



City of Deltona

REGULAR CITY COMMISSION MEETING MONDAY, JUNE 3, 2013 6:30 P.M.

Mayor
John Masiarczyk

Vice Mayor
Zenaida Denizac
District 1

Commissioners:

Webster Barnaby
District 2

Heidi Herzberg
District 3

Nancy Schleicher
District 4

Fred Lowry
District 5

Chris Nabicht
District 6

Acting City Manager
Dave Denny

DELTONA COMMISSION CHAMBERS 2345 PROVIDENCE BLVD. DELTONA, FLORIDA



AGENDA

1. **CALL TO ORDER:**
2. **ROLL CALL – CITY CLERK:**
3. **INVOCATION AND PLEDGE TO THE FLAG:**
 - A. **Invocation Presented by Commissioner Nabicht - Pastor William L. Bradley Jr., New Hope Baptist Church.**
4. **APPROVAL OF MINUTES & AGENDA:**
 - A. **Approval of Minutes - Regular City Commission Meeting of May 20, 2013.**
 - B. **Additions or Deletions to Agenda.**
5. **PRESENTATIONS/AWARDS/REPORT:**
 - A. **Presentation to students who are 2013 Medallion of Excellence winners, Salutatorians, and Valedictorians.**
 - B.

Presentation - Super Star Student of the Month Certificates for May, 2013.

- C. Julia Morgan, 2011 Pine Ridge High School graduate-elected as State of Florida 2013 FFA National Officer Candidate.**
- D. Presentation to Deltona High School student Emmanuel Ramirez for winning the 2013 Florida: An Icon of Student Achievement Student Art Contest.**
- E. Presentation by Diane Smith - Final Report on 2013 Relay For Life Event.**

**6. PUBLIC FORUM - Citizen comments for any items.
(4 minute maximum length)**

CONSENT AGENDA: All items marked with an * will be considered by one motion unless removed from the Consent Agenda by a member of the City Commission.

7. CONSENT AGENDA:

- *A. Request for approval to piggyback the Florida Sheriffs' Association Contract to purchase a Pierce Saber Custom Pumper.**
- *B. Request for approval to purchase radios piggybacking Volusia County's Agreement with Communications International.**
- *C. Request for approval of a budget amendment for maintenance work for DTV and the Chambers from Public Information Office.**

8. ORDINANCES AND PUBLIC HEARINGS:

- A. Public Hearing - Ordinance No. 06-2013, Phase II-A Amendments to the Land Development Code, at first reading and to schedule second and final reading.**

9. OLD BUSINESS:

- A. Consideration of one (1) appointment to the William S. Harvey Deltona Scholarship Advisory Board (Commissioner Barnaby's appointment).**

10. NEW BUSINESS:

- A. Appointment of one (1) member to the Firefighters' Pension Plan, Board of Trustees.**

- B. Request for approval for budget amendment and award of Bid #13012 for Addition to Fire Station 64 - Ft. Smith Boulevard.**
- C. Request for approval of five year renewal to the Interlocal Agreement for Distribution of Local Option Fuel Tax September 1, 2013 - August 31, 2018.**

11. CITY COMMISSION COMMENTS:

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

14. ADJOURNMENT:

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

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



AGENDA MEMO

TO: Mayor & City Commission **AGENDA DATE:** 6/3/2013

FROM: William "Dave" Denny, Acting City Manager **AGENDA ITEM:** 4 - A

SUBJECT: Approval of Minutes - Regular City Commission Meeting of May 20, 2013.

LOCATION:	N/A
BACKGROUND:	N/A
ORIGINATING DEPARTMENT:	City Clerk's Office
SOURCE OF FUNDS:	N/A
COST:	N/A
REVIEWED BY:	City Clerk
STAFF RECOMMENDATION PRESENTED BY:	City Clerk Joyce Raftery - To approve the minutes of the Regular City Commission Meeting of May 20, 2013.
POTENTIAL MOTION:	"I move to approve the minutes of the Regular City Commission Meeting of May 6, 2013."
AGENDA ITEM APPROVED BY:	<hr/> William "Dave" Denny, Acting City Manager
ATTACHMENTS:	<ul style="list-style-type: none">• Minutes of May 20, 2013

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, MAY 20, 2013**

1 A Regular Meeting of the Deltona City Commission was held on Monday, May 20, 2013 at the City
2 Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

3
4 **1. CALL TO ORDER:**

5
6 The meeting was called to order at 6:30 p.m. by Mayor Masiarczyk.

7
8 **2. ROLL CALL:**

9	10 Mayor	John Masiarczyk	Present
11	Vice Mayor	Zenaida Denizac	Present
12	Commissioner	Webster Barnaby	Present
13	Commissioner	Heidi Herzberg	Present
14	Commissioner	Fred Lowry	Present
15	Commissioner	Chris Nabicht	Present
16	Commissioner	Nancy Schleicher	Present
17	Acting City Manager	Dave Denny	Present
18	Chief Assistant City Attorney	Wade Vose	Present
19	City Clerk	Joyce Raftery	Present

20
21 Also present: Planning and Development Services Director Chris Bowley; Public Works/Deltona
22 Water Director Glenn Whitcomb; and VCSO Captain Dave Brannon.

23
24 **3. INVOCATION AND PLEDGE TO THE FLAG:**

25
26 Invocation Presented by Commissioner Lowry – Benjamin Stilwell-Hernandez, Lead Pastor Pine
27 Ridge Fellowship, 935 Howland Blvd., Deltona, FL.

28
29 The National Anthem was sung by Amanda Mileto, a senior at Pine Ridge High School.

30
31 **4. APPROVAL OF MINUTES & AGENDA:**

32
33 **A. Minutes:**

34
35 **1. Approval of Minutes - Regular City Commission Meeting of May 6, 2013.**

36
37 **Motion by Commissioner Schleicher, seconded by Commissioner Herzberg to approve the**
38 **minutes of the Regular City Commission Meeting of May 6, 2013 as presented.**

39
40 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
41 **Commissioner Herzberg, For; Commissioner Nabicht, For; Commissioner Schleicher, For;**
42 **Commissioner Lowry, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

43
44 **B. Additions or Deletions to Agenda:** None.

45
46 **5. PRESENTATIONS/AWARDS/REPORTS:**

47
48 **A. Proclamation - 2013 National Public Works Week - May 19 - 25, 2013.**

49

1 Mayor Masiarczyk and the Commission presented the 2013 National Public Works Week Proclamation
 2 to the Public Works/Deltona Water Director Glenn Whitcomb.

3
 4 **6. PUBLIC FORUM – Citizen comments for items not on the agenda.**

5
 6 a) Doug Mac Donald, 1179 Balfour Drive, commented on the status of Keysville Dog Park, stating
 7 that he feels there has not been any maintenance completed at the park since 2007. He mentioned the
 8 need for routine maintenance of turf replacement and water fountain repair. He stated that he
 9 appreciated the recent repairs at Wes Crile Park, and he thanked Parks and Recreation Director Steve
 10 Moore and the Commission for the completion of Keysville Dog Park.

11
 12 **7. CONSENT AGENDA:**

13
 14 **Motion by Commissioner Nabicht, seconded by Commissioner Barnaby to approve Consent**
 15 **Agenda Items as presented.**

16
 17 Vice Mayor Denizac requested to pull Consent Agenda Item 7-B.

18
 19 **Amended motion by Commissioner Nabicht, seconded by Commissioner Barnaby to approve**
 20 **Consent Agenda Items 7-A and 7-C.**

21
 22 **Amended motion carried unanimously with members voting as follows: Commissioner Barnaby,**
 23 **For; Commissioner Herzberg, For; Commissioner Nabicht, For; Commissioner Schleicher, For;**
 24 **Commissioner Lowry, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

25
 26 ***A. Request for approval to award Bid # PW 13-05, Normandy Boulevard (Section B)**
 27 **Roadway Improvements and Utility Relocates.**

28
 29 **Approved by Consent Agenda – to approve award of Bid #PW 13-05 for the Normandy Blvd.**
 30 **(Section B) Roadway Improvements and Utility Relocates to Masci Corporation at a total cost**
 31 **of \$1,905,599.27".**

32
 33 **B. Request for approval of Local Agency Program Agreement and Resolution No. 2013-12,**
 34 **declaring the official intent of the City to enter into agreement with the Department of**
 35 **Transportation for the Department's participation in the construction of the Acadian Drive**
 36 **sidewalk pursuant to FPN: 430235-1-58-01.**

37
 38 Vice Mayor Denizac asked Public Works/Deltona Water Director Glenn Whitcomb what the City's
 39 selection criteria was for putting sidewalks in the Acadian Drive section. Mr. Whitcomb replied that
 40 the section was identified by the State's "Safe Route to Schools' Program" and it was suggested that the
 41 City put it on the list for funding.

42
 43 **Motion by Vice Mayor Denizac, seconded by Commissioner Nabicht to approve Consent Agenda**
 44 **Item 7-B.**

45
 46 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
 47 **Commissioner Herzberg, For; Commissioner Nabicht, For; Commissioner Schleicher, For;**
 48 **Commissioner Lowry, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

1 ***C. Request for approval of change order for the Watermain Phase 3 B project.**

2
 3 **Approved by Consent Agenda – to approve change order for \$145,750.00 to Hazen Construction,**
 4 **Inc. for the Watermain Phase 3B project.**

5
 6 **8. ORDINANCES AND PUBLIC HEARINGS:**

7
 8 **A. Public Hearing - Ordinance No. 04-2013, amending Chapter 86, Concurrency**
 9 **Management, of the City’s Code of Ordinances, at second and final reading.**

10
 11 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

12
 13 **Motion by Commissioner Herzberg, seconded by Commissioner Schleicher to adopt Ordinance**
 14 **No. 04-2013, at second and final reading, that amends Chapter 86, Concurrency Management, of**
 15 **the City’s Code of Ordinances, to reflect how the City manages concurrency and to be consistent**
 16 **with changes to Section 163.3180, Florida Statutes.**

17
 18 Mr. Vose read the title of Ordinance No. 04-2013.

19
 20 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE CODE OF**
 21 **ORDINANCES BY REVISING CHAPTER 86 (CONCURRENCY MANAGEMENT) TO**
 22 **REFLECT HOW THE CITY MANAGES CONCURRENCY AND TO BE CONSISTENT**
 23 **WITH CHANGES TO SECTION 163.3180, F.S. (CONCURRENCY); PROVIDING FOR**
 24 **SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE.**

25
 26 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
 27 **Commissioner Herzberg, For; Commissioner Lowry, For; Commissioner Nabicht, For;**
 28 **Commissioner Schleicher, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

29
 30 Ordinance No. 04-2013 was adopted at second reading at 6:45 p.m.

31
 32 **B. Public Hearing - Ordinance No. 09-2013, rezoning for the City of Deltona Eastern**
 33 **Water Reclamation Facility to Industrial Planned Unit Development (IPUD), at second and**
 34 **final reading.**

35
 36 Mayor Masiarczyk opened the public hearing.

37
 38 a) Tanner Andrews, 112 West New York Avenue, P.O. Box 1208, stated that he was not sure
 39 that the Planned Unit Development changes due process notification was followed, and that the
 40 construction for the road work and retention ponds is already underway. He stated that the original
 41 letter stated the City’s intent was to leave the landscape buffer as natural vegetation and he ask that
 42 the City supplement the natural vegetation with some planned landscaping, he suggested pine trees.
 43 Planning and Development Services Assistant Director Ron Paradise replied that there is a landscape
 44 plan that is part of the zoning application and will be part of the site plan that is discussed on the
 45 next agenda item. Mr. Paradise stated that the natural landscape will be augmented at a significant
 46 density for the area and that he would be glad to review the plan with Mr. Andrews.

47
 48 b) Rob Field, 1194 North Old Mill Drive, stated that the construction of the waste water

1 treatment plant was a critical step in providing Deltona a viable economic future.

2
 3 Mayor Masiarczyk closed the public hearing as there were no more public comments.

4
 5 **Motion by Commissioner Nabicht, seconded by Commissioner Schleicher to adopt Ordinance**
 6 **No. 09-2013, at second and final reading, to rezone City-owned property, located at 301 11th**
 7 **Avenue, from zoning classifications of Volusia County's Prime Agriculture (A-1) and Resource**
 8 **Corridor (RC) to Deltona's Industrial Planned Unit Development (IPUD).**

9
 10 Mr. Vose read the title of Ordinance No. 09-2013.

11
 12 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE OFFICAL**
 13 **ZONING MAP PURSUANT TO CHAPTER 110, SECTION 1101 OF THE CITY CODE OF**
 14 **ORDINANCES FOR THE FOLLOWING PARCEL: 5 & 6-19-32 IRREG PARCEL IN SW**
 15 **1/4 SEC 5 & SE 1/4 SEC 6 LYING ON W/RWY LINE KEELHAUL RD & MEAS 1751.33 FT**
 16 **ON S/L & 2253. 93 FT ON N/L & 1107.94 FT ON W/L AKA LOTS 19 & 20 ACORN LAKE**
 17 **RANCHES UNREC PER OR 4485 PG 2380 PER OR 6260 PG 4576, LOCATED AT 301 11th**
 18 **AVENUE TOTALING APPROXIMATELY ±52 ACRES FROM THE VOLUSIA COUNTY**
 19 **ZONING CATEGORIES OF PRIME AGRICULTURE (A-1) AND RESOURCE CORRIDOR**
 20 **CLASSIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN**
 21 **EFFECTIVE DATE.**

22
 23 Mayor Masiarczyk asked what AHJ stood for and Chris Bowley replied “Authority Having
 24 Jurisdiction”.

25
 26 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
 27 **Commissioner Herzberg, For; Commissioner Lowry, For; Commissioner Nabicht, For;**
 28 **Commissioner Schleicher, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

29
 30 Ordinance No. 09-2013 was adopted at second reading at 6:52p.m.

31
 32 **C. Public Hearing - CSP/FSP Final Site Plan 13-001 Eastern Water Reclamation Facility.**

33
 34 Commissioner Nabicht asked if there is enough room in the easement if the City decided to put in a
 35 natural gas main behind the facility, and Planning and Development Services Director Chris Bowley
 36 replied “yes”.

37
 38 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

39
 40 **Motion by Vice Mayor Denizac, seconded by Commissioner Herzberg to approve CSP/FSP 13-**
 41 **001 Final Site Plan for the Eastern Water Reclamation Facility.**

42
 43 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
 44 **Commissioner Herzberg, For; Commissioner Lowry, For; Commissioner Nabicht, For;**
 45 **Commissioner Schleicher, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

46
 47 **D. Public Hearing – Ordinance No. 10-2013, amendment to the Bella Vista Business**
 48 **Planned Unit Development (BPUD) Development Agreement, for second and final reading.**

1
 2 Mayor Masiarczyk opened the public hearing.

3
 4 a) Albert Bell, 400 Doyle Road stated that the City is doing away with the cross easement but
 5 is adding another one at the same time and that he feels it is very important to the City to keep a
 6 cross easement connected to the red light on Howland Blvd. and State Road 415. Planning and
 7 Development Services Director Chris Bowley replied that it is in the agreement that a cross
 8 easement be connected to the traffic light at that location.

9
 10 **Motion by Commissioner Nabicht, seconded by Commissioner Barnaby to adopt Ordinance**
 11 **No. 10-2013, at second and final reading, to amend the Bella Vista Business Planned Unit**
 12 **Development (BPUD) Development Agreement, as provided.**

13
 14 Mr. Vose read the title of Ordinance No. 10-2013.

15
 16 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE BELLA**
 17 **VISTA BUSINESS PLANNED UNIT DEVELOPMENT (BPUD) DEVELOPMENT**
 18 **AGREEMENT AND RETAINS THE BPUD ZONING DESIGNATION FOR**
 19 **APPROXIMATELY 12.49 ACRES LOCATED AT 120 HOWLAND BOULEVARD;**
 20 **PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

21
 22 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
 23 **Commissioner Herzberg, For; Commissioner Lowry, For; Commissioner Nabicht, For;**
 24 **Commissioner Schleicher, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

25
 26 Ordinance No. 09-2013 was adopted at second reading at 7:01p.m.

27
 28 **9. OLD BUSINESS:** None.

29
 30 **10. NEW BUSINESS:**

31
 32 **A. Consideration of appointment of seven (7) members to the Economic Development**
 33 **Advisory Board.**

34
 35 After discussion, the Commission re-appointment the following individuals to DEDAB, Roy
 36 Braddy; Joseph Cerrato; and Rick Demeter and appointed the following new members Tanya Boggs;
 37 Rob Fields; Carlos Valderrama; and George Voll.

38
 39 **Motion by Commissioner Herzberg, seconded by Commissioner Lowry to confirm the**
 40 **Commission member's appointment(s) or re-appointment(s) with a term to expire on May 31,**
 41 **2014 to the Deltona Economic Development Advisory Board.**

42
 43 Vice Mayor Denizac asked if there was an attendance policy for board members in the by-laws and
 44 if they were being followed. Mr. Denny replied yes, that the City does watch board member
 45 attendance very closely and that after three (3) unexcused absences a board member can be asked to
 46 resign their position.

47
 48 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**

1 **Commissioner Herzberg, For; Commissioner Lowry, For; Commissioner Nabicht, For;**
 2 **Commissioner Schleicher, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

3
 4 **B. Consideration of appointment of seven (7) members to the William S. Harvey Deltona**
 5 **Scholarship Advisory Board.**

6
 7 After discussion, the Commission re-appointed the following individuals to the William S. Harvey
 8 Deltona Scholarship Advisory Board, Christopher Alcantara; Walter Dawson; and Vernon Moore
 9 and appointed the following new members Lori Burbank; Steve Lightbody; and Harry Meeks.

10
 11 Commissioner Barnaby stated that he would like to postpone his appointment.

12
 13 **Motion by Commissioner Lowry, seconded by Commissioner Herzberg to confirm the**
 14 **Commission member's appointment(s) or re-appointment(s) with a term to expire on May 31,**
 15 **2014 to the William S. Harvey Deltona Scholarship Advisory Board.**

16
 17 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
 18 **Commissioner Herzberg, For; Commissioner Lowry, For; Commissioner Nabicht, For;**
 19 **Commissioner Schleicher, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

20
 21 **C. Request for approval to award of RFQ#13011 Underwriting Services.**

22
 23 Mayor Masiarczyk stated that he felt some agenda items back-up information was very enormous
 24 and that checking licenses and certifying qualifications was up to the City's qualified staff. He
 25 suggested staff review the entire bid packet, prepare backup documents that are needed to be
 26 reviewed by the Commission to make an informed decision, and to have one complete copy of the
 27 agenda packet for Commissioner reference if needed.

28
 29 Vice Mayor Denizac agreed and she stated that she feels the City has good people on staff that she
 30 trusts, but she wants to make sure someone was being held accountable for the material and the
 31 recommendation that comes before the Commission.

32
 33 Commissioner Nabicht asked if staff used a check sheet for each project and to just include the
 34 check sheet as a summary instead of the entire submission. Mr. Denny replied that staff could do
 35 that and have a complete "Master" copy of the entire agenda packet at the meeting.

36
 37 Commissioner Barnaby asked if the Commission is required by law to review all bid documents, and
 38 that he would like to have both the electronic and hard copy versions of all agenda items. Mayor
 39 Masiarczyk replied that the staff is charged with reviewing and verifying qualifications.

