City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Agenda

Planning and Zoning Board

Chair Tom Burbank
Vice Chair Adam Walosik
Member Noble Olasimbo
Member Stony Sixma
Member John Harper
Member Donald Philpitt

Wednesday, February 17, 2016 | **7:00 PM** | **Council Chambers**

1. CALL TO ORDER:

2. ROLL CALL:

3. APPROVAL OF MINUTES & AGENDA:

Minutes of January 20, 2016

4. PRESENTATIONS/AWARDS/REPORTS:

5. PUBLIC FORUM:

6. OLD BUSINESS:

7. NEW BUSINESS:

Ordinance No. 04-2016, Land Development Code Amendments - Phase III

8. STAFF COMMENTS:

9. BOARD/COMMITTEE MEMBERS COMMENTS:

10. 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.

City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

Planning and Zoning Board

Wednesday, January 20, 2016 **7:00 PM** **Council Chambers**

1. CALL TO ORDER:

The meeting was called to order at 7:00 pm.

2. ROLL CALL:

Present: 6 - Chair Tom Burbank
Vice Chair Adam Walosik
Member Victor M. Ramos
Member Noble Olasimbo
Member Stony Sixma
Member John Harper

Also present: Planning & Development Services, Assistant Director, Ron Paradise and Administrative Assistant, Kathrine Kyp.

A. Election of Officers

Secretary Ramos called for nominations for the position of Chairman.

Motion by Member Sixma, seconded by Member Walosik, to nominate Tom Burbank for Chairman. The motion carried unanimously.

For: 6 - Chair Burbank, Vice Chair Walosik, Member Ramos, Member Olasimbo, Member Sixma and Member Harper

Chairman Burbank called for nominations for the position of Vice-Chairman.

Motion by Member Ramos, seconded by Member Sixma, to nominate Adam Walosik for Vice-Chairman. The motion carried unanimously.

For: 6 - Chair Burbank, Vice Chair Walosik, Member Ramos, Member Olasimbo, Member Sixma and Member Harper

Chairman Burbank called for nominations for the position of Secretary.

Motion by Member Sixma, seconded by Member Ramos, to nominate Noble Olasimbo for Secretary. The motion carried unanimously.

For: 6 - Chair Burbank, Vice Chair Walosik, Member Ramos, Member Olasimbo, Member Sixma and Member Harper

3. APPROVAL OF MINUTES & AGENDA:

A. Minutes for December 16, 2015

Motion by Member Sixma, seconded by Member Olasimbo, to approve the minutes for December 16, 2015. The motion carried by the following vote:

For: 6 - Chair Burbank, Vice Chair Walosik, Member Ramos, Member Olasimbo, Member Sixma and Member Harper

4. PRESENTATIONS/AWARDS/REPORTS:

5. PUBLIC FORUM:

6. OLD BUSINESS:

7. NEW BUSINESS:

B. Ordinance No. 02-2016, Business Planned Unit Development Rezoning Request for Lots 2 and 3 Deltona Welcome Center

Mr. Paradise provided the Board with information regarding Ordinance No. 02-2016, Business Planned Unit Development Rezoning Request for Lots 2 and 3 Deltona Welcome Center. He explained that the access previously proposed on Debary Av. was denied by Volusia County and the application needed to be resubmitted due to the adjusted access and development. He noted that the prohibition of front/roadway facing parking is not part of the proposed Development Agreement (DA). He noted that this change does not go against the Enterprise Overlay District. Mr. Paradise stated that the requested full access on Deltona Blvd. should be allowed. However, the applicant needs to do a cross access easement designed and sized to support access to Lot 4. He stated that roadway improvements such as a right turn deceleration lane on Deltona Blvd to the access point, a center lane afforded between Deltona Blvd. and Debary Av. and expanded Deltona Blvd. lanes would be required and have been added to the DA. Mr. Paradise explained that the applicant is solely responsible to design, finance and construct these improvements before a Certificate of Occupancy is issued, and also that the city will request a signal warrant study within one year due at the Welcome Center

Drive/Deltona Blvd. Intersection.

Discussion regarding the poor maintenance of the site's stormwater facilities occured between Member Harper and Mr. Paradise.

Member Walosik noted that the turning radius needs be improved. Mr. Paradise noted the DA has language regarding that the turning radii must be compliant with state standards.

Discussion amongst the board occurred regarding access to the location and circulation concerns.

Chairman Burbank stated that the potential future signal should be a mast arm signal per the Urban Design Plan and suggested it be added to the DA.

Mikal Hale, Traffic Engineering Data Solutions, 80 Spring Vista Drive, Debary, spoke regarding the questions the Board had.

Member Harper asked if there are pedestrian features, such as crosswalks at the intersection. He stated that three way pedestrian signals should be included with the list of improvements.

Chairman Burbank asked if the applicant accepted the changes cited in the DA and the applicant acknowledged.

Chairman Burbank opened the public hearing.

Chairman Burbank closed the public hearing.

Motion by Member Harper, seconded by Vice-Chair Walosik, to recommend for approval, Ordinance No. 02-2016, Business Planned Unit Development Rezoning Request for Lots 2 and 3 Deltona Welcome Center with Staff suggested changes. The motion carried by the following vote:

For: 5 - Chair Burbank, Vice Chair Walosik, Member Ramos, Member Sixma and Member Harper

Against: 1 - Member Olasimbo

8. STAFF COMMENTS:

9. BOARD/COMMITTEE MEMBERS COMMENTS:

10. ADJOURNMENT:

The meeting adjourned at 7:33 pm.

_____
Tom Burbank, Chairperson

ATTEST:

_____
Kathrine Kyp, Board Secretary

Memorandum

TO: Planning and Zoning Board

FROM: Chris Bowley, AICP, Director
Planning and Development Services Department

DATE: February 17, 2016

RE: Land Development Code Amendments - Phase III (Ordinance No. 04-2016)

I. SUMMARY OF APPLICATION:

Applicant: City of Deltona

Request: Amend the City of Deltona Code of Ordinances Subpart B, Land Development Code, by adding, revising, and deleting certain provisions of Chapter 70 Section 30, "Definitions; Chapter 74, "Administration"; Chapter 75, "Site Plan"; Chapter 86, "Concurrency Management"; Chapter 94, "Impact Fees"; Chapter 96, "Improvements"; Chapter 98, "Natural Resources Protection"; Chapter 106, "Subdivisions"; and Chapter 110, "Zoning" as presented in Exhibit A.

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 86, "Concurrency Management"; 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 the LDC.

The Planning and Development Services Department briefed the City Commission on this amendment at their September 14, 2015, Workshop. A public information meeting was held on November 4, 2015, in the City Commission Chambers, to outline the amendment and to obtain public comment. Opportunities for further public comment were afforded through the City's website and information stations that were set up in City Hall and the Deltona Library. The Planning Department also worked with the City's Economic Development office to distribute the draft to various business associations for review and comment. Through this process, a limited number of comments were received from the general public and the reply from the business community was positive.

II. STAFF RECOMMENDATION:

Staff requests that the Planning and Zoning Board recommend that the City Commission adopt the amendments to the Code of Ordinances Subpart B, Land Development Code as presented in the attached Exhibit A.

III. POTENTIAL MOTION: "I hereby move to recommend that the City Commission adopt Ordinance No. 04-2016, amending the Code of Ordinances Subpart B, Land Development Code, by adding, revising, and deleting certain provisions of Chapter 70 Section 30, "Definitions; Chapter 74, "Administration"; Chapter 75, "Site Plan"; Chapter 86, "Concurrency Management"; Chapter 94, "Impact Fees"; Chapter 96, "Improvements"; Chapter 98, "Natural Resources Protection"; Chapter 106, "Subdivisions"; and Chapter 110, "Zoning" as presented in Exhibit A.

IV. ATTACHMENTS:
- Ordinance No. 04-2016
- Exhibit A – Amendments to the Code of Ordinances, Subpart B, Land Development Code
- Summary of the LDC Proposed Amendments *(This document is for reference only. This document is not part of the ordinance packet)*

ORDINANCE NO. 04-2016

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, AMENDING CODE OF ORDINANCES SUBPART B, LAND DEVELOPMENT CODE, BY ADDING, REVISING, AND DELETING CERTAIN PROVISIONS OF CHAPTER 70, SECTION 30 "DEFINITIONS"; CHAPTER 74, "ADMINISTRATION"; CHAPTER 75, "SITE PLAN"; CHAPTER 86, "CONCURRENCY MANAGEMENT"; CHAPTER 94, "IMPACT FEES"; CHAPTER 96, "IMPROVEMENTS"; CHAPTER 98, "NATURAL RESOURCES PROTECTION"; CHAPTER 106, "SUBDIVISIONS"; AND CHAPTER 110, "ZONING"; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Deltona amended Code of Ordinance Subpart B, Land Development Code, by revising and organizing Chapters 70 through 110, via Ordinance No. 19-2011, adopted on November 7, 2011; and

WHEREAS, such amendments have established a foundation to enable the City to introduce more substantive and community-based changes; and

WHEREAS, on June 17, 2013, Phase II-A of the Land Development Code amendments was adopted by the City Commission via Ordinance No. 06-2013; and

WHEREAS, on February 3, 2014, Phase II-B of the Land Development Code amendments was adopted by the City Commission via Ordinance No. 18-2013; and

WHEREAS, these Phase III amendments include further improvements to the Land Development Code, Chapter 70 Section 30, Chapter 74, Chapter 75, Chapter 86, Chapter 94, Chapter 96, Chapter 98, Chapter 106, and Chapter 110, by adding, deleting, and revising certain sections; and

WHEREAS, the Planning and Zoning Board held a public hearing on February 17, 2016, and forwarded its recommendations to the City Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:

Section 1. Code of Ordinances Subpart B, Land Development Code, is hereby amended as follows:

See Exhibit A, Land Development Code Amendments, attached hereto

Section 2. Conflicts. 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.

Section 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance, which can be given effect, without the invalid provision or application.

Section 4. Codification. The provisions of this Ordinance shall be codified as and be made a part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered or relettered to accomplish such intention.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA THIS _____ DAY OF _____, 2016.

First Reading: _____

Advertised: _____

Second Reading: _____

BY: _____
JOHN C. MASIARCZYK, SR., Mayor

ATTEST:

_____
JOYCE RAFTERY, CMC, MMC, City Clerk

Approved as to form and legality
for use and reliance of the City of
Deltona, Florida

_____
GRETCHEN R. H. VOSE, City Attorney

PHASE III
SUMMARY OF THE LDC PROPOSED AMENDMENTS

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

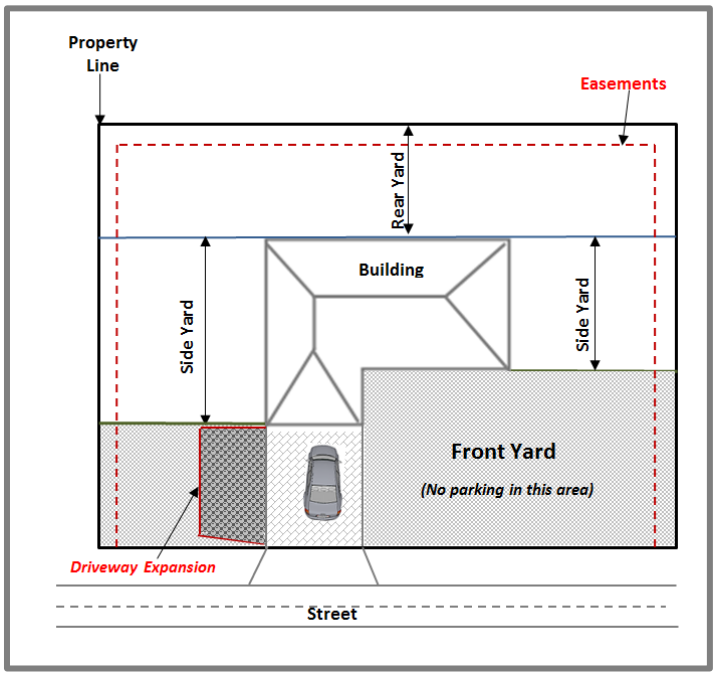
February 3, 2016

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.



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

~~***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.~~

~~***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.

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

Xeriscaping™: landscaping techniques that uses slow-growing, drought-tolerant plants to conserve water.

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.~~

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

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

~~Sec. 74-52. Stipulations.~~

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

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

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

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

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

~~Sec. 74-53. Supporting regulations.~~

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

~~(1) This chapter;~~

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

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

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

~~(5) "FDOT Utility Accommodation Guide";~~

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

~~(7) The City of Deltona Zoning Ordinance;~~

~~(8) FDOT Roadway and Traffic Design Standards.~~

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

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

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

~~Sec. 74-54. Qualifications of permittee.~~

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

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

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

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

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

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

~~Sec. 74-55. Exceptions.~~

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

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

~~(c) *Emergency repair.*~~

~~(1) A disruption in any utility service shall constitute an emergency. Emergency repairs may be performed without obtaining a use permit prior to such repair. Emergency repair work shall be completed in accordance with applicable directives from the City or other authority as expeditiously as possible. During normal City working hours, verbal approval for the emergency work shall be obtained from the public works department. If emergency work is required at night, on weekends or holidays, the public works department shall be notified of all emergency repair work by 10:00 a.m., the first workday following beginning of such repair work. An application for a use permit shall be submitted within two working days following commencement of emergency repair work. The person, company or utility performing the emergency repair work shall be exempt from the requirements of section 74-56 for prior notification to other agencies, with exception of gas utility companies, but shall notify those agencies by 10:00 a.m., the day following the commencement of the emergency repair work.~~

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

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

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

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

~~**Sec. 74-56. Notification to other agencies.**~~

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

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

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

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

~~**Sec. 74-57. Responsibility for compliance.**~~

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

~~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. 94-44. 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.~~

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.

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.

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 prohibited 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~~concurrently 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 ~~p~~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.

(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.

(d) Approved plant species list. All plant material proposed to be installed on a site to meet the requirements of this chapter shall be site appropriate and selected from the following approved plant species lists:

1) ~~set forth in~~ Table 110-7 of~~to~~ this chapter.

2) Waterwise Florida Landscapes, Third Printing, April 2006, or subsequent printings.

3) The Florida-Friendly Landscaping Guide to Plant Selection & Landscape Design™, University of Florida, 2010 Edition or subsequent publications.

Use of any other plant material shall require prior approval by the enforcement official. The plants listed in Figure I to this part have demonstrated ability to grow and thrive in the Central Florida area.

Applicants, developers, and property owners are strongly encouraged to employ the Xeriscape™ principles as outline in the Waterwise Florida Landscapes document noted in Section (d)(2) above.

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

(2) *Bufferyards.* Landscaped bufferyards shall be established between differing land uses around development project perimeters in accordance with the requirements of this section. These requirements shall be deemed the minimum necessary to achieve compatibility between land uses. ~~Bufferyards shall be developed by each use classification based on existing contiguous land uses, zoning, or land use plan designation, whichever is most intense.~~After determining the existing land uses, zoned uses, and planned land uses around the development project, in order to calculate the appropriate bufferyard widths, apply the widest bufferyard in order to provide the greatest protection among existing or possible future uses.

(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. 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 abut the enclosure walls, except that such hedge is not required in cases where solid waste containers are integrated and located within the interior of an area designated for commercial or industrial shipping and receiving and where the container enclosures are otherwise effectively buffered from view from adjoining

properties planned or zoned for residential, office or institutional uses. 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.

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 Florida Statutes requirements ~~of F.S. § 333.3(3)~~ or obtain a variance under article XI, Section 110-1103 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.~~

(n) Reserved ~~Off-street parking areas are permitted on vacant lots that are contiguous to or lie directly across the street from lots classified as PB, C-1, C-2 and C-3 providing the following conditions are met:~~

~~(1) The off-street parking area shall be used to serve only an existing conforming commercial use.~~

~~(2) If the off-street parking area is contiguous to the premises on which the principal commercial use is located, motor vehicles shall only enter or exit the parking area through that premises.~~

~~(3) The parking area shall be surfaced with, brick, asphalt, bituminous concrete or packed shell or marl material and maintained in a smooth, well-graded condition and shall comply with the land development code Ordinance No. 96-25, as it may be amended from time to time. If lighted, no artificial light source shall be visible from adjoining properties. Lighting shall be shielded so as not to directly illuminate adjacent residential properties, and shall not glare directly onto the adjacent streets.~~

~~(4) The off-street parking area shall be designed to meet the dimensional requirements of the land development code.~~

~~(5) Each application for a conditional use shall be accompanied by a parking plan meeting the requirements of the land development code and a landscape plan.~~

~~(6) A landscape plan meeting the following requirements shall be submitted:~~

~~a. The parking lot shall be planned and designed to retain the maximum amount of natural vegetation and shade trees. In the event that natural vegetation cannot be used, the plant materials listed in section 110-808 of this chapter shall be incorporated into the landscape design.~~

~~b. An existing tree survey performed in compliance with chapter 98, article II, Code of Ordinances, as it may be amended from time to time, and irrigation plan shall also be provided at the same scale as the landscape plan.~~

~~c. The landscape materials and planting area shall be reasonably dispersed throughout the parking area.~~

~~d. Not less than ten percent of the interior of the parking lot shall be landscaped. The required buffer area shall not be considered a part of this interior landscape requirement.~~

~~e. The dimensions of any planting area shall comply with section 110-808 of this chapter.~~

~~f. A 25-foot landscaping buffer area shall be maintained along the perimeter of the parking area which is contiguous to property classified C, FR, RC,A, RE-5, RE-1, R-1 through R1-B, residential use areas of the RPUD and MPUD, MH.~~

~~g. A six-foot high, opaque masonry wall, or wall having the appearance of masonry using a material approved by the enforcement official and the building official, shall be constructed adjacent to A, RE-5, RE-1, R-1 through R1-B, residential use areas of the RPUD and MPUD, MH zoning classifications. The wall shall be erected within five feet of the off-street parking area and be maintained in a neat and orderly manner at all times. Landscaped berms may be used in place of a wall. The berms shall be constructed to a height of four feet with inside slopes not exceeding a three to one ratio. Plant material shall be planted on top of the berm and shall be a minimum of two feet in height with a planting interval of at least three feet on center.~~

~~(7) A workable underground irrigation system shall be installed in order to provide the means to water any planted landscape materials.~~

~~(8) All landscaping shall be maintained in accordance with section 110-808 of this chapter.~~

~~(9) The parking area shall not be used until the parking area has been constructed in accordance with the plans approved pursuant to conditional use.~~

~~(10) A ten-foot wide landscape buffer area meeting the requirements of section 110-808 shall be maintained along the perimeter of the parking area which is contiguous to or directly across the street from property located in the RE-5, RE-1, R-1 through R1-B, or MH zoning districts.~~

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 homes 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.

(23) *Signs for Model Homes.*

a. Signs for model homes shall comply with the Deltona Sign Ordinance, eChapter 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.

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

(45) *Parking facilities for model homes.*

a. Parking facilities for model homes shall be provided in accordance with sSection 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 sSections 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 sSection 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.~~

(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)***

(c) Location on vacant lot.

(1) *Residential:* The minimum number of parking spaces required in Section 110-828(f) for all single-family and two-family dwellings shall be located on the same lot as the main building. If additional parking spaces are required for any single-family or two-family dwelling, the additional parking spaces may be located either on the same lot as the main building, or on an adjacent vacant lot of an expanded residential building site.

(2) *Non-residential:* If the required off-street parking spaces for all other uses cannot reasonably be provided on the same lot on which the principal building or use is located, such required off-street parking spaces may be located on ~~another~~a separate vacant lot, owned or leased by the owner of the lot on which the principal structure or use is located, providing the following conditions are met:

a. The parking area~~provided that such spaces~~ shall be ~~are~~ located within ~~2~~800 feet of the premises to be served, and, shall be ~~are~~ located only in one or more of the following classifications: RM-1, RM-2, OR, C-1, C-2, C-3, I, PUD or PB. ~~Such spaces may be located in any single-family residential zoning district only as a conditional use. Heavy equipment and vehicles requiring a commercial drivers' license of any class shall not be parked or stored on an off-premises parking lot permitted by this paragraph within any residential zoning district, or within the Professional Business zoning classification.~~

b. The off-street parking area shall be used to serve only an existing conforming commercial use.

c. If the off-street parking area is contiguous to the premises on which the principal commercial use is located, motor vehicles shall only enter or exit the parking area through that premises.

d. The parking area shall be surfaced with, brick, asphalt, bituminous concrete or packed shell or marl material and maintained in a smooth, well-graded condition and shall comply with the land development code Ordinance No. 96-25, as it may be amended from time to time. If lighted, no artificial light source shall be visible from adjoining properties. Lighting shall be shielded so as not to directly illuminate adjacent residential properties, and shall not glare directly onto the adjacent streets.

e. The off-street parking area shall be designed to meet the dimensional requirements of the Land Development Code.

f. A parking plan meeting the requirements of the Land Development Code shall be submitted.

g. A landscape plan shall be submitted that meets the requirements of Section 110-808, except as may be otherwise allow herein:

1. Not less than ten (10) percent of the interior of the parking lot shall be landscaped. The required buffer area shall not be considered a part of this interior landscape requirement.

2. A six-foot-high, opaque masonry wall, or wall having the appearance of masonry using a material approved by the enforcement official and the building official, shall be constructed adjacent to areas planned, zoned, or used for residential purposes. The wall shall be erected within five feet of the off-street parking area and be maintained in a neat and orderly manner at all times. Landscaped berms may be used in place of a wall. The berms shall be constructed to a height of four feet with inside slopes not exceeding a three to one ratio. Plant material shall be planted on top of the berm and shall be a minimum of two feet in height with a planting interval of at least three feet on center.

3. An existing tree survey performed in compliance with Chapter 98 of the Land Development Code, as it may be amended from time to time.

h. The off-site parking area shall not be used until it has been constructed in accordance with the plans approved.

(~~2~~3) No parking space or portion of any parking facility shall be located or built within any platted easement unless an authorized use permit is issued by the City of Deltona.

(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 parking or expansion of existing parking areas may be shared by multiple non-residential uses on lots 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 and that the City shall approve such change prior to implementation.

(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, street crossings and methods of transportation improvements, if applicable, landscaping, WB-40 truck turning movements (if required), lighting and other physical features to ensure the plan complies with the provisions of the Land Development Code.

c. 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.

(6) *Shared parking non-overlapping hours of operation*: While adhering to other requirements as cited in Section 110-828(k)(1) through (5), certain parking spaces may be used to meet the parking requirements for two uses that maintain non-overlapping hours of operation, provided a data sheet is submitted to the City that includes the following information:

a. 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.

b. 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.

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

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 a minimum of 12'×19~~20~~' with a five-foot wide ~~adjacent ingress/egress~~striped access aisle. ~~aisle handicap space~~ Where two (2) handicap spaces are served by one (1) access aisle, such aisle shall be no wider than eight (8) feet. The City Code designates the minimum required number of handicap spaces. Applicants are encourage to provide additional handicap spaces, when deemed appropriate to meet projected need.

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 facilities~~obstruct 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.~~

EXHIBIT A
ORDINANCE NO. 04-2016

Chapter 70 GENERAL PROVISIONS

ARTICLE II. LAND DEVELOPMENT CODE

DIVISION 1. GENERALLY

Sec. 70-30. Definitions

General Terms

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

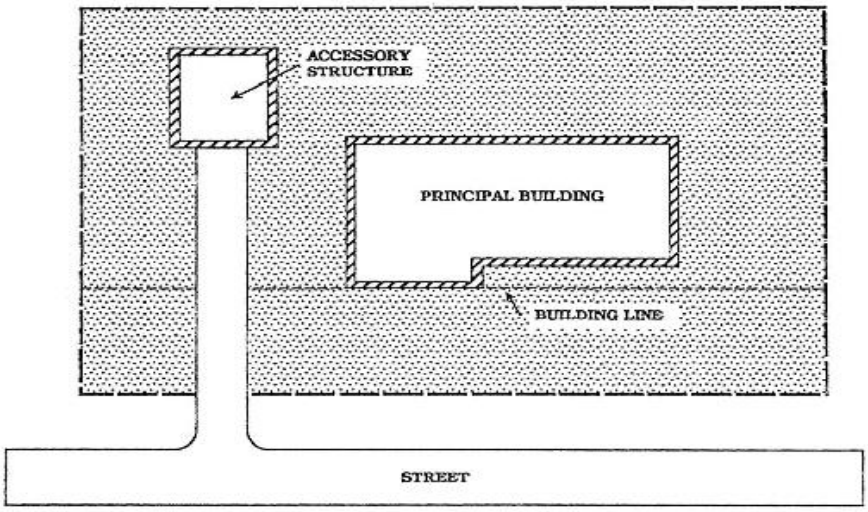
Abandon: any cessation of an existing use of land or of any structure thereon for a period greater than that specified by this chapter, other than a cessation necessarily incident to probate or mortgage foreclosure proceedings, or to the temporary absences of part-time residents.

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

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

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

ACCESSORY STRUCTURE AND PRINCIPAL BUILDING DEFINITION



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

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

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

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

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

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

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

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

(4) The individual items of adult material offered for sale and rental comprise less than 25 percent of the total individual unused items publicly displayed at the establishment as stock in trade in each of the following categories: books, magazines, periodicals, other printed matter, photographs, films, motion pictures, videotapes, slides, compact discs, computer digital graphic recordings, other visual representations, audio recordings and other audio matter, and they comprise less than 25 percent of the

total individual used items publicly displayed as stock in trade in each of the same categories set out above; and

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

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

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

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

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

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

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

Adult performance establishment: an establishment where any worker:

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

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

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

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

This definition is not intended to apply and it is an affirmative defense to all alleged violations of this chapter regarding operating an adult performance establishment without a license, if the alleged violation demonstrates either the establishment is a bona fide private club whose membership as a whole engages in social nudism or naturalism as in a nudist resort or camp, or that the predominant business or attraction of the establishment is not the offering to customers of a product, service or entertainment intended to provide sexual stimulation or sexual gratification to such customers, and the establishment and its advertising is not distinguished by an emphasis on the promotion of materials, workers or persons depicting, describing, displaying, exposing, simulating or relating to specified

sexual activities or specified anatomical areas. An adult performance establishment shall not be deemed a place provided or set apart for the purpose of exposing or exhibiting a person's sexual organs in a manner contrary to the first sentence of F.S. § 800.03, the state's indecent exposure statute, as set forth in the decision of the Supreme Court of Florida in the case of Hoffman v. Carson, 250 So. 2d 891, 893 (Fla. 1971), appeal dismissed 404 U.S. 981 (1971).

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

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

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

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

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

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

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

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

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

Alteration of a watercourse: a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

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

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

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

Animated sign: any sign that utilizes motion of its parts by any means, or displays flashing, oscillating, or intermittent lights. This term also includes the use of animals or people for advertising purposes. This

definition includes signs with rotating panels, generally referred to as trivision signs. Such signs are not permitted.

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

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

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

Apartment house: See multiple-family dwelling.

Appeal: a request for a City Commission review of the enforcement official's interpretation regarding any provision of this ordinance. Means, for the purposes of floodplain management, a request for a review of the Floodplain Administrator's interpretation of any provision of Chapter 90 or a request for a variance.

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

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

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

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

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

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

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

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

ASCE 24: a standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

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

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

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

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

Automobile service station:

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

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

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

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

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

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

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

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

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

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

Base flood: a flood having a 1-percent chance of being equaled or exceeded in any given year [Also defined in FBCB, Section 1612.2.] The base flood is commonly referred to as the “100-year flood” or the “1-percent-annual change flood”.

Base flood elevation: the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBCB, Section 1612.2.]

Basement: the portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBCB, Section 1612.2.]

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

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

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

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

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

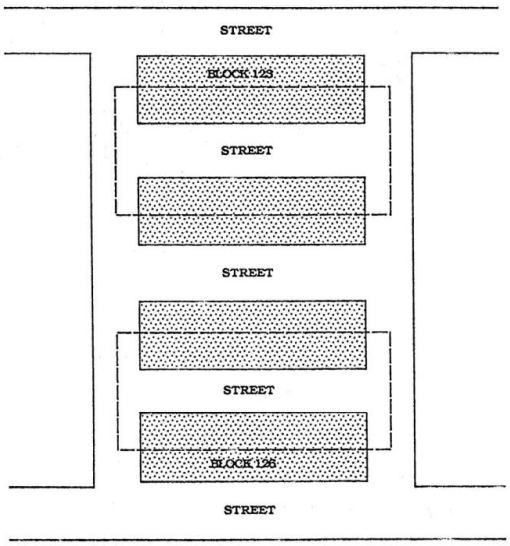
Bikeways: any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

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

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

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

ILLUSTRATION OF BLOCK FACE



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

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

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

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

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

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

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

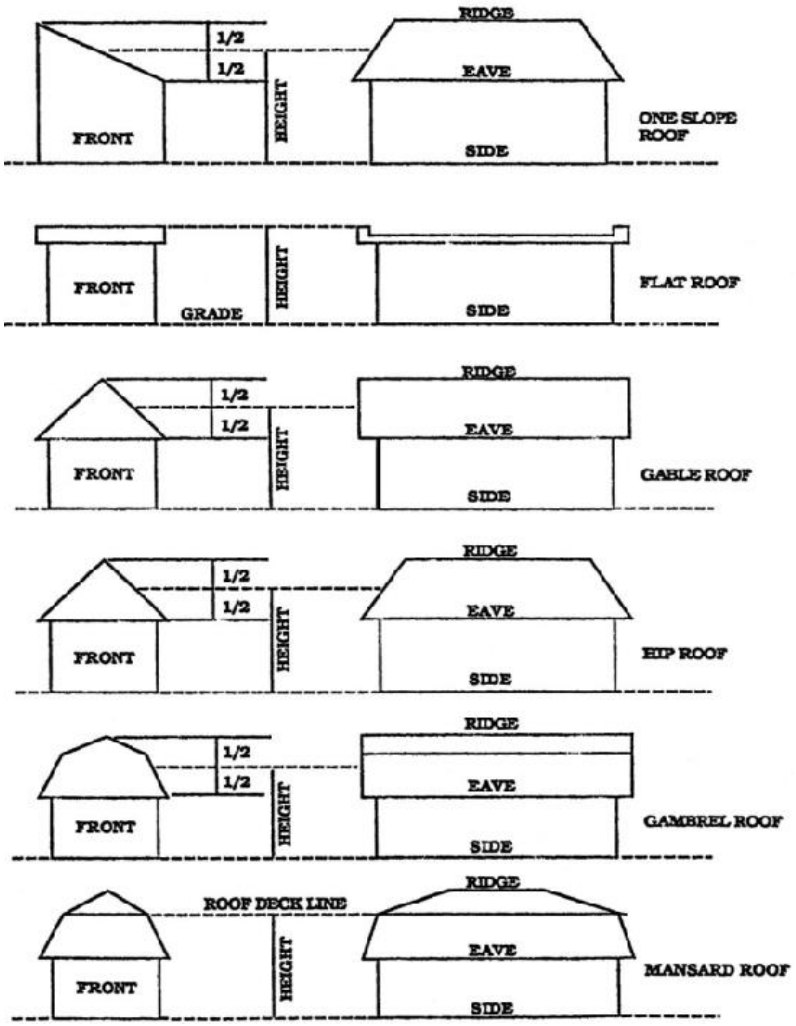
Building: any permanent or temporary structure, with a roof built for support, shelter, or enclosure for any occupancy or storage.

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

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

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

GUIDE TO HEIGHT DEFINITIONS



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

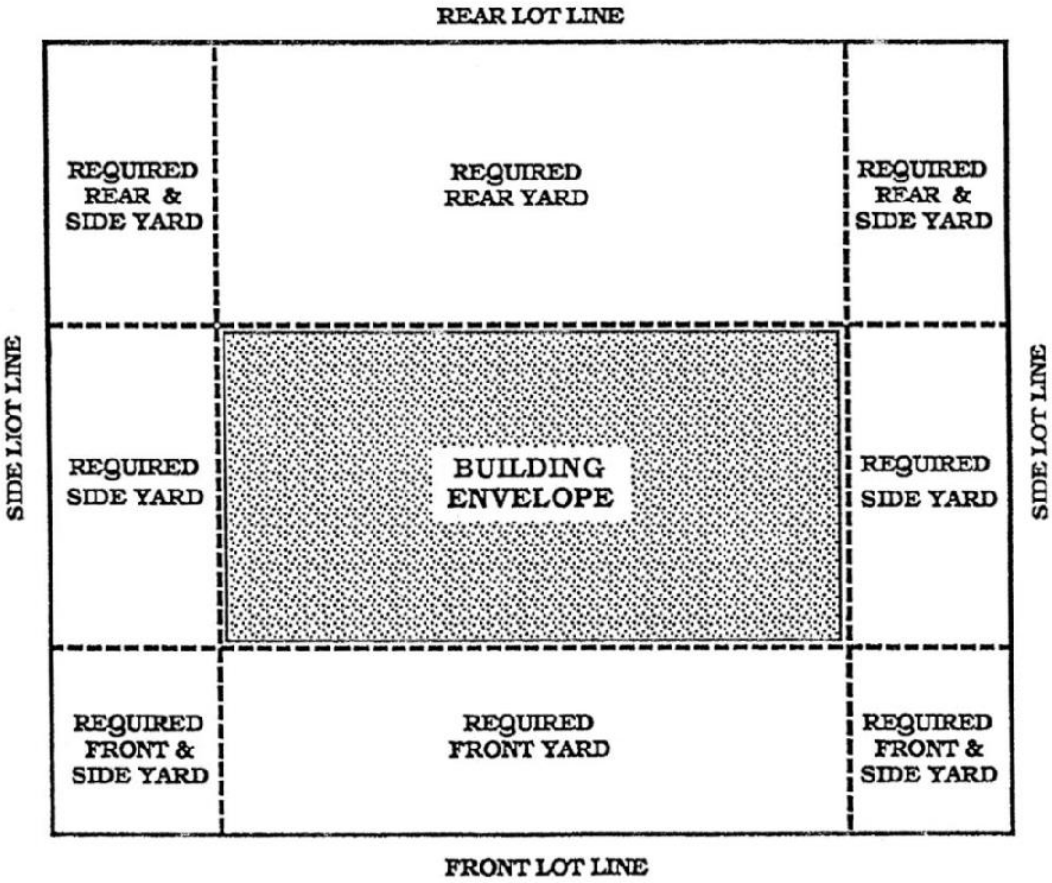
Building line: mark established by minimum yard requirements outside of which no principal structure may be erected.

