City of Deltona

Mayor
John Masiarcyzk

Vice Mayor
Nancy Schleicher
District 4

Commissioners:

Mitch Honaker
District 1

Diane Smith
District 2

Heidi Herzberg
District 3

Brian Soukup
District 5

Chris Nabicht
District 6

City Manager
Jane K. Shang

CITY COMMISSION WORKSHOP
MONDAY, SEPTEMBER 14, 2015
5:30 P.M.

2ND FLOOR CONFERENCE ROOM
2345 PROVIDENCE BLVD.
DELTONA, FLORIDA

AGENDA

1. **CALL TO ORDER:**

2. **ROLL CALL:**

3. **PLEDGE TO THE FLAG:**

4. **PUBLIC COMMENTS:** Citizen comments limited to items not on the agenda and comments on items on the agenda will take place after discussion of each item. (4 minutes maximum length per speaker)

5. **BUSINESS:**

   A. **New Senior/Community Center – Chris Bowley, Planning and Development Services Department (386) 878-8602.**

   B. **Discussion re: Phase III Land Development Code Amendments – Chris Bowley, Planning and Development Services Department (386) 878-8602.**

6. **CITY MANAGER COMMENTS:**

7. **ADJOURNMENT:**

NOTE: If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.

AGENDA MEMO

TO: Mayor & City Commission **AGENDA DATE:** 9/14/2015

FROM: Jane K. Shang, City Manager **AGENDA ITEM:** 5 - A

SUBJECT: New Senior/Community Center - Chris Bowley, Planning and Development Services Department (386) 878-8602.

LOCATION: Citywide

BACKGROUND:

The City of Deltona is experiencing great demand on its existing community facilities, due to population growth and being predominantly residentially-oriented. The facilities constructed at a time when Deltona was a much smaller community (such as the Community Center, Harris Saxon Park building, and the Wes Crile Park gymnasium) are serving a greater number of residents seeking community facilities.

The City owns property for potential development of a new Senior/Community Center that would serve our ±87,497 residents. To achieve public facility levels of service and focusing on existing City-owned land, an in-house site selection effort was applied. The result was the use of City-owned property within Howland Crossings that offers existing infrastructure to a parcel with full utility services, a pad-ready site, and has signalized access potential to Howland Blvd.

In a larger context and conceptual in design only, a new Senior/ Community Center within the Howland Crossings project could become the impetus of more development within the Howland Crossings project and potentially at the north side of Howland Blvd. on existing assembled vacant land.

ORIGINATING DEPARTMENT: Planning and Development Services

SOURCE OF FUNDS: City debt combined with potential grant funding.

COST: $6.6 million - $8.9 million, estimated and subject to amentities desired.

REVIEWED BY:	Planning Director, Finance Director, City Attorney, City Manager
STAFF RECOMMENDATION PRESENTED BY:	Chris Bowley, AICP, Planning and Development Services Director - That the Commission select Howland Crossings Lot 7 as the site for the Senior/Center and to utilize City debt and potential grant funds for the design and construction of the center.
POTENTIAL MOTION:	"I move to approve the selection of Howland Crossings Lot 7 as the site for the Senior/Community Center and to utilize City debt and potential grant funds for the design and construction of the center."
AGENDA ITEM APPROVED BY:	_____ Jane K. Shang, City Manager
ATTACHMENTS:	• Community Center Presentation 091415 • Community Center Grant Chart 090215

City of Deltona

Proposed
Senior/Community Center

Is a New Senior/Community Center Needed?

Yes:

- City has a projected population of 87,497
- Year 2020 projected population of 92,995
- City continues to grow
- More demand placed on existing facilities
- Concurrency needed for levels of service
- Existing facility underserves population

What facilities exist to serve Deltona?

Existing Senior Center:

- Built in 1963 to serve 180 people
- City grew in population 500 fold
- Wes Crile Park Gymnasium
- Harris-Saxon Park Building
- Limited number of ball fields within City

Potential City-owned Sites

Remainder of ±122-acre Tract (near Anderson Dr.)

- Pro – City-owned and vacant (north section)
- Pro – Adjacent to City utilities
- Con – Poor access
- Con – Rearage property
- Con – Nestled behind neighborhoods

Potential City-owned Sites

Thornby Park (±38-acres/jointly owned with County)

- Con – Volusia Forever & ECHO funds limit use
- Con – Archeological area limits upland use
- Con – Poorly drained soils
- Con – Not centrally located to all residents

Potential City-owned Sites

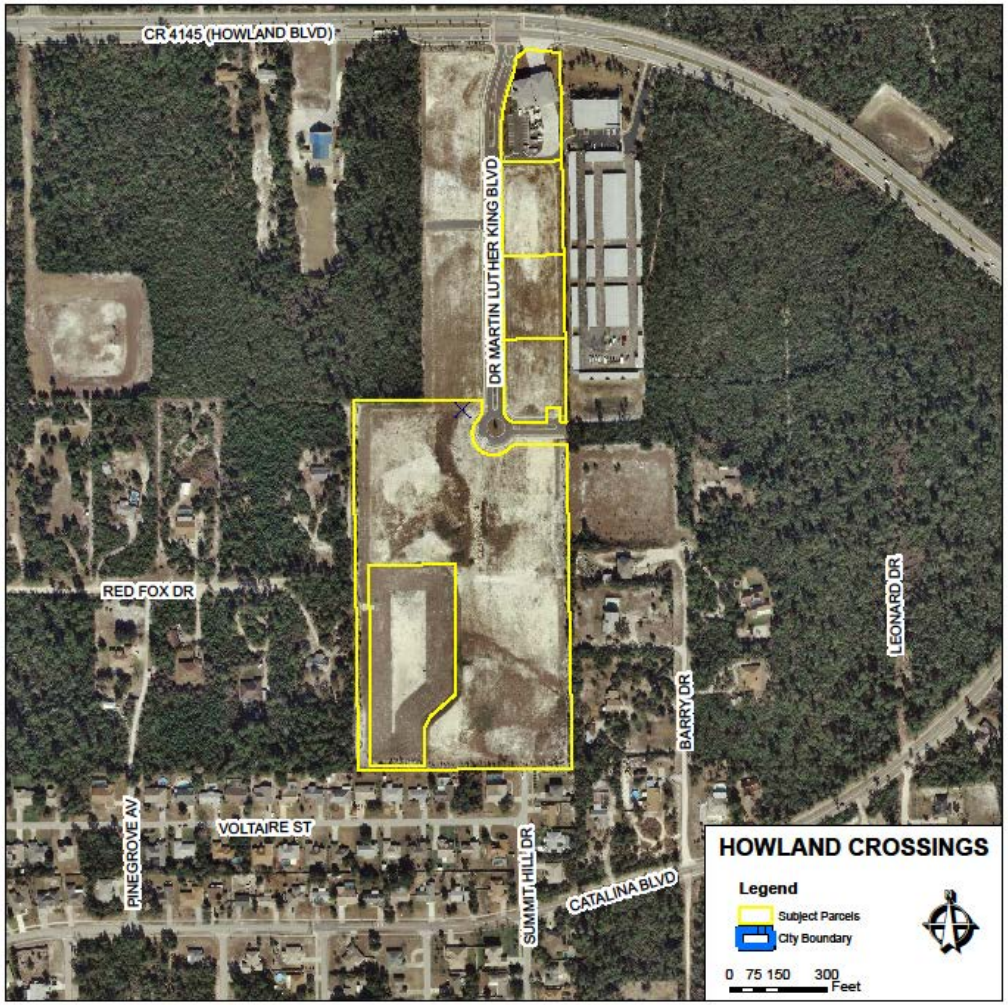
Dewey O. Boster Park

- Pro – Centrally located
- Con – Active recreational park in high demand
- Con – No buildable area, unless remove ball fields
- Con – Limited existing parking areas
- Con – Nestled behind neighborhoods

Potential City-owned Facilities/Sites

Howland Crossings Lot 7

- Pro - City already owns the land
- Pro – Site is developed, pad-ready with full utilities, & has permits
- Pro – Site has excellent access potential
- Pro – Use is compatible with existing & proposed land uses
- Pro – Site is in close proximity to FS 65 & residential neighborhoods
- Pro – Summit Hill Dr. terminus is sidewalk accessible


CR 4145 (HOWLAND BLVD)
DR MARTIN LUTHER KING BLVD
RED FOX DR
LEONARD DR
BARRY DR
VOLTAIRE ST
PINEGROVE AV
SUMMIT HILL DR
CATALINA BLVD
HOWLAND CROSSINGS
Legend
Subject Parcels
City Boundary
0 75 150 300
Feet

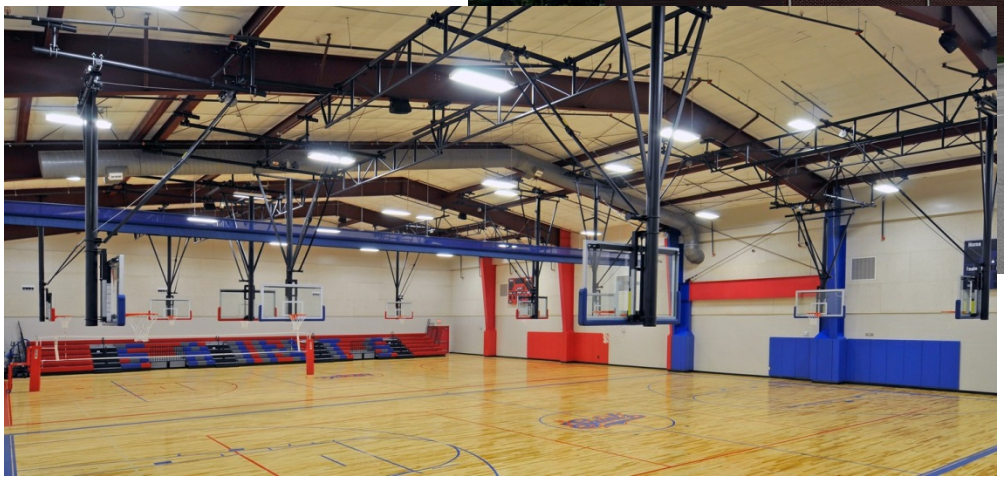
City Commission Preferences

Exterior Features	Interior Features
On/near Howland with expansion potential	Green (LEED) Certified with natural gas (<60k SF)
Transit/bus connection	Offices/computer lab/classrooms/library
Port-cochere/covered drop-off	Partner with services (COA, YMCA, Health, Vets)
Well maintained grounds/walking trail	Full A/V, sound panels, acoustic system
Wet pond/public art/covered porch	Flexible assembly room with stage
Wired on City network	Kitchen(s) – maybe two
Electronic Messaging Sign/Board	Gymnasium
Generator/solar panels	Hallways with assembly room in middle
Storage rooms	Bathrooms/locker rooms/exercise room
	Game room
	Bridal changing room

