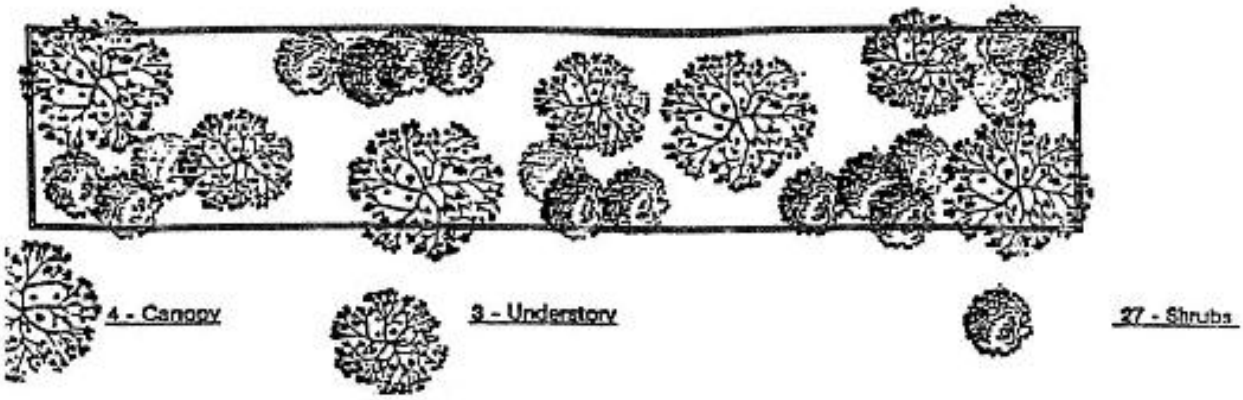
H = High Water Use Zone - Plants which are associated with moist soils and require supplemental water in addition to natural rainfall to survive. This zone includes shallow rooted turfgrass varieties.

M = Moderate Water Use Zone - Plants which survive on natural rainfall with supplemental water during seasonable dry periods. This zone includes deep rooted turfgrass varieties.

L = Low Water Use Zone - Plants which, once established, survive on natural rainfall without supplemental water. Because of the relatively high water requirements of turfgrass, no presently available varieties are included in this category.

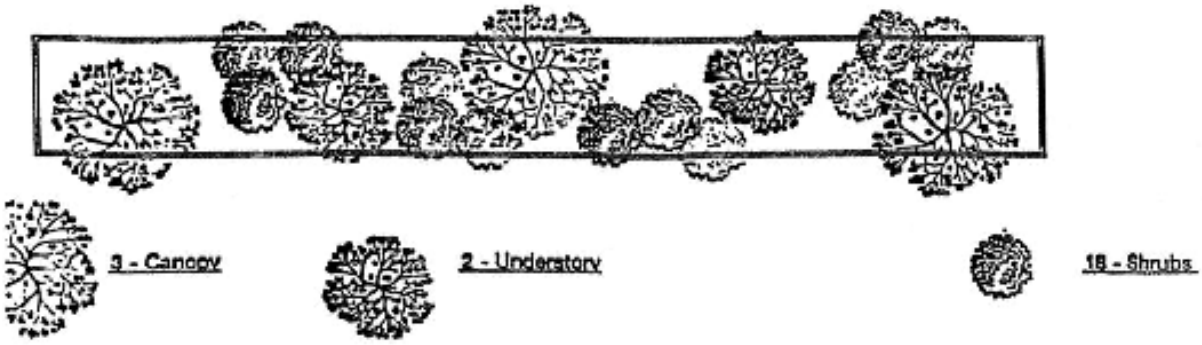
Sources: St. Johns River Water Management District Xeriscape Plant Guide South Florida Water Management District Xeriscape Plant Guide II Cooperative Extension Service

Figure IPlant Material / 100'



4--Canopy 3--Understory 27--Shrub

Figure II
Plant Material / 100'



3--Canopy 2--Understory 18--Shrubs

Placement of plant material shall be in an irregular pattern, where possible, shrubs should be in clusters containing no less than three plants each.

(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, provide flexibility in the administration of standards in recognition of site specific conditions, and to establish conditions to ensure compatibility, where standards are modified.

(2) The enforcement official may approve a maximum reduction of up to 20 percent of the required minimum yard setbacks for principal and accessory buildings and/or the number of required

parking spaces upon making a finding that the adjustment will protect and encourage the preservation of large canopy, specimen, or historic trees.

(3) Modification of the development standards listed above of less than one foot shall be deemed to be non-substantial. The enforcement official shall be authorized to approve the modification at the time of request based upon the requirements of this chapter. Non-substantial modifications shall be deemed to have no effect on adjacent properties.

(4) Nothing in this section shall supersede the planning and zoning board review process or deny access by the applicant to relief through the zoning variance review procedures.

(5) Application for modification of standards may be reviewed prior to application for final site plan review or may be made in conjunction with final site plan review. Application shall be made to the Planning and Development Services Department in conformance with the submittal requirements of this section.

(6) Upon acceptance of the application, the enforcement official shall review it and render his decision approving, approving with conditions, or denying the request. A modification of standards report shall be issued and be attached to the final site plan.

(7) When the enforcement official approves the modification of standards, he may prescribe appropriate conditions and safeguards in conformity with the intent and provisions of this section.

(n) Appeals. Any person aggrieved by this decision of the enforcement official or any of the conditions imposed as part of the terms under which the modification of standards is approved, may elect to appeal the decision to the city commission. The appeal shall be filed under section 110-1002 City of Deltona Zoning Ordinance No. 30-98, as amended. The appeal shall be taken within ten working days after the decision is rendered by filing with the enforcement official and with the city attorney, a written notice of notice of appeal specifying it's grounds, together with the appropriate fee.

(o) Except as provided herein, the requirements of Section 110-808 do not apply to properties that meet the following criteria:

(1) The property is currently used for, was used for, and is zoned for commercial or industrial use.

(2) The change in use will not require a rezoning.

(3) The proposed use is a permitted or conditional use in the current zoning district.

(4) No expansion will occur to the buildings gross square footage.

Development proposals that meet these criteria shall provide at least 15% of landscape coverage to include a variety of trees, shrubs and other plant materials. The development plan shall integrate such green spaces within parking areas, along building foundations and provide buffers that may include attractive fences where appropriate along the perimeter of the property to mitigate visual impacts and enhance the aesthetic value of the property.

Sec. 110-809. Mobile home.

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

(1) *Recreation area.* There shall be at least one recreation area. The recreation area shall be easily accessible to all residents of the project.

(2) *Internal streets width.* Required paving for two-way streets with no parking on street: 20 feet. An additional seven feet of right-of-way shall be provided if parking on one side of street is permitted only. An additional 14 feet of right-of-way shall be provided if parking on both sides of street is permitted.

Required paving for one-way streets: 18 feet if serving less than 50 spaces, and if parking is allowed on one side of street only.

The additional right-of-way for parking purposes as herein provided is not required to be paved.

Streets shall be constructed of materials which meet the specifications of the land development code.

Dead-end streets or streets ending in cul-de-sac shall be limited in length to 600 feet and shall be provided with a turnaround, having a minimum paving width diameter of 86 feet.

(3) *Entrances and exits.* Entrances and exits shall be limited in number and when combined, shall be separated with a landscaped median strip not less than five-feet wide. There shall be no direct vehicle access from any space to any exterior street.

(4) *Water supply, sewage disposal and garage and refuse handling.* All mobile home parks shall comply with the land development code, Ordinance No. 96-25, as it may be amended from time to time, regarding water supply and sewage disposal and the applicable provisions of the Florida Administrative Code regarding garbage and refuse handling.

(5) *Landscape buffer requirements.* Landscaped buffer areas meeting the requirements of section 110-808 shall be constructed.

(6) *Project perimeter setback.* No structure shall be located within 30 feet of the project's perimeter.

(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.

(b) Existing mobile home parks--Compliance. Any subsequent construction or alteration that extends an existing mobile home park shall comply with the provisions of these regulations, including those provisions requiring a permit. No changes shall be made to the existing design of spaces or streets which increase their nonconformity. Subsequent changes to the basic design of existing spaces or streets which do not increase their nonconformity shall be permitted.

Sec. 110-810. Reserved

Sec. 110-811. Parking and storage of vehicles or watercraft.

(a) Vehicles in agricultural and residential areas.

(1) No vehicles greater than 10,000 lbs. manufacturer's gross weight or designed to carry 16 or more passengers, or requiring a commercial drivers license (CDL) of any endorsement to

operate will be parked or stored in any residential or agricultural zoning district except in agriculture areas on lots of five acres or more. Vehicles that are inoperable or do not have a current and valid license plate and validation sticker affixed to the license plate are prohibited.

(2) No vehicle with external refrigeration units may operate within these zoning districts.

(3) No back-up noise alarms may operate between the hours of 10:00 p.m. and 7:00 a.m.

(4) No vehicles or utility trailers may be parked or stored in the front yard forward of the edge of the principal dwelling that meet any of the following criteria.

Vehicles prohibited above, or

Greater than 21 feet in length, or

Greater than ten feet in height, including accessories with fully inflated tires.

(5) Vehicles greater than 21 feet in length and/or greater than ten feet in height may be stored in the side or rear yard.

(6) All vehicles parked in side or rear yards must be stored in a site plan approved parking area Screening exceeding the height limitations for the zoning district in which it is located may only consist of vegetative screening for that portion exceeding said height limitations. All vegetative screening must be designed as three year to maturity from the approved plant list provided by the Planning and Development Services Department. All site plan approved parking shall meet the standards for minimum required parking in subsection 110-828(b) through 110-828(e). For parking the excess of minimum required parking spaces, the enforcement official may allow semi-impervious materials similar to those permitted by subsection 110-828(b)(1).

(7) All vehicles parked or stored on property must be registered or assigned to the resident or their temporary guest.

(8) Repairs other than normal maintenance and washing of vehicles or any repairs causing the vehicle to become inoperable are prohibited outside of an enclosed garage.

(9) No vehicle or equipment shall be parked or stored in a manner which obstructs access to any door, window, or other entrance to or exit from the dwelling.

Exclusions:

Conversion vans with a handicapped sticker whose corresponding licensed driver is a resident of the principal dwelling are specifically excluded from these standards. Sport utility vehicles (SUV's) or pick-up trucks for personal use that have no commercial advertising may be parked in the driveway.

(b) Mobile recreational shelters. Mobile recreational shelters and vehicles, other camping type vehicles excluding pickup covers when appropriately mounted on a vehicle, boats, boat trailers, utility trailers, and other trailers are permitted as an accessory use on any lot within the A, RE-1, RE-5,, R-1, R-2, R-3, R-4, R1-B,, the single- and two-family residential areas of RPUD, and the MPUD classifications provided the following conditions are met:

(1) They shall have a current license plate or validation sticker, and shall be parked or stored in full compliance with all yard requirements for accessory structures. The ground area beneath such vehicles shall be kept free from debris, including excessive weed growth.

(2) They may be temporarily parked in the driveway of the principal structure for trip preparation, loading, unloading and cleanup, for a maximum of 36 hours per week.

(3) They shall not be parked or stored either within a public right-of-way, or within that portion of the lot lying across the full width of the lot between the front lot line and front most part of the principal structure, except as provided for by paragraph (2) above and paragraph (6) below.

(4) No sewage shall be permitted to escape from such vehicles onto a lot or street.

(5) They shall not be connected to water, sewer or electric lines or be used for residential purposes.

(6) Motor vehicles commonly referred to as vans that have been converted to a recreational vehicle by a licensed recreational vehicle manufacturer by installation of 110-volt electrical wiring, LP gas piping, or a plumbing system consisting of a permanently attached water using toilet facility may be parked in the driveway of the principal structure when the occupant of the principal structure has a disability which may require the above facilities to be incorporated in a motor vehicle, and if the occupants have received a handicapped parking decal from the State of Florida for the vehicle.

(c) Residential parking. In the R, PB, and MF districts when used only for single- or two-family residential uses, motor vehicles shall not be parked anywhere within that portion of the lot lying across the full width of the lot between the front lot line and the front most part of the principal structure, except on driveways. Automobiles are to be parked in designated off-street parking areas for all other uses within these districts.

(d) Commercial vehicle storage and parking

(1) Commercial vehicles which are used daily by residents of the household for transportation but which do not exceed the manufacturer's standard three-quarter size pick-up truck may be parked outdoors in a residential district provided that only one such commercial vehicle may be located at any one dwelling unit.

(2) Commercial vehicles prohibited from outdoor parking in all residential areas:

a. Any commercial vehicles not meeting the standards described in paragraph (1);

b. Step vans;

c. Flatbed and stakebed trucks;

d. Wreckers, except when authorized by the City of Deltona, the Volusia County Sheriff's Office, or the Florida Highway Patrol for on-call emergency service.

e. Tractor, including truck tractors and their associated vans or trailers (see section 110-811(a), above).

(e) Long term storage. Recreational vehicles shall be parked or stored within a side or rear yard, on site plan approved parking, but not within a side street yard, provided:

(1) No portion of the vehicle or equipment shall extend into any part of the front yard.

(2) No vehicle or equipment shall be parked or stored in a manner which obstructs access to any door, window, or other entrance to or exit from the dwelling.

(3) No vehicle or equipment shall be parked or stored in any part of the required rear yard of a double frontage lot.

(4) On corner lots, no vehicles or equipment shall be parked or stored in any part of the required side yard abutting any street and provide that no vehicle or equipment shall be parked or stored within 20 feet from any street right-of-way.

(f) Special Event Parking. During such events, grass areas may be permitted to be used for parking provided the Authority Having Jurisdiction (AHJ) from the Fire Department, consistent with Section 10.15.2 as amended of the Fire Code, shall be permitted to regulate all outdoor events pertaining to access for emergency vehicle; access to fire protection equipment; placement of stands, concession booths, and exhibits; and the control of hazardous conditions dangerous to life and property.

Sec. 110-812. Environmental standards.

These environmental standards shall apply in all classifications:

(a) Air pollution. There shall be no emission of fumes, odors, vapors, gases, chemicals, smoke, dust, dirt, fly ash, or any particulate matter in violation of applicable state standards.

(b) Water pollution and sewage control. There shall be no discharge of liquid or solid wastes into any public or private sewage disposal system, or into or on the ground, or into any stream, waterway, water body or drainage canal, nor any accumulation of any liquid or solid wastes, in violation of the applicable provisions of the comprehensive plan, land development code, Ordinance No. 96-25 as it may be amended from time to time, or applicable state standards.

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. 110-814. Additional regulations for certain permitted principal uses and structures.

The following additional regulations shall apply to specific permitted principal uses in all classifications where so permitted.

(a) Adult entertainment establishments. Adult entertainment establishments shall be permitted only in accordance with the requirements of the adult entertainment code, chapter 78, Code of Ordinances.

(b) Automobile service stations. The following regulations shall apply to automobile service stations, Types A, B and C.

(1) Location of principal and accessory structures. No accessory structures shall be erected closer than ten feet to a street or within the landscape buffer area, whichever is wider. If accessory structures are erected within any front yard, they shall be removed before the property is converted to a use other than an automobile service station.

(2) Points of access. The number of points of access for one automobile service station shall be governed by the land development code Ordinance No. 96-25, as it may be amended from time to time.

(3) Landscape buffer requirements. Where lots to be used for service stations abut any property zoned for residential use, a landscaped buffer area meeting the requirements of section 110-808 shall be constructed.

(4) Permanent storage of materials, merchandise and equipment. All materials, merchandise and equipment, other than motor vehicle fuels, shall be stored within the principal building.

(5) Trash facilities. Adequate, enclosed trash storage facilities shall be provided on the site.

(6) Parking of vehicles or vehicles offered for sale or rent at Types A and B stations only.

Wreckers, service or customer vehicles, or vehicles offered for sale or rent, may be parked on the premises but shall be parked in a manner that will not create a traffic hazard or interfere with any vehicular maneuvering area necessary for gasoline pump areas, service bays, or with any required off-street parking spaces. No more than two motor vehicles may be offered for sale on the premises at any one time unless otherwise authorized by the provisions of this chapter, and in conformity with all applicable state regulations.

A truck or trailer rental service, established primarily for the transporting of household goods, shall be permitted, subject to the following:

The required minimum lot area shall be increased by 480 square feet for the parking of each rental truck proposed, and 50 square feet for each rental trailer proposed.

On corner lots, no vehicles offered for sale or rent shall be parked within a yard abutting a street.

(c) Community residential homes. Dwellings of six or fewer residents which otherwise meet the definition of a community residential home are permitted principal uses and structures in all single-family and multiple-family zoning classifications and residential areas of PUD, provided that such homes comply with all appropriate requirements of this chapter and are not located within a radius of 1,000 feet of another existing such home with six or fewer residents. The sponsoring agency shall notify, in writing, the city manager at the time of occupancy that the home is licensed by the Department of Children and Family Services (DCFS).

When a premises that is classified is within a multiple-family residential use area of a PUD has been selected by a sponsoring agency as a site for a community residential home of seven to 14 residents, then said agency shall provide notice to the city consistent with the requirements of F.S. ch. 419.

(d) Package sewage treatment plants and/or package water treatment plants.

All package sewage treatment plants and/or package water treatment plants shall conform to the conditional use application procedures.

(e) Publicly owned parks and recreation areas.

(1) *Location of principal and accessory structures.* No buildings, bleachers, dugouts, restrooms, concession stands, off-street parking areas or other structures shall be located less than 20 feet from any property line. Edges of playing fields and courts shall be located no closer than 20 feet from any property line.

(f) Publicly owned or regulated water supply wells. All publicly owned or regulated water supply wells must be permitted by the Saint Johns River Water Management District, and meet the requirements of the land development code, Ordinance No. 96-25, as it may be amended from time to time.

(g) Bars, lounges and package stores. The definition of the term "place of business" as set forth in Rule 7A-1.006, Florida Administrative Code, as it may be amended from time to time, is hereby adopted for the purposes of this section and incorporated herein by reference. Places of business within hotels or motels having 100 or more rooms with access limited to the hotel or motel lobby and where parking is provided on the basis of one additional space per six seats, and places of business within restaurants where the sales of food and non-alcoholic beverages account for at least 51 percent of gross monthly sales are exempt from the limitations of this section.