40
 41 **After discussion, the Commission concurred to provide Commissioner Barnaby with both a**
 42 **hard copy and an electronic version of all agendas and if anyone wanted to review a particular**
 43 **agenda item packet they could refer to Commissioner Barnaby's copy.**

44
 45 Mr. Denny stated that the four (4) firms mentioned for award of RFQ #13011, the Senior Manager
 46 and the 3 co-managers, will sell the bonds for the new debt that will be issued.

47
 48 **Motion by Commissioner Schleicher, seconded by Commissioner Herzberg to make award and**

1 **enter into agreements with Raymond James as Senior Underwriting Manager and JP Morgan,**
 2 **RBC Capital and Bank of America as Co-Managers.**

3
 4 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
 5 **Commissioner Herzberg, For; Commissioner Lowry, For; Commissioner Nabicht, For;**
 6 **Commissioner Schleicher, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

7
 8 **11. CITY COMMISSION COMMENTS:**
 9

10 Mayor Masiarczyk stated that he got a call from Senator Dorothy Hukill informing him that
 11 Governor Scott signed the bill approving the \$500,000 grant for the new waste water treatment plant.
 12

13 a) Commissioner Lowry stated that a very important weekend is coming up, Memorial Day weekend,
 14 and that everyone should take time to remember that we are free not because of politicians or journalist,
 15 but because of the soldiers, men and women who have given their lives for our country. He also stated
 16 that his church will be conducting their annual Faith Rally on Sunday evening June 30th at 6:30 p.m. and
 17 invitations are forth coming.
 18

19 b) Commissioner Schleicher echoed Commissioner Lowry's Memorial Day comments and she stated
 20 that there were two (2) veteran's memorial events over the Memorial Day weekend that she encouraged
 21 people to attend. One on Sunday, May 26th at 2:00 p.m. at the Deltona Veterans Memorial Park and
 22 another on Monday May 27th at 10:00 a.m. at the Deltona Memorial Gardens. Mayor Masiarczyk
 23 replied that he is the Master of Ceremonies for Monday's event and that it starts at 9:00 a.m. and that he
 24 had the privilege of reading the guest speaker's speech and encouraged everyone to come out, if for
 25 nothing else to hear Mr. Tom Burbank's different and very impressive speech. Commissioner
 26 Schleicher also stated that she filled in for Commissioner Nabicht over at Halifax Hospital's Healthy
 27 Start and she commented on their phenomenal neonatal program. She stated that she also had the
 28 pleasure of attended the Forrest Lake Elementary "Young Authors" event and that it is always a
 29 pleasure to attend and hear what the kids have to say. She stated that it was amazing hearing the young
 30 lady who sang the national anthem and she commented on the talent of the kids in Deltona.
 31

32 c) Commissioner Nabicht stated that he is glad to be back from vacation, that the agenda went rather
 33 fast and that the Commission needs to very soon have a very serious discussion about fire and
 34 emergency medical services (EMS) and that he would like to see the issue come up as a workshop
 35 topic. With Volusia County discussing rounding out stations and reducing manpower, that he is very
 36 concerned on how the discussion is heading. He stated that the City entered into the Joint Response
 37 Agreement with Volusia County Fire Services and other agencies and that one of the things it was
 38 contingent upon was having three (3) person crews. The County has already reduced some of their
 39 manpower to two (2) person crews and Deltona is sending a three (3) person crew and only receiving a
 40 two (2) person crew and that Deltona is supplementing Volusia County Fire Services at the taxpayer's
 41 expense. He also stated that beyond the money aspect, that there is a safety concern. He also stated that
 42 the Commission needs to discuss somehow increasing Votran services for Deltona residents so they can
 43 take advantage of Sunrail when it comes on board.
 44

45 d) Commissioner Herzberg asked if the City has followed through with her suggestion to have a
 46 budget discussion for residents and Mr. Denny replied "yes" that staff has tentatively scheduled a
 47 Budget Roundtable/Community Discussion for June 20th at 6:30 p.m. in the Commission Chambers.
 48 She also stated that in past meetings the need for the City to develop a comprehensive plan has been
 49 mentioned, and that Deltona has not yet developed a business plan for the future of the City. She stated

1 that before the end of her term she would like to have a workshop to discuss what the vision is for
2 Deltona to include what will the City look like in the future, goals, objectives and framework. She feels
3 that it was time for the largest City in Volusia County to decide what it will look like in the future. She
4 asked Mr. Denny to schedule the issue as a future workshop topic. Mr. Denny replied that due to the
5 budget process he would suggest having the workshop towards the end of the summer.
6

7 e) Commissioner Barnaby thanked staff for their hard work, and all veterans for their service, both
8 those who have served and those who are still serving. He congratulated all graduating students from
9 high school and college, to include his daughter for her recent graduation from college. He mentioned
10 resident's concerns for Deltona's water quality, the need for a review of Parks & Recreation as called
11 for in the comprehensive study, and the need for a sports complex. He feels that there is a need for a
12 stadium in Deltona and that the Commission should conduct a study to see where the needs are. He
13 would like Deltona to be able to compete for a major league team in the future.
14

15 e) Vice Mayor Denizac stated that the City used to have a five (5) year business plan and that DEDAB
16 had tackled the issue throughout the years and that it is a matter of the Commission charging them with
17 coming forward with some recommendations. She hears the frustration in Commissioner Herzberg's
18 statements, but words on paper are just "pretty words", and that the Commission needs to have the will
19 and the money. She feels that DEDAB should take the subject more seriously and bring the
20 Commission some recommendations. She also asked for an update on the sale of the DuPont Lakes
21 property behind the CVS at Elkcam Blvd. and Howland Blvd. Mr. Denny replied that the City has not
22 received an appraisal yet but that he would check on it tomorrow. She also asked Mr. Denny if the lift
23 station at Elkcam Blvd. and Howland Blvd. was finished. Mr. Denny stated that there were some minor
24 things to complete, that the equipment would be moved out soon, and that staff would check into it
25 tomorrow.
26

27 f) Mayor Masiarczyk stated that the Commission needs to look long and hard at the major changes
28 that Volusia County is coming up with, like the closing of fire stations at night which would result in
29 Deltona supplementing Volusia County not just when they are overwhelmed with calls but on a
30 constant basis. Commissioner Nabicht replied that it would be a decision that the Commission has to
31 make and then give direction to the City Manager on how the Deltona Fire Department would respond
32 to calls in the areas where Volusia County has closed their fire departments at night. Commissioner
33 Nabicht stated that there are three (3) agreements, the Joint Response Agreement, the Closest Unit
34 Agreement, the Mutual Aid Agreement, and that they all have different language in them for different
35 purposes. He feels that the Commission needs to look at the agreements to determine if they are still in
36 effect as far as both parties' meeting their manpower requirements in accordance with each of the
37 agreements and what effect it would have if Volusia County closes some of their fire stations at night.
38 Which could result in the Deltona Fire Department having to respond as the "first responding" unit at
39 night.
40

41 Commissioner Barnaby requested a copy of all three (3) of the agreements, and Mayor Masiarczyk
42 replied that he thought all Commissioners should have copies and sit down and have a meeting to
43 discuss the issue. Not to complain, but to try and find an equitable way to jointly pay for the service.
44

45 Mayor Masiarczyk also discussed the lift stations being put in around Deltona and that the City needs to
46 find some kind of beautification to go around each of the lift stations. He discussed the Mayors
47 Summit's original concept being for elected officials to get together to discuss important area concerns,
48 and that he would look to see the Summit agenda get back to the original concept Such as important
49 issues like Votran, Sunrail, water and potable water.

1
2 Vice Mayor Denizac stated that she had a concern that the Commission, either individually, or as a
3 group were giving the impression that Deltona would start funding the County for certain things and
4 that she is very concerned about the budget and what residents would have to pay for.

5
6 Mayor Masiarczyk replied that his intention is to give staff an opportunity to review available data and
7 let the Commission know where the City is. Mayor Masiarczyk stated that he would like to see how
8 much money Deltona was spending for animal control on the west side of Volusia County.

9
10 Commissioner Herzberg replied that it is a waste of tax payer dollars if all cities do not agree on animal
11 control policy. She stated that the updated Deltona animal control ordinance is being reviewed by City
12 Attorney Becky Vose and that the goal is to develop an ordinance that all cities in West Volusia County
13 can agree to.

14
15 The Commission discussed various animal control issues and options. Mayor Masiarczyk stated that
16 animal control should be a topic at the next Mayor's Summit. He feels that the Commission needs to
17 have a meeting the evening before the next Summit so they go into the Summit meeting unified on what
18 the City agrees and does not agree with.

19
20 **12. CITY ATTORNEY COMMENTS:**

21
22 Mr. Vose stated that the City Attorney's Office would distribute the three (3) fire service agreements to
23 the Commission and he thanked the Commission for their well wishes for Mrs. Vose.

24
25 **13. ACTING CITY MANAGER COMMENTS:**

26
27 Mr. Denny stated that it was good to be back to work, and for the Commission to have a good evening.

28
29 **14. ADJOURNMENT:**

30
31 There being no further business, the meeting adjourned at 7:54 p.m.

32
33
34
35
36
37 _____
John Masiarczyk Sr., Mayor

38 **ATTEST:**

39
40
41 _____
42 **Mitch Honaker, Deputy City Clerk**

THIS YEAR'S SALUTATORIANS FROM DELTONA ARE:

Christian Oba, Deltona High School
TBA - Pine Ridge High School, Trinity Christian Academy & University High

Valedictorians: A school's valedictorian is based upon the student who has the highest GPA. This student is representative of the graduating class as a whole. The term "Valedictorian" comes from the Latin phrase, "vale dicere," which means, "to say farewell." A Valedictorian address is considered the final farewell to classmates and educators at an educational institution, and usually includes words of farewell, nostalgia, thanks, and inspiration.

THIS YEAR'S VALEDICTORIANS FROM DELTONA ARE:

Emily Estry, Deltona High School.
TBA - Pine Ridge High School, Trinity Christian Academy & University High

ORIGINATING DEPARTMENT:

Deputy City Manager

SOURCE OF FUNDS:

N/A

COST:

N/A

REVIEWED BY:

City Manager

STAFF RECOMMENDATION PRESENTED BY:

N/A - Presentation Only.

POTENTIAL MOTION:

N/A - Presentation Only.

AGENDA ITEM APPROVED BY:

William "Dave" Denny, Acting City Manager

ATTACHMENTS:

- Medallion of Excellence 2013 Deltona High School
- Salutatorian 2013 Deltona High School
- Valedictorian 2013 Deltona High School
- Salutatorian 2013 Pine Ridge High School

- Valedictorian 2013 Pine Ridge High School

City of Deltona Certificate of Recognition



Presented to

Kayla Meyer
Deltona High School

For being selected as a 2013 Medallion of Excellence award winner

June 3, 2013

John Masiarczyk, Mayor

City of Deltona Certificate of Recognition



Presented to

Cody Michaels

Deltona High School

For being selected as a 2013 Medallion of Excellence award winner

John Masiarczyk, Mayor

June 3, 2013

City of Deltona Certificate of Recognition



Presented to

Emily Estry
Deltona High School

For being selected as a 2013 Medallion of Excellence award winner

John Masiarczyk, Mayor

June 3, 2013

City of Deltona Certificate of Recognition



Presented to

Alexandra Cardenas

Pine Ridge High School

For being selected as a 2013 Medallion of Excellence award winner

June 3, 2013

John Masiarczyk, Mayor

City of Deltona Certificate of Recognition



Presented to

Rachel Fuentes

Pine Ridge High School

For being selected as a 2013 Medallion of Excellence award winner

June 3, 2013

John Masiarczyk, Mayor

City of Deltona Certificate of Recognition



Presented to

Ty Robare

Pine Ridge High School

For being selected as a 2013 Medallion of Excellence award winner

June 3, 2013

John Masiarczyk, Mayor

City of Deltona Certificate of Recognition



Presented to

Christian Oba

Deltona High School

For being selected as Deltona High School's 2013 Salutatorian

June 3, 2013

John Masiarczyk, Mayor

City of Deltona Certificate of Recognition



Presented to

Emily Estry

Deltona High School

For being selected as Deltona High School's 2013 Valedictorian

John Masiarczyk, Mayor

June 3, 2013

City of Deltona Certificate of Recognition



Presented to

Rachel Fuentes

Pine Ridge High School

For being selected as Pine Ridge High School's 2013 Salutatorian

June 3, 2013

John Masiarczyk, Mayor

City of Deltona Certificate of Recognition



Presented to

Ty Robare

Pine Ridge High School

For being selected Pine Ridge High School's 2013 Valedictorian

John Masiarczyk, Mayor

June 3, 2013



AGENDA MEMO

TO: Mayor & City Commission **AGENDA DATE:** 6/3/2013

FROM: William "Dave" Denny, Acting City Manager **AGENDA ITEM:** 5 - B

SUBJECT: Presentation - Super Star Student of the Month Certificates for May, 2013.

LOCATION:

N/A

BACKGROUND:

Superstar Student of the Month awards for May, 2013, will be presented to:

1. Deltona Lakes Elementary, Naim Saimil Torres, 1st Grade
2. Discovery Elementary, Michelle Griffin, Kindergarten
3. Enterprise Elementary, Tabatha Newton, 5th Grade
4. Forest Lake Elementary, No Submittal
5. Friendship Elementary, William Stone, 4th Grade
6. Pride Elementary, Lauren Jackson, 3rd Grade
7. Spirit Elementary, No Submittal
8. Sunrise Elementary, Aliyah Inosencio, 2nd Grade
9. Timbercrest Elementary, Ethan Billette, 3rd Grade
10. Deltona Middle, Ashley Fowler, 8th Grade
11. Galaxy Middle, Ashley Davis, 6th Grade
12. Heritage Middle, Natalie Dokken, 6th Grade
13. Deltona High, Jessica Sclafani, 12th Grade
14. Pine Ridge High, Misael Sanchez, 10th Grade

ORIGINATING DEPARTMENT:

Deputy City Manager

SOURCE OF FUNDS:

N/A

COST:

N/A

REVIEWED BY:

City Clerk

**STAFF
RECOMMENDATION
PRESENTED BY:**

N/A - Presentation Only.

**POTENTIAL
MOTION:**

N/A - Presentation Only.

**AGENDA ITEM
APPROVED BY:**

William "Dave" Denny, Acting City
Manager

ATTACHMENTS:

- Super Star Student Achievements-May 2013

Super Star Students Read File – May 2013, presented on June 3, 2013.

#	Teacher	School	Student	Grade	Reading Comments on Student Achievements
1	John Pierre	Deltona Lakes Elementary	Naim Samil Torres	1st	<p>Naim Samil Torres, a 1st grade student at Deltona Lakes Elementary School, is receiving a Super Star certificate for:</p> <ul style="list-style-type: none"> • Academic excellence and excellent study skills. • She is responsible and an outstanding school citizen. • Naim is very helpful to her teacher, peers, and family. • She has outstanding thinking skills.
2	Mrs. Almeyda	Discovery Elementary	Michelle Griffin	Kindergarten	<p>Michelle Griffin, a Kindergarten student at Discovery Elementary School, is receiving a Super Star certificate for:</p> <ul style="list-style-type: none"> • Being very helpful and respectful in the classroom. • She is an energetic and positive leader. • Michelle’s teacher is proud of her and is happy to have her in her class.
3	Mrs. Karen Morley	Enterprise Elementary	Tabatha Newton	5th	<p>Tabatha Newton, a 5th grade student from Enterprise Elementary, is receiving a Super Star Certificate for being:</p> <ul style="list-style-type: none"> • Hardworking and honest. • Always willing to help. • Tabatha has a positive attitude. • She gets along with everyone.
4		Forest Lake Elementary			No submission this month.

5	Denielle Dutil	Friendship Elementary	William Stone	4th	<p>William Stone, a 4th grade student from Friendship Elementary, is receiving a Super Star certificate for:</p> <ul style="list-style-type: none"> • Community service: William is a member of National Elementary Honor Society. • Scholarship: William has maintained straight A's the whole year. His work ethic is unsurpassed. • Responsibility: He is always the first person to volunteer to assist peers and adults, not only within the classroom, but on the entire school campus.
6	Mr. Busse	Pride Elementary	Lauren Jackson	3rd	<p>Lauren Jackson, 3rd grade student from Pride Elementary School, is receiving a Super Star certificate for:</p> <ul style="list-style-type: none"> • Being a tremendous help to both her peers and her teachers. • Showing leadership by being very articulate in her discussions, explaining her point of view about topics. • Lauren shows respect when others disagree with her, always remembering to keep her viewpoint but to be considerate of others' viewpoints. • She is active in the community through Girl Scouts and gymnastics.
7		Spirit Elementary			No submission this month.
8	Mrs. Julienne Ivory-Saccone	Sunrise Elementary	Aliyah Inosencio	2nd	<p>Aliyah Inosencio, a 2nd grade student from Spirit Elementary School, is receiving a Super Star certificate for:</p> <ul style="list-style-type: none"> • Being an outstanding leader and role model in class. • She is a hard worker and always completes her tasks. • Aliyah's academics have been outstanding. She has been a Soaring Scholar all three quarters and continues with straight A's in this final marking period. • She can always be found making good choices, doing what is right, and helping and encouraging her peers.

9	Susan Tuten	Timbercrest Elementary	Ethan Billette	3rd	<p>Ethan Billette, a 3rd grade student from Timbercrest Elementary School, is receiving a Super Star certificate for:</p> <ul style="list-style-type: none"> • Being in the gifted program. • Ethan is an enthusiastic learner and always ready to learn new things. He tackles challenges seriously, and with a positive attitude. • He puts evident effort into his work and always completes his assignments with quality in mind. • His peers love being around him because of his kindness, helpfulness, honesty and outgoing personality.
10	Erin Burns	Deltona Middle	Ashley Fowler	8th	<p>Ashley Fowler , a 8th grade student from Deltona Middle School is receiving a Super Star certificate for:</p> <ul style="list-style-type: none"> • Standing out as an individual who shows respect for her teachers and peers, as well as for the significance of the vital information presented to her each day in her classes. • She displays a strong desire for increasing her knowledge on a daily basis. • Ashley challenges herself to do better, showing determination and a high level of intrinsic motivation. Her goal is to study medicine and focus on becoming a pediatric nurse.
11	Mrs. Krob	Galaxy Middle	Ashley Davis	6th	<p>Ashley Davis, a 6th grade student from Galaxy Middle School is receiving a Super Star certificate for:</p> <ul style="list-style-type: none"> • Being on the 1st place team for social studies 6th grade quiz bowl. She recited pi to 80+ digits. • Ashley has helped Galaxy earn numerous awards as part of the science Olympiad team. • She has maintained straight A's this entire year. • Ashley is very polite, generous and caring.