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

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

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

BUILDING ENVELOPE



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

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

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

Camper: See "mobile recreational shelters and vehicles."

Campground: See "recreational vehicle park."

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

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

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

Capacity: Ability to absorb demand safely.

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

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

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

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

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

1. Construction of new through lanes.
2. Construction of new turn lanes.
3. Construction of new bridges.
4. Construction of new drainage facilities in conjunction with new roadway construction.
5. Purchase and installation of traffic signalization (including new signalization and upgrading signalization).
6. Construction of curbs, medians, shoulders, sidewalks and bike paths.

7. Relocating utilities to accommodate new roadway construction.

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

1. Construction of police office buildings, stations, and substations.
2. Acquisition of all law enforcement equipment.
3. Acquisition, construction and equipping of training facilities to support law enforcement service staff.
4. Acquisition and equipping of law enforcement vehicles and other emergency equipment.

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

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

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

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

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

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

Church: See "house of worship".

City: the City of Deltona, Florida.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Communication antenna: antenna designed to transmit or receive communications as authorized by the Federal Communications Commission. The term shall not include amateur radio antennas, CB, marine band or Class C commercial antennas or direct broadcast antennas less than 12 feet in height and less than 39 inches in diameter.

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

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

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

***Compatible*:** building, structure, activity, or use that blends with, conforms to, or is harmonious with the surrounding ecological, physical, visual or cultural environment; which does not create nuisances caused by adverse sensory impacts with respect to the uses of other properties; and which does not have a

significant adverse impact on the values of adjacent properties when those properties are used for the purposes for which they are intended in this chapter and the comprehensive plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

County: the County of Volusia, Florida.

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

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

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

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

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

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

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

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

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

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

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

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

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

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBCB, Section 1612.2.]

(1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or

(2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum

specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBCB, Section 1612.2.]

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

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

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

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

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

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

Development: any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, tank, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavating, drilling operations, or any other land disturbing activities, or the dividing of land into two or more parcels. Development shall include but not limited to:

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

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

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

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

(5) Demolition or removal of a structure.

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

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

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

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

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

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

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

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

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

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

Diffuse: to spread or scatter widely, or thinly.

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

Directional sign:

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

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

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

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

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

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

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

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

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

District Park: this park will satisfy recreational needs in terms of resource-based and active-based facilities that are not typically available or suitable for the local park system. In consideration of developing a district park where acreage and locational factors are to be studied, the district parks may eliminate the need for a regional park system. These large park sites may adjoin the public junior/senior

high schools or a community college site. The district park service shall include a large population sector and should be located and designed as an outdoor recreation unit.

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

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

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

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

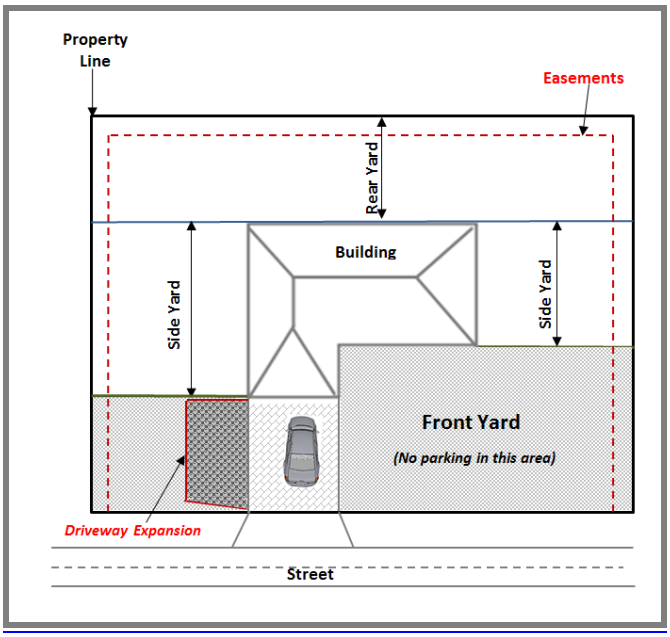
Dredging: excavation by any means in water or wetland. It also means the excavation or creation of a water body which is or is to be connected to waters, directly or via excavated water bodies or a series of excavated water bodies.

Driveway:

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Encroachment: the placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

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

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

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

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

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

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

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

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

(2) Engage in physical contact with another person;

(3) Provide private adult entertainment;

(4) Engage in private modeling or lingerie modeling;

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

(6) Engage in any specified sexual activity.

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

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

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

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

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

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

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

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

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

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

Existing building and existing structure*:* means, for the purposes of floodplain management, any buildings and structures for which the "start of construction" commenced before April 18, 1974. [Also defined in FBCB, Section 1612.2.]

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

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

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

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

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

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

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

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

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

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

Federal Emergency Management Agency (FEMA): the federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

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

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

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

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

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

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

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

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

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

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

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

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

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

***Flood or flooding* means:**

a. A general and temporary condition of partial or complete inundation of normally dry land areas from: [Also defined in FBCB, Section 1612.2.]

   1. The overflow of inland or tidal waters.

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

***Flood damage-resistant materials*:** any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBCB, Section 1612.2.]

Flood hazard area: the greater of the following two areas: [Also defined in FBCB, Section 1612.2.]

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM): The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBCB, Section 1612.2.]

Flood Insurance Study (FIS): The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBCB, Section 1612.2.]

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

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

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

Floodplain Administrator: The office or position designated and charged with the administration and enforcement of the flood management ordinance (may be referred to as the Floodplain Manager).

***Floodplain development permit or approval**:* An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Floodway: the channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBCB, Section 1612.2.]

Floodway encroachment analysis: An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

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

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

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

(2) Unenclosed stairs or fire escape;

(3) Elevator structures;

(4) Cooling towers;

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

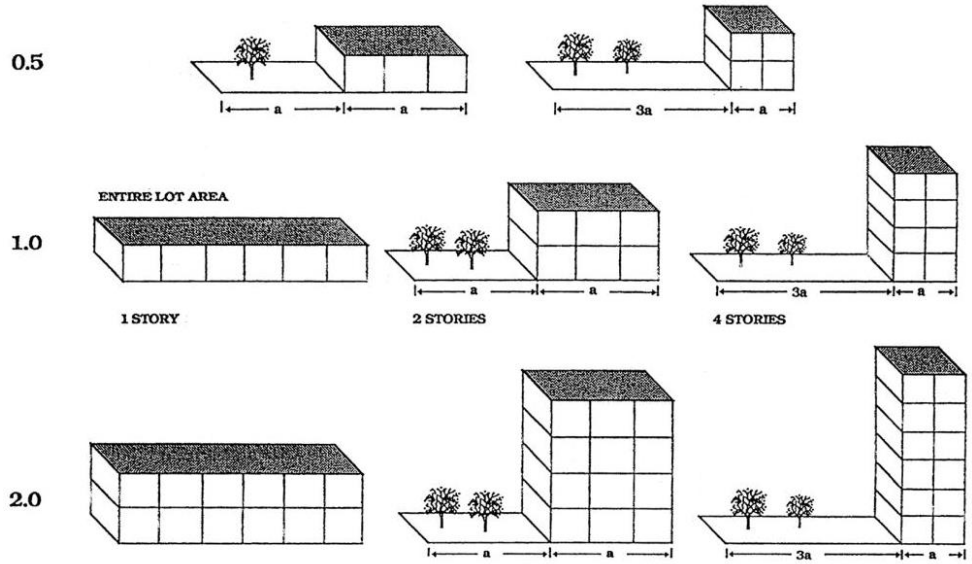
(6) Vehicle parking structures;

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

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

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

FLOOR AREA RATIO
EXAMPLES



Florida Building Code: The family of codes adopted by the Florida Building Commission, as may be amended from time to time, including: *Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas; Florida Building Code, Accessibility; Florida Building Code, Energy Conservation*.

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

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

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

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

Freestanding sign: Same as "Ground sign".

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

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

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

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

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

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

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

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

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

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

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship-building and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

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

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

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

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

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

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

General recreation: means and includes agricultural centers and associated fairgrounds; aquatic preserves (state or federally designated); aquariums; cultural art centers; cultural, historical, and art centers and museums; entertainment and recreational uses and structures; fishing, forest and wildlife management areas; game rooms or arcades for pool, billiards, pinball machines, jukeboxes or other coin-operated amusements; golf course; government-sponsored civic centers; historical or archeological sites; hunting camps; museums; outdoor entertainment and recreational uses and structures; outdoor musical events; parks and recreation areas; private clubs, lodges, fraternities, sororities; public art galleries, libraries, museums, and other public meeting places not operated for profit; public parks and recreational areas; and, publicly and privately owned parks and recreational areas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Height: the elevation of structures other than walls and buildings shall be the vertical distance from a horizontal plane established through the average finished grade at the base of the structure to the highest point of any structure other than a wall. The height of a wall is the vertical distance from a horizontal

plane established through the average finished grade to the mean level of the top of the wall, including any dormers on the wall, when the wall is not supporting a roof. Also see the term "building height".

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

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

Historic structure: Any structure that is:

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

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

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

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

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

    2. Directly by the Secretary of the Interior.

Means, for the purposes of floodplain management, any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings.

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

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

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

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

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

Hotel: building or other structure, kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, in

which ten or more rooms are furnished for the accommodations of such guests; and having or not having one or more dining rooms, restaurants, or cafes, if existing, being conducted in the same building or accessory buildings in connection therewith.

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

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

Hunting camp: premises to accommodate individuals who hunt game.

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

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

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

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

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

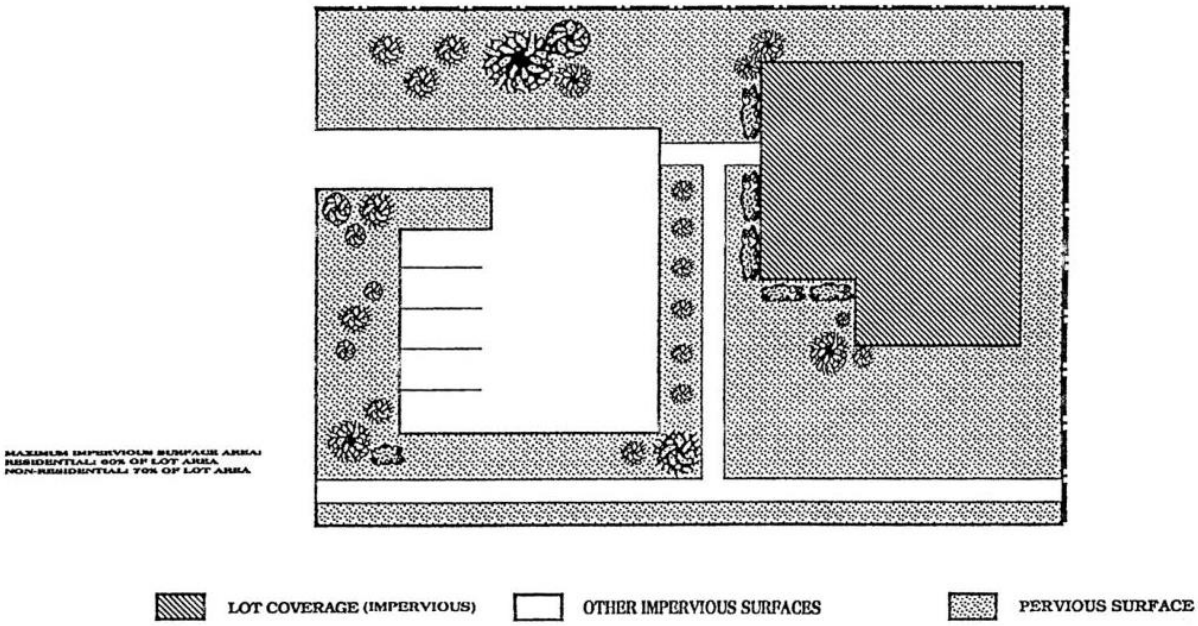
Impact fee: any fire/rescue impact fee, law enforcement impact fee, park impact fee, or transportation impact fee.

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

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

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

IMPERVIOUS SURFACE ILLUSTRATION



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

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

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

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

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

Item of information: each syllable or abbreviation.

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

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

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

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

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

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

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

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

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

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

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

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

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

> Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
>
> Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
>
> Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have

been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

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

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

Light-duty truck: As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

(1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or

(2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

(3) Available with special features enabling off-street or off-highway operation and use.

Light pollution: any adverse effect of manmade light.

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

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

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

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

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

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

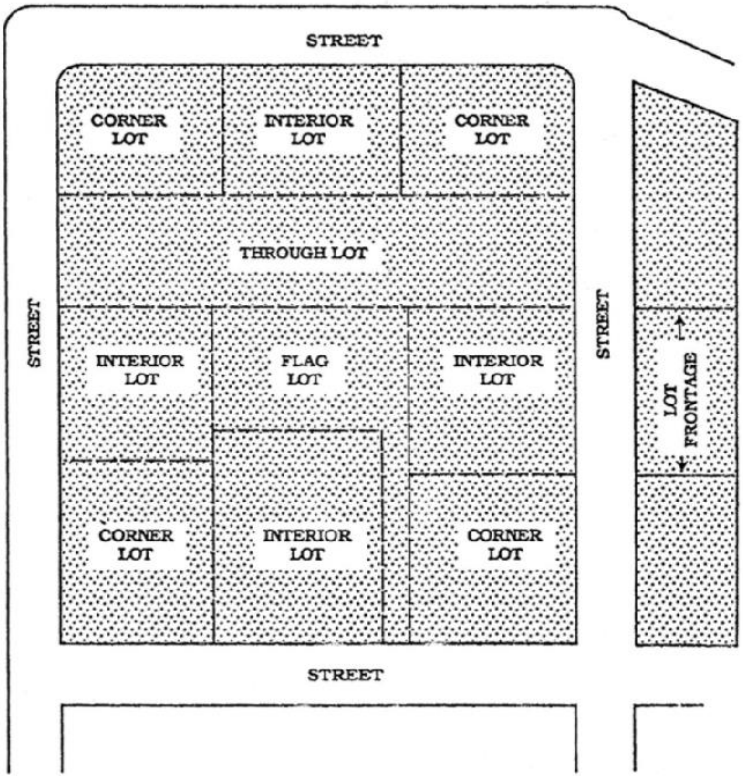
Local parks: Local parks are designed for populations of 5,000 to 50,000 and are ideally located from one-quarter to three miles from the population centers. Park sizes may vary from five to 49 acres with about ten acres being the most typical. Facilities include equipped playgrounds, multipurpose hard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

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

Lot:

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

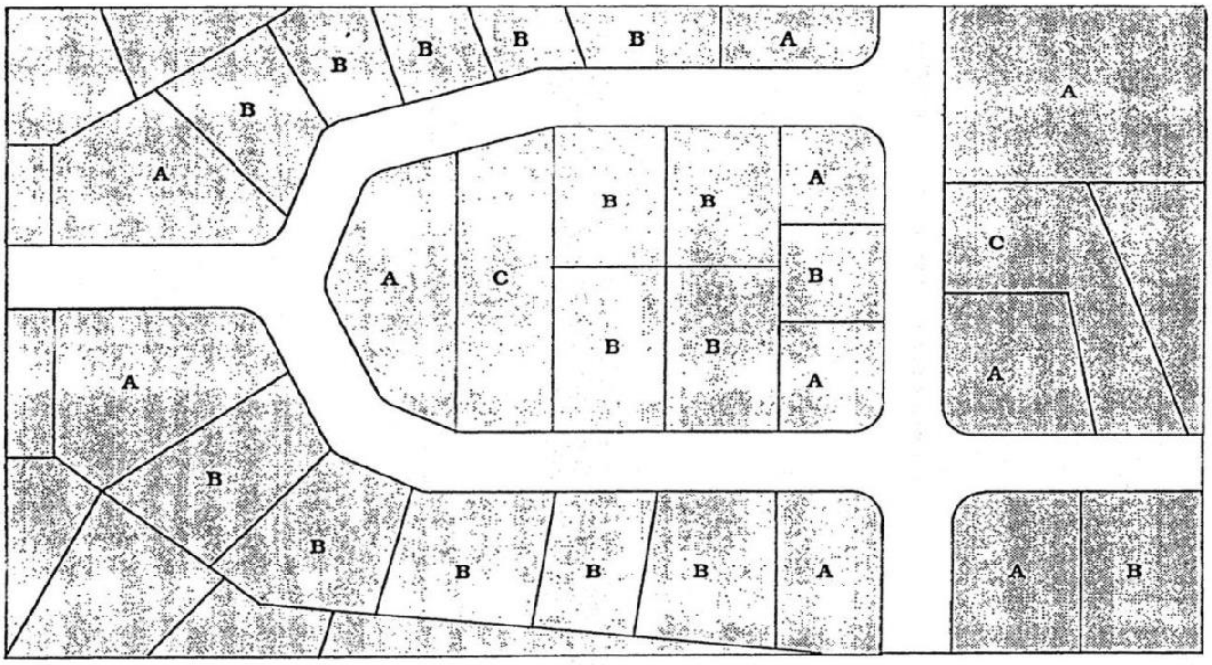
DEFINITION OF TYPES OF LOTS



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

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

ILLUSTRATION OF THE BASIC TYPES OF LOTS



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

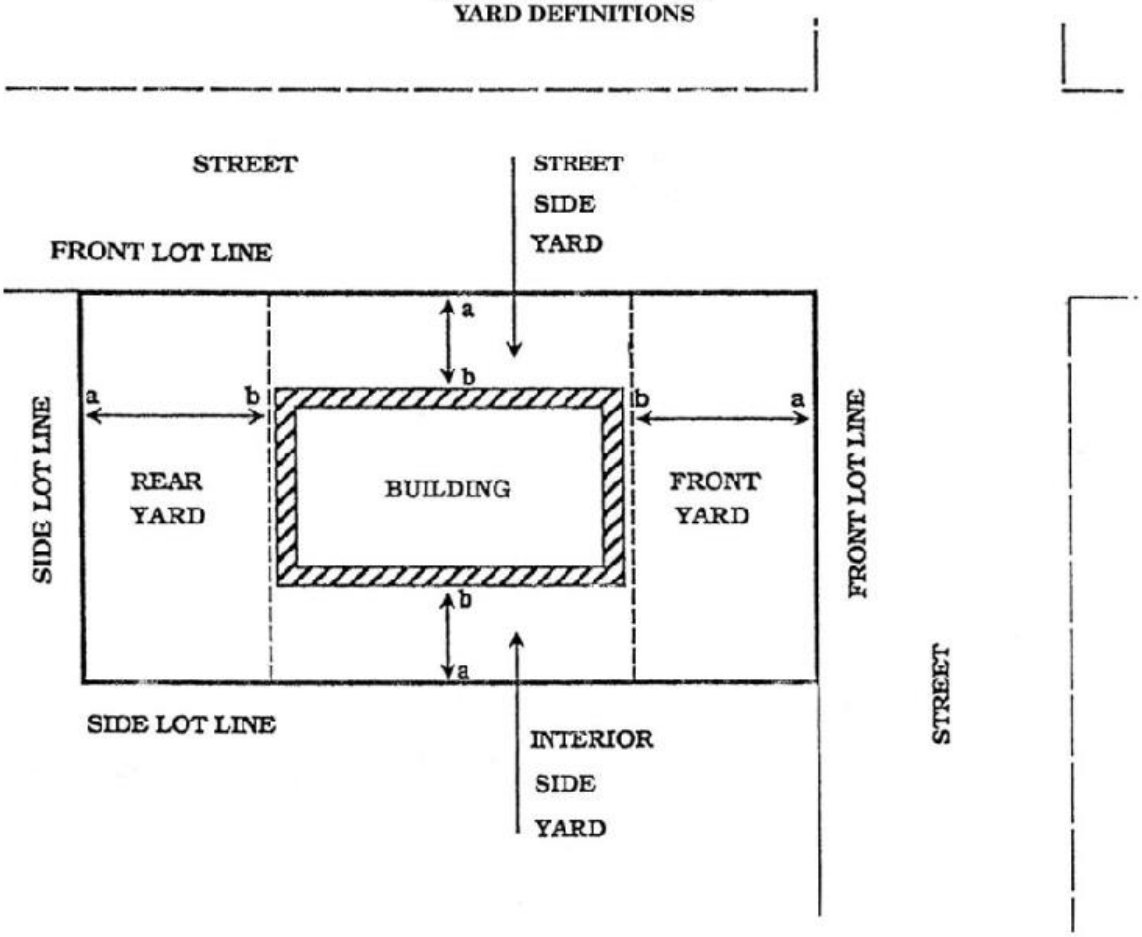
(a) Corner lots are defined as lots located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the front most points of the side lot lines to the frontmost point of the lot meet at an interior angle of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

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

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

CORNER LOT

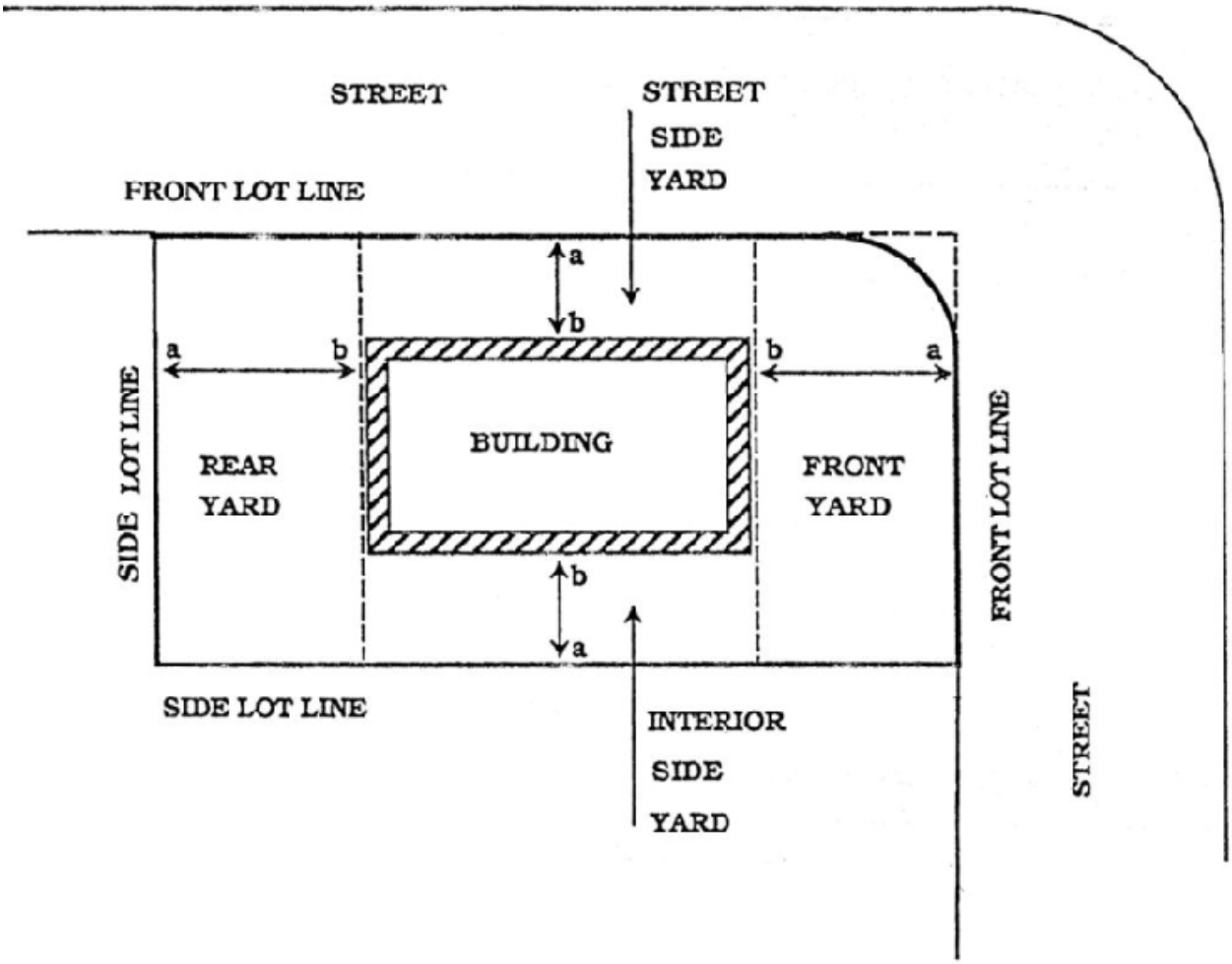
PARALLEL LOT LINES
YARD DEFINITIONS



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

CORNER LOT

CURVED LOT LINE
YARD DEFINITIONS



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

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

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

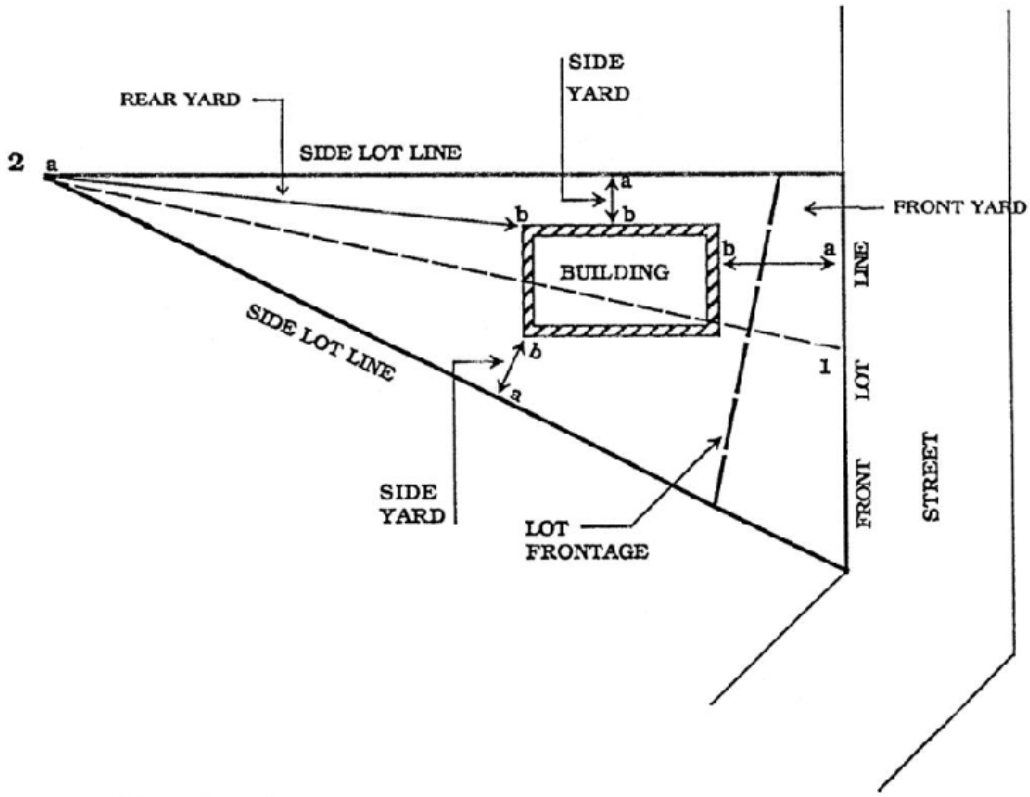
(2) A golf course fairway or green;

(3) An open space area which by itself, or when combined with other open space areas within the same subdivision, comprises at least 15 percent of the total land area in said subdivision,

and in which an undivided interest is conveyed with each lot. Atypical lots may also be odd shaped lots (not square or rectangular).

IRREGULAR LOT

NO REAR LOT LINE
YARD DEFINITIONS



LOT FRONTAGE

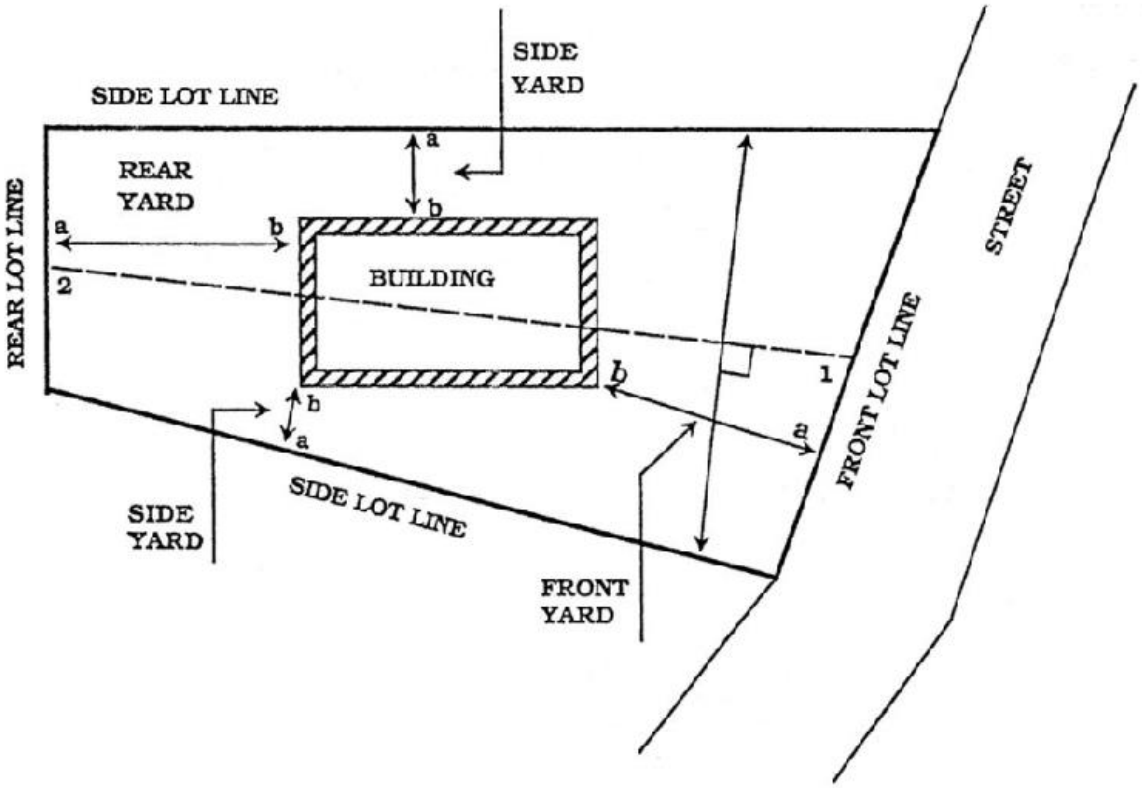
1. MID POINT OF FRONT LOT LINE.
2. MID POINT OF REAR LOT LINE.

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

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

IRREGULAR LOT

NO PARALLEL LOT LINES
YARD DEFINITIONS

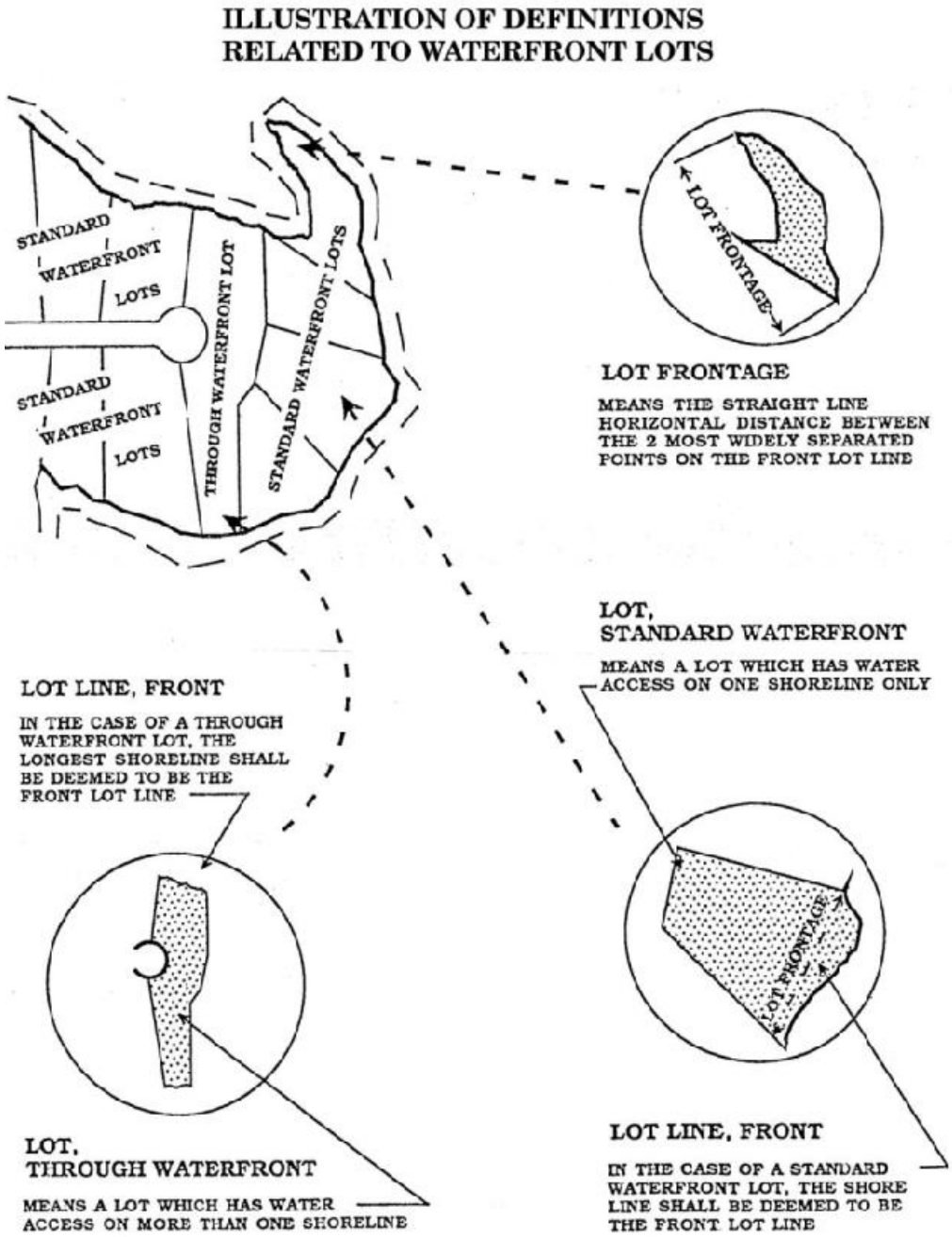


LOT FRONTAGE

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

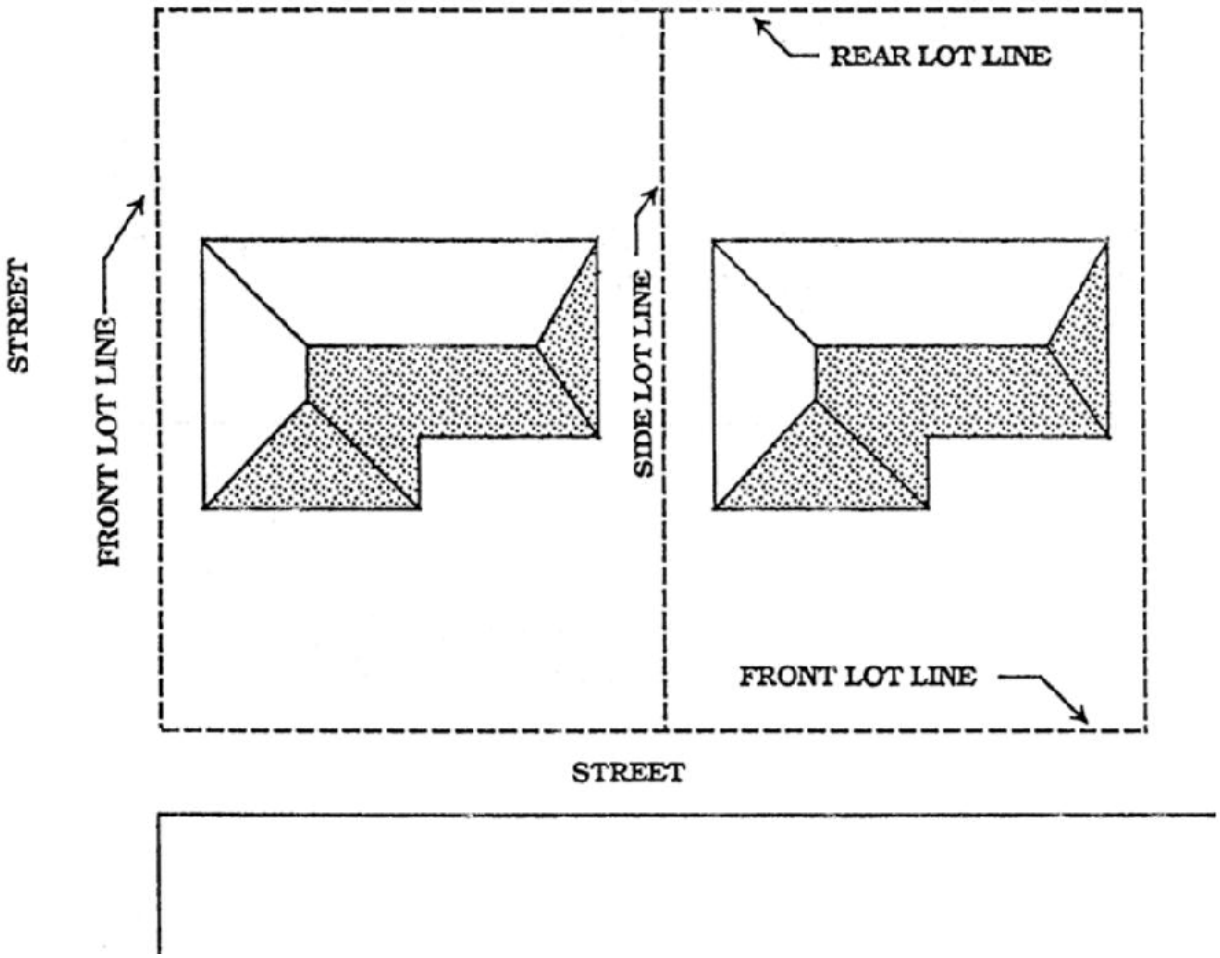
LOT FRONTAGE MEASURED AT RIGHT ANGLES TO THE LINE JOINING POINTS 1 AND 2

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



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

LOT LINE DESCRIPTIONS



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

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

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

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

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

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

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

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

Lowest floor: The lowest floor of the lowest enclosed area of a building or structure, including basement but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24. [Also defined in FBCB, Section 1612.2.]