(1) Proximity to various land uses. No place of business holding any of the following licenses issued by the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business Regulation: (a) 1-COP (beer consumption); (b) 2-COP (beer and wine consumption); (c) COP (liquor consumption) shall be permitted within 500 feet of any of the following land uses permitted by this chapter:

a. House of Worship;

b. Public park;

c. Public recreation area; or

d. School.

(2) No place of business holding a 1-COP; 2-COP; or COP license shall be located within 1,000 feet of an existing or approved bar, lounge, nightclub, or package store, except when it is part of a hotel or motel having 100 or more rooms with access limited to the hotel or motel lobby and where parking is provided on the basis of one additional space per six seats, or except when it is part of a restaurant in which has at least 51 percent of its sales consist of food and non-alcoholic beverages.

(3) If located adjacent to a residential zoning district or a conforming residential use, screening and buffering shall be provided to minimize noise and glare impact as follows:

a. No loud noises shall be permitted after 10:00 p.m. which have the effect of creating a nuisance to adjacent property, or which exceed 60 db at the property line of the adjacent residential land use;

b. Screening in the form of a six-foot high masonry wall and landscaping shall be provided at all property lines adjoining residential land uses or zoning. Masonry walls shall include landscaping on both sides with a minimum distance of three feet between the exterior wall landscaping and the property line. Required landscaping shall be selected from the list of permitted groundcover, shrubs and understory trees in section 110-808 of this chapter, and

shall otherwise comply with the sprinkler systems and maintenance requirements of section 110-808.

c. Fencing shall be provided which impairs pedestrian access to nearby residential properties.

(h) Mini-warehouses. Mini-warehouse developments shall be designed and constructed to comply with the following minimum requirements.

(1) *Use limitations.* Mini-warehouses are intended exclusively for the storage of personal property and goods by the general public and for incidental storage of goods by small commercial users. Each user shall have direct access to his or her rented space during all hours of operation. For each cubicle, no utility service, other than lighting and one electrical outlet shall be permitted, except for air conditioning, dehumidifying, or similar equipment. Multiple storage cubicles collected into a single building for the purpose of air conditioning or dehumidification may be distinguished from commercial warehouses by the provision of direct access to a secured storage space by the renter. Mini-warehouse developments shall be limited to storage use only. No business activities, such as sales or service, shall be conducted on the premises. The operation of such a facility shall not be deemed to include a transfer and storage business where the use of vehicles is part of the business. Signs advertising individual businesses shall be prohibited. A mini-warehouse shall not be used as a business address for purposes of obtaining an occupational license, except for the mini-warehouse development itself. Manufacture, auto repair, or other similar activities are expressly prohibited. No garage sales shall be conducted on the premises. No servicing or repair of motor vehicles, watercraft, trailers, lawn mowers and other similar equipment shall be conducted on the premises.

(2) *Storage.* All storage on the property shall be kept within an enclosed building. No unattended vehicles shall be permitted on the premises unless stored within an enclosed building. Alternatively, vehicles may be stored behind masonry screen walls high enough to completely obscure the vehicles from view from any street or road, and from any property within 500 feet of the mini-warehouse facility's property line. Such screen walls shall be set back in accordance with the minimum front, rear and side yard requirements of the applicable zoning district for the location of principal buildings on a lot or parcel of land.

(3) *On-site circulation and driveway widths.*

a. All single-loaded driveways shall be a minimum of 20 feet in width;

b. All double-loaded driveways shall be a minimum of 30 feet in width;

c. Traffic direction shall be designated by signing and/or painting on driveway surfaces;

d. Access to storage cubicles shall only be provided from the interior of the site;

e. Alleys shall not be used as part of the internal circulation system of mini-warehouse developments, and access from alleys shall be restricted to vehicles that service the development itself (such as solid waste collection vehicles). Alleys shall not be permitted to have a direct connection to the internal circulation system of a mini-warehouse development. Alleys shall not be used as parking or storage areas, except that employee parking may be provided in accordance with the requirements of section 110-828 of this chapter and the applicable requirements of the land development code, as they may be amended from time to time.

(4) *Landscaping.* Mini-warehouse developments shall be landscaped in accordance with the requirements of section 110-808 of this chapter. In addition, in order to reduce the visual impact

of driveways, storage buildings and security fences common to mini-warehouse developments, a combination of landscape screen and decorative masonry wall ranging from three feet to six feet in height shall be required along a diagonal line in the front yard, along the front yard setback, and six feet in height along any other property line that abuts a residential district or public right-of-way. The required decorative masonry wall shall be set back from the property line at least five feet. A landscape buffer area meeting the requirements of section 110-808 of this chapter shall be placed between the required wall and the property line. The required wall shall be constructed with its finished side facing the adjacent lot or lots. Any part of the opposite side of the wall that is visible to the public shall also be finished.

Required interior landscaping adjacent to buildings shall give priority to softening end walls visible from a public right-of-way through foundation plantings, shrubs, and understory trees, and to landscaping perimeter buildings, entryway and management office areas.

(5) *Lighting.* All lights shall be shielded to direct light onto the mini-warehouse development and away from adjacent property, but it may be of sufficient intensity and of a type to discourage vandalism and theft pursuant to the principles of Crime Prevention Through Environmental Design (CPTED). Lighting shall not increase illumination levels at the edge of pavement of adjacent streets, roads, and residential property lines by more than one lumen above the nighttime level of illumination existing at the time of development of the project. Exterior site lighting of parking and loading areas, and similar site lighting, on lots or parcels of land that are adjacent to residential zoning or development shall be provided with low pressure sodium light fixtures. These light fixtures will be fitted with full cutoff shields when located within 30 feet of the residential property lines and when mounted on lighting standards (poles) that are higher than 15 feet.

(6) *Building treatment.*

a. Only muted earth-tone colored buildings and doors shall be permitted. Color selection shall be subject to the approval of the enforcement official.

b. Metal buildings' shall be designed and constructed in accordance with the requirements of subsection 110-814(i), "metal buildings".

c. Except where completely obscured from view by a perimeter wall, garage doors or simulated garage doors shall not be permitted on the sides of a storage building facing a public right-of-way, public park, school, or residentially used or zoned area.

(7) *Hours of operation.* Access to storage facilities shall not be allowed except during approved hours of operation. Hours of operation shall be noted on-site plan submittals and designed to provide maximum safety for users, while not interfering with existing or potential users of adjoining properties.

(8) *Maximum height of mini-warehouses.* One story, not to exceed 15 feet.

(9) *Caretaker's or manager's residence.* A caretaker's or manager's residence is permitted as an accessory use in a mini-warehouse development of over 100 units. The accessory residence shall not exceed 1,500 sq. ft. in habitable floor area. If a caretaker's or manager's residence is provided, at least two parking spaces shall be required in a location adjacent to, or within 20 feet of the residence's main entrance, in addition to all other minimum parking requirements for the mini-warehouse development.

(i) Metal buildings. Metal buildings shall be permitted only in accordance with the following requirements:

(1) That portion of a metal building visible from a street or residentially or commercially used or zoned property, public right-of-way, public park or building, school, office used or zoned area, or other area of similar use shall adhere to the design principles outlined in the City of Deltona Urban Design Pattern Book and Urban Design Master Plan or employ at least one of the following techniques to achieve an opaque, attractive and durable visual screen between such metal building and properties described herein;

a. Use of landscaping, hedges, berms, fences or a combination of these materials, or

b. Construction of building walls using either wood, brick, split-face masonry, stucco or other synthetic materials of similar appearance and durability.

(2) Notwithstanding any definition of accessory structure to the contrary, any metal building greater than 240 square feet that meets the locational criteria cited in section 110-814(i)(1) shall be considered a principal use for the purposes of this section and shall be required to meet the provisions of section 110-814(i)(1).

(3) The roof of a metal building designated as a principal structure shall either have the same pitch and appearance of the roofs of neighboring buildings, or shall be obscured from view by parapets having the appearance of wood, brick, or masonry construction;

(4) Only muted earth tone colors shall be permitted for any building designated as a principal structure.

(5) No facade, roof or parapet materials or color on buildings designated as principal structures shall be used unless approved by the enforcement official as conforming to the requirements of this section. The applicant for a permit for the construction of a such metal building shall include the necessary information to make this determination both with the conceptual and final site plan applications and with the building permit application. The information supplied shall be as required by the enforcement official. The materials approved by the Planning and Development Services Department shall become a requirement of the building permit as the materials to be used in the construction of the building.

(6) In those cases where façade design improvements are required for metal buildings, such design improvements shall complement the predominant physical character of surrounding development in terms of the building's scale, proportion, massing and orientation.

(j) Garage sales or yard sales.

(1) Garage sales or yard sales shall have the same meaning given to the term garage sales in article II of this chapter.

(2) Homeowners' garage sales are permitted in the A, RE-5, RE-1, , and R-1 through R1-B zoning districts provided that no more than two such sales are held during any calendar year and that such sales are limited to a duration of one week.

(3) Garage or yard sales may be conducted at any single-family or two-family residential premises subject to the following conditions:

a. No such sale shall be conducted unless a permit therefor has been obtained from the city. The permit shall be issued upon written application in accordance with these requirements and

upon payment of the prescribed fee. A fee schedule shall be adopted by resolution of the city commission. Fees shall be periodically updated.

b. Prior to issuance of any garage sale permit the person conducting such sale shall file a statement with the enforcement official setting forth the following information:

1. Person's interest in the residential property--ownership, current lessee or such other control as the person may have;
2. Ownership of the property or goods to be sold;
3. An affirmative statement that the property to be sold was neither acquired or consigned for the purpose of resale.

(4) A permit shall be issued along with, or in the form of, a sign which shall be posted on the property where the sale will occur to identify and advertise the garage or yard sale. No other sign shall be authorized or used.

(5) All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. The permittee shall be responsible for enforcing such additional temporary controls as are needed to alleviate any special hazards and/or congestion created by the garage or yard sale.

(6) No property offered for sale shall be displayed outdoors except on the driveway or other private property at least 15 feet from any road or sidewalk.

(7) None of the items offered for sale during any permitted garage or yard sale shall be displayed or allowed to remain outside in any driveway or yard area prior to sunrise of the first permitted date of the sale or after sundown of the last permitted date of the sale.

(8) In the event of a garage or yard sale held by a nonprofit organization or by more than one family or household, the permit shall be issued to the person owning, leasing, or otherwise having control of the premises at which the sale is held.

(k) Temporary outdoor automobile and arts and crafts sales events and shows.

(1) Temporary outdoor automobile and arts and crafts sales events and shows are permitted at shopping centers (as defined in this chapter) of 50,000 sq. ft. or more of gross floor area in the C-1 and C-2 zoning districts.

(2) The temporary events permitted by this section shall not exceed seven consecutive days in duration, and shall not be held more than three times in any calendar year at any permitted location.

(3) The display, or event, area shall be located on the same lot or parcel as the principal use for which the temporary outdoor event permit is issued.

(4) The display, or event, area shall not be located so as to diminish the utility of any required parking space unless an alternative temporary parking plan is approved by the development review committee. The display, or event, area shall be located in the part of the parking facility that is farthest removed from the principal buildings, consistent with the maintenance of safe and efficient internal vehicular circulation and vehicular ingress and egress.

(5) No temporary outdoor event permitted by this section shall occur during the continuous time period starting on November 15th and ending on January 2nd of the following year.

(6) The flow of traffic on designated on-site traffic lanes on or off the lot or parcel shall not be obstructed in a manner that would create an unsafe condition.

(7) Adequate area for safe and efficient pedestrian movement shall be maintained.

(8) A permit for a temporary outdoor display shall be obtained from the Planning and Development Services Department following submittal of a scale drawing showing the display or event area and its relationship to pedestrian and vehicular movement areas and parking bays.

(9) It shall be unlawful for any person to display or place any vehicles, goods, wares or merchandise upon any public street or sidewalk in the city, except as permitted under this section, or other related ordinance or codes.

(10) Signs for temporary outdoor events shall comply with the Deltona Sign Ordinance, Ordinance 12-97 [chapter 102, Code of Ordinances], as it may be amended from time to time. No offsite signs are permitted except as provided for special events in the Deltona Sign Ordinance.

Sec. 110-815. ~~Final site plan~~Reserved.

~~*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. 110-816. Reserved

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.

(1) A landscape buffer meeting the requirements of section 110-808 is required.

(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.

(3) Package sewage treatment plants may be permitted provided that they are consistent with the comprehensive plan and meet all applicable state requirements and the following additional requirements:

a. Package sewage treatment plant structures shall not be located closer than 50 feet to adjoining lot lines.

b. Evaporation/percolation ponds shall not be located within 100 feet of adjoining lot lines, streets rights-of-way, the mean high-water mark or water bodies, or bulkhead lines.

c. Subsurface drainfields shall not be located within 50 feet of bulkhead lines or mean high-water mark of the water bodies.

d. When spray irrigation fields are used, the minimum distance between said fields and adjoining lot lines, street rights-of-way, the mean high-water mark of water bodies, or bulkhead lines shall be determined on a case-by-case basis after due consideration of

prevailing wind direction, average wind velocity, or other conditions that might carry sprayed effluent onto adjoining premises.

e. The package plant structures shall, in the absence of an appropriate natural vegetation screen, be visually screened from adjoining properties or street rights-of-way with an appropriate fence, decorative masonry wall, or plant materials.

f. Plants shall be designed to be transformed into a pump station when public central wastewater facilities are constructed to serve the area, provided that said availability is to be not more than ten years distant from the issuance of the development order/permit, except as provided for in item g. below.

g. Notwithstanding the provisions of paragraph f. above, a package plant intended to correct any existing problem of public health, safety or welfare, may be permitted.

(4) Package water treatment plants may be permitted providing they are consistent with the comprehensive plan and meet all applicable state requirements and the following additional requirements:

a. Package water treatment plant structures shall not be located less than 50 feet to adjoining lot lines.

b. Package water treatment plant structures shall, in the absence of an appropriate natural vegetation screen, be visually screened from adjoining properties or street rights-of-way with an appropriate fence, decorative masonry wall or plant material.

(b) Professional or trade schools related to the permitted principal uses. Landscaped buffer areas meeting the requirements of section 110-808 and off-street parking and loading spaces, meeting the requirements of section 110-828, shall be constructed.

(c) Golf courses, country clubs, swim clubs, tennis clubs, and similar uses are permitted, provided:

(1) The total lot area covered with principal and accessory buildings shall not exceed 15 percent.

(2) No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman or caretaker. Those living quarters, if any, shall be constructed as part of the principal building.

(3) No principal or accessory building, swimming pool or tennis court shall be located less than 50 feet from any lot line.

(4) No outdoor loudspeaker or call system shall be audible on adjoining property.

(5) All artificial lights shall be directed away from adjoining properties.

(6) Off-street parking areas meeting the requirements of section 110-828 and landscaped buffer areas meeting the requirements of section 110-808 shall be constructed.

(d) Houses of worship, cemeteries, parochial or private schools are permitted, provided:

(1) No principal or accessory building shall be located less than 50 feet from any property line.

(2) Off-street parking areas meeting the requirements of section 110-828 and landscaped buffer areas meeting the requirements of section 110-808 shall be constructed. Notwithstanding the provisions of section 110-828(b)(2), off-street parking and loading areas shall be surfaced with brick, asphalt, bituminous, concrete or packed shell or marl material and shall be maintained in a smooth, well-graded condition.

(3) Cemeteries shall comply with F.S. ch. 559 and any other applicable governmental regulations.

(4) All schools must meet the requirements of F.S. § 333.3(3) or obtain a variance under article X of this chapter.

(e) Mini-warehouses, designed and operated according to the following standards:

(1) Mini-warehouses shall meet the requirements contained in subsection 110-814(h), "Mini-warehouses".

(2) Metal buildings in mini-warehouse developments shall meet the requirements contained in subsection 110-814(i), "Metal buildings".

(f) Day care centers designed and constructed according to the applicable state standards and the following:

(1) The intensity of the facility (e.g. number of residents) shall be compatible with the density and character of the surrounding residential area.

(g) *Granny Flats*

(1) Minimum lot area required: 7,500 square feet

(2) Be used to house immediate family members or domestic help/caregivers.

(3) Shall contain a minimum of 400 square feet of living area but shall not be greater than 35 percent of the gross floor area of the principal dwelling unit.

(4) Shall have all utility services provided by a common meter with the principal dwelling.

(5) Shall not have a separate driveway.

(6) Shall not be assigned a separate address.

(7) All granny flats approved will be subject to a declaration of use agreement between the owner and City stipulating, at minimum, the nature of the occupancy and granting the City right to inspect the premises in a reasonable manner.

(h)--(j) [*Reserved.*]

(k) *Farm worker living facility.*

(1) The minimum floor area per dwelling shall be 720 square feet.

(2) No detached dwelling used in the farm worker living facility shall be closer than 50 feet to any other detached dwelling.

(3) No dwelling used as a farm worker living facility shall be closer than 100 feet to any property line of the premises on which it is placed.

(4) Potable water and sewage disposal facilities shall be in compliance with all applicable provisions of the Florida law and the comprehensive plan.

(5) The area between the ground and the floor of a mobile home dwelling used as a farm worker living facility shall be enclosed with skirting.

(6) No subsequent expansion of a farm worker living facility as shown on the approved site plan for the conditional use shall be allowed unless another special exception for that expansion is approved. However, subsequent decrease of the approved uses are permitted.

(7) The applicant shall provide information to the enforcement official as to the kind of agricultural operation existing on the premises at the time of application for the farm worker living facility.

(8)

Table 110-8 Maximum Number of Dwellings Authorized Based on Size of Premises

Size of Premises	Maximum Number of Dwellings Authorized Based on Size of Premises
5 or more acres but less than 20 acres....	1
20 or more acres but less than 30 acres....	2
30 or more acres but less than 40 acres....	3
40 or more acres but less than 50 acres....	4
50 or more acres but less than 60 acres....	5
60 or more acres but less than 70 acres....	6
70 or more acres but less than 80 acres....	7
80 or more acres....	8

The dwellings may be arranged in a cluster fashion on the premises.