12	Ms. Reheiser	Heritage Middle	Natalie Dokken	6th	<p>Natalie Dokken , a 6th grade student from Heritage Middle School is receiving a Super Star certificate for:</p> <ul style="list-style-type: none"> • Always being kind and helpful to others. • Participating in classroom discussion. • Natalie gives her best effort on all classroom assignments. • Her teachers are proud to have her in Heritage Middle.
13	Marian Ryder	Deltona High	Jessica Sclafani	12th	<p>Jessica Sclafani, a 12th grade student from Deltona High School is receiving a Super Star certificate for:</p> <ul style="list-style-type: none"> • Being a 4 year JROTC Participant. • Jessica has amassed 1,097 Community Service hours. • She coordinated the 2013 Military Ball. • She has a current weighted 3.18 GPA. • Jessica is extremely artistic. She is a well-rounded young lady!
14	Nicole Grebosz	Pine Ridge High	Misael Sanchez	10th	<p>Misael Sanchez, a 10th grade student from Pine Ridge High School is receiving a Super Star certificate for being :</p> <ul style="list-style-type: none"> • A dedicated student. • He provides insight to class discussions • Misael is motivated to succeed. • His teachers are extremely proud of Misael and his accomplishments.

APPROVED BY:

William "Dave" Denny, Acting City
Manager

ATTACHMENTS:

- Julia Morgan Certificate

City of Deltona Certificate of Recognition



*Presented to
Julia Morgan*

2011 Pine Ridge High School Graduate

For being selected to represent the State of Florida as the

JFH 2013 National Officer Candidate

John Masiarczyk, Mayor

June 3, 2013



AGENDA MEMO

TO: Mayor & City Commission **AGENDA DATE:** 6/3/2013

FROM: William "Dave" Denny, Acting City Manager **AGENDA ITEM:** 5 - D

SUBJECT: Presentation to Deltona High School student Emmanuel Ramirez for winning the 2013 Florida: An Icon of Student Achievement Student Art Contest.

LOCATION:	N/A
BACKGROUND:	Deltona High School student, Emmanuel Ramirez, submitted an entry to the Florida Department of Education's "An Icon of Student Achievement." Emmanuel designed an icon for use on the Florida Department of Education's Facebook page. Emmanuel was one of nine competing artists. His icon received the most Facebook likes, thereby winning the art design contest.
ORIGINATING DEPARTMENT:	Deputy City Manager
SOURCE OF FUNDS:	N/A
COST:	N/A
REVIEWED BY:	City Clerk
STAFF RECOMMENDATION PRESENTED BY:	N/A - Presentation Only.
POTENTIAL MOTION:	N/A - Presentation Only.
AGENDA ITEM APPROVED BY:	<hr/> William "Dave" Denny, Acting City Manager
ATTACHMENTS:	<ul style="list-style-type: none">• Dept. of Education-FL 2013 Student Art Contest



Florida Department of Education shared Florida Department of Education's photo.

Tuesday

Congratulations to Emmanuel Ramirez and his teacher Mr. John Scott at Deltona High School in Volusia County for winning the 2013 Florida: An Icon of Student Achievement Student Art Contest.

Artist: Emmanuel Ramirez
Deltona High School





AGENDA MEMO

TO: Mayor & City Commission **AGENDA DATE:** 6/3/2013

FROM: William "Dave" Denny, Acting City Manager **AGENDA ITEM:** 5 - E

SUBJECT: Presentation by Diane Smith - Final Report on 2013 Relay For Life Event.

LOCATION:	N/A
BACKGROUND:	Diane Smith, School Board Member-District #5, will provide a final report on the 2013 Relay For Life Event.
ORIGINATING DEPARTMENT:	City Clerk's Office
SOURCE OF FUNDS:	N/A
COST:	N/A
REVIEWED BY:	City Clerk
STAFF RECOMMENDATION PRESENTED BY:	N/A - Presentation Only.
POTENTIAL MOTION:	N/A - Presentation Only.
AGENDA ITEM APPROVED BY:	<hr/> William "Dave" Denny, Acting City Manager
ATTACHMENTS:	<ul style="list-style-type: none">• Deltona Relay For Life Final Report



**Deltona Relay for Life
Final Report to Mayor and City Commissioners
June 3, 2013**

The Deltona Relay for Life was held on April 13-14, 2013 at Dewey Boster Park. Forty teams gathered at noon on April 13 to kick-off the opening ceremonies. Mayor John Masczyiark and County Commissioner Pat Northey presented the planning committee with proclamations from the City and County, respectively. Congressman John Mica surprised everyone with a guest appearance to wish participants a successful Relay event.

Approximately 44 survivors participated in the first lap of Relay – the Survivor lap – and then enjoyed a delicious lunch donated by Ruth’s Chris Steakhouse.

The Volusia County Sheriff’s Department estimates attendance at 1500. Teams walked throughout the night until 6am and collected over \$26,000 towards cancer research and resources for cancer patients, survivors and caregivers.

Teams participated in many activities throughout the day and night including a new addition to the Deltona Relay event – “Deltona Relay’s Got Talent”. After auditioning prior to Relay, dancers, singers and musicians performed for guest judges. The winners of this year’s event were Kahiya Fairclough, Ashley Gonzalez and Gabrielle Garcia from Pine Ridge High School who performed a dance routine. The Runner Up was Desiree Rodney, a Deltona Middle School student who sang “Almost There”. An Honorable Mention was awarded to Forest Lake Elementary Student Honorable Mention: Hunter Simental who performed "La Cevaleresque" and "Sonatina" on the keyboard.

We would also like to mention the great support shown by the elementary, middle schools and high schools of Deltona. Forest Lake Elementary, Deltona Middle School, Heritage Middle School, Deltona High School and Pine Ridge High School were ALL in attendance at Deltona Relay for Life.

The committee would like to thank the City for their continued support of this annual event.

cost of \$399,817.

**POTENTIAL
MOTION:**

"I move to approve the purchase of a Pierce Saber Custom Pumper through Ten-8, their authorized dealer, piggybacking the Florida Sheriff's Association Contract #11-10-1202 at a total cost of \$399,817."

**AGENDA ITEM
APPROVED BY:**

William "Dave" Denny, Acting City
Manager

ATTACHMENTS:

- PROPOSAL FOR PIERCE SABER CUSTOM PUMPER
- BACKUP DOCUMENTATION
- CONTRACT EXTENSION MEMO-FL. SHERIFFS

PROPOSAL FOR FURNISHING FIRE APPARATUS

May 1, 2013

Deltona Fire Department
1685 Providence Boulevard
Deltona, Florida 32725

The undersigned is prepared to manufacture for you, upon an order being placed by you, for final acceptance by Pierce Manufacturing, Inc., at its home office in Appleton, Wisconsin, the apparatus and equipment herein named and for the following prices:

One Pierce Saber Custom Pumper per the enclosed proposal. This unit is being offered by accessing the Florida Sheriff's Association Contract for Fire Rescue Vehicles, Specification #16 Level I Custom Pumper. See contract information in Tab 7.	\$ 414,952.00
Discount for prefunding of contract at time of order.	(15,135.00)
Total Contract Amount	Total \$ 399,817.00

Said apparatus and equipment are to be built and shipped in accordance with the specifications hereto attached, delays due to strikes, war, or intentional conflict, failures to obtain chassis, materials, or other causes beyond our control not preventing, within about 7 months after receipt of this order and the acceptance thereof at our office at Appleton, Wisconsin, and to be delivered to you at the City of Deltona.

The specifications herein contained shall form a part of the final contract, and are subject to changes desired by the purchaser, provided such alterations are interlined prior to the acceptance by the company of the order to purchase, and provided such alterations do not materially affect the cost of the construction of the apparatus.

The proposal for fire apparatus conforms with all Federal Department of Transportation (DOT) rules and regulations in effect at the time of bid, and with all National Fire Protection Association (NFPA) Guidelines for Automotive Fire Apparatus as published at the time of bid, except as modified by customer specifications. Any increased costs incurred by first party because of future changes in or additions to said DOT or NFPA standards will be passed along to the customers as an addition to the price set forth above.

Unless accepted within 30 days from date, the right is reserved to withdraw this proposition.

Pierce Manufacturing, Inc.

By: 

AUTHORIZED SALES REPRESENTATIVE

Robert F. Boggus



PERFORM. LIKE NO OTHER

QSD1397

Revised: 12/29/2008



CUSTOMER CHANGE ORDER FORM

CUSTOMER: Deltona Fire Department
JOB #: Pending

Item	Date	Description	Deduct	Add	Info	STF	Entered in Pulse
1		FSA Specification #16, Level I Custom Pumper		\$269,266.00			
2		Decrease front axle weight rating to 16k per Deltona apparatus.	(\$1,686.00)				
3		Change wheels to Alcoa aluminum for heat dissipation with disc brakes		\$4,191.00			
4		Upgrade rear brakes to 17" disc for increased stopping performance		\$247.00			
5		Change engine from ISC to ISL and increase horsepower to 370		\$6,723.00			
6		Install hose tray and hose restraint to front bumper		\$549.00			
7		Increase head room in crew cab by 12"		\$2,689.00			
8		Add insulation and upholstery cover to engine tunnel		\$2,144.00			
9		Install a map box in the cab		\$517.00			
10		Add EMS compartments in the cab		\$3,198.00			
11		Upgrade SCBA brackets to inertia lock brackets		\$1,821.00			
12		Include NFPA required helmet holders		\$342.00			
13		Upgrade dome lights in crew cab to LED for increased service life		\$252.00			
14		Add officer's side speedometer in cab		\$580.00			
15		Add spare wiring and power outlets to cab and body		\$966.00			
16		Add antenna mount to cab		\$240.00			
17		Install Kussmaul battery charger and Auto-eject		\$2,198.00			
18		Upgrade alternator to L/N 320 amp		\$733.00			
19		Upgrade cab exterior lighting and perimeter lights to LED for increased service life		\$1,725.00			
20		Upgrade body exterior lights and stop/tail lights to LED for increased service life		\$2,545.00			
21		Install a pair of Zico folding wheel chocks		\$939.00			
22		Install a Federal gooseneck map light in cab		\$334.00			
23		Install a pair of Zico side scene/cornering lights for increase visibility during night operation		\$772.00			
24		Install two telescoping Whelen LED Pioneer lights for scene lighting during night operations		\$3,865.00			
25		Install a Whelen LED Pioneer visor light on cab for increased visibility during night operations		\$1,797.00			
26		Delete one rear deck light	(\$123.00)				
27		Change from medium body to long body		\$8,898.00			
28		Decrease water tank to 500 gallons	(\$626.00)				
29		Install two additional hosebed dividers		\$1,693.00			
30		Install a cross-divider in hosebed		\$536.00			
31		Install diamondplate hosebed cover with strip lighting		\$6,719.00			
32		Install an extended rear body and provide full-depth full-height compartments on each side.		\$7,438.00			
33		Install LED strip lighting to compartments		\$1,332.00			
34		Install shelves, trays, toolboards and partitions in compartments per Deltona requirements		\$8,916.00			
35		Install backboard storage over the pump compartment		\$1,481.00			
36		Install fender crowns to the apparatus body each side		\$862.00			
37		Install hard suction hose storage troughs to top of body		\$1,041.00			
38		Install extra handrails and folding steps to apparatus body for safety		\$385.00			
39		Install air bottle compartments in the body fender panels		\$1,449.00			
40		Change to a hydraulic ladder rack for ladder storage		\$8,079.00			
41		Upgrade pressure governor to FRC "InControl"		\$1,059.00			
42		Upgrade pump impeller to flame-plated		\$709.00			
43		Decrease tank fill size to 1.5"	(\$822.00)				
44		Provide a 2.5" right side pump inlet		\$1,186.00			
45		Install a large diameter passenger's side discharge		\$3,520.00			
46		Install a front bumper 1.5" discharge		\$2,223.00			
47		Install a TFT 18" extenda gun to deck gun discharge		\$2,155.00			
48		Install a diamondplate cover to top of crosslays		\$605.00			
49		Install a Husky 3 Foam System		\$9,960.00			
50		Install a Hercules 140 CFM Compressed Air Foam System		\$25,491.00			
51		Install an air horn control button at pump panel		\$272.00			
52		Install flashing Whelen LED lights to interior of cab doors for crew safety when exiting the cab		\$989.00			
53		Install a Federal Q2B mechanical siren		\$3,296.00			
54		Upgrade all warning lights to Whelen LED		\$3,637.00			
55		NFPA required scotchlite graphics		\$845.00			
56		Cost adjustment for current year FSA contract. See page 1 in Tab 7		\$4,800.00			
57							
58			(\$3,257.00)	\$418,209.00			

TOTAL CHANGES MADE TO ORDER
\$414,952.00



Proposal Option List

5/1/2013

Customer :	Deltona Fire Department	Bid Number :	329
Representative :	Boggus Robert	DB Version:	02.00 0375.0000
Organization :	Ten-8 Fire Equipment, Inc	Bid Date :	10/31/2012
Requirements Manager:		Job Number :	
Description :	Deltona Saber Custom Pumper 2013		
Body :	Pumper, Long, Aluminum, 2nd Gen, Saber/Commercial		
Chassis :	Saber Chassis		

Line	Option Code	Type	Option Description	Qty
1	0074080		Build-to-Order, Pierce Florida Product	1
2	0671399		Boiler Plates, Pumper	1
			Bidder/Sales Organization - TEN-8 FIRE EQUIPMENT, INC.	
			Dealership/Sales Organization, Service - TEN-8 FIRE EQUIPMENT, INC.	
			Delivery - Delivery representative	
			Fire Department/Customer - DELTONA FIRE RESCUE	
			Miles - 25 Miles	
			Number of Fire Dept/Municipalities - 10	
			Operating/In conjunction W-Service Center - Operating	
3	0661794		Single Source Compliance	1
4	0584455		Manufacture Location: Bradenton, Florida	1
5	0584453		RFP Location: Bradenton, Florida	1
6	0588609		Vehicle Destination, US	1
7	0533316		Comply NFPA 1901 Changes Effective Jan 1, 2009, With Exceptions	1
8	0533347		Pumper/Pumper with Aerial Device Fire Apparatus	1
9	0588611		Vehicle Certification, Pumper	1
10	0568412		Agency, Apparatus Certification, Pumper/Tanker, Third Party, PMFD	1
11	0008036		Career/Paid Department	1
12	0536644		Customer Service Website	1
13	0537375		Unit of Measure, US Gallons	1
14	0030006		Bid Bond not requested	1
15	0540326		Performance Bond, Not Requested	1
16	0000007		Approval Drawing	1
17	0002928		Electrical Diagrams	1
18	0693682		Saber Chassis	1
19	0000110		Wheelbase	1
			Wheelbase - 181.5 inches	
20	0000070		GVW Rating	1
			GVW rating - 40,000 pounds	
21	0000201		Frame, Chassis, 10.13" x 3.06" x .31", Saber	1
22	0020018		Frame Liner not Req'd	1
23	0530427		Axle, Front, Meritor FL-941, 16,000 lb (Saber)	1
24	0000551		Suspen, Frt, Spring, 16,000 lb	1
25	0000321		Shock Absorbers on Front Axle, Saber	1
26	0000322		Oil Seals, Front Axle	1
27	0588522		Tires, Front, Goodyear, G287 MSA, 315/80R22 50, 20 ply	1
28	0019575		Wheels, Front, Alcoa, 22.50" x 9.00", Aluminum, Hub Pilot	1
29	0530458		Axle, Rear, Meritor RS24-160, 24,000 lb (Saber)	1
30	0544253		Top Speed of Vehicle, 68 MPH	1
31	0565379		Suspen, Rear, Single Slipper Spring, 24,000 lb, Saber	1
32	0000485		Oil Seals, Rear Axle	1
33	0500760		Tires, Rear, Goodyear, G287 MSA, 12R22 50, 16 ply, Single	1
34	0019625		Wheels, Rear, Alcoa, 22.50" x 8.25", Aluminum, Hub Pilot, Single	1
35	0568081		Tire Balancing, Counteract Beads	1
36	0545391		Tire Pressure Monitoring Valve Cap	1
			Qty, Tire Pressure Ind - 6	
37	0003245		Axle Hub Covers w/center hole, S/S, Front Axle	1
38	0003240		Axle Hub Covers, Rear, S/S Baby Moon (Pair)	1
39	0002045		Mud Flaps, w/logo front & rear	1
40	0544802		Chocks, Wheel, SAC-44-E, Folding	1
			Qty, Pair - 01	
41	0544806		Mounting Brackets, Chocks, SAC-44-E, Folding, Horizontal	1

Line	Option Code	Type	Option Description	Qty
			Location, Wheel chock- on (1) under compartment D1 and one (1) under compartment D3	
			Qty, Pair - 01	
42	0010670		ABS Wabco Brake System, Single rear axle	1
3	0508676		Brakes, Meritor, EX225, 17", Disc Plus, Front	1
44	0509206		Brakes, Meritor, EX225, Disc Plus, Rear, Single Axle	1
45	0020784		Air Compressor, Brake, Cummins/Wabco 18.7 CFM	1
46	0000785		Brake Reservoirs, Three	1
47	0568012		Air Dryer, Wabco System Saver 1200, 2010	1
48	0000790		Brake Lines, Nylon	1
49	0000854		Air Inlet, w/Disconnect Coupling	1
			Location, Air Coupling(s) - a) DS Step Well	
			Qty, Air Coupling (s) - 1	
50	0014130		Air Tank, Additional for Extra Air Horn Capacity	1
51	0666652		Engine, Cummins ISL9, 370 hp, 1250 ft-lb, W/OBD, EPA 2013, Saber	1
52	0001244		High Idle w/Electronic Engine, Custom	1
53	0687994		Engine Brake, Jacobs Compression Brake, Cummins Engine	1
			Switch, Engine Brake - e) ISC/ISM/ISL9/ISX Hi Med Lo	
54	0591563		Clutch, Fan, Air Actuated, Horton Drive Master, Saber	1
55	0053014		Air Intake, w/Ember separator, Saber	1
56	0597542		Exhaust System, 4", 2010 ISL9/ISC8.3 Engine, Horizontal, Officer Side	1
57	0557560		Radiator, Saber	1
58	0001091		Cooling Hoses, Silicone - Custom	1
59	0001125		Fuel Tank, 65 Gallon, Left Side Fill	1
60	0001129		Lines, Fuel	1
61	0595087		DEF Tank, 4.5 Gallon, DS Fill, Forward of Rear Axle, DD13, ISL9, ISX	1
62	0552793		Not Required, Fuel Priming Pump	1
63	0552712		Not Required, Shutoff Valve, Fuel Line	1
64	0693913		Cooler, Chassis Fuel, Not Req'd	1
65	0551791		Trans, Allison Gen IV 3000 EVS P With Prognostics	1
66	0011477		Transmission, Shifter, 5-Spd, Push Button	1
			Trans, ratio - 3000 EVS, 5Spd	
67	0001475		Transmission Oil Cooler, Internal	1
68	0001370		Driveline, Spicer 1710	1
69	0669989		Steering, Ross TAS-85 w/tilt, Eaton Pump, w/ Cooler	1
70	0001544		Not Required, Steering assist cylinder on front axle	1
71	0509229		Steering Wheel, 2 Spoke	1
72	0550144		Logo/Emblem, on Horn Button	1
			Text, Row One - DELTONA	
			Text, Row Three - RESCUE	
			Text, Row Two - FIRE	
73	0012245		Bumper, 19" extended - Saber	1
74	0002270		Tow Hooks, Chrome	1
75	0012256		Tray, Hose center, 19" bumper w/outside Air Horns	1
			Capacity, Bumper Tray - 21) 150' of 1.75	
			Grating, Bumper extension - Grating, Rubber	
76	0591013		Hose Restraint, Bumper Tray, Velcro Straps	1
			Location 7 - center	
			Qty, - 01	
77	0002059		Cab, Saber w/12" raised roof	1
78	0002172		Cab Lift, Elec/Hyd, w/Manual Override, Saber	1
79	0677478		Rear Wall, Exterior, Cab, Aluminum Treadplate	1
80	0584660		Grille, Bright Finished, Front of Cab, Saber	1
81	0087357		Molding, Chrome on Side of Cab	1
82	0002181		Mirrors, Ramco, 6001FFHR-750, Heated/Remote, w/Bolt-on Convex, Cab Mount	1
83	0672943		Door, Full Height, Saber 4-Door Cab, Raised Roof	1
84	0655543		Door Panel, Brushed Stainless Steel, Saber Cab	1
85	0528958		Not Required, Controls, Electric Window, AXT, Quantum, Saber, Dash CF	1
3	0680935		Steps, 4-Door Cab, Saber	1
87	0512918		Lights, Cab interior, LED Step Lights	1
88	0002141		Fenders, s/s on cab - Saber	1
89	0052102		Window, Side of C/C, Fixed, Sab/DLX/Enf/AXT	1
90	0012090		Not Required, Windows, Front/Side of raised roof	1