Winter Park Community Center

Sanborn (DeLand) Community Center

Flex-Space Gymnasium



Comparing Community Centers

Name	Size (SF)	Costs	Costs	Offices/ Kitchen	Large Room	Side Rooms	Senior Area	Theater	Pool	Gym
Winter Park	±37,300	$238	$8.95 M	✓	✓	✓	✓	✓	✓	✓
DeLand	±18,000	$153	$2.75 M	✓	✓	✓				✓
Deltona	±38,000	$235	$8.9 M	✓	✓	✓	✓	✓		✓
Deltona	±28,000	$235	$6.6 M	✓	✓	✓	✓	✓		

Funding Options

Option	Potential Amount
* General Fund/25-yr. Option	**$62,500/$1 million bonded at 3.77%**
General Fund/O&M	$400,00-$500,000 annually (national average)
User Fees	50%-75% of O&M (i.e. roughly $250,00 collected annually (national average)
CDBG Funds	Potentially up to $200,000 annually for 2 yrs. Per HUD award
ECHO Funds	$400,000 annually for 2 yrs
Gym Alternate	1 gym at center or 2 gyms in a Butler building
Center Projected Costs	$235/SF at 38,000 SF – $8.9 million/at 28,000 SF – $6.6 million
Gymnasium Projected Costs	(Butler/metal building) $135/SF at 15,000 – $2 million
Note:	**** 30-yr. option at 3.97%; $57,600/$1 million bonded***

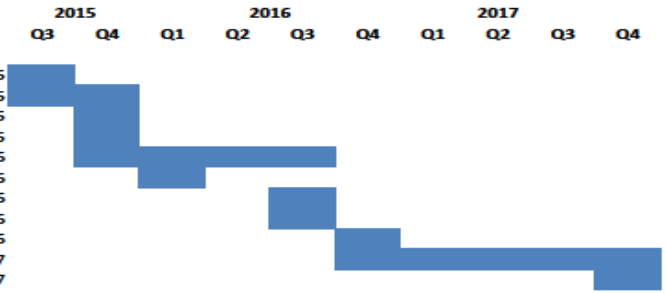
Funding Options

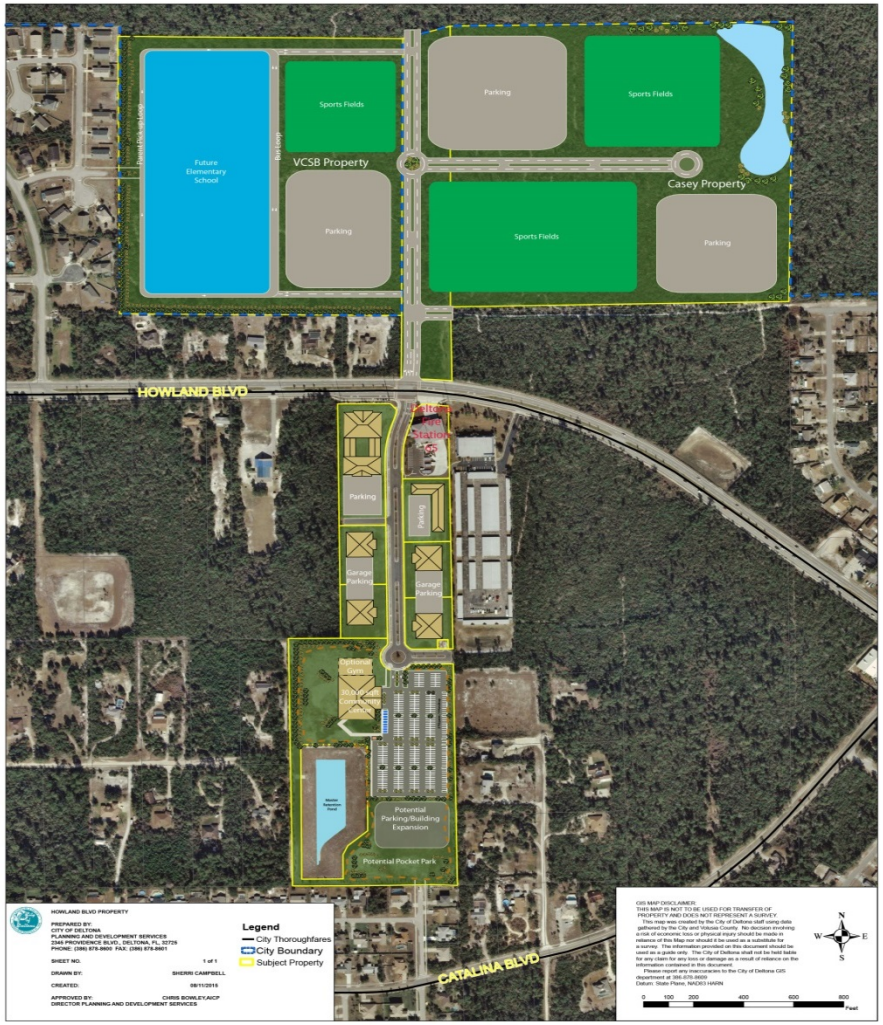
Option	Debt Amount	25-yr. Bond	30-yr. Bond
City Debt Only (does not include $365,000 Jablonski Funds)	$6.6 million (without gym) $8.9 million (with gym)	$412,500 $556,250	$380,160 $512,640
City Debt + Grants	ECHO ($400k x 2 yrs.) CDBG ($200k x 2 yrs.) COA Jablonski Funds	$800,000 $400,000 $365,000	
	Total	**$1,565,000**	
Payment Projections	$5 million at 25-yrs. ($6.6 million - $1.6 million) $7.3 million at 30-yrs. ($8.9 million - $1.6 million)	$312,500 $456,250	$288,000 $420,480
Payment Alternatives	FY 2015/16 Budget Surplus Potential additional cuts in budget	$300,000 $0 - $226,250	
Note: Above does not include O&M costs			

Potential Construction Schedule

Action Item List (Estimate)

Task	Anticipated Start	Anticipated Finish
City Commission Workshop	9/14/2015	9/14/2015
Secure Architectural Services	9/21/2015	10/26/2015
Bond Process	10/1/2015	12/21/2015
Public Scoping/Charette	11/18/2015	11/18/2015
100% Building Plan Design	11/19/2015	8/21/2016
CDBG/ECHO Grant Award	1/29/2016	3/25/2016
Non-Qualified Bid Tabs (Bldg/Site Work)	9/1/2016	9/29/2016
City Commission Approval & Contracting	10/16/2016	10/17/2016
Permitting/NOC/Mobilization	10/17/2016	11/30/2016
Site/Building Construction/COC	12/1/2016	11/30/2017
Grand Opening/Staffing/Operational	12/1/2017	12/1/2017




Future Elementary School
Sports Fields
VCSB Property
Parking
Parking
Sports Fields
Casey Property
Sports Fields
Parking
HOWLAND BLVD
Deltona Fire Station
Parking
Parking
Garage Parking
Garage Parking
Optional Gym
Potential Parking/Building Expansion
Potential Pocket Park
CATALINA BLVD
HOWLAND BLVD PROPERTY
PREPARED BY:
CITY OF DELTONA
PLANNING AND DEVELOPMENT SERVICES
2346 PROVIDENCE BLVD., DELTONA, FL, 32725
PHONE: (386) 878-8600 FAX: (386) 878-8601
SHEET NO. 1 of 1
DRAWN BY: SHERRI CAMPBELL
CREATED: 08/11/2015
APPROVED BY: CHRIS BOWLEY,AICP
DIRECTOR PLANNING AND DEVELOPMENT SERVICES
Legend
City Thoroughfares
City Boundary
Subject Property
GIS MAP DISCLAIMER:
THIS MAP IS NOT TO BE USED FOR TRANSFER OF PROPERTY AND DOES NOT REPRESENT A SURVEY.
This map was created by the City of Deltona staff using data gathered by the City and Volusia County. No decision involving a risk of economic loss or physical injury should be made in reliance of this Map nor should it be used as a substitute for a survey. The information contained in this document should be used as a guide only. The City of Deltona shall not be held liable for any claim for any loss or damage as a result of reliance on the information contained in this document.
Please report any inaccuracies to the City of Deltona GIS department at 386-878-8609
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Feet

Thank you

Action Item List (Estimate)

Task	Anticipated Start	Anticipated Finish
City Commission Workshop	9/14/2015	9/14/2015
Secure Architectural Services	9/21/2015	10/26/2015
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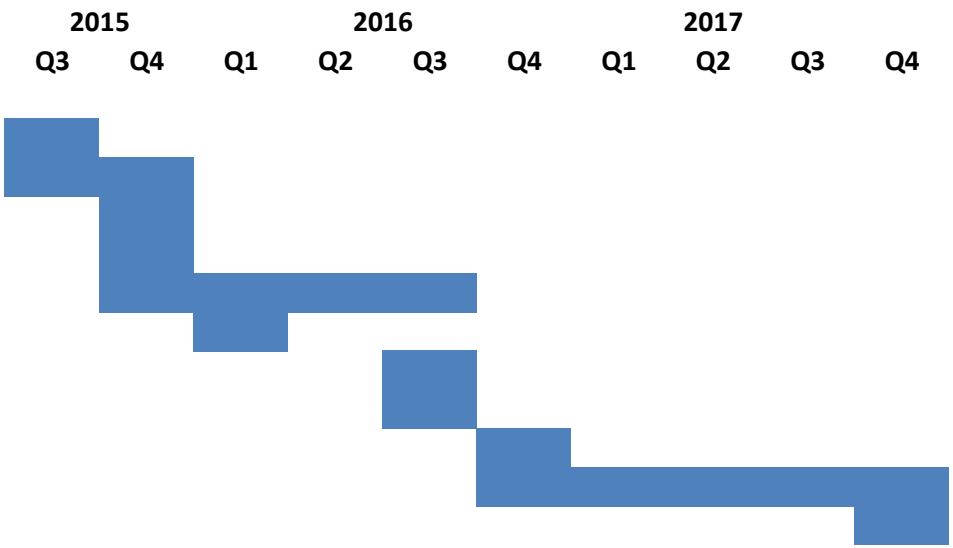

Action Item List (subject to decision poi			2015		2016				2017			
	Anticipated		Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Task	Group	Email Address	Notes									
	9/14/2015	9/14/2015										
	9/21/2015	10/26/2015										
	10/1/2015	12/21/2015										
	11/18/2015	11/18/2015										
	11/19/2015	8/21/2016										
CDBG/	1/29/2016	3/25/2016										
Non-C	9/1/2016	9/29/2016										
	10/16/2016	10/17/2016										
	10/17/2016	11/30/2016										
	12/1/2016	11/30/2017										
	12/1/2017	12/1/2017										

Action Item List (subject to decision			2015		2016				2017			
	Anticipated		Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Task												
	9/14/2015	9/14/2015										
	9/21/2015	10/26/2015										
	10/1/2015	12/21/2015										
	11/18/2015	11/18/2015										
	11/19/2015	8/21/2016										
CDBG/	1/29/2016	3/25/2016										
Non-Q	9/1/2016	9/29/2016										
	10/16/2016	10/17/2016										
	10/17/2016	11/30/2016										
	12/1/2016	11/30/2017										
	12/1/2017	12/1/2017										

AGENDA MEMO

TO: Mayor & City Commission **AGENDA DATE:** 9/14/2015

FROM: Jane K. Shang, City Manager **AGENDA ITEM:** 5 - B

SUBJECT: Discussion re: Phase III Land Development Code Amendments - Chris Bowley, Planning and Development Services Department (386) 878-8602.