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

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

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

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

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

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

Manufactured home: a structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle” or “park trailer”. [Also defined in 15C-1.0101, F.A.C.]

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

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

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

Market value: The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in Chapter 90 of the City of Deltona Land Development Code, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax-assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Model home: See "dwelling, model"

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

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

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

Monument sign: same as "Ground sign."

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

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

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

Multi-family use: and includes apartment houses; cooperative apartments; condominiums; two-family dwellings; multiple-family dwellings; efficiency units; penthouses; farm worker living facilities; and two-family (duplex) dwellings.

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

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

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

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

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

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

New construction: structures for which the "start of construction" commenced on or after the effective date of adoption of chapter 70 of the Code of Ordinances or as amended. The term also includes any subsequent improvements to such structures. Means, for the purposes of administration of Chapter 90 of the City of Deltona Land Development Code and the flood resistant construction requirements of the Florida Building Code, building and/or structures for which the "start of construction" commenced on or after April 18, 1974, and includes any subsequent improvements to such structures.

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Human genitals or pubic region;

(2) The cleavage of the human buttocks;

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

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

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

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

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

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

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

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

Opaque:

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

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

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

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

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

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

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

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

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

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

Outdoor musical event: any gathering of groups/individuals for the purpose of listening to or participating in outdoor entertainment, which consists in whole or part of live musical renditions conducted in open spaces not within an enclosed structure intended to attract 1,000 or more people per day for one or more days and which has received a permit under City of Deltona Ordinance No. 96-24 as it may be amended from time to time.

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

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

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

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

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

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

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

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

Park trailer**:** a transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) A nurse registered under state law;

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

(5) A cosmetologist licensed under state law;

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

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

(8) A physical therapist licensed under state law.

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

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

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

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

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

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

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

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

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

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

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

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

***Preexisting*:**

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

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

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

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

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

a. The park is already being used; or

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

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

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

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

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

Principal structure: any structure occupied by the principal use.

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

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

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

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

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.

Product-tight: impervious to the hazardous substance which is or could be contained so as to prevent the seepage of the hazardous substance from the containment system. To be product-tight, the containment

system shall be made of a material that is not subject to physical or chemical deterioration by the hazardous substance being contained.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Recreational vehicle: means, for the purposes of floodplain management, a vehicle, including a park trailer, which is: [see in Section 320.01, F.S.]

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

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

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

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

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

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

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

Religious sign: a shape symbolizing a religious belief.

Rendition: the act of notifying the applicant or other interested stakeholders regarding the final determination made by a decision making body. ***Replacement stock:*** any immature tree having an overall height of at least six feet but does not include any tree listed as exempt in 98-28(6). In addition replacement stock shall have minimum DBH of one and one-half inches.

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

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

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

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

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

> ***Type A*** buildings where the customers normally order from individual menus while seated at a table. The order is then normally served by a restaurant employee to the same table and there consumed by the customer. This group also includes cafeterias. This group does not include drive-through service.
>
> ***Type B*** any building containing a restaurant other than type A. (i.e., one with drive-in service or drive-through service)

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

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

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

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

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

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

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

Rooming house: See "boardinghouse".

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

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

Sidewalk café: Means a use located on a sidewalk, which is associated with and adjoining a restaurant and is primarily characterized by tables and chairs; may be shaded by awnings, canopies or umbrellas;

and may include such other sidewalk cafe furniture (as hereinafter defined) as permitted and/or approved pursuant to the City.

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

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

Sign:

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

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

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

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

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

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

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

a. Reel games or simulations of reel games, such as slot machines, eight liners, or pot-of-gold.
b. Card games or simulations of card games, such as video poker.
c. Video games representing a game regulated by Florida law, such as bingo, sweepstakes, game promotions, drawings, or raffles.
d. Video games representing a game prohibited by Florida law, such as craps, keno, and lotteries.

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

Single-family use: includes garage apartments; single-family dwellings; model homes; expanded residential building sites; patio homes; and single-family dwellings for the owner or manager of an existing permitted principal use.

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

(a) Site driveways and roads;

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

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

(d) Acceleration/deceleration lanes;

(e) Frontage roads;

(f) Median openings/closings; and

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

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

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

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

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

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

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

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

Special exception: See "conditional use".

Special flood hazard area: An area in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBCB Section 1612.2

***Specified anatomical areas*:**

(1) Less than completely and opaquely covered:

a. Human genitals or pubic region;

b. Any part of the human buttocks; or

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

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

(3) Any simulation of the above.

***Specified criminal act*:**

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

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

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

***Specified sexual activity* :**

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

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

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

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

Specimen tree: means the following species of trees with minimum specified DBH that are considered of significance to preserve:

Table 70-1 Specimen Trees

Common Name	Botanical Name	DBH

Turkey Oak	(Quercus leavis)	12 inches and larger
Other Oak species	(Quercus spp.)	18 inches and larger
Maple	(Acer spp.)	18 inches and larger
Sweet Gum	(Liquidambar styraciflua)	18 inches and larger
Hickory	(Carya spp.)	18 inches and larger
Elm	(Ulmus spp.)	18 inches and larger
Loblolly Bay	(Gordonia lasianthus)	12 inches and larger
Sweet Bay	(Magnolia virginiana)	12 inches and larger
Red Bay	(Persea borbonia)	12 inches and larger
Swamp Bay	(Persea palustris)	12 inches and larger
Sycamore	(Platanus occidentalis)	18 inches and larger
Magnolia	(Magnolia grandiflora)	12 inches and larger
Bald Cypress	(Taxodium distichum)	18 inches and larger
Red Cedar	(Juniperup silicicola)	12 inches and larger

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

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

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

Start of construction: The date of issuance of a building permit for new construction and substantial improvements to existing structures and/or buildings, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a structure and/or building (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns or similar.

Permanent construction does not include land preparation (such as clearing, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure and/or buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building and/or structure, whether or not that alteration affects the external dimensions of the building. [Also defined in FBCB Section 1612.2.]

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

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

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

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

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

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

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

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

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

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

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

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

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

Substantial damage: Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBCB Section 1612.2.]

Substantial improvement: Substantial improvement: Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the building or structure has incurred “substantial damage”, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBCB, Section 1612.2.]

1. Any project for improvement of a building and/or structure required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

2. Any alteration of a historic structure or building, provided that the alteration will not preclude the structure's continued designation as a historic structure.

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

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

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

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

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

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

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

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

Temporary sign permit: a permit for a temporary sign.

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

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

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

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

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

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

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

Toe: lowest part of an embankment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Use:

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

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

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

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

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

Variance: Means, for the purposes of floodplain management, a grant of relief from the requirements of Chapter 90 of the City of Deltona Land Development Code, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by Chapter 90 of the City of Deltona Land Development Code or the *Florida Building Code*.

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

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

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

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

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

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

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

Watercourse: A river, creek, stream, channel or other topographic feature in, on, through, or over which waters flows at least periodically.

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

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

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

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

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

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

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

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

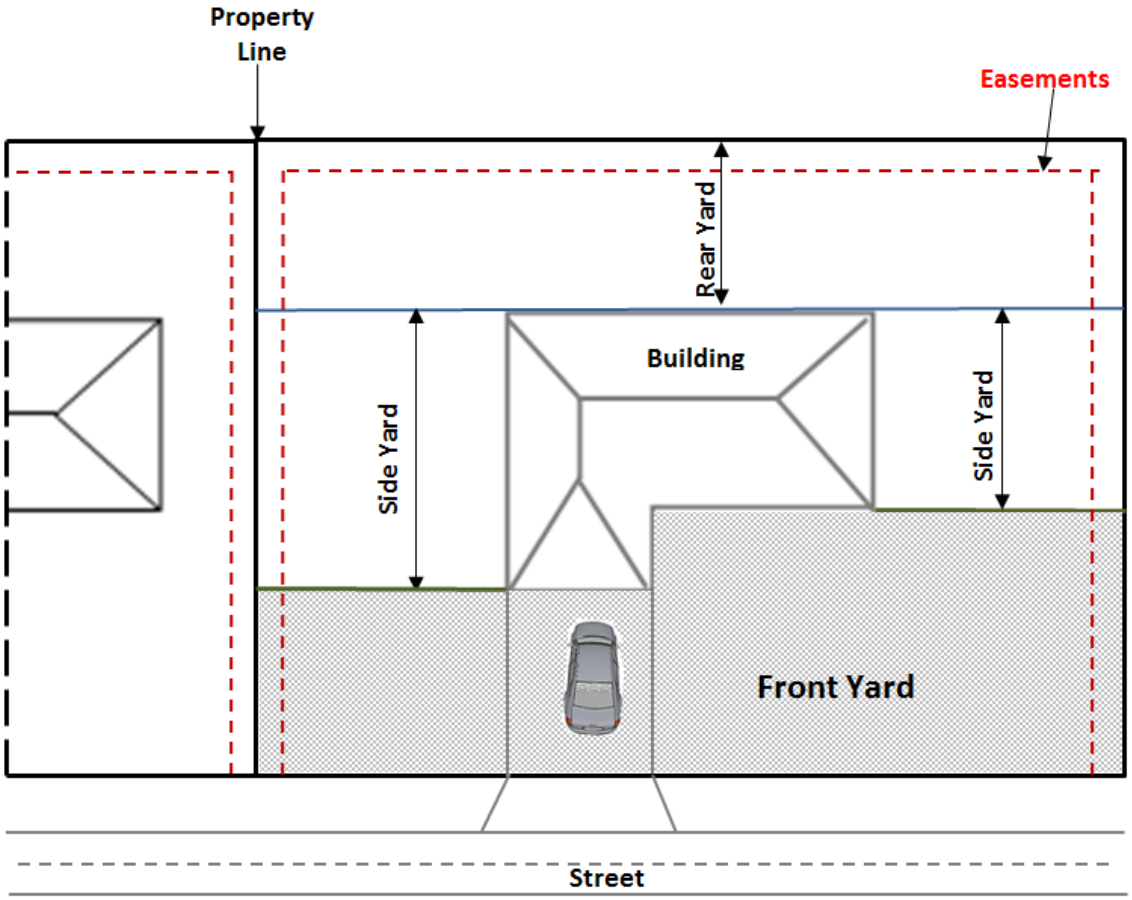
Window sign, temporary or promotional: window sign of a temporary nature used to direct attention to the sale of merchandise, or a change in the status of the business, including signs for sales, specials, going out of business, grand openings, etc.

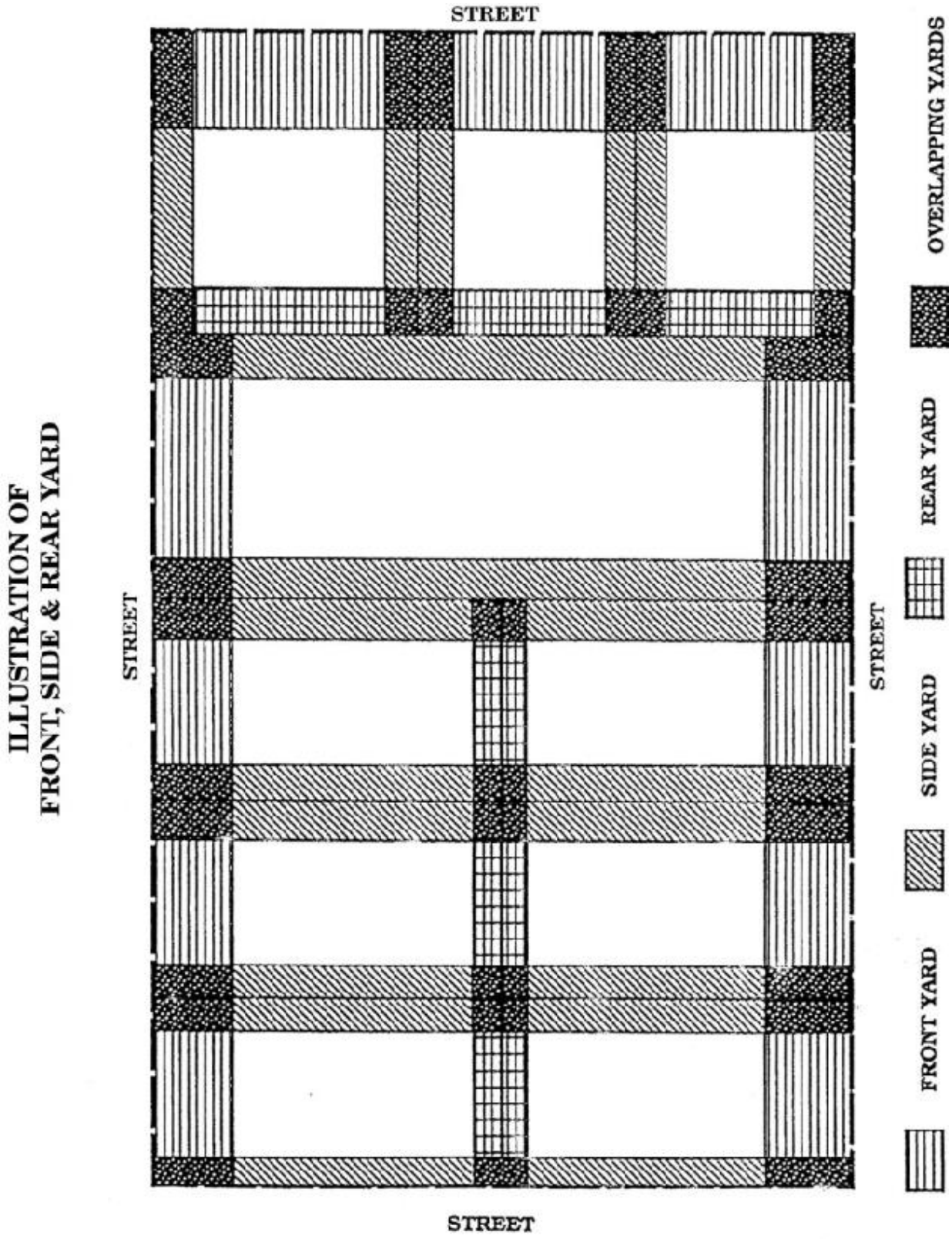
Worker: person who works, performs or provides services at an adult entertainment establishment or who is an escort, irrespective of whether such person is paid a salary or wage. The term includes but is not necessarily limited to employees, independent contractors, subcontractors, lessees or sublessees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

Xeriscaping™: landscaping techniques that uses slow-growing, drought-tolerant plants to conserve water.

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

DEFINITION OF YARD





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

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

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

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

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

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

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

Sec. 70-31. Abbreviations

AADT: Annual Average Daily Traffic

AASHTO: The American association of State Highway and Transportation officials

ANSI: American National Standards Institute

ASTM: American Society for Testing and Materials

AWWA: American Water Works Association

CC: City Commission

DAD: Development Analysis Division

DBH: Diameter at Breast Height

DEP: Department of Environmental Protection

DRC: Development Review Committee

DSD: Development Services Department

DU/AC: Dwelling Units per Acre

EIA: Environmental Impact Assessment

EMD: Environmental Management Department

EMF: electromagnetic fields

EPA: United State Environmental Protection Agency

ERU: Equivalent Residential Unit

FAA: Federal Aviation Administration

FAR: Floor Area Ratio

FCC: Federal Communications Commission

FDOT: Florida Department of Transportation

FHBM: Flood Hazard Boundary Map

FIRM: Flood Insurance Rate Map

FPL: Final Plat Development Order

FSP: Final Site Plan

ISO: Insurance Services Offices

LDC: Land Development Code

LDM: Land Development Manager

LOS: Level of Service

NFPA: National Fire Protection Association

NIER: nonionizing electromagnetic radiation

NOI: Notice of Intent

NPDES: National Pollutant Discharge Elimination System

NRMA: Natural Resource Management Areas

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

P & Z: Planning and Zoning Board

PLDRC: Planning and Land Development Regulation Commission

PPL: Preliminary Plat and Construction Plan Development Order

PUD: Planned Unit Development

SIS: Strategic Intermodal System

SJRWMD: St. John's River Water Management District

SQ. FT.: Square Feet

SWPP: Stormwater Pollution Prevention Plan

TIA: Transportation Impact Analysis

USDOT: Manual on Uniform Traffic Control Devices

V/C: Volume to Capacity Ratio *(for roadways)*

Chapter 74 ADMINISTRATION

ARTICLE I. IN GENERAL

Sec. 74-1. Administration.

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

(b) *Development Review Committee.*

(1) *Established.* There is hereby established a Development Review Committee (DRC).

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

a. Planning and Development Services Director;

b. City Engineer or Public Works Director;

c. City Fire Marshal or Fire Safety Manager; or

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

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

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

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

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

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

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

c. When, in the judgment of the DRC, strict application of the applicable requirements of this Land Development Code will be inequitable, unreasonable, stifle innovative design, or create an undue hardship when applied to a specific project or development, the DRC may modify such requirements to the extent necessary to achieve equity or reasonableness or relieve the undue hardship. However, no such modification shall be contrary to the requirements of law or the general policies of this Land Development Code. Furthermore, any modification applied to one development shall not establish precedent with regard to any other development subject to review.

d. Performing additional duties as the City Manager may, from time to time, assign.

(4) *Meetings.* The DRC shall meet, as required, at a place determined by the DRC. An agenda and report shall be prepared and distributed to each member and to the applicant at least five (5) working days prior to each meeting. All applicants having requests to be reviewed by the DRC

shall be invited to attend and participate in the meeting. The records of the proceedings of the DRC meetings as required by law, shall be kept.

(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.~~

~~(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. 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.

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.

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.~~

~~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.~~

~~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.~~

~~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.

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.~~

~~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.~~

~~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.~~

~~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.~~

~~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.~~

~~**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.~~

~~**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.~~

Sec. 74-60 - - 74-68. Reserved.

Chapter 75. SITE PLAN

ARTICLE I. FINAL SITE PLAN APPROVAL PROCEDURES

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.

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

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

(1) *Conceptual site plan application.*

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

b. Legal description;

c. Current zoning classification;

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

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

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

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

Sec. 75-4. Final site plan review.

(a) *Procedures.* An application for 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:

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

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

c. Current zoning classifications;

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

e. A survey of the subject property that is less than two (2) years old, prepared, stamped and signed by a registered surveyor, showing the boundaries of the project, to include a legal description, any existing streets, buildings, watercourses, easements and section lines. This survey shall be drawn to a scale of not less than one (1) inch equal sixty (60) feet.

f. Water bodies or courses;

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

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

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

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

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

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

m. Identify distances between separate buildings, where applicable;

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

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

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

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

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

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

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

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

v. Identify known historic and archaeological sites;

w. The date potable water and sanitary sewer facilities are needed to provide service to the proposed development and a verification from the appropriate potable water and sanitary sewer utility. That adequate capacity shall be available to serve the proposed development

at the time of impact and meet the required fire flows and duration, as provided in Chapter 86;

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

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

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

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

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

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

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

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

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

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

hh. Location of common areas and open space areas;

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

jj. Illumination plan related to parking area;

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

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

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

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

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

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

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

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

Chapter 86 CONCURRENCY MANAGEMENT*

ARTICLE II. CONCURRENCY MANAGEMENT

Sec. 86-27. Certificate of capacity.

(a) Each non-exempt (for exemptions see section 86-32) development application subject to the provisions of Chapter 106 or 74 of this Code and require a development order as defined in this chapter shall apply for and receive a certificate of capacity on a form provided by and processed through the Planning and Development Services Department.

(b) Concurrency and level of service standards per Section 86-27(c)(1) – (7) are established within the Comprehensive Plan.

(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)

(d) A determination of adequacy shall be satisfied through written correspondence received from the department or agency responsible for providing volume/capacity data stating that the designated public facilities or services are currently adequate to support the proposed development or redevelopment.

Sec. 86-28. Agency review and comment.

(a) The Planning and Development Services Director or his/her designee will be responsible for coordinating application review under this article.

(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*

ARTICLE I. IN GENERAL

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.

ARTICLE II. FIRE/RESCUE IMPACT FEE

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.

ARTICLE III. PARK IMPACT FEE

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.

ARTICLE IV. TRANSPORTATION IMPACT FEE

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.

(b) Credits for completed and accepted non-site-related improvements, as described in subsection (b), shall be determined for each application, and shall be deducted from the transportation impact fees listed in the transportation road impact fee schedule, at the time transportation impact fees are to be paid. The value of non-site-related improvements for which credits may be allowed shall be determined by the director of Planning and Development Services.

(c) Credits for the present value of future gas or motor fuel tax payments utilized to fund capacity expansion of the thoroughfare road systems are included in the calculations of the fee schedule set out in this section.

(d) The fees charged for a building with more than one use shall be for that use having the highest traffic generation rate except for church buildings with mixed uses or buildings with residential and non-residential mixed uses. If the church building has more than one use, the separate uses are to be identified and appropriately charged according to the fee schedule. If a building has residential and non-residential uses, the square footage of the building identified as residential will be charged based on the number of dwelling units, and then, the square footage identified as non-residential shall be charged for that use having the highest traffic generation rate.

(e) In the case of an expansion of an existing use on the same lot or an adjoining lot (which may be intersected by an easement or right-of-way) requiring the issuance of a building permit, the impact fee shall be based upon the net increase in the impact fee for the new as compared to the previous use. Provided, however, the impact fee shall be reduced by 50 percent from the amount of the fee that would otherwise be due and payable for an expansion to an existing use. The city shall be guided in this determination by the latest edition of the report titled "Institute of Transportation Engineers, Trip Generation: An Information Report".

(f) The transportation impact fee on a shopping center shall be computed using one retail-commercial rate for all stores except the out-parcels, which shall be calculated using the rate for that land use from the transportation impact fee schedule.

(g) If an affidavit is filed by the owner of real property with the county or municipality certifying that a farm building on a farm is exempt from issuance of a building permit under Florida law, then the building shall also be exempt from transportation impact fee charges.

(h) Road construction and right-of-way credits issued by the development services department can be transferred between lots with identical land uses.

(i) Transportation road impact fees for private universities and colleges shall be based on the number of additional full-time equivalent ("FTE") students that any improvements to the school are designed to accommodate. The fee shall be based on trips per FTE as indicated in the latest edition of the Institute of Transportation Engineers Trip Generation Manual. Individual studies shall be utilized to demonstrate the average trip length for each proposed project, if the project results in an increase in the planned FTE student capacity. The college or university president shall certify that the project shall not increase said FTE's.

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.~~

(2) The construction of an accessory building which will not produce additional vehicular trips over and above that which is produced by the principal building or use of the land.

(3) The replacement of a building with a new building, provided that no additional trips will be produced over and above those produced by the original use of the land.

(4) The construction of a sanctuary or church adjacent to and in connection with an existing sanctuary or church, notwithstanding that the existing church or facility is not demolished but is used for other church activities, provided that the exemption from the fee which would otherwise be due shall be limited to an amount of square footage equal to the size of the existing sanctuary.

(b) *Credits.*

(1) No credit shall be given for site-related improvements, except as provided for in subsection (2) of this subsection (b).

(2) All roadway improvements and/or right-of-way dedications required under a city development order or approval which is included within the roads contemplated in section 94-43, except for those improvements deemed site- related, shall be credited against transportation road impact fees. In addition, any person who constructs or contributes land, money or services for any road improvements (whether site-related or not) contemplated in section 94-43 which are included within the most recently adopted five-year work program shall be entitled to credits against transportation impact fees imposed pursuant to this article in accordance with subsection 94-11(c).

ARTICLE V. LAW ENFORCEMENT IMPACT FEE

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.

Chapter 96 IMPROVEMENTS*

ARTICLE II. DESIGN AND CONSTRUCTION STANDARDS OF 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.

(1) *Conformance with city regulations.* Any development subject to this article shall conform to the adopted general goals and objectives of the city commission as set forth in:

a. The comprehensive plan;

b. The most currently adopted designated thoroughfare plan and area transportation study or studies;

c. City regulations on water and sewer utilities;

d. The zoning ordinance [chapter 110, Code of Ordinances]; and

e. This chapter.

(2) *Use of natural features.* The arrangement of structures, buildings, lots and blocks, and street systems shall make the most advantageous use of topography, trees and other natural features.

(3) *Consideration of soil and flood hazards.* A development order shall not be approved unless all land intended for use as building sites can be used safely for building purposes without danger from flood or other inundation or from adverse soil or foundation conditions or from any other menace to health, safety or public welfare. Lands shall not be subdivided and/or developed until proper provisions are made for protective flood control measures and water management facilities necessary for flood-free development and flood-free vehicular access to such sites. It is the intent of this provision that no filling or grade level change will be permitted which will cause adverse drainage, or public health or public safety impacts to any surrounding area.

The "Volusia County Soil Survey" and any supplements thereto shall be used as a guideline in identifying soil properties and for interpretations for various uses in terms of soil limitations and soil features adversely affecting a particular use. In addition, the "Soil Supplement and Vegetative Analysis" or supplemental soil borings are to be used in interpreting the basic properties of the soils in terms of their potential for a particular use. The following standard shall apply in areas of "low" and "very low" potential soils, as defined in the "soil survey": soils with very low potential and low potential for proposed uses, as identified in the City of Deltona Soil Survey and its soil supplement, shall not be developed if health, environmental or safety hazards are created.

(4) *[Underground installation of utility lines required; exceptions.]* Utility lines of all franchised utilities, electric power and light, telephone and telegraph, cable television, water, sewer and gas, shall be constructed and installed beneath the surface of the ground unless it is determined by the DRC as a result of their decision based on evidence that soil, topographical or any other compelling conditions make the underground installation of such utility lines unreasonable and impracticable. Drop lines from existing overhead power lines to new buildings, residences, or principal structures shall also be installed beneath the surface of the ground. The underground installation of bulk electric power supply lines, including but not limited to transmission lines and primary distribution feeder lines shall not be required.

(5) *Monuments.* Permanent survey reference monuments shall be installed in all subdivisions and developments in accordance with F.S. ch. 177, as amended.

a. At least one corner of a development shall be designated by course and distance (tie) from a readily discernible reference marker such as a U.S. Government marker, section corner, or quarter-section corner. When such a monument or corner is not available, the tie shall be made to some permanent and readily recognizable landmark or identifiable point, physical object or structure.

b. At least two monuments shall be installed as control corners within each block within the development. The surveyor shall install additional monuments, if required by the city engineer prior to final plat or site plan approval. All monuments shall be constructed of

concrete and shall be at least three inches in diameter or square, and not less than two feet in length. Each monument shall have imbedded in its top or attached by a suitable means a metal plate of noncorrosive material marked plainly with the point, the surveyor's registration number, and the words "Permanent Reference Monument" or the initials "P.R.M." Monuments shall be set in the ground so that the top is flush with the finish grade.

c. Property markers shall be installed in accordance with F.S. ch. 177, as amended.

(6) *Multiple-family design.* In any planned unit development, development of regional impact (DRI), or cluster development, where the following requirements are met:

a. The project is consistent with and furthers the goals, objectives, and policies of the comprehensive plan;

b. It exceeds the city's minimum environmental standards;

c. It incorporates the use and preservation of natural site features, topography and trees to the maximum extent feasible in the design and arrangement of buildings, lots and blocks, streets systems and stormwater retention areas;

d. It includes more than the minimum amount of required open space and recreational areas;

e. It includes a full range of services and facilities when fully developed and populated;

f. It includes a variety of housing types throughout the development;

g. It exhibits innovative design in the overall project relationships between the various land uses, street system, and other natural and man-made site features;

h. It is planned and designed according to the city's zoning ordinance, as amended [chapter 110, Code of Ordinances]; and

i. the provisions of this article may be modified by the development review committee to accommodate creative and innovative design in the multiple-family use area in any of the above-described developments.

Sec. 96-28. Streets; generally.

(a) *General.* The character, width, grade and location of all streets and bridges shall conform to the standards in this section and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. All bridges shall conform to the latest edition of the "Standard Specifications for Highway Bridges" adopted by AASHTO. Construction and material specifications for streets and bridges shall conform to "FDOT Standard Specifications for Road and Bridge Construction".

(1) Thoroughfares in developments shall be planned in conformity with the transportation element of the comprehensive plan.

(2) The proposed development's street layout shall be coordinated with the street system of the surrounding area or with plans for streets in said area on file with the city, if any.

(3) Where, in the opinion of the development review committee (DRC), it is desirable to provide for future street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary paved turnaround provided.

(4) All newly platted streets intended to serve residential uses shall be public. The DRC may recommend and the city commission may approve private streets for security purposes only, provided all such streets meet all design and construction criteria of this chapter, a permanent

security post or posts are provided, and a condominium or homeowners association is created with all duties and powers necessary to ensure perpetual maintenance of such private roads. All streets shall be constructed to the exterior property lines of the development unless they are permanently terminated by a cul-de-sac or an intersection with another street.

(5) Newly platted streets intended to serve business or industrial uses may be private if approved by the DRC. In such cases, all streets shall meet the design and construction criteria of this chapter unless overriding conditions, such as sharing entrances or parking areas, require different design criteria.

(6) Private streets shall be an easement that has not been dedicated to the public and has not been accepted by the city commission for maintenance.

(b) *Traffic impact analysis.* Unless waived by the DRC, the developer at his/her expense shall have a registered professional engineer qualified in traffic engineering prepare and shall provide the city with a traffic impact analysis when trip ends generated by the proposed development equal or exceed 1,000 trip ends per day, as determined from the "ITE Trip Generation Manual," or when determined to be necessary by the DRC, if less than 1,000 trip ends per day. The traffic impact analysis shall be submitted at the time of Preliminary Plat or FSP review, and shall follow the adopted MPO Transportation Impact Analysis (TIA) Methodology Guidelines as it may be amended from time to time.

(c) *Arrangement of streets.* The arrangement of streets in a development shall:

(1) Provide efficient and orderly hierarchy of streets;

(2) Conform with official plans and maps of the city;

(3) Be integrated with the existing and planned street system of the surrounding area in a manner which is not detrimental to existing neighborhoods;

(4) Be such that the use of local streets by through or commercial traffic is discouraged;

(5) When necessary, as determined by the DRC, provide at least two separate and remote entrances to a development, unless other provisions, such as easements, are made for emergency ingress and egress, and provided that such entrances will not adversely affect the overall street system;

(6) Facilitate and coordinate with the desirable future development of adjoining property of a similar character and provide for local circulation and convenient access to neighborhood facilities.

(d) *Intersections.* Street intersections shall be laid out as follows:

(1) Streets shall intersect at an angle of 90 degrees, unless circumstances acceptable to the DRC indicate a need for a lesser angle of intersection.

(2) Intersections of any streets with a thoroughfare shall be at least 660 feet apart, measured from center line to center line.

(3) Property lines at street intersections shall be rounded with a minimum radius of 25 feet. A greater radius shall be required for angles of intersection less than 90 degrees.