Line	Option Code	Type	Option Description	Qty
91	0012094		Windows, Delete Rear of Crew Cab	1
92	0073965		Increased Leg Room, 3.00" Extra, Officer Position, Saber	1
93	0032180		Insulation Package to Reduce Noise, Saber	1
4	0545128		Cab Interior, Vinyl, Saber Color, Cab Interior Vinyl/Fabric - a) Silver/Gray	1
95	0012430		Cab Interior, paint color Color, Cab Interior Paint - a) gray	1
96	0052100		Floor, Rubber Padded Cab & Crew Cab, Saber	1
97	0002298		Heater/defroster, Saber cab	1
98	0002293		No Heater in Crew Cab	1
99	0559360		Air Conditioning, Saber, Raised Roof	1
100	0092424		Grab Handles, Driver & Officer door post	1
101	0002526		Light, Engine Compt, All Custom Chassis	1
102	0535262		Padding, Engine Hood, Top and Sides, Saber Color, Cab Interior Vinyl/Fabric - *	1
103	0000109		Seating Capacity, Cab Qty, - 04	4
104	0536387		Seat, Driver 911 Scissor Air Ride, Mid-Height W/Headrest, Saber	1
105	0022349		Seat, Officer 911 Fixed w/SCBA, All Chassis	1
106	0002518		Radio Compt w/Non Air Ride Seat Radio Compt Size, Officer - a) Saber	1
107	0199839		Cabinet, EMS, Rear Facing, DS, 23 W x 42 H x 22 D, Roll, Sab Door, EMS Cabinet - Gortite Roll Up Dr, no lock Light, Short EMS Compt - Pierce, Both Sides	1
108	0102783		Not Required, Seat, Rr Facing C/C, Center	1
109	0199837		Cabinet, EMS, Rear Facing, PS, 21 W x 42 H x 22 D, Roll, Sab Door, EMS Cabinet - Gortite Roll Up Dr, no lock Light, Short EMS Compt - Pierce, Both Sides	1
110	0108189		Not Required, Seat, Forward Facing C/C, DS Outboard	1
111	0199910		Seat, Forward Facing C/C, Center, (2) Seats Inc 911, SCBA	1
112	0108190		Not Required, Seat, Forward Facing C/C, PS Outboard	1
3	0042264		Shelf, Adjustable, EMS Compt, 1.25" Lip Location - one in each EMS compartment in the cab Qty, Shelf - 02	2
114	0089667		Upholstery, Seats In Cab, All Imperial 1200, All 911 Color, Cab Interior Vinyl/Fabric - c) Black	1
115	0543992		Bracket, Air Bottle, Hands-Free II, Cab Seats, Legacy Qty, - 03	3
116	0018292		Spacing, 8", Between Forward Facing Crew Cab Seats, DX/Enf/Sab	1
117	0547293		Seat Belts, Red	1
118	0691237		Seat Belt Monitoring System	1
119	0543133		Bracket, Helmet Holder, Zico UHH-1 Qty, Helmet Storage Brkt - 4	1
120	0552520		Lights, Dome CC, (2) Weldon, 8081-7000-13 LED, Red/Clear, Gry Bezel	1
121	0544332		Portable Hand Light, Provided by Fire Department, Pumper NFPA Classification	1
122	0594549		Cab Instruments, Saber 2010	1
123	0002544		Air Restriction Indicator - Pierce Chassis	1
124	0002602		Speedometer, w/LCD Odometer/Trip Meter, Officer side, Pedestal mount	1
125	0543751		Light, Do Not Move Apparatus Alarm, Do Not Move Truck - a)alarm	1
126	0593819		Light, Open Door - Custom, Saber	1
127	0002620		Wiper Control, 2-Speed	1
128	0547505		Wiring, Spare, 10 A 12V DC 1st 12vdc power from - Battery direct Location - two (2) on the rear wall of the crew cab on the driver's side for box lights, and on the PS forward facing seat riser for a TIC charger. See job E-Folders on the "S" drive for photos of previous unit Qty, - 03 Wire termination - b) butt splice	3
129	0548006		Wiring, Spare, 15 A 12V DC 2nd 12vdc power from - Battery direct Location - two (2) in the passenger's side EMS compartment in the crew cab and two (2) on the hydraulic ladder rack cover in the P1 compartment	4

Line	Option Code	Type	Option Description	Qty
			Qty, - 04	
130	0548004		Wire termination - p) 15 amp power point plug Wiring, Spare, 15 A 12V DC 1st 12vdc power from - Battery direct Location - adjacent to the officer's seating position in the cab	2
			Qty, - 02	
131	0548009		Wire termination - p) 15 amp power point plug Wiring, Spare, 20 A 12V DC 1st 12vdc power from - Battery switched Location - passenger's side step well in the crew cab for the key safe vault See photo on the "S" drive, under the Job E-Folders	1
			Qty, - 01	
132	0548007		Wire termination - b) butt splice Wiring, Spare, 15 A 12V DC 3rd 12vdc power from - Battery switched Location - to the PS EMS compartment in the crew cab	1
			Qty, - 01	
133	0543930		Wire termination - b) butt splice Vehicle Data Recorder, Dual Module	1
134	0696439		Antenna Mount, Custom Chassis, Cable Routed to Instrument Panel Area Location - in the center	1
			Qty, - 01	
135	0696777		Camera, Pierce, Side & Rear Cameras, 7" LCD Display Camera System Audio - Speaker in Pierce Camera System Display Location, Camera, Pierce - 3 Cameras, Auto Switch Location, Display - Lower Console Driver's Side	1
136	0018704		Electrical Power/Signal Protection & Control, Saber	1
137	0005899		Electrical System, Saber	1
138	0079166		Batteries, (4) Exide Grp 31, 950 CCA each, Threaded Stud	1
139	0008621		Battery System, Single Start, All Custom Chassis	1
140	0002698		Battery Compartment, Saber	1
1	0579436		Charger, Sngl Sys, Kussmaul, 1200, 091-187-12-Remote	1
142	0012782		Location, Charger, Left Side Body Compartment Location - on the forward bulkhead up high	1
143	0530949		Location, Battery Charger Indicator, Driver's Seat Riser	1
144	0016857		Shoreline, 20A 120V, Kussmaul Auto Eject, "Super" Color, Kussmaul Cover - d) yellow Connection, Shoreline - the onboard battery charger	1
			Qty, Shoreline - 1	
145	0026800		Shoreline Location Location, Shoreline (s) - 25) DS Cab Side	1
146	0121711		Alternator, 320 amp, Leece-Neville 4962PA, Sgl Sys	1
147	0040194		Load Manager, Kussmaul 2 Channel	1
148	0012785		Cab Lighting, LED	1
149	0563675		Lights, Identification/Clearance, Rear, Truck-Lite, (7) Model 33	1
150	0037438		Front Directionals, Whelen 600, LED or Halogen, In Common Bezels Light, Directional - a) arrow shape LED	1
151	0039828		Lights, Tail, Whelen 60R00XRR LED Stop/Tail, 60A00TAR Amber, LED, Pop Arrow Dir Color, Lens - *	1
			Flange Kit, 2pr - w/with a flange	
152	0039215		Lights, Backup, Whelen 600, LED Flange Kit, Whelen 6E - w)6E or 64 Flange Kit	1
153	0664481		Bracket, License Plate & Light, P25 LED	1
154	0589905		Alarm, Back-up Warning, PRECO 1040	1
155	0002464		Light, Map, Federal LF18TS, Goose Neck, Toggle Switch Location - on the cab ceiling above the officer's seat	1
			Qty, Map lights (Goose Ne - 1	
156	0521285		Light, Directional/Marker, Intermediate Light, Truck-Lite Model 60115Y LED	1
7	0687604		Lights, Perimeter Scene Cab Exits, Truck-Lite 6060C, LED Grommet Mt 4 Dr	1
158	0538271		Lights, Perimeter Scene, Truck-Lite 6060C LED Grmt (4) Lts Pump Panel/Rear Step Switch, Location, Perim - Parking brake	1
159	0556360		Lights, Step, P25 LED 4lts	1
160	0550441		Lights, Side Scene, Zico ZQL-SS-H7614 50W Halogen, Stainless 1st	2

Line	Option Code	Type	Option Description	Qty
			Location, lights - one each side in the body fender panels	
			Qty, - 02	
			Switch, Lt Control 1 DC,1 - a) DS Switch Panel	
			Switch, Lt Control 2 DC,2 - e) No Control	
			Switch, Lt Control 3 DC,3 - d) No Control	
			Switch, Lt Control 4 DC,4 - d) No Control	
161	0667758	Light	Whelen, 12V PCP2P Pioneer LED Fld/Spt, Pole Mt 1st Color, Wln Lt Housing - w) White Handle Holder & Up Ind Sw W - Without Handle Holder Location, lights - one each side on the back of the cab Pole Length W - 20.00" Outside Pole Poles, W - Push Up Pole Qty, - 02	2
			Switch, Lt Control 1 DC,1 - a) DS Switch Panel	
			Switch, Lt Control 2 DC,2 - e) No Control	
			Switch, Lt Control 3 DC,3 - d) No Control	
			Switch, Lt Control 4 DC,4 - d) No Control	
162	0590127	Light	Visor, Whelen, 12V PCP2 Pioneer LED Fld/Spt, 1st Location, driver's/passenger's/center - centered Qty, - 01	1
			Switch, Lt Control 1 DC,1 - a) DS Switch Panel	
			Switch, Lt Control 2 DC,2 - e) No Control	
			Switch, Lt Control 3 DC,3 - d) No Control	
163	0658477	Light	Deck, Whelen PFBP12C LED PS Flood Light	1
164	0693714	Pumper	Long, Aluminum, 2nd Gen, Saber/Commercial	1
165	0692368		Florida Value Discount, 2nd Generation Pumper	1
166	0554271		Body Skirt Height, 20"	1
167	0098695		Tank, Water, 500 Gallon, Poly, Pumper Long w/FDp Compts, PMFD	1
168	0003405		Overflow, 4" Water Tank, Poly	1
169	0028104		Foam Cell Required	1
170	0044431		Sleeve through Tank - Up to 3" Plumbing Qty, Sleeve - 1	1
171	0553729		Not Required, Restraint, Water Tank, Heavy Duty	1
172	0003429		No Direct Tank Fill Req'd	1
173	0003424		(No Dump Valve required)	1
174	0048710		Jet Assist Not Req'd	1
175	0030007		(No Dump Chute Required)	1
176	0514778		Not Required, Switch, Tank Dump Master	1
177	0689065		Hose Bed, Aluminum, Saber/Commercial	1
178	0003482		Hose Bed Capacity, Additional Capacity, Hosebed - 300' of 3" DJ, 200' of 2.5" DJ, 1200' of 4" LDH, and 300' of 3" DJ hose	1
179	0083488	Divider	Hose Bed, .25" Unpainted Qty, Hosebed Dividers - 3	3
180	0010133		Cross-divider, Hose Bed	1
181	0663365		Lights, Hose Bed, Sides, Dual LED Light Strips	1
182	0530804		Cover, Hose Bed, Alum Treadplate	1
183	0505155		Flap, Rear of Alum Hose Bed Cover, Two Piece, Vinyl Color, Vinyl Cover - a) red	1
184	0013512		Runningboard, 12.75" Deep	1
185	0689621		Tailboard, 16" Deep	1
186	0690037		Wall, Rear, Smooth Aluminum/Body Material Material Trim/Scuffplate - a) 4-way alum, Bright	1
187	0003531		Tow Bar, Under Tailboard	1
188	0003561		Construction, Compt, Alum, Pumper	1
189	0083691		DS 161" Rollup, Full Height & Depth Front & Rear	1
190	0083694		PS 161" Rollup, Full Height & Depth Front & Rear	1
191	0692733	Doors	Gortite, Roll-up, Side Compartments Color, Gortite, Roll-up Door - Painted Latch, Gortite, Roll-up - locking, 751, AXT/Qtm/Dash CF/Saber Cab Qty, Door Accessory - 06	6
192	0083700		Rear, Rollup, 37.75" FF	1
193	0692746		Doors, Gortite, Roll-up, Rear Compartment	1

Line	Option Code	Type	Option Description	Qty
			Color, Gortite, Roll-up Door - Satin finish	
			Latch, Gortite, Roll-up - locking, 751, AXT/Qtm/Dash CF/Saber Cab	
194	0554995		No Body Modification Required	1
195	0689549		Lights, Compt, Pierce LED, Dual Light Strips, Each Side of Door	7
			Location - in all body compartments	
			Qty, - 07	
196	0687135		Shelf Tracks, Unpainted	7
			location - all body compartments	
			Qty, Shelf Track - 07	
197	0687112		Shelves, Adjustable, 500 lb Capacity, Full Width/Depth, Painted	6
			Location, Shelf - TBD	
			Qty, Shelf - 06	
198	0003982		Tray, 500 lb Slide-out, 2" Sides - Floor Mounted	1
			Location - in the D1 compartment	
			Qty, Tray (slide-out) - 01	
199	0083986		Tray, Adj., 30 Deg., Tilt/Slide-out, (215 lb)	2
			Location - in the D2 and P2 compartments	
			Qty, Tray (slide-out) - 02	
200	0659091		Toolboard, Slide-out, Alum, .188", Peg Board	3
			Finish, Pegboard/Toolboard - Painted	
			Hole Diameter, Pegboard/Toolboard - .281" diameter	
			location - in the D3 compartment	
			Mounting, Toolboard - Adjustable side-side	
			Qty - 3	
201	0062168		Cable Release, Tilt Tray, IAT Std Latches	2
			Location - on the tilt trays in D2 and P2	
			Qty, Comp. Accessory - 02	
202	0062423		Compt, Backboard Storage (2), Over Pump and Forward, Access Both Sides	1
			Door, Material, Storage - Aluminum Treaplate	
			Size - 2.5" thick by 18" wide by 72" long each	
203	0003908		Partition, Trans Rear Compt	2
			Location, Partition - c) both sides	
			Qty, Partition - 02	
204	0004016		Rubrail, Aluminum Extruded, Side of Body	1
205	0004024		Fender Crowns, Rear, S/S	1
206	0540092		Hose, Hard Suction, Provided by Fire Department, Pumper NFPA Classification	2
			Brand, Model, Age of Tool - Kocheck	
			Length, Hard Suction Hose - 10'	
			Qty, Hard Suction Hose - 2	
			Size, Hard Suction, Hose - 6.00"	
207	0042184		Troughs, H.S.H., DS, Aluminum, Double, Velcro Straps	1
208	0556208		Handrails, Side Pump Panels (5)	1
209	0004126		Handrail, Beavertail -Std.	1
210	0004146		Handrail, Rear Below Hose Bed, Full Width	1
211	0656100		Compt, Air Bottle, Single, Common Double Door, Fender Panel	2
			Door Finish, Fender Compt - Brushed	
			Insert, Air Bottle Compt - Rubber Matting	
			Latch, Air Bottle Compt - Flush Lift & Turn	
			Location, Fender Compt - Single - DS Fwd - DEF Combo and Single - DS Rear - Fuel	
			Fill Combo	
			Qty, Air Bottle Comp - 2	
212	0657651		Compt, Air Bottle, Double, Fender Panel	2
			Door Finish, Fender Compt - Brushed	
			Insert, Air Bottle Compt - Rubber Matting and W-Shaped Insert	
			Latch, Air Bottle Compt - Flush Lift & Turn	
			Location, Fender Compt - Double - PS Fwd and Double - PS Rear	
			Qty, Air Bottle Comp - 2	
213	0004224		Ladder, 28' Duo-Safety 1200-A 2-Sect	1
214	0004230		Ladder, 14' Duo-Safety 775A Roof	1
215	0002773		Rack, Ladder, Hydraulic, Right Side	1
216	0014245		Ladder, Folding, 10' 585A, Duo-Safety, w/Mtg	1
			Location, Fold Ladder - b) Hyd Rack	
217	0564007	SP	Third Ladder Bracket, For Extension Ladder Only, 2000 Ladder Rack	1