(l) *Adult family-care homes, assisted living facility, group homes and nursing homes, boardinghouses.*

(1) The scale of the facility (e.g. number of residents) shall be compatible with the density and character of the surrounding residential area. The Future Land Use Map will be used as a guide to determine compatible density.

(2) No principal or accessory building shall be located less than 50 feet from any property line.

(3) Off-street parking and loading areas meeting the requirements of section 110-828 and landscaped buffer areas meeting the requirements of section 110-808 shall be constructed.

(4) Facilities located in the A, RE-5, RE-1, R-1AAA, R-1AA, R-1A, R-1 AND R-1B zoning classifications must have direct frontage on, and access to, City thoroughfares as defined in the City of Deltona Comprehensive Plan.

(5) The uses listed in paragraph (l) above shall not be deemed to include halfway houses or any other facilities licensed to serve clients of the Department of Corrections or the Department of Juvenile Justice.

(m) Private clubs are permitted provided:

(1) The total lot area covered with principal and accessory buildings shall not exceed 15 percent.

(2) No principal or accessory building, swimming pool or tennis court shall be located less than 50 feet from any lot line.

(3) No outdoor loudspeaker or call system shall be audible on adjoining property.

(4) All artificial lights shall be directed away from adjoining properties.

(5) Off-street parking areas meeting the requirements of section 110-828 and landscaped buffer areas meeting the requirements of section 110-808 shall be constructed.

(n) Off-street parking areas are permitted on vacant lots that are contiguous to or lie directly across the street from lots classified as PB, C-1, C-2 and C-3 providing the following conditions are met:

(1) The off-street parking area shall be used to serve only an existing conforming commercial use.

(2) If the off-street parking area is contiguous to the premises on which the principal commercial use is located, motor vehicles shall only enter or exit the parking area through that premises.

(3) The parking area shall be surfaced with, brick, asphalt, bituminous concrete or packed shell or marl material and maintained in a smooth, well-graded condition and shall comply with the land development code Ordinance No. 96-25, as it may be amended from time to time. If lighted, no artificial light source shall be visible from adjoining properties. Lighting shall be shielded so as not to directly illuminate adjacent residential properties, and shall not glare directly onto the adjacent streets.

(4) The off-street parking area shall be designed to meet the dimensional requirements of the land development code.

(5) Each application for a conditional use shall be accompanied by a parking plan meeting the requirements of the land development code and a landscape plan.

(6) A landscape plan meeting the following requirements shall be submitted:

a. The parking lot shall be planned and designed to retain the maximum amount of natural vegetation and shade trees. In the event that natural vegetation cannot be used, the plant materials listed in section 110-808 of this chapter shall be incorporated into the landscape design.

b. An existing tree survey performed in compliance with chapter 98, article II, Code of Ordinances, as it may be amended from time to time, and irrigation plan shall also be provided at the same scale as the landscape plan.

c. The landscape materials and planting area shall be reasonably dispersed throughout the parking area.

d. Not less than ten percent of the interior of the parking lot shall be landscaped. The required buffer area shall not be considered a part of this interior landscape requirement.

e. The dimensions of any planting area shall comply with section 110-808 of this chapter.

f. A 25-foot landscaping buffer area shall be maintained along the perimeter of the parking area which is contiguous to property classified C, FR, RC,A, RE-5, RE-1, R-1 through R1-B, residential use areas of the RPUD and MPUD, MH.

g. A six-foot-high, opaque masonry wall, or wall having the appearance of masonry using a material approved by the enforcement official and the building official, shall be constructed adjacent to A, RE-5, RE-1, R-1 through R1-B, residential use areas of the RPUD and MPUD, MH zoning classifications. The wall shall be erected within five feet of the off-street parking area and be maintained in a neat and orderly manner at all times. Landscaped berms may be used in place of a wall. The berms shall be constructed to a height of four feet with inside slopes not exceeding a three to one ratio. Plant material shall

be planted on top of the berm and shall be a minimum of two feet in height with a planting interval of at least three feet on center.

(7) A workable underground irrigation system shall be installed in order to provide the means to water any planted landscape materials.

(8) All landscaping shall be maintained in accordance with section 110-808 of this chapter.

(9) The parking area shall not be used until the parking area has been constructed in accordance with the plans approved pursuant to conditional use.

(10) A ten-foot wide landscape buffer area meeting the requirements of section 110-808 shall be maintained along the perimeter of the parking area which is contiguous to or directly across the street from property located in the RE-5, RE-1, R-1 through R1-B, or MH zoning districts.

(o) Excavations.

(1) Exempt excavations. A conditional use is not required for the following activities:

a. Installation of utilities, provided a valid underground utility permit or right-of-way utilization permit has been issued.

b. Grading and filling in conjunction with commercial, industrial, or residential construction provided a development order or permit has been obtained.

c. Foundations and building pads for any building or structure, provided that a valid building permit has been issued by Planning and Development Services Department.

d. Minor landscaping projects provided they do not encroach in floodprone areas as depicted on the flood insurance rate maps, promulgated by the Federal Emergency Management Agency, or change the natural drainage pattern of the ground surface at the property line.

e. Swimming pool construction provided a building permit has been issued for construction of the pool.

f. For excavations relating to the accessory use of land and designed to be filled upon completion of excavation, such as septic tanks, graves, etc.

g. Borrow pits designated or controlled by any federal or state agency or local government; or any federal or state agency or local government created by law to provide for mosquito control or drainage, or any drainage district created pursuant to Laws of Florida ch. 298.

h. Where not otherwise governed by zoning requirements, any leveling of land within the confines of a single tract of land where the plans for such leveling are authorized by the land development code, Ordinance No. 96-25, as it may be amended from time to time. If such plans are disapproved through the review procedures and standards established in the land development code, the applicant may, upon application, appeal such decision in accordance with the provisions for appeals in Ordinance No. 96-25, as it may be amended from time to time.

i. Excavations of leveling for private drives to provide ingress or egress authorized by the land development code.

j. Notwithstanding the provisions of subsection g to the contrary, excavated material from a tailwater recovery system or farm pond may be transferred from one parcel of land to a noncontiguous parcel when such system is designed to meet the standards and specifications

of the United States Department of Agriculture Soil Conservation Service, or designed by a professional engineer licensed to practice in the State of Florida.

Said tailwater recovery system is defined as a facility to collect, store and transport irrigation tailwater in a farm irrigation distribution system. In order to qualify for said exemption, the design for said system shall be approved by the St. John's River Water Management District or U.S.D.A. Soil Conservation Service and submitted for authorization by the enforcement official. Each tailwater recovery system must be completed within six months of receiving approval.

k. All projects funded by the City of Deltona, the Volusia County Department of Public Works and the Florida Department of Transportation. These projects would include but not be limited to borrow pits, road-building activities, and installation of utilities.

l. Farm ponds. Accessory ponds established in conjunction with an agricultural use and which are three-fourths of an acre or less in size. The boundaries of excavation are to be wholly within one owner's property. Off-site drainage is not to be affected. Farm ponds are to be constructed to the standards and specifications promulgated by the U.S. Department of Agriculture, Soil Conservation Service, and shall be approved by that agency. The landowner shall forward to the Planning and Development Services Department a copy of the approved plans prior to construction of the pond. Each pond must be completed within six months of receiving soil conservation service approval. Farm ponds shall be permitted at a rate of not more than one pond per ten acres of land.

(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.

(3) Any excavator shall be responsible for notifying the City of Deltona, Department of Planning and Development Services, Volusia County and the Florida Department of State, Bureau of Historical Resources when human remains and/or artifactual materials are discovered. The county reserves the right to monitor the excavation activity and to prohibit such activity if artifactual materials and/or human remains are encountered.

(4) All excavations shall use the most current best management practices (BMP) so as to control erosion and limit the amount of sediment reaching surface waters. The city reserves the right to monitor the excavation activity and prohibit said activity if it is determined that said activity is responsible for off-premises erosion.

(p) Exempt landfills. No conditional use for the deposition of material is required by this chapter for the following activities provided that the activity does not violate any federal or state laws, rules, regulations or orders:

(1) Normal farming operations/agricultural use.

(2) Grading, filling and moving of earth in conjunction with commercial, industrial or subdivision construction provided a development order or permit has been obtained.

(3) Foundations and building pads for any building or structure, provided that a valid building permit has been issued by the building and zoning services department.

(4) Minor landscaping projects provided they do not encroach in floodprone areas as depicted on the flood insurance rate maps, promulgated by the Federal Emergency Management Agency, or change the natural drainage pattern of the ground surface at the property line.

(5) Disposal by persons of solid waste resulting from their own activities on their own, same or contiguous property, providing that said disposal is exempted under Florida Administrative Code rule 17-701.030(3).

(6) On-site disposal of construction and demolition debris, provided that disposal conforms to rule 17-701.061(3), Florida Administrative Code.

(q) Bed and breakfast homestay.

(1) Maximum number of guest rooms for bed and breakfast use in the home: Five.

(2) Owner must reside in the building.

(3) Separate cooking facilities are not permitted in the guest room.

(4) Each guest room shall have private toilet and shower facilities, except where the building is designated as historically significant by the city or the county or is listed on the National Register of Historic Places, in which cases a minimum of one bathroom shall be provided exclusively for use by the guests.

(5) Minimum bedroom area shall be 150 square feet.

(Ord. No. 09-2009, § 2, 4-20-2009)

Sec. 110-818. Waterfront yards.

Such a yard shall be measured from the ordinary high-water mark on non-tidal waters whenever ordinary high-water mark falls within the lot lines. For the purposes of determining the maximum lot coverage and density for lots with waterfront yards, the ordinary high-water mark shall be substituted for lot lines wherever the ordinary high-water mark falls within the lot lines. Provided, however, on lots with seawalls the yard shall be measured from the seawall.

Sec. 110-819. Temporary uses and structures.

(a) Dwelling unit, model.

(1) A model dwelling unit shall have received an approved final inspection pursuant to the building permit, which was issued for it.

(2) Signs for model homes shall comply with the Deltona Sign Ordinance, chapter 102, Code of Ordinances, as it may be amended from time to time. Signs for model homes in areas zoned residential shall comply with the sign ordinance requirements regarding signs permitted for single-family homes within the zoning districts in which the model homes are located. Except that one lighted freestanding sign per model home or model home site shall be permitted. Lighting from model home signs shall not cause glare onto the adjacent streets which interferes with the night vision of drivers. Lighted signs shall not glare into the windows of nearby residences, nor increase the light level above one foot-candle at the property lines of adjacent residential lots (including lots across the street from the model home). All model home signs in residential districts shall use internal indirect lighting, floodlights are not permitted.

(3) The model dwelling unit shall not be used as a residence or for a storage area for building materials or equipment.

(4) Parking facilities for model homes shall be provided in accordance with section 110-828, Ordinance No. 30-98, as it may be amended from time to time. No more than two additional parking spaces may be provided on the site of a model home in a residentially zoned area, beyond the minimum number of parking spaces required by section 110-828 of Ordinance No. 30-98, as it may be amended from time to time. Parking on non-site plan approved parking spaces, including other units under construction, is prohibited. The parking requirement for model homes in model home centers shall be based on the minimum required parking for the most intensive permitted use in the zoning district in which the model homes are located. A vacant lot adjacent to a model home may be developed as a parking facility in accordance with the driveway design and parking facility design and surfacing requirements of section 110-828 of Ordinance No. 30-98 and Ordinance No. 96-25 [land development code], as they may be amended from time to time. A ten-foot wide landscaped buffer shall be provided around such parking facilities that at minimum meets the planting standards for landscaped buffers adjacent to residential zoning in Ordinance No. 30-98, section 110-808(e)(4), as it may be amended from time to time. Use of such additional parking facilities after 7:00 p.m., or storage of vehicles, materials, or equipment therein is prohibited.

(5) Model homes located in residential zones shall be located only on streets identified as arterials, collectors or thoroughfares on the most recently adopted Deltona Comprehensive Plan. No more than two model homes may be permitted on a single block face. Model home centers are prohibited within residential zoning districts. Model home permits shall expire in three years. A one-year extension may be granted. Subdivision home sales centers are regulated by paragraph (12), below.

(6) Lighting at the sites of model homes in residential zones shall be limited to the interior and exterior lighting normally associated with single-family residences in the immediate vicinity of the model home sites. Lighted signs are prohibited. No lights shall glare directly onto adjacent properties, or onto the street. Lighting shall not increase the average background nighttime illumination at the edge of pavement of the nearest street, or at the adjacent residential property lines, by more than one foot-candle.

(7) The only non-residential use of model homes in residential zones is as a sales office for not more than two salespersons and one receptionist/secretary. There shall be no principal or accessory promotional activities at model homes in residential zoning districts including radio and television promotions, bands, our outdoor displays or events of any kind. A zoning permit issued by the Planning and Development Services Department shall be required for all open houses at homes built for speculative sale. No home built for speculative sale may have more than 12 open houses of not more than three consecutive days duration each in any 12-month time period. Except that homes built for speculative sale that are within the same block face as approved model homes shall be limited to no more than six open houses of no more than three consecutive days duration each per twelve month time period.

(8) Model home centers consisting of one or more model homes are permitted only in the PB, C-1, C-2, and C-3 zoning districts. Model home centers shall be submitted to the Planning and Development Services Department for final site plan approval in accordance with the procedures and requirements of the land development code, Ordinance No. 96-25, as it may be amended from time to time.

(9) The electrical, mechanical, plumbing and structural work in model homes in model home centers shall comply with the standards for commercial occupancy, as determined by the building official. Model homes in model home centers shall meet at least one of the following criteria: 1) they shall be built in compliance with the standards for commercial occupancy, as determined by the building official; or 2) they shall be subject to a developer's agreement requiring the walls, wiring, mechanical devices and interior plumbing to be removed to facilitate their conversion to commercial use, or requiring them to be removed, upon discontinuation of their use as model homes. Access to front entrances shall comply with the requirements of the Americans with Disabilities Act (ADA). At least one restroom facility shall be provided in the model home center that complies with ADA requirements for single-family homes structures by installing standard handicapped design options in the model.

(10) Access to model home centers shall be designed in accordance with section 110-828 of this chapter and in accordance with Ordinance No. 96-25 [land development code], as they may be amended from time to time.

(11) Model home centers shall not receive a development order without a developer's agreement first being signed by the developer and approved by the city commission. Model home centers shall be designed to facilitate conversion to non-residential use, or shall be removed, upon discontinuation of their use as model homes.

(12) Model homes and subdivision home sales centers for residential development projects, including subdivisions, shall be located within the property lines shown for the project they serve on the development plans approved by the city pursuant to the land development code, Ordinance No. 96-25, as it may be amended from time to time.

Individual model homes in phased subdivisions for which any phase is approved after the effective date of this chapter [November 16, 1998], additional or replacement model homes may not be built in any phase after 80 percent of the single-family residential lots in the phase not containing model homes are built upon or have construction in progress. Furthermore, the model homes in any phase shall be discontinued not later than the time that 90 percent of the lots not containing model homes are sold, and 80 percent of all single-family residential lots contain homes, model homes, or homes under construction. Individual model homes may only be located at a density not to exceed two per block face on any streets within the subdivision until the preceding criteria are met.

Subdivision home sales centers may only be located on a cul-de-sac street or a site with direct access to a residential collector street within the subdivision. Subdivision home sales centers shall be discontinued and converted to residential use no later than the date that 100 percent of the residential lots in the subdivision are sold and either have homes built on them or have pending home construction contracts. Subdivision home sales centers may have parking facilities located within their approved sites, but these parking facilities shall be removed and either landscaped or converted to residential use in accordance with applicable city requirements upon the discontinuation of the subdivision home sales centers. Individuals purchasing property adjacent to, or separated by a right-of-way from, subdivision home sales centers shall be notified in writing through a recorded statement that the centers may remain until the subdivision is sold out. Lighting, signage and landscaping requirements for subdivision home sales centers shall be the same as those for individual model homes. However, subdivision home sales centers may have an identifying entry monument sign of no more than 32 square feet in area, and enter and exit parking facility signs. The permitted entry monument

sign and enter and exit parking facility signs shall be subject to the same lighting requirements as signs for individual model homes. Final site plans for subdivision model home sales centers shall be submitted to the city for approval pursuant to the procedures in Ordinance No. 96-25 [land development code], as it may be amended from time to time. However, subdivision home sales centers shall not require consideration at a formal meeting of the development review committee.

(b) Mobile offices. Mobile offices or mobile units designed as offices shall be permitted for only the initial builder/developer as temporary on-site contractor construction offices, on-site sales offices or as on-site security offices, providing:

(1) Such mobile offices may only be used in conjunction with the development of approved subdivisions, mobile home parks, mobile recreational vehicle shelter parks, or in conjunction with the construction of commercial, multifamily or industrial buildings.

(2) A mobile office may be used in conjunction with the rental or sale of mobile homes from licensed mobile home sales lots.

(3) Such mobile office shall not be used as a residence. The use shall be limited to on-site construction, sales or security purposes in connection with the project on which the structure is located. Mobile offices shall not be located outside of the boundaries of the projects that they serve. The boundaries of the project are the site property lines shown on the plan of development approved pursuant to Ordinance No. 96-25 [land development code], as it may be amended from time to time.

(4) The person responsible for the development on which the mobile office is to be located shall obtain the proper permits from all applicable governmental agencies, including but not limited to electrical, plumbing and building permits.

(5) Permits for mobile offices shall be issued as follows:

a. For the construction of approved subdivisions, only after preliminary plat approval.

b. For the development of mobile home parks, and mobile recreation vehicle shelter parks, only at the same time or after any applicable building permits for the installation of improvements are issued.

c. For commercial, industrial or multifamily projects, only after final site plan approval.

d. For the sale or rental of mobile homes, only at the same time or after the occupational license has been issued.

(6) Permits for mobile offices shall expire and such mobile offices shall be removed as follows:

a. For the development of approved subdivisions, after 80 percent of the lots have been sold.

b. For the development of mobile home parks, and mobile recreation vehicle shelter parks, immediately after the park is abandoned.

c. For commercial, industrial or multifamily projects, immediately after the certificate of occupancy is issued.

d. For the rental or sale of mobile homes from mobile home sales lots, immediately after the rental or sales lot is abandoned.