(4) The right-of-way width and pavement width shall be increased by at least ten feet on each side of an arterial street for a minimum distance of 150 feet from its intersection with another arterial street or thoroughfare, to permit proper intersection design.

(e) *Minimum right-of-way and lane widths.* Street minimum rights-of-way and lane widths shall be as follows unless otherwise indicated or required:

(1) Urban development. (Applicable to designated urban areas in the comprehensive plan).

Table 96-1 Urban Development – Minimum Right-of-Way and Lane Widths

Street Type	ROW in Feet	Lane Width in Feet
(a) Arterials	100	12/lane
(b) Collectors (4-lane/2-lane)	100/80	12/lane
(c) Local streets	50 1	10/lane
(d) Culs-de-sac (radii)	54	43 outside radii
(e) Service drives	50	12/lane
(f) Alleys (1-way, 1-lane)	30	12

a. A 40-foot right-of-way width may be approved by the DRC provided a six-inch minimum vertical curb is used and upon a showing that all required improvements can be contained within the proposed 40-foot right-of-way or adjacent easements. Setbacks for structures shall be sufficient to permit a minimum of 25 feet of driveway depth from the closest side of the sidewalk to the structure.

(2) *Rural development.*

Table 96-2 Rural Development – Minimum Right-of-Way and Lane Widths

Street Type	ROW in Feet	Lane Width in Feet
(a) Arterials (4-lane)	200	12/lane
(b) Collectors (4-lane/2-lane)	200/100	12/lane
(c) Local streets	70	12/lane
(d) Culs-de-sac (radii)	68	43 outside radii
(e) Service drives	60	12
(f) Alleys (1-way/2-lane)	30	12

(f) *Additional right-of-way and/or pavement widths.* Additional right-of-way and or pavement width may be required by the DRC to promote public safety and convenience or to ensure adequate access, circulation and parking. Whenever any street shows future need for improvement within the area to be developed, the appropriate right-of-way and pavement shall be dedicated. Where a proposed development abuts or contains an existing street of inadequate right-of-way or pavement width, additional right-of-way and pavement in conformance with subsection (e) shall be required for that development.

The thoroughfares shown on the thoroughfare system maps in the transportation element of the comprehensive plan of the city or the jurisdiction in which the roads are located, which are either located within or provide primary access to the area proposed to be developed, shall be conveyed or dedicated to the public by deed, or if acceptable to the city or other appropriate jurisdiction, by grant of easement.

Half streets shall be prohibited. Where a previously dedicated half street, paved or unpaved, abuts or is within a tract to be developed, the second half of the street shall be dedicated to the city and the full width shall be paved by the developer where the subject street is necessary for the development of the subdivision or overall traffic circulation.

On divided two-lane road, minimum pavement width for each lane shall be 14 feet, exclusive of curbs. Provisions for left turns storage, acceleration, deceleration, tapers or channels shall be provided as required by the city traffic engineer. Whenever an island is proposed in the center of a cul-de-sac turnaround, the pavement shall be 26 feet exclusive of curbs, if any.

(g) *Access.* Access shall be provided as follows:

(1) There shall be the minimum number of access points to adequately serve the development.

(2) In order to provide ease and convenience in ingress and egress to private property and the maximum safety with the least interference to the traffic flow on thoroughfares, the number and location of driveways shall be regulated by the dedication of access rights to the city, and in accordance with sections 110-829 and 96-37.

(3) Tapers, deceleration lanes, left-turn lanes, bypass lanes, median modifications or other facilities shall be provided as requested by the city traffic engineer to protect the safe and efficient operation of a thoroughfare.

(4) Every lot or parcel shall have access from a public street.

(5) All proposed lots or developments shall front on a paved road. Primary access to a subdivision or development shall be from a street paved to the standards of section 96-40. This street, if not already paved, shall be paved by the developer from the entrance of the development to the nearest public paved road.

(h) *Business/Industrial and multifamily driveways and internal circulation.*

(1) Vehicular circulation must be completely contained within the property, and vehicles located within one portion of the development must have access to all other portions without using the adjacent street system.

(2) Acceptable plans must illustrate that proper consideration has been given to the surrounding street plan, traffic volumes, proposed street improvements, vehicular street capacities, pedestrian movements and safety.

(3) No driveway shall be constructed in the radius return of an intersection or within 50 feet of the tangent point of the radius return.

(i) *Pavement (or curb) radius returns at intersections.* The minimum radius return of pavement edge, or back of curb, where used, at all typical intersections approximating a right angle shall be as follows:

Table 96-3 Minimum Radius Return of Pavement Edge/Back of Curb

Category	Minimum Radius (feet)
2-lane access	30
Local to collector	35
Local or collector to arterial	40
Arterial to arterial	50

A taper or turn lane may be required on roads with a functional classification of collector or arterial, or a design speed of 35 miles per hour or greater. Other appropriate radii shall be subject to approval by the city traffic engineer for other than right-angle intersections.

(j) *Service drives.* Where a development borders on or contains a railroad right-of-way, limited-access highway right-of-way, or arterial road right-of-way, the DRC may require a service drive or suitable provisions for future service drives approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for business or industrial purposes in appropriate districts. Distances involving rights-of-way shall also be determined with due regard for the requirements of approach grades and future grade separations.

(k) *Street jogs.* Street jogs or center line offsets between streets shall be no less than 150 feet.

(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.

(m) *Street grade.* Minimum center line grade for all streets with curb and gutter shall be two-tenths of one percent. Maximum center line grades for arterial roads shall not exceed five percent. Maximum grades for all other streets shall not exceed eight percent. The center line may be flat for all swale sections provided the swale grade is a minimum of two-tenths of one percent.

(n) *Design criteria.* All proposed streets shall comply with the specifications contained in the "FDOT Minimum Standards for Streets and Highways."

(o) *Street names.* Proposed streets which are obviously in alignment with other existing or approved named streets shall have the same name as the existing or approved streets. In no other case shall the name of a proposed street duplicate or be phonetically similar to existing or approved street names, irrespective of the use of alternative suffixes, such as "street," "avenue," "boulevard," "drive," "place," "court," etc. All street names shall require the approval of the city planning and development services department.

(p) *Street lights.* All proposed urban and suburban development shall provide for street lighting installation. A petition for creation of a special assessment district for street lighting shall be submitted.

(1) Installation of street lighting.

Arterials. Lighting units (22,000 lumen) along arterials must be spaced 100 feet to 150 feet on alternate sides of the street. All intersections must be provided with street lighting.

Collectors. Lighting units (16,000 lumen) along collectors must be spaced 200 feet to 250 feet on alternate sides of the roadway. All intersections must be provided with street lighting.

Locals. New street lights (9,500 lumen) on local streets must be provided at intersections or at points along the road such as sharp curves or existing overlength culs-de-sac where street lights would decrease the potential for accidents.

(2) Installation procedures. Proposed street lighting along all public rights-of-way must be coordinated through the city. Street light installation orders are issued by the city's department of public works to initiate the process and must be requested by the developer through the city as

soon as street construction plans are complete. All costs for new street lighting on public streets must be paid for by the developer.

(q) *Traffic signals.* Traffic signals and other control devices shall be installed at locations determined by the DRC, where warranted, pursuant to any submitted traffic studies in accordance with "USDOT Manual on Uniform Traffic Control Devices."

Sec. 96-34. Water and sewer.

(a) *General.* Water and sewer facilities shall be designed in compliance with all applicable regulations by a Florida registered engineer. All water and sewer facilities shall be approved by the city engineer, the Volusia County Health Department, the Florida Department of Environmental Regulation, and the St. John's River Water Management District as appropriate. The cost of designing and installing water and sewer systems shall be borne by the developer.

(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.

(3) Development of water facilities shall be consistent with the comprehensive plan.

(4) All proposed urban development located within one-quarter mile of an existing potable water facility with available capacity, as provided in chapter 86, to serve the proposed development shall connect to said existing facility or alternate facility approved by the city's utilities division. The proposed development shall be designed to provide adequate areas and easements necessary for the installation and maintenance of a potable water distribution system which meets the requirements of the potable water subelement of the comprehensive plan, of this chapter, chapter 17-6 and chapter 10D-6, Florida Administrative Code, and the most current ANSI/ASTM standards.

(5) All proposed urban development within one-quarter mile of an existing potable water facility which lacks capacity to serve the proposed development shall be approved subject to the existing or approved alternate potable water facility being made available as provided in chapter 86.

(6) Where joint participation agreements have not been approved, the city may operate and maintain potable water production, treatment and distribution systems in the City. Developments that construct or guarantee construction of their own potable water facilities shall convey such potable water facilities to the city.

(c) *Sewer facilities.*

(1) All proposed urban development shall provide for central sewer collection, treatment and disposal facilities in accordance with the city's comprehensive plan, chapter 86 of this Code, and other applicable regulations.

(2) Where approved for use, all septic tanks shall be located in yards abutting sewer facility easements. Where connection to a central wastewater system is not required, individual wastewater disposal treatment and discharge systems which include septic tanks shall be provided.

(3) Where joint participation agreements have not been approved, the city may operate and maintain wastewater collection, treatment and disposal systems in the City. Developments that construct or guarantee construction of their own sewer collection, treatment and disposal facilities shall convey the sewer facilities to the city at no expense to the city.

(4) Development of sewer facilities shall be consistent with the comprehensive plan. A finding that wastewater collection, treatment and disposal services is available must be based upon a demonstration that the existing facilities have sufficient capacity to provide for the needs of the proposed development and for all other developments in the service area which are occupied, available for occupancy, for which building permits are in effect, or for which wastewater treatment or disposal capacity has been reserved. If existing wastewater services are unavailable, but will be made available, any development order shall be conditioned upon such availability. A finding that wastewater services will be made available must be based upon a demonstration that there is a feasible plan to construct or expand a wastewater system which will have sufficient capacity to provide for the collection, treatment and disposal needs of the proposed development and for all other developments in the service area which are occupied, available for occupancy, for which building permits are in effect, or for which wastewater collection, treatment or disposal capacity has been reserved. The granting of a development order shall not be constructed to effect a reservation of wastewater capacity.

(5) Whenever any pressure or force mains are located underneath pavement or curbs with cover of less than 36 inches, the mains shall be encased or shall be constructed of ductile iron for pipe diameter of four inches or more, and galvanized iron for pipe diameter under four inches or shall be made of appropriate material.

(6) Where central sanitary sewer facilities are provided, all new development approved pursuant to chapter 106 and chapter 74, article II, shall install facilities for connection and use of recovered wastewater for irrigation and other nonpotable water uses. Upon being made available, such development shall connect to and use recovered wastewater.

ARTICLE III. INSTALLATION, GUARANTEE AND INSPECTION OF REQUIRED IMPROVEMENTS

Sec. 96-77. Inspections and tests.

(a) *General.* Appropriately staged inspections during construction shall be called for. It shall be the responsibility of the developer or the developer's contractor to notify the city engineer or code administration manager and arrange for these inspections. Tests called for under this section shall be performed by the city or by a competent engineering testing firm, employed by the city and paid by the developer, which shall have an engineer registered in Florida as one of the responsible officials of the firm.

(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.

(c) *Completion of installation of required improvements.*

(1) Upon completion of the above inspections or prior thereto, the following, where required, shall be provided to the city engineer and/or other appropriate city agencies:

a. Test results;

b. Maintenance guarantees, in accordance with provisions of this chapter, for facilities to be dedicated or conveyed to the city or a property owner's association;

c. As-built drawings for utilities and drainage systems, both on and off-site;

d. Certification by the developer's engineers that all improvements were installed in accordance with the granted development order.

(d) *Responsibility during maintenance period for improvements to be dedicated or conveyed to city or to a property owners association.*

(1) Following approval by the city of the construction of improvements to be dedicated or conveyed to the city or a property owners association, the developer shall be required to maintain the improvements within the development in first-class condition until the city commission accepts the improvements for city maintenance, or they are turned over to a property owners association for maintenance. Such association shall have all duties and powers necessary to provide for the perpetual maintenance of the improvements. The developer's maintenance period shall be a minimum of one year. During that maintenance period, the developer will be expected to provide any maintenance required, including, but not limited to:

a. Repair and replacement of any system component, or failed section of pavement, etc.;

b. Correct design faults;

c. Control of erosion, replacement of sod, removal of soil washed onto pavement or into drainage system.

(2) The developer may request the city commission to accept the improvements for maintenance at the time of or after the acceptance of the construction, or during the developer's one-year maintenance period.

When this occurs, it shall be the responsibility of the developer to sod all areas of the constructed improvements, where the potential for erosion exists. Such areas which may require sodding shall include but not be limited to shoulders, swales, drainage systems and retention areas. When such sodding is completed in a manner which is satisfactory to the city engineer, the city commission may accept the improvements for city maintenance, provided that all other improvements are in a first-class condition. However, the cash guarantee required by 96-77(d)(3) will be retained for the balance of the developer's one-year maintenance period to guarantee all improvements against defects in design, materials and workmanship.

The city commission shall not accept the improvements for city maintenance nor release the cash guarantee until it has determined that all improvements are in a first-class and acceptable condition.

(3) All improvements to be dedicated or conveyed to the city or a property owners association shall be covered by a cash maintenance guarantee which shall be provided by the developer, and shall be in the amount of 15 percent of the construction costs of all improvements, including landfill. The form of guarantee shall be as prescribed in section 96-76(a)(1) and approved by the city attorney. The developer shall guarantee all improvements against defects in design, material and workmanship, in addition to guaranteeing maintenance for the required period of time.

(4) Approximately 60 days prior to the expiration of the maintenance period, the developer shall request the city engineer and/or other appropriate city personnel to schedule a final inspection. All deficiencies of design, materials, workmanship and/or maintenance identified during the final inspection shall be corrected by the developer.

(5) Upon correction of all deficiencies the city engineer shall recommend, and the city commission shall accept those improvements dedicated or conveyed to the city for city maintenance. Those improvements to be conveyed to a property owners association may be accepted by the property owners association pursuant to agreements between the developer and the property owners association.

(6) Upon acceptance of the improvements by the city commission or property owners association, the maintenance guarantee shall be released to the developer, less any charges for maintenance or corrections incurred by the city during the maintenance period.

(e) *Responsibility for maintenance of privately owned improvements.* Any improvements made to private property pursuant to a development permit issued under this chapter shall thereafter be maintained by the private property owner and/or lessee or renter to the minimum standards of this chapter and the improved plans at his/her expense. Failure to maintain such improvements shall constitute a violation of this chapter.

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 prohibited 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

ARTICLE III. WETLAND PROTECTION

Sec. 98-57. Standards for review.

(a) *Review criteria.* In determining whether the development is permissible under the provisions of this article, the city shall consider but not be limited to the following criteria:

(1) The ability of the wetland to receive, store and discharge surface water runoff so as to contribute to hydrological stability and control of flooding and erosion;

(2) The ability of the wetland to recharge the groundwater as demonstrated by reliable available information;

(3) The ability of the wetland to provide filtration and nutrient assimilation from surface water runoff;

(4) The ability of the wetland to provide habitat and significant ecological function in the life cycle for fish, wildlife, or other forms of animal or plant life;

(5) The ability of the wetland to function as an integral part of any waters, water body, or watercourse;

(6) The cumulative impacts of the proposed development on the wetland system in combination with other developments which have been permitted or constructed in the same drainage basin;

(7) The technical feasibility of any proposed wetland mitigation plans and the likelihood of their success in restoring or replacing the environmental benefit altered by the development;

(8) The capacity of the existing wetland to provide environmental benefits because of such factors as maturity, size, degree of prior alteration, physical relationship to other water systems, and adjacent land uses;

(9) The degree or magnitude of the impact of the proposed alteration on the wetland and how such impact shall be minimized through mitigation measures, either off-site or on-site, or both, and recommendations concerning the appropriate location of said mitigation;

(10) Whether and the extent to which a proposed project must be located within a wetland or water body in order to perform the project's basic functions;

(11) Whether the wetlands impacted by the proposed activity are protected or used in a manner which does not adversely impact their beneficial functions as provided in section 98-57;

(12) The ability of the wetland to continue to function after development is completed;

(13) Whether the proposed project and the wetland impacts are consistent with the policies in the comprehensive plan.

(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.

ARTICLE IV. STORMWATER MANAGEMENT

Sec. 98-77. Prohibitions and exemptions.

(a) *Prohibitions.* No person may develop or make any change in the use of land or construct a structure or change the size of a structure, except as exempted in subsection 98-77(b), without first obtaining a stormwater management development permit as provided herein. For the purposes of this article, the following development may potentially alter or disrupt existing stormwater runoff patterns, and as such, will, unless exempt pursuant to subsection 98-77(b) hereof require a permit prior to the commencement of construction:

(1) Clearing and/or drainage of land as an adjunct to construction;

(2) Clearing and/or draining of nonagricultural land for agricultural purposes;

(3) Converting agricultural lands to nonagricultural uses;

(4) Subdividing land;

(5) Replatting recorded subdivisions and the development of recorded and unrecorded subdivisions;

(6) Changing the use of land and/or the construction of a structure or a change in the size of one or more structures;

(7) Altering the shoreline or bank of any surface water body; and

(8) The permanent (long period) lowering of the water table.

(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 storm water 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.

(2) Developments which are subject to subdivision and/or site plan approval pursuant to chapter 106 and/or chapter 74, article II of this Code, shall not be required to submit a separate permit application for review pursuant to this article. Compliance herewith shall be included as a part of the review process pursuant to said chapter 106 and/or chapter 74, article II.

(3) Notwithstanding any other provisions of this article, there shall be no harmful erosion by water of any soil or fill onto any adjacent public or private property.

(c) It shall be unlawful for any person or persons to deposit non-stormwater materials as specified in the State of Florida Department of Environmental Protection Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems (FDEP Document 62-621.300(7)(a)) into storm conveyance systems, except those noted in FDEP Doc. 62-621.300(7)(a)(l)(B) Limitations on Coverage which states:

(1) In compliance with a separate NPDES permit; or,

(2) Within one of the following categories of non-stormwater discharges; provided they do not cause a violation of water quality standards: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensate, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering runoff, water from individual residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool discharges, residual street wash water, and discharges or flows from fire-fighting activities.

(d) Notwithstanding other requirements of law, as soon as any person has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the City of Deltona separate storm system, State Waters, or Waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and reporting of such a release.

In the event of a suspected release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.

In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency and the City of Deltona (Stormwater Division and City Engineer) in person or by phone, no later than the next business day of the nature, quantity and time of occurrence of discharge. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall confirm the release by written notice addressed and mailed to the city stormwater division and City Engineer within three business days of the phone or in person notice, and retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

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.

(1) *Determination of approval.* Where there has been a determination of approval of the application, the Planning and Development Services Director or his/her designee shall issue the development permit; and thereafter the applicant may commence construction of the development provided all other requirements of this article are complied with.

(2) *Determination of approval with conditions.* Where there has been a determination of approval of the application with conditions, the Planning and Development Services Director or his/her designee shall first ensure that those conditions are satisfied, and then shall issue the development permit; and thereafter the applicant may commence construction of the development provided all other requirements of this article are complied with.

(3) *Determination of denial.* Where there has been a determination of denial of the application, the Planning and Development Services Director or his/her designee shall immediately notify the applicant, in writing, stating the reasons for denial.

Chapter 106 SUBDIVISIONS

ARTICLE II. SUBDIVISION REGULATIONS

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~~concurrently 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 ~~p~~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.

(a) No improvements, including streets, shall be accepted and maintained by the City unless and until the Final Plat (FPL) has been approved by the City Commission, and has been duly recorded by the Volusia County Clerk of the Circuit Court. The Clerk shall record only those Final Plats that have been submitted for recording by the Planning and Development Services Director or his/her designee.

(1) *Procedures.*

a. —*Phased Developments*: For phased developments an application for a Final Plat Development Order shall be filed, processed and approved consistent with Section 74-4 of this Land Development Code. The submittals shall be consistent with the issued Preliminary Plat Development Order and shall include any conditions.

1. The developer shall submit an application for a Final Plat only for that portion of the property with an approved Preliminary Plat. and that portion of the site shall conform to all requirements of this Chapter.

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

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

b. *Non-Phased Developments:* For non-phased developments an application for a Final Plat and 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).

(2) *Required submittals.*

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

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

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

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

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

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

6. The purpose of all proposed rights-of-way, easements and areas to be dedicated to public use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. A maintenance agreement in the form of cash or letter of credit in the amount of fifteen (15%) percent of the total construction cost that is acceptable to the City Attorney and the City Engineer.

3. Three (3) 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.

4. Test reports prepared by an independent testing laboratory qualified to perform test(s) specific to the development, as accepted by the City Engineer, in order to ensure that all improvements are in compliance with City standards and specifications.

(3) *Recording requirements.*

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

b. *Necessary documents*. Prior to recording, an applicant shall furnish the City with those documents necessary to evidence and ensure compliance with requirements, standards, restrictions or conditions of this chapter as requested by the City. These documents shall include, but are not limited to, bonds or other security, agreements, restrictive covenants, deeds and easements, standards, restrictions or conditions and recorded with the Final Plat to be recorded.

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

1. Following City Commission approval, the developer/applicant shall submit the original mylar plat signed by the developer/applicant, and one paper copy of the approved plat to the Planning and Development Services Director or his/her designee. The applicant shall provide to the City an appropriate electronic version of the plat in a format approved by the Planning and Development Services Director or his/her designee. The developer/applicant shall be required to comply with all applicable provisions of F.S. Ch. 177, City Code, and any related conditions of approval by the City of Deltona. The developer/applicant shall record the Final Plat at Volusia County Clerk of the Circuit Court within twenty (20) working days following City Commission approval of the Final Plat.

2. The Planning and Development Services Director shall sign the original mylar plat and arrange for the mylar plat to be signed by the Mayor and City Registered Surveyor. The Final Plat, completely signed by all parties, shall be transmitted to the developer/applicant for processing and recordation at Volusia County Clerk of the Circuit Court.

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

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

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

<u>Chapter 110</u> ZONING*

ARTICLE III. ESTABLISHMENT OF CLASSIFICATIONS AND OFFICIAL ZONING MAP

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).

(d) Maximum density. With septic tanks, maximum 1dwelling unit per acre. With community or public water and sewer (except community septic tanks):

1. R-1AAA: Two dwelling units per acre.
2. R-1AA: Three dwelling units per acre.
3. R-1A: Four dwelling units per acre.
4. R-1: Six dwelling units per acre.

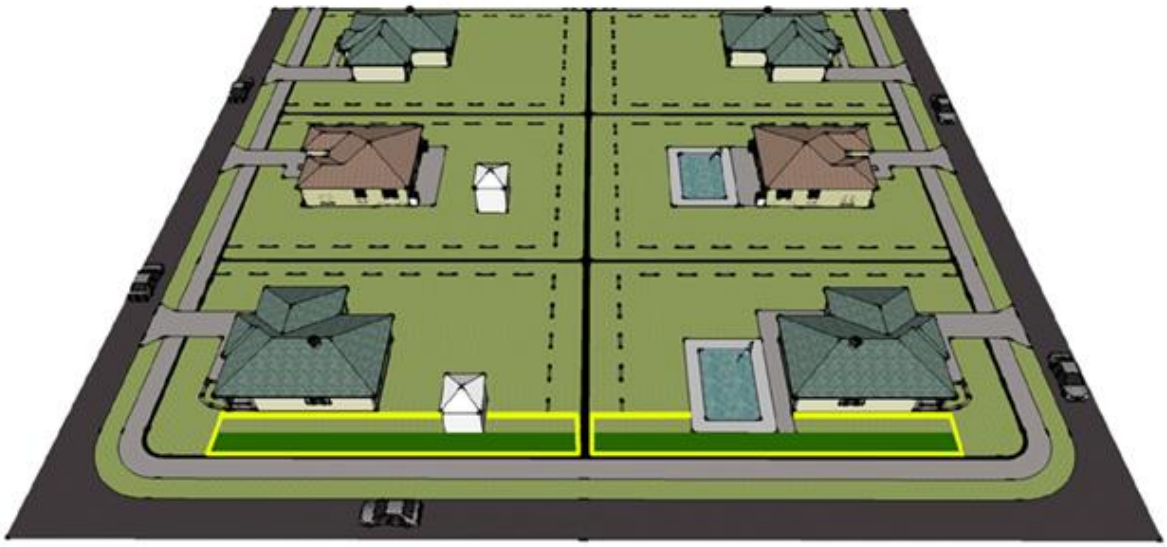
(e) Dimensional requirements.

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

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

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

Accessory Structure Setbacks Back-to-Back Lots



SIDE STREET YARD SETBACK FOR ACCESSORY STRUCTURE (Area where no accessory structures are allowed)

SIDE STREET YARD

Accessory Structure Setbacks Side Driveway

SIDE STREET YARD SETBACK FOR ACCESSORY STRUCTURE (Area where no accessory structures are allowed)

SIDE STREET YARD

Accessory Structure Setbacks Adjacent to Vacant Lot

SIDE STREET YARD SETBACK FOR ACCESSORY STRUCTURE (Area where no accessory structures are allowed)

SIDE STREET YARD

Sec. 110-317. 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.

(b) *Permitted principal uses and structures.* In the C-3 Heavy Commercial classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Art, dance, modeling and music schools.

Auction parlors.

Automobile body shops.

Automobile driving schools.

Automobile rental agencies.

Automobile sales, new and used.

Automobile service stations, Types A, B and C.

Bars and liquor stores.

Beauty and barber shops.

Boat, truck, motorcycle, trailer, bicycle and mobile home storage, sales, service and rental for off-site use (new and used).

Bowling alleys.

Building material sales and storage.

Car washes.

Catering services.

Communication towers up to 70 feet high, in accordance with the requirements of Chapter 82, Code of Ordinances, as it may be amended from time to time.

Contractor's shop, storage and equipment yard.

Cultural art centers.

Dental laboratories.

Employment agencies.

Essential utility services.

Exempt excavations (refer to section 110-817(o))

Exempt landfills (refer to section 110-817(p)).

Financial institutions.

Fire stations.

Funeral homes.

Game rooms or arcades for pool, billiards, pinball machines, jukeboxes or other coin-operated amusements.

General offices.

Government sponsored civic centers.

Home occupations (refer to section 110-807).

Laundry and dry cleaning establishments.

Libraries.

Marine engine repair and service.

Mini-warehouses which meet the requirements of section 110-817(e).

Mobile recreational vehicle and shelter sales, service, storage and repair.

Museums.

Nightclubs.

Outdoor musical event.

Pawnshops.

Pest exterminators.

Printing and engraving, including Photostatting and publishing.

Private clubs.

Public schools.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of the Land Development Code Chapter 98, article V, Code of Ordinances, as it may be amended from time to time.

Radio and television broadcasting stations.

Recycling collection center.

Restaurants, Types A and B.

Retail sales and services.

Retail specialty shops.

Rug cleaning establishments.

Stamp redemption centers.

Tailors.

Tattoo parlors.

Taxicab stands.

Theaters.

Travel agencies.

Veterinary clinics.

Welding and soldering shops.

Wholesale-retail nursery.

(c) Conditional uses. Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Communication towers greater than 70 feet high, in accordance with the requirements of Chapter 82, Code of Ordinances, as it may be amended from time to time.

Bus garages and repair shops.

Bus stations.

Curb markets.

Drive-in theaters.

Excavations only for stormwater retention ponds of which a permit is required by this chapter.

Flea markets (refer to section 110-817(g)).

Houses of worship (refer to section 110-817(d)).

Moving and storage companies.

Outdoor entertainment and recreational uses and structures.

Professional or trade schools related to permitted uses (refer to section 110-817(b)).

Public markets.

Public use not listed as a permitted principal use.

Public utility uses and structures (refer to section 110-817(a)).

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

Schools, parochial or private (refer to section 110-817(d)).

Only one single-family dwelling for the owner or manager of an existing permitted principal use.

Truck and freight transfer terminals.

Truck stops.

Truck storage.

Warehouse.

(d) Dimensional requirements.

C-3, *Heavy Commercial*	
Minimum lot size	
Area (sq. ft.)	15,000
Width (ft.)	100
Minimum yard size	
Front yard (ft.)	35
Rear yard (ft.)(1)	25
Side yard (ft.)(1)	10
Waterfront yard(ft)	25
Maximum building height (ft.)	75

Maximum lot coverage (%) *(with principal and accessory buildings)*	35
Maximum floor area ratio (F.A.R.)	0.55
[(1)]Unless abutting any residentially zoned property, then 35 feet.	

(e) Off-street parking and loading requirements. Off-street parking and loading areas meeting the requirements of section 110-828 shall be constructed.

(f) Landscape buffer requirements. Landscaped buffer areas meeting the requirements of section 110-808 shall be constructed.

(g) Final Site Plan requirements. Final Site Plan approval meeting the requirements of the Land Development Code chapter 75, Code of Ordinances, as it may be amended from time to time, is required.

(h) Types of signs permitted. Signs are permitted in accordance with the requirements of the city's sign code Chapter 102, Code of Ordinances, as it may be amended from time to time.

ARTICLE V. SCOPE

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.

ARTICLE VIII. SUPPLEMENTARY REGULATIONS

Sec. 110-808. Landscaping requirements.

(a) Application to development. The requirements of this section shall apply to all development within the City of Deltona. The requirements of this section apply to individual one- and two-family residential lots only to the extent that such lots are specifically addressed herein. This shall not be construed to exempt any residential developments that require approval from article II of the land development code, Ordinance No. 96-25 [chapter 106, Code of Ordinances], as it may be amended from time to time.

(b) Landscape plan and irrigation plan required. When the construction upon or the development of a new site or the redevelopment, reconstruction, upgrading, or expansion in use of a previously developed site will require a landscape plan and irrigation plan, the provisions of this section shall be applied to all landscaped areas required by this regulation consistent with the water-efficient landscaping standards established herein.

(1) *Landscape plan.*

a. The landscape plan shall graphically portray the layout of all landscape plant materials, turf areas, walls, fences and buffers, pavement and parking areas, curbing, structures, signs, easements, existing or proposed utility service lines and all other site improvements. The landscape plan shall list the common and botanical name, container size, quantity and spacing of each item. The landscape plan shall indicate the total regulated landscape area and size of each water use zone by square feet. In addition, the landscape plan shall clearly

indicate the location of existing vegetation which shall remain undisturbed. Any existing trees six inches DBH or larger proposed for removal shall be clearly indicated.

b. Low water use zone plant material shall comprise at least 20 percent of the total regulated landscaped areas. High water use zone plant material which includes most turfgrasses shall comprise no more than 40 percent of the total regulated landscape area.

(2) *Irrigation plan.*

a. Irrigation systems shall be designed to correlate to the organization of plants into zones as described above. A temporary above ground irrigation system may be used in areas where low water use zone plant material are proposed. All permanent underground irrigation systems shall be automatic with cycling capacity and shall be designed to avoid irrigation of impervious surfaces. Irrigation systems shall be maintained to eliminate waste of water due to loss from damaged, missing or improperly operating sprinkler heads, valves, pipes, or controllers.

b. The irrigation plan shall be submitted showing a detailed layout and description of a permanent underground irrigation system providing 100 percent coverage of all landscaped areas. The irrigation plan shall include information such as sprinkler head type, pipe size, radius of throw, valve and backflow preventer and rain sensor device locations, location of well or source of water and other relevant information for an irrigation system.

c. Installed trees and plant materials shall be grouped together into zones according to their water use needs. The water use zones shall correlate to the water use zone designations identified in the approved plant species list set forth in Figure I to this chapter. Plants with similar cultural (soil, climate, and light) requirements should be grouped together and irrigated according to their water requirements. Turfgrass shall be irrigated on a separate zone from trees, shrubs and ground cover beds.

d. All water use zones shall be indicated on the landscape plan and irrigation plan. A rain sensor device or switch shall be required on any newly installed automatic irrigation system to prevent irrigation during periods of sufficient rainfall. The use of low volume, emitter or target irrigation is preferred for trees, shrubs and ground cover. The use of irrigation systems shall comply with all water use restrictions imposed by law.

e. When an effluent reuse system is available to serve the premises and sufficient capacity exists, reclaimed water shall be used to irrigate any area required to be landscaped.

f. Irrigation systems shall be installed according to manufacturer's specifications and the Florida Irrigation Society Standards and Specifications for Turf and Landscape Irrigation Systems.

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

(c) Review and enforcement. The landscaping and irrigation plan shall be reviewed by the Planning and Development Services Department, and no building permit or development order shall be issued for any structure until the landscaping and irrigation plan is approved. Any person aggrieved by a determination of the zoning enforcement official under this section may appeal that determination in writing to the city commission within 30 days after the rendition of a determination.

(d) Approved plant species list. All plant material proposed to be installed on a site to meet the requirements of this chapter shall be site appropriate and selected from the following approved plant species lists

1) ~~set forth in~~ Table 110-7 of~~to~~ this chapter.

2) Waterwise Florida Landscapes, Third Printing, April 2006, or subsequent printings.

3) The Florida-Friendly Landscaping Guide to Plant Selection & Landscape Design™, University of Florida, 2010 Edition or subsequent publications.

Use of any other plant material shall require prior approval by the enforcement official. The plants listed in Figure I to this part have demonstrated ability to grow and thrive in the Central Florida area.

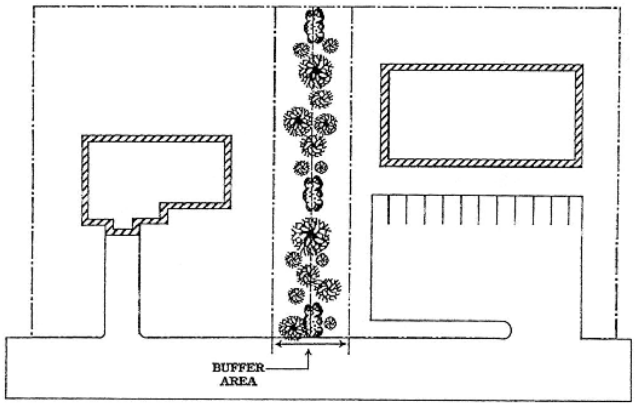
Applicants, developers, and property owners are strongly encouraged to employ the Xeriscape™ principles as outline in the Waterwise Florida Landscapes document noted in Section (d)(2) above.

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

(1) *General interpretation.* When more than one requirement applies to a specific land use or development, the most restrictive requirement shall apply.

(2) *Bufferyards.* Landscaped bufferyards shall be established between differing land uses around development project perimeters in accordance with the requirements of this section. These requirements shall be deemed the minimum necessary to achieve compatibility between land uses. ~~Bufferyards shall be developed by each use classification based on existing contiguous land uses, zoning, or land use plan designation, whichever is most intense.~~ After determining the existing land uses, zoned uses, and planned land uses around the development project, in order to calculate the appropriate bufferyard widths, apply the widest bufferyard in order to provide the greatest protection among existing or possible future uses.