Line	Option Code	Type	Option Description	Qty
218	0533377		Pole, Pike 8', Pumper, Provided by Fire Department	1
219	0533375		Pike Pole, 6', Pumper, Provided by Fire Department	1
220	0004361		Tubes, Alum, Pike Pole Storage	2
			Location - on the ladder rack hanging vertically on the outer edge, with the folding ladder (see marked up print and photos)	
			Qty, Pike Pole Tubes - 02	
221	0593072		Steps, Folding, Front of Body, w/LED, Trident	1
			Coating, Step - black	
222	0592994		Steps, Folding, Rear of Body, w/LED, Trident	1
			Coating, Step - black	
223	0591914		Step, Folding - Extra, Body Only, Black, w/LED, Trident	1
			Location, Additional Step - on the driver's side front body bulkhead	
			Qty, Folding Step - 01	
224	0004415		Pump, 1250 CS Single Stage, Waterous	1
225	0004481		Packing, Grafoil, Waterous	1
226	0091446		Pump Setup Charges N/A	1
227	0559769		Transmission, Pump, Waterous C20 Series	1
228	0535256		Shift, Air w/ Manual Over, Split Shaft PTO, Waterous	1
229	0003148		Transmission Lock-up, EVS	1
230	0004547		Auxiliary Cooling System	1
231	0014486		(No Transfer Valve Required on 1 Stage Pump)	1
232	0004517		Valve, Relief Intake, Elkhart	1
233	0527225		Controller, Pressure, FRC, INCONTROL, TGA400, Control Knob	1
234	0072153		Primer, Trident, Air Prime, Air Operated	1
235	0004475		Flame Plated Impeller hub, Waterous CMY & CSY	1
236	0058516		Manuals, Pump (2), CD	1
237	0089351		Plumbing, Stainless Steel & Hose (Control Zone)	1
238	0064656		Not Required, Black Iron Pipe with S/S Plumbing	1
239	0004645		Inlets, 6.00" - 1250 GPM or Larger Pump	1
240	0004646		Cap, Long Handle Pump Inlet, NST - VLH	1
241	0533193		Valves, Elkhart Unibody - All Ball Valves	1
2	0004660		Inlet, LH Side, 2.50" Gated	1
243	0004680		Inlet, RH Side, 2.50" Gated	1
244	0016158		Valve, Inlet(s) Recessed, Side Cntrl, "Control Zone"	2
			Qty, inlets - 2	
245	0004700		Control, Inlet, at Valve	1
246	0092569		No Rear Inlet (Large Dia) Requested	1
247	0092696		No Rear Suction Cap	1
248	0064116		No Rear Inlet Actuation Required	1
249	0009648		No Rear Intake Relief Valve Req'd	1
250	0092568		No Rear Auxiliary Inlet Requested	1
251	0563738		Valve, .75 Bleeder, Aux. Side Inlet, Swing Handle	1
252	0029043		Line, (1) 3.00" Tank to Pump	1
253	0004905		Outlet, 1.50" Tank Fill	1
254	0004940		Outlet(s), LH Side, 2.50"	2
			Qty, Discharges - 02	
255	0092570		No Additional LH Outlets Requested	1
256	0004945		Outlet(s), RH Side, 2.50"	1
			Qty, Discharges - 01	
257	0092571		No Additional RH Outlets Requested	1
258	0005047		Outlet, 4.00" w/4.00" Right, Handwheel	1
			Valve, Brand - Elkhart	
259	0005000		Outlet, Front, 2.50" w/2.50" Plumbing, No Swivel Top of Bumper	1
			Location, Outlet - a) passenger's side	
260	0004995		Outlet, Rear, 2.50"	1
			Location, Outlet - b) driver's side	
			Qty, Discharges - 01	
261	0092574		No Rear Outlet (Added) Requested	1
2	0092573		No Hosebed/Running Board Outlet Requested	1
263	0085076		Caps for 1.50" - 3.00" Discharges - VLH	1
264	0563739		Valve, .75 Bleeder, Discharges, Swing Handle	1
265	0005091		Elbows, 45 Degree - 2.50" Outlets LH - VLH	1
266	0035094		No Elbows Req'd (Added LH Outlets)	1

Line	Option Code	Type	Option Description	Qty
267	0025091		Elbows, 45 Degree - 2.50" Outlets RH - VLH	1
268	0089584		No Elbow req'd (Added RH Outlet not requested)	1
269	0045091		Elbows, 45 Degree - 2.50" Outlets Rear - VLH	1
270	0085695		No Elbows Req'd, Added Rear, Large Outlet	1
271	0005094		Elbow, 30 Degree - 4.00"(F) x 4.00" Storz	1
272	0062133		Control, Outlets, Manual, Pierce HW if applicable	1
273	0091106		Outlet, 3.00" Deluge w/TFT Extend-a-Gun XG18, Handwheel	1
274	0029302		No Monitor Requested	1
275	0029304		No Nozzle Req'd	1
276	0005070		Deluge Mount, NPT	1
277	0029167		Crosslays Sngl Sheet unpainted, (2+) 1.50", Std. Cap Qty, Crosslays - 2	2
278	0029196		No 2.50" Crosslay Requested	1
279	0029260		Not Required, Speedlays	1
280	0590942		Hose Restraint, Crosslay/Deadlay, 1" Heavy Nylon Web, Strap Fasteners, Each Side Nylon Web Color - Black Qty, - 01 Restraint Location - Back (towards rear of truck) Type of fastener - 1" cam buckle	1
281	0590877		Hose Restraint, Crosslay/Deadlay, Aluminum Treadplate, Top Only Restraint Location - Front (towards front of truck) Stay arm, Tray Cover - f) Rubber Latch	1
282	0592633		Foam Sys, Husky 3, Single Agent Amount of Disc. W/Foam - 3 Discharge - both crosslays and the front discharge	1
283	0051672		Hercules CAFS, 140 CFM, Hydraulic Drive Amount of Disc. W/ CAFS - 3 CAF with a second pump - No second pump Fill in Blank - crosslays and the front discharge	1
284	0592527		Refill, Foam Tank, Integral, Husky 3	1
285	0031894		Demonstration, Foam System, at Factory Vehicle, Qty, Training, P - 1 vehicle	1
286	0005446		Foam Cell, 20 Gallon Foam, Brand Name - "Knockdown" Type of Foam - Class "A"	1
287	0697589		Drain, 1.00", Foam Tank #1, Husky 3 Foam System	1
288	0091079		Not Required, Foam Tank #2	1
289	0091112		Not Required, Foam Tank Drain	1
290	0007545		Pump House, Side Control, 45", "Control Zone"	1
291	0519215		Pump Panel Configuration, Control Zone, Special Layout Information Fill in Blank - Match previous unit 23203 as close as possible	1
292	0005520		Panel, Pump and Gauge, Black Vinyl	1
293	0005578		Panel, Pump Access - Pass Side Only	1
294	0035501		Pump House Structure, Std Height	1
295	0693336		Light, Pump Compt, Truck-Lite 44308C LED Grommet Mt Location - on the pump operator's panel Qty, - 01	1
296	0586382		Engine Indicators, Included With Pressure Controller	1
297	0005601		Throttle Included w/ Pressure Controller	1
298	0549333		Indicators, Engine, Included with Pressure Controller	1
299	0005780		Control, Air Horn at Pump Panel	1
300	0001750		Color Coded Tags Color, Discharge Tag - yellow for the front bumper discharge, red for the #1 crosslay, and orange for the #2 crosslay Qty, Gauges/Disc - 03	3
301	0072581		Not Required, Gauges, Vac/Pressure, FRC INControl	1
302	0511100		Gauge, 2.0" Pressure, Class 1, 30"-0-400psi	1
303	0092705		Gauge, Water Level, FRC, WLA200 Series, Tank Vision	1
304	0092704		Gauge, Foam Level, FRC, Tank Vision, WL2000 series	1
305	0682503		Light Shield/Step 8" LED w/P25 LED Step Light	1
306	0066052		Air Horns, (2) Grover in Bumper Outside Frame Location, Air Horn (bmpr) - each side of the front hose tray	1
307	0016064		Control, Air Horn, Horn Ring, PS Push Button	1

Line	Option Code	Type	Option Description	Qty
308	0525667		Siren, Whelen 295SLSA1, 100 or 200 Watt	1
309	0026133		Location, Elect Siren, Saber	1
			Location - in the standard location	
0	0076156		Control, Elec Siren, Head Only	1
1	0561882		Speaker, Whelen SA315P, 100 watt	2
			Connection, Speaker - siren head	
			Qty, Speakers - 2	
312	0548457		Location, Recessed in the Front Bumper, Driver and Passenger Side	1
313	0016080		Siren, Federal Q2B	1
314	0006095		Siren, Mechanical, mounted above deckplate	1
			Location, Siren, Mech - a) Left	
315	0026170		Control, Mech Siren, DS Foot Sw, PS Push Button	1
316	0067128		Lightbar, Whelen, Freedom, FN**VLED, 6-R, 2-W, 4-RC	1
			Length, Wln Lightbar - 77"	
317	0016380		No Additional Lights Req'd, Side Zone Upper	1
318	0076796		Lights, Front Zone, Whelen Super 600 LED, in common bezel	1
			Color,Whln Sup600 LED - b) rd/cl	
319	0076042		Lights, Side Zone Lower, Whelen Super 600 LED, 2pr	1
			Color,Whln Sup600 LED,BCK - b) rd/cl	
			Color,Whln Sup600 LED,FRT - b) rd/cl	
			Flange Kit, 2pr - w/with a flange	
			Location, lights frt side - b)each side bumper	
			Location, lights rear - in the rear body fender panels each side	
320	0058317		Lights, Door Interior Flash, 4 Dr Cab, Whelen, Super 500, 50*03Z*R	1
			Color, Lights, Warning - c) amber	
321	0076758		Lights, Rear Zone Lower, Whelen Super 600 LED	1
			Color,Whln Sup600 LED - b) rd/cl	
			Flange Kit - w)with flange	
322	0078133		Lights, Rear, Whelen Super 600 LED, pair	1
			Color,Whln Sup600 LED - b) rd/cl	
			Control, light - a) rear upper warning	
			Flange Kit - w)with flange	
			Location, Rear Lights - d) rear compt bulkheads	
			Qty, Lights, Pair - 1	
323	0088745		Light, Rear Zone Upper, Whelen L31HRFN LED Beacon, Red LED	1
			Color, Dome, Rear Warning - j) both domes clear	
324	0006551		Not Required, Lights, Rear Upper Zone Blocking	1
325	0006615		Mtg, Rear Warn Lts, On Top of Compt	1
326	0519547		Brand, Hydraulic Tool System, TNT	1
327	0006990		Reel, Hyd, 100' Cap., 25" Dual Hose(Hannay) (Any Make Tool)	2
			Brand, Model, Age of Tool - new TNT tools	
			Location - in the P3 compartment as high as possible	
			Qty, Reel - 2	
			Reel Guide - b) Captive roller	
328	0007150		Bag of Nuts and Bolts	1
			Qty, Bag Nuts and Bolts - 1	
329	0532883		NFPA Required Loose Equipment, Pumper, Provided by Fire Department	1
330	0540114		Soft Suction Hose, Provided by Fire Department, Pumper NFPA Classification	1
331	0545110		Strainer, Provided by Fire Department, Pumper NFPA Classification	1
332	0533269		Extinguisher, Dry Chemical, Pumper, Provided by Fire Department	1
333	0533278		Extinguisher, 2.5 Gal. Pressurized Water, Pumper, Provided by Fire Department	1
334	0532921		Axe, Flathead, Pumper, Provided by Fire Department	1
335	0532924		Axe, Pickhead, Pumper, Provided by Fire Department	1
336	0568513		Paint, Two Tone w/Shield, Special Colors, Saber PMFD	1
			Paint Color, Upper Area - #225 silver metallic (upper cab)	
			Paint, Color - #90 red (lower cab and body)	
337	0017241		Paint Chassis Frame Assy. Black, Std.	1
338	0693797		No Paint Required, Aluminum Front Wheels	1
339	0693792		No Paint Required, Aluminum Rear Wheels	1
340	0007738		Paint, Air Conditioner Cover/Mounts to Match Roof	1
341	0007230		Compartment, Painted, Spatter gray	1
342	0544175		Reflective Band, 2"-4"-2"	1

Line	Option Code	Type	Option Description	Qty
			Color, Reflect Band - A - e) black	
			Color, Reflect Band - B - t) gold	
			Color, Reflect Band - C - za) black	
3	0007356		Reflective across Cab Face	1
4	0536954		Stripe, Chevron, Rear, Diamond Grade, Pumper	1
			Color, Rear Chevron DG - yellow	
345	0065687		Stripe, Reflective, Cab Doors Interior	1
			Color, Reflective - i) gold	
346	0033179		Lettering Specifications, Reflective	1
347	0686142		Lettering, Reflective, 5 00", Each	7
			Outline, Lettering - Outline	
			Qty, Lettering - 07	
348	0686084		Lettering, Reflective, 3 00", Each	8
			Outline, Lettering - Outline	
			Qty, Lettering - 08	
349	0685993		Lettering, Reflective, 10 00", Each	4
			Outline, Lettering - No Outline or Shade	
			Qty, Lettering - 04	
350	0686077		Lettering, Reflective, 3.00", (81-100)	1
			Outline, Lettering - Outline	
351	0685981		Lettering, Reflective, 14.00", Each	4
			Outline, Lettering - No Outline or Shade	
			Qty, Lettering - 04	
352	0686040		Lettering, Reflective, 2.00", (21-40)	1
			Outline, Lettering - No Outline or Shade	
353	0655896		Sign Kit, Painted, Holder and Insert, Each	4
			Location - on each crew cab door and the front and rear of the apparatus	
			Qty, - 04	
			Size - 18" by 18" on the crew cab doors and 12" by 12" on the front and rear	
354	0017268		Decals, Customer furnished, Pierce installed, Per Pair	2
			Qty, - 02	
5	0529225		Manual, Two (2) CD, Fire Apparatus Parts, Custom Chassis	1
356	0531636		Manual, Two (2) CD, Chassis Service, Custom	1
357	0531638		Manual, Two (2) CD, Chassis Operation, Custom	1
358	0030008		Warranty, Basic, 1 Year, Apparatus, WA0008	1
359	0595239		(No Pick Required)	1
360	0696698		Warranty, Engine, Cummins, 5 Year, WA0181	1
361	0684952		Warranty, Steering Gear, TRW Ross TAS, 1 year WA0202	1
362	0596017		Warranty, Frame, 50 Year, Custom Chassis, WA0013	1
363	0595245		(No Pick Required)	1
364	0530523		Warranty, Axle, 2 Year, Meritor, General Service, WA0046	1
365	0530524		Warranty, Axle, 2 Year, Meritor, General Service, WA0046	1
366	0019914		Warranty, Structure, 10 Year, Custom Cab, WA0012	1
367	0595813		Warranty, Paint, 10 Year, Cab, Pro-Rate, WA0055	1
368	0660535		Not Required, Warranty, Electrical System	1
369	0695416		Warranty, Pierce Camera System, WA0188	1
370	0046369		Warranty, 5-year EVS Transmission, Standard Custom, WA0187	1
371	0688798		Warranty, Water Tank, Lifetime, UPF, Poly Tank, WA0195	1
372	0596025		Warranty, Structure, 10 Year, Body, WA0009	1
373	0693127		Warranty, Gortite, Roll-up Door, 6 Year, WA0190	1
374	0063510		Warranty, Pump, Waterous, 5 Yrs Parts, WA0225	1
375	0032998		Warranty, 10 Year S/S Pumbing, WA0035	1
376	0595820		Warranty, Paint, 10 Year, Body, Pro-Rate, WA0057	1
377	0595412		Warranty, Graphics Lamination, 1 Year, Apparatus, WA0168	1
378	0683627		Certification, Vehicle Stability, CD0089	1
379	0592200		Certification, Engine Installation, Saber, ISL9, CD0092, ISC8.3, CD0093	1
380	0686786		Certification, Power Steering, CD0098	1
381	0543950		Certification, Cab Integrity, Saber	1
382	0548969		Certification, Windshield Wiper Durability, Saber, CD0007	1
383	0556828		Certification, Electric Window, Not Available	1
384	0545073		Amp Draw Report, NFPA 2009 Edition	1
385	0002758		Amp Draw, NFPA Radio Allowance	1

Line	Option Code	Type	Option Description	Qty
386	0000017		FLORIDA DIVISION BODY	1
387	0000012		PIERCE CHASSIS	1
388	0004713		ENGINE, OTHER	1
389	0046395		EVS 3000 Series TRANSMISSION	1
390	0020011		WATEROUS PUMP	1
391	0020009		POLY TANK	1
392	0028048		FOAM SYSTEM	1
393	0020006		SIDE CONTROL	1
394	0020008		ELKHART VALVES	1
395	0020015		ABS SYSTEM	1
396	0658751		Manufacturing Attribute	1



**FLORIDA FIRE CHIEFS' ASSOCIATION,
FLORIDA SHERIFFS ASSOCIATION
& FLORIDA ASSOCIATION OF COUNTIES**

**2012 HEAVY RESCUE APPARATUS
Specification #12
(Formed Aluminum Body)**

The Heavy Rescue Apparatus, purchased through this contract comes with all the standard equipment as specified by the manufacturer for this model and FSA's base vehicle specification(s) requirements which are included and made a part of this contract's vehicle base price as awarded by manufacturer by specification.

MODEL:	American LaFrance 18' W/ACR	KME Predator FL12HDR
BASE PRICE:	\$273,887.00	\$267,534.00
MANUFACTURER:	American LaFrance, LLC	Kovatch Mobile Equip Corp. (KME)
MODEL:	Pierce Saber HDR	Spartan Force
BASE PRICE:	\$272,561.00	\$229,727.00
MANUFACTURER:	Pierce Manufacturing, Inc	Rosenbauer South Dakota, LLC
MODEL:	Sutphen R Series	Spartan Heavy Rescue
BASE PRICE:	\$355,247.00	\$274,000.00
MANUFACTURER:	Sutphen Corporation	Toyne, Inc. (Southeastern.)

While the Florida Fire Chiefs Association, Florida Sheriffs Association and Florida Association of Counties have attempted to identify equipment required to meet all current NFPA 1901, (2009 edition) and all chapters that are appropriate for a special service vehicle with a special emphasis on Chapters 1, 2, 3, 4, 10, 12, 13, 14, 15, 25 (if applicable), FMVSS (applicable areas) and NHTSA standards, we realize equipment needs and preferences are going to vary from agency to agency Any options required or changes required by purchaser shall be made through the vendor listed.

Purchasers are advised that the above referenced vehicle specification comes equipped as a base unit only. The Florida Fire Chiefs' Association, Florida Sheriffs Association and Florida Association of Counties have identified and equipped the base unit with those specifications and equipment items required to meet all current NFPA. Since equipment needs and preferences are going to vary from agency to agency, any additional options required or changes to the base unit desired by the purchaser shall be made through the manufacturer listed.

NOTE: An official listing of all add/delete options and their prices should be obtained from the appropriate vendor.