LOCATION: Citywide

BACKGROUND: Since 2011, the City Commission has adopted a series of amendments to the Land Development Code (LDC) designed to achieve a variety of important goals (Phase I, Organizational Improvements to the LDC, Phase II-A and Phase II-B, Substantive changes to the LDC).

This Land Development Code amendment include additions, deletions, and revisions to certain provisions of Chapter 70 Section 30, "Definitions"; Chapter 74, "Administration"; Chapter 75, "Site Plan": Chapter 94, "Impact Fees"; Chapter 96, "Improvements"; Chapter 98, "Natural Resources Protection"; Chapter 106, "Subdivisions"; and Chapter 110, "Zoning". These proposed amendments advance the goal of further improving the effectiveness and efficiency of our Code.

ORIGINATING DEPARTMENT: Planning and Development Services

SOURCE OF FUNDS: N/A

COST: N/A

REVIEWED BY: Planning Director, Finance Director, City Attorney, City Manager

STAFF RECOMMENDATION PRESENTED BY: Tom Pauls, AICP, Planning Manager - Staff recommends that the City Commission direct staff to bring an ordinance forward to the Planning & Zoning Board and, ultimately, the City Commission for adoption that will amend the City's Land Development Code considered as the Phase III Amendments.

POTENTIAL MOTION:	N/A - Presentation and direction to staff as necessary.
AGENDA ITEM APPROVED BY:	_____ Jane K. Shang, City Manager
ATTACHMENTS:	• List of LDC amendment items . for CC workshop 9.14.15.v2 • 2-LDC PHASE III_SUMMARY OF PROPOSED AMENDMENTS_8-12-2015 • 1-Land Development code ppt_9-1-2015_Final

Land Development Code (LDC) Amendment Items

City Commission Workshop

September 14, 2015

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1. Add definitions and text for clarity and remove obsolete provisions. Pgs1,2,50,60,62,63
2. Move certain sections of the LDC to more appropriate sections of the code. Pgs3-17;20-23
3. Require pre-application meetings for subdivision and site plan submittals. Pgs17,46,49
4. Clarify city departments that review plans for public buildings over 10,000 sq. ft. in area.Pg18
5. Provide flexibility regarding scale used in site plans. Pg18
6. Clarify certain provisions affecting the processing of impact fees and exemptions.Pg19
7. Provide interpretation criteria for the city engineer regarding traffic related provisions.Pgs19-20
8. Add flexibility to regulations affecting the length of cul-de-sacs.Pg20
9. Amend certain text to ensure common language between the LDC and Comp Plan. pg20
10. Clarify that inspections of construction comply with various permits. Pg23
11. Ensure conformity with state statute relating to issuance of permits. Pg 36
12. Provide guidance regarding individual stormwater permitting provisions. Pg36
13. Revise and clarify certain provisions affecting site engineering permits. Pgs37-40
14. Revise requirements affecting the base of dry stormwater basins. Pg41
15. Clarify stormwater management performance standards for pre and post development. Pg42
16. Clarify process of concurrently submitting final and preliminary subdivision plat applications. Pg45,49
17. Provide a distinct term for construction plans accompanying subdivision plats. Pgs45-49
18. Allow granny flats as ‘permitted’, not ‘conditional’, uses in single family residential zones. Pgs49-50,59
19. Clarifies that landscape plans need to be prepared by registered landscape architect. Pg51

20. Allow requirement for landscape bufferyards to use existing plants Pg51-52

21. Clarify the process used to calculate certain landscaping requirements Pg52

22. Allow perimeter landscaping in place of building foundation landscaping, if standards are met. Pg53

23. Eliminate need to landscape around solid waste containers when within shipping/receiving areas. Pg53

24. Eliminate the requirement for a landscape strip around solid waste container walls. Pg53

25. Add requirements for residential driveway expansions. Pgs54-55

26. Unlike new ones, existing metal buildings may be reused without requiring façade changes. Pg53

27. Clarify that private schools must meet certain state statute provisions. Pg55

28. Clarify that model homes must pass building permit final inspection before occupancy. Pg55

29. Remove references to non-residential model home centers. Pgs1,56-58

30. Clarify model home provisions affecting location, parking, signs, lighting and code compliance. Pgs56-57

31. Allow sheds to be 15' maximum height Pg58

32. Allow garages to be used for home occupation. Pg59

33. Clarify difference in the term 'occupancy' as it applies to the fire code and parking ordinance. Pg60

34. Add new provisions to accommodate shared parking facilities for non-residential uses. Pgs60-61

35. Clarify certain requirements affecting parking space dimensions. Pg61

36. Provide more flexibility regarding the location of vehicular 'reservoir areas' within parking lots. Pg61

Note: The page numbers noted above refer to the "Phase III Summary of the LDC Proposed Amendments" document.

.v2

PHASE III
SUMMARY OF THE LDC PROPOSED AMENDMENTS

The content of this document summarizes LDC changes for City Commission consideration at their September 14th Workshop.

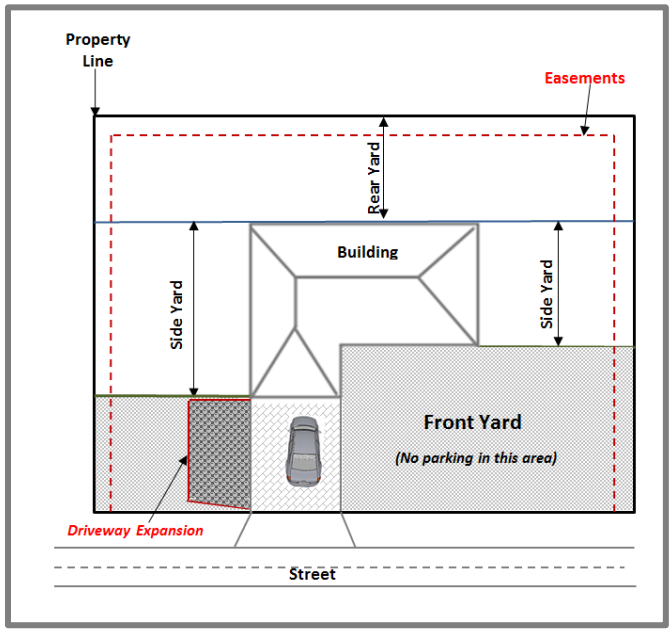
August 12, 2015

Chapter 70. GENERAL PROVISIONS

Sec. 70-30. Definitions

Carport: a roofed structure providing space for the parking of motor vehicles and enclosed on not more than three (3) sides.

Driveway Expansion (Residential): Area adjacent to the permitted permanent driveway consisting of concrete, asphalt, crushed rock, gravel, mulch, shell, or other similar material.



~~***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.~~

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

~~***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.~~

~~***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.~~

Private Road: a privately owned road that is privately maintained and allows access to one or more parcels, lots, residences, or places of business, that may or may not be open to the public to travel and whereby public and private vehicles may be requested from time to time by owners to use the roadway to provide reasonable and customary services and is maintained by a private entity or Property Owners Association.

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

Semi impervious: land surfaces that partially restrict the penetration of water; such as porous concrete and asphalt pavements, gravel, lime rock and certain compacted soils.

Shed: an accessory structure or building used primarily for storage of materials and equipment affiliated with the principal structure or building.

Sec. 70-31. Abbreviations

~~**ODP:** Overall Development Plan Development Order~~

Chapter 74 ADMINISTRATION

Sec. 74-1. Administration

(c) *Planning and Development Services Department.*

(1) *Duties and responsibilities.* The duties and responsibilities of the 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~~Engineering Construction Plans and ~~f~~Final ~~p~~Plats with an approved Development Order to ensure consistency;

g. Coordinating application review procedures;

h. Issuing concurrency certificates of capacity;

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

j. Obtaining validation from the applicant regarding the recordation of final subdivision plats with the Volusia County Clerk of the Circuit Court; and

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

~~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.~~

~~(c) *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.~~

~~**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."~~

~~**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. 74-60 - - 74-68. Reserved.

Chapter 75. SITE PLAN

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 Final Site Plan (FSP) approval. The applicant is encouraged to participate in a pre-application meeting with appropriate City staff for CSP applications. The applicant may begin site plan review by filing a FSP application and including applicable fees.

Sec. 75-4. Final site plan review.

(a) *Procedures.* An application for a~~n~~ Final Site Plan (FSP) shall be filed and processed pursuant to Sections 74-3 and 74-4 of this Code. Applicants for a Final Site Plan shall participate in a pre-application meeting with appropriate City staff.

(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 staff~~DRC administrative~~ review to include at a minimum Planning and Development Services Department, Fire Department, and Public Works Department; and final action, to ensure compliance with City ordinances and City Fire Codes.

(d) *Required submittals.*

(1) *Final site plan (FSP) application.* A FSP application shall include the following information and exhibits drawn to a scale ~~of not less than~~preferred to be one inch equals 60 feet; however, shall be clearly legible regarding all content:

Chapter 86 CONCURRENCY MANAGEMENT

Sec. 86-27. Certificate of capacity.

(c) A determination of adequate capacity shall be provided for the following designated public facilities and services prior to the issuance of a development order for final site plans, master development plans (MDP), ~~overall development plans (ODP),~~ and residential plats:

(1) Thoroughfare road system

(2) Potable water facilities

(3) Sanitary sewer facilities

(4) Stormwater management facilities

(5) Solid waste facilities

(6) Parks and Recreational facilities (for residential uses only)

(7) Public school facilities (for residential uses only)

Sec. 86-28. Agency review and comment.

(b) The following agencies shall coordinate with the Planning and Development Services Director or his/her designee and perform, where applicable, a determination of capacity pursuant to section 86-30 concerning the impact of the proposed development on the public facilities designated in this article:

(1) Planning and Development Services

(2) Public Works

(3) Parks and Recreation

(4) Solid Waste Division of Enforcement Services

(5) Any other local authority, including Volusia County and Volusia County School District, as may be deemed necessary by the Planning and Development Services Director or his/her designee to make a determination of adequacy.

The Planning and Development Services Director or his/her designee will be responsible for including capacity information as part of staff reports for each proposed development reviewed by the DRC or other City decision making bodies that may review such final site plan, master development plan, ~~overall development plan,~~ and residential plat applications. As an alternative and with City approval, an applicant may provide for independent assessment of the impact of the proposed development on public facilities by a qualified professional in the recognized field of expertise using appropriate studies, surveys and reports, and applying standard methodologies and procedures. When warranted, the City may require such analysis to be performed at the expense of the applicant.

CHAPTER 94. IMPACT FEES

Sec. 94-12. Exemptions.

(a) The following activities shall be exempted from payment of an impact fee:

(1) Alterations~~ or reconfiguration~~ of an existing building where no additional square feet or units are created and where no additional vehicular trips will be produced.~~ over that of the existing use.~~

(2) The replacement of a building or structure with a new building or structure of equal size and use.