(Ord. No. 20-00, § 2, 9-6-2000)

Sec. 110-820. Airport hazards.

(a) *Application of certain federal and state standards.* Notwithstanding any other maximum height provisions of this chapter or any PUD order and resolution adopted pursuant to this chapter, unless a variance is granted by the planning and land development regulation commission pursuant to F.S. ch. 333, and section 110-1103 of this chapter, no structure or tree shall exceed the maximum heights as set out in the Federal Obstruction Standards as contained in 14 C.F.R. sections 77.21, 77.23, 77.28 and 77.29, which are adopted by reference as part of this chapter.

Sec. 110-821. Deed restrictions.

Within the platted areas where deed restrictions have been or will be recorded by the property owner, which are not consistent with the requirements established herewith, then the more restrictive shall govern. Provided, however, that the enforcement official shall only be responsible for administering or enforcing this chapter.

Sec. 110-822. Temporary residence.

No trailer, mobile home, basement, tent, shack, garage, barn or other similar building erected on any lot shall at any time be used as a residence, temporarily or permanently, nor shall any residence of a temporary character be permitted.

Sec. 110-823. Mining.

No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon any lot or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

Sec. 110-824. Commercial animals.

Dogs, cats and other household pets may be raised, bred or kept on residential lots except when said animals comply with the definition of kennels as provided herein. Except for the above, it is specifically prohibited to keep livestock, poultry or other animals on residential lots, except as specifically permitted by the district regulations in article VII, or by the city's animal control ordinance, as they may be amended from time to time. In the case of conflicts between ordinance provisions, the most restrictive provision shall apply.

Sec. 110-825. Dumping.

No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be allowed to accumulate and shall not be kept except in sanitary containers, which shall be maintained in a clean and sanitary condition.

Sec. 110-826. Wells.

No individual well will be permitted on any lot or tract within the city, except for irrigation, sprinkler systems, swimming pools, or air conditioning. This restriction shall be enforceable so long as a water

utility system is operated to the satisfaction of the state department of health and the Florida Department of Environmental Protection.

Sec. 110-827. Accessory Uses and Structures

This article shall be known and may be cited as "Accessory Uses and Structures."

(a) Purpose. This section establishes requirements and restrictions for particular accessory uses and structures. Any accessory use or structure shall be required to obtain the same type of approval under these regulations as the principal use would have to obtain. Any accessory use or structure may be approved in conjunction with the approval of the principal use. However, no construction of an accessory use or structure shall commence before the principal use is approved and construction on the principal use has commenced in accordance with these regulations.

(b) Residential accessory buildings and structures, generally.

(1) Accessory buildings and structures customarily associated with single-family residences shall be permitted in all single-family residential districts, subject to the following limitations:

a. Private garages shall be permitted as accessory buildings in all residential districts in accordance with the standards set forth in this section;

b. Children's playhouses, patios, gazebos, etc. shall be permitted as accessory buildings and structures in all residential districts;

c. Noncommercial greenhouses and plant nurseries, tool houses and garden sheds, garden work centers, children's play areas and equipment, private barbecue pits and similar accessory structures shall be permitted as accessory buildings and structures in all residential districts;

d. Private swimming pools shall be permitted as accessory buildings and structures in all residential districts; and

e. Private docks, on waterfront properties, shall be permitted in accordance with article VIII, section 110-802.

(2) In the zoning districts RE-1, RE-5, and A, detached second-story garage apartments and mother-in-law apartments may be used as accessory dwelling units solely for the use of immediate family members or as servant quarters of the principal dwelling in accordance with the design standards and other requirements of this section.

(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.

e. Accessory structures including pools and screened pool enclosures shall not be located in any platted easements.

f. Accessory buildings and structures shall not exceed the maximum height requirement for the particular district in which they are located.

g. [Reserved.]

h. [Reserved.]

i. [Reserved.]

j. Fences and walls, except those used in connection with a government use, and those required by Chapter 82, Communication Antennas and Towers of the Code of Ordinances of the City of Deltona, Florida, shall be governed by the standards found in article VIII, section 110-806.

k. Up to two (2) sheds, not including other types of accessory buildings and structures, shall be permitted on a residential lot that is equal to or less than 20,000 square feet, so long as the sheds do not exceed 240 square feet in the aggregate. If a shed exceeds 240 square feet in floor area, it must be constructed to follow the same design and facade presented by the principal structure, including but not limited to: structure material, exterior finish, and roofing.

l. Accessory buildings and structures may be permitted up to the maximum permitted lot coverage for buildings and impervious surfaces, as appropriate.

m. Accessory sheds have a maximum height limitation of ten and one-half feet from average finished grade to ridgeline, or ten and one-half feet from finished grade to peak on the front of the structure.

(2) Private garages and carports shall be permitted as accessory buildings in all residential districts in accordance with the standards set forth in this subsection:

a. Private garages and carports shall be used solely by the occupants of the dwellings to which they are accessory and only for noncommercial purposes. Private garages shall not be used as accessory structures to support activity or store equipment or material of an off-site business.

b. Private garages and carports shall be constructed of materials similar in appearance, texture, and color to those used in the construction of the principal dwelling. Carports shall not extend forward of the most forward line of the closest other part of the main building to the front lot line.

(3) Drain fields and septic tanks shall be installed in accordance with the requirements of state law, and Section 96-27 and Chapter 110, Zoning, of the Code of Ordinances of the City of Deltona.

(4) Granny flats allowed in the A, RE-5 and RE-1 zoning classification as a permitted principal use are subject to the following requirements:

a. Can only be used as a dwelling unit by immediate family members or domestic help/caregiver quarters of the principal dwelling pursuant to the zoning district requirements;

b. shall be a minimum of 400 square feet of living area, but shall not be greater than 35 percent of the gross floor area of the principal dwelling unit;

c. shall have all utility services provided by a common meter with the principal dwelling;

d. shall not have a separate driveway connection to the street;

e. shall not be assigned a separate address; and

f. all granny flats shall be subject to a declaration of use agreement between the owner and the City stipulating, at minimum, the nature of the occupancy and granting the City the right to inspect the premises in a reasonable manner.

(d) Specific prohibitions.

(1) No accessory building shall be constructed, erected, or otherwise placed on a single-family residential zoning lot that is not occupied by a principal building, except that when the single-family residential zoning lot of the proposed accessory structure is contiguous to the zoning lot of the principal building and both lots are under single ownership. When an accessory building is permitted to be placed on one of two adjoining single-family residential zoning lots, the two lots shall be joined together by a covenant recorded in the Volusia County property records. The covenant shall provide that the two lots are joined together and shall not be separated without the consent of the city. The covenant shall be in a form approved by the city and provided by the Planning and Development Services Department. All lien holders shall be notified of the joiner. Proof of title shall be provided in a form acceptable to the city.

(2) Accessory buildings and structures shall not be located so as to restrict access to buildings by emergency equipment, to impair work in platted easements, or to restrict access to rear yard septic tanks by maintenance or construction equipment.

(3) No accessory building or structure in any residential district except the A, RE-5, and RE-1 or approved as a conditional use within the R1-AAA, AA, A and R1 Single-Family classification shall be permitted to be used as a dwelling, dwelling unit, or other place of residence, or for housekeeping purposes.

(4) No driveways may connect to streets by crossing both front lot lines of through lots. Driveways connecting to the rear lot line or additional front lot lines of atypical lots are prohibited. No driveway may connect to a thoroughfare, arterial or collector street from a corner residential lot, unless all lot lines front on one of these types of streets. When all lot lines of a corner lot abut a thoroughfare, arterial or collector street, the driveway connection shall be made to the street with the lowest traffic volume whenever corner distance separation requirements of the land

development code, Chapter 96, can be met. One accessory driveway may connect across a side street yard on a single family residential corner lot to a low volume (0-1000 ADT) local street if all corner distance separation requirements of the Land Development Code, Chapter 96, can be met, there are no adverse stormwater impacts, no horizontal or vertical vision clearance issues, and a right-of-way use permit is obtained authorizing the connections in accordance with all applicable codes.

(e) Location of structures and buildings in residential areas for principal residential structures on lots which abut or include public utility easements which equal or exceed 30 feet in width.

The side and rear yard setback requirements for a principal residential structure may be reduced to provide a minimum seven and one-half feet side yard setback and minimum ten feet rear yard setback from residential lot line(s) that directly abut or include public utility easements or public drainage easements which equal or exceed 30 feet in width. This exception shall not apply to any property line, which abuts an existing or proposed street right-of-way or alley. No structure shall be placed in a public utility or drainage easement without the prior approval of the city commission.

(f) Non-residential accessory buildings and structures

(1) Review and approval of non-residential accessory uses and structures to ensure compliance with applicable provisions of the Land Development Code may be performed by the Director of Planning and Development Services or his/her designee.

Sec. 110-828. Off-street parking and loading. *(Regulations)*

(a) Off-street parking and loading regulations. Where required by this chapter, every use or structure shall have an adequate number of off-street parking and loading spaces for the use of occupants, employees, visitors, customers, patrons or suppliers. Except as noted in this section, chapter 96, article II, Code of Ordinances shall apply to the design and construction of all required off-street parking and loading areas.

(b) Surfacing, drainage, lighting, and access.

(1) For single-family and two-family (duplex) residential dwellings, for model homes and model home parking lots located in residential zoning categories, and for city-owned facilities and Volusia County, or State of Florida, park and recreation facilities, offstreet parking areas and driveways that connect to paved streets or roads shall be surfaced with either concrete, brick, or asphalt, and maintained in a good condition for a minimum distance of 35 feet, or the distance to the house from the front or street side lot line, whichever is less. Additional driveways, driveways that connect to unpaved streets or roads, and parking spaces on these sites may be surfaced with crushed rock, shell, or stone, , and maintained in a smooth well-graded condition. Material used at grades exceeding five percent (20'h.:1'v) must be attached to the ground, and may include paving brick or stone. Borders shall include provisions to ensure stormwater runoff is allowed to flow into the yard area adjacent to the driveway. Stormwater shall not be directed down the driveway into the public or private right-of-way or access easement except to the minimum extent necessary to effect a connection to the driveway apron at the property line, or onto adjacent property. The design storm event shall be as specified in the Deltona Land Development Code as it may be amended from time to time.

(2) Any required off-street parking and loading areas, including overflow areas, for land uses other than single-family or two-family (duplex) dwellings shall be surfaced with brick, asphalt, bituminous, or concrete material and maintained in a smooth condition. All areas shall be

designed for the safety and convenient access of pedestrians and vehicles. An illumination plan prepared by a licensed professional engineer with expertise in the field of illumination, including the latest illumination technology available, shall be submitted for each parking facility that is proposed to be illuminated. Lights, used to illuminate any off-street parking facility, shall be designed and installed to prevent a related hazard or nuisance to vehicular or air traffic and to prevent glare, annoyance or discomfort by directing light away from adjacent residential properties and adjoining streets. In no case shall illumination from a parking facility (including illuminated canopies) increase the level of illumination at the edge of pavement on adjacent streets or at the property lines of adjoining properties by more than one foot candle. The maximum height of the light fixture, including pole and lamphead, shall not exceed 35 feet and be erected such that any series of light poles and lampheads are equal in height, as measured from ground level.

(3) To promote the safety of vehicular traffic and pedestrians and to minimize traffic congestion and conflict, access to any project or development, including single-family homes and duplexes, shall comply with the requirements of the Land Development Code, chapter 96, article II, as it may be amended from time to time, and shall require a hard surface driveway apron meeting city engineering standards connecting the driveway to a public street.

(c) Location.

(1) The minimum number of parking spaces required in Section 110-828(f) for all single-family and two-family dwellings shall be located on the same lot as the main building. If additional parking spaces are required for any single-family or two-family dwelling, the additional parking spaces may be located either on the same lot as the main building, or on an adjacent vacant lot of an expanded residential building site. If the required off-street parking spaces for all other uses cannot reasonably be provided on the same lot on which the principal building or use is located, such required off-street parking spaces may be located on another lot, owned or leased by the owner of the lot on which the principal structure or use is located, provided that such spaces are located within 200 feet of the premises to be served, and, are located only in one or more of the following classifications: RM-1, RM-2, OR, C-1, C-2, C-3, I, PUD or PB. Such spaces may be located in any single-family residential zoning district only as a conditional use. Heavy equipment and vehicles requiring a commercial drivers' license of any class shall not be parked or stored on an off-premises parking lot permitted by this paragraph within any residential zoning district, or within the Professional Business zoning classification.

(2) No parking space or portion of any parking facility shall be located or built within any platted easement unless an authorized use permit is issued by the City of Deltona.

(d) Plan requirement. An off-street parking or loading space plan shall be submitted as follows:

(1) For single-family and duplex uses off-street parking plans shall be shown on the plot plans submitted with an application for a building or zoning permit. The plot plan shall accurately illustrate the number and location of parking spaces and driveways. The addition of parking spaces to an existing single-family or duplex residential building site shall require an application for a zoning permit, which shall include a plot plan and sealed survey of the expanded residential building site. All required landscaping and screening, areas proposed to be cleared, trees proposed to be removed, existing and proposed vehicle accessways, parking areas, and structures shall be shown on the plot plan. In addition, building permit applications shall be submitted for any proposed construction that is regulated by the city's adopted building code.

(2) For all other uses, an off-street parking and loading space plan meeting the requirements of chapter 96, article II, Code of Ordinances shall be submitted and approved during the site plan review process of the land development code.

(e) Design requirements for off-street parking areas. Off-street parking areas shall be designed and located to meet the following requirements:

(1) For single-family and duplex uses, except as otherwise provided in this article for expanded residential building sites, each off-street parking space shall be located on the premises which it serves; have minimum dimensions of nine feet in width by 19 feet in depth; not be located in any front yard except on a driveway but may be located within any garage or carport on the premises; and/or, may be located within any side or rear yard but not closer than five feet to any side or rear lot line, but not in any platted easements unless an authorized use permit is issued by the City of Deltona. Each such space must be accessible from a driveway connected to the street providing primary access to the premises. The design requirements for parking on the vacant lot of an expanded residential building site are set forth in paragraph (2) of this section.

(2) When additional parking is installed on the vacant lot of an expanded residential building site, the parking area shall be designed and built in accordance with the requirements of this paragraph, as follows:

a. *Surfacing, drainage and access.* Surfacing, drainage and access for any parking area on the adjacent vacant lot of an expanded residential building site shall meet the requirements of subsection 828(b).

b. *Driveway spacing.* Driveway spacing shall meet the minimum standards of the Deltona Land Development Code, Ordinance 96-25, as it may be amended from time to time. No driveway connection to a street may be made to the vacant portion of a residential building site for the purpose of providing additional parking. Access shall be provided across the adjacent lot on which a one- or two-family dwelling exists. The driveway or accessway serving the parking facility on the vacant lot of an expanded residential building site shall be built using one of the types of surfacing required for parking areas in subsection 810(b), as it may be amended from time to time.

c. *Driveways, accessways, and parking areas.* These facilities shall not be built in a manner that impairs any easement.

d. *Setbacks.* Any additional parking area on the vacant portion of an expanded residential building site shall be no closer to the front or rear lot lines than 30 feet, and no closer to the exterior side lot line of the vacant lot than 20 feet. The exterior side lot line shall be the lot line directly opposite the common lot line that lies between the two lots comprising an expanded residential building site.

e. *Natural vegetation.* Existing natural vegetation shall not be cleared from the area within the minimum setbacks required in paragraph "d." of this subsection, except to remove hazards or nuisance vegetation limited to exotic species, vines, poisonous plants, and dead or diseased plants, and in accordance with the tree protection requirements of Chapter 98, article II of the Deltona Land Development Code as it may be amended from time to time.

f. *Lot clearing.* Lot clearing shall be limited to an area beyond the setbacks specified in paragraph "e." of this subsection that shall not exceed 55 feet in depth measured from the common lot line of the expanded residential building site toward the opposite side lot line,

and 50 feet in width. However, clearing to the maximum allowable width and depth shall not be permitted in every instance, but shall be limited to those instances where that is the minimum amount of clearing required to accommodate the types of vehicles being parked on the vacant lot of the expanded residential building site. In each case, clearing shall be limited in width to the minimum needed to accommodate one parking space of nine feet in width for each vehicle proposed to be parked plus a maximum of ten feet on each side to accommodate any visual screening required by paragraph "g." of this section. In each case clearing shall be limited in depth to a depth that equals the length of the vehicle proposed to be parked plus a maximum of an additional ten feet to accommodate any visual screening required by paragraph "g." of this section.

g. *Visual screening.* If any portion of the parking area provided on the vacant portion of an expanded residential building site is visible from any adjacent street or lot, except the portion facing the common lot line of the site, that portion of the parking area must be screened from view. Minimum screening required shall be either a 100 percent opaque hedge, fence or wall at least four feet, but not more than six feet in height, and a row of understory trees high enough that their crowns obscure the parked vehicles from view. Chain link fences with cover materials or inserts shall not be permitted to meet this screening requirement. The required understory trees shall be planted so that their crown spreads at maturity shall completely cover the area within which any parked vehicle is visible. The required shrubs and understory trees shall reach maturity and achieve the required minimum screening within two years from the date of planting. All required landscaping materials shall be of the species specified in the approved plant species list in section 110-808 of the Land Development Code of the City of Deltona, as it may be amended from time to time. Except that deciduous species that drop their all or most of their leaves at any time of year are prohibited to be used as screening materials meeting the requirements of this section.

(3) For all other uses, off-site parking and loading areas shall be designed and located according to the requirements of this ordinance and the applicable articles of the Land Development Code, Ordinance No. 96-25, as it may be amended from time to time.

(f) Minimum off-street parking spaces. Minimum off-street parking spaces shall be provided with adequate means for vehicle ingress and egress from a public street or alley by an automobile of standard size, in accordance with the following table. Fractional spaces shall be rounded to the closest whole number. In stadiums, houses of worship, sports arenas, or other places of assembly where occupants sit on seats without dividing arms, each 18 linear inches of such seat shall be counted as one seat.