**FLORIDA FIRE CHIEFS' ASSOCIATION,
FLORIDA SHERIFFS ASSOCIATION
& FLORIDA ASSOCIATION OF COUNTIES**

Base Specifications

**SPECIFICATION #13 - 2500 GALLON MOBILE
WATER SUPPLY FIRE APPARATUS**

ALL ITEMS FACTORY INSTALLED UNLESS OTHERWISE INDICATED

FREIGHTLINER, INTERNATIONAL OR APPROVED EQUIVALENT

1 DOCUMENTATION, DELIVERY, TRAINING

- a. When requested by end user, bidders to accurately state wheelbase, cab to axle, overall length, bumper swing turn radius, curb-to-curb turning radius overall height, overall width, GVWR, angle of approach angle of departure in submitted specifications
- b. Approval drawings provided prior to construction commencement
- c. Two (2) sets of operator and service manuals
- d. Delivery to be F.O.B. customer's location
- e. Pump test certification by independent third party
- f. Water tank capacity certification
- g. 12 volt and, if applicable, 110 volt testing by independent third party
- h. Vehicle weight, as measured by certified scales

2. COMMERCIAL 2-DOOR CHASSIS

- a. Two wheel drive
- b. Upgraded electrical system for emergency vehicle use to include a minimum of two batteries, minimum alternator(s) output of 220 amps.
- c. 110,000 psi heat treated steel frame with full length inner C-channel liner
- d. 16,000 pound minimum front axle, suspension, tubeless radial tires, steel disc wheels; 44,000 pound minimum rear tandem axle, suspension, tubeless radial tires, steel disc wheels
- e. Vehicle Data Recorder per Chapter 4.11 with required software
- f. Electronic Stability Control shall be provided in compliance with NFPA 1901 Chapter 4.13.1.2 if the manufacturer cannot comply with Chapters 4.13.1.1 through 4.13.1.1.3.2.
- g. Tire pressure monitoring system per Chapter 4.13.4
- h. Chrome or stainless steel front bumper
- i. Tow hooks or eyes front and rear attached to the frame
- j. Front and rear mud flaps

Base Specifications**#13 - 2500 Gallon Mobile Water Supply Fire Apparatus**

- k. S-cam air brakes, as large as possible, with automatic slack adjusters
- l. Minimum 13.2 cfm gear driven air compressor
- m. Air dryer, turn drain valves on reservoirs
- n. ABS brakes
- o. Power steering with tilt/telescopic wheel, if available

3. POWERTRAIN

- a. Minimum 330 horsepower turbocharged diesel engine
- b. Engine exhaust at front of right rear wheels
- c. Secondary engine braking to meet NFPA
- d. Drivelines to meet engine torque rating
- e. Automatic transmission
- f. 50 gallon minimum fuel tank
- g. OEM oil, fuel, transmission filters

4. 2-DOOR CAB

- a. Seating for two (2) - bucket style vinyl seats with NFPA compliant seat belts and seat belt warning system
- b. NFPA compliant 12-volt switches and instruments
- c. Air conditioning and heating
- d. Engine compartment light
- e. Dome/step lights meeting NFPA 1901
- f. Single tone cab paint finish with OEM standard paint warranty
- g. Driver remote controlled mirrors with separate flat and convex sections
- h. Dual type headlights
- i. Forward facing turn and warning lights
- j. Minimum two (2) under cab step lights
- k. Cab and compartment door ajar light and buzzer
- l. Engine compartment light
- m. 270 amp alternator
- n. Minimum two (2) 750 CCA batteries
- o. Load manager with automatic high idle function
- p. Dual air horns with dual in-cab controls
- q. 110 volt battery charger receptacle near driver's door

5. FIRE PUMP & PLUMBING

- a. Minimum 500 gpm midship mounted PTO pump per NFPA 1901 Chapter 16
- b. Discharge pressure relief valve
- c. Intake pressure relief valve
- d. Master drain valve
- e. Electric dry type primer
- f. Pump panel lights, 3 each side
- g. Pump compartment light
- h. OK to pump lights in cab and at pump panel
- i. Engine cooler
- j. Pump cooler
- k. One (1) 4.5" minimum steamer, on left side panel
- l. 2.5' left side gated suction

Base Specifications**#13 - 2500 Gallon Mobile Water Supply Fire Apparatus**

- m. 2-1/2' tank fill pump to tank fill
- n. Two 2.5" direct gated external tank fills
- o. Two 2" crosslay hose beds over the pump compartment
- p. One 2.5" left side discharge
- q. One 2.5" right side discharge
- r. Stainless steel piping with 10 year warranty
- s. Panel gauge package: water tank level, tach, oil pressure, water temperature, voltmeter, light and alarm system
- t. Side mount pump panel with gauges and all pump controls on driver side pump panel
- u. 2500 gallon polypropylene booster tank with lifetime warranty
- v. 3" tank to pump connection
- w. Minimum 10" x 8" fill tower with minimum 4" overflow tube
- x. 10" Square tank dump valve with manual control with 3-way dump capability

6. APPARATUS BODY

- a. Bidders to bid on each of their offered construction types:
 - Extruded aluminum
 - Formed aluminum
 - Formed galvanized steel
 - Formed stainless steel
- b. Bidders to state thicknesses, alloys and construction methods of all materials used in body construction
- c. Hard suction rack for two (2) lengths 10" x 4.5" minimum of hard suction
- d. Compartments: low side compartments both sides of body forward of and behind rear wheels; bidders to accurately state the total cubic footage of compartment space, along with each compartment size
- e. Lights in compartments to meet NFPA 1901 Chapter 13.10.5
- f. Back up alarm
- g. Hose bed with hose restraints to be NFPA compliant; including one (1) adjustable divider
- h. Steps and handrails for climbing from ground to hose bed - bidders to state exact design
- i. Lights at each step
- j. Stop/turn/back up lights
- k. DOT clearance and marker lights
- l. License plate light
- m. Rear deck lights
- n. Rub rail along each side of body and rear of body
- o. Running boards at each pump panel
- p. Brushed stainless steel or black non-glare aluminum pump panels
- q. Hose bed lighting must be provided per NFPA 1901 Chapter 13.10.2

7. EMERGENCY WARNING

- a. NFPA Zone A lower and upper level lighting
- b. NFPA Zone B / D lower level lighting
- c. NFPA Zone C upper and lower level lighting
- d. Electronic 200 watt siren/PA with minimum 100 watt speaker recessed in bumper

Base Specifications**#13 - 2500 Gallon Mobile Water Supply Fire Apparatus**8. PAINt FINISH

- a. Body to be painted single tone with 10 year pro-rated paint and corrosion perforation warranty
- b. Wheels painted to match the cab and body
- c. Cab paint to be covered by cab manufacturer's paint warranty

9. WARRANTY

- a. 1 year bumper to bumper mechanical, excluding normal wear and tear items
- b. 10 year body structural
- c. 10 year paint pro-rated on body
- d. 10 year corrosion perforation on body
- e. OEM Chassis manufacturer's standard warranty
- f. 5 year fire pump warranty
- g. Lifetime warranty on water tank

**RECOMMENDATION
PRESENTED BY:**

Robert Staples, Fire Chief
"Staff recommends piggyback the Master Agreement between Volusia County and Communications International for the purchase of radios and related equipment as listed on the attached proposals at a total cost of \$199,338.58."

**POTENTIAL
MOTION:**

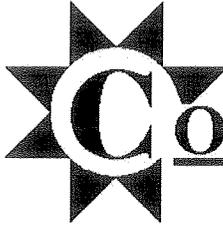
"I move to approve piggybacking the Master Agreement between Volusia County and Communications International for the purchase of radios and related equipment at a cost of \$199,338.58."

**AGENDA ITEM
APPROVED BY:**

William "Dave" Denny, Acting City
Manager

ATTACHMENTS:

- Volusia County Master Agreement
- PROPOSAL FROM COMMUNICATIONS INTERNATIONAL

 **COMMUNICATIONS**
INTERNATIONAL, INC.

Master Service Agreement

Between

Communications International Incorporated

And

The County of Volusia, Florida

Contract Number CII-07-0088

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Master Service Agreement

THIS AGREEMENT is made and entered into as of this 1st day of May, 2007 by and between COMMUNICATIONS INTERNATIONAL, INC., a Florida corporation, hereinafter called "CII" and the County of Volusia Florida hereinafter called the "County" and effective the 1st day of September, 2007. The number of this Agreement shall be CII-07-0088.

WHEREAS, CII currently provides certain Products and Services in relation to two-way radio communications within the boundaries of State of Florida; and

WHEREAS, the County desires to subcontract the purchase of these Products and Services described herein from CII; and

WHEREAS, the Parties wish to establish terms, conditions and pricing under which the particular Products and Services will be purchased by the County.

NOW, THEREFORE, for and in consideration of the prices negotiated and other good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged, CII and the County hereby agree as follows:

1.0 Definitions

- (A) "Parties" shall mean, collectively, CII and the County
- (B) "Products" shall mean that equipment, accessories and miscellaneous items CII offers for sale to the County at negotiated pricing as stated within this Agreement.
- (C) "Services" shall mean those services to be provided by CII to the County pursuant to this Agreement but not limited to, maintenance, support services, installations, training, labor, and testing.
- (D) "Software" means those Product(s) or portions thereof consisting of computer software programs, software utilities, and source code or object code.
- (E) "Fixed Equipment" is defined as the site repeater stations and associated equipment, multi-site coordinator, console electronic equipment and radio control stations and as otherwise specified described as Fixed Equipment in this Agreement.
- (F) "Mobile Equipment" is defined as all vehicular mounted radios, personal portable radios, vehicular repeaters and portable radio chargers and as otherwise specifically described as Mobile Equipment in this Agreement.
- (G) "Professional Services" are defined as service requests in this Agreement.

(H) "Working Hours" are defined as 8:00 a.m. to 5:00 p.m. (Eastern Time) Monday through Friday excluding Holidays unless otherwise defined within this Agreement. Services performed outside of Working Hours shall be defined as "Emergency Services".

2.0 Scope of Work

CII agrees to maintain the ability to provide the Products and the Services set forth in this Agreement and to provide the Products and Services described in Attachment A to the County, including Emergency Services and Professional Services. The County agrees to purchase these products and services from CII as needed, in accordance with the terms and conditions of this Agreement.

3.0 Term of Agreement

This shall be a one (1) year contract with up to four (4) one-year renewal options which may be exercised upon mutual consent of the County and CII in writing, at least ninety (90) days prior to the end of each one (1) year term. Unless otherwise agreed, the basis for this extension will be the consumer price index (CPI) for all urban consumers of the Bureau of Labor Statistics South Urban most recent publication prior to contract renewal. The adjustment factor used to create price adjustments up or down for each unit price proposed is as follows:

$$\frac{\text{Previous 12 month CPI-U South Urban}}{\text{Current year CPI-U South Urban}} = \text{CPI Adjustment}$$

This Agreement may be terminated by either party at will, with or without cause, upon not less than ninety (90) days notice in writing by overnight delivery, personal delivery, or registered mail return receipt requested to the other party. Such notice shall be effective upon receipt.

This Agreement will expire in the event that the Owner does not appropriate the funds for renewal.

4.0 Prices and Terms of Payment

- (A) The prices to be charged by CII for Professional Services and Emergency Services are set forth in Attachment B.
- (B) The prices to be charged by CII for the sale of service parts are set forth in Attachment C.
- (C) The prices to be charged for System Preventative Maintenance are set forth in Attachment D.

- (D) Professional and Emergency Services and purchase of all service parts will be in accordance with Florida Statutes 218.70, et seq., "Prompt Payment Act".
- (E) Notwithstanding the foregoing, CII may invoice the County for services performed as completed. The invoice shall contain the County's purchase order number and description of services including quantity, if any. The County will make timely payment to CII, i.e., no more than 45 days from date of receipt of an invoice. During the month of September (the last month of the County's fiscal year), CII shall submit to the County, all work orders for services performed during the month of September. Each work order shall be submitted by CII to the County within 48 hours after the work order is completed. CII shall submit all invoices to the County, for work performed during the County's fiscal year (October 1 to September 30) no later than October 15th. The County will consider invoices received after October 15th for services completed prior to September 30th, invalid and not payable.

5.0 Extra Charges

No extra charges of any kind will be allowed unless specifically agreed to in writing from both parties.

6.0 Miscellaneous Terms

- (A) Professional Services, including the installation, removal, or reinstallation of equipment, shall be performed by CII, following reasonable notice to the County, and at the hourly rates listed in Attachment B.
- (B) In addition to the Services specified in this Agreement, the County may order other work to be provided by CII including specially designed work or services otherwise not in conformity with this Agreement ("Special Requirements Order"). Within ten (10) business days of receipt of a Special Requirements Order, CII will furnish the County with a proposal to fill such order including price and delivery time. The County may accept or reject any such proposal within ten (10) business days of receipt; any proposal not specifically accepted will be deemed rejected on the eleventh business day after receipt.
- (C) Purchase orders issued in compliance with this Agreement, other than Special Requirements Orders, shall be deemed accepted upon receipt by CII. Special Requirements Orders shall be deemed accepted by CII upon receipt of the County's acceptance of CII's proposal.
- (D) Unless otherwise specifically agreed to in writing between CII and the County, the terms and conditions of this Agreement shall take precedence over any accepted purchase order issued after the date of this Agreement, in conformance with Article 18 of this Agreement.

(E) The County agrees to notify CII immediately if, at any time, it appears the Services and requirements set forth in this Agreement may not be satisfied. Such notification shall include the reasons for any anticipated delay (including, but not limited to, the reasons set forth in Section 9.0, Force Majeure) and the proposed schedule in which the County shall resume compliance.

7.0 Response Time

Response time is per scheduled event as defined in Attachment A (Scope of Work) of this Agreement.

8.0 Title, Risk of Loss and Claims

The County must make any claims against CII shortages in quantities shipped or deficiencies in services rendered within ninety (90) days from the date of delivery or invoice of such material or services.

9.0 Force Majeure

CII will not be considered in default or liable for any delay or failure to perform its obligations under this Agreement if such delay or failure arises directly or indirectly out of an act of nature, war, strikes, lockouts, trade disputes, fires, quarantine restrictions, governmental action or by causes beyond the reasonable control of CII. In such event, any obligation of CII under this Agreement will be postponed until the cause underlying the Force Majeure has been eliminated at which time the obligation will again be in effect. Any loss of time by the Force Majeure will not be held against CII who was unable to comply with its obligations under this agreement because of the Force Majeure. CII shall immediately notify the County in writing if a Force Majeure event delays performance and shall state the revised date for performance.

10.0 Cancellation

This Agreement may be terminated by either party at will, with or without cause, upon not less than ninety (90) days notice in writing by overnight delivery, personal delivery, or registered mail return receipt requested to the other party. Such notice shall be effective upon receipt.

11.0 Warranties

(A) CII warrants that all Services performed hereunder shall be free from defects in materials and workmanship and shall be the kind and quality necessary to assure performance of the equipment in accordance with the terms of this Agreement.

- (B) Except as set forth above in this Section, CII makes no warranties, express or implied, relating to the equipment including, without limitation, the warranties of merchantability or fitness for a particular purpose of the equipment. The manufacturer's warranties will apply in this case.

12.0 Work Sites

Work under this Agreement which involves operations by CII on the premises of the County, CII shall take all necessary precautions to prevent the occurrence of any injury to person or property during the progress of such work and CII shall maintain such Public Liability Property Damage and Employee's Liability and Compensation Insurance as well as protect the County from said risks and from claims of any kind including, but not limited to, claims under any applicable Worker's Compensation and Occupational Disease Acts.

13.0 Indemnifications

- (A) CII hereby agrees that CII shall indemnify and save harmless the County from any and all liability, claims, damages, expenses, including attorney's fees, proceedings, and causes of action of every kind and nature, including losses incurred or suffered in consequences either of bodily injury to any person or damage to any property, arising out of or connected with any act or omission of CII, its agents, employees, or any of its subcontractors, in connection with or pursuant to this Agreement. CII further agrees that it shall, at its own expense, defend any and all claims, suits, or proceeding, which may be brought against the County in connection with CII. This includes, such acts or omissions of any of its employees, agents or subcontractors, and shall satisfy, pay and discharge any and all judgments that may be entered against the County in any such action or proceeding.

14.0 Insurance

- (A) During the term of this Agreement, CII shall maintain all insurance coverage required pursuant to applicable state and federal laws, including worker's compensation insurance. In addition, CII shall purchase and maintain, in a company (or companies) lawfully authorized to do business as an insurer in the State of Florida, liability insurance for protection against personal injuries, deaths, and property damages, arising from or in any manner occasioned by the acts or omissions of CII or anyone directly or indirectly employed by CII, with the County designated as the named insured in a minimum amount of one million dollars (\$1,000,000) per occurrence and five million dollars (\$5,000,000) in the aggregate. Such insurance policy or policies shall provide that the insurance coverage may be reduced, canceled, or terminated by the insurance company or CII without providing written notice to the County not less than thirty (30) days in advance of the reduction in coverage, cancellation, or termination of the insurance policy or policies. The Certificate of Insurance is Attachment D of this agreement.

- (B) CII shall not be relieved of any liability assumed pursuant to this Agreement (Indemnification) by reason of its failure to secure and maintain insurance as required by this Section.

15.0 Notices

All notices or requests required to be given hereunder and all other communications related to this Agreement shall be in writing and shall be deemed to have been duly given if personally delivered, sent by certified or registered mail return, receipt requested, or commercial overnight delivery courier service (such as Airborne Express or Federal Express) as follows:

If to CII:

Communications International, Inc
4450 U.S. Highway 1
Vero Beach, FL 32960
Attn: Customer Service

If to the County:

Director of Purchasing and Contracts
County of Volusia
123 W. Indiana Ave Rm 304
Deland, FL 32720

With copy(s) to:

County Attorney
County of Volusia
123 W. Indiana Avenue
DeLand, Florida 32720

Director of Information Technology
119 W. Indiana Avenue
Deland, FL 32720

16.0 Waiver of Terms and Conditions, Survival

- (A) The failure of CII or the County in any one or more instances to insist upon performance of any of the terms and conditions of this Agreement, or to exercise any right or privilege contained in this Agreement or the waiver of any breach of the terms or conditions of this Agreement shall not be construed as thereafter waiving any such terms, conditions, rights or privileges, and the same shall continue and remain in force and effect as if no waiver had occurred.
- (B) Either Party's obligations under this Agreement which by their nature would continue beyond the termination, expiration or cancellation of this Agreement shall survive termination, expiration, or cancellation of this Agreement including, but not limited to, warranties, indemnity, and limitation of liability.

17.0 Partial Invalidity, Headings

- (A) If any term or provision of this Agreement shall be found to be illegal or unenforceable then, notwithstanding same, this Agreement shall remain in full force and effect and such term of provision shall be deemed stricken.
- (B) The heading of each section of this Agreement is provided for convenience only. If any conflict of interpretation arises between a heading and the text, the text will control.

18.0 Order of Precedence

Any inconsistency between this Agreement, Purchase Order Releases, the specifications and other documents will be resolved by giving precedence to those documents in the following order, with the document to be given greatest precedence listed first:

- 1) Purchase Orders with non-standard terms and conditions accompanied by a mutually approved Statement of Work.
- 2) This Agreement and Attachments.
- 3) Purchase Orders with standard terms and conditions.

19.0 Entire Agreement and Modification

This Agreement and the attachments hereto and made a part hereof sets forth the entire Agreement of the Parties with respect to the subject matter hereof and supersedes and merges all prior agreements and understandings. No amendment, modification, or waiver of any provisions of this Agreement or consent to any departure there from shall be effective unless in writing signed by duly authorized officers of both parties.

20.0 Notice of Certain Laws

The laws of the State of Florida impose civil and misdemeanor criminal penalties for violation of purchasing guidelines. In addition, the laws of the State of Florida impose felony penalties for bribes, gratuities, and kickbacks.

21.0 Governing Laws and Venue

The laws of the State of Florida shall govern the interpretation, administration, and enforcement of this Agreement entered into by and between CII and the County. The governmental entities named herein expressly retain all rights, benefits and immunities of sovereign immunity in accordance with Section 768.28, Florida Statutes. Nothing in this Agreement shall be deemed as a waiver of immunity of limits of liability of the governmental entities beyond any

statutory limited waiver of immunity or limits of liability which may have been adopted by the Florida Legislature or may be adopted by the Florida Legislature; and the cap on the amount and liability of the County for damages regardless of the number or nature of claims in tort, equity or contract shall not exceed the dollar amount set by the legislature for tort. Nothing in this Agreement shall inure to the benefit of any third party for the purpose of allowing any claim against the governmental entities which would otherwise be barred under the Doctrine of Sovereign Immunity or by operation of law. Any and all legal action brought to enforce to interpret this Agreement shall be brought and maintained exclusively in the appropriate state court in Volusia County, Florida.