Sec. 94-22. Fire/rescue impact fee schedule.

The fire/rescue impact fee schedule is as established by ~~resolution~~ordinance of the city commission in the Appendix A Fire/Rescue Impact Fee Schedule.

Sec. 94-32. Park impact fee schedule.

The park impact fee schedule is as established by ~~resolution~~ordinance of the city commission in the Appendix A Park Impact Fee Schedule.

Sec. 94-42. Transportation schedule.

(a) The transportation impact fee schedule is as established by ~~resolution~~ordinance of the city commission in the Appendix A Transportation Impact Fee Schedule.

Sec. 94-52. Law enforcement impact fee schedule.

The law enforcement impact fee schedule is as established by ~~resolution~~ordinance of the city commission in the Appendix A Law Enforcement Impact Fee Schedule.

Sec. 94-44. Exemptions and credits.

(a) *Exemptions.* The following activities shall be exempted from payment of the transportation impact fee:

(1) Alterations~~ or expansions~~ of an existing building where no additional square feet or units are created, and where no additional vehicular trips will be produced.~~ over and above that produced by the existing use.~~

CHAPTER 96. IMPROVEMENTS

Sec. 96-26. General.

(a) All lands included within a development shall be suitable for the various purposes proposed in the application for a development order. Further, no development order shall be approved unless the city finds, after full consideration of all pertinent data, that the development can be served adequately with such normal public and/or private facilities and services as are suitable under the circumstances of the particular case. In the absence of a city traffic engineer, all references to this position, as cited in this article, shall be interpreted so as to allow for the city engineer to make such traffic related decisions, where he or she is qualified to make such decisions or, if further traffic engineering expertise is required,

the city engineer shall make appropriate determinations based upon the recommendations of a peer reviewer qualified in the field of traffic engineering. All subsequent design standards adopted by the city are to be used in addition to the design standards below. Such subsequent design standards shall be adopted by resolution and shall become a part of this chapter by reference as though set out in their entirety.

Sec. 96-28. Streets; generally.

(l) *Cul-de-sac.* Permanent dead-end streets shall not exceed 1,000 feet in length; however, the DRC may approve a cul-de-sac of greater lengths, where, due to topographical conditions, design considerations or the number of lots to be located on the street, a greater length may be deemed necessary.~~. Culs-de-sac shall be provided.~~ In the center of the turnaround, an unpaved island, surrounded by a curb, improved with grass and landscaping that will not interfere with sight distance, may be provided. Center islands shall have a diameter of not less than 17 feet.

Sec. 96-34. Water and sewer.

(b) *Water facilities.*

(1) All proposed urban developments shall provide potable water production, treatment and distribution facilities, in accordance with the ~~potable water subelement~~Infrastructure Element of the ~~c~~Comprehensive ~~p~~Plan and other applicable regulations.

(2) Developments with lot sizes equal to or greater than one acre may utilize individual wells provided that provisions are made to meet fire flow requirements in accordance with ~~section 96-45 of this article~~Chapter 42 Article VII, Fire Protection Systems.

Sec. 96-45. Fire protection systems.

Fire protection systems for proposed developments, including any improvements to existing property that require such systems, shall adhere to the provisions of the City of Deltona Code of Ordinances, Chapter 42 Article VII, Fire Protection Systems.

~~(a) The fire protection system of the proposed development shall be based upon the following requirements:~~

~~(1) *Water supply*. The fire protection water supply for the proposed development shall meet the following fire flow requirements:~~

~~a. In the case of a single-family or duplex residential development of less than ten dwelling units with lot sizes of less than one acre, or in the case of a single-family or duplex residential development of ten or more dwelling units, but less than 200 dwelling units with lot sizes of one acre or more, fire wells may be utilized.~~

~~b. In the case of a single-family or duplex residential development with lot sizes of one acre or more totaling 200 or more units, a central water system shall be utilized for fire protection water supply which meets the water flow requirements of table 96-11.~~

~~c. In the case of a single-family or duplex residential development with lot sizes of less than one acre, the fire protection water supply shall be provided by a central potable or nonpotable water supply or a combination of central water supply, auxiliary supply of fire wells which will produce the water flows contained in table 96-11. In no case shall the central water supply for fire protection be less than 50 percent of the minimum required by table I. Auxiliary water supply may be provided by a combination of tank trucks, ground~~

~~tanks, cisterns, elevated storage, drafting stations on canals or reservoirs, or other methods subject to approval by the department of fire services.~~

~~d. In the case of a multifamily residential development; a business or industrial development; or a place of assembly; the fire protection water supply shall be as defined in the most current edition of National Fire Protection Association (NFPA) 1142 Standard on Water Supplies for Suburban and Rural Fire Fighting. In all cases the minimum fire flows shall not be less than required for dwellings in table 96-11.~~

~~e. A single water supply system may be used for both potable and fire protection supply provided the requirements of table 96-11 and/or National Fire Protection Association (NFPA) 1142 are maintained, as applicable.~~

~~f. The minimum time duration for required fire flows shall be in accordance with table 96-12.~~

~~Table 96-11 Fire Flows for Groups of Dwellings~~

~~Exposure Distances (feet)~~	**~~Required Fire Flow* (gallons per minute)~~**
~~Over 100~~	~~500~~
~~31 to 100~~	~~750--1,000~~
~~11 to 30~~	~~1,000--1,500~~
~~10 or less~~	~~1,500--2,000†~~

~~*Add 500 GPM where wood shingles would contribute to fire spread.~~
~~†Use 2,500 GPM minimum if buildings are continuous.~~

~~Table 96-12 Minimum Time Duration for Required Fire Flows~~

~~Minimum Flow at Source of Supply (GPM)~~	**~~Minimum Duration (hours)~~**
~~1,000 or less~~	~~2~~
~~1,250~~	~~2~~
~~1,500~~	~~2~~
~~1,750~~	~~2~~
~~2,000~~	~~2~~
~~2,250~~	~~2~~
~~2,500~~	~~2~~
~~3,000~~	~~3~~
~~3,500~~	~~3~~
~~4,000~~	~~4~~
~~4,500~~	~~4~~

~~5,000~~	~~5~~
~~5,500~~	~~5~~
~~6,000~~	~~6~~
~~7,000~~	~~7~~
~~8,000~~	~~8~~
~~9,000~~	~~9~~
~~10,000~~	~~10~~
~~11,000~~	~~10~~
~~13,000~~	~~10~~

~~The calculations of required fire flows in gallons per minute (GPM) considers the construction, occupancy, exposure and communication as outlined in the NFPA Fire Protection Handbook (latest edition).~~

~~(2) *Fire hydrants.* Fire hydrants shall be installed according to the following requirements, with distances measured along street rights-of-way or private access roads. No distance shall be measured across thoroughfares.~~

~~a. In the case of a single-family or duplex residential development; one- or two-story motels, hotels, or multifamily dwellings; or mobile home parks, hydrants shall be installed at intervals not to exceed 500 feet with a minimum main size of six inches.~~

~~b. In the case of a business or industrial development, excluding developments in a. above, hydrants shall be installed at intervals not to exceed 300 feet with a minimum main size of eight inches.~~

~~c. In the case of a building which will provide standpipe and/or sprinkler systems, a fire hydrant shall be installed within 150 feet of the exterior fire department connection with a minimum main size of eight inches.~~

~~d. In the case of the development of a high hazard area including, without limitations, a large shopping center, a storage facility for flammable chemical or compressed gases or a manufacturing plant, the spacing and main sizes of hydrants shall be determined after computing the required fire flow, subject to review and approval by the department of fire services.~~

~~e. All fire hydrants shall deliver the required gallonage with a residual pressure of 20 p.s.i.~~

~~f. Uniform marking of fire hydrants. Color coding of fire hydrants is of substantial value to water and fire departments and is based on water flow available from them. Fire hydrant bonnets and nozzle caps shall be painted according to the following chart which shall be used to classify fire hydrants according to flow:~~

~~Table 96-13 Colors of Fire Hydrant Bonnets and Nozzle Caps~~

~~Class~~	**~~Flow~~**	**~~Color of Bonnets and Nozzle Caps~~**
~~A~~	~~1,001 GPM or greater~~	~~Green~~
~~B~~	~~500 GPM to 1,000 GPM~~	~~Orange~~

~~C –~~	~~Less than 500 GPM –~~	~~Red –~~

~~Barrels of fire hydrants shall be painted chrome yellow.~~

~~(3) *Fire wells.*~~

~~a. Fire wells may be utilized where permitted by subsection (1), providing they have a separate power source and meet one of the following criteria:~~

~~1. The minimum size of a designated fire well shall not be less than four inches in diameter. A pump shall be attached capable of providing a minimum fire flow of 250 GPM; or~~

~~2. A fire well less than four inches in diameter may be utilized provided that it has been tested and certified by an engineer that the fire well can produce a minimum fire flow of 250 GPM.~~

~~b. Fire wells shall be located adjacent to rights-of-way, unless otherwise approved by the department of fire services and the DRC.~~

~~c. Fire wells of sufficient capacity to serve adjacent development may be provided and, when so provided, may be included in a public services and facilities agreement pursuant to section 74-2(f).~~

~~d. Fire wells shall be considered as public improvements subject to all provisions of chapter 96, article III of this Code.~~

Sec. 96-77. Inspections and tests.

(b) *Inspections.* The developer shall provide written authorization which will enable city staff personnel to enter upon the property to be developed and make periodic inspections at each stage of construction. During construction the developer shall notify the city engineer or code administration manager, where appropriate, that a city inspector can be sent to make an inspection. The city shall furnish an inspector at the site within a reasonable length of time, during normal working days and hours.

The purpose of these inspections is to ensure that construction is in compliance with the granted development order and all other applicable federal, state, and local permits ~~including but not limited to the Florida Department of Environmental Protection Agency (FDEP) National Pollutant Discharge Elimination System (NPDES) construction permit~~. The city accepts no responsibility or liability for the work, or for any contractual conditions involving acceptance, payment or guarantees between any contractor and the developer, by virtue of these inspections. The city assumes no responsibility or commitment guaranteeing acceptance of the work, or for subsequent failure, by virtue of these inspections.

However, if any aspect of the work being performed does not comply with acceptable standards, corrections shall be required by the city inspector as a condition for city acceptance. All improvements shall be installed, and have the approval of the city engineer and/or other city agencies prior to acceptance by the city commission, where required, or issuance of a certificate of occupancy.

Sec. 96-78 – Sec. 96-89. Reserved.

ARTICLE IV. USE PERMIT

Sec. 96-90. 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"*.

(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 (3) 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 (7) 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 (2) 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.

Sec. 96-91. 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.

Sec. 96-92. 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.

Sec. 96-93. 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.

Sec. 96-94. 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.

Sec. 96-95. 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.

Sec. 96-96. 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.

Sec. 96-97. 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."

Sec. 96-98. 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.

Sec. 96-99. 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.

Sec. 96-100. 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.

e. Right of way approaches to residential driveways shall consist of concrete with a 2500 psi or one (1) inch asphalt Type S-1 and include a minimum thickness of six (6) inches without reinforcement.