The minimum and maximum number of parking spaces required for any use not specifically mentioned, shall be determined by the zoning enforcement official or his or her designee based upon data from the Institute of Transportation Engineers Parking Generation Manual, from publications and data from the American Planning Association or the Urban Land Institute, from studies using ITE recommended methodology and other professionally acceptable sources. Information that other land uses, which are the same as, or similar to, the land use for which a parking determination is sought, have been provided a given number of parking spaces in other jurisdictions shall not be controlling in determining parking requirements, unless such requirements in other jurisdictions are supported by publications, data and information available, or presented in writing, to the zoning enforcement official.

Table 110-9 Minimum Off-Street Parking Spaces

Land Use	Number of Parking Spaces
Parks:	
Open "free play area"	8 spaces per acre
Equipped playground	10 spaces per site
Multipurpose Court	5 spaces per court
Picnic Area	1 space per table
Baseball/Softball	38 spaces per field
Handball/Racquetball Court	2 spaces per court
Tennis Court	2 spaces per court
Soccer/Football	34 spaces per field
Shuffleboard Court	2 spaces per court
Basketball Court	5 spaces per court
Jogging/Fitness Trail	2 spaces per trail
Multipurpose Field	8 spaces per acre
Primitive Camping	1 space per site
Fishing Pier	4 spaces per 50 lineal feet
Boat Ramp	36 spaces per boat lane
Volleyball	6 spaces per court
Concession Building	1 space per concessionaire or employee
Community Center	1 space per 200 sq. ft. GFA*
Community Pool--50 meter (164' × 75')	91 spaces
Neighborhood Pool--25 yards (75' × 45')	25 spaces
Transportation Centers	1 space for each 4 estimated average daily passengers To be addressed in the future--Multi-modal.
Recycling Collection Center	1 space per employee
Solid Waste Transfer Station	1 space per employee
Banks	4 spaces/1,000 sq. ft. of GFA with 5 reservoir spaces per drive thru window and drive thru ATM

One and Two Family Homes	1BR and more: 2 spaces/d.u., in addition to garage parking, if any.
Multi-Family	Studio and 1 BR: 1.5 spaces/d.u. + 1 space per 10 d.u. for guest parking
	2BR: 2 BR or more: 2.0 spaces/d.u. + 1 space per 10 d.u. for guest parking
	No recreational vehicles, boats, or trailers are permitted except within an additional visually screened and secured parking area that may be provided specifically for recreational vehicle, boat, and/or trailer storage.
Hardware Store	2.86 spaces /1,000 sq. ft. GFA
Home Improvement Superstore	3.5 spaces/1,000 sq. ft. GFA** applicant may increase to 5 spaces/1000 GFA provided additional spaces may be classified as alternative surface spaces when located greater than 300 ft. from the front door.*Garden Center area shall be included.
Hotels, Motels	1 space/rental unit 1 space/guest room, plus an additional 10% for employees, plus additional parking required for any other land uses on the site, such as restaurants or bars.
Hospitals	1 space per bed
Colleges, Community Colleges, or Other Places of Higher Learning	1.25 spaces per student and a minimum of 1 space per 250 sq. ft. GFA of office area up to 1,000 office spaces, and 1 space per 500 GFA of office area for offices over a campus total of 250,000 sq. ft. of GFA office area and 1 space per 200 sq. ft. GFA devoted to classrooms, plus minimum parking required for other areas of assembly, sports arenas, and stadiums.
Nursing and Convalescent Facilities	1 space/2 patient beds, based on the maximum designed capacity of the facility.
Live Theater or Auditorium	1 space/3 persons permitted at fire code maximum occupancy plus 10% for employee parking.
Movie Theater	1 Screen - 1 space/3 seats permitted at maximum fire code occupancy, plus 10% for employee parking.
	2 Screens - 1 space/4 seats permitted at maximum fire code occupancy, plus 10% for employee parking.
	>2 Screens - 1 space/5 seats permitted at maximum fire code occupancy, plus 10% for employee parking.
Church	1 space/3 seats in main assembly area, or 33.3 spaces/1,000 sq. ft. GFA in main assembly area if no fixed seating is provided. Seating shall be based on maximum fire code occupancy. Plus parking required for other uses on the site that operate during

	hours when the main assembly area may be in use.
Mortuary or Funeral Home	1 space/3 seats in main assembly area, or 33.3 spaces/1,000 sq. ft. GFA in main assembly area if no fixed seating is provided. Seating shall be based on maximum fire code occupancy.
Other Places of Assembly	1 space/3 seats in main assembly area, or 33.3 spaces/1,000 sq. ft. GFA in main assembly area if no fixed seating is provided.
	Seating shall be based on maximum fire code occupancy.
Restaurants	*Type A:* Indoor service, low turnover: 12 spaces/1,000 sq. ft. GFA indoor service; High turnover: 14 spaces per 1,000 sq. ft. GFA, plus 6 reservoir spaces/service lane, with a minimum of 3 spaces behind the order station or menu. *Type B:* Fast Food: 6 reservoir spaces/ service lane with a minimum of 3 spaces behind the order station or menu, plus 10 spaces/1,000 sq. ft. GFA. Restaurant without customer seating 1 space/100 sq. ft. GFA
Bars and Night Clubs	1 space/100 sq. ft. GFA
Office Buildings less than 25,000 sq. ft.	3.25 spaces/1,000 sq. ft. GFA
Office Buildings between 25,000 sq. ft and 500,000 sq. ft.	3.0 spaces/1,000 sq. ft. GFA
Office Buildings over 500,000 sq. ft.	Determined by parking demand study using professionally acceptable parking demand methodology approved by the zoning enforcement official, with results to be reviewed and approved by the city, but not less than 3 spaces/1,000 sq. ft. GFA.
Medical Offices, Clinics, and Laboratories	Min: 5 spaces/1,000 sq. ft. GFA Max: 6 spaces/1,000 sq. ft. GFA
Retail Sales and Services, General	Less than 150,000: 4.44 space/1,000 sq. ft. GFA 150,000 sq. ft. or greater: 4.0 space/1,000 sq. ft. GFA Garden Center area shall be included.
Shopping Centers	4.0 spaces/1,000 sq. ft. GFA Garden Center area shall be included.
Library	5.0 spaces/1,000 sq. ft. GFA
Automated Service Station Retail Sales (Types A and B)	1 space/gas pump, plus 3 spaces/service bay (not including service bays as parking areas)
Automobile Service Station with Retail Sales (Type C)	1 space/gas pump, plus 5 spaces/1,000 sq. ft. GFA,.
Government Office Building	4 spaces/1,000 sq. ft. GFA plus required seating auditorium when an assembly area is included.

Manufacturing	1.54 spaces/1,000 sq. ft. GFA for manufacturing, plus and Industrial Required parking for other uses on the site.
Commercial and Industrial Dead Storage	4 spaces/1,000 sq. ft.
Contractors Storage Yards	1 space/1,000 sq. ft.
General Warehouses	1.54 spaces/1,000 sq. ft. GFA, plus 3.5 spaces/1,000 sq. ft. of office or retail area.
Self-Service and Mini-warehouses	1 space/10 cubicles or units, plus continuous Loading spaces clear of through traffic access, plus 3.5 spaces/1,000 sq. ft. of office area.
Bowling Alleys	4 spaces/alley, plus required parking for other uses on the site, plus 10% for employees.
Private Clubs and Lodges	1 space/3 persons permitted at the maximum fire code capacity of the main assembly area.
Day Care Center	1 space/state required staff, plus 1 space/5 children at maximum permitted capacity, plus 1 passenger loading space/ea. 10 children under care, minimum 4 spaces. In lieu of the above requirement, a two lane loading and access area may be provided in accordance with the design standards for such loading and access areas in the Deltona Zoning Ordinance, as it may be amended from time to time. When such loading and access area is provided, the minimum parking requirement shall be reduced to 1 space/10 children at maximum licensed occupancy, plus 1 space/state required staff person.
Group Home	1 space/5 resident clients, plus 1 space/state Required employee on the largest shift
Bed & Breakfast	1 space/guest room, plus 10% for employee/guest parking, plus 2 spaces/permanent resident dwelling unit.
Ball Park or Stadium, not including Little League and similar children's Recreational programs	1 space/ea. 3 seats or 1/300 sq. ft. GFA, whichever is greater.
Recovery Homes	1 space/2 patient beds, plus 10% for staff. If visitation is allowed, add another 10% for visitors.
Pool Halls and Billiard Parlors	2 spaces/pool and billiard table, plus required parking for all other uses on the site, including restaurants or bars.
Golf or Country Club	6 spaces/golf hole, plus required parking for any other uses on the site.
Swim Club	1 space/250 sq. ft. member use area in principal building, plus 1

	space/50 sq. ft. of pool and deck area, 1 space per three (3) seats in any spectator area, and required parking for any other uses on the site.
Rooming or Boarding Houses and Dormitories	1.5 spaces/rented room or unit, or 1 space/400 sq. ft. Boarding Houses GFA when dormitory style facilities are provided.
Fraternities or Sororities or Student Cooperatives	1 space/2 occupants based on fire rated capacity of the building.
Mobile Home Parks	2 spaces/d.u. plus any additional spaces required to service accessory buildings or structures, plus required parking for all other uses on the site.
Car Wash	Full Service: 1 space per employee on maximum shift plus sufficient area for stacking spaces. Self Service: 1 stacking space per washing bay.
Veterinary Clinics	4.44 space/1,000 sq. ft. GFA
Telemarketers	10 space/1,000 sq. ft. GFA
Furniture Stores	2 spaces/1,000 sq. ft. GFA
Health Club and Spas	5.71 space/1,000 sq. ft. GFA
All Land Uses, maximum permitted parking	Maximum permitted number of parking spaces shall not exceed 1.15 times the minimum parking required by this section, unless otherwise stated herein, or unless a waiver of the maximum parking limitation is obtained from the zoning enforcement official pursuant to this section.

(g) *Minimum requirements for off-street handicapped parking.* Except for standard and manufactured single-family dwellings, and two-family standard or manufactured dwellings, where off-street parking spaces are required by this chapter, the number to be reserved for the handicapped shall be determined from the following table.

Table 110-10 Minimum Requirements for Off-Street Handicapped Parking

Total No. of Off-Street Parking Spaces	No. of Spaces Required to be Reserved for Handicapped
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5

151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
Over 1,000	20 plus 1 for each 100 over 1,000

(h) *Off-street loading and unloading regulations.* At the time of construction of one of the following categories of buildings, or at the time of structural alteration for an increase in size or capacity, there shall be provided minimum off-street loading or unloading spaces with adequate means of ingress and egress from a public street or alley, without interfering with the public use of streets, or off-street parking spaces. Off-street parking spaces may not be used to meet off-street loading requirements.

The dimensions, design, and location of all off-street loading spaces shall meet the requirements of article IV of the land development code.

The minimum numbers of off-street loading spaces shall be determined from the following table:

Table 110-11 Off-Street Loading Spaces

USE CATEGORY	FLOOR AREA IN SQ. FT.	LOADING SPACE REQUIRED
Retail Sales and Service, Restaurants or Similar Uses	3,000--10,000	1
	10,001--20,000	2
	Each additional 20,000 sq. ft. or fraction	1
Offices, Hotels, Hospitals, Nursing Homes, Assisted Living Facility, Multi-Family Dwellings or Similar Uses	30,000--100,000	1
	Each additional 100,000 sq. ft. or fraction	1
Arenas, Auditoriums, Stadiums, Convention Centers, Exhibition Halls, Museums or Similar Uses	10,000--50,000	1
	50,001--100,000	2
	Over 100,000	4
Any industrial use and any wholesale, retail and commercial storage facility	15,000--40,000	1
	40,001--100,000	2

	100,000--160,000	3
	Each additional 80,000 sq. ft. or fractions	1

(i) Bicycle parking regulations. Each of the following uses shall be required to provide parking spaces for bicycles: parks and recreation areas; convenience stores; restaurants (Types A and B); game rooms; pharmacies; shopping centers (regional, community, and neighborhood); and any employment facility (i.e., office, industrial) with at least 50 employees.

The minimum number of bicycle spaces to be provided shall be determined from the following table:

Table 110-12 Minimum Number of Bicycle Spaces

Required No. of Automobile Parking Spaces	Minimum Number of Required Bicycle Parking Spaces
1--40	2
41--60	3
61--80	4
81--100	5
Over 100	6 plus 1 for each 20 automobile parking spaces over 100, provided that the maximum number of required bicycle spaces shall not exceed 20.

All bicycle parking shall be located so as to not conflict with automobile or pedestrian traffic flow.

(j) Mass transit parking requirements. Community and regional shopping centers shall be designed to accommodate buses for convenient and safe boarding and unloading of passengers as well as maintaining a safe traffic pattern. Shopping centers of greater than 100,000 square feet of gross leasable floor area shall provide a passenger shelter or covered benches to accommodate the mass transit system riders. Bus stops, shelters, and benches shall be designed so as to avoid interference with automobile and pedestrian traffic from mass transit operations and facilities.

Sec. 110-829. Off-street circulation, parking dimensions and loading facilities. *(Requirements)*

(a) *General design requirements.* Internal site circulation shall follow a functional classification and hierarchical design criteria to assure that the movements between the public right-of-way, which is the high-speed movement facility, and the parking stall, which is the terminal facility, are conducted in an efficient and orderly form. All streams of departing traffic from the parking stalls in a parking lot shall be assembled and delivered to an internal collector facility that combines them into a few concentrated streams which will then be connected to the public right-of-way at a few properly spaced access locations.

(b) *Functional elements of off-street circulation system.* Parking spaces, drive aisles, driveways and reservoir areas are the basic functional elements of the off-street circulation system. Additional elements, including but not limited to service roads, loading areas, bicycle parking areas, and mass transit loading (bus stop) areas within the proposed development, and left-turn lanes, right-turn lanes, traffic signals and marginal-access roads immediately adjacent to the proposed development, may also be required.

(1) Parking stalls and aisles.

a. The minimum size (in feet) of a parking space shall be as follows:

Nine' × 19' standard space

10' × 22' parallel space

12' × 20' with a five-foot wide adjacent ingress/egress aisle handicap space

Parking and maneuvering areas shall be designed in accordance with the diagram and table contained in section 70-60 of this Code.

A maximum of two feet of the length of any parking space may be grassed with use of appropriate curb stops.

b. All required parking stalls shall have direct and unobstructed access from a parking aisle.

c. No parking stall shall directly abut a driveway.

d. No parking aisle or system of parking aisles in a parking lot shall connect more than 60 parking stalls.

e. Access for emergency fire vehicles shall be in accordance with NFPA standards.

f. All off-street parking areas shall be so arranged and marked as to provide for orderly safe loading, unloading, parking and storage of vehicles with individual parking stalls clearly defined, and with directional arrows and traffic signs provided as necessary for traffic control. All signs and pavement markings shall be in accordance with the "USDOT Manual on Uniform Traffic Control Devices."

g. Acceptable plans must illustrate that proper consideration has been given to the surrounding street plan, traffic volumes, proposed street improvements, vehicular street capacities, pedestrian movements and safety.

(2) Driveways.

a. All parking aisles shall connect to a driveway.

b. A parking lot which exceeds 60 parking stalls shall be designed with at least one two-way directional driveway loop system connecting the point of entry of the parking lot to the parking stalls and the principal building.

c. The minimum distance from a driveway to a structure or property line shall be five feet.

d. Single-lane driveways shall be a minimum of 14 feet wide. Two-lane driveways shall be a minimum of 24 feet wide. Required widths shall be increased according to vehicle type or if the number of parking stalls connected or the number of trips generated justifies such increase.

e. Any off-street parking facility shall have either driveway approaches of sufficient width to allow for two-way traffic, or one-way driveways connected to aisles, parking areas or

maneuvering areas in such a manner as to permit traffic to simultaneously enter and leave the property, facing forward at the same time. A driveway which is only wide enough for one-way traffic shall be signed for one-way operation.

(3) Circulation design. A parking lot abutting a thoroughfare shall be designed for full circulation. A parking lot abutting a non-thoroughfare may be designed for partial circulation.

(4) Parking and loading areas to be curbed. Except for one- and two-family dwellings, all parking and loading areas shall be constructed with a six-inch raised curb or bumper blocks located a minimum distance of seven feet behind the street right-of-way line and other property lines along sidewalks, safety islands, driveways, sight distance triangles, and other places as determined by the city traffic engineer or city traffic engineer consultant. The raised curb shall be constructed in such a manner as to prevent vehicles from crossing sidewalks or other pedestrian walkways, other than by means of an approved driveway approach.

(c) *Additional functional elements.*

(1) Off-street loading spaces.

a. Off-street loading spaces shall be designed to accommodate both the parking of and maneuvering of the design vehicle exclusive of those areas designated for aisles, driveways or parking stalls. Backing from or onto public right-of-way shall not be permitted. Off-street loading spaces shall be directly accessible from a street without crossing or entering any other loading space and may not extend into any street.

b. Off-street loading space dimensional requirements. Each required off-street loading space shall have a minimum dimension of 12 feet by 40 feet and a minimum overhead clearance of 14 feet above the paving grade.

(2) Handicapped parking spaces.

a. All handicapped parking spaces shall be accessible by a curb cut or curb ramp. Handicapped spaces shall be located at the closest practical point to the use or structure on the premises and so that it will not be necessary for individuals to access the space from behind other non-handicapped spaces.

b. Each handicapped parking space, regardless of the angle of design, shall have a minimum width of 12 feet and shall comply with the standards specified in the Accessibility Requirements Manual, latest edition, published by the Florida Department of Community Affairs.

c. Each handicapped space shall be prominently posted with a permanent sign of a design specified in "Roadway and Traffic Design Standards," latest edition, published by the Florida Department of Transportation.

(d) *Vehicular reservoir areas.* Adequate reservoir capacity shall be required for both inbound and outbound vehicles to facilitate the safe and efficient movement between the public right-of-way and the development. An inbound reservoir shall be of sufficient size to ensure that vehicles will not obstruct the adjacent roadway, the sidewalk, and the circulation within the facility. An outbound reservoir shall be required to eliminate backup and delay of vehicles within the development.