22.0 Adjustments, Modifications, and Amendments

- (A) Should the County and CII mutually agree to a change in the scope of the program during the term of this Agreement, CII will be allowed to change the Agreement price up or down as indicated by the change in the scope of the Agreement. However, any amendment to this Agreement must be in writing and signed by the County, prior to such change being effective.
- (B) Changes in the provisions of this Agreement of Products and Services to be rendered under this Agreement may be made only in writing and must be approved mutually by an authorized agent of CII and by the County.
- (C) CII shall give full attention to the faithful execution of this Agreement, shall keep this Agreement under its control, and shall not by power of attorney or otherwise assign this Agreement to any other party without the prior written approval of the County which may be unreasonably withheld.
- (D) If Products to be furnished or Services to be provided pursuant to this Agreement are abandoned or delayed by CII, or anytime the County is of the opinion that Products to be furnished or Services to be provided have been abandoned or delayed by CII, the County may terminate this Agreement or any part thereof if CII fails to resolve the matter within three (3) days of receipt of written notice of delay or abandonment from the County of its designee.
- (E) Should laws change requiring additional Services or significant changes in cost, CII and the County will negotiate an equitable price increase. The reverse will hold true should laws change requiring fewer Services or reductions in cost, in which case CII and the County will negotiate an equitable price reduction.
- (F) During the term of this Agreement, CII shall furnish all the Services specified in this Agreement. CII understands and agrees that this is a requirements Agreement and that the County has no responsibility or obligation to CII to assist in providing the required services.

23.0 Default

This Agreement may be canceled or annulled by the County in whole or in part by written notice of default provided to CII upon non-performance or violation of Products or Services described herein. In such an event, article specified may be purchased on the open market similar to those so terminated. Failure of CII to deliver goods within the time stipulated in this Agreement, unless extended by the County Manager or his/her designee, shall constitute a default.

24.0 Substitution

(A) This Agreement and the attachments hereto and made a part hereof sets forth the entire Agreement of the Parties with respect to the subject matter hereof and supersedes and merges all prior agreements and understandings. No amendment, modification, or waiver of any provisions of this Agreement or consent to any departure there from shall be effective unless in writing signed by duly authorized officers of both parties.

25.0 Testimony

IN WITNESS WHEREOF, Communications International, Inc. and the County have caused this Agreement to be signed as of the dates set forth below.

Communications International, Inc.

Witness:

By: Robert Wm. Stork

Name: Robert Wm. Stork

Name: _____

Title: President/CEO

Date: _____

Volusia County

ATTEST: [Signature]

By: Frank T. Bruno, Jr.
Frank T. Bruno, Jr., County Chair

By: James T. Dinneen
James T. Dinneen, County Manager

Date: _____

Date: _____



Attachment "A" Scope of Work

To repair radios, provide labor, repair parts, communications services, and radio accessories as required by the County.

Radio service maybe provided to the County on different brands of radio equipment to include Motorola, M/A-COM, Kenwood, Maxon, Tait and Vertex Standard. Other brands and types of equipment are available on request.

CII will provide professional service by request and will price such services using pricing on Attachment "B"

ATTACHMENT "B"

Contract Number CII-07-0088



LABOR RATES

VOLUSIA COUNTY

	<u>Per Hour Rate</u>
Contract Service Rate	\$82.50
Overtime rate - one and one half contract rate	\$123.75
Travel time is billed at contract Rate	\$82.50
Project Manager	\$125.00
Site Manager	\$100.00
System Engineer	\$125.00
IP Network Engineer	\$125.00
IP Network Technician	\$95.00
Clerical	\$55.00



Attachment "C"

Contract Number CII-07-0088

Communications Int'l Inc. New Equipment Purchasing Agreement

CII would like to extend the current purchasing contract to The Customer. Pricing discounts for all M/A-Com manufactured equipment will be at the current Public Safety discount level of **25%** off the list price (Software Excluded). List price would apply to the current list price published in the Private Radio Systems Products and Services Catalog. All list pricing will reference the most current pricing available.

All vendor items will be priced at current published "Public Safety or Government" discount levels.

Discounts on all other manufactured equipment, custom equipment, and software not having published discount levels to be quoted at the time of request. All prices will be at best pricing offered to public safety agencies by CII.

PRODUCER Phone: (772) 562-3369 Fax: (772) 562-3466
HILB ROGAL & HOBBS OF FLORIDA, INC. - VERO BEACH
 2045 14TH AVE.
 P O BOX 130
 VERO BEACH FL 32961

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED
COMMUNICATIONS INTERNATIONAL
 4450 U S #1
 VERO BEACH FL 32967

INSURERS AFFORDING COVERAGE

NAIC #

INSURER A: **TRANSPORTATION INS CO**
 INSURER B: **CONTINENTAL CASUALTY CO.**
 INSURER C:
 INSURER D:
 INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADDL INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY PRO-JECT LOC	C 1073696739	10/14/06	10/14/07	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED. EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS-COMP/OP AGG. \$ 2,000,000
B		AUTOMOBILE LIABILITY ANY AUTO <input checked="" type="checkbox"/> SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS	C 1073678791	10/14/06	10/14/07	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B		GARAGE LIABILITY <input checked="" type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ 1,000,000 OTHER THAN EA ACC \$ AUTO ONLY: AGG \$ 1,000,000
B		EXCESS / UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR CLAIMS MADE DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$ 10,000	C2077252892	10/14/06	10/14/07	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$ \$
A		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	WC 1 73696742	10/14/06	10/14/07	<input checked="" type="checkbox"/> WC STATUTORY LIMITS OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE-EA EMPLOYEE \$ 1,000,000 E.L. DISEASE-POLICY LIMIT \$ 1,000,000
B		OTHER: GARAGEKEEPERS LIABILITY	C 1073678791	10/14/06	10/14/07	LIMIT \$435,000 COMP DED \$250 COLL DED \$250

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/ SPECIAL PROVISIONS

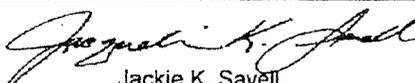
CERTIFICATE HOLDER

CANCELLATION

DIRECTOR OF PURCHASING AND CONTRACTS
 COUNTY OF VOLUSIA
 123 W. INDIANA AVE, RM 304
 DELAND, FL. 32720

 Attention:

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

 Jackie K. Savell



10 Flagg Street
Daytona Beach, FL 32114
Voice: 386.947.9999 Fax: 386.947.1646

QUOTATION

Page	1/2
Date	3/19/2013
Quote Number	QTE1300507

Bill To City of Deltona Finance Dept 2345 Providence Blvd Deltona, FL, 32725	Site Deltona Fire Dept 1685 Providence Blvd Deltona, FL, 32725 USA Contact Voice: Fax:
---	--

Site Number	Description	Salesperson	Customer Reference
DEL110MAIN	Replacement Mobiles - Portables	DISBR	Chief Rogers

Description	Quantity	Unit	Amount	Discount	Total
Billing					
EVXGPB78B - Portable XG-75, 764-870 MHz, Scan, Black	41.00	Each	1,790.00	18,347.50	55,042.50
MAEVNPL3R - Feature, Maximum (1024+) Systems/Groups	41.00	Each	0.01	0.00	0.41
MAEVPKGPT - Feature Package, P25 Trunking Limited promotion - If purchased before June 28, 2013, pricing will include EDACs and Provoice	41.00	Each	1,380.00	14,145.00	42,435.00
MAEVNPA9Y - Battery,Li-Ion,2000mAH (BT-023406-005)	41.00	Each	100.00	1,025.00	3,075.00
MAEVNPA9Y - Battery,Li-Ion,2000mAH (BT-023406-005)	37.00	Each	100.00	925.00	2,775.00
MAEVNCH9T - Charger, Single, Tri-Chemistry (CH104560007)	17.00	Each	120.00	510.00	1,530.00
MAEVNCH9U - Charger, 6-Bay, Tri-Chemistry	6.00	Each	695.00	1,042.50	3,127.50
MAEVNHC2G - Belt Clip, Standard (CC23894)	41.00	Each	20.00	0.00	820.00
EXC806MD - Antenna 806-869MHz for Portables	41.00	Each	15.25	0.00	625.25
V210156 - Speaker Mic w/Antenna Port & Coil Cord for Jaguar 700	41.00	Each	139.68	859.03	4,867.85
NTM20110801 - Kit,Modification(Antenna Hole Plug)	41.00	Each	5.00	0.00	205.00
TWPHA1 - P7300 Adapter Cups Replacement adapter cups for customer's existing Power Products 6-bay charger.	6.00	Each	20.00	0.00	120.00
Program, Portable System In appreciation of volume purchase, programming has been discounted for this purchase only. Normal programming rate is \$34 per radio.	1.00	Each	577.50	0.00	577.50
MAMWSDMXX - Mobile,M7300, 764-870 MHz, Half Duplex, Unencrypted	19.00	Each	2,065.00	9,808.75	29,426.25
MAMWNPL3R - Feature, Max(1024+) Sys/Grp Option	19.00	Each	0.01	0.00	0.19
79					Item 7B



10 Flagg Street
Daytona Beach, FL 32114
Voice: 386.947.9999 Fax: 386.947.1646

QUOTATION

Page	2/2
Date	3/19/2013
Quote Number	QTE1300507

Description	Quantity	Unit	Amount	Discount	Total
MAMWPKGPT - Feature Package, P25 Trunking Limited promotion - If purchased before June 28, 2013, pricing will include EDACs and Provoice	19.00	Each	1,610.00	7,647.50	22,942.50
MAMWNCP9F - Control Unit, CH-721, System, Remote Mount	19.00	Each	825.00	3,918.75	11,756.25
MAMWNZN7R - M7300 Remote Mount Accessory Kit	19.00	Each	360.00	1,710.00	5,130.00
MAMWNMC7Z - Microphone, Standard, CH721 Control Unit	19.00	Each	80.00	380.00	1,140.00
AN225001001 - Antenna Element, 700/800 3dB	19.00	Each	90.00	427.50	1,282.50
K794 - Coax Kit for thick mount If existing coax is in good condition, it may be reused.	14.00	Each	27.87	97.55	292.63
NMO KUD - Coax Kit 17' If existing coax is in good condition, it may be reused.	5.00	Each	17.85	0.00	89.25
A00031000 - Mobile Radio Interface Cable, Harris M7300, RM CH-721 Firecom interface cable for M7300 remote mount radio	10.00	Each	195.00	0.00	1,950.00
CEB30CH71P - Equipment Mounting Bracket, 3" space, fits M/A Com CH-721 required if control head is being mounted in a console	19.00	Each	28.00	0.00	532.00
CIINF - Mobile Data Noise Filter	19.00	Each	59.00	0.00	1,121.00
Misc fused, wires, connectors	19.00	Each	25.00	0.00	475.00
Labor Labor is estimated to remove old radios, install new M7300 in a total of 19 vehicles. 10 of the 19 vehicles will require Firecom interface with new radio. Programming for the 19 mobiles will be included in installation. If Ci is not completing installs, please allow \$34 per radio for programming charges.	1.00	Each	7,700.00	0.00	7,700.00
Shipping and Handling	1.00	Each	300.00	0.00	300.00

Prices quoted are valid for (30) Days from Document Date.
All orders are subject to shipping & handling charges.
All warranties are manufacture's warranties.

Services	9,172.50
Items	251,010.16
S/Total	260,182.66
Less Discount	60,844.08
Less Cover	0.00
Plus Tax	0.00
Total Due (USD)	199,338.58

By signing this Quotation and/or submitting a purchase order pursuant to this Quotation you acknowledge that you have read and agree to be bound by Communications Int'l. Inc.'s Terms and Conditions of Sale Service and Technical Support.



AGENDA MEMO

TO: Mayor & City Commission

AGENDA DATE: 6/3/2013

FROM: William "Dave" Denny, Acting City Manager

AGENDA ITEM: 7 - C

SUBJECT: Request for approval of a budget amendment for maintenance work for DTV and the Chambers from Public Information Office.

LOCATION:

N/A

BACKGROUND:

Per RFP 2013-01 in FY 2012 General Projection Systems (GPS) was contracted to provide some maintenance work and document existing wiring for DTV and the Chambers.

GPS was able to provide the required maintenance work but a review of the wiring documentation revealed multiple areas of concern and incomplete work. Unfortunately due to a clerical error by the PIO's office the full invoiced amount was paid.

GPS was contacted about the issues with the wiring and a full review revealed that GPS could not provide the deliverables as specified in the RFP with regard to the wiring diagrams.

GPS then provided a refund of \$5000 for the unacceptable work in FY 2012-2013. Per policy that refund was processed by finance and returned to the general fund.

Per policy the PIO's office now request that the refunded amount be returned to PIO's budget line item 001 121 524602, so the needed work can be completed.

New RFP KK1313 for FY 2013 issued for wiring diagrams and vendor has been identified. This vendor has provided a firm quote for \$7040, to complete the project. Once monies are returned from general fund to the correct line item work can begin to document the wiring diagrams for DTV and the Chambers.

**ORIGINATING
DEPARTMENT:**

Deputy City Manager

SOURCE OF FUNDS:

General Fund

COST:

\$2000.00

REVIEWED BY:

Public Information Officer

**STAFF
RECOMMENDATION
PRESENTED BY:**

Public Information Officer Lee Lopez - That the Commission approve a budget amendment of \$5,000 from the General Fund to the Public Information Office account, Line item number 001121-524602, resulting in a net decrease in the Budgetary Fund Balance of \$2,000.

**POTENTIAL
MOTION:**

"I move to approve a budget amendment in the amount of \$5,000 to move funds from the General Fund to the Public Information Office account, Line item number 001121-524602, with an offset of \$5,000 in the miscellaneous revenue account #001-369900.

**AGENDA ITEM
APPROVED BY:**

William "Dave" Denny, Acting City
Manager

ATTACHMENTS:

- Budget Amendment

City of Deltona
Budget Amendment

Amendment #: 2013-12 Date: June 3, 2013
Fund: General Fund-001 Agenda Item: _____

		<u>Increase</u>	<u>Decrease</u>
Account #: 001 369900	Amount:	5,000	
Description: OTHER MISCELLANEOUS REVENUES			
Account #: 001121 524602	Amount:	7,000	
Description: R&M - EQUIPMENT			
Account #:	Amount:		
Description: _____			
Account #:	Amount:		
Description: _____			
Account #:	Amount:		
Description: _____			
Account #:	Amount:		
Description: _____			
Account #:	Amount:		
Description: _____			
Account #:	Amount:		
Description: _____			

Description: This amendment results in a net decrease in Budgetary Fund Balance of \$2,000.

Reason: **To appropriate refund received from General Projection Systems. Funds are needed to perform maintenance in the TV room.**

ATTEST:

Joyce Raftery, City Clerk

John C. Masiarczyk, Sr., Mayor



AGENDA MEMO

TO: Mayor & City Commission

AGENDA DATE: 6/3/2013

FROM: William "Dave" Denny, Acting City Manager

AGENDA ITEM: 8 - A

SUBJECT: Public Hearing - Ordinance No. 06-2013, Phase II-A Amendments to the Land Development Code, at first reading and to schedule second and final reading.

LOCATION:

City-wide

BACKGROUND:

On November 7, 2011, Phase I of the Land Development Code (Code) amendment was adopted by the City Commission. It focused on housekeeping objectives that achieved improved text organization, clarity, and consistency. We have entered into Phase II-A, which addresses more substantive elements of the Code.

A City Commission and P&Z Board joint workshop was held on February 11, 2013, to review and discuss the content of the proposed Phase II-A amendments and related items brought up by P&Z members. At the direction of the City Commission, staff conducted research on a number of outstanding issues relating to the discussion items. The findings of this research were presented at the City Commission Workshop on April 8, 2013.

The Phase II-A Code amendment includes additions, deletions, and revisions to certain provisions of Chapter 70 Section 30, "Definitions"; Chapter 74, "Administration"; Chapter 96, "Improvements", and Chapter 110, "Zoning". Finally, the P&Z Board met on May 15, 2013, and unanimously recommended that the City Commission approve Ordinance No. 06-2013, with the following addition to the recommended language in Section 74-26(b)(6) to read, "...subject to Development Review Committee administrative review and final action to ensure compliance with City and Fire Codes."

ORIGINATING DEPARTMENT:

Planning and Development Services

SOURCE OF FUNDS:

N/A

COST:

N/A

REVIEWED BY:

Planning Director, Finance Director, City Attorney

**STAFF
RECOMMENDATION
PRESENTED BY:**

Presented by: Tom Pauls, AICP, Planning and Development Services Director. Staff recommends that the City Commission approve Ordinance No. 06-2013, at first reading, that amends 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 96, "Improvements"; and Chapter 110, "Zoning".

**POTENTIAL
MOTION:**

"I move to approve Ordinance No. 06-2013, at first reading, that amends 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 96, "Improvements"; and Chapter 110, "Zoning".

**AGENDA ITEM
APPROVED BY:**

William "Dave" Denny, Acting City
Manager

ATTACHMENTS:

- Ordinance No. 06-2013
- Exhibit A: Proposed Amendments
- Summary of Proposed Amendments

ORDINANCE NO. 06-2013

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 96, “IMPROVEMENTS”; AND CHAPTER 110, “ZONING”; PROVIDING FOR CONFLICTS, SEVERABILITY 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 good foundation to enable the city to introduce more substantive and community-based changes; and

WHEREAS, the amendments cited in Exhibit A include substantive changes to the Land Development Code Chapter 70 Section 30, Chapter 74, Chapter 96, and Chapter 110, by adding, deleting, and revising certain sections; and

WHEREAS, the Planning and Zoning Board held a public hearing on May 15, 2013, 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, Chapter 70, Section 70-30 “Definitions”; Chapter 74, Section 74-26 “Final site plan review” and Section 74-27 “Conceptual or preliminary site plan review”; Chapter 96, Section 96-26 “General” and Section 96-30 “Lots”; and Chapter 110 Article III Section 110-303 through Section 110-318, Section 110-320 “EO, Enterprise Commercial Overlay District”, Section 110-600 “Types of

City of Deltona, Florida
Ordinance No. 06-2013
Page 2 of 3

nonconformity”, Section 110-801 “Exceptions to minimum yard or lot coverage requirements”, Section 110-803 “Construction in platted easements”, Section 110-807 “Home Occupations”, Section 110-808 “Landscaping Requirements”, Section 110-811 “Parking and storage of vehicles or watercraft”, Section 110-814 “Additional regulations for certain permitted principal uses and structures”, Section 110-817 “Permitted Conditional Uses”, Section 110-820 “Airport hazards”, Section 110-827 “Accessory Uses and Structures”, Section 110-829 “Off-street circulation, parking dimensions and loading facilities”, and Section 110-832 “Sidewalk Cafés”, are hereby amended as follows:

See Exhibit A, Land Development Code Amendments, attached hereto

Section 2. 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 3. 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 _____, 2013.

First Reading: _____

Advertised: _____

Second Reading: _____

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

City of Deltona, Florida
Ordinance No. 06-2013
Page 3 of 3

ATTEST:

JOYCE RAFTERY, City Clerk

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

GRETCHEN R. H. VOSE, City Attorney

EXHIBIT A ORDINANCE NO. 06-2013

Chapter 70 GENERAL PROVISIONS

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.