BUFFER AREA



(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

(4) *Land use intensity factors.*

Table 110-4 Land Use Intensity Factors

Land Use Category	Intensity Factor
Forestry	0
Agriculture: Pasture/Fields/Nurseries/100'+ of water or space	4
Agriculture: Processing/Hatcheries	10
Residential: Less than two dwelling units/acre	1
Residential: 2.1--4 dwelling units/acre	2
Residential: 4.1--8 dwelling units/acre	3
Residential: 8.1--16 dwelling units/acre	4
Residential: Over 16 dwelling units/acre	5
Office: Less than 0.50 ISR*	4
Office: 0.50--0.65 ISR*	5
Office: Greater than 0.65 ISR*	6
General Commercial: Less than 0.50 ISR*	5
General Commercial: 0.50--0.65 ISR*	6
General Commercial: Over 0.65 ISR*	7
Highway Commercial/Warehouse/Mini-warehouse: 0.50--0.65 ISR*	7
Highway Commercial/Warehouse/Mini-warehouse: Over 0.65 ISR	9
Enclosed Industrial: Less than 0.65 ISR*	8
Enclosed Industrial: Over 0.65 ISR*	9
All Outside Storage	9
All Outside Processes	10

*Impervious Surface Ratio (ISR) may exceed 0.65 for the purposes of this section, because the measurement shall not include landscaped bufferyards required along rights-of-way.

(5) *Landscape buffers along rights-of-way.*

a. *Minimum width.* The following landscape buffer widths shall be established and measured perpendicular to the property line at the right-of-way.

1. All streets designated on the thoroughfare map in the Deltona Comprehensive Plan, as amended: 25 feet.

2. All other streets: 15 feet.

b. *Multifamily development.* Multifamily Development shall provide a landscape buffer of at least 20 feet on all streets, except where a greater buffer width is required by section(7)(a).

c. *Neighborhood and transitional commercial and transitional office.* Neighborhood and transitional commercial and transitional office development, when lot frontages face one- or two-family residential development, shall provide a minimum landscape buffer of 30 feet along all streets.

d. *Minimum length.* Landscape buffers shall extend along the entire length of the property boundary abutting a street right-of-way or adjacent property, and may only be altered for the following purposes:

1. Construction of accessways as necessary and in compliance with an approved development plan. Accessways shall traverse the required buffer yards at angles between 80 and 90 degrees.

2. Installation of stormwater, drainage or utility improvements as necessary and in compliance with an approved development plan. Such improvements and their associated easements shall traverse the required landscaped buffer yards by the shortest routes possible, and shall not have a length within the required buffer yard that exceeds 115 percent of the minimum required width of the buffer yard.

3. Selective clearing for visibility of freestanding signs in accordance with an approved site or sign plan.

4. The regular pruning of trees to provide clear trunk and visibility between three feet and eight feet above grade. Pruning to 15 feet above grade shall be required within the vision triangle at road and accessway intersections. Such pruning shall only be permitted for trees with height and maturity necessary to reasonably accommodate such activity. Such pruning shall be permitted only to provide a view of approved freestanding signs and traffic control devices, and to maintain drivers' visibility within required vision triangles at intersections and driveways, and to maintain the health of understory trees and shrubs. Other unnecessary excessive pruning shall be prohibited.

5. The regular removal of dead material and debris.

6. Installation of additional landscape materials required by this Code, including walls and fences.

7. Construction of loading/unloading zones as required by this chapter for commercial lots adjacent to a platted alleyway, in which the loading zones are located in the rear of the commercial building, to be accessed through the alleyway, and to be shielded from view of the street. Additional screening of the loading zone is required in this situation to protect the view of residential zoning districts also adjacent to the alleyway. Such screening requirements shall include the use of fences, walls, landscaped berms and/or

hedges to the height of eight feet at 100 percent opacity along the sides of the loading zone that face a residential zoning district.

No public or private right-of-way, stormwater retention or detention area, building, impervious surface, or easement other than those listed above shall be located in any required buffer yard.

(6) *Minimum planting requirements.* Minimum planting requirements within landscape buffers along rights-of-way shall be determined based upon the required buffer width.

Table 110-5 Minimum Planting Requirements

	Per 100 lineal feet of property line at the right-of-way		
Buffer Width (feet)	**Shade Trees**	**Understory Trees**	**Shrubs**
10	2	2	30
15	3	3	30
20	4	4	30
25	4	4	35
30	6	6	45
50	8	8	60
55	8	8	65
65	9	9	70

When possible, placement of shrubs shall not be linear, and in clusters containing no less than seven shrubs each.

(7) *Perimeter landscape buffers.*

a. *Minimum width.* A minimum landscaped area shall be established along the entire length of all internal property lines, as described below.

1. Five feet measured perpendicular to the property line for all land uses and major subdivisions, except multifamily and individual single-family lots. The landscaping for major subdivisions shall be around the subdivision perimeter, shall not be included within individual lots, and shall be maintained by a homeowners association.

2. Fifteen feet measured perpendicular to the property line for multifamily.

b. *Minimum planting requirements.* One shade tree, two understory trees shall be planted per 50 lineal feet of property frontage at the right-of-way line and at adjacent property lines. A row of shrubs shall be planted within the buffer areas that will reach three feet in height within one year after planting, and provide as nearly as possible 100 percent opacity.

(8) *Landscape buffers for double frontage residential lots.*

a. *Minimum width.* Landscape buffers for all double frontage residential lots shall be 25 feet measured from the property line parallel to the abutting the rights-of-way.

b. *Required vegetation.* A minimum of one shade tree and two flowering evergreen understory trees shall be planted in each bufferyard, and arranged to create maximum screening of the building or building site at maturity. Alternatively, the bufferyards may be left in natural vegetation, but must be supplemented with additional plants if the desired screening effect is not achieved. Shrubs shall be planted within the buffer to provide additional 100 percent opaque screening to a height of four feet at maturity.

c. *Fences or walls.* Fences or walls may be installed within the required buffers in accordance with the requirements for fences and walls in the front yards of the zoning district in which the double frontage residential lot is located. If a 100 percent opaque fence or wall is installed to a height of four feet on a double frontage residential lot, shrubs are not required to be planted behind it, or in front of it. The finished side of such fences and walls shall face the exterior property line. Masonry and concrete fences shall be finished with false brick facades, or with stucco or split face block in earth tones or pastel colors.

(9) *Buffer design guidelines.*

a. *Landscape material selection.* Landscape materials within buffers along rights-of-way shall be designed to display variety and color by utilizing flowering and variegated species. Such variety and color may be accomplished by using a combination of shrubs and ornamentals from the approved plant lists provided herein. Ornamentals may be substituted for required shrubs on a two ornamentals for one shrub basis. In no case shall more than 50 percent of the required shrubs be replaced by ornamentals.

b. *Location of landscaping.*

1. The placement of landscape materials within landscape buffers shall have a rational relationship to the existing patterns and densities of adjoining areas that have been preserved. Arrangements shall be organic or curvilinear, and shall not be linear unless dimensional limitations necessitate such an arrangement.

2. Landscape materials shall be clustered into groupings, which simulate a natural, rather than man-made, appearance.

c. *Maximum vegetation removal.*

1. A minimum of 65 percent of any landscape buffer over ten feet in width shall be set aside for preservation of existing trees, except Sand Pines and exotic species. Removal of understory trees and shrubs may be permitted to provide for shallow swales without removal or damage to any existing shade trees in order to create retention areas. In no instance shall more than 50 percent of the preserved understory tree canopy be removed.

(f) Landscaping adjacent to structures.

(1) *Minimum planting requirements.* The interior of any site, including those areas directly adjacent to structures shall be landscaped in accordance with the following provisions. Landscape materials required in this subsection are in addition to any landscape materials that may otherwise be required in this chapter, unless 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.

b. *Multifamily*.

1. One foundation plants shall be required for every one foot of the front of building and for every exterior wall that is exposed to view from an adjacent street. Two foundation plants shall be required for every one foot of every exterior wall of the building that is exposed to view from an adjacent single-family or two-family residential area.

2. One understory tree shall be required for every 20 feet of the front of building and for every exterior wall of the building that is exposed to view from an adjacent street. One understory tree shall be required for every 15 feet of the building that is exposed to view from an adjacent two-family or single-family residential area.

3. Landscaped berms, appropriately scaled, shall be provided adjacent to single-family and two-family development and on road frontages. Landscaped berms shall use topsoil that is clean and free of construction debris, weeds, rocks, noxious pests and diseases. Berms shall be stabilized to prevent subsidence and erosion. Berms shall not cause water runoff to adjacent properties or streets that is in excess of pre-development conditions or that otherwise poses a nuisance. Landscaped berms shall be at the maximum height possible for the width of the required buffer and the soil, topography, and drainage conditions on and adjacent to the site. All berms shall be planted with groundcover or sod, and shall be planted with a continuous hedge. In cases where more than 65 percent of the existing trees that are categorized as protected trees by the city's land development code (excluding Sand Pines) must be removed to create the required landscaped berms, at least 15 percent of the developed site must be set aside in a natural vegetation retention area to preserve existing trees.

(2) *Planting*. Foundation plants required by this subsection may be comprised of shrubs and/or ground covers in any arrangement or combination provided that no less than 50 percent of the total required materials are shrubs.

(3) *Function of landscape materials.* Landscape materials required by this subsection should be located to achieve the following in order of priority:

a. Provide transition between the building and the ground;

b. Provide visual breaks along the front of monotonous building facades;

c. Enhance walkways, entrances, seating areas, bus stops or any other pedestrian areas;

d. Separate and buffer pedestrian and public areas from cruise lanes, drives and parking areas;

e. Provide direction to focal areas and main entrances;

f. Screen mechanical equipment, air conditioning units, or any other visible outdoor equipment; and

g. Screen service areas.

(4) *Location of landscape materials.* Generally, landscape materials required by this subsection should be located within five to 25 feet of the building foundation. Emphasis should be afforded to those areas, which are visible from any public or private street or from any public area internal to the site.

(g) *Landscaping of off-street parking areas.* Required off-street parking areas constructed after April 13, 1989, and having off-street parking spaces for more than eight vehicles, shall have interior landscaped areas covering a minimum of 15 percent of the total off-street parking area, excluding any required landscaped buffer areas. Landscaped islands shall be required at the ends of each row of interior parking spaces not abutting the perimeter of the parking area. A landscaped island shall be provided for every ten parking spaces. Interior landscaped areas shall be dispersed so as to define aisles.

Landscaped row ends shall have a minimum area of 175 square feet with no width less than ten feet and no length less than 17.5 feet if it abuts one parking space, or 35 feet if it abuts two parking spaces. Islands in parking bays, other than row ends, shall have a minimum landscaped area of nine feet width and 16 feet length. Every landscaped island, including row ends, shall include at least one tree. Row end islands abutting parking facility entry and exit accessways, and in front of principal buildings shall have at least one overstory tree. Interior landscaped areas, other than required landscaped islands, shall have a minimum area of 100 square feet with no dimension less than ten feet. Two feet of these landscaped areas may be part of the required depth of each abutting parking space, provided wheel stops or curbs are used to protect them.

Each landscaped area less than 400 sq. ft. shall include at least one understory tree. A canopy tree may be used in lieu of the understory tree if recommended by the director of development services or his or her designee. In landscaped areas of 400 sq. ft. or more any canopy tree may be used in lieu of an understory tree. A minimum of 35 percent of each landscaped area shall have a combination of shrubs less than four feet high, and ground covers. The remaining area shall be landscaped with shrubs, grass, ground cover, or other materials, such as stone, gravel or mulch.

Accessways longer than 100 feet that provide direct access to entry or exiting driveways classified as intermediate or major driveways by the city's land development code, as it may be amended from time to time, shall have landscaped buffers on each side. These landscaped buffers shall be planted with groundcover, a continuous shrub hedge broken only by traversing sidewalks, and two understory trees and one overstory tree for every 50 lineal feet of buffer. Perpendicular interior vehicular accessways shall not traverse the landscaped buffer strip at intervals of less than 100 feet.

Where the strict application of this subsection will seriously limit the function of the parking area, as determined by the zoning enforcement official or his or her designee, the required landscaping may be located near the perimeter of the paved area.

(h) Wheel stops/curbing. All landscaped areas shall be protected from vehicle encroachment by wheel stops or curbing. If curbing is raised above abutting landscaped areas, it shall be perforated to permit drainage from the paved ground surface area onto the landscaped areas. Curbing used to protect landscaped areas shall not be inverted, or Miami, curbing. Where a wheelstop or curb is utilized, no more than two feet of the paved area between the curb and the end of the parking spaces may be omitted if the area is landscaped in addition to the required landscaping herein with a material such as ground cover, rock, or gravel, requiring minimal maintenance.

(i) Landscape materials. All plant materials shall be Florida No. 1 grade, or better; according to the current "Grades and Standards for Nursery Plants", State of Florida, Department of Agriculture, Tallahassee, except where in the discretion of the enforcement official natural vegetation is adequate to provide the necessary visual screening. Existing trees situated in the required buffer may be used to satisfy the buffer tree requirement. Existing upland native vegetation shall be incorporated, where appropriate, into off-street parking areas and landscape buffers of a proposed development.

(1) *Tree planting standards.* Canopy trees shall have a minimum caliper at DBH of one and one half inches and a minimum height of six feet, and understory trees shall have a minimum height of six feet and minimum caliper at DBH of three-fourths inch at installation. Trees shall not be planted where they interfere with site drainage.

Where utility lines are present, trees shall be placed at the edge of the required buffer area farthest from the utility lines. The requirements for canopy trees may be waived by the enforcement official if they interfere with above ground utility lines. Trees planted under, or close to, utility lines shall be selected to ensure that their crowns at maturity will not interfere with the utility lines. This does not change the number of trees required.

a. *Required mix of tree species.* When eight or more trees are required to be planted to meet the requirements of this section, a mix of tree species shall be provided, at least one of which shall be native to the Central Florida region. The minimum number of species to be planted are indicated below.

Table 110-6 Required Mix of Tree Species

Required Mix of Tree Species	
Required Number of Trees Planted	**Minimum Number of Species**
8--14	2
14--20	3
21--30	4
30+	5

(2) *Shrubs.* Shrubs and hedges shall be a minimum of two feet in height, at installation. Plants shall be spaced no less than three feet apart measured from center to center. Hedges, where required, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen within a maximum of one year after the time of planting.

(3) *Ground cover.* Ground cover plants include plant materials which reach a maximum height of not more than 24 inches and may be used in lieu of grass. Ground cover plants must present a reasonably complete coverage at time of planting. Ground cover plants shall be a minimum of one-gallon size when planted and spaced a maximum of two feet on center. Ground covers must present a finished appearance and provide reasonably complete coverage at the time of planting.

(4) *Turfgrass.* Grass areas shall be planted in species normally grown as permanent lawns in the City of Deltona. Grass areas may be sodded, plugged, sprigged or seeded; provided, however, that solid sod shall be used in swales or other areas that are found to be subject to erosion. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases. Turfgrass areas should be consolidated and limited to those areas on the site that receive occasional pedestrian traffic, provide for recreational uses, provide soil erosion control such as on slopes or in swales; or where turfgrass is used as a design unifier, or other similar practical use. Unless sod or grass seed is used, nursegrass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.

(5) *Use of drought-resistant plant material.* All new or replacement plantings required for any off-street parking area or landscape buffer shall use, to the maximum extent possible, native plant material or other species with equivalent drought-resistant properties. The intent of this requirement is to promote and conserve the water resources of the City of Deltona and Volusia County.

(6) *Preservation of existing native plants and material.* Every reasonable effort shall be made in the design and construction of all site improvements and alterations to save existing healthy trees and native vegetation and maintain the existing topography. The enforcement official may require alternate designs and construction techniques to better achieve tree and native vegetation preservation while still allowing the permitted use of the property. Existing native vegetation specified to remain shall be preserved in its entirety, with all trees, understory, ground cover and duff left intact. Areas of existing natural vegetation should not be irrigated.

(7) *Mulch.* In order to preserve soil moisture, all planting areas not left in the natural state shall be mulched with no less than two inches of organic mulch. Wood chips, pine needles or oak leaves are preferred. Mulch shall be placed directly on the soil or landscaping fabric and planting areas shall be properly edged to retain mulch.

(j) Solid waste containers. All solid waste containers shall be enclosed on at least three sides with a six-foot high screen. The screen shall consist of a masonry wall. A hedge consisting of shrubs of a species selected from ~~Figure 1~~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 abut the enclosure walls, except that such hedge is not required in cases where solid waste containers are integrated and located within the interior of an area designated for commercial or industrial shipping and receiving and where the container enclosures are otherwise effectively buffered from view from adjoining properties planned or zoned for residential, office or institutional uses. The landscaping around the solid waste container enclosure shall be maintained in accordance with the requirements for maintenance of landscaping in this section, and shall be planted in a strip of soil wide and deep enough to ensure its survival.

The container shall be enclosed in such a manner so that said container will be screened from public streets and adjoining properties. A concrete or asphalt pad of appropriate size and construction shall be provided as a base for the container. The container pad shall be at the approximate level of the service vehicle approach areas so that the truck's loading mechanism can align with the container's sleeves.

The screened enclosure shall not be located within any street right-of-way or required yard area. Containers and enclosures shall be located so as to allow ease of access for collection trucks and direct access to drive areas. Straight-in or circular drives are encouraged to reduce truck-maneuvering problems. No parking or other obstructions shall be permitted in the access area for enclosures.

(k) Enforcement official. The enforcement official may, in his or her discretion, waive or modify certain requirements in this section by an amount not to exceed 15 percent, if literal interpretation of this section will seriously hamper the use to which the property is intended.

(l) Maintenance requirements. The property owner will be responsible for maintenance of all required landscape and irrigation improvements as originally approved. Therefore, these maintenance requirements shall carry with the land and shall be the responsibility of any subsequent owners of the property.

Landscape areas and site improvements shall be maintained in good condition for a healthy, neat, and orderly appearance and shall be kept free from weeds and debris. All plant materials shall be maintained in a healthy and vigorous condition through proper irrigation, fertilization, pruning, weeding, mowing, and other standard horticultural practices. Plant material should grow to their normal shape, color, and height, to fulfill the required functions of screening, shading, buffering, and

aesthetic appeal set forth by the City of Deltona. The hat racking of trees is prohibited. All dead plants shall be replaced. This requirement includes, but is not limited to, the replacement of plants damaged by insects, diseases, vehicular traffic, acts of God, and vandalism. Mulch shall be maintained at the proper coverage and depth.

The irrigation system shall be fully operational and shall be operated on a regular basis to provide the appropriate amount of water to the plant materials to maintain adequate plant health and growth. In situations where drought tolerant plant materials have not been properly maintained primarily due to lack of sufficient watering, the enforcement official may require the installation of a permanent irrigation system meeting the specifications of this chapter.

The ~~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.

Table 110-7 Approved Plant Species List

Table 110-7A Canopy Trees

CANOPY TREES (Mature Size 40' or more in Height)			
Common Name	Botanical Name	Water Zone	Native (Y/N)
American Holly*	Ilex opaca (or X attenuata)	L	Y
Bald Cypress	Taxodium distichum	L	Y
Black Cherry	Prunus serotina	M	Y
Black Gum/Swamp Tupelo*	Nyssa sylvatica	H	Y
Cabbage Palm*	Sabal palmetto	L	Y
Chinese Elm*	Ulmus parvifolia	L	N
Florida Elm*	Ulmus americana var. floridana	M	Y
Florida Scrub Hickory*	Carya floridana	L	Y
Formosan Gum	Liquidambar formosana	L	N
Date Palm*	Phoenix dactylifera	L	N
Desert Fan Palm*	Washington filifera	L	N
Green Ash	Fraxinus pennsylvanica	M	N

Laurel Oak	Quercus laurifolia	L	Y
Live Oak	Quercus virginiana	L	Y
Loblolly Pine	Pinus taeda	L	Y
Longleaf Pine	Pinus palustris	L	Y
Nagi Podocarpus*	Podocarpus nagi	M	N
Oriental Sycamore	Platanus orientalis	M	N
Pecan	Carya illinoinensis	M	N
Pignut Hickory	Carya glabra	L	Y
Pond Cypress	Taxodium ascendens	H	Y
Red Maple	Acer rubrum	H	Y
Redbud*	Cercis Canadensis	M	Y
Sand Pine	Pinus clausa	L	Y
Shumard Oak	Quercus shumardii	L	Y
Slash Pine	Pinus elliotti	L	Y
Southern Basswood*	Tilia floridana	M	Y
Southern Magnolia	Magnolia grandiflora	L	Y
Sugarberry	Celtis laevigata	L	Y
Sweetgum	Liquidambar styraciflua	L	Y
Sycamore	Plantanus occidentalis	H	Y
Tulip Tree	Liriodendron tulipifera	H	Y
Tupelo Gum	Nyssa aquatica	H	Y
Turkey Oak*	Quercus laevis	L	Y
Washington Palm*	Washingtonia robusta	L	N
Water Oak	Quercus nigra	M, L	Y
Weeping Willow	Salix babylonica	H	N
Winged Elm	Ulmus alata	L	Y

*Canopy trees that may be used in lieu of understory trees in landscaping with the parking areas if recommended by the director of development services or his or her designee.

Table 110-7B Understory Trees

UNDERSTORY TREES (Mature Size 12' to 35' Height) AND PALMS			
Common Name	Botanical Name	Water	Native

		Zone	(Y/N)
American Hornbeam	Carpinus caroliniana	H	Y
Australian Fan Palm	Livistonia australis	L	N
Bluejack Oak	Quercus incana	L	Y
Bradford Pear	Pyrus calleryana "Bradfordi"	M	N
Canary Island Date Palm	Phoenix canariensis	L	N
Carolina Ash	Fraxinus caroliniana	M	Y
Chapman Oak	Quercus chapmanii	L	Y
Cherry Laurel	Prunus caroliniana	M	Y
Chickasaw Plum	Prunus angustifolia	L	Y
Chinese Fan Palm	Livistonia chinensis	L	N
Coastal Plain Willow	Salix caroliniana	H	Y
Common Persimmon	Diospyros virginiana	L	Y
Crape Myrtle	Lagerstroemia indica	L	N
Dahoon Holly	Ilex cassine	M	Y
Decidous Holly	Ilex decidua	M	Y
Drake Elm	Ulmus parviofolia "Drake"	L	N
Dwarf Siberian Elm	Ulmus pumila	L	N
Eastern Red Cedar	Juniperus virginiana	L	Y
European Fan Palm	Chamaerops humulis	M	N
Firethorn Pyracantha Tree	Pyrancantha coccinea	L	N
Flowering Dogwood	Cornus florida	L	Y
Fraser's Photinia	Photinia x Fraseri	M	N
Fringetree	Chionanthus virginicus	M	Y
Glossy Tree Privet	Ligustrum lucidum	M	N
Japanese Persimmon	Diosypros kaki	L	N
Jerusalem Thorn	Parkinsonia aculeata	L	N
Kawakami Pear	Pyrus calleryana "Kawakami"	M	N
Leyland Cypress	Cupressocyparis leylandii	M	N
Loblolly Bay	Gordonia lasianthus	H	Y

Loquat	Eriobotry a japonica	M	N
Mayhaw	Crataegus opaca	M	Y
Myrtle Oak	Quercus myrtifolia	L	Y
Parsley Hawthorn	Crataegus marshalli	L	Y
Paw Paw	Asimina triloba	M	Y
Pindo Palm	Butia capitata	L	N
Podocarpus	Podocarpus macrophyllys "maki"	L	N
Queen Palm	Arecastrum romanzoffianum	L	N
Red Bay	Persia borbonia	L	Y
Ribbon Fan Palm	Livistonia decipiens	L	N
Sand Post Oak	Quercus stellata	L	Y
Saucer Magnolia	Magnolia soulangeana	M	N
Senegal Date Palm	Phoenix reclinata	L	N
Southern Juniper/Red Cedar	Juniperus silicicola	L	Y
Spiny Fiber Palm	Trithrinax acanthocoma	L	N
Star Magnolia	Magnolia stellata	M	N
Sweet Viburnum	Viburnum odoratissimum	M	N
Sweetbay	Magnolia virginiana	M	Y
Taiwan Flowering Cherry	Prunus campanulata	M	N
Waxleaf Privet	Ligustrum japonicum	M	N
Wax Myrtle	Myrica cerifera	L	Y
Wild Date Palm	Phoenix sylvestris	L	N
Windmill Palm	Trachycarpus fortunei	L	N
Yaupon Holly	Ilex vomitoria	L	Y

Table 110-7C Shrubs, Small Palms and Cycads

SHRUBS, SMALL PALMS AND CYCADS			
Common Name	Botanical Name	Water Zone	Native (Y/N)
Abelia	Abelia grandiflora	M	N
American Arborvitae	Thuja occidentalis	M	N

Asian Butterfly Bush	Buddleia asiatica	M	N
Banana Shrub	Michelia figo	M	N
Bear Grass	Yucca smalliana	L	Y
Beautyberry	Callicarpa americana	L	Y
Boxthorn	Severinia buxifolia	N	N
Brook Euonymus	Euonymus americana	M	Y
Burford Holly	Ilex cornuta "Burfordi"	M	N
Camellia	Camellia japonica	M	N
Cardboard Plant	Zamia furfuracea	L	N
Cassia	Cassia spp.	M	N
Century Plant	Agave americana	L	N
Chapman Rhododendron	Rhododendron chapmannii	H	Y
Christmasberry	Lycium carolinianum	L	Y
Chinese Holly	Ilex cornuta	M	N
Chinese Witch Hazel	Loropetalum chinese	M	N
Chinese Juniper	Juniperus chinensis	L	N
Chinese Mahonia	Mahonia fortunei	M	N
Cleyera	Cleyera japonica	M	N
Common Buttonbush	Cephalanthus occidentalis	H	Y
Coontie	Zamia floridana	L	Y
Coralberry Ardisia	Ardisia crispa (or crenata)	M	N
Crinum Lily	Crinum asiaticum	M	N
Croton	Codiaeum variegatum	L	N
Dwarf Azaleas	Rhododendron obtusum	H	N
Dwarf Yaupon Holly	Ilex vomitoria "nana"	L	Y
Dwarf Palmetto	Sabal minor	L	Y
English Boxwood	Buxus sempervirens	M	N
Fatsia	Fatsia japonica	M	N
Feijoa	Feijoa sellowiana	M	N
Fetterbush	Lyonia spp.	L	Y

Firebush	Hamelia patens	L	Y
Firethorn Pyracantha	Pyracantha coccinea	M	N
Florida Flame Azalea	Rhododendron austrinum	H	Y
Florida Elderberry	Sambucus simpsonii	M	Y
Florida Anise	Illicium floridanum	M	Y
Florida Privet	Forestiera segregata	M	Y
Fragrant Honeysuckle	Lonicera fragrantissima	M	N
Fraser's Photinia	Photinia fraseri	M	N
Gallberry	Ilex glabra	L	Y
Garden Hydrangea	Hydrangea macrophylla	H	N
Gardenia	Gardenia jasminoides	M	N
Golden-Dewdrop	Duranta repens	M	N
Groundsel Tree	Baccharis halimifolia	L	Y
Hardy Bamboo Palm	Chamaedorea microspadix	L	N
Heavenly Bamboo	Nandina domestica	L	N
Holly Malpighia	Malpighia coccigera	M	N
Indian Hawthorn	Raphiolepis indica	L	N
Indica Azaleas	Rhododendron indica	H	N
Japanese Boxwood	Buxus microphylla	M	N
Japanese Privet	Ligustrum japonicum	L	N
Japanese Holly	Ilex crenata	M	N
Junipers	Juniperus spp.	L	N
King Sago	Cycas revoluta	L	N
Kumquat	Fortunella japonica	L	N
Kurume Azaleas	Rhododendron obtusum	H	N
Lady Palm	Rhapis excelsa	M	N
Lantana	Lantana camara	L	N
Laurustius Viburnum	Viburnum tinus	H	N
Leatherleaf Mahonia	Mahonia bealei	M	N
Leucothoe	Leucothoe axillaris	H	Y

Mazari Palm	Nannorrhops ritchiana	L	N
Nagi Podocarpus	Podocarpus nagi	M	N
Needle Palm	Rhapidohyllum hystrix	M	Y
Oakleaf Hydrangea	Hydrangea quercifolia	M	Y
Oleander	Nerium oleander	L	N
Pittosporum	Pittosporum tobira	M	N
Plumbago	Plumbago auriculata	L	N
Podocarpus	Podocarpus macrophyllus	L	N
Pygmy Date Palm	Phoenix roebelinii	M	N
Radicalis Palm	Chamaedorea radicalis	L	N
Red Buckeye	Aesculus pavia	L	Y
Rosemary	Ceratiola ericoides	L	Y
Sandankwa Viburnum	Viburnum suspensum	H	N
Sasanqua Camellia	Camellia sasanqua	H	N
Saw Palmetto	Serenoa repens	L	Y
Scarlet Hibiscus	Hibiscus coccineus	M	Y
Scrub Palmetto	Sabal etonia	L	Y
Serrissa	Serissa foetida	M	N
Shiny Blueberry	Vaccinium myrsinites	L	Y
Shrimp Plant	Beloperone guttata	M	N
Silverthorn	Elaeagnus pungens	L	N
Slender Buckthorn	Bumelia reclinata	M	Y
Snowbell	Styrax americana	H	Y
Spanish Bayonet	Yucca aloifolia	L	Y
Spanish Dagger	Yucca gloriosa	L	Y
Sparkleberry	Vaccinium arboreum	L	Y
Spice-Bush	Lindera benzoin	M	Y
St. John's Wort	Hypericum spp.	M	Y
Star Anise	Illicium anisatum	M	N
Surinam Cherry	Eugenia uniflora	M	N

Swamp Honeysuckle Azalea	Rhododendron viscosum	H	Y
Sweet Pepperbush	Clethra alnifolia	M	Y
Sweet Pinxter Azalea	Rhododendron canescens	H	Y
Sweet Viburnum	Viburnum odoratissimum	M	N
Sweetshrub	Calycanthus floridus	M	Y
Tar-Flower	Befaria racemosa	L	Y
Thryallis	Galphima (or Thryallis) glauca	L	N
Tough Bumelia	Bumelia tenax	M	Y
Walter Viburnum	Viburnum obovatum	M	Y
Witch Hazel	Hamamelis virginiana	M	Y
Yellow Anise	Illicium parviflorum	M	Y
Yellow Pineland Lantana	Lantana depressa	L	Y

Table 110-7D Groundcovers

GROUNDCOVERS			
Common Name	Botanical Name	Water Zone	Native (Y/N)
Algerian Ivy	Hedera canariensis	M	N
Asparagus Fern	Asparagus spp. (Sprengeri)	L	N
Beach Sunflower	Helianthus debilis	L	Y
Beach Morning Glory	Ipomoea stolonifera	L	Y
Bigleaf Periwinkle	Vinca major	M	N
Black Eyed Susan	Rudbeckia hirta	L	Y
Blue Daze	Convolvulus 'Blue Daze'	M	N
Blue Flag	Iris virginica	H	Y
Blue Lily of the Nile	Agapanthus africanus	M	N
Bugleweed	Ajuga reptans	H	N
Butterfly Iris	Dietes bicolor	H	N
Carolina Jessamine	Gelsemium sempervirens	M	Y
Cast Iron Plant	Aspidistra elatior	L	N
Cinnamon Fern	Osmunda cinnamomea	H	Y

Confederate Jasmine	Trachelospermum asiaticum	M	N
Coontie	Zamia pumila	L	Y
Cordgrass	Spartina spp.	L	Y
Coreopsis	Coreopsis gladiata (or tinctoria)	H	Y
Creeping Fig	Ficus pumila	L	N
Creeping Juniper	Juniperus horizontalis	l	n
Creeping Phlox	Phlox nivalis	L	Y
Daylilly	Hemerocallis spp.	L	N
Dwarf Coreopsis	Coreopsis auriculata 'Nana'	H	N
Dwarf Heavenly Bamboo	Nandina domestica 'nana'	M	N
Dwarf Oyster Plant	Rhoeo spathacea 'nana'	L	N
Dwarf Pittosporum	Pittosporum tobira 'Wheeleri'	M	N
English Ivy	Hedera spp.	M	N
Fancyleaved Caladium	Caladium x Nortulanum	M	N
Gaillardia	Gaillardia pulchella	L	Y
Gerbera Daisy	Gerbera jamesonnii	M	N
Hall's Honeysuckle	Lonicera japonica 'Halliana'	L	N
Holly Fern	Cyrtomium falcatum	M	N
Japanese Garden Juniper	Juniperus procumbens	L	N
Leatherleaf Fern	Rumohra adiantiformis	M	N
Lilly Turf	Liriope spp.	M	N
Mondo Grass	Ophiopogon japonicus	M	N
Moss Pink	Phlox subulata	M	N
Nick's Compact Juniper	Juniperus c.p. 'Nick's Compacta'	L	N
Parson's Juniper	Juniperus squamata "Parsonii'	L	N
Periwinkle, Vinca	Catharanthus roseus	M	N
Prairie Iris	Iris hexagona	H	Y
Red Muhly Grass	Muhlenbergia spp.	L	Y
Royal Fern	Osmunda regalis	H	Y
Sedum	Sedum spp.	L	N

Shield Fern	Thelypteris spp.	M	Y
Shore Juniper	Juniperus conferta	L	N
Society Garlic	Tulbaghia violacea	L	N
Star Jasmine	Trachelospermum jasminoides	M	N
Swamp Lily	Crinum americanum	H	Y
Sword or Boston Fern	Nephrolepis spp.	H	Y
Trailing Fig	Ficus sagittata	L	N
Virginia Creeper	Parthenocissus quinquefolia	H	Y
Wedelia	Wedelia trilobata	L	N
Weeping Lantana	Lantana montevidensis	L	N
Wintercreeper	Euonymus fortueri 'coloratus'	M	N
Yellow Pineland Lantana	Lantana depressa	L	Y

Table 110-7E Non-Native Vines

NON-NATIVE VINES		
Common Name	Botanical Name	Water Zone
Algerian Ivy	Hedera canariensis	M
Allamanda	Allamanda cathartica	M
Chinese Wisteria	Wisteria sinensis	L
Clematis	Clematis spp.	M
Confederate Jasmine	Trachelospermum asiaticum	M
Coral Vine	Antigonon leptopus	L
Downy Jasmine	Jasminum multiflorum	M
English Ivy	Hedera spp.	M
Hall's Honeysuckle	Lonicera japonica 'halliana'	L
Mexican Flame Vine	Senecio confusus	L
Star Jasmine	Trachelospermum jasminoides	M

Table 110-7F Turfgrasses

TURFGRASSES		
Common Name	Botanical Name	Water Zone

Bahia Grass		M
Bermuda Grass		M
Centipede Grass		H
St. Augustine FX-10		M
St. Augustine Grass		H
Zoysia Grass		M

Water Zone Key:

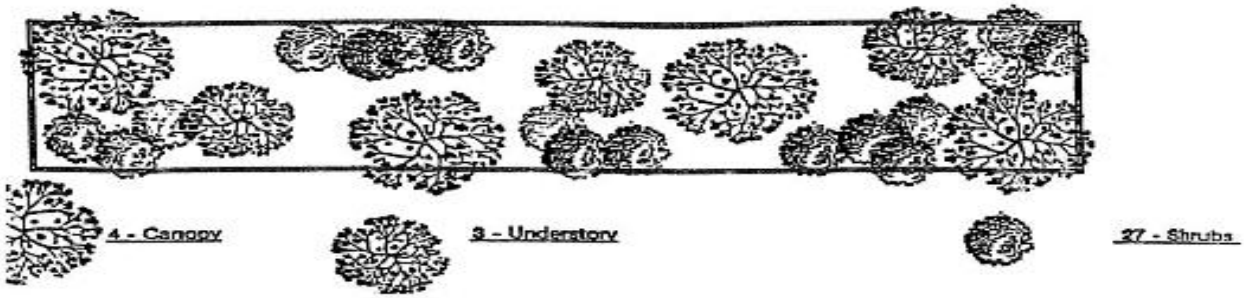
H = High Water Use Zone - Plants which are associated with moist soils and require supplemental water in addition to natural rainfall to survive. This zone includes shallow rooted turfgrass varieties.