(1) Design. A reservoir area shall be designed to include a space of 12 feet wide by 25 feet long for each vehicle to be accommodated within the reservoir area and so that vehicles within the

reservoir area do not block parking stalls, parking aisles or driveways of off-street parking facilities.

(2) Adjacent to thoroughfare. The minimum number of vehicles required to be accommodated within a reservoir area of a parking lot adjacent to a thoroughfare shall be in conformance with table 110-13.

(3) Adjacent to non-thoroughfare street. The minimum number of vehicles required to be accommodated within a reservoir area adjacent to a non-thoroughfare shall accommodate at least one percent of the number of parking stalls served by the driveway. For parking lots with fewer than ten cars, the reservoir area shall be able to accommodate at least one car.

Table 110-13. Vehicle Reservoir Area Requirements
Adjacent to Thoroughfare

		Reservoir Area	
Type of Facility		Inbound Vehicles	Outbound Vehicles
Vehicle-oriented services:			
	Drive-in bank	6 spaces per service position	1 space per service position
	Drive-in beverage, food sales, and laundry pickup	3 spaces per service position	1 space per service position
	Drive-through restaurant service	8 spaces per service position	1 space per service position
	Automatic car wash	10 spaces on approach to wash line	6 spaces between end of wash line and right-of-way of street
	Self-service car wash	3 spaces on approach to wash line	1 space between end of wash line and right-of-way of street
	Drive-in theater	15% of the total parking capacity of the theater	1 space per service position
	Hospital	5 spaces or 1% of the total parking capacity (use the greater figure)	None
	Service station	4 spaces per service position	1 space per service position
Residential:			

	Attendant parking	10% of the total parking capacity of the facility	None
	Self-parking	5 spaces or 1% of the total parking capacity (use the greater figure)	None
	Gatehouse	5 spaces	1 space
Nonresidential:			
	Attendant parking	10% of the total parking capacity of the facility	None
	Self-parking	5 spaces or 1% of the total parking capacity (use the greater figure)	None
	Ticket gate (ticket-dispensing machine)	4 spaces minimum	1 space
	Cashier booth (tickets dispensed manually)	6 spaces minimum	1 space
	Gatehouse (commercial)	5 spaces or 1% of the total parking capacity (use the greater figure)	2 spaces

Note: One reservoir space is 12 ft. × 25 ft.

(e) *Accessibility to structures for vehicles other than automobiles.*

(1) Structures intended for principal uses shall be made accessible to the following type of vehicles:

Residential uses, other than single-family or duplex: single-unit truck (SU);

Commercial and institutional uses: single-unit truck and semitrailer (WB-40) combination, intermediate;

Industrial use: single-unit truck (SU) and semitrailer-full trailer combination (WB-60).

Definitions of, as well as, required specifications for the above vehicle types shall be those found in the "AASHTO Geometric Design of Highways and Streets."

(2) All buildings other than single-family or duplex residences shall be accessible to fire apparatus from two sides. Fire engines shall be considered as a WB-40 as defined by the "AASHTO Geometric Design of Highways and Streets." The area required to meet the AASHTO design standards shall be paved or treated to ensure support to a 16-ton weight vehicle. This area shall be maintained free of trees and bushes and shall be clearly designated for this purpose. Access from one side may be accepted by the DRC where access from two sides is not possible.

(3) Fire lanes shall be provided for all buildings which are set back more than 150 feet from a public road, or which exceed 30 feet in height and are set back more than 50 feet from a public road,

and may be required for other buildings. Fire lanes shall be at least 20 feet in width with a minimum of five feet provided between the fire lane and any adjacent building. No parking shall be permitted between the fire lane and the building.

(4) Required parking spaces, parking aisles and driveways shall not be used as loading or parking areas for any type of vehicle including emergency vehicles other than automobiles.

(f) *Driveway entrance from a non-thoroughfare street.* The following requirements apply to driveways connecting development to a non-thoroughfare street:

(1) Design requirements.

a. The driveway entrance shall be sufficient to allow access to the parking area without interference among vehicles entering and/or leaving and vehicles circulating in the parking lot.

b. The minimum distance from the street right-of-way line at any driveway to any interior service drive or parking aisle with direct access to such driveway shall be 25 feet.

c. In the case of a main driveway of a development subject to major review, such as a shopping center, multiple-family development, or business or industrial park, the minimum distance from the street right-of-way line of the driveway to any interior service drive or parking aisle having direct access to such driveway shall be 100 feet.

(2) Number and location of driveway entrances. In order to provide the maximum safety with the least interference to the traffic flow on public streets, and to provide ease and convenience in ingress and egress to private property, the number and location of driveways shall be regulated relative to the intensity of use or size of the property served and the amount of frontage which that property has on a given street, as follows:

a. One driveway shall be permitted for ingress and egress purposes to a single property or development.

b. Two driveways entering on a particular street from a single property or development may be permitted if all other requirements of this section are met and if the minimum distance between the two driveways equals or exceeds 100 feet.

c. Three driveways entering on a particular street from a single property or development may be permitted if all other requirements of this section are met and if the minimum distance between adjacent driveways equals or exceeds 150 feet.

d. Not more than three driveways will be permitted from a single property or development. However, in the case of extensive property development (property exceeding ten acres in total land area and/or containing more than 1,000 parking stalls, additional driveways may be permitted provided all other requirements of this section are met and the minimum distance between adjacent driveways equals or exceeds 300 feet.

(3) Driveway entrance width according to type.

a. Ramp-type or swale-type driveway entrance. Except as provided in subsection 110-829(f)(3)b. below, all one- and two-family residential driveways shall be constructed with the standard ramp-type or swale-type driveway entrance and shall conform to the following width requirements.

Table 110-14 Driveway Entrance Width According to Type

	Minimum (feet)	**Maximum (feet)**
Residential	12	24

(widths to be measured at the street right-of-way line)

The width of a curb opening shall not exceed the driveway width by more than five feet on each side.

b. Street-type driveway entrance. Construction of a street-type driveway shall be required for entrances of any development except for one- and two-family residential development. Such driveway shall be a minimum width of 24 feet and a maximum width of 60 feet.

(4) Limitations on driveway entrance improvements.

a. No driveway shall be constructed in the radius return of an intersection.

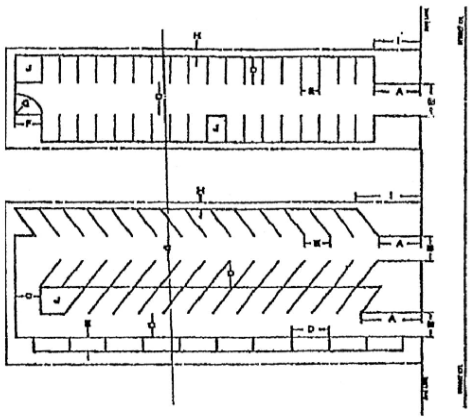
b. No driveway shall be constructed with a corner clearance of less than 50 feet, measured along the edge of the traveled way between the return radius and the nearest point of the driveway.

c. No driveway entrance shall include any public facility such as traffic signal standards, catch basins, crosswalks, loading zones, utility poles, fire alarm supports, meter boxes, sewer cleanouts, or other similar type structures.

d. Within the right-of-way limits, the maximum recommended driveway grade is approximately three percent. The maximum allowable grade is four and two-tenths percent or one-half inch per foot. The maximum slope immediately beyond the right-of-way line shall not change in excess of five percent for either angle of approach or breakover angle.

e. Existing driveway approaches shall not be relocated, altered or reconstructed without prior approval. When the use of any driveway approach is changed, making any portion or all of the driveway approach unnecessary, the developer of the abutting property shall obtain a permit to abandon the driveway approach and shall, at his/her expense, replace all necessary curbs, gutters and sidewalks.

(g) *Parking Space Dimensions:*



All dimensions set out in C through H below are minimum dimensions.
Dimensions of aisles and spaces for the following parking space angles are as follows:

Table 110-15 Parking Space Dimensions

Parking Space Angles (DEGREES)	45	50	55	60	90	180
A. Drive aisle.	13'	15'	16'	18'	24'	15'
B. Parking space depth	18'	18'	18'	19'	19'	22'
C. Parking space width (Measured perpendicularly to the striping)	9'	9'	9'	9'	9'	9'

D. Row end backup area depth--15'
E. Row end backup area radius--15'
F. Distance to property line or building--5' or as required.
G. Landscaped buffer area--As required.
H. Landscaped island/row end--As required.

(h) *Reserved*

(i) *Design of thoroughfare corridors.* A site connected to a street at any point within a thoroughfare corridor shall meet the design criteria, requirements and standards of section 96-37.

(j) *Design of non-thoroughfare corridors.* A site connected to a street which is not within a thoroughfare corridor shall meet the design criteria, requirements and standards of section 96-38 of this article.

(k) *Impervious area and storm water runoff.*

(1) The area covered by structures and impervious surface shall not exceed 70 percent for industrial and commercial lots and 60 percent for residential lots.

a. Pervious areas may be used to satisfy requirements for landscaping and setbacks, buffer strips, drain fields, passive recreation areas, or any other purpose that does not require covering with a material that prevents infiltration of water into the ground.

b. In the case of the use of an impervious material which does not cover all the surface to which it is applied, credit towards the computation of the pervious area shall be given according to the amount of percolation that is permitted.

c. Parking areas, whether paved with impervious material or not, shall be considered impervious.

(2) Each proposed development shall include provisions for the application of best management practices to minimize retention areas; such as grass ponds, grass swales, french drains, or combinations thereof, and shall meet all the recommendations of the "208" Areawide Water Quality Management Plan.

(l) *Functional landscaping and tree preservation.* Compliance with the provisions of the zoning ordinance [chapter 110], as amended, and chapter 98, article II of this Code is required.

Sec. 110-830. Reserved

Sec. 110-831. Temporary Portable Storage Unit: Intent, purpose and jurisdiction.

It is the intent and purpose of this ordinance to allow temporary portable storage units on residential property within the City of Deltona so as to meet the temporary portable storage needs of the public while deterring adverse impacts on the city's permanent uses.

(a) Temporary portable storage units allowed. A temporary portable storage unit is allowed on property solely for the loading, unloading and temporary storage of goods. A temporary portable storage unit shall be allowed in any residential zoning district within the City provided it meets the criteria set forth in this division. This section shall not override or substitute any other permit, certification or approval required by any other section of this chapter.

(b) Criteria for temporary portable storage units.

(1) *Notice*. Vendors of temporary portable storage units, to include lessors, are required to notify the City of Deltona's enforcement services director in writing, by letter, fax or e-mail, prior to placement of a temporary portable storage unit within the city limits. Such notice shall contain the residential address of the placement, the name of the occupant at such residential address and the anticipated duration of the placement

(2) *Placement.* Temporary portable storage unit may be allowed in any residential zoning district subject to the following provisions:

a. Vendors of temporary portable storage units, to include lessors, are required to notify the City in writing by letter, fax or e-mail of the placement of a temporary portable storage unit within the City limits. Such notice shall contain the residential address of the placement, the name of the occupant at such residential address and the anticipated duration of the placement;

b. Temporary portable storage units may be placed on any driveway area, but must be a minimum of five feet from the edge of any right *of way and six feet from any side* lot line;

c. The unit shall not be located in any right-of-way;

d. Temporary portable storage units shall not be modified by adding windows, electrical, plumbing or mechanical improvements and/or used as habitable space;

e. The temporary portable storage unit must be placed on a paved surface.

f. A maximum of two temporary portable storage units are allowed per lot at a time.

(3) Time limit.

a. The maximum time for the temporary portable storage unit to remain on the property shall be 30 consecutive days with a maximum of two occurrences per year per lot, not to run consecutively, with the following exception:

1. The time period set forth in this subsection may be extended by the enforcement services director or his/her designee for up to 30 days, provided the applicant can show good cause. Good cause shall mean emergencies and situations where there exists a reasonable risk or threat to life and/or property damage if the extension is not granted.

(4) Maintenance and prohibition of hazardous materials.

a. The temporary portable storage unit shall be maintained in good condition, free from evidence of deterioration, rust, holes or breaks. When not in use the temporary portable storage unit shall be kept locked.

b. Temporary portable storage units shall not be used to store solid waste, perishable foods, debris, recyclable materials, or used to store materials or goods for property other than at the site where the unit is located.

c. A temporary/portable storage unit shall have the name and current telephone number and address of the company providing the temporary portable storage unit.

d. No hazardous material as defined by the NFPA codes shall be allowed.

(5) Liability. Notwithstanding any provision to the contrary, the property owner shall be liable for any violation under this section.

(6) Penalties. A violation of this section may be enforced by issuance of a citation, summons, notice to appear in front of the special magistrate or by filing an action in civil court for injunctive relief or any other lawful means.

Sec. 110-832. Sidewalk Cafés

(a) Purpose and Intent. Within non-residentially zoned areas and added as part of an existing or proposed restaurants, an establishment may provide a designated space that includes sidewalk café seating areas consistent with the provisions of this subsection. Any such area shall have direct access to the building containing the restaurant or to a sidewalk network and be placed in a visible location that is convenient for use by the general public.

(1) Sidewalk cafés shall only be allowed following approval of a site plan by the Director of Development Services.

(2) The sidewalk café site plan shall meet all relevant provisions of the Land Development Code.

(3) The sidewalk café shall meet all minimum requirements of the Fire Code.

(4) The Fire Marshal or designee may cause the immediate removal, relocation, redesign, and/or storage of all or part of a sidewalk café in emergency situations or for public safety considerations at the expense of the business owner.

(5) The Fire Marshal or designee may require the temporary removal and/or relocation of all or part of a sidewalk café when street, sidewalk, or utility repairs, or other public construction, necessitates such action.

(6) The owner of a sidewalk café shall maintain a current business tax license issued by the City of Deltona, Finance Department (refer to City of Deltona, Code of Ordinance, Chapter 22-Businesses).

(7) The clear width of adjacent sidewalks shall be a minimum of 36 inches to provide for adequate pedestrian access , and such sidewalk shall not bisect and shall be located outside the sidewalk café sitting area. Consistent with Section 403.5.1 of the Florida Building Code, as may be amended, such width may be reduced to a minimum of 32 inches for a length of 24 inches

maximum, provided that reduced width segments are separated by segments that are a minimum of 48 inches long and a minimum of 36 inches wide.

(b) *Indemnification and insurance.*

(1) Sidewalk cafés which serve alcoholic beverages shall carry liquor liability insurance at its own expense and liability.

(2) Workers' compensation and employers' liability as required by the state.

Sec. 110-833 – Sec. 110-834. Reserved

Sec. 110-835. Prescribing and dispensing controlled substances from same site prohibited.

Notwithstanding any other provision of this code to the contrary, it shall be unlawful to dispense any controlled substance listed in subsections 893.03 (1) and (2), Florida Statutes, from the same site or location from which the prescription was issued. This prohibition shall not apply to the administration of a controlled substance by a duly licensed practitioner, nor to the dispensing of a starter sample of a controlled substance, at no cost, in conjunction with the issuance of a prescription. Further, this prohibition shall not apply to the prescribing and dispensing of controlled substances by veterinarians in conjunction with their practice or by pharmacies in conjunction with a retail clinic operated by the pharmacy so long as the pharmacy is owned by a publicly held corporation whose shares are publically traded on a national exchange or on the over-the-counter market and whose total assets at the end of the most recent fiscal quarter exceeded $50 million (Or. No. 01-2011)

Sec. 110-840. Establishments using slot machines or slot machine-like equipment prohibited.

(a) A person may not design, promote, or operate a simulated gambling device to:

(1) Conduct a game promotion, sweepstakes, drawing, raffle, or any game of chance, including the entry process or the revealing of a prize or outcome; or

(2) Promote a game promotion, sweepstakes, drawing, raffle, or any game of chance that is conducted through the use of a simulated gambling display, including the entry process or the revealing of a prize or outcome.

(b) It is unlawful for any organization which, pursuant to the authority granted by Chapter 849, Florida Statutes, promotes, or conduct a drawing by chance:

(1) To design, engage in, promote, or conduct any drawing using a simulated gambling device, as defined herein.

(2) To design, engage in, promote, or conduct any drawing through the use of any mechanically or electronically operated machine, network, system, or device that is:

a. Owned, leased, or otherwise controlled by the organization or a partner, affiliate, subsidiary, or agent of the organization; and

b. Operated, played, or otherwise interacted with by an entrant to the drawing.

(c) It is unlawful for any operator:

(1) To design, engage in, promote, or conduct such a game promotion through a simulated gambling device, as defined herein.

(2) To design, engage in, promote, or conduct such a game promotion through the use of any mechanically or electronically operated machine, network, system, or device that is;

a. Owned, leased, or otherwise controlled by the organization or the organization's partners, affiliates, subsidiaries, contractors, or agents; and

b. Operated, played, or otherwise interacted with by an entrant to the game promotion.

(d) It is the intent of this section to prohibit any mechanism that seeks to avoid application of this section through the use of any subterfuge or pretense whatsoever.

(e) Nothing in this section may be construed to prohibit activity that is lawfully conducted pursuant to Section 849.161, Florida Statutes.

(f) Any establishment in existence on the effective date hereof operating in violation of this section may continue in existence until such time as the establishment ceases to operate for a period of more than six (6) months, but may not be enlarged, expanded, extended, or relocated. Thereafter, such establishment shall be subject to the prohibitions contained herein. Enlargement, expansion or extension shall include, but not be limited to, any increase in the number of machines used for any such establishment when compared to the machines in use on the effective date hereof

ARTICLE IX. ADMINISTRATION AND VIOLATIONS

Sec. 110-900. Administration.

(a) Enforcement. The enforcement official shall interpret, administer and enforce this ordinance. He is authorized to obtain assistance in the performance of his duties from any other department or agency of the federal, state or any local government.

(b) Permits required. No structure, including any sign greater than 16 square feet in copy area unless specifically exempted under section 110-822 of this chapter, shall be erected, moved or altered without first applying for or obtaining a building permit as required by the standard building code and electrical code, if applicable. No building permit shall be issued by the Building and Zoning Department until the building official signs the building permit application attesting to the fact that the proposed use or structure or sign conforms to this chapter, or unless the building official receives a written order from the city commission, whichever is applicable. If the building official does not sign the building permit application, reasons for such action shall be stated in writing, upon request. No building permit shall be required to erect fences on any agriculturally classified lands.