(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.

Sec. 96-101. 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 re-excavation and re-compaction necessary.

Sec. 96-102. 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.

Sec. 96-103. Maintenance of traffic.

Unless otherwise provided, all roads within the limits of the permit shall be kept open to all traffic by the permitted. 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.

Sec. 96-104. 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.

Sec. 96-105. 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.

Sec. 96-106. 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.

CHAPTER 98. NATURAL RESOURCES PROTECTION

Sec. 98-57. Standards for review.

(b) *Issuance of permits--Conditions.*

(1) If the application meets the requirements of this article, the Planning and Development Services Department shall issue the permit as provided in this article, and may attach such appropriate conditions to the said permit in order to comply with the standards of subsection 98-57(a) of this article. The city may deny the permit if it does not meet such standards, stating the reasons therefor~~e~~.

(2) The city may approve a wetlands alteration permit, which shall incorporate the general and specific conditions which ~~were~~are made part of the permit from federal, state, or regional agencies, when such permits are issued. ~~Provided, however, before the issuance of the city wetland alteration permit, said federal, state, or regional permit application when available shall be submitted to the Planning and Development Services Department.~~ Concurrent applications to the local government and any federal, state, or regional agency shall be encouraged. Provided, however that the city is not prevented from approving additional conditions to the said permit in order to comply with the standards of subsection 98-57(a) of this article. Upon the issuance of applicable federal, state or regional agency permits, a copy of such permits shall be submitted to the Planning and Development Services Department.

Sec. 98-77. Prohibitions and exemptions.

(b) *Exemptions and concurrent review.*

(1) Except as provided in subsection 98-77(b)(3) below, the following activities shall be exempt from this article:

a. Single-family and duplex residences and accessory structures;

b. Bona fide agricultural pursuits, including forestry, except where an artificial drainage system will be used to increase the flow of surface water from the applicant's land;

c. Maintenance work performed on existing mosquito control drainage canals for the purpose of public health and welfare;

d. Maintenance work on utility or transportation system; provided such maintenance work does not alter the purpose and intent of the drainage system as constructed;

e. Any maintenance, alteration, renewal, use or improvement to an existing structure not changing or affecting rate or volume of stormwater runoff and the one-time construction of any structure or addition not otherwise exempt not exceeding 1,000 square feet of impervious area on or parallel to the ground;

f. Publicly owned landfills permitted under state regulations.

g. Any development not discharging to a landlocked lake or depression meeting the requirements of the "individual permit" in accordance with FAC 62-330.054 are exempt from the City of Deltona stormwater permitting review. Such activities shall comply with the requirements of rule FAC 62-330 and provide the following documents to the City:

1. Application as submitted to St. Johns River Water Management District (SJRWMD).

2. All Application related correspondence, calculations, drawings, etc.

3. SJRWMD Permit.

Sec. 98-78. Site engineering permit review.

(a) An application for a stormwater management development permit shall be filed, processed and approved in the following manner.

(1) *Preliminary application.* In cases where it is not clear that a proposed development is exempt from this article, a preliminary application may be submitted.

a. The preliminary application shall be filed with the Planning and Development Services Department.

b. The preliminary application shall contain two copies of the following information:

1. A statement signed by the owner/developer which certifies that the development will:

(i) Not obstruct any existing flow of stormwater runoff; and

(ii) Not drain stormwater onto adjacent lands not now receiving runoff from the proposed development area.

(iii) Implement and follow the Florida Stormwater, Erosion and Sedimentation Control best management practices during construction and control wastes on site by limiting the exposure of litter and hazardous materials to stormwater.

2. An application form containing the following information and exhibits;

(i) Name, address and telephone number of the applicant;

(ii) Location map, address and legal description of the proposed development;

(iii) Statement expressing the scope of the proposed development;

(iv) Schedule of proposed development; and

(v) Sketch showing existing and proposed structures, paving and drainage patterns.

3. It is the responsibility of the applicant to include in the preliminary application sufficient information for the city to evaluate the application and the acceptability of those measures proposed.

c. Within three working days after filing, the Planning and Development Services Department shall determine whether or not the preliminary application is complete. If it is determined that it is complete, the Planning and Development Services Department shall transmit it to the ~~development analysis division (DAD)~~Public Works Department. If it is determined to be incomplete, it shall be returned to the applicant.

d. After receiving the preliminary application at the ~~DAD~~ Public Works Department, the city engineer shall, within ten working days, determine and then notify the Planning and Development Services Department that either the proposed development is exempt or that a standard permit shall be applied for.

e. Considerations for exemption from standard or lesser permit. The city engineer, in making a determination of exemption of the application from the standard or lesser permitting procedures, shall consider:

1. Whether or not the proposed project is exempt pursuant to section 98-77(b);

2. Whether or not the proposed project will increase the rate or volume of runoff from the existing site;

3. Whether or not the proposed project will adversely affect water quality;

4. Whether or not there are other criteria which would require a standard or lesser application; and

5. Whether or not a St. Johns River Water Management District permit is required.

f. Upon receiving notification of the city engineer's determination under subsection e., the Planning and Development Services Department will immediately notify the applicant.

g. Upon notification, the applicant may appeal the determination of the city engineer that a standard permit shall be applied for by filing a request with the Planning and Development Services Department, within ten working days, that the DRC make a final determination of exemption. A final determination shall be made by the DRC within ten working days of the request.

h. If it is determined that the proposed development is exempt, the applicant is authorized to commence and complete construction of only the development described in the preliminary application. No construction shall commence until a St. Johns River Water Management District permit is approved, if required.

(2) *Concurrent review.*

a. Where a standard application review is required for a project undergoing subdivision or site plan review pursuant to chapter 106 or chapter 74, article II, all review shall be done concurrently. All performance standards and requirements of this article shall be met in addition to those required in other articles of this chapter during the concurrent review. Plans and exhibits required by this article may be combined with other plans and exhibits required for concurrent review. However, it is the responsibility of the applicant to include in the concurrent application submittals sufficient information for the city to evaluate the application and acceptability of those measures proposed pursuant to the requirements of this article.

(3) *Standard and lesser development permit application review.*

a. For the purposes of this article, developments requiring a standard permit application shall be either a "lesser development" or a "standard development," defined as follows:

1. A lesser development is: ~~(1) a proposed development that has a lot size less than one acre in area and consists of more than 1,000 but less than 5,000 square feet of impervious area, or the impervious area proposed is less than 25 percent of the total lot area; or, (2) is a proposed lot division with a minimum lot size of one acre or larger with no new roadways or streets.~~

(i) Any development that is more than 1,000 square feet but less than 4,000 square feet of impervious and semi-impervious areas subject to vehicular traffic;

(ii) Any development that is more than 1,000 square feet but less than 9,000 square feet impervious and semi-impervious surface area on or parallel to the ground;

(iii) Any development that is less than one acre;

(iv) Any development that is proposed lot division with a minimum lot size of one acre or larger with no new roadways or streets.

2. A standard development is: ~~a proposed development of any lot area that consists of 5,000 or more square feet of impervious area; or the impervious area is 25 percent or more of the total lot area; or the lot area of the proposed development is one acre or larger regardless of the impervious area.~~

(i) Any development that is more than 4,000 square feet of impervious and semi-impervious areas subject to vehicular traffic;

(ii) Any development that is more than 9,000 square feet impervious and semi-impervious surface area;

(iii) Any development that is more than one acre.

b. An application for a stormwater management development permit and sufficient copies of the required plans and information shall be filed with the Planning and Development Services Department and the proper fee paid. Sufficient copies shall be determined as follows:

1. For a lesser development, three copies are required.
2. For a standard development, nine copies are required.
3. The Planning and Development Services Director or his/her designee may require additional sets of plans and information as deemed necessary for additional agency review.

c. The following plans and information, prepared by a Florida registered engineer, shall be submitted with the application:

1. A detailed site plan, including a general location map and the location of all existing and proposed pavement and structures;
2. Topographic maps of the site and all adjacent contributing areas before and after the proposed alterations;
3. Information regarding the types of soils and groundwater conditions existing on the site;
4. General vegetation maps of the site before development and a plan showing the landscaping to be performed as part of the project;
5. Engineering ~~C~~construction plans, specifications and computations necessary to indicate compliance with the requirements of this article;
6. Additional information necessary for determining compliance with this article as the city engineer may require; and
7. Additionally, for a standard development, a hydrograph for the proposed development may be required, particularly in those areas where the cumulative impact of the outflows on downstream flows are of concern.

d. Within three working days of filing of the application the Planning and Development Services Department will determine whether or not the application is complete. If the application is determined to be incomplete it will be returned to the applicant.

e. If the application is determined to be complete, the Planning and Development Services Department will distribute the application as follows:

1. For a lesser development, the application shall immediately be transmitted to the ~~DAD~~ Public Works Department.
2. For a standard development, the application shall immediately be distributed to the DRC.

f. Within 20 days of receipt of an application for a lesser development from the Planning and Development Services Department to the ~~DAD~~ Public Works Department or within 20 days

of any amendment thereto, the city engineer shall approve, approve with conditions, or deny the application. After the city engineer has rendered his/her decision, the ~~DAD~~ Public Works Department will immediately notify the Planning and Development Services Department of the decision rendered.

g. Within ten working days of receipt of an application for a standard development, each member of the DRC shall have reviewed and transmitted their comments or suggestions concerning the application to the ~~DAD~~ Public Works Department.

h. Within 30 days of receipt of an application for a standard development, the city engineer shall approve, with conditions, or deny the application. The city engineer shall state the reasons for denial in writing. After the city engineer has rendered a decision, the ~~DAD~~ Public Works Department will immediately notify the Planning and Development Services Department of the decision rendered. The city engineer may issue an intent to approve or approve with conditions an application in the absence of any required St. Johns River Water Management District permit, but no development order shall be issued unless developer submits letters of approval for a St. Johns River Management District permit, and for coverage under a NPDES Generic Construction Permit NOI.

Sec. 98-79. Performance, review and design standards.

(a) *Performance standards.*

(1) For applications for a lesser or a standard development, the performance standards to be followed in the design of the project are as follows:

a. Stormwater runoff shall be subjected to best management practice prior to discharge into natural or artificial drainage systems. "Best management practice" shall mean a practice or combination of practices determined by the DRC to be the most effective, practical means of preventing or reducing the amount of pollution generated by the project to a level compatible with Florida water quality standards found in chapter 17-3, Florida Administrative Code.

1. No site alteration shall cause siltation of wetlands, pollution of downstream wetlands or reduce the natural retention or filtering capabilities of wetlands.

2. No site alteration shall allow water to become a health hazard or contribute to the breeding of mosquitoes.

3. All site alteration activities shall provide for such water retention and settling structures and flow attenuation devices as may be necessary to insure that the foregoing standards and requirements are met.

b. Design of water retention or detention structures and flow attenuation devices shall be subject to the approval of the city engineer pursuant to the standards hereof. Detention structures shall be designed to release runoff to the downstream drainage system over a period of time so as not to exceed the capacity of the existing downstream system. Under no case shall open retention areas (ponds, etc.) have side slopes steeper than one vertical to four horizontal to a depth of two feet of water at seasonal low pond elevation, at which point the side slope may be increased to one vertical to three horizontal. Retaining walls may be utilized to accommodate field conditions.