M = Moderate Water Use Zone - Plants which survive on natural rainfall with supplemental water during seasonable dry periods. This zone includes deep rooted turfgrass varieties.

L = Low Water Use Zone - Plants which, once established, survive on natural rainfall without supplemental water. Because of the relatively high water requirements of turfgrass, no presently available varieties are included in this category.

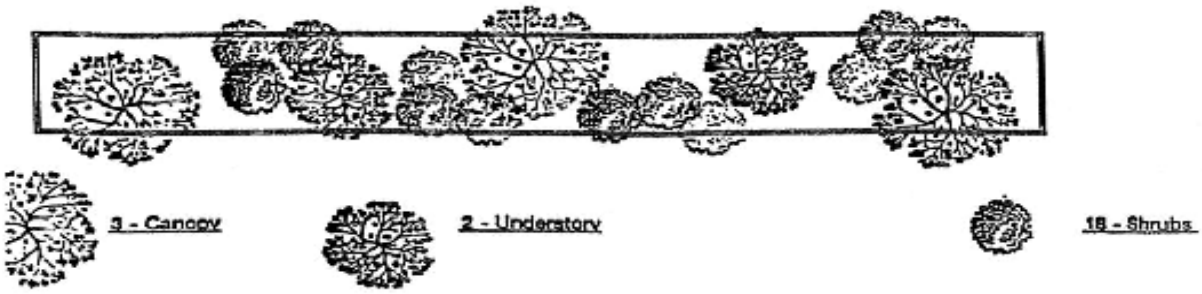
Sources: St. Johns River Water Management District Xeriscape Plant Guide South Florida Water Management District Xeriscape Plant Guide II Cooperative Extension Service

Figure I
Plant Material / 100'



4--Canopy 3--Understory 27--Shrub

Figure II
Plant Material / 100'



3--Canopy 2--Understory 18--Shrubs

Placement of plant material shall be in an irregular pattern, where possible, shrubs should be in clusters containing no less than three plants each.

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

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

(2) The enforcement official may approve a maximum reduction of up to 20 percent of the required minimum yard setbacks for principal and accessory buildings and/or the number of required parking spaces upon making a finding that the adjustment will protect and encourage the preservation of large canopy, specimen, or historic trees.

(3) Modification of the development standards listed above of less than one foot shall be deemed to be non-substantial. The enforcement official shall be authorized to approve the modification at the time of request based upon the requirements of this chapter. Non-substantial modifications shall be deemed to have no effect on adjacent properties.

(4) Nothing in this section shall supersede the planning and zoning board review process or deny access by the applicant to relief through the zoning variance review procedures.

(5) Application for modification of standards may be reviewed prior to application for final site plan review or may be made in conjunction with final site plan review. Application shall be made to the Planning and Development Services Department in conformance with the submittal requirements of this section.

(6) Upon acceptance of the application, the enforcement official shall review it and render his decision approving, approving with conditions, or denying the request. A modification of standards report shall be issued and be attached to the final site plan.

(7) When the enforcement official approves the modification of standards, he may prescribe appropriate conditions and safeguards in conformity with the intent and provisions of this section.

(n) Appeals. Any person aggrieved by this decision of the enforcement official or any of the conditions imposed as part of the terms under which the modification of standards is approved, may elect to appeal the decision to the city commission. The appeal shall be filed under section 110-1002 City of Deltona Zoning Ordinance No. 30-98, as amended. The appeal shall be taken within ten working days

after the decision is rendered by filing with the enforcement official and with the city attorney, a written notice of notice of appeal specifying it's grounds, together with the appropriate fee.

(o) Except as provided herein, the requirements of Section 110-808 do not apply to properties that meet the following criteria:

(1) The property is currently used for, was used for, and is zoned for commercial or industrial use.

(2) The change in use will not require a rezoning.

(3) The proposed use is a permitted or conditional use in the current zoning district.

(4) No expansion will occur to the buildings gross square footage.

Development proposals that meet these criteria shall provide at least 15% of landscape coverage to include a variety of trees, shrubs and other plant materials. The development plan shall integrate such green spaces within parking areas, along building foundations and provide buffers that may include attractive fences where appropriate along the perimeter of the property to mitigate visual impacts and enhance the aesthetic value of the property.

Sec. 110-810. ~~Reserved~~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.

The following additional regulations shall apply to specific permitted principal uses in all classifications where so permitted.

(a) Adult entertainment establishments. Adult entertainment establishments shall be permitted only in accordance with the requirements of the adult entertainment code, chapter 78, Code of Ordinances.

(b) Automobile service stations. The following regulations shall apply to automobile service stations, Types A, B and C.

(1) Location of principal and accessory structures. No accessory structures shall be erected closer than ten feet to a street or within the landscape buffer area, whichever is wider. If accessory structures are erected within any front yard, they shall be removed before the property is converted to a use other than an automobile service station.

(2) Points of access. The number of points of access for one automobile service station shall be governed by the land development code Ordinance No. 96-25, as it may be amended from time to time.

(3) Landscape buffer requirements. Where lots to be used for service stations abut any property zoned for residential use, a landscaped buffer area meeting the requirements of section 110-808 shall be constructed.

(4) Permanent storage of materials, merchandise and equipment. All materials, merchandise and equipment, other than motor vehicle fuels, shall be stored within the principal building.

(5) Trash facilities. Adequate, enclosed trash storage facilities shall be provided on the site.

(6) Parking of vehicles or vehicles offered for sale or rent at Types A and B stations only.

Wreckers, service or customer vehicles, or vehicles offered for sale or rent, may be parked on the premises but shall be parked in a manner that will not create a traffic hazard or interfere with any vehicular maneuvering area necessary for gasoline pump areas, service bays, or with any required off-street parking spaces. No more than two motor vehicles may be offered for sale on the premises at any one time unless otherwise authorized by the provisions of this chapter, and in conformity with all applicable state regulations.

A truck or trailer rental service, established primarily for the transporting of household goods, shall be permitted, subject to the following:

The required minimum lot area shall be increased by 480 square feet for the parking of each rental truck proposed, and 50 square feet for each rental trailer proposed.

On corner lots, no vehicles offered for sale or rent shall be parked within a yard abutting a street.

(c) Community residential homes. Dwellings of six or fewer residents which otherwise meet the definition of a community residential home are permitted principal uses and structures in all single-family and multiple-family zoning classifications and residential areas of PUD, provided that such homes comply with all appropriate requirements of this chapter and are not located within a radius of 1,000 feet of another existing such home with six or fewer residents. The sponsoring agency shall notify, in writing, the city manager at the time of occupancy that the home is licensed by the Department of Children and Family Services (DCFS).

When a premises that is classified is within a multiple-family residential use area of a PUD has been selected by a sponsoring agency as a site for a community residential home of seven to 14 residents, then said agency shall provide notice to the city consistent with the requirements of F.S. ch. 419.

(d) Package sewage treatment plants and/or package water treatment plants.

All package sewage treatment plants and/or package water treatment plants shall conform to the conditional use application procedures.

(e) Publicly owned parks and recreation areas.

(1) *Location of principal and accessory structures.* No buildings, bleachers, dugouts, restrooms, concession stands, off-street parking areas or other structures shall be located less than 20 feet from any property line. Edges of playing fields and courts shall be located no closer than 20 feet from any property line.

(f) Publicly owned or regulated water supply wells. All publicly owned or regulated water supply wells must be permitted by the Saint Johns River Water Management District, and meet the requirements of the land development code, Ordinance No. 96-25, as it may be amended from time to time.

(g) Bars, lounges and package stores. The definition of the term "place of business" as set forth in Rule 7A-1.006, Florida Administrative Code, as it may be amended from time to time, is hereby adopted for the purposes of this section and incorporated herein by reference. Places of business within hotels or motels having 100 or more rooms with access limited to the hotel or motel lobby and where parking is provided on the basis of one additional space per six seats, and places of business within restaurants where the sales of food and non-alcoholic beverages account for at least 51 percent of gross monthly sales are exempt from the limitations of this section.

(1) Proximity to various land uses. No place of business holding any of the following licenses issued by the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business Regulation: (a) 1-COP (beer consumption); (b) 2-COP (beer and wine consumption); (c) COP (liquor consumption) shall be permitted within 500 feet of any of the following land uses permitted by this chapter:

a. House of Worship;

b. Public park;

c. Public recreation area; or

d. School.

(2) No place of business holding a 1-COP; 2-COP; or COP license shall be located within 1,000 feet of an existing or approved bar, lounge, nightclub, or package store, except when it is part of a hotel or motel having 100 or more rooms with access limited to the hotel or motel lobby and where parking is provided on the basis of one additional space per six seats, or except when it is part of a restaurant in which has at least 51 percent of its sales consist of food and non-alcoholic beverages.

(3) If located adjacent to a residential zoning district or a conforming residential use, screening and buffering shall be provided to minimize noise and glare impact as follows:

a. No loud noises shall be permitted after 10:00 p.m. which have the effect of creating a nuisance to adjacent property, or which exceed 60 db at the property line of the adjacent residential land use;

b. Screening in the form of a six-foot high masonry wall and landscaping shall be provided at all property lines adjoining residential land uses or zoning. Masonry walls shall include landscaping on both sides with a minimum distance of three feet between the exterior wall landscaping and the property line. Required landscaping shall be selected from the list of permitted groundcover, shrubs and understory trees in section 110-808 of this chapter, and shall otherwise comply with the sprinkler systems and maintenance requirements of section 110-808.

c. Fencing shall be provided which impairs pedestrian access to nearby residential properties.

(h) Mini-warehouses. Mini-warehouse developments shall be designed and constructed to comply with the following minimum requirements.

(1) *Use limitations.* Mini-warehouses are intended exclusively for the storage of personal property and goods by the general public and for incidental storage of goods by small commercial users. Each user shall have direct access to his or her rented space during all hours of operation. For each cubicle, no utility service, other than lighting and one electrical outlet shall be permitted, except for air conditioning, dehumidifying, or similar equipment. Multiple storage cubicles collected into a single building for the purpose of air conditioning or dehumidification may be distinguished from commercial warehouses by the provision of direct access to a secured storage space by the renter. Mini-warehouse developments shall be limited to storage use only. No

business activities, such as sales or service, shall be conducted on the premises. The operation of such a facility shall not be deemed to include a transfer and storage business where the use of vehicles is part of the business. Signs advertising individual businesses shall be prohibited. A mini-warehouse shall not be used as a business address for purposes of obtaining an occupational license, except for the mini-warehouse development itself. Manufacture, auto repair, or other similar activities are expressly prohibited. No garage sales shall be conducted on the premises. No servicing or repair of motor vehicles, watercraft, trailers, lawn mowers and other similar equipment shall be conducted on the premises.

(2) *Storage.* All storage on the property shall be kept within an enclosed building. No unattended vehicles shall be permitted on the premises unless stored within an enclosed building. Alternatively, vehicles may be stored behind masonry screen walls high enough to completely obscure the vehicles from view from any street or road, and from any property within 500 feet of the mini-warehouse facility's property line. Such screen walls shall be set back in accordance with the minimum front, rear and side yard requirements of the applicable zoning district for the location of principal buildings on a lot or parcel of land.

(3) *On-site circulation and driveway widths.*

a. All single-loaded driveways shall be a minimum of 20 feet in width;

b. All double-loaded driveways shall be a minimum of 30 feet in width;

c. Traffic direction shall be designated by signing and/or painting on driveway surfaces;

d. Access to storage cubicles shall only be provided from the interior of the site;

e. Alleys shall not be used as part of the internal circulation system of mini-warehouse developments, and access from alleys shall be restricted to vehicles that service the development itself (such as solid waste collection vehicles). Alleys shall not be permitted to have a direct connection to the internal circulation system of a mini-warehouse development. Alleys shall not be used as parking or storage areas, except that employee parking may be provided in accordance with the requirements of section 110-828 of this chapter and the applicable requirements of the land development code, as they may be amended from time to time.

(4) *Landscaping.* Mini-warehouse developments shall be landscaped in accordance with the requirements of section 110-808 of this chapter. In addition, in order to reduce the visual impact of driveways, storage buildings and security fences common to mini-warehouse developments, a combination of landscape screen and decorative masonry wall ranging from three feet to six feet in height shall be required along a diagonal line in the front yard, along the front yard setback, and six feet in height along any other property line that abuts a residential district or public right-of-way. The required decorative masonry wall shall be set back from the property line at least five feet. A landscape buffer area meeting the requirements of section 110-808 of this chapter shall be placed between the required wall and the property line. The required wall shall be constructed with its finished side facing the adjacent lot or lots. Any part of the opposite side of the wall that is visible to the public shall also be finished.

Required interior landscaping adjacent to buildings shall give priority to softening end walls visible from a public right-of-way through foundation plantings, shrubs, and understory trees, and to landscaping perimeter buildings, entryway and management office areas.

(5) *Lighting.* All lights shall be shielded to direct light onto the mini-warehouse development and away from adjacent property, but it may be of sufficient intensity and of a type to discourage vandalism and theft pursuant to the principles of Crime Prevention Through Environmental Design (CPTED). Lighting shall not increase illumination levels at the edge of pavement of

adjacent streets, roads, and residential property lines by more than one lumen above the nighttime level of illumination existing at the time of development of the project. Exterior site lighting of parking and loading areas, and similar site lighting, on lots or parcels of land that are adjacent to residential zoning or development shall be provided with low pressure sodium light fixtures. These light fixtures will be fitted with full cutoff shields when located within 30 feet of the residential property lines and when mounted on lighting standards (poles) that are higher than 15 feet.

(6) *Building treatment.*

a. Only muted earth-tone colored buildings and doors shall be permitted. Color selection shall be subject to the approval of the enforcement official.

b. Metal buildings' shall be designed and constructed in accordance with the requirements of subsection 110-814(i), "metal buildings".

c. Except where completely obscured from view by a perimeter wall, garage doors or simulated garage doors shall not be permitted on the sides of a storage building facing a public right-of-way, public park, school, or residentially used or zoned area.

(7) *Hours of operation.* Access to storage facilities shall not be allowed except during approved hours of operation. Hours of operation shall be noted on-site plan submittals and designed to provide maximum safety for users, while not interfering with existing or potential users of adjoining properties.

(8) *Maximum height of mini-warehouses.* One story, not to exceed 15 feet.

(9) *Caretaker's or manager's residence.* A caretaker's or manager's residence is permitted as an accessory use in a mini-warehouse development of over 100 units. The accessory residence shall not exceed 1,500 sq. ft. in habitable floor area. If a caretaker's or manager's residence is provided, at least two parking spaces shall be required in a location adjacent to, or within 20 feet of the residence's main entrance, in addition to all other minimum parking requirements for the mini-warehouse development.

(i) Metal buildings. Metal buildings shall be permitted only in accordance with the following requirements:

(1) That portion of a metal building visible from a street or residentially or commercially used or zoned property, public right-of-way, public park or building, school, office used or zoned area, or other area of similar use ~~shall~~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.

(2) Notwithstanding any definition of accessory structure to the contrary, any metal building greater than 240 square feet that meets the locational criteria cited in section 110-814(i)(1) shall be considered a principal use for the purposes of this section and shall be required to meet the provisions of section 110-814(i)(1).

(3) The roof of a metal building designated as a principal structure shall either have the same pitch and appearance of the roofs of neighboring buildings, or shall be obscured from view by parapets having the appearance of wood, brick, or masonry construction;

(4) Only muted earth tone colors shall be permitted for any building designated as a principal structure.

(5) No facade, roof or parapet materials or color on buildings designated as principal structures shall be used unless approved by the enforcement official as conforming to the requirements of this section. The applicant for a permit for the construction of a such metal building shall include the necessary information to make this determination both with the conceptual and final site plan applications and with the building permit application. The information supplied shall be as required by the enforcement official. The materials approved by the Planning and Development Services Department shall become a requirement of the building permit as the materials to be used in the construction of the building.

(6) In those cases where façade design improvements are required for metal buildings, such design improvements shall complement the predominant physical character of surrounding development in terms of the building's scale, proportion, massing and orientation.

(j) Garage sales or yard sales.

(1) Garage sales or yard sales shall have the same meaning given to the term garage sales in article II of this chapter.

(2) Homeowners' garage sales are permitted in the A, RE-5, RE-1, , and R-1 through R1-B zoning districts provided that no more than two such sales are held during any calendar year and that such sales are limited to a duration of one week.

(3) Garage or yard sales may be conducted at any single-family or two-family residential premises subject to the following conditions:

a. No such sale shall be conducted unless a permit therefor has been obtained from the city. The permit shall be issued upon written application in accordance with these requirements and upon payment of the prescribed fee. A fee schedule shall be adopted by resolution of the city commission. Fees shall be periodically updated.

b. Prior to issuance of any garage sale permit the person conducting such sale shall file a statement with the enforcement official setting forth the following information:

1. Person's interest in the residential property--ownership, current lessee or such other control as the person may have;

2. Ownership of the property or goods to be sold;

3. An affirmative statement that the property to be sold was neither acquired or consigned for the purpose of resale.

(4) A permit shall be issued along with, or in the form of, a sign which shall be posted on the property where the sale will occur to identify and advertise the garage or yard sale. No other sign shall be authorized or used.

(5) All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. The permittee shall be responsible for enforcing such additional temporary controls as are needed to alleviate any special hazards and/or congestion created by the garage or yard sale.

(6) No property offered for sale shall be displayed outdoors except on the driveway or other private property at least 15 feet from any road or sidewalk.

(7) None of the items offered for sale during any permitted garage or yard sale shall be displayed or allowed to remain outside in any driveway or yard area prior to sunrise of the first permitted date of the sale or after sundown of the last permitted date of the sale.

(8) In the event of a garage or yard sale held by a nonprofit organization or by more than one family or household, the permit shall be issued to the person owning, leasing, or otherwise having control of the premises at which the sale is held.

(k) Temporary outdoor automobile and arts and crafts sales events and shows.

(1) Temporary outdoor automobile and arts and crafts sales events and shows are permitted at shopping centers (as defined in this chapter) of 50,000 sq. ft. or more of gross floor area in the C-1 and C-2 zoning districts.

(2) The temporary events permitted by this section shall not exceed seven consecutive days in duration, and shall not be held more than three times in any calendar year at any permitted location.

(3) The display, or event, area shall be located on the same lot or parcel as the principal use for which the temporary outdoor event permit is issued.

(4) The display, or event, area shall not be located so as to diminish the utility of any required parking space unless an alternative temporary parking plan is approved by the development review committee. The display, or event, area shall be located in the part of the parking facility that is farthest removed from the principal buildings, consistent with the maintenance of safe and efficient internal vehicular circulation and vehicular ingress and egress.

(5) No temporary outdoor event permitted by this section shall occur during the continuous time period starting on November 15th and ending on January 2nd of the following year.

(6) The flow of traffic on designated on-site traffic lanes on or off the lot or parcel shall not be obstructed in a manner that would create an unsafe condition.

(7) Adequate area for safe and efficient pedestrian movement shall be maintained.

(8) A permit for a temporary outdoor display shall be obtained from the Planning and Development Services Department following submittal of a scale drawing showing the display or event area and its relationship to pedestrian and vehicular movement areas and parking bays.

(9) It shall be unlawful for any person to display or place any vehicles, goods, wares or merchandise upon any public street or sidewalk in the city, except as permitted under this section, or other related ordinance or codes.

(10) Signs for temporary outdoor events shall comply with the Deltona Sign Ordinance, Ordinance 12-97 [chapter 102, Code of Ordinances], as it may be amended from time to time. No offsite signs are permitted except as provided for special events in the Deltona Sign Ordinance.

Sec. 110-817. 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.

(a) Public utility uses and structures.

(1) A landscape buffer meeting the requirements of section 110-808 is required.

(2) A Final Site Plan meeting the requirements of Chapter 75, Code of Ordinances, as it may be amended from time to time, is required.

(3) Package sewage treatment plants may be permitted provided that they are consistent with the comprehensive plan and meet all applicable state requirements and the following additional requirements:

a. Package sewage treatment plant structures shall not be located closer than 50 feet to adjoining lot lines.

b. Evaporation/percolation ponds shall not be located within 100 feet of adjoining lot lines, streets rights-of-way, the mean high-water mark or water bodies, or bulkhead lines.

c. Subsurface drainfields shall not be located within 50 feet of bulkhead lines or mean high-water mark of the water bodies.

d. When spray irrigation fields are used, the minimum distance between said fields and adjoining lot lines, street rights-of-way, the mean high-water mark of water bodies, or bulkhead lines shall be determined on a case-by-case basis after due consideration of prevailing wind direction, average wind velocity, or other conditions that might carry sprayed effluent onto adjoining premises.

e. The package plant structures shall, in the absence of an appropriate natural vegetation screen, be visually screened from adjoining properties or street rights-of-way with an appropriate fence, decorative masonry wall, or plant materials.

f. Plants shall be designed to be transformed into a pump station when public central wastewater facilities are constructed to serve the area, provided that said availability is to be not more than ten years distant from the issuance of the development order/permit, except as provided for in item g. below.

g. Notwithstanding the provisions of paragraph f. above, a package plant intended to correct any existing problem of public health, safety or welfare, may be permitted.

(4) Package water treatment plants may be permitted providing they are consistent with the comprehensive plan and meet all applicable state requirements and the following additional requirements:

a. Package water treatment plant structures shall not be located less than 50 feet to adjoining lot lines.

b. Package water treatment plant structures shall, in the absence of an appropriate natural vegetation screen, be visually screened from adjoining properties or street rights-of-way with an appropriate fence, decorative masonry wall or plant material.

(b) Professional or trade schools related to the permitted principal uses. Landscaped buffer areas meeting the requirements of section 110-808 and off-street parking and loading spaces, meeting the requirements of section 110-828, shall be constructed.

(c) Golf courses, country clubs, swim clubs, tennis clubs, and similar uses are permitted, provided:

(1) The total lot area covered with principal and accessory buildings shall not exceed 15 percent.

(2) No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman or caretaker. Those living quarters, if any, shall be constructed as part of the principal building.

(3) No principal or accessory building, swimming pool or tennis court shall be located less than 50 feet from any lot line.

(4) No outdoor loudspeaker or call system shall be audible on adjoining property.

(5) All artificial lights shall be directed away from adjoining properties.

(6) Off-street parking areas meeting the requirements of section 110-828 and landscaped buffer areas meeting the requirements of section 110-808 shall be constructed.

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

(1) No principal or accessory building shall be located less than 50 feet from any property line.

(2) Off-street parking areas meeting the requirements of section 110-828 and landscaped buffer areas meeting the requirements of section 110-808 shall be constructed. Notwithstanding the provisions of section 110-828(b)(2), off-street parking and loading areas shall be surfaced with brick, asphalt, bituminous, concrete or packed shell or marl material and shall be maintained in a smooth, well-graded condition.

(3) Cemeteries shall comply with F.S. ch. 559 and any other applicable governmental regulations.

(4) All private schools must meet the applicable Florida Statutes requirements ~~of F.S. § 333.3(3)~~ or obtain a variance under article XI, Section 110-1103 of this chapter.

(e) Mini-warehouses, designed and operated according to the following standards:

(1) Mini-warehouses shall meet the requirements contained in subsection 110-814(h), "Mini-warehouses".

(2) Metal buildings in mini-warehouse developments shall meet the requirements contained in subsection 110-814(i), "Metal buildings".

(f) Day care centers designed and constructed according to the applicable state standards and the following:

(1) The intensity of the facility (e.g. number of residents) shall be compatible with the density and character of the surrounding residential area.

(g) ~~*Granny Flats*~~*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.~~

(h)--(j) [*Reserved.*]

(k) *Farm worker living facility.*

(1) The minimum floor area per dwelling shall be 720 square feet.

(2) No detached dwelling used in the farm worker living facility shall be closer than 50 feet to any other detached dwelling.

(3) No dwelling used as a farm worker living facility shall be closer than 100 feet to any property line of the premises on which it is placed.

(4) Potable water and sewage disposal facilities shall be in compliance with all applicable provisions of the Florida law and the comprehensive plan.

(5) The area between the ground and the floor of a mobile home dwelling used as a farm worker living facility shall be enclosed with skirting.

(6) No subsequent expansion of a farm worker living facility as shown on the approved site plan for the conditional use shall be allowed unless another special exception for that expansion is approved. However, subsequent decrease of the approved uses are permitted.

(7) The applicant shall provide information to the enforcement official as to the kind of agricultural operation existing on the premises at the time of application for the farm worker living facility.

(8)

Table 110-8 Maximum Number of Dwellings Authorized Based on Size of Premises

Size of Premises	Maximum Number of Dwellings Authorized Based on Size of Premises
5 or more acres but less than 20 acres....	1
20 or more acres but less than 30 acres....	2
30 or more acres but less than 40 acres....	3
40 or more acres but less than 50 acres....	4
50 or more acres but less than 60 acres....	5
60 or more acres but less than 70 acres....	6
70 or more acres but less than 80 acres....	7
80 or more acres....	8

The dwellings may be arranged in a cluster fashion on the premises.

(l) *Adult family-care homes, assisted living facility, group homes and nursing homes, boardinghouses.*

(1) The scale of the facility (e.g. number of residents) shall be compatible with the density and character of the surrounding residential area. The Future Land Use Map will be used as a guide to determine compatible density.

(2) No principal or accessory building shall be located less than 50 feet from any property line.

(3) Off-street parking and loading areas meeting the requirements of section 110-828 and landscaped buffer areas meeting the requirements of section 110-808 shall be constructed.

(4) Facilities located in the A, RE-5, RE-1, R-1AAA, R-1AA, R-1A, R-1 AND R-1B zoning classifications must have direct frontage on, and access to, City thoroughfares as defined in the City of Deltona Comprehensive Plan.

(5) The uses listed in paragraph (l) above shall not be deemed to include halfway houses or any other facilities licensed to serve clients of the Department of Corrections or the Department of Juvenile Justice.

(m) Private clubs are permitted provided:

(1) The total lot area covered with principal and accessory buildings shall not exceed 15 percent.

(2) No principal or accessory building, swimming pool or tennis court shall be located less than 50 feet from any lot line.

(3) No outdoor loudspeaker or call system shall be audible on adjoining property.

(4) All artificial lights shall be directed away from adjoining properties.

(5) Off-street parking areas meeting the requirements of section 110-828 and landscaped buffer areas meeting the requirements of section 110-808 shall be constructed.

(n) Reserved~~Off-street parking areas are permitted on vacant lots that are contiguous to or lie directly across the street from lots classified as PB, C-1, C-2 and C-3 providing the following conditions are met:~~

~~(1) The off-street parking area shall be used to serve only an existing conforming commercial use.~~

~~(2) If the off-street parking area is contiguous to the premises on which the principal commercial use is located, motor vehicles shall only enter or exit the parking area through that premises.~~

~~(3) The parking area shall be surfaced with, brick, asphalt, bituminous concrete or packed shell or marl material and maintained in a smooth, well-graded condition and shall comply with the land development code Ordinance No. 96-25, as it may be amended from time to time. If lighted, no artificial light source shall be visible from adjoining properties. Lighting shall be shielded so as not to directly illuminate adjacent residential properties, and shall not glare directly onto the adjacent streets.~~

~~(4) The off-street parking area shall be designed to meet the dimensional requirements of the land development code.~~

~~(5) Each application for a conditional use shall be accompanied by a parking plan meeting the requirements of the land development code and a landscape plan.~~

~~(6) A landscape plan meeting the following requirements shall be submitted:~~

~~a. The parking lot shall be planned and designed to retain the maximum amount of natural vegetation and shade trees. In the event that natural vegetation cannot be used, the plant materials listed in section 110-808 of this chapter shall be incorporated into the landscape design.~~

~~b. An existing tree survey performed in compliance with chapter 98, article II, Code of Ordinances, as it may be amended from time to time, and irrigation plan shall also be provided at the same scale as the landscape plan.~~

~~c. The landscape materials and planting area shall be reasonably dispersed throughout the parking area.~~

~~d. Not less than ten percent of the interior of the parking lot shall be landscaped. The required buffer area shall not be considered a part of this interior landscape requirement.~~

~~e. The dimensions of any planting area shall comply with section 110-808 of this chapter.~~

~~f. A 25-foot landscaping buffer area shall be maintained along the perimeter of the parking area which is contiguous to property classified C, FR, RC,A, RE-5, RE-1, R-1 through R1-B, residential use areas of the RPUD and MPUD, MH.~~

~~g. A six-foot high, opaque masonry wall, or wall having the appearance of masonry using a material approved by the enforcement official and the building official, shall be constructed adjacent to A, RE-5, RE-1, R-1 through R1-B, residential use areas of the RPUD and MPUD, MH zoning classifications. The wall shall be erected within five feet of the off-street parking area and be maintained in a neat and orderly manner at all times. Landscaped berms may be used in place of a wall. The berms shall be constructed to a height of four feet with inside slopes not exceeding a three to one ratio. Plant material shall be planted on top of the berm and shall be a minimum of two feet in height with a planting interval of at least three feet on center.~~

~~(7) A workable underground irrigation system shall be installed in order to provide the means to water any planted landscape materials.~~

~~(8) All landscaping shall be maintained in accordance with section 110-808 of this chapter.~~

~~(9) The parking area shall not be used until the parking area has been constructed in accordance with the plans approved pursuant to conditional use.~~

~~(10) A ten-foot wide landscape buffer area meeting the requirements of section 110-808 shall be maintained along the perimeter of the parking area which is contiguous to or directly across the street from property located in the RE-5, RE-1, R-1 through R1-B, or MH zoning districts.~~

(o) Excavations.

(1) Exempt excavations. A conditional use is not required for the following activities:

a. Installation of utilities, provided a valid underground utility permit or right-of-way utilization permit has been issued.

b. Grading and filling in conjunction with commercial, industrial, or residential construction provided a development order or permit has been obtained.

c. Foundations and building pads for any building or structure, provided that a valid building permit has been issued by Planning and Development Services Department.

d. Minor landscaping projects provided they do not encroach in floodprone areas as depicted on the flood insurance rate maps, promulgated by the Federal Emergency Management Agency, or change the natural drainage pattern of the ground surface at the property line.

e. Swimming pool construction provided a building permit has been issued for construction of the pool.

f. For excavations relating to the accessory use of land and designed to be filled upon completion of excavation, such as septic tanks, graves, etc.

g. Borrow pits designated or controlled by any federal or state agency or local government; or any federal or state agency or local government created by law to provide for mosquito control or drainage, or any drainage district created pursuant to Laws of Florida ch. 298.

h. Where not otherwise governed by zoning requirements, any leveling of land within the confines of a single tract of land where the plans for such leveling are authorized by the land development code, Ordinance No. 96-25, as it may be amended from time to time. If such plans are disapproved through the review procedures and standards established in the land development code, the applicant may, upon application, appeal such decision in accordance with the provisions for appeals in Ordinance No. 96-25, as it may be amended from time to time.

i. Excavations of leveling for private drives to provide ingress or egress authorized by the land development code.

j. Notwithstanding the provisions of subsection g to the contrary, excavated material from a tailwater recovery system or farm pond may be transferred from one parcel of land to a noncontiguous parcel when such system is designed to meet the standards and specifications of the United States Department of Agriculture Soil Conservation Service, or designed by a professional engineer licensed to practice in the State of Florida.

Said tailwater recovery system is defined as a facility to collect, store and transport irrigation tailwater in a farm irrigation distribution system. In order to qualify for said exemption, the design for said system shall be approved by the St. John's River Water Management District

or U.S.D.A. Soil Conservation Service and submitted for authorization by the enforcement official. Each tailwater recovery system must be completed within six months of receiving approval.

k. All projects funded by the City of Deltona, the Volusia County Department of Public Works and the Florida Department of Transportation. These projects would include but not be limited to borrow pits, road-building activities, and installation of utilities.

l. Farm ponds. Accessory ponds established in conjunction with an agricultural use and which are three-fourths of an acre or less in size. The boundaries of excavation are to be wholly within one owner's property. Off-site drainage is not to be affected. Farm ponds are to be constructed to the standards and specifications promulgated by the U.S. Department of Agriculture, Soil Conservation Service, and shall be approved by that agency. The landowner shall forward to the Planning and Development Services Department a copy of the approved plans prior to construction of the pond. Each pond must be completed within six months of receiving soil conservation service approval. Farm ponds shall be permitted at a rate of not more than one pond per ten acres of land.

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

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

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

2. Proposed side slopes and depths, which meet these minimums All sides of the excavated area shall, at a minimum, comply with the following:

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

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

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

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

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

a) The right-of-way of any public street, road, or highway.

b) Abutting residential or mobile home classified property.

c) Any other abutting property.

d) Any natural or man-made surface water body, watercourse, or wetland.