(c) Application for building permit. Building permit applications may be obtained from the department of Building and Zoning, and each application for a building permit shall contain the following information in addition to the information required by any other applicable section of this chapter and the Building and Zoning Department:

(1) Plot and construction plans drawn to scale showing:

a. Shape and dimensions of the lot.

b. Any existing structures.

c. Size and location of the proposed structure.

d. Use of any existing structures.

e. Intended use of each proposed structure.

f. Number of dwelling units.

g. Location of any existing roads, any platted rights-of-way, any platted easements, water bodies, watercourses, and wetlands.

(2) Any other information, including a property survey, deemed necessary or appropriate by the zoning enforcement official. If required, a survey shall be made by a registered land surveyor or engineer, licensed in Florida.

(d) Certificate of occupancy. It shall be unlawful to use or occupy, permit the use or occupancy, or change the use of any premises until a certificate of occupancy has been issued by the administration.

(e) Construction and use to remain the same. Building permits issued on the basis of applications signed by the building official authorize only the use, arrangement or construction set forth in them and permit no other use, arrangement or construction. Any use, arrangement or construction varying from an approved application signed by the building official shall be deemed a violation of this chapter, and shall give rise to the remedies provided in section 110-900(f).

(f) Violations. If the building official shall find that any of the provisions of this chapter are being violated, he shall notify the person apparently responsible for such violations, in writing, indicating the nature of the violation and ordering any action necessary to correct it, including but not limited to a stop-work order.

Any person found guilty of a violation of any provisions of this chapter, or any lawful order of the city commission, planning and zoning board or enforcement official, shall be punished in accordance with F.S. ch. 162, Ordinance No. 96-37, or Ordinance No. 02-97, or any amendments thereto. Each day the violation continues shall be deemed a separate offense.

In addition to any other remedies, whether civil or criminal, the violation of this chapter or any lawful order of the city commission, planning and zoning board, or enforcement official may be restrained by injunction, including a mandatory injunction, and otherwise abated in any matter provided by law.

(g) Fee schedules. The city commission may establish by resolution a fee schedule for applications for rezoning requests, conditional uses, variances, and appeals in order to carry out the provisions of this chapter.

(h) Consistency with comprehensive plan. The city's comprehensive plan guides future development and land use within incorporated area of the city. As required by the "Local Government Comprehensive Planning and Land Development Regulation Act" (F.S. ch. 163), all decisions regarding land development, notwithstanding any provisions for vested properties, shall be consistent with the comprehensive plan. Where there are any apparent conflicts between the comprehensive plan and this chapter, the plan shall prevail. Provided, however, said comprehensive plan provides for recognition of vested rights.

(i) Relationship to future land use element. The future land use element represents one component of the comprehensive plan. This element, among other functions, establishes and provides detailed descriptions for a number of land use categories (including range of permissible intensity of use and

residential density). The location and extent of each of these categories is depicted by the future land use map which is part of the aforementioned plan element.

All development shall be consistent with the future land use element and map and the applicable provisions of this chapter and the land development code, Ordinance No. 96-25, as it may be amended from time to time. However, this requirement shall not be interpreted as relieving any development from achieving consistency with the balance of the plan as the plan shall be viewed as a whole and no specific element, or portion thereof, shall be construed or applied in isolation.

The following matrix outlines the various zoning classifications which may be permitted within a specific land use category.

Table 110-16 Matrix for Matching Zoning Classifications to Future Land Use CategoriesMATRIX FOR MATCHING ZONING CLASSIFICATIONS TO FUTURE LAND USE CATEGORIES		
FLU CATEGORY	**GROUP A COMPATIBLE ZONING**	**GROUP B COMPATIBLE ZONING WITH CONDITIONS**
Low Density Residential **(LDR)** *0-6 units per acre*	R-1AAA, AA, A	A, RE-5, RE-1, R-1, RPUD/BPUD
Medium Density Residential **(MDR)** *6.1 to 12 units per acre*	R-1, R-1B	R-2, MH, RPUD/BPUD
High Density Residential **(HDR)** *12.1 to 20 units per acre*	RM-1	R-2, RPUD/BPUD
Urban Infill Residential **(UIR)** *6 to 9.9 units per acre*	R-1. R-1B	MH, RPUD
Commercial **(C)** *Max FAR 0.55*	C-1, C-2, OR, PB	C-3, BPUD
Office/Retail/Service **(ORS)** *Max FAR 0.35*	OR, PB, C-1	BPUD
Industrial **(I)** *Max FAR 1.0*	I	C-3, IPUD
Recreational **(R)** *Max FAR 0.10*	P	All zonings
Conservation **(CN)** *Max FAR 0.10*	RP	All zonings
Agriculture **(A)** *One Unit per 5 acres*	A	RPUD

Public/Semi-Public **(P)** *Max FAR 1.0*	P	All zonings
Mixed Use **(MU)** *Minimum parcel size one (1) acre*	MPUD	Existing zoning

A Group	B Group
This column indicates which zoning categories are assumed compatible. They provide the closest approximation to the future land use category. The existing character of the area is one determinant of the appropriate classification to be accorded an individual premise.	This column indicates which zoning categories may be considered compatible under certain circumstances. Stricter consistency requirements may be applied or special criteria may have to be complied with prior to receiving a rezoning. Site conditions in conjunction with the existing character of the surrounding area are the determining factor for rezoning requests.

(j) Determination of vested rights. As required by F.S. § 163.3194(1)(b), consistency between the comprehensive plan and this chapter is required.

In recognition of the aforesaid requirement of the consistency between the comprehensive plan and the land development regulations, including this chapter, and the subsequent adoption of new zoning maps, it is necessary to provide a mechanism for vested rights determinations as provided in F.S. § 163.3167(8). Provided, however, that a vested rights determination does not affect the applicability of article VI of this chapter.

(1) *Application for determination of vested rights.* A property owner may request a determination of vested rights from the zoning enforcement official. Said owner shall submit an application for such determination within two years from said administrative rezoning of said property. Failure of the owner to submit such application within the time provided shall be deemed a waiver of his right to obtain a determination of vested rights and shall constitute an abandonment of any claim to vested rights, equitable estoppel for his property, the proposed development and for the previously existing zoning thereon. Judicial relief shall not be available unless administrative remedies provided herein are exhausted. Applications for determination of vested rights shall be submitted on a form established by the enforcement official. An application fee shall be in the amount to be determined by the city commission in a fee resolution. Said fee shall accompany and be a part of the application. The application shall at a minimum, include name, address, telephone number, owner, and authorized applicant, if other than the owner, street address, legal description, acreage of the property, and all factual information and knowledge reasonably available to the owner, and the applicant to address each of the criteria established in this section. After receiving the application for determination of vested rights, the enforcement official shall determine whether the application submitted is complete. If the application is determined incomplete, the enforcement official shall notify the applicant in writing of its deficiency. The enforcement official shall take no further steps to process the application until the deficiencies have been remedied. After receipt of a complete application for a determination of vested rights, the enforcement official shall review and

evaluate the application in light of all the criteria in subsection (2) of this section. Based on the review and the evaluation, the enforcement official shall deny, grant, or grant with conditions applications for a vested rights determination. Appeals under this section shall be as provided in article X, section 110-1002, of this chapter.

(2) *Criteria for evaluating applications.* The criteria herein provided is intended to set forth factors that shall be considered by the enforcement official in rendering a vested rights determination under this section. It is intended that each case be decided on a case-by-case factual analysis. An applicant shall be entitled to a positive determination by the enforcement official of vested rights only if he demonstrates by substantial competent evidence the four-part test and criteria hereinafter outlined.

In determining whether the prior zoning classification of the subject property is vested under the four-part test, the following shall be considered for each part:

a. Criteria for Part One: Part One. "Upon some act or omission of the city." The following shall be considered as acts of the city for the purpose of Part One of the four-part test:

1. A valid, unexpired governmental act the City of Deltona in the form of a final development order which authorized the specific development for which a determination is sought. Notwithstanding anything to the contrary in this chapter, the previous zoning classification of the property shall not be sufficient to be deemed an "act or omission."

b. Criteria for Part Two: Part Two. "A property owner relying in good faith." In determining whether reliance was in good faith, the following shall be considered for the purpose of Part Two of the four-part test:

1. Whether the expenditures or obligations were clearly and directly connected to the authorizing act or omission of the city relied upon.

2. Whether the expenditures or obligations were made or incurred subsequent to the act or omission the city relied upon.

3. Whether the expenditures or obligations were made or incurred in a timely fashion, that is, within a reasonable period of time after the act or omission of the city relied upon.

4. Acts by the person prior to the effective date of the administrative rezoning shall be presumed to have been in good faith. Expenditures or obligations shall be presumed not to have been made or incurred in good faith, if they were made or incurred:

a) When a person has made a mistake or misled the city.

b) When the act of the city on which a person is relying has been invalidated or has expired and the person knew or should have known of such invalidity or expiration.

c) While the act of the city upon which a person is relying was being contested in the courts hearing process, except any court action or hearing process initiated prior to the effective date of any administrative rezoning initiated by the city commission.

d) When the person knew, or should have known, that rezoning of the subject property was under consideration by the planning and zoning board, or the city commission.

c. Criteria for Parts Three and Four.

Part Three. "Has made such a substantial change in position or incurred such extensive obligations and expenses relating to the property that it would be highly inequitable and unjust to destroy the rights acquired."

Part Four. "The development has commenced and is continuing in good faith."

For the purpose of Parts Three and Four of the four-part test, the following shall be considered in determining whether a substantial change in position has been made or extensive obligations and expenses have been incurred relating to the property such that it would be highly inequitable and unjust to destroy the rights acquired:

1. The substantial change in position made or the extensive obligations and expenses incurred shall be clearly and directly connected to the authorizing act or omission of the city and shall be made or incurred subsequent to the act of the city relied upon.
2. Whether actual construction has commenced and is continuing in good faith, and whether the extensive obligations or expenditures made or incurred are unique to any development previously approved and not reasonably usable for a development consistent with and permitted by the change in zoning classification.
3. Whether the property owner has incurred extensive obligations and expenses for hard costs of development.
4. Whether the property owner has made infrastructure improvements within or to the subject property pursuant to a written agreement or development order with the city.
5. Whether the property owner has constructed oversized infrastructure improvements within or to the property to meet the needs of other properties.
6. Whether a person has incurred extensive obligations and expenses for the following development-related matters that are made or incurred subsequent to the final act or omission relied upon:
   a) Engineering and architectural fees.
   b) Planning fees.
   c) Local, state and federal permit fees.
   d) Attorneys' fees.
   e) Scientific or biological studies, tests or reports.

For the purpose of Parts Three and Four of the four-part test, the cumulative effect of expenses and obligations, as well as all facts and circumstances shall be considered in determining whether a change in position is substantial or whether obligations and expenses incurred are extensive.

If the record indicates that the applicant failed to demonstrate by substantial competent evidence any one of the required parts of the four-part vest rights test set forth above, then it shall not be inequitable to deny the applicant vested rights.

(3) *Limitation on determinations of vested rights.*

a. A determination of vested rights which grants an application for determination of vested rights shall confirm such vested rights only to the extent expressly contained in such

determination. Except as expressly stated herein, nothing in this chapter shall relieve the property owner from complying with any and all other city's land development regulations.

b. Notwithstanding anything to the contrary in this section, a determination of vested rights which grants an application for determination of vested rights shall expire and be null and void unless construction is commenced and is continuing in good faith pursuant to a final development order within three years after the issuance of the determination of vested rights under this section.

c. A determination of vested rights shall apply to and run with the land and is therefore transferable from owner to owner of the land subject to the determination of vested rights.

ARTICLE X. POWER DUTIES AND RULES OF PROCEDURES, APPEALS AND WITHDRAWALS

Sec. 110-1000. Reserved.

Sec. 110-1001. Powers, duties and rules of procedure.

The city commission, shall, in addition to its other powers, duties and procedures, hear and decide variance and conditional use applications.

A quorum shall be five members. No variance shall be granted, , in whole or in part, unless five members concur. The commission may limit the number of new variance and conditional use cases it hears each month.

Sec. 110-1002. Appeals.

The city commission has the sole authority to hear and decide appeals from any order, requirement, decision, or determination of the enforcement official in the enforcement of this chapter. Appeals may be taken by any person aggrieved or by any officer, board, department or agency of city government adversely affected by any decision of the enforcement official. An appeal shall be taken within ten working days after rendition of the order, requirement, decision or determination, by filing with the enforcement official and with the city attorney, a written notice of appeal specifying its grounds, together with the appropriate fee. The appeal shall be on a form prescribed by the enforcement official.

Upon receipt of the notice of appeal, the enforcement official shall transmit to the city commission all documents, plans, papers, minutes, applications, recommendations or other materials relating to the appealed decision.

(a) Effect of appeals on proceedings. An appeal to the city commission does not stay any work on the premises unless the enforcement official certifies to the city commission that, by reason of facts stated in that certificate, there is an imminent peril to life or property. Upon the filing of that certificate, all work must be stopped, and an order from the city commission, or a circuit court, as the case may be, must be obtained before it can be recommenced.

(b) Public hearing. The city commission shall hold a hearing on any appeal after publication of notice stating the time, place and purpose of the hearing in a newspaper of general circulation in the city at least ten days before said hearing. The applicant or his duly authorized agent shall also post, at least ten days prior to the date of such hearing, a notice provided by the enforcement official in a

conspicuous place or places on or around such lot, parcel or tract of land as may be involved in the hearing. Said posted notice should remain in place until the hearing of the city commission. In the case of an intervening easement or right-of-way, the term "property adjoining" shall mean the property adjoining the property involved in the request. In all cases, affidavit proof of the required publication and posting of the notices shall be present at the hearing. The city commission shall decide the appeal within a reasonable time. It may, upon appeal, reverse, affirm or modify any order requiring a decision, or determination of the enforcement official. At the hearing, any person may appear in person or by attorney. If the city commission finds that the city should pay the costs of an appeal, it may so authorize. No appeal shall be granted in whole or in part unless five members of the city commission concur.

Sec. 110-1003. Reserved.

Sec. 110-1004. Appeals from the city commission.

Any person aggrieved by any decision of the city commission may apply to the circuit court for review by certiorari, within 30 days after the rendition of the decision of the city commission. He shall notify all interested persons, and all persons entitled by this chapter to receive notice of the original public hearing, by certified mail, return receipt requested, of his taking of such appeal.

Sec. 110-1005. Rehearing and administrative res judicata.

If it is alleged that the city commission, as the case may be, has overlooked or misapprehended some facts or points of law, a rehearing of any decision of the may be granted by the commission either on the motion of any member voting on the prevailing side, or on the motion of any person aggrieved by its decision. The motion shall be in writing, shall be filed with the enforcement official within ten working days after the rendition of the decision, and shall state its grounds. The movant shall serve it by certified mail or hand delivery upon the mayor and the city manager and all adjoining property owners previously notified of the hearing, together with a notice stating the date, time and place it will be orally presented to the commission.

If the city commission grants such a motion, it shall state its reasons for doing so, and set a time, date and place for another public hearing upon due public notice.

The city commission shall not otherwise rehear a petition based upon the same or similar facts, proposals, or issues until at least one year has elapsed from the date of rendition.

Sec. 110-1006. Withdrawal of applications.

Applications for amendment under section 110-1101, including planned unit developments and comprehensive plan amendments, conditional uses under section 110-1102, applications for appeals under section 110-1002 or variances under section 110-1103 may be withdrawn by an applicant in the manner set forth as follows:

(a) An applicant shall withdraw an application by filing a written notice of the withdrawal with the enforcement official and sending a copy of such request for withdrawal by certified mail to all those individuals to whom the applicant was initially required to give notice by mail of his application (see subsection (b) below); provided, however, an applicant may withdraw an application orally only at

the time of the commission hearing, and such oral notice of withdrawal shall be sufficient public notice to all persons (see subsection (c) below).

(b) When an application is withdrawn more than three days prior to the scheduled planning and zoning board hearing or city commission hearing excluding Sundays and holidays, only one withdrawal shall be without prejudice to reapply within a one-year period provided for by section 110-1005. All fees shall be forfeited to the city when an application is withdrawn.

(c) When an application is withdrawn at the time of the planning and zoning board hearing or city commission hearing, or within three days prior thereto, excluding Sundays or holidays, or if the withdrawal is a second or a subsequent withdrawal, the withdrawal shall be with prejudice No application that has been withdrawn with prejudice shall be scheduled for a public hearing until staff has determined that the application complies with the Land Development Code requirements or the zoning variances and modification of land development code standards required to approve the application have been obtained through the procedures required by the code, and until after the expiration of the time limits on a rehearing of the application contained in section 110-1005, as it may be amended from time to time. Applications withdrawn with prejudice for the second or subsequent request for withdrawal shall be subject to a one-year waiting period to reapply for any application based upon the same or similar proposals, facts, or issues

(d) The city commission may waive any of the requirements of this section for either rezoning or conditional use applications upon good cause shown by the applicant.

(e) When an application has been withdrawn without prejudice, the application shall be heard by the planning and zoning board, or the city commission, whichever body was scheduled to hear the application at the time it was withdrawn, with no changes from the original application except as provided herein, at the earliest available meeting following required advertising after the expiration of 90 calendar days following the date of the withdrawal. The 90 calendar day time limit may be extended to allow the processing of any zoning variance or land development code modifications requested by the applicant within 45 days of the date the application was withdrawn. The tolling of the remainder of the 90-calendar day maximum time limit on rehearing an application withdrawn without prejudice shall begin on the approval or denial of the last outstanding variance or modification of code standards.

(f) No changes to the original information submitted by the applicant shall be considered at any planning and zoning board or city commission hearing without a staff report that has been prepared with a minimum of 15 working days time for staff review in advance of the required meeting advertising date, or agenda distribution date should the meeting not require re-advertising. This minimum review time may be reduced to ten working days by the enforcement official, but only if the enforcement official is convinced that the staff report can cover all of the necessary issues within that time period. No applicant may request the enforcement official to make such a reduction in time. The reduction is an administrative option available to the enforcement official to allow the city to expedite the review of applications that do not have issues of sufficient complexity as to require a longer review time.