In order to maintain good water quality in stormwater management detention ponds and maximize the provision of fish and wildlife habitat, stormwater management systems with permanently wet detention ponds should be designed, operated and maintained so as to resemble a natural pond to the greatest extend practicable. A natural pond design should

include: a littoral zone comprised of native emergent and submersed aquatic macrophytic vegetation; a deep open water limnetic zone free of rooted emergent and submersed vegetation; and, where feasible, an upland buffer of native trees, shrubs and under story vegetation.

No sod or other soil stabilization materials are required to be installed within the base surface of dry stormwater management ponds. All sloped surfaces, as measured for wet ponds from the mean low water elevation or for all sloped surfaces within dry ponds, shall be stabilized with sod or other material as approved by the City Engineer or a qualified designee.

c. A positive drainage system shall be provided which will not adversely impact downstream owners or adjacent lands.

d. Where possible, natural vegetation shall be used as a component of the drainage system. The water table should not be manipulated so as to endanger natural vegetation beneficial to water quality unless natural vegetation can be replanted and survive with a lowered water table condition.

e. Runoff from higher adjacent lands shall be considered and provisions for conveyance of such runoff shall be included in the drainage plan.

f. Runoff shall be treated to remove oil and floatable solids before discharge from the site in a manner approved by the city engineer.

g. Erosion by wind or water shall be prevented by the developer throughout the construction process.

h. Direct discharge to class II waters is prohibited. A workable filter system must be provided prior to any discharge to class II waters.

i. For the purpose of this article, it is presumed that the lowering of the water table for the purpose of constructing detention/retention basins and for the purpose of permanently protecting road construction does not conflict with the stated objectives of this article if all of the following are met:

1. The development site is not in an area known to the city, based on data collected and interpreted by the U.S. Geological Survey, the St. Johns River Water Management District, the city and other professional investigators, as important to recharge or to prevention of discharge of the Florida aquifer.

2. The proposed lowering of the water table shall be over no more than 15 percent of the site to a depth of five feet below the surface of the existing undisturbed ground, or an equivalent volume, said area to be measured at the overflow elevation of the retention area(s).

3. If ditches, underdrains or similar devices are used to lower the water table, the lateral volumetric effect will be calculated, and the volume will be deducted from that allowed for retention areas.

4. The high-water table may be lowered up to two feet below the undisturbed ground in the vicinity of roads for the purpose of protecting the sub-base and base of the roadway and/or for the purpose of preventing mosquito breeding in the roadside swales.

5. The lowering of the water table has no adverse ~~a~~effect on wetlands as defined herein.

6. The lowering of the water table does not increase flows to the detriment of neighboring lands.

(2) For applications for a lesser development, the following additional performance standards are to be followed in the design of the project:

a. The volume of retention to be provided shall be equivalent to one ~~half~~ inch of depth over the entire project area or 1.25 inches of runoff from the impervious area, whichever is greater. For certain soil conditions or groundwater table conditions which do not permit the percolation of this volume within the five days following a storm event, the city engineer may approve detention with filtration systems in lieu of retention.

b. Any development discharging to a landlocked lake or depression: The post-development volume of direct runoff must not exceed the pre-development volume of direct runoff for the 100 year frequency, 24 hour duration storm.

c. Exemptions for lesser development at discretion of City Engineer.

(3) For application for a standard development, the following additional performance standards are to be followed in the design of the project:

~~a. The discharge hydrograph produced for the developed or redeveloped site shall not exceed, in terms of peak flow and total volume, the hydrograph produced by conditions existing before development or redevelopment for 24-hour, 25-year frequency storm, unless the intent of this recharge provision will be met through detention of the difference between said volumes, in which case said volume difference may be released over not less than a 24-hour nor greater than a 72-hour period of time. However, the design standards for wet retention areas, when approved by the city engineer shall prevail. This requirement may be waived by the city engineer for sites consisting predominately of poorly drained soils having permanently and naturally impaired recharge potentials. However, the runoff from the first one inch of rainfall for each storm falling on all areas of the project shall be retained on site except in cases where the city engineer concurs that soil and/or groundwater table conditions are not conducive to such practice, in which case said first inch shall be detained and released over a period of 24 to 72 hours, in a manner acceptable to the city engineer. However, in the case of wet detention, standards approved by the city engineer shall prevail. In addition, the cumulative impact of the outflow hydrograph on downstream flow shall be considered. Runoff rates and volumes resulting from the project, in excess of existing amounts, shall be accommodated on site. Off-site retention may be permitted if, in the opinion of the city engineer, the recharge requirements of this article are met.~~

~~b. Peak discharge—100-year storm. The peak discharge resulting from a 24-hour, 100-year frequency storm on the developed or redeveloped site shall not exceed the peak discharge resulting from a 100-year frequency storm for existing conditions on the site.~~

a. The post development peak rate of discharge must not exceed the pre-development peak rate of discharge for the 25 year frequency, 24 hour duration storm.

b. The volume of retention to be provided shall be equivalent to one inch of depth over the entire project area or 1.25 inches of runoff from the impervious area, whichever is greater.

c. Any development discharging to a landlocked lake or depression: The post-development volume of direct runoff must not exceed the pre-development volume of direct runoff for the 100 year frequency, 24 hour duration storm.

d. For certain soil conditions or groundwater table conditions which do not permit the percolation of retention volume within the five days following a storm event, the City Engineer may approve detention with filtration systems in lieu of retention. The detention volume may be released over not less than a 24-hour nor greater than a 72-hour period of time.

~~c~~e. Runoff computations. Runoff computations shall be based on the most critical situation (rainfall duration, distribution and antecedent soil moisture condition) and conform to acceptable engineering practices using rainfall data and other local information applicable to the affected area.

(b) *Review standards.* The city engineer and/or the DRC in reviewing and/or approving the application shall consider, where appropriate, the following minimum standards:

(1) The characteristics and limitations of the soil at the proposed site with respect to percolation and infiltration;

(2) The existing topography of the sites and the extent of topographical changes after development;

(3) The existing vegetation of the site, the extent of vegetational changes after development and the threat posed to vegetation endangered or indigenous to wetlands;

(4) The plans and specifications of structures or devices the applicant intends to employ for on-site stormwater retention/detention with filtration, erosion control and flow attenuation;

(5) The effect the proposed stormwater management system will have upon mosquito breeding habitat;

(6) The adequacy of easements for drainage systems in terms of both runoff conveyance and maintenance;

(7) The method of handling upland flow which presently discharges through the site;

(8) The effectiveness of wind and water erosion control measures during construction;

(9) Standards and requirements of any other governmental jurisdiction;

(10) The maintenance entity responsible for up-keep of the system upon its completion;

(11) The continuity of phased projects; phased projects will require the submission of an overall plan for the applicant's total land holdings;

(12) The existing hydrologic cycle of the proposed site and the impact of the proposed alterations on the existing hydrologic cycle;

(13) The impact the proposed project will have on the natural recharge capabilities of the site; and

(14) The impact the proposed project will have on downstream water quantity and quality and specifically the potential for downstream flooding conditions.

(c) *Design standards.*

(1) Open swales, ditches or other waterways shall require complete engineering data showing the adequacy of design and the effect within the particular drainage area to the satisfaction of the city engineer. The cost of designing and installing drainage systems shall be borne by the developer.

(2) Pipe shall be either class 3 reinforced concrete with patented rubber gasket~~ed~~ joints, fully asphalt-coated corrugated steel pipe of appropriate highway gauge, ABS, elliptical concrete pipe or other type approved by the city engineer. Subject to acceptable soil and groundwater conditions, corrugated aluminum pipe may be considered, provided the minimum cover from top of pipe to the top of subgrade at any point under a roadway shall be equal to the diameter of the pipe, but, in no case, less than 24 inches. In all other locations, the minimum cover shall be equal to the diameter of the pipe, and shall depend upon location and type of pipe.

(3) A pipe shall extend through headwalls and drainage inlets flush with surface of the wall. Concrete shall be constructed around them neatly. All surfaces shall be plastered so as to

prevent leakage. Water stop materials are recommended. Plastered areas should not crack and should be properly prepared to bond to old surfaces. Paved inverts are required.

For all concrete structures, all fins and irregular projections shall be chipped off flush with the surface immediately following the removal of forms. All projecting wires and nails shall be cut off at least one-half inch under the surface. All cavities produced by metal spacers, form ties, bolts, honeycomb spots, etc., shall be carefully cleaned, saturated with water, and then carefully painted with mortar. All construction and expansion joints in the completed work shall be left carefully tooled and free of mortar and concrete. Joint filler shall be left exposed for its full length with clean edges. Mortar topping for upper horizontal surfaces shall not be used.

For all concrete surfaces which are to receive a surface finish, the contractor shall review the forms and finish the concrete immediately after the concrete has set sufficiently. Minimum manhole diameters for intersecting pipe sizes shall be as follows:

Table 98-5 Minimum Manhole Diameters for Intersecting Pipe Sizes

Equivalent Pipe Diameter	Inside Diameter
Up to 27"	4'0"
27" to 36"	5'0"
42"	6'0"
48" and larger	Special Design

Inlets shall be spaced in such a manner as to accept 100 percent of the design runoff. The actual required spacing will depend on the characteristics of each particular site.

Sizes of drainage culverts, ditch sizes and inlet spacings shall be derived from computations required and shall be submitted to the city engineer for approval.

(4) Plans for rural development shall include, as a part of the drainage plan, the necessary information for proper drainage operation as building takes place in the development. In rural developments, depending upon overland flow for proper drainage operation, required culvert diameters and grades shall be shown for driveways for each and every lot, if directed by the city engineer. For rural developments, depending upon partial or total percolation, directions shall be shown on the plans for construction of driveways, ditch blocks, swales, etc. The drainage scheme for rural developments shall be preserved intact by the developer as building proceeds.

(5) In cases where there is a prevalence of soils that exhibit adverse water table characteristics, underdrains and/or fill or other acceptable alternative that will provide necessary measures to maintain the structural integrity of the road will be required. The determination of need shall be made by reference to applicable portions of the most recent edition of the Soil Survey and Supplement for Volusia County, Florida, as prepared by the U.S. Department of Agriculture, Soil Conservation Services, or whatever subsequent authoritative soil survey may be published for the city after adoption of these regulations, or according to information generated by developers.

a. Wherever road construction or lot development is planned in areas of the proposed development having soil types with unacceptable water table characteristics, underdrains and/or fill shall be provided and shown on the engineering plans. Underdrains must be

designed with free gravity outlet at carefully selected discharge points. Erosion control measures shall be provided as needed at all discharge points.

b. Wherever road cuts in otherwise suitable soils indicate that the finish grade will result in a road-surface-to-water-table relationship that adversely exceeds the degree of limitation stated above, underdrains or other acceptable alternative that will provide necessary measures to maintain the structural integrity of the road will be required.

c. Wherever roadway construction reveals unexpected water-bearing strata that would cause deterioration of the pavement, underdrains or other acceptable alternative that will provide necessary measures to maintain the structural integrity of the road will be required even though not shown on the plans.

d. Filtering media shall consist of stone, gravel or slag and shall contain no friable materials.

e. Wherever underdrain pipe is required, the specifications shall be in accordance with the American Society for Testing and Materials, Designation: D3033-5.