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

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

7. The proposed method of dewatering.

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

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

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

   b) Depiction of finished, stabilized, side slopes, including methods and plant materials proposed for use. For a wet excavation, a littoral zone is required to be established around the resultant water body. The specifications of said zone shall be determined in conjunction with the Planning and Development Services Department, in accordance with the administrative policies and procedures established by that department. The establishment, to the fullest extent practical, of sinuous shorelines is required.

   c) Landscape plan for the portion of the property disturbed by excavation and associated activities, including an inventory of plant/tree species to be used. The reclamation plan must be approved by the Development Review Committee.

   d) The resultant artificial water body shall comply with the standards established by the St. Johns River Water Management District and other appropriate agencies. Said water bodies may be required to be stocked with fish. Ambient water quality testing may also be required.

10. A hydro-geologic report, prepared by a qualified engineer or hydrologist, of the proposed excavation-site. The report shall, at a minimum, provide:

    a) A detailed description of subsurface conditions.

    b) A groundwater contour map.

    c) A map depicting the thickness and depths of material to be excavated.

    d) A discussion of the environmental impacts of the proposed excavation, including but not limited to the impact of the proposed excavation upon existing area wells.

    e) A recommendation of the necessity to install monitoring wells.

11. The proposed location of access points to the site and proposed haul routes for disposal of excavated material. Vehicular access to and from excavations shall be designated by the City Commission at the time of approval of the special exception.

12. Proposed plans for fencing and signs.

13. A statement from the applicant identifying all other federal, state and local permits required, if any.

b. The bottom of any reclaimed excavation should be graded to allow all water to drain to a sump area not less than 15 feet by 15 feet (225 square feet). The bottom of the excavation shall be graded in a fashion which will not cause water to accumulate in stagnant pools. The bottom of excavations shall be uniformly graded to prevent anoxic sinks.

c. Whenever the City of Deltona of Public Works Department determines that the use of any City or County right-of-way designated by the applicant for ingress and egress to and from the excavation-site will be subject to excessive deterioration resulting in the breakdown of the subsurface and base of that right-of-way, the applicant may be required to agree to provide the City funds in the amount necessary to mitigate the adverse impact upon the right-of-way that is caused by the excavation operation and to ensure that the roadway is maintained in a satisfactory condition. In the case of roads maintained by the County, the applicant may be required to execute an agreement with the County to mitigate adverse impacts. The agreement with either the City or the County, or both, the excavator may be required by the City Commission to post an acceptable performance bond, irrevocable letter of credit, or funds in escrow in the amount up to 100 percent of the estimated reconditioning costs, as estimated by the City's Public Works Department.

d. All excavations, as applicable, shall be reclaimed in accordance with the rules of the State of Florida, as found in the Florida Administrative Code. The requirements of this chapter shall not relieve a person from complying with the above said state rules, as applicable. Should the requirements of this Chapter conflict with said State rules, the stricter reclamation and restoration requirements shall govern.

e. All reclamation activities shall be initiated at the earliest possible date. Reclamation of the site concurrent with excavation activities is encouraged, provided that the reclamation activities will not interfere with the excavating activity or if the excavating activity will damage the reclaimed areas.

f. All temporary structures shall be removed from the premises upon completion of the excavation activity, unless said structures are of sound construction and are compatible with the reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.

g. Whenever it is determined that reclamation of the excavation pit is required at the termination of the project, in order to prevent soil erosion, adverse effects on City or County-maintained rights-of-way or natural drainage patterns, to protect the natural environment surrounding the excavation pit or to protect the character and value of surrounding property, the City Commission may require an acceptable performance bond, funds in escrow, or irrevocable letter of credit in the amount of 100 percent of the estimated cost of reclamation. The cost shall be derived using the proposed plan of reclamation. The bond or letter of credit shall be conditioned so that the excavation and reclamation shall be in accordance with the approved reclamation plan.

h. No person may engage in the business of being an excavator, until that person has secured an occupational license in accordance with the City and County occupational license requirements.

i. No excavator may excavate a parcel of land until he or she shall obtain an excavation permit issued by the Planning and Development Services Department in accordance with the terms of this Chapter prior to any excavation being made on the property to be excavated.

j. The excavation shall not be used for the disposal of foreign material without prior approval from the Planning and Development Services Department, and, when required, the County Environmental Management Division, and the Florida Department of Environmental Protection and without obtaining all appropriate federal, state and local permits.

k. The excavation shall comply with the tree protection requirements specified by Chapter 98, Article II, Code of Ordinances, as it may be amended from time to time, and the City noise

ordinance, Ordinance No. 96-15 [Chapter 38, Article III, Code of Ordinances], as it may be amended from time to time.

l. If upon the conclusion of public hearings the Conditional Use is approved, Final Site Plan approval is required, as specified by Chapter 75, Code of Ordinances, as it may be amended from time to time.

m. Off-site discharge is prohibited.

(3) Any excavator shall be responsible for notifying the City of Deltona, Department of Planning and Development Services, Volusia County and the Florida Department of State, Bureau of Historical Resources when human remains and/or artifactual materials are discovered. The county reserves the right to monitor the excavation activity and to prohibit such activity if artifactual materials and/or human remains are encountered.

(4) All excavations shall use the most current best management practices (BMP) so as to control erosion and limit the amount of sediment reaching surface waters. The city reserves the right to monitor the excavation activity and prohibit said activity if it is determined that said activity is responsible for off-premises erosion.

(p) Exempt landfills. No conditional use for the deposition of material is required by this chapter for the following activities provided that the activity does not violate any federal or state laws, rules, regulations or orders:

(1) Normal farming operations/agricultural use.

(2) Grading, filling and moving of earth in conjunction with commercial, industrial or subdivision construction provided a development order or permit has been obtained.

(3) Foundations and building pads for any building or structure, provided that a valid building permit has been issued by the building and zoning services department.

(4) Minor landscaping projects provided they do not encroach in floodprone areas as depicted on the flood insurance rate maps, promulgated by the Federal Emergency Management Agency, or change the natural drainage pattern of the ground surface at the property line.

(5) Disposal by persons of solid waste resulting from their own activities on their own, same or contiguous property, providing that said disposal is exempted under Florida Administrative Code rule 17-701.030(3).

(6) On-site disposal of construction and demolition debris, provided that disposal conforms to rule 17-701.061(3), Florida Administrative Code.

(q) Bed and breakfast homestay.

(1) Maximum number of guest rooms for bed and breakfast use in the home: Five.

(2) Owner must reside in the building.

(3) Separate cooking facilities are not permitted in the guest room.

(4) Each guest room shall have private toilet and shower facilities, except where the building is designated as historically significant by the city or the county or is listed on the National Register of Historic Places, in which cases a minimum of one bathroom shall be provided exclusively for use by the guests.

(5) Minimum bedroom area shall be 150 square feet.

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.

(23) *Signs for Model Homes.*

a. Signs for model homes shall comply with the Deltona Sign Ordinance, eChapter 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.

(34) The model dwelling unit shall not be used as a residence or for a storage area for building materials or equipment.

(45) *Parking facilities for model homes.*

a. Parking facilities for model homes shall be provided in accordance with sSection 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 sSections 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 sSection 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.~~

(b) Mobile offices. Mobile offices or mobile units designed as offices shall be permitted for only the initial builder/developer as temporary on-site contractor construction offices, on-site sales offices or as on-site security offices, providing:

(1) Such mobile offices may only be used in conjunction with the development of approved subdivisions, mobile home parks, mobile recreational vehicle shelter parks, or in conjunction with the construction of commercial, multifamily or industrial buildings.

(2) A mobile office may be used in conjunction with the rental or sale of mobile homes from licensed mobile home sales lots.

(3) Such mobile office shall not be used as a residence. The use shall be limited to on-site construction, sales or security purposes in connection with the project on which the structure is

located. Mobile offices shall not be located outside of the boundaries of the projects that they serve. The boundaries of the project are the site property lines shown on the plan of development approved pursuant to Ordinance No. 96-25 [land development code], as it may be amended from time to time.

(4) The person responsible for the development on which the mobile office is to be located shall obtain the proper permits from all applicable governmental agencies, including but not limited to electrical, plumbing and building permits.

(5) Permits for mobile offices shall be issued as follows:

a. For the construction of approved subdivisions, only after preliminary plat approval.

b. For the development of mobile home parks, and mobile recreation vehicle shelter parks, only at the same time or after any applicable building permits for the installation of improvements are issued.

c. For commercial, industrial or multifamily projects, only after final site plan approval.

d. For the sale or rental of mobile homes, only at the same time or after the occupational license has been issued.

(6) Permits for mobile offices shall expire and such mobile offices shall be removed as follows:

a. For the development of approved subdivisions, after 80 percent of the lots have been sold.

b. For the development of mobile home parks, and mobile recreation vehicle shelter parks, immediately after the park is abandoned.

c. For commercial, industrial or multifamily projects, immediately after the certificate of occupancy is issued.

d. For the rental or sale of mobile homes from mobile home sales lots, immediately after the rental or sales lot is abandoned.

Sec. 110-827. Accessory Uses and Structures

This article shall be known and may be cited as "Accessory Uses and Structures."

(a) Purpose. This section establishes requirements and restrictions for particular accessory uses and structures. Any accessory use or structure shall be required to obtain the same type of approval under these regulations as the principal use would have to obtain. Any accessory use or structure may be approved in conjunction with the approval of the principal use. However, no construction of an accessory use or structure shall commence before the principal use is approved and construction on the principal use has commenced in accordance with these regulations.

(b) Residential accessory buildings and structures, generally.

(1) Accessory buildings and structures customarily associated with single-family residences shall be permitted in all single-family residential districts, subject to the following limitations:

a. Private garages shall be permitted as accessory buildings in all residential districts in accordance with the standards set forth in this section;

b. Children's playhouses, patios, gazebos, etc. shall be permitted as accessory buildings and structures in all residential districts;

c. Noncommercial greenhouses and plant nurseries, tool houses and garden sheds, garden work centers, children's play areas and equipment, private barbecue pits and similar accessory structures shall be permitted as accessory buildings and structures in all residential districts;

d. Private swimming pools shall be permitted as accessory buildings and structures in all residential districts; and

e. Private docks, on waterfront properties, shall be permitted in accordance with article VIII, section 110-802.

(2) In the zoning districts RE-1, RE-5, and A, detached second-story garage apartments and mother-in-law apartments may be used as accessory dwelling units solely for the use of immediate family members or as servant quarters of the principal dwelling in accordance with the design standards and other requirements of this section.

(c) Design standards.

(1) In all residential zoning districts for single family projects only, accessory buildings, antennas and their supporting structures, and swimming pools shall be subject to the following requirements:

a. Swimming pools shall be allowed only in the rear and side yards.

b. Transmission towers for amateur radio antennas and their supporting structures shall be allowed in accordance with Chapter 82, Communication Antennas and Towers, Code of Ordinances of the City of Deltona, Florida, as it may be amended from time to time, and shall meet the standards as set forth in Chapter 82, Division 2, Code of Ordinances, except that on single family residential and agricultural lots of five acres or more amateur radio antennas and their supporting structures shall be permitted uses up to a height of 199 feet measured from the finished grade at the base of the tower, and shall be set back from the nearest property line a distance equal to the height of the antenna plus the tower (i.e. the fall radius).

c. The zoning lot coverage for all accessory buildings and structures on a zoning lot shall be included as part of the calculation of maximum impervious areas for the particular zoning district in which the use is located. However, only half of the surface area of swimming pool basins (not including surrounding deck area) shall be considered impervious surface.

d. Accessory buildings and structures, other than lawn ornaments and fences built in accordance with this chapter, shall not be located in the front yard forward of the edge of the principal dwelling, or beyond any side street yard setback on lots of less than 2.45 acres. On lots of 2.45 acres or more, accessory uses and structures other than swimming pools and their decks may be located in the front yard and side street yard past the main building line provided they are set back a minimum of 100 feet from the front yard and the side street yard and 75 feet from any interior side lot line.

e. Accessory structures including pools and screened pool enclosures, shall not be located in any platted easements.

f. Accessory buildings and structures, except for sheds as provided for herein, shall not exceed the maximum height requirement for the particular district in which they are located.

g. [Reserved.]

h. [Reserved.]

i. [Reserved.]

j. Fences and walls, except those used in connection with a government use, and those required by Chapter 82, Communication Antennas and Towers, of the Code of Ordinances of the City of Deltona, Florida, shall be governed by the standards found in Article VIII, Section 110-806.

k. *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.

l. Accessory buildings and structures may be permitted up to the maximum permitted lot coverage for buildings and impervious surfaces, as appropriate.

~~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. Private garages shall not be used as accessory structures to support activity or store equipment or material of an off-site business.

b. Private garages and carports shall be constructed of materials similar in appearance, texture, and color to those used in the construction of the principal dwelling. Carports shall not extend forward of the most forward line of the closest other part of the main building to the front lot line.

(3) Drain fields and septic tanks shall be installed in accordance with the requirements of state law, and Section 96-27 and Chapter 110, Zoning, of the Code of Ordinances of the City of Deltona.

(4) Granny flats allowed in the A, RE-5,~~ and~~ RE-1, 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~~can only be used as a dwelling unit by immediate family members or domestic help/caregiver quarters of the principal dwelling pursuant to the zoning district requirements;

~~b~~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.

(d) Specific prohibitions.

(1) No accessory building shall be constructed, erected, or otherwise placed on a single-family residential zoning lot that is not occupied by a principal building, except that when the single-family residential zoning lot of the proposed accessory structure is contiguous to the zoning lot of the principal building and both lots are under single ownership. When an accessory building is permitted to be placed on one of two adjoining single-family residential zoning lots, the two lots shall be joined together by a covenant recorded in the Volusia County property records. The covenant shall provide that the two lots are joined together and shall not be separated without the consent of the city. The covenant shall be in a form approved by the city and provided by the Planning and Development Services Department. All lien holders shall be notified of the joiner. Proof of title shall be provided in a form acceptable to the city.

(2) Accessory buildings and structures shall not be located so as to restrict access to buildings by emergency equipment, to impair work in platted easements, or to restrict access to rear yard septic tanks by maintenance or construction equipment.

(3) No accessory building or structure in any residential district except the A, RE-5, and RE-1 or approved as a conditional use within the R1-AAA, AA, A and R1 Single-Family classification shall be permitted to be used as a dwelling, dwelling unit, or other place of residence, or for housekeeping purposes.

(4) No driveways may connect to streets by crossing both front lot lines of through lots. Driveways connecting to the rear lot line or additional front lot lines of atypical lots are prohibited. No driveway may connect to a thoroughfare, arterial or collector street from a corner residential lot, unless all lot lines front on one of these types of streets. When all lot lines of a corner lot abut a thoroughfare, arterial or collector street, the driveway connection shall be made to the street with the lowest traffic volume whenever corner distance separation requirements of the land development code, Chapter 96, can be met. One accessory driveway may connect across a side street yard on a single family residential corner lot to a low volume (0-1000 ADT) local street if all corner distance separation requirements of the Land Development Code, Chapter 96, can be met, there are no adverse stormwater impacts, no horizontal or vertical vision clearance issues, and a right-of-way use permit is obtained authorizing the connections in accordance with all applicable codes.

(e) Location of structures and buildings in residential areas for principal residential structures on lots which abut or include public utility easements which equal or exceed 30 feet in width.

The side and rear yard setback requirements for a principal residential structure may be reduced to provide a minimum seven and one-half feet side yard setback and minimum ten feet rear yard setback from residential lot line(s) that directly abut or include public utility easements or public drainage easements which equal or exceed 30 feet in width. This exception shall not apply to any property line, which abuts an existing or proposed street right-of-way or alley. No structure shall be placed in a public utility or drainage easement without the prior approval of the city commission.

(f) Non-residential accessory buildings and structures

(1) Review and approval of non-residential accessory uses and structures to ensure compliance with applicable provisions of the Land Development Code may be performed by the Director of Planning and Development Services or his/her designee.

Sec. 110-828. Off-street parking and loading. ***(Regulations)***

(a) Off-street parking and loading regulations. Where required by this chapter, every use or structure shall have an adequate number of off-street parking and loading spaces for the use of occupants, employees, visitors, customers, patrons or suppliers. Except as noted in this section, chapter 96, article II, Code of Ordinances shall apply to the design and construction of all required off-street parking and loading areas.

(b) Surfacing, drainage, lighting, and access.

(1) For single-family and two-family (duplex) residential dwellings, for model homes and model home parking lots located in residential zoning categories, and for city-owned facilities and Volusia County, or State of Florida, park and recreation facilities, offstreet parking areas and driveways that connect to paved streets or roads shall be surfaced with either concrete, brick, or asphalt, and maintained in a good condition for a minimum distance of 35 feet, or the distance to the house from the front or street side lot line, whichever is less. Additional driveways, driveways that connect to unpaved streets or roads, and parking spaces on these sites may be surfaced with crushed rock, shell, or stone, , and maintained in a smooth well-graded condition. Material used at grades exceeding five percent (20'h.:1'v) must be attached to the ground, and may include paving brick or stone. Borders shall include provisions to ensure stormwater runoff is allowed to flow into the yard area adjacent to the driveway. Stormwater shall not be directed down the driveway into the public or private right-of-way or access easement except to the minimum extent necessary to effect a connection to the driveway apron at the property line, or onto adjacent property. The design storm event shall be as specified in the Deltona Land Development Code as it may be amended from time to time.

(2) Any required off-street parking and loading areas, including overflow areas, for land uses other than single-family or two-family (duplex) dwellings shall be surfaced with brick, asphalt, bituminous, or concrete material and maintained in a smooth condition. All areas shall be designed for the safety and convenient access of pedestrians and vehicles. An illumination plan prepared by a licensed professional engineer with expertise in the field of illumination, including the latest illumination technology available, shall be submitted for each parking facility that is proposed to be illuminated. Lights, used to illuminate any off-street parking facility, shall be designed and installed to prevent a related hazard or nuisance to vehicular or air traffic and to prevent glare, annoyance or discomfort by directing light away from adjacent residential properties and adjoining streets. In no case shall illumination from a parking facility (including illuminated canopies) increase the level of illumination at the edge of pavement on adjacent streets or at the property lines of adjoining properties by more than one foot candle. The maximum height of the light fixture, including pole and lamphead, shall not exceed 35 feet and be erected such that any series of light poles and lampheads are equal in height, as measured from ground level.

(3) To promote the safety of vehicular traffic and pedestrians and to minimize traffic congestion and conflict, access to any project or development, including single-family homes and duplexes, shall comply with the requirements of the Land Development Code, chapter 96, article II, as it may be amended from time to time, and shall require a hard surface driveway apron meeting city engineering standards connecting the driveway to a public street.

(c) Location on vacant lot.

(1) *Residential:* The minimum number of parking spaces required in Section 110-828(f) for all single-family and two-family dwellings shall be located on the same lot as the main building. If additional parking spaces are required for any single-family or two-family dwelling, the

additional parking spaces may be located either on the same lot as the main building, or on an adjacent vacant lot of an expanded residential building site.

(2) *Non-residential:* If the required off-street parking spaces for all other uses cannot reasonably be provided on the same lot on which the principal building or use is located, such required off-street parking spaces may be located on ~~another~~a separate vacant lot, owned or leased by the owner of the lot on which the principal structure or use is located, providing the following conditions are met:

a. The parking area~~provided that such spaces~~ shall be~~ are~~ located within ~~2~~800 feet of the premises to be served, and, shall be~~are~~ located only in one or more of the following classifications: RM-1, RM-2, OR, C-1, C-2, C-3, I, PUD or PB. ~~Such spaces may be located in any single-family residential zoning district only as a conditional use. Heavy equipment and vehicles requiring a commercial drivers' license of any class shall not be parked or stored on an off-premises parking lot permitted by this paragraph within any residential zoning district, or within the Professional Business zoning classification.~~

b. The off-street parking area shall be used to serve only an existing conforming commercial use.

c. If the off-street parking area is contiguous to the premises on which the principal commercial use is located, motor vehicles shall only enter or exit the parking area through that premises.

d. The parking area shall be surfaced with, brick, asphalt, bituminous concrete or packed shell or marl material and maintained in a smooth, well-graded condition and shall comply with the land development code Ordinance No. 96-25, as it may be amended from time to time. If lighted, no artificial light source shall be visible from adjoining properties. Lighting shall be shielded so as not to directly illuminate adjacent residential properties, and shall not glare directly onto the adjacent streets.

e. The off-street parking area shall be designed to meet the dimensional requirements of the Land Development Code.

f. A parking plan meeting the requirements of the Land Development Code shall be submitted.

g. A landscape plan shall be submitted that meets the requirements of Section 110-808, except as may be otherwise allow herein:

1. Not less than ten (10) percent of the interior of the parking lot shall be landscaped. The required buffer area shall not be considered a part of this interior landscape requirement.

2. A six-foot-high, opaque masonry wall, or wall having the appearance of masonry using a material approved by the enforcement official and the building official, shall be constructed adjacent to areas planned, zoned, or used for residential purposes. The wall shall be erected within five feet of the off-street parking area and be maintained in a neat and orderly manner at all times. Landscaped berms may be used in place of a wall. The berms shall be constructed to a height of four feet with inside slopes not exceeding a three to one ratio. Plant material shall be planted on top of the berm and shall be a minimum of two feet in height with a planting interval of at least three feet on center.

3. An existing tree survey performed in compliance with Chapter 98 of the Land Development Code, as it may be amended from time to time.

h. The off-site parking area shall not be used until it has been constructed in accordance with the plans approved.

(~~2~~3) No parking space or portion of any parking facility shall be located or built within any platted easement unless an authorized use permit is issued by the City of Deltona.

(d) Plan requirement. An off-street parking or loading space plan shall be submitted as follows:

(1) For single-family and duplex uses off-street parking plans shall be shown on the plot plans submitted with an application for a building or zoning permit. The plot plan shall accurately illustrate the number and location of parking spaces and driveways. The addition of parking spaces to an existing single-family or duplex residential building site shall require an application for a zoning permit, which shall include a plot plan and sealed survey of the expanded residential building site. All required landscaping and screening, areas proposed to be cleared, trees proposed to be removed, existing and proposed vehicle accessways, parking areas, and structures shall be shown on the plot plan. In addition, building permit applications shall be submitted for any proposed construction that is regulated by the city's adopted building code.

(2) For all other uses, an off-street parking and loading space plan meeting the requirements of chapter 96, article II, Code of Ordinances shall be submitted and approved during the site plan review process of the land development code.

(e) Design requirements for off-street parking areas. Off-street parking areas shall be designed and located to meet the following requirements:

(1) For single-family and duplex uses, except as otherwise provided in this article for expanded residential building sites, each off-street parking space shall be located on the premises which it serves; have minimum dimensions of nine feet in width by 19 feet in depth; not be located in any front yard except on a driveway but may be located within any garage or carport on the premises; and/or, may be located within any side or rear yard but not closer than five feet to any side or rear lot line, but not in any platted easements unless an authorized use permit is issued by the City of Deltona. Each such space must be accessible from a driveway connected to the street providing primary access to the premises. The design requirements for parking on the vacant lot of an expanded residential building site are set forth in paragraph (2) of this section.

(2) When additional parking is installed on the vacant lot of an expanded residential building site, the parking area shall be designed and built in accordance with the requirements of this paragraph, as follows:

a. *Surfacing, drainage and access.* Surfacing, drainage and access for any parking area on the adjacent vacant lot of an expanded residential building site shall meet the requirements of subsection 828(b).

b. *Driveway spacing.* Driveway spacing shall meet the minimum standards of the Deltona Land Development Code, Ordinance 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.

c. *Driveways, accessways, and parking areas.* These facilities shall not be built in a manner that impairs any easement.

d. *Setbacks.* Any additional parking area on the vacant portion of an expanded residential building site shall be no closer to the front or rear lot lines than 30 feet, and no closer to the exterior side lot line of the vacant lot than 20 feet. The exterior side lot line shall be the lot line directly opposite the common lot line that lies between the two lots comprising an expanded residential building site.

e. *Natural vegetation.* Existing natural vegetation shall not be cleared from the area within the minimum setbacks required in paragraph "d." of this subsection, except to remove hazards or nuisance vegetation limited to exotic species, vines, poisonous plants, and dead or diseased plants, and in accordance with the tree protection requirements of Chapter 98, article II of the Deltona Land Development Code as it may be amended from time to time.

f. *Lot clearing.* Lot clearing shall be limited to an area beyond the setbacks specified in paragraph "e." of this subsection that shall not exceed 55 feet in depth measured from the common lot line of the expanded residential building site toward the opposite side lot line, and 50 feet in width. However, clearing to the maximum allowable width and depth shall not be permitted in every instance, but shall be limited to those instances where that is the minimum amount of clearing required to accommodate the types of vehicles being parked on the vacant lot of the expanded residential building site. In each case, clearing shall be limited in width to the minimum needed to accommodate one parking space of nine feet in width for each vehicle proposed to be parked plus a maximum of ten feet on each side to accommodate any visual screening required by paragraph "g." of this section. In each case clearing shall be limited in depth to a depth that equals the length of the vehicle proposed to be parked plus a maximum of an additional ten feet to accommodate any visual screening required by paragraph "g." of this section.

g. *Visual screening.* If any portion of the parking area provided on the vacant portion of an expanded residential building site is visible from any adjacent street or lot, except the portion facing the common lot line of the site, that portion of the parking area must be screened from view. Minimum screening required shall be either a 100 percent opaque hedge, fence or wall at least four feet, but not more than six feet in height, and a row of understory trees high enough that their crowns obscure the parked vehicles from view. Chain link fences with cover materials or inserts shall not be permitted to meet this screening requirement. The required understory trees shall be planted so that their crown spreads at maturity shall completely cover the area within which any parked vehicle is visible. The required shrubs and understory trees shall reach maturity and achieve the required minimum screening within two years from the date of planting. All required landscaping materials shall be of the species specified in the approved plant species list in section 110-808 of the Land Development Code of the City of Deltona, as it may be amended from time to time. Except that deciduous species that drop their all or most of their leaves at any time of year are prohibited to be used as screening materials meeting the requirements of this section.

(3) For all other uses, off-site parking and loading areas shall be designed and located according to the requirements of this ordinance and the applicable articles of the Land Development Code, Ordinance No. 96-25, as it may be amended from time to time.

(f) Minimum off-street parking spaces. Minimum off-street parking spaces shall be provided with adequate means for vehicle ingress and egress from a public street or alley by an automobile of standard size~~, in accordance with the following table~~. 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

Land Use	Number of Parking Spaces
Parks:	
Open "free play area"	8 spaces per acre
Equipped playground	10 spaces per site
Multipurpose Court	5 spaces per court
Picnic Area	1 space per table
Baseball/Softball	38 spaces per field
Handball/Racquetball Court	2 spaces per court
Tennis Court	2 spaces per court
Soccer/Football	34 spaces per field
Shuffleboard Court	2 spaces per court
Basketball Court	5 spaces per court
Jogging/Fitness Trail	2 spaces per trail
Multipurpose Field	8 spaces per acre
Primitive Camping	1 space per site
Fishing Pier	4 spaces per 50 lineal feet
Boat Ramp	36 spaces per boat lane
Volleyball	6 spaces per court
Concession Building	1 space per concessionaire or employee
Community Center	1 space per 200 sq. ft. GFA*
Community Pool--50 meter (164' × 75')	91 spaces
Neighborhood Pool--25 yards (75' × 45')	25 spaces
Transportation Centers	1 space for each 4 estimated average daily passengers To be addressed in the future--Multi-modal.

Recycling Collection Center	1 space per employee
Solid Waste Transfer Station	1 space per employee
Banks	4 spaces/1,000 sq. ft. of GFA with 5 reservoir spaces per drive thru window and drive thru ATM
One and Two Family Homes	1BR and more: 2 spaces/d.u., in addition to garage parking, if any.
Multi-Family	Studio and 1 BR: 1.5 spaces/d.u. + 1 space per 10 d.u. for guest parking
	2BR: 2 BR or more: 2.0 spaces/d.u. + 1 space per 10 d.u. for guest parking
	No recreational vehicles, boats, or trailers are permitted except within an additional visually screened and secured parking area that may be provided specifically for recreational vehicle, boat, and/or trailer storage.
Hardware Store	2.86 spaces /1,000 sq. ft. GFA
Home Improvement Superstore	3.5 spaces/1,000 sq. ft. GFA** applicant may increase to 5 spaces/1000 GFA provided additional spaces may be classified as alternative surface spaces when located greater than 300 ft. from the front door.*Garden Center area shall be included.
Hotels, Motels	1 space/rental unit 1 space/guest room, plus an additional 10% for employees, plus additional parking required for any other land uses on the site, such as restaurants or bars.
Hospitals	1 space per bed
Colleges, Community Colleges, or Other Places of Higher Learning	1.25 spaces per student and a minimum of 1 space per 250 sq. ft. GFA of office area up to 1,000 office spaces, and 1 space per 500 GFA of office area for offices over a campus total of 250,000 sq. ft. of GFA office area and 1 space per 200 sq. ft. GFA devoted to classrooms, plus minimum parking required for other areas of assembly, sports arenas, and stadiums.
Nursing and Convalescent Facilities	1 space/2 patient beds, based on the maximum designed capacity of the facility.
Live Theater or Auditorium	1 space/3 persons permitted at fire code maximum occupancy plus 10% for employee parking.
Movie Theater	1 Screen - 1 space/3 seats permitted at maximum fire code occupancy, plus 10% for employee parking.
	2 Screens - 1 space/4 seats permitted at maximum fire code occupancy, plus 10% for employee parking.
	>2 Screens - 1 space/5 seats permitted at maximum fire code occupancy, plus 10% for employee parking.
~~Church~~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.
Mortuary or Funeral Home	1 space/3 seats in main assembly area, or 33.3 spaces/1,000 sq. ft. GFA in main assembly area if no fixed seating is provided. Seating shall be based on maximum fire code occupancy.
Other Places of Assembly	1 space/3 seats in main assembly area, or 33.3 spaces/1,000 sq. ft. GFA in main assembly area if no fixed seating is provided.
	Seating shall be based on maximum fire code occupancy.
Restaurants	*Type A:* Indoor service, low turnover: 12 spaces/1,000 sq. ft. GFA indoor service; High turnover: 14 spaces per 1,000 sq. ft. GFA, plus 6 reservoir spaces/service lane, with a minimum of 3 spaces behind the order station or menu. *Type B:* Fast Food: 6 reservoir spaces/ service lane with a minimum of 3 spaces behind the order station or menu, plus 10 spaces/1,000 sq. ft. GFA. Restaurant without customer seating 1 space/100 sq. ft. GFA
Bars and Night Clubs	1 space/100 sq. ft. GFA
Office Buildings less than 25,000 sq. ft.	3.25 spaces/1,000 sq. ft. GFA
Office Buildings between 25,000 sq. ft and 500,000 sq. ft.	3.0 spaces/1,000 sq. ft. GFA
Office Buildings over 500,000 sq. ft.	Determined by parking demand study using professionally acceptable parking demand methodology approved by the zoning enforcement official, with results to be reviewed and approved by the city, but not less than 3 spaces/1,000 sq. ft. GFA.
Medical Offices, Clinics, and Laboratories	Min: 5 spaces/1,000 sq. ft. GFA Max: 6 spaces/1,000 sq. ft. GFA
Retail Sales and Services, General	Less than 150,000: 4.44 space/1,000 sq. ft. GFA 150,000 sq. ft. or greater: 4.0 space/1,000 sq. ft. GFA Garden Center area shall be included.
Shopping Centers	4.0 spaces/1,000 sq. ft. GFA Garden Center area shall be included.
Library	5.0 spaces/1,000 sq. ft. GFA
Automated Service Station Retail Sales (Types A and B)	1 space/gas pump, plus 3 spaces/service bay (not including service bays as parking areas)
Automobile Service Station with Retail Sales (Type C)	1 space/gas pump, plus 5 spaces/1,000 sq. ft. GFA,.
Government Office Building	4 spaces/1,000 sq. ft. GFA plus required seating auditorium when an assembly area is included.

Manufacturing	1.54 spaces/1,000 sq. ft. GFA for manufacturing, plus and Industrial Required parking for other uses on the site.
Commercial and Industrial Dead Storage	4 spaces/1,000 sq. ft.
Contractors Storage Yards	1 space/1,000 sq. ft.
General Warehouses	1.54 spaces/1,000 sq. ft. GFA, plus 3.5 spaces/1,000 sq. ft. of office or retail area.
Self-Service and Mini-warehouses	1 space/10 cubicles or units, plus continuous Loading spaces clear of through traffic access, plus 3.5 spaces/1,000 sq. ft. of office area.
Bowling Alleys	4 spaces/alley, plus required parking for other uses on the site, plus 10% for employees.
Private Clubs and Lodges	1 space/3 persons permitted at the maximum fire code capacity of the main assembly area.
Day Care Center	1 space/state required staff, plus 1 space/5 children at maximum permitted capacity, plus 1 passenger loading space/ea. 10 children under care, minimum 4 spaces. In lieu of the above requirement, a two lane loading and access area may be provided in accordance with the design standards for such loading and access areas in the Deltona Zoning Ordinance, as it may be amended from time to time. When such loading and access area is provided, the minimum parking requirement shall be reduced to 1 space/10 children at maximum licensed occupancy, plus 1 space/state required staff person.
Group Home	1 space/5 resident clients, plus 1 space/state Required employee on the largest shift
Bed & Breakfast	1 space/guest room, plus 10% for employee/guest parking, plus 2 spaces/permanent resident dwelling unit.
Ball Park or Stadium, not including Little League and similar children's Recreational programs	1 space/ea. 3 seats or 1/300 sq. ft. GFA, whichever is greater.
Recovery Homes	1 space/2 patient beds, plus 10% for staff. If visitation is allowed, add another 10% for visitors.
Pool Halls and Billiard Parlors	2 spaces/pool and billiard table, plus required parking for all other uses on the site, including restaurants or bars.
Golf or Country Club	6 spaces/golf hole, plus required parking for any other uses on the site.
Swim Club	1 space/250 sq. ft. member use area in principal building, plus 1 space/50 sq. ft. of pool and deck area, 1 space per three (3) seats in any spectator area, and required parking for any other uses on the site.