(g) If, at the time a withdrawn application is brought to a public hearing, the application does not fully conform to the standards contained in the zoning and Land Development Code, or if the application is not consistent with the adopted Deltona Comprehensive Plan, as they may be amended from time to time, and the application has been withdrawn without prejudice in order to deal with such issues, the city staff shall recommend denial of the application.

(h) Applicants who object to staff decisions to move an application withdrawn without prejudice, shall appeal those decisions as required by section 110-1002 of the Deltona Code of Ordinances.

ARTICLE XI. OFFICIAL ZONING MAP AMENDMENTS , CONDITIONAL USE REVIEW AND VARIANCES

Sec. 110-1101. Amendments to official zoning map and comprehensive plan amendments procedure.

(a) An application for amendment of the official zoning map, including planned unit developments, and comprehensive plan amendments, submitted by any person or persons owning 51 percent or more of the subject land, shall be on a form supplied by the department of development services, which shall be filed with said department, together with any applicable fees. The application shall include the following:

(1) Current survey of the property prepared by a registered land surveyor licensed to practice in the State of Florida. The survey shall accurately reflect the current status of the parcel and shall have been completed within the past two years, or in lieu thereof a notarized statement from a title insurance company or attorney that a survey more than two-years old continues to accurately reflect the current boundaries of the parcel.

(2) Legal description of the property.

(3) Notarized authorization of the owner if the applicant is other than the owner or the attorney for owner.

Provided, however, an application for an administrative amendment authorized by the city commission shall be filed by the Planning and Development Services Department. This application shall include a copy of the zoning map page depicting the property involved.

(b) The Planning and Development Services Department shall review the application. The department has seven days from the date the applicant submits the application to determine if it is complete and correct. If the application is found to be lacking any of the requested information or if the data and exhibits are inaccurate, it will not be considered "filed" for the purpose of processing nor placed on the city commission agenda unless a sufficient application is submitted within seven days after the filing deadline date.

(c) The Planning and Development Services Department shall submit a written report containing its recommendations on each application to the commission and to the applicant at least one week prior to the meeting of the commission before which the application is to be heard unless an extension is granted by the city commission.

(d) Reserved.

(e) In its review of each application, the commission shall consider:

(1) Whether it is consistent with all adopted elements of the comprehensive plan.

(2) Its impact upon the environment or natural resources.

(3) Its impact upon the economy of any affected area.

(4) Notwithstanding the provisions of chapter 86, Code of Ordinances, as it may be amended from time to time, its impact upon necessary governmental services such as schools, sewage disposal, potable water, drainage, fire and police protection, solid waste or transportation systems.

(5) Any changes in circumstances or conditions affecting the area.

(6) Any mistakes in the original classification.

(7) Its effect upon the use or value of the affected area.

(8) Its impact upon the public health, welfare, safety or morals.

(f) The city commission shall hold a public hearing after due public notice on all recommendations from the Planning and Development Services Department . The city commission shall consider those standards as contained in section 110-1101(e) (1) through (8) in making its determination. It may accept, reject, modify, return or seek additional information on those recommendations. No approval of an amendment to the official zoning map shall be made unless, upon motion, four members of the city commission concur. Amendments to said map shall be by ordinance.

Sec. 110-1102. Conditional Uses Review.

The commission shall hear applications for such conditional uses as are specifically authorized under this chapter, in the following manner:

(a) Provided, however, an application for a conditional use authorized by the city commission shall include a copy of the zoning map page depicting the property involved in lieu of a current survey. A written application for a special exception shall be submitted to the Planning and Development Services Department, together with all applicable fees. The application shall include:

(1) Current survey of the property prepared by a registered land surveyor licensed to practice in the State of Florida. The survey shall accurately reflect the current status of the parcel and shall have been completed within the past two years, or in lieu thereof a notarized statement from a title insurance company or attorney that a survey more than two-years old continues to accurately reflect the current boundaries of the parcel.

(2) Legal description of the property.

(3) Notarized authorization of the owner if the applicant is other than the owner or the attorney for owner.

(4) Any information or exhibits necessary to demonstrate that the grant of a conditional use will be in harmony with the general intent and purpose of this chapter. Such information or exhibits shall include site plans to scale showing proposed placement of structures on the property; provisions for ingress and egress, off-street parking and loading areas, including the number and location of spaces, access aisles and driveways, refuse and service areas, required yards and other open spaces; a statement regarding the intended arrangement for central systems of potable water and wastewater service, if required.

(5) The following information, as applicable, may also be required:

a. Landscaping or buffer areas.

b. Proposed signs and lighting.

c. Any additional information deemed necessary by any reviewing department or agency.

(b) The Planning and Development Services Department shall review the application. The department has seven days from the date the applicant submits the application to determine if it is complete and correct. If the application is found to be lacking any of the requested information or if the data and exhibits are inaccurate, it will not be considered "filed" for the purpose of processing, or placed on the commission agenda unless a sufficient application is submitted within seven days after the filing deadline date.

(c) The Planning and Development Services department shall submit a written report containing its recommendations on each application to the commission and to the applicant at least one week prior to the meeting of the commission before which the application is to be heard unless an extension is granted by the commission.

(d) The commission shall hold a public hearing on each application after due public notice. The commission may accept, reject, modify, retain or seek additional information from the Planning and Development Services Department.

(e) No approval of a conditional use shall be made unless, upon motion, five members of the commission concur. The commission will thereafter forward its decision to the applicant.

(f) Conditions and safeguards. The commission may impose on the grant of any conditional use any conditions or safeguards not otherwise required, if deemed necessary or desirable in furthering the purpose of this chapter. Violation of any such condition or safeguard shall be deemed a violation of this chapter and may result in a revocation of any special exception permit, in addition to any other remedy for such violation provided in this chapter or by law.

(g) Reasons for denial. The commission may deny any application for a conditional use for one or more of the following reasons:

(1) It is inconsistent with the purpose or intent of this chapter.

(2) It is inconsistent with any element of the comprehensive plan.

(3) It will adversely affect the public interest.

(4) It does not meet the expressed requirements of the applicable special exception.

(5) The applicant will not be able to meet all requirements imposed by federal, state or local governments, or by the commission.

(6) Notwithstanding the provisions of chapter 86, Code of Ordinances, as it may be amended from time to time, it will generate undue traffic congestion.

(7) It will create a hazard or a public nuisance, or be dangerous to individuals or to the public.

(8) It will materially alter the character of surrounding neighborhoods or adversely affect the value of surrounding land, structures or buildings.

(9) It will adversely affect the natural environment, natural resources or scenic beauty, or cause excessive pollution.

(h) Preservation of conditional uses. Existing permitted uses on a particular premises which have become conditional uses under the terms of this chapter, and which are actually in use, without abandonment, on the effective date of this chapter [November 16, 1998], may be continued after the effective date of this chapter as if a conditional use under this chapter has been expressly granted therefor, provided any owner of such premises files an affidavit with the enforcement official on such forms as he shall prescribe, within one year after the effective date of this chapter, that legally

describes the parcel, identifies the use, and establishes its existence on the effective date of this chapter. If no such affidavit is filed within the prescribed period, all other applicable provisions of this chapter shall govern.

(i) Expiration or abandonment of conditional uses. If a conditional use does not begin to serve the purpose for which it was granted within 12 months from the date or rendition, or if its use is abandoned for 12-consecutive months from the date of rendition, it shall expire. Provided, however, that the commission may establish a shorter or longer period of time for a conditional use to commence. In addition, the enforcement official may extend the conditional use for up to an additional 12-month period of time if the applicant can demonstrate that good-faith reliance has been on-going to accomplish the approved conditional use. Good-faith reliance may include, but is not limited to, the securing of any required permits from other governmental agencies/jurisdictions or the expenditure of substantial funds upon reliance of the approved special exception.

(j) Amendments. Minor amendments not altering the intent and purposes of the approved conditional use may be approved by the zoning enforcement official after such departmental comment as he deems appropriate. Amendments to an approved conditional use which the enforcement official deems to be major shall require the submittal of an application and compliance with the review procedures as set forth in this section and as otherwise provided in this chapter.

Sec. 110-1103. Variances.

The commission may authorize, after due public notice upon application on a form prescribed by the enforcement official, such variance or variances from the terms of this chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provision of this chapter would result in unnecessary and undue hardship as a result of conditions on the property that are not self-imposed and is not of such a recurring nature as to warrant an amendment to the provisions in question. Said variance application shall be heard only if it is presented by the person owning 51 percent or more of the specific area of land involved or upon an administrative application by the city commission.

(a) Application.

(1) An application for a variance shall be submitted to the Planning and Development Services Department, together with all applicable fees. The application shall include the following:

a. Current survey of property prepared by a registered land surveyor licensed to practice in the State of Florida. The survey shall accurately reflect the current status of the parcel and shall have been completed within the past two years or in lieu thereof, a notarized statement from a title insurance company or attorney that a survey more than two-years old continues to accurately reflect the current boundaries of the parcel.

b. Legal description of property.

c. A plan to scale of sufficient detail to illustrate the variance.

d. A written petition demonstrating:

1. Special conditions and circumstances exist which are peculiar to the land, structure, sign or building involved and which are not applicable to other lands, structures, signs or buildings in the same zoning classification.

2. The special conditions and circumstances do not result from the actions of the applicant.

3. Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classifications, under the terms of the chapter, and would work an unnecessary and undue hardship on the applicant.

4. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, structure or sign.

5. The grant of the variance will be in harmony with the general intent and purpose of this chapter and the City of Deltona Comprehensive Plan, as it may be amended from time to time, and that such variance will not be injurious to the area involved.

(2) The Planning and Development Services Department shall review the application. The department has seven days from the date the applicant submits the application to determine if it is complete and correct. If the application is found to be lacking any of the requested information or if the data and exhibits are inaccurate, it will not be considered "filed" for the purpose of processing nor placed on the commission's agenda unless a sufficient application is submitted within seven days after the filing deadline date.

(3) The Planning and Development Services Department shall submit a written report containing its recommendations on each application to the applicant and to the commission at least one week prior to the meeting of the commission before which the application is to be heard, unless an extension is granted by the commission.

(b) *Conditions and safeguards.* The commission may impose on the grant of any variance any conditions or safeguards not otherwise required if deemed necessary or desirable in furthering the purposes of this chapter. Violation of any such conditions or safeguards may result in a revocation of any variance permit, in addition to any other remedy for such violation provided in this chapter or by law.

(c) *Limitation of power to grant variances.* A variance may be granted only to modify the height, area, size, open space, or distance separation requirements of this chapter, to separate lots required to be combined under section 110-600(a) of this chapter, or to construct on substandard lots as defined in this chapter. Under no circumstances shall the commission grant a variance to permit or expand a use not generally or by Conditional Use permitted in its zoning classification, nor grant a variance for the number of signs or change in permitted signs on a premise. Further, no variance shall be granted which is not consistent with the comprehensive plan that is in effect at the time the variance is granted. A variance may be granted only if the applicant meets all of the conditions listed in section 110-1103(a).

No nonconforming use of neighboring land, structures, signs or buildings in the same zoning classification; and no permitted use of land, structures, signs or buildings in other zoning classifications shall be considered grounds for the authorization of a variance.

(d) *Expiration of variance.* If a variance does not begin to serve the purpose for which it was granted within 12 months from the date of rendition, or if its use is abandoned for 12-consecutive months from the date of rendition, it shall expire. A shorter or longer period of time may be set by the commission. Provided, however, that the enforcement official may extend the variance for up to an additional 12-month period of time if the applicant can demonstrate that a good-faith reliance has been on-going to accomplish the approved variance. Good-faith reliance may include, but is not limited to, the securing of any required permits from other governmental agencies/jurisdictions or the expenditure of substantial funds upon reliance of the approved variance.

Sec. 110-1104. Reserved

ARTICLE XII. PLANNING AND ZONING BOARD

Sec. 110-1200. Creation.

A planning and zoning board is hereby created, effective April 1, 1999. It shall be referred to in this article as "the board". The jurisdiction of the board shall be throughout the area of the City of Deltona. It shall have the following membership, powers, duties, responsibilities, and limitations.

(a) Membership, place of residence, terms of office. The board shall have seven members appointed by the city commission. Each member shall serve for a term of three years. Each city commissioner and the mayor shall appoint one member to the board, said appointments to be ratified by a majority vote of the city commission. The initial terms of office shall be staggered. Two members shall serve for one year, two members shall serve for two years, and the remaining members shall serve for terms of three years. The members to serve initial terms of one and two years shall be determined by drawing lots by the city commission after making the initial appointments. Thereafter, all members shall be appointed for terms of three years. No board member shall serve on the board for more than two consecutive three-year terms. No elected official and no employee of the city government shall be appointed to serve on the board.

(b) Removal from office, vacancies. If a member is absent for three consecutive meetings without being excused by the chairperson, said member shall forfeit his or her office and it shall be deemed vacant. Any vacancy occurring during the un-expired term of office of any member shall be filled by the city commission for the remainder of the term. The vacancy shall be filled within 30 days from the time it occurs. Any member of the board may be removed from office for cause by the city commission, upon written charges and after public hearing.

(c) Officers. The board shall elect a chairperson, vice-chairperson and secretary from among its members. The terms of all board officers shall be one year, each having eligibility for re-election. At the first meeting of the board of each calendar year, the secretary shall call the board meeting to order and shall then call for nominations for the chairperson. Upon election of a chairperson, the secretary shall pass the gavel to the chair. The chairperson shall then call for nominations for vice-chairperson. Upon election of a vice-chairperson, the chair shall call for nominations for secretary. The director of development services shall perform the secretary's duties in opening the meeting and calling for nominations for chairperson at the first meeting of the board following its establishment by the city commission.

(d) Employees, administrative services. The board shall have no employees or contract vendors. The Planning and Development Services Department shall provide clerical and staff support by formatting and packaging board agendas, creating summary minutes of meetings, and maintaining board records. The Planning and Development Services Department shall also provide professional and technical assistance to the board consistent with its staffing and funding as approved by the city commission. The director of development services or his or her designee shall bring board reports and recommendations to the city commission in appropriate communications, the format and medium of which shall be determined by the city manager. Such communications shall include staff reports and recommendations, application materials, correspondence, and other relevant information as determined by the board, the director of development services, the city manager, or the city

commission to be necessary to assist the city commission in its deliberations. The board shall not direct the staff to undertake any project, but may request reasonable staff assistance, and may report through the staff and city manager to the city commission any projects which the board deems worthwhile for commission consideration by a majority vote of the board's entire membership.

(e) Compensation, annual budget. Each board member may be reimbursed for reasonable expenses incurred in connection with his or her duties on the board in accordance with reimbursement policies and amounts established by a resolution of the city commission. The city commission shall provide members of the board with professional liability insurance to cover potential claims of personal liability for damages as a result of their formal actions and decisions as members of the board. The city manager shall recommend the amounts of insurance coverage and potential insurance carriers to the city commission. The city commission shall provide an annual budget for training and education of board members; for printing of training materials and decision support materials; and for the purchase of books and publications that increase the board members' understanding of the board's functions and of the issues faced by the board. The amount budgeted for each purpose shall be determined by the city commission upon the receipt of the recommendations of the city manager. The city commission may also budget for public information and participation, and for other items that it deems appropriate to include in the board's budget.

Sec. 110-1201. Rules of procedure.

The board shall meet at regular intervals once each month, and at such other times as it may deem necessary, for the transaction of its business. It shall follow the by-laws adopted by resolution of the city commission. Unless otherwise stated in the by-laws, and until such by-laws are adopted by the city commission, the board shall conduct its affairs in accordance with Robert's Rules of Order. Points of order shall not be raised in board meetings by members of the audience. The sheriff's office or, upon its creation, the city's police department shall provide a sergeant-at-arms to maintain order at board meetings upon the request of either the chairperson, or the director of development services. The board shall keep a properly indexed public record of its resolutions, transactions, findings and recommendations. The board may by resolution limit the number of applications of all types or of any type which it shall hear each month. A quorum shall be four members. No recommendations for approval of any application shall be made unless four members concur.

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.~~

Sec. 110-1203. Board review procedures.

(a) Deadline for submission of applications. Complete applications requiring planning and zoning board review must be submitted to the Planning and Development Services Department at least 20 working days prior to the board meeting at which the applications are to be heard. Complete applications submitted after this deadline shall be processed for consideration at the following board meeting. An application shall be considered complete if it meets all of the submission requirements established by the applicable ordinance, fees are paid, a fully executed city application form is included, and sufficient information is included in the application to enable the staff and the board to evaluate the application.

(b) Application forms and processing procedures. Applications shall be submitted on forms and processed in accordance with written administrative procedures created and published by the Planning and Development Services Department. All required attachments shall be included with each application, including, but not limited to, proof of ownership or permission of the owner to make the application, location maps, surveys, and site plans, as required. No application will be deemed complete until the required fees have been paid, including the estimated costs of the services of consultants to the city, if any such consultants are needed.

(c) Expiration of Planning and Zoning Board Recommendations. Applicants may postpone city commission review of any application up to a maximum of one year following action by the planning

and zoning board. Any applications not heard by the city commission within that period shall require re-submittal of the proposal, including the payment of all applicable fees and processing requirements as required for a new proposal. The review of a re-submitted proposal shall not be shortened in time, or otherwise abridged, in order that the staff and the board shall have adequate opportunity to determine whether or not there are any changes in the proposal or any changed conditions that may alter the review results.

ARTICLE XIII. LEGAL STATUS PROVISIONS

Sec. 110-1300. Conflict with other ordinances.

In case of conflict between this chapter, or any part thereof, and the whole or any part of any other existing ordinance, the other ordinance shall be repealed to the extent of any such inconsistency.

Sec. 110-1301. Severability.

Should any section or provision of this chapter or the application of any provision of this chapter be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the remainder of this chapter.

Sec. 110-1302. Effective date.

This chapter, originally adopted on November 16, 1998, is hereby amended. This chapter shall be published and posted as provided by law and shall take effective date immediately upon adoption by City Commission.