Sec. 98-80. Issuance of development permit.

(a) Upon notification by the ~~DAD~~Public Works Department of the determination of the city engineer, the Planning and Development Services Department will immediately notify the applicant of that determination.

Chapter 106. SUBDIVISIONS

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

(a) 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 Engineering 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~~may be filed ~~until~~currently with the Preliminary Plat (PP) and Engineering Construction Plan (ECP) ~~Development Order has been issued~~application, provided the Preliminary Plat Development Order is issued prior to DRC approval of the Final Plat application.

c. Preliminary Plat and Engineering 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 Engineering 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 Engineering Construction Plan application ~~are strongly urged to~~shall participate in a pre-application meeting with appropriate City staff in order to discuss substantive issues related to the pending submittal.

(c) The Preliminary Plat and Engineering Construction Plan application shall be consistent with 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 Engineering 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 Engineering Construction Plan package including a separate PDF for each plat sheet, and appropriate fee. The application shall include:

a. *The Preliminary Plat and Engineering Construction Plan format requires that:*

1. Engineering Construction plans shall be submitted on 24" x 36" sheet sizes in a format approved by the City Engineer.

2. Preliminary Plats, submitted as a separate document from the Engineering Construction Plan, shall be submitted in the same format as required for Final Plats by Florida Statute Chapter 177 and by the applicable provisions of this Land Development Code.

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.

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;
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;
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;
8. Contour changes, dikes or any created water bodies or changed watercourses;
9. Bulkheads and bridges; engineering plans, and cross-sections;
10. Parks, school sites, common areas, and other public uses, if any;
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;

14. Stormwater management and Best Management Practices during construction; to include the following:

i. The location, type, and description of all proposed erosion and sedimentation controls (i.e., silt fences, synthetic hay bales, etc.).

ii. 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 of the subdivision after the Preliminary Plat and Engineering Construction Plan Development Order has been issued.

If the developer elects to commence site development prior to or concurrently with Final 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 consistent with the approved Engineering Construction Plans, provided the approval process for all other permits adheres to applicable local, regional, state, and federal laws.

(3) *DRC review.* The DRC shall review and take final action on all Preliminary Plat and Engineering 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 Plat Review.

Sec. 106-31(a)(1)b. *Non-Phased Developments:* For non-phased developments an application for a Final Plat and Engineering 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 Engineering 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 Engineering Construction Plan application ~~are strongly urged to~~shall participate in a pre-application meeting with appropriate City staff in order to discuss substantive issues related to the pending submittal. For non-phased developments the applicant may elect to submit a Preliminary Plat application. The applicant that elects to submit a Preliminary Plat application shall comply with the Preliminary Plat and Engineering Construction Plan requirements of Section 106-30 and shall comply with the Final Plat Phased Development requirements of Section 106-31(a)(1).

Sec. 106-31(a)(2)d.3. Three sets of bond copies and a CD with AutoCAD and Portable Document Format (PDF) of the as-built Engineering ~~c~~Construction ~~p~~Plans signed and sealed by the professional engineer which encompass all required improvements. 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.

Chapter 110 ZONING*

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.

Granny Flats (refer to section 110-827(c)(4))

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).

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~~ intensive C-1 or C-2 uses and structures.

Sec. 110-503. Multiple use of required space prohibited.

Except as may be allow per other sections of this Land Development Code, ~~N~~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. 110-808. Landscaping requirements.

(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 prepared and signed by a duly registered landscape architect 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.

(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.

g. Refer to the City of Deltona Code of Ordinance Section 68-30, Water Use Restrictions, regarding variances allowed for schedule dates of irrigation.

(e) Landscaped perimeter buffers. Landscape buffers shall be designed, established and maintained in accordance with this section.

(3) *Bufferyard requirements.* Existing canopy trees, understory trees, shrubs, and groundcover that are located within a required perimeter bufferyard may satisfy the requirements of this section. The type, size, density, and health of existing plant materials must result in a sustained buffer equivalent to what otherwise would be required under the landscape provisions of the Land

Development Code. The existing bufferyard area shall remain free of any trash, debris or existing structures that would detract from the aesthetics and effectiveness of such bufferyard. Bufferyard requirements shall be determined as follows:

a. Two (2) adjoining uses: Calculate the numerical difference between the land use intensity factors of the two adjoining uses by subtracting the land use intensity factor of the least intense land use from that of the more intense land use (use Table 110-4 Land Use Intensity Factors). ~~as shown in the following table in this paragraph.~~

b. Between land uses opposite each other across a right-of-way: Where two differing land uses are opposite each other across a right-of-way, the intensity factor, per Table 110-4, shall be further reduced as ~~follows~~listed in Table 110-2 (Reduction of Intensity Difference):

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

c. Use the resulting land use intensity difference to determine buffer design type shown in Table 110-3.

d. For minimum bufferyard requirements, see Section 110-808(e)(5) Landscape buffers along rights-of-way and Section 110-808(e)(7) Perimeter landscape buffers.

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

(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 otherwise stated herein, or the principal structure is located within 50 feet of a perimeter lot line where, in such cases, the perimeter landscape requirement may serve to satisfy the foundation landscape requirement for that portion of the building most parallel to such lot line and further provided that these landscape materials are installed in a manner that provides an effective buffering result. 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*~~*Non-residential*.

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.

(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. Except where solid waste containers are integrated as part of and surrounded by the area designated for commercial or industrial shipping and receiving, ~~A~~a hedge consisting of shrubs of a species selected from ~~Figure 1~~Table 110-7C, planted one-foot apart within three feet of the solid waste container enclosure, and groundcover selected from ~~Figure 1~~Table 110-7D ~~shall~~may, under certain circumstances, 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.

(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 ~~c~~City shall notify the property owner in writing of any maintenance violations. Upon notification of a maintenance violation, the property owner, ~~tenant,~~ or his/her duly authorized agent shall correct the violation or file an appeal per section 110-808(n) 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.

Sec. 110-810. Driveway Expansion (Residential)

a) The driveway expansion may not extend into the public right-of-way.

b) Access to the driveway expansion along a publicly paved road must be made via the concrete apron of the main driveway.

c) The driveway expansion material may consist of concrete or asphalt provided the lot meets the impervious surface ratio requirements or may consist of a minimum of four (4) inches deep packed crushed pack, gravel, mulch, shell or other similar material acceptable to the City. Any crushed material shall be held in place with a slightly raised border of landscaping timbers, paver stones, or bricks specifically made for an outdoor landscaping border use to prevent the material from washing away.

d) The area of the driveway expansion must be continuously maintained in a smooth well-graded condition to prevent vegetative intrusion.

Sec. 110-814. Additional regulations for certain permitted principal uses and structures.

(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~~ may 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.

(7) Existing metal buildings that do not meet the provisions of this section may retain their current design features. However, in the event such buildings are removed or destroyed by more than 50 percent, then the provisions of this section shall apply to the replaced or renovated building.

Sec. 110-817. Conditions Applied to Conditional ~~u~~Uses.

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

(d) Houses of worship, cemeteries, parochial or private schools are permitted, provided:

(4) All private schools must meet the applicable requirements of F.S. § 333.~~3(3) or obtain a variance under article X of this chapter.~~

(g) ~~*Granny Flats*~~*Reserved*

~~(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.~~

Sec. 110-819. Temporary uses and structures.

(a) Dwelling unit, model.

(1) A model dwelling unit shall have received an approved building permit final inspection including zoning approval prior to occupancy. ~~pursuant to the building permit, which was issued for it.~~

(2) Model home for residential development projects 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.

Model homes shall be discontinued upon the sale of the last model home to the owner who will be occupying it.

(~~2~~3) *Signs for Model Homes.*

a. Signs for model homes shall comply with the Deltona Sign Ordinance, ~~c~~Chapter 102.~~, Code of Ordinances, as it may be amended from time to time.~~

b. 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.

c. 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).

d. All model home signs in residential districts shall use internal indirect lighting, floodlights are not permitted.

(~~3~~4) The model dwelling unit shall not be used as a residence or for a storage area for building materials or equipment.

(~~4~~5) *Parking facilities for model homes.*

a. Parking facilities for model homes shall be provided in accordance with ~~s~~Section 110-828.~~, Ordinance No. 30-98, as it may be amended from time to time.~~

b. No more than two additional parking spaces for the type of proposed dwelling 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.~~

c. 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 ~~s~~Sections 110-828 and 110-829. ~~of Ordinance No. 30-98 and Ordinance No. 96-25 [land development code], as they may be amended from time to time.~~ Parking on non-site plan approved parking spaces, including other units under construction, is prohibited.

d. 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,~~per ~~s~~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.

e. Model home parking facilities associated with approved sites shall be removed and either landscaped or converted to residential use in accordance with applicable City requirements upon the discontinuation of the model home.

~~(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. In no case shall the illumination from a model home increase the level of illumination at the edge of pavement or at the property lines of adjoining properties more than one foot candle. ~~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~~7) ~~The electrical, mechanical, plumbing and structural work in model homes in~~ M~~m~~odel home ~~centers~~ shall comply with the current Florida Building Code, Residential (FBCR) ~~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~~the sales office ~~entrances~~ shall comply with the requirements of the ~~Americans with Disabilities Act (ADA)~~current Florida Building Code Accessibility (FBCA). At least one restroom facility shall be provided in the model home ~~center~~ that complies with ~~ADA~~ FBCA 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.~~

Sec. 110-827. Accessory Uses and Structures

(c) Design standards.

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

f. Accessory buildings and structures, except for sheds as provided for herein, shall not exceed the maximum height requirement for the particular district in which they are located.

k. *Sheds*:

1. 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~~.

2. Sheds shall have a maximum height limitation of fifteen (15) feet from average finished grade to ridgeline, or fifteen (15) feet from finished grade to peak on the front of the structure.

3. Shed shall not be taller than the primary structure.

~~m. Of accessory building and structures, only sheds shall have a maximum height limitation of fifteen (15) feet from average finished grade to ridgeline, or fifteen (15) feet from finished~~

~~grade to peak on the front of the structure. An accessory shed shall not be taller than the primary 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 except for home occupations within garages. 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.

(4) Granny flats allowed in the A, RE-5, ~~and~~ RE-1, R1-AAA, AA, A, and R1 zoning classifications ~~as a permitted principal use~~ are subject to the following requirements:

a. minimum lot area required: 7,500 square feet

~~a~~b. c~~C~~an 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~~c. 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~~d. shall have all utility services provided by a common meter with the principal dwelling;

~~d~~e. shall not have a separate driveway connection to the street;

~~e~~f. shall not be assigned a separate address; and

~~f~~g. 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.