Rooming or Boarding Houses and Dormitories	1.5 spaces/rented room or unit, or 1 space/400 sq. ft. Boarding Houses GFA when dormitory style facilities are provided.
Fraternities or Sororities or Student Cooperatives	1 space/2 occupants based on fire rated capacity of the building.
Mobile Home Parks	2 spaces/d.u. plus any additional spaces required to service accessory buildings or structures, plus required parking for all other uses on the site.
Car Wash	Full Service: 1 space per employee on maximum shift plus sufficient area for stacking spaces. Self Service: 1 stacking space per washing bay.
Veterinary Clinics	4.44 space/1,000 sq. ft. GFA
Telemarketers	10 space/1,000 sq. ft. GFA
Furniture Stores	2 spaces/1,000 sq. ft. GFA
Health Club and Spas	5.71 space/1,000 sq. ft. GFA
All Land Uses, maximum permitted parking	Maximum permitted number of parking spaces shall not exceed 1.15 times the minimum parking required by this section, unless otherwise stated herein, or unless a waiver of the maximum parking limitation is obtained from the zoning enforcement official pursuant to this section.

(g) *Minimum requirements for off-street handicapped parking.* Except for standard and manufactured single-family dwellings, and two-family standard or manufactured dwellings, where off-street parking spaces are required by this chapter, the number to be reserved for the handicapped shall be determined from the following table.

Table 110-10 Minimum Requirements for Off-Street Handicapped Parking

Total No. of Off-Street Parking Spaces	No. of Spaces Required to be Reserved for Handicapped
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total

Over 1,000	20 plus 1 for each 100 over 1,000

(h) Off-street loading and unloading regulations. At the time of construction of one of the following categories of buildings, or at the time of structural alteration for an increase in size or capacity, there shall be provided minimum off-street loading or unloading spaces with adequate means of ingress and egress from a public street or alley, without interfering with the public use of streets, or off-street parking spaces. Off-street parking spaces may not be used to meet off-street loading requirements.

The dimensions, design, and location of all off-street loading spaces shall meet the requirements of article IV of the land development code.

The minimum numbers of off-street loading spaces shall be determined from the following table:

Table 110-11 Off-Street Loading Spaces

USE CATEGORY	FLOOR AREA IN SQ. FT.	LOADING SPACE REQUIRED
Retail Sales and Service, Restaurants or Similar Uses	3,000--10,000	1
	10,001--20,000	2
	Each additional 20,000 sq. ft. or fraction	1
Offices, Hotels, Hospitals, Nursing Homes, Assisted Living Facility, Multi-Family Dwellings or Similar Uses	30,000--100,000	1
	Each additional 100,000 sq. ft. or fraction	1
Arenas, Auditoriums, Stadiums, Convention Centers, Exhibition Halls, Museums or Similar Uses	10,000--50,000	1
	50,001--100,000	2
	Over 100,000	4
Any industrial use and any wholesale, retail and commercial storage facility	15,000--40,000	1
	40,001--100,000	2
	100,000--160,000	3
	Each additional 80,000 sq. ft. or fractions	1

(i) Bicycle parking regulations. Each of the following uses shall be required to provide parking spaces for bicycles: parks and recreation areas; convenience stores; restaurants (Types A and B); game rooms; pharmacies; shopping centers (regional, community, and neighborhood); and any employment facility (i.e., office, industrial) with at least 50 employees.

The minimum number of bicycle spaces to be provided shall be determined from the following table:

Table 110-12 Minimum Number of Bicycle Spaces

Required No. of Automobile Parking Spaces	Minimum Number of Required Bicycle Parking Spaces
1--40	2
41--60	3
61--80	4
81--100	5
Over 100	6 plus 1 for each 20 automobile parking spaces over 100, provided that the maximum number of required bicycle spaces shall not exceed 20.

All bicycle parking shall be located so as to not conflict with automobile or pedestrian traffic flow.

(j) Mass transit parking requirements. Community and regional shopping centers shall be designed to accommodate buses for convenient and safe boarding and unloading of passengers as well as maintaining a safe traffic pattern. Shopping centers of greater than 100,000 square feet of gross leasable floor area shall provide a passenger shelter or covered benches to accommodate the mass transit system riders. Bus stops, shelters, and benches shall be designed so as to avoid interference with automobile and pedestrian traffic from mass transit operations and facilities.

(k) Existing parking or expansion of existing parking areas may be shared by multiple non-residential uses on lots 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 and that the City shall approve such change prior to implementation.

(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, street crossings and methods of transportation improvements, if applicable, landscaping, WB-40 truck turning movements (if required), lighting and other physical features to ensure the plan complies with the provisions of the Land Development Code.

c. 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.

(6) *Shared parking non-overlapping hours of operation*: While adhering to other requirements as cited in Section 110-828(k)(1) through (5), certain parking spaces may be used to meet the parking requirements for two uses that maintain non-overlapping hours of operation, provided a data sheet is submitted to the City that includes the following information:

a. 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.

b. 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.

c. Other data or information as deemed necessary for proper review.

Sec. 110-829. Off-street circulation, parking dimensions and loading facilities. ***(Requirements)***

(a) *General design requirements.* Internal site circulation shall follow a functional classification and hierarchical design criteria to assure that the movements between the public right-of-way, which is the high-speed movement facility, and the parking stall, which is the terminal facility, are conducted in an efficient and orderly form. All streams of departing traffic from the parking stalls in a parking lot shall be assembled and delivered to an internal collector facility that combines them into a few concentrated streams which will then be connected to the public right-of-way at a few properly spaced access locations.

(b) *Functional elements of off-street circulation system.* Parking spaces, drive aisles, driveways and reservoir areas are the basic functional elements of the off-street circulation system. Additional elements, including but not limited to service roads, loading areas, bicycle parking areas, and mass transit loading (bus stop) areas within the proposed development, and left-turn lanes, right-turn lanes, traffic signals and marginal-access roads immediately adjacent to the proposed development, may also be required.

(1) Parking stalls and aisles.

a. The minimum size (in feet) of a parking space shall be as follows:

~~Nine~~9' × 19' standard space

10' × 22' parallel space

Handicap parking spaces shall be a minimum of 12' × ~~20~~19' with a five-foot wide ~~adjacent ingress/egress aisle handicap space~~striped access aisle. Where two (2) handicap spaces are served by one (1) access aisle, such aisle shall be no wider than eight (8) feet. The City Code designates the minimum required number of handicap spaces. Applicants are encourage to provide additional handicap spaces, when deemed appropriate to meet projected need.

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.

b. All required parking stalls shall have direct and unobstructed access from a parking aisle.

c. No parking stall shall directly abut a driveway.

d. No parking aisle or system of parking aisles in a parking lot shall connect more than 60 parking stalls.

e. Access for emergency fire vehicles shall be in accordance with NFPA standards.

f. All off-street parking areas shall be so arranged and marked as to provide for orderly safe loading, unloading, parking and storage of vehicles with individual parking stalls clearly defined, and with directional arrows and traffic signs provided as necessary for traffic control. All signs and pavement markings shall be in accordance with the "USDOT Manual on Uniform Traffic Control Devices."

g. Acceptable plans must illustrate that proper consideration has been given to the surrounding street plan, traffic volumes, proposed street improvements, vehicular street capacities, pedestrian movements and safety.

(2) Driveways.

a. All parking aisles shall connect to a driveway.

b. A parking lot which exceeds 60 parking stalls shall be designed with at least one two-way directional driveway loop system connecting the point of entry of the parking lot to the parking stalls and the principal building.

c. The minimum distance from a driveway to a structure or property line shall be five feet.

d. Single-lane driveways shall be a minimum of 14 feet wide. Two-lane driveways shall be a minimum of 24 feet wide. Required widths shall be increased according to vehicle type or if the number of parking stalls connected or the number of trips generated justifies such increase.

e. Any off-street parking facility shall have either driveway approaches of sufficient width to allow for two-way traffic, or one-way driveways connected to aisles, parking areas or maneuvering areas in such a manner as to permit traffic to simultaneously enter and leave the property, facing forward at the same time. A driveway which is only wide enough for one-way traffic shall be signed for one-way operation.

(3) Circulation design. A parking lot abutting a thoroughfare shall be designed for full circulation. A parking lot abutting a non-thoroughfare may be designed for partial circulation.

(4) Parking and loading areas to be curbed. Except for one- and two-family dwellings, all parking and loading areas shall be constructed with a six-inch raised curb or bumper blocks located a minimum distance of seven feet behind the street right-of-way line and other property lines along sidewalks, safety islands, driveways, sight distance triangles, and other places as determined by the city traffic engineer or city traffic engineer consultant. The raised curb shall be constructed in such a manner as to prevent vehicles from crossing sidewalks or other pedestrian walkways, other than by means of an approved driveway approach.

(c) *Additional functional elements.*

(1) Off-street loading spaces.

a. Off-street loading spaces shall be designed to accommodate both the parking of and maneuvering of the design vehicle exclusive of those areas designated for aisles, driveways or parking stalls. Backing from or onto public right-of-way shall not be permitted. Off-street loading spaces shall be directly accessible from a street without crossing or entering any other loading space and may not extend into any street.

b. Off-street loading space dimensional requirements. Each required off-street loading space shall have a minimum dimension of 12 feet by 40 feet and a minimum overhead clearance of 14 feet above the paving grade.

(2) Handicapped parking spaces.

a. All handicapped parking spaces shall be accessible by a curb cut or curb ramp. Handicapped spaces shall be located at the closest practical point to the use or structure on the premises and so that it will not be necessary for individuals to access the space from behind other non-handicapped spaces.

b. Each handicapped parking space, regardless of the angle of design, shall have a minimum width of 12 feet and shall comply with the standards specified in the Accessibility Requirements Manual, latest edition, published by the Florida Department of Community Affairs.

c. Each handicapped space shall be prominently posted with a permanent sign of a design specified in "Roadway and Traffic Design Standards," latest edition, published by the Florida Department of Transportation.

(d) *Vehicular reservoir areas.* Adequate reservoir capacity shall be required for both inbound and outbound vehicles to facilitate the safe and efficient movement between the public right-of-way and the development. An inbound reservoir shall be of sufficient size to ensure that vehicles will not obstruct the adjacent roadway, the sidewalk, and the circulation within the facility. An outbound reservoir shall be required to eliminate backup and delay of vehicles within the development.

(1) Design. A reservoir area shall be designed to include a space of 12 feet wide by 25 feet long for each vehicle to be accommodated within the reservoir area and so that vehicles within the reservoir area do not ~~block parking stalls, parking aisles or driveways of off-street parking facilities~~obstruct the adjacent roadway and sidewalks, or unreasonably impede internal vehicular circulation of the facility.

(2) Adjacent to thoroughfare. The minimum number of vehicles required to be accommodated within a reservoir area of a parking lot adjacent to a thoroughfare shall be in conformance with table 110-13.

(3) Adjacent to non-thoroughfare street. The minimum number of vehicles required to be accommodated within a reservoir area adjacent to a non-thoroughfare shall accommodate at least one percent of the number of parking stalls served by the driveway. For parking lots with fewer than ten cars, the reservoir area shall be able to accommodate at least one car.

Table 110-13. Vehicle Reservoir Area Requirements
Adjacent to Thoroughfare

		Reservoir Area	
Type of Facility		Inbound Vehicles	Outbound Vehicles
Vehicle-oriented services:			
	Drive-in bank	6 spaces per service position	1 space per service position
	Drive-in beverage, food sales, and laundry pickup	3 spaces per service position	1 space per service position
	Drive-through restaurant service	8 spaces per service position	1 space per service position
	Automatic car wash	10 spaces on approach to wash line	6 spaces between end of wash line and right-of-way of street
	Self-service car wash	3 spaces on approach to wash line	1 space between end of wash line and right-of-way of street
	Drive-in theater	15% of the total parking capacity of the theater	1 space per service position
	Hospital	5 spaces or 1% of the total parking capacity (use the greater figure)	None
	Service station	4 spaces per service position	1 space per service position
Residential:			
	Attendant parking	10% of the total parking capacity of the facility	None
	Self-parking	5 spaces or 1% of the total parking capacity (use the greater figure)	None
	Gatehouse	5 spaces	1 space
Nonresidential:			
	Attendant parking	10% of the total parking capacity of the facility	None
	Self-parking	5 spaces or 1% of the total parking capacity (use the greater figure)	None

	Ticket gate (ticket-dispensing machine)	4 spaces minimum	1 space
	Cashier booth (tickets dispensed manually)	6 spaces minimum	1 space
	Gatehouse (commercial)	5 spaces or 1% of the total parking capacity (use the greater figure)	2 spaces

Note: One reservoir space is 12 ft. × 25 ft.

(e) *Accessibility to structures for vehicles other than automobiles.*

(1) Structures intended for principal uses shall be made accessible to the following type of vehicles:

Residential uses, other than single-family or duplex: single-unit truck (SU);

Commercial and institutional uses: single-unit truck and semitrailer (WB-40) combination, intermediate;

Industrial use: single-unit truck (SU) and semitrailer-full trailer combination (WB-60).

Definitions of, as well as, required specifications for the above vehicle types shall be those found in the "AASHTO Geometric Design of Highways and Streets."

(2) All buildings other than single-family or duplex residences shall be accessible to fire apparatus from two sides. Fire engines shall be considered as a WB-40 as defined by the "AASHTO Geometric Design of Highways and Streets." The area required to meet the AASHTO design standards shall be paved or treated to ensure support to a 16-ton weight vehicle. This area shall be maintained free of trees and bushes and shall be clearly designated for this purpose. Access from one side may be accepted by the DRC where access from two sides is not possible.

(3) Fire lanes shall be provided for all buildings which are set back more than 150 feet from a public road, or which exceed 30 feet in height and are set back more than 50 feet from a public road, and may be required for other buildings. Fire lanes shall be at least 20 feet in width with a minimum of five feet provided between the fire lane and any adjacent building. No parking shall be permitted between the fire lane and the building.

(4) Required parking spaces, parking aisles and driveways shall not be used as loading or parking areas for any type of vehicle including emergency vehicles other than automobiles.

(f) *Driveway entrance from a non-thoroughfare street.* The following requirements apply to driveways connecting development to a non-thoroughfare street:

(1) Design requirements.

a. The driveway entrance shall be sufficient to allow access to the parking area without interference among vehicles entering and/or leaving and vehicles circulating in the parking lot.

b. The minimum distance from the street right-of-way line at any driveway to any interior service drive or parking aisle with direct access to such driveway shall be 25 feet.

c. In the case of a main driveway of a development subject to major review, such as a shopping center, multiple-family development, or business or industrial park, the minimum distance from the street right-of-way line of the driveway to any interior service drive or parking aisle having direct access to such driveway shall be 100 feet.

(2) Number and location of driveway entrances. In order to provide the maximum safety with the least interference to the traffic flow on public streets, and to provide ease and convenience in ingress and egress to private property, the number and location of driveways shall be regulated relative to the intensity of use or size of the property served and the amount of frontage which that property has on a given street, as follows:

a. One driveway shall be permitted for ingress and egress purposes to a single property or development.

b. Two driveways entering on a particular street from a single property or development may be permitted if all other requirements of this section are met and if the minimum distance between the two driveways equals or exceeds 100 feet.

c. Three driveways entering on a particular street from a single property or development may be permitted if all other requirements of this section are met and if the minimum distance between adjacent driveways equals or exceeds 150 feet.

d. Not more than three driveways will be permitted from a single property or development. However, in the case of extensive property development (property exceeding ten acres in total land area and/or containing more than 1,000 parking stalls, additional driveways may be permitted provided all other requirements of this section are met and the minimum distance between adjacent driveways equals or exceeds 300 feet.

(3) Driveway entrance width according to type.

a. Ramp-type or swale-type driveway entrance. Except as provided in subsection 110-829(f)(3)b. below, all one- and two-family residential driveways shall be constructed with the standard ramp-type or swale-type driveway entrance and shall conform to the following width requirements.

Table 110-14 Driveway Entrance Width According to Type

	Minimum (feet)	**Maximum (feet)**
Residential	12	24

(widths to be measured at the street right-of-way line)

The width of a curb opening shall not exceed the driveway width by more than five feet on each side.

b. Street-type driveway entrance. Construction of a street-type driveway shall be required for entrances of any development except for one- and two-family residential development. Such driveway shall be a minimum width of 24 feet and a maximum width of 60 feet.

(4) Limitations on driveway entrance improvements.

a. No driveway shall be constructed in the radius return of an intersection.

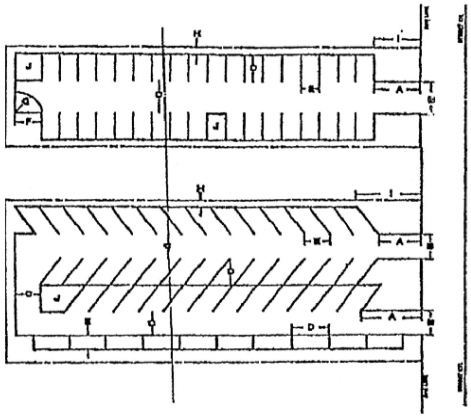
b. No driveway shall be constructed with a corner clearance of less than 50 feet, measured along the edge of the traveled way between the return radius and the nearest point of the driveway.

c. No driveway entrance shall include any public facility such as traffic signal standards, catch basins, crosswalks, loading zones, utility poles, fire alarm supports, meter boxes, sewer cleanouts, or other similar type structures.

d. Within the right-of-way limits, the maximum recommended driveway grade is approximately three percent. The maximum allowable grade is four and two-tenths percent or one-half inch per foot. The maximum slope immediately beyond the right-of-way line shall not change in excess of five percent for either angle of approach or breakover angle.

e. Existing driveway approaches shall not be relocated, altered or reconstructed without prior approval. When the use of any driveway approach is changed, making any portion or all of the driveway approach unnecessary, the developer of the abutting property shall obtain a permit to abandon the driveway approach and shall, at his/her expense, replace all necessary curbs, gutters and sidewalks.

(g) *Parking Space Dimensions:*



All dimensions set out in C through H below are minimum dimensions.
Dimensions of aisles and spaces for the following parking space angles are as follows:

Table 110-15 Parking Space Dimensions

Parking Space Angles (DEGREES)	45	50	55	60	90	180
A. Drive aisle.	13'	15'	16'	18'	24'	15'
B. Parking space depth	18'	18'	18'	19'	19'	22'
C. Parking space width (Measured perpendicularly to the striping)	9'	9'	9'	9'	9'	9'

D. Row end backup area depth--15'
E. Row end backup area radius--15'
F. Distance to property line or building--5' or as required.
G. Landscaped buffer area--As required.
H. Landscaped island/row end--As required.

(h) *Reserved*

(i) *Design of thoroughfare corridors.* A site connected to a street at any point within a thoroughfare corridor shall meet the design criteria, requirements and standards of section 96-37.

(j) *Design of non-thoroughfare corridors.* A site connected to a street which is not within a thoroughfare corridor shall meet the design criteria, requirements and standards of section 96-38 of this article.

(k) *Impervious area and storm water runoff.*

(1) The area covered by structures and impervious surface shall not exceed 70 percent for industrial and commercial lots and 60 percent for residential lots.

a. Pervious areas may be used to satisfy requirements for landscaping and setbacks, buffer strips, drain fields, passive recreation areas, or any other purpose that does not require covering with a material that prevents infiltration of water into the ground.

b. In the case of the use of an impervious material which does not cover all the surface to which it is applied, credit towards the computation of the pervious area shall be given according to the amount of percolation that is permitted.

c. Parking areas, whether paved with impervious material or not, shall be considered impervious.

(2) Each proposed development shall include provisions for the application of best management practices to minimize retention areas; such as grass ponds, grass swales, french drains, or combinations thereof, and shall meet all the recommendations of the "208" Areawide Water Quality Management Plan.

(l) *Functional landscaping and tree preservation.* Compliance with the provisions of the zoning ordinance [chapter 110], as amended, and chapter 98, article II of this Code is required.

ARTICLE IX. ADMINISTRATION AND VIOLATIONS

Sec. 110-900. Administration.

(a) *Enforcement.* The enforcement official shall interpret, administer and enforce this ordinance. He is authorized to obtain assistance in the performance of his duties from any other department or agency of the federal, state or any local government.

(b) *Permits required.* No structure, including any sign greater than 16 square feet in copy area ~~unless specifically exempted under section 110-822 of this chapter,~~ shall be erected, moved or altered without first applying for or obtaining a building permit as required by the standard building code and electrical code, if applicable. No building permit shall be issued by the ~~Building and Zoning Department~~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.

(2) Any other information, including a property survey, deemed necessary or appropriate by the zoning enforcement official. If required, a survey shall be made by a registered land surveyor or engineer, licensed in Florida.

(d) *Certificate of occupancy.* It shall be unlawful to use or occupy, permit the use or occupancy, or change the use of any premises until a certificate of occupancy has been issued by the administration.

(e) *Construction and use to remain the same.* Building permits issued on the basis of applications signed by the building official authorize only the use, arrangement or construction set forth in them and permit no other use, arrangement or construction. Any use, arrangement or construction varying from an approved application signed by the building official shall be deemed a violation of this chapter, and shall give rise to the remedies provided in section 110-900(f).

(f) *Violations.* If the building official shall find that any of the provisions of this chapter are being violated, he shall notify the person apparently responsible for such violations, in writing, indicating the nature of the violation and ordering any action necessary to correct it, including but not limited to a stop-work order.

Any person found guilty of a violation of any provisions of this chapter, or any lawful order of the city commission, planning and zoning board or enforcement official, shall be punished in accordance with F.S. ch. 162, Ordinance No. 96-37, or Ordinance No. 02-97, or any amendments thereto. Each day the violation continues shall be deemed a separate offense.

In addition to any other remedies, whether civil or criminal, the violation of this chapter or any lawful order of the city commission, planning and zoning board, or enforcement official may be restrained by injunction, including a mandatory injunction, and otherwise abated in any matter provided by law.

(g) *Fee schedules.* The city commission may establish by resolution a fee schedule for applications for rezoning requests, conditional uses, variances, and appeals in order to carry out the provisions of this chapter.

(h) *Consistency with comprehensive plan.* The city's comprehensive plan guides future development and land use within incorporated area of the city. As required by the "Local Government Comprehensive Planning and Land Development Regulation Act" (F.S. ch. 163), all decisions regarding land development, notwithstanding any provisions for vested properties, shall be consistent with the comprehensive plan. Where there are any apparent conflicts between the comprehensive plan and this chapter, the plan shall prevail. Provided, however, said comprehensive plan provides for recognition of vested rights.

(i) *Relationship to future land use element.* The future land use element represents one component of the comprehensive plan. This element, among other functions, establishes and provides detailed descriptions for a number of land use categories (including range of permissible intensity of use and residential density). The location and extent of each of these categories is depicted by the future land use map which is part of the aforementioned plan element.

All development shall be consistent with the future land use element and map and the applicable provisions of this chapter and the land development code, Ordinance No. 96-25, as it may be amended from time to time. However, this requirement shall not be interpreted as relieving any development from achieving consistency with the balance of the plan as the plan shall be viewed as a whole and no specific element, or portion thereof, shall be construed or applied in isolation.

The following matrix outlines the various zoning classifications which may be permitted within a specific land use category.

Table 110-16 Matrix for Matching Zoning Classifications to Future Land Use CategoriesMATRIX FOR MATCHING ZONING CLASSIFICATIONS TO FUTURE LAND USE CATEGORIES		
FLU CATEGORY	**GROUP A COMPATIBLE ZONING**	**GROUP B COMPATIBLE ZONING WITH CONDITIONS**
Low Density Residential **(LDR)** *0-6 units per acre*	R-1AAA, AA, A	A, RE-5, RE-1, R-1, RPUD/BPUD
Medium Density Residential **(MDR)** *6.1 to 12 units per acre*	R-1, R-1B	R-2, MH, RPUD/BPUD
High Density Residential **(HDR)** *12.1 to 20 units per acre*	RM-1	R-2, RPUD/BPUD
Urban Infill Residential **(UIR)** *6 to 9.9 units per acre*	R-1. R-1B	MH, RPUD
Commercial **(C)** *Max FAR 0.55*	C-1, C-2, OR, PB	C-3, BPUD
Office/Retail/Service **(ORS)** *Max FAR 0.35*	OR, PB, C-1	BPUD
Industrial **(I)** *Max FAR 1.0*	I	C-3, IPUD
Recreational **(R)** *Max FAR 0.10*	P	All zonings
Conservation **(CN)** *Max FAR 0.10*	RP	All zonings
Agriculture **(A)** *One Unit per 5 acres*	A	RPUD
Public/Semi-Public **(P)** *Max FAR 1.0*	P	All zonings
Mixed Use **(MU)** *Minimum parcel size one (1) acre*	MPUD	Existing zoning

A Group	B Group

This column indicates which zoning categories are assumed compatible. They provide the closest approximation to the future land use category. The existing character of the area is one determinant of the appropriate classification to be accorded an individual premise.	This column indicates which zoning categories may be considered compatible under certain circumstances. Stricter consistency requirements may be applied or special criteria may have to be complied with prior to receiving a rezoning. Site conditions in conjunction with the existing character of the surrounding area are the determining factor for rezoning requests.

(j) *Determination of vested rights.* As required by F.S. § 163.3194(1)(b), consistency between the comprehensive plan and this chapter is required.

In recognition of the aforesaid requirement of the consistency between the comprehensive plan and the land development regulations, including this chapter, and the subsequent adoption of new zoning maps, it is necessary to provide a mechanism for vested rights determinations as provided in F.S. § 163.3167(8). Provided, however, that a vested rights determination does not affect the applicability of article VI of this chapter.

(1) *Application for determination of vested rights.* A property owner may request a determination of vested rights from the zoning enforcement official. Said owner shall submit an application for such determination within two years from said administrative rezoning of said property. Failure of the owner to submit such application within the time provided shall be deemed a waiver of his right to obtain a determination of vested rights and shall constitute an abandonment of any claim to vested rights, equitable estoppel for his property, the proposed development and for the previously existing zoning thereon. Judicial relief shall not be available unless administrative remedies provided herein are exhausted. Applications for determination of vested rights shall be submitted on a form established by the enforcement official. An application fee shall be in the amount to be determined by the city commission in a fee resolution. Said fee shall accompany and be a part of the application. The application shall at a minimum, include name, address, telephone number, owner, and authorized applicant, if other than the owner, street address, legal description, acreage of the property, and all factual information and knowledge reasonably available to the owner, and the applicant to address each of the criteria established in this section. After receiving the application for determination of vested rights, the enforcement official shall determine whether the application submitted is complete. If the application is determined incomplete, the enforcement official shall notify the applicant in writing of its deficiency. The enforcement official shall take no further steps to process the application until the deficiencies have been remedied. After receipt of a complete application for a determination of vested rights, the enforcement official shall review and evaluate the application in light of all the criteria in subsection (2) of this section. Based on the review and the evaluation, the enforcement official shall deny, grant, or grant with conditions applications for a vested rights determination. Appeals under this section shall be as provided in article X, section 110-1002, of this chapter.

(2) *Criteria for evaluating applications.* The criteria herein provided is intended to set forth factors that shall be considered by the enforcement official in rendering a vested rights determination under this section. It is intended that each case be decided on a case-by-case factual analysis. An applicant shall be entitled to a positive determination by the enforcement official of vested rights only if he demonstrates by substantial competent evidence the four-part test and criteria hereinafter outlined.

In determining whether the prior zoning classification of the subject property is vested under the four-part test, the following shall be considered for each part:

a. Criteria for Part One: Part One. "Upon some act or omission of the city." The following shall be considered as acts of the city for the purpose of Part One of the four-part test:

1. A valid, unexpired governmental act the City of Deltona in the form of a final development order which authorized the specific development for which a determination is sought. Notwithstanding anything to the contrary in this chapter, the previous zoning classification of the property shall not be sufficient to be deemed an "act or omission."

b. Criteria for Part Two: Part Two. "A property owner relying in good faith." In determining whether reliance was in good faith, the following shall be considered for the purpose of Part Two of the four-part test:

1. Whether the expenditures or obligations were clearly and directly connected to the authorizing act or omission of the city relied upon.

2. Whether the expenditures or obligations were made or incurred subsequent to the act or omission the city relied upon.

3. Whether the expenditures or obligations were made or incurred in a timely fashion, that is, within a reasonable period of time after the act or omission of the city relied upon.

4. Acts by the person prior to the effective date of the administrative rezoning shall be presumed to have been in good faith. Expenditures or obligations shall be presumed not to have been made or incurred in good faith, if they were made or incurred:

a) When a person has made a mistake or misled the city.

b) When the act of the city on which a person is relying has been invalidated or has expired and the person knew or should have known of such invalidity or expiration.

c) While the act of the city upon which a person is relying was being contested in the courts hearing process, except any court action or hearing process initiated prior to the effective date of any administrative rezoning initiated by the city commission.

d) When the person knew, or should have known, that rezoning of the subject property was under consideration by the planning and zoning board, or the city commission.

c. Criteria for Parts Three and Four.

Part Three. "Has made such a substantial change in position or incurred such extensive obligations and expenses relating to the property that it would be highly inequitable and unjust to destroy the rights acquired."

Part Four. "The development has commenced and is continuing in good faith."

For the purpose of Parts Three and Four of the four-part test, the following shall be considered in determining whether a substantial change in position has been made or extensive obligations and expenses have been incurred relating to the property such that it would be highly inequitable and unjust to destroy the rights acquired:

1. The substantial change in position made or the extensive obligations and expenses incurred shall be clearly and directly connected to the authorizing act or omission of the city and shall be made or incurred subsequent to the act of the city relied upon.

2. Whether actual construction has commenced and is continuing in good faith, and whether the extensive obligations or expenditures made or incurred are unique to any

development previously approved and not reasonably usable for a development consistent with and permitted by the change in zoning classification.

3. Whether the property owner has incurred extensive obligations and expenses for hard costs of development.

4. Whether the property owner has made infrastructure improvements within or to the subject property pursuant to a written agreement or development order with the city.

5. Whether the property owner has constructed oversized infrastructure improvements within or to the property to meet the needs of other properties.

6. Whether a person has incurred extensive obligations and expenses for the following development-related matters that are made or incurred subsequent to the final act or omission relied upon:

   a) Engineering and architectural fees.

   b) Planning fees.

   c) Local, state and federal permit fees.

   d) Attorneys' fees.

   e) Scientific or biological studies, tests or reports.

For the purpose of Parts Three and Four of the four-part test, the cumulative effect of expenses and obligations, as well as all facts and circumstances shall be considered in determining whether a change in position is substantial or whether obligations and expenses incurred are extensive.

If the record indicates that the applicant failed to demonstrate by substantial competent evidence any one of the required parts of the four-part vest rights test set forth above, then it shall not be inequitable to deny the applicant vested rights.

(3) *Limitation on determinations of vested rights.*

a. A determination of vested rights which grants an application for determination of vested rights shall confirm such vested rights only to the extent expressly contained in such determination. Except as expressly stated herein, nothing in this chapter shall relieve the property owner from complying with any and all other city's land development regulations.

b. Notwithstanding anything to the contrary in this section, a determination of vested rights which grants an application for determination of vested rights shall expire and be null and void unless construction is commenced and is continuing in good faith pursuant to a final development order within three years after the issuance of the determination of vested rights under this section.

c. A determination of vested rights shall apply to and run with the land and is therefore transferable from owner to owner of the land subject to the determination of vested rights.

ARTICLE XII. PLANNING AND ZONING BOARD

Sec. 110-1200. Creation.

A planning and zoning board is hereby created, effective April 1, 1999. It shall be referred to in this article as "the board". The jurisdiction of the board shall be throughout the area of the City of Deltona. It shall have the following membership, powers, duties, responsibilities, and limitations.

(a) Membership, place of residence, terms of office. The board shall have seven members appointed by the city commission. Each member shall serve for a term of three years. Each city commissioner and the mayor shall appoint one member to the board, said appointments to be ratified by a majority vote of the city commission. ~~The initial terms of office shall be staggered. Two members shall serve for one year, two members shall serve for two years, and the remaining members shall serve for terms of three years. The members to serve initial terms of one and two years shall be determined by drawing lots by the city commission after making the initial appointments. Thereafter, all members shall be appointed for terms of three years.~~ No board member shall serve on the board for more than two consecutive three-year terms. No elected official and no employee of the city government shall be appointed to serve on the board.

(b) Removal from office, vacancies. If a member is absent for three consecutive meetings without being excused by the chairperson, said member shall forfeit his or her office and it shall be deemed vacant. Any vacancy occurring during the un-expired term of office of any member shall be filled by the city commission for the remainder of the term. The vacancy shall be filled within 30 days from the time it occurs. Any member of the board may be removed from office for cause by the city commission, upon written charges and after public hearing.

(c) Officers. The board shall elect a chairperson, vice-chairperson and secretary from among its members. The terms of all board officers shall be one year, each having eligibility for re-election. At the first meeting of the board of each calendar year, the secretary shall call the board meeting to order and shall then call for nominations for the chairperson. Upon election of a chairperson, the secretary shall pass the gavel to the chair. The chairperson shall then call for nominations for vice-chairperson. Upon election of a vice-chairperson, the chair shall call for nominations for secretary. ~~The director of development services shall perform the secretary's duties in opening the meeting and calling for nominations for chairperson at the first meeting of the board following its establishment by the city commission.~~

(d) Employees, administrative services. The board shall have no employees or contract vendors. The Planning and Development Services Department shall provide clerical and staff support by formatting and packaging board agendas, creating summary minutes of meetings, and maintaining board records. The Planning and Development Services Department shall also provide professional and technical assistance to the board consistent with its staffing and funding as approved by the city commission. The director of development services or his or her designee shall bring board reports and recommendations to the city commission in appropriate communications, the format and medium of which shall be determined by the city manager. Such communications shall include staff reports and recommendations, application materials, correspondence, and other relevant information as determined by the board, the director of development services, the city manager, or the city commission to be necessary to assist the city commission in its deliberations. The board shall not direct the staff to undertake any project, but may request reasonable staff assistance, and may report through the staff and city manager to the city commission any projects which the board deems worthwhile for commission consideration by a majority vote of the board's entire membership.

(e) Compensation, annual budget. Each board member may be reimbursed for reasonable expenses incurred in connection with his or her duties on the board in accordance with reimbursement policies and amounts established by a resolution of the city commission. The city commission shall provide members of the board with professional liability insurance to cover potential claims of personal liability for damages as a result of their formal actions and decisions as members of the board. The city manager shall recommend the amounts of insurance coverage and potential insurance carriers to the city commission. The city commission shall provide an annual budget for training and education of board members; for printing of training materials and decision support materials; and for the purchase of books and publications that increase the board members' understanding of the board's functions and of the issues faced by the board. The amount budgeted for each purpose shall be determined by the

city commission upon the receipt of the recommendations of the city manager. The city commission may also budget for public information and participation, and for other items that it deems appropriate to include in the board's budget.

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.~~