Sec. 110-828. Off-street parking and loading. ***(Regulations)***

(e) Design requirements for off-street parking areas. Off-street parking areas shall be designed and located to meet the following requirements:

(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:

b. *Driveway spacing.* Driveway spacing shall meet the minimum standards of the Deltona Land Development Code, Ordinance No. 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~~828(b), 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~~. The number of proposed occupants is one of many criteria used to establish parking requirements. While the number of proposed occupants may

or may not equate to the maximum number of occupants allowed, as calculated per the fire code and required to be posted in the building, the parking requirements of this code shall be met. 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
(Note: Portion of table only applying to this revision)

~~Church~~House of Worship	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.

(k) Existing or proposed parking spaces may be shared by multiple non-residential uses in areas that meet the following provisions and performance criteria:

(1) All shared parking spaces are fully or partially contained within an 800 feet radius of one another.

(2) All affected property owners shall sign a recorded shared parking agreement that includes:

a. A detail of land use demand and supply of shared parking spaces necessary to meet such demand,

b. The expected duration of the shared parking agreement,

c. A hold harmless statement,

d. A statement that all affected property owners shall adhere to all related Land Development Code provisions, and

e. A statement that the City Planning and Development Services Department will be provided sufficient advance notification of no less than three (3) months relating to any proposed changes to the shared parking agreement.

(3) Parking areas that are not connected by drive aisles shall be connected by a safe and efficient sidewalk system.

(4) A shared parking plan shall be submitted for staff review and shall include:

a. Boundaries of all affected properties

b. Scaled drawing that clearly depicts the location and dimensions of all existing and proposed parking spaces, loading areas, dumpsters, drive aisles, external and interparcel access, sidewalks, landscaping, WB-40 truck turning movements (if required), light poles and other

physical features, designs to ensure the plan complies with the provisions of the Land Development Code.

c. A data sheet to include:

i. Separate parking calculations relating to the initial and subsequent shared parking periods demonstrating that the supply of parking spaces provided for each period is adequate to meet the land use demand for each use, as defined in Section 110-828.

ii. Verification that at least a thirty (30) minutes period will occur between the closing hour of operation for uses in the initial shared parking period and the opening hour of operation for uses in the subsequent shared parking period.

iii. Other data or information as deemed necessary for proper review.

(5) Implementation of shared parking shall not commence until all affected property owners have received written authorization from the city indicating approval of the shared parking plan.

Sec. 110-829. Off-street circulation, parking dimensions and loading facilities. ***(Requirements)***

(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' 9' × 19' standard space

10' × 22' parallel space

Handicap parking spaces shall be 12'×20' with a five-foot wide adjacent ingress/egressstriped access aisle. aisle handicap space Where two (2) handicap spaces are served by one (1) access aisle, such aisle shall be no wider than five (5) feet.

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.Where wheels stops are used with a parking space, a maximum length of two (2) feet as measured with the bumper overhang area may be sodded; provided this area is connected to and part of a larger landscaped area that is not part of a stormwater management facility.

(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 facilitiesobstruct the adjacent roadways and sidewalks, or unreasonably impede internal vehicular circulation of the facility.

Sec. 110-900. Administration.

(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~~City 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 ~~c~~City ~~c~~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 City.~~department of Building and Zoning, and e~~ Each application for a building permit shall conform with and contain the following information in addition to ~~the information required by~~ any other applicable ~~section~~provisions of this chapter and ~~the Building and Zoning Department~~ any other requirements:

(1) Plot and construction plans drawn to scale showing:

a. Shape and dimensions of the lot.

~~b. Any existing structures.~~

~~c~~b. Size, type, ~~and~~ location, and use of the proposed and any existing structures.

~~d. Use of any existing structures.~~

~~e. Intended use of each proposed structure.~~

~~f~~c. Number of dwelling units, if applicable.

~~g~~d. Location of any existing roads, any platted rights-of-way, any platted easements, water bodies, watercourses, and wetlands.

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.

(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.~~

ARTICLE XIII. ~~LEGAL STATUS PROVISIONS~~Reserved

~~**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.~~

CITY COMMISSION WORKSHOP

LAND DEVELOPMENT CODE PHASED AMENDMENT PROCESSES

SEPTEMBER 14, 2015

INTRODUCTION

Between 2011 and 2014, the City Commission adopted a series of "Phased" Land Development Code text amendments and achieved the following goals:

- Expanding land use opportunities
- Advancing economic development opportunities
- Eliminating unnecessary or overlay restrictive regulations
- Making the document more user-friendly

PHASE I: Organizational Improvements

(Ordinance No. 19-2011 – adopted by the City Commission on November 7, 2011)

- Focused on housekeeping objectives that improved text organization, clarity, and consistency.
- Established a foundation to enable the City to introduce more substantive and community-based changes in subsequent phases.

PHASE II-A

(Ordinance No. 06-2013 – adopted by the City Commission on June 17, 2013)

- Focused on deletions, additions, and revisions to certain provisions of:
  - Chapter 70. General Provisions
  - Chapter 74. Administration
  - Chapter 96. Improvements
  - Chapter 110. Zoning
- Added and improved illustrations to help clarify LDC content.

Reformat Dimensional Requirements for Zoning Classifications

Pre-adoption

(e) Dimensional requirements.

(1) *Minimum lot size.*

Area: 5,000 square feet.

Width: 50 feet.

(2) *Minimum yard size.*

Front yard: 25 feet.

Rear yard: 20 percent of the lot depth, but not less than 20 feet.

Side yard:

Abutting any lot: Seven and one-half feet. May be reduced to five feet between 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.

Abutting any street: 25 feet, may be 15 feet within subdivisions approved prior to November 3, 2003.

Waterfront or golf course yard: 20 percent of lot depth, but not less than 25 feet.

Maximum building height: 35 feet.

Maximum lot coverage: The total area covered by principal and accessory buildings shall not exceed 35 percent.

Minimum floor area: 1,200 square feet, except for any subdivisions approved prior to November 3, 2003.

Adopted

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(1)	20 feet
Side yard:	
Abutting any lot(2)	7.5 feet
Abutting any street(3)	25 feet
Waterfront or golf course yard(4)	25 feet
Maximum building height	35 feet
Maximum lot coverage *(with principal and accessory buildings)*	35%
Minimum floor area(5)	1,200 sq. ft.

(1) 20 percent of the lot depth, but not less than 20 feet

(2) May be reduced to five feet between 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.

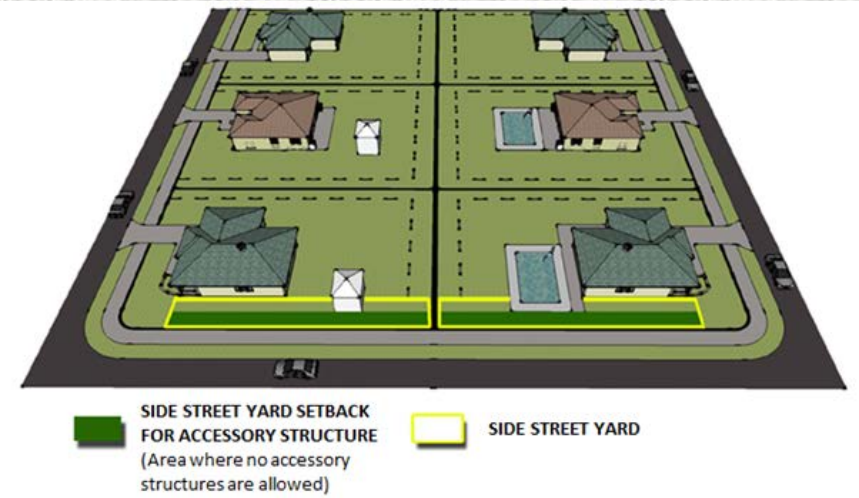
(3) May be 15 feet within subdivisions approved prior to November 3, 2003.

(4) 20 percent of the lot depth, but not less than 25 feet

(5) Except for any subdivisions approved prior to November 3, 2003.

Illustrations/Graphics Improvements

Accessory Structure Setbacks Back-to-Back Lots



Accessory Structure Setbacks Side Driveway

Accessory Structure Setbacks Adjacent to Vacant Lot

PHASE II-B

(Ordinance No. 18-2013 – adopted by the City Commission on February 3, 2014)

- Amended four chapters of the LDC:
  - Chapter 70 Section 70-30. Definitions
  - Chapter 74. Administration
  - Chapter 106. Subdivisions
  - Chapter 110. Zoning
- Enacted new Chapter 75 "Site Plan" to centralize provisions relating to site plan process.

LAND DEVELOPMENT CODE AMENDMENTS
CHRONOLOGY OF PHASES

Phase II-B changes improved the effectiveness and efficiency of our Code and adjusted or removed certain provisions in the development review process.

Pre-adoption

PLAT REVIEW PROCESS
Chapter 106 Subdivisions

Sketch Plan Review
(Optional)

10 business days (.5 month)

↓

Overall Development Plan (ODP)

30 business days (1.5 months)

↓

Preliminary Plat (PP) &
Construction Plan (CP)

30 business days (1.5 months)

↓

Final Plat

77 business days (3.85 months)

147 TOTAL BUSINESS DAYS *(7.35 months)*

Adopted

PLAT REVIEW PROCESS
Chapter 106 Subdivisions

PHASED DEVELOPMENT	NON-PHASED DEVELOPMENT
Preliminary Plat (PP) & Construction Plan (CP)	Final Plat (FP) & Construction Plan (CP)
30 business days (1.5 months)	*87 business days (4.35 months)*
↓	
Final Plat (FP)	
77 business days (3.85 months)	
107 TOTAL BUSINESS DAYS *(5.35 months)*	**87** TOTAL BUSINESS DAYS *(4.35 months)*

PHASE III

- Further improvements to the LDC (Proposed):
  - Chapter 70 Section 70-30. Definitions
  - Chapter 74. Administration
  - Chapter 75. Site Plan
  - Chapter 96. Improvements
  - Chapter 98. Natural Resources Protection
  - Chapter 106. Subdivisions
  - Chapter 110. Zoning

PHASE III

- Proposed amendments (selected items):

1. *Improve Organization of Certain LDC Provisions*
   - Clarify definitions (e.g. carports, driveway expansion (residential), private road)
   - Relocate the Use Permit regulations from Chapter 74 Article III to Chapter 96 Article IV (places it in a chapter with other similar Public Works' responsibilities).

PHASE III

- Proposed amendments (selected items):

2. *Improve Development Processes and Procedures*

- Requires pre-application meeting with applicant for site plan and subdivision submittals *(Sections 75-4(a), 106-30(b), and 106-31(a)(1)b.)*

- Accommodate shared parking facilities for non-residential uses *(Section 110-282(k))*

PHASE III

- Proposed amendments (selected items):

3. *Clarify Content*

- Clarifies the distinction between "Engineering" Construction Plan and "Building" Construction Plans *(Section 74-1(c)(1)f.)*
- Add flexibility to regulations affecting the length of cul-de-sac *(Section 96-28)*

QUESTIONS
&
COMMENTS