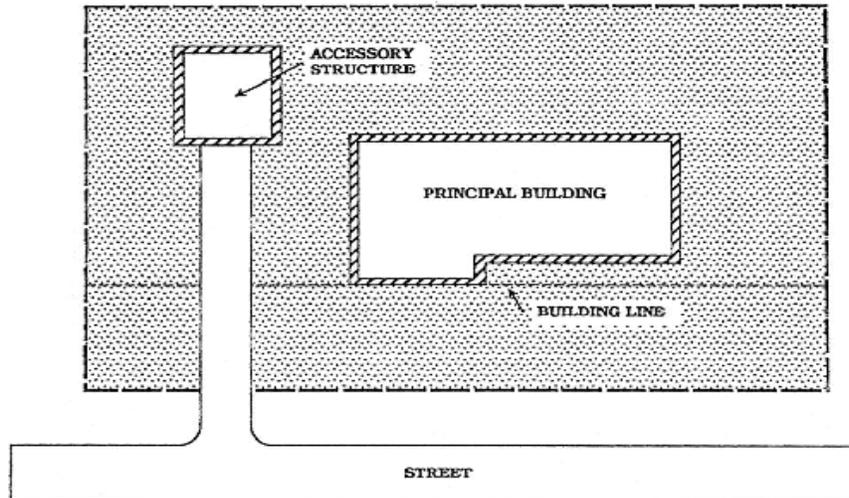
Abandon: any cessation of an existing use of land or of any structure thereon for a period greater than that specified by this chapter, other than a cessation necessarily incident to probate or mortgage foreclosure proceedings, or to the temporary absences of part-time residents.

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 is a sign indicating the address of a building or group of buildings and the direction of travel to proceed to such address.

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

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

- (1) Admission to all or any part of the establishment is not restricted to adults only;
- (2) All adult material is accessible only by workers, which means that the item, material, goods or product can be physically touched, picked up, handled by a patron, or is visually displayed so that substantially more than its name or title is visible;
- (3) The gross income each month from the sale and rental of adult material comprises less than ten percent of that month's gross income from the sale and rental of all goods and material at the establishment;
- (4) The individual items of adult material offered for sale and rental comprise less than 25 percent of the total individual unused items publicly displayed at the establishment as stock in trade in each of the following categories: books, magazines, periodicals, other printed matter, photographs, films, motion pictures, videotapes, slides, compact discs, computer digital graphic recordings, other visual representations, audio recordings and other audio matter, and they comprise less than 25 percent of the

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

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

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

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

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

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

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

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

Adult performance establishment: an establishment where any worker:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~**Apartment, garage:** an accessory building containing a storage area for one or more motor vehicles and one single family dwelling occupying not more than 800 square feet of living area.~~

Apartment house: See multiple-family dwelling.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Automobile service station:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

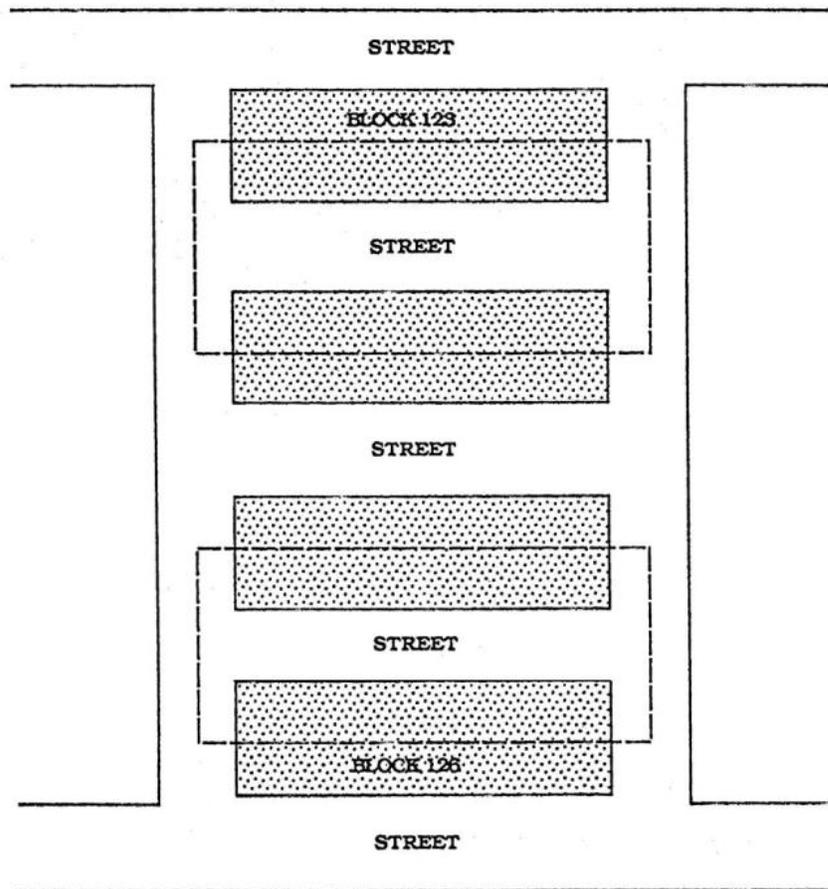
Bikeways: any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

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

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

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

ILLUSTRATION OF BLOCK FACE



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

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

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

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

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

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

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

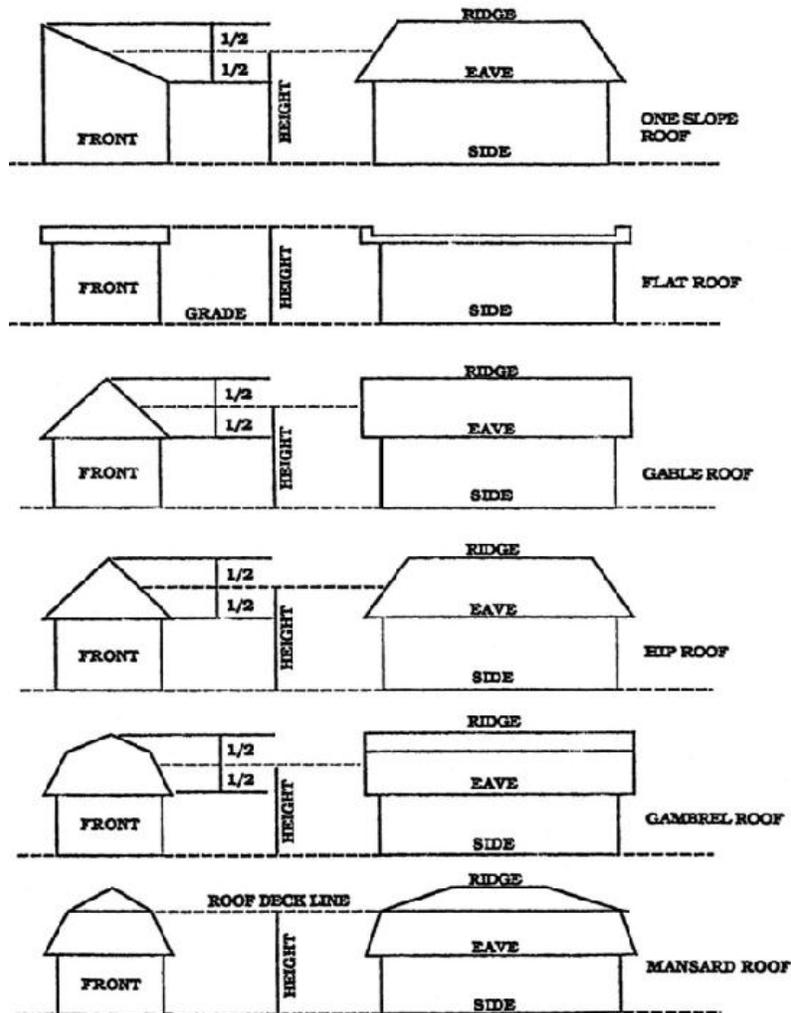
Building: any permanent or temporary structure, with a roof built for support, shelter, or enclosure for any occupancy or storage.

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

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

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

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.

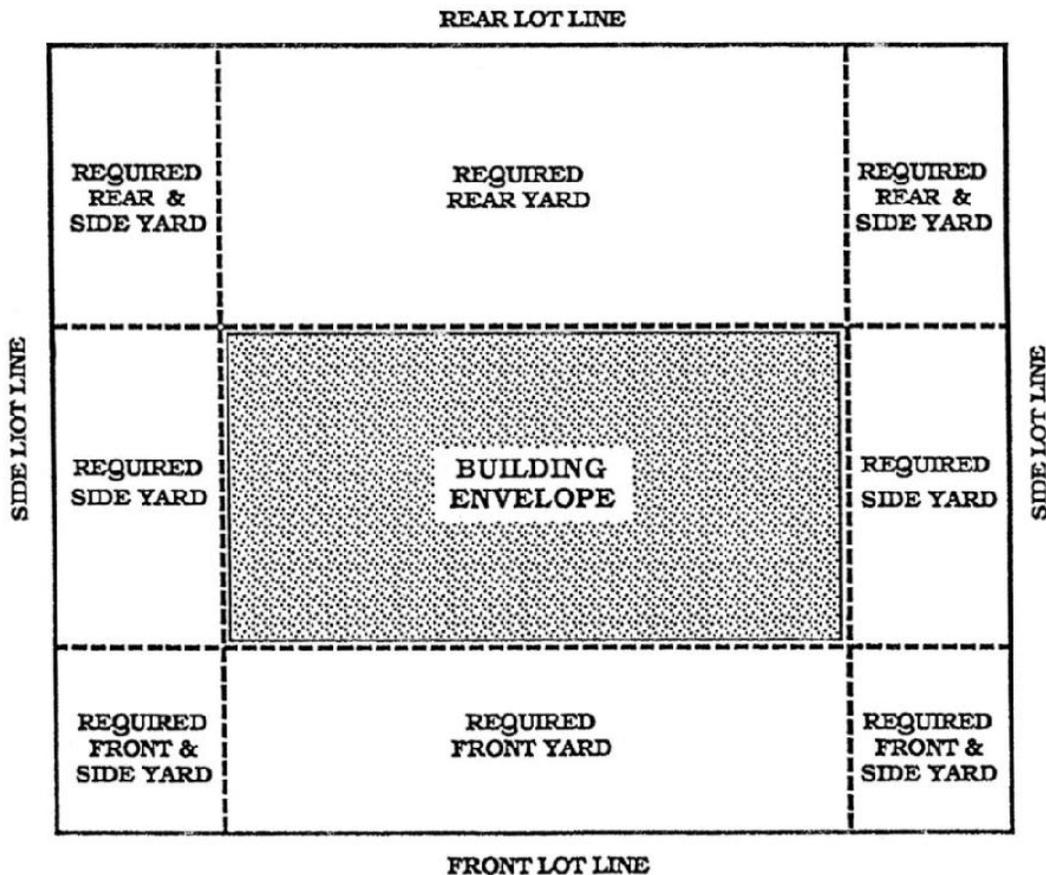
Building line: mark established by minimum yard requirements outside of which no principal structure may be erected.

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 ballfields, picnic pavilions, installation of equipment for children's play areas, irrigation systems, lighting systems, fencing, bleachers, roads, parking facilities, restrooms, concession and community buildings, manager quarters and storage buildings.

- (c) For any transportation project (Chapter 94), any transportation planning, preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting and construction of all the necessary features for any road construction project including, but not limited to:
1. Construction of new through lanes.
 2. Construction of new turn lanes.
 3. Construction of new bridges.
 4. Construction of new drainage facilities in conjunction with new roadway construction.
 5. Purchase and installation of traffic signalization (including new signalization and upgrading signalization).
 6. Construction of curbs, medians, shoulders, sidewalks and bike paths.
 7. Relocating utilities to accommodate new roadway construction.
- (d) For any law enforcement project (Chapter 94), any:
1. Construction of police office buildings, stations, and substations.
 2. Acquisition of all law enforcement equipment.
 3. Acquisition, construction and equipping of training facilities to support law enforcement service staff.
 4. Acquisition and equipping of law enforcement vehicles and other emergency equipment.

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

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

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

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

Changeable copy sign: Any sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign that also includes digital electronic changeable copy signs.

Church: See "house of worship".

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

City: the City of Deltona, Florida.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

County: the County of Volusia, Florida.

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

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

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

- (1) Is present at an establishment, regardless of whether that person has actually given any consideration or spent any money for goods or services; or
- (2) Has paid or has offered, agreed, been solicited, or had someone else offer or agree on that person's behalf to pay any consideration fee, or tip to an operator or worker of an adult entertainment establishment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) A reconstruction, or remodeling when said remodeling includes the alteration of exterior lighting, alteration of the size, or structural change in the external appearance of a structure on land.
- (2) A change in the intensity of use of land, such as: an increase in the number of dwelling units in a structure or on land, or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
- (3) Alteration of a shore or bank of a river, stream, lake, pond or canal, or other governmentally-defined navigable waterway.
- (4) Commencement of drilling, except to obtain soil samples; mining; or excavation on a parcel of land.
- (5) Demolition or removal of a structure.
- (6) Clearing of land as an adjunct of construction.
- (7) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
- (8) Any land altering activity described in F.S. § 380.04.

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

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

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

Development Review Committee: 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 or 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 conducting the drawing, one or more entries are selected by chance to win a prize. The term drawing does not include those enterprises, commonly known as game promotions, as defined herein, matching, instant winner, or preselected sweepstakes, which involve the distribution of winning numbers, previously designated as such, to the public.

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

Driveway:

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

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

Due public notice:

- (1) "*Due public notice*" as used in connection with the phrase "*public hearing*" or "*hearing with due public notice*" shall mean with respect to applications and appeals in which there is to be a public hearing of the city commission or of the planning and zoning board as provided for in this section:
 - a. The publication of notice with the following information: day, time, place and purpose, place or places within the City where the change may be inspected by the public, and that interested parties may appear at the meeting and be heard with respect to the proposed change. Said notice shall be published at least once in a newspaper of general circulation in the area at least ten days prior to the date of such public hearing, unless a longer notice period is required by statute for the type of application to be heard. Notices published in local newspapers shall meet or exceed the minimum requirements of state law as required by F. S. § 166.041, and chapter 163, F.S., as they may be amended from time to time.

- b. In addition for applications affecting less than five percent of the total land area of the City, similar notices setting forth the time, day, place and purpose of such hearing shall be mailed, by US mail, at least ten days prior to the date of the planning and zoning board public hearing by the applicant to the last known address of the owners of the property involved, if the applicant is not the owner of the property involved, and to the owners of property within 300 feet of the property lines of the property involved. In the absence of information to the contrary, the owners of the properties to receive notice by certified mail shall be determined by reference to the latest records published by the Volusia County Property Appraiser. The owner of the property involved, or his or her duly authorized agent, shall acknowledge receipt of the notice forms provided by the enforcement official. Provided, however, it is the intent of this provision that only one said mailing is required to be sent to owner(s) of property adjoining the property involved; but said notice shall contain the time, day, and place of all public hearing(s). In each case, the owner of the affected property, and the owners of the property within 300 feet of the affected property, shall be notified by certified U.S. mail that is postmarked at least 14 days prior to the planning and zoning board public hearing on a rezoning or a plan amendment, with a return receipt. A copy of said notice shall be provided to the enforcement official at least ten days prior to the first public hearing date that appears on the notice, and shall be kept available for public inspection during regular business hours in the office of the enforcement official. For amendments initiated by the City, the required notice by U.S. Mail shall be sent by certified mail, and a record of those to whom the notice was sent shall be maintained with the application file by the Planning and Development Services Department. For applications initiated by the City, no return receipt or acknowledgment of notice by the affected property owners shall be required. Affected parties may make their support of or objections to a city initiated amendment at a duly noticed public hearing, but their appearance at a hearing is not required. Except that if any party wishes to establish legal standing to object to the approval of the ordinance then that party must state the reasons for such objections at a public hearing as required by state law.
- c. For applications affecting less than five percent of the total land area of the City, the owner or his or her duly authorized agent, or for applications initiated by the City, a member of the staff of the Planning and Development Services Department, a contractor hired by the City and duly authorized to perform said posting, or the authorized staff of another city department, shall also post, at least ten days prior to the date of such public hearing, the sign or signs provided by the enforcement official. For purposes of posting property that is the subject of a city initiated amendment, said notice may be posted on public right-of-way in front of the property affected by the proposed amendment, but shall not be placed so as to obstruct the vision of drivers at any intersection, including driveway intersections. The City shall not be required to place posted notice on or along any property line that abuts private streets or easements, but shall limit such postings to streets maintained by the City, Volusia County, or the Florida Department of Transportation, such posting shall not be required when the public agency responsible for the affected street right-of-way refuses to permit said posting within its right-of-way. However, the responsible city agency shall not prohibit said posting of notice on right-of-way maintained by the City. The sign or signs provided by the enforcement official shall be printed on a brightly-colored, easily recognizable, weather-resistant material of minimum size 22 inches in width and 28 inches in height. One sign shall be posted for each 200 feet of front lot line. Corner properties will be posted on both front lot lines. Each sign shall be placed in a location along the lot line that provides the greatest visibility from the adjacent street or road. The posted sign or signs should remain in place until the completion of the public hearing of the city commission and shall be removed by the applicant within ten days following the conclusion of the last public hearing noticed thereon. Failure to remove the sign or signs after ten days following the last noticed public hearing appearing thereon shall be a violation of this code, and shall be punishable as provided in Chapter 2, Code of Ordinances of the City of Deltona, Florida, as it

may be amended from time to time. In the case of an application from the owners of 51 percent or more of the area involved, the City shall require such persons to give the notice required by mail and to post the property in accordance with this section. In all cases, affidavit proof of the required publication, mailing, and posting of the notices shall be presented to the enforcement officer or his or her designee at least ten days before the first hearing date appearing in the notice.

- d. Provided, however, in lieu of the foregoing, with respect to the publication of the notice concerning the amendments of the text of this section, said notice shall be as provided in subsection (1) a., above.
 - e. When an agenda item for a public hearing that was duly advertised and noticed in accordance with this section is continued to a date certain, no further notice or advertisement shall be required. However when two or more hearing dates were placed on any notice, and the initial or intermediate hearing is continued to a date certain, an amended notice shall be mailed and/or posted as required by this section which shall provide notice of any changed date for any subsequent hearing for which a date certain was not set that is affected by the continuance.
 - f. When a hearing is tabled or postponed without a date certain, the hearing and any subsequent hearing that may have been advertised and noticed shall be re-advertised and re-noticed in accordance with the requirements of this section.
- (2) Except for appeals as otherwise provided for in this section, the city commission shall provide for due public notice as used in connection with the phrase "public hearing" or "hearing with due public notice" for applications involving five percent or more of the land area of the City in the manner as provided in F.S. § 166.041, as it may be amended from time to time. For plan amendments and development agreements affecting five percent or more of the total land area of the City, notice shall be provided as required by chapter 163, F.S., as it may be amended from time to time.

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

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

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

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

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

Dwelling, model: any new house temporarily used by the builder/developer for the purpose of on-site sales, construction or security of the type of dwelling being constructed only in the development in which it is located. A model dwelling may continue to exist until it is replaced by another use. Usually model

dwellings are on display for three to five years, or until the subdivisions where they are located are substantially built out. A home built for speculative sale (without a contract for purchase at completion) shall be considered a model home where it is built on the same block face as a proposed or existing model home.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Act as a companion or date for or converse with a customer;
- (2) Engage in physical contact with another person;
- (3) Provide private adult entertainment;
- (4) Engage in private modeling or lingerie modeling;
- (5) Display specified anatomical areas, strip naked, or go topless; or
- (6) Engage in any specified sexual activity.

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

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

- (1) Advertises as an escort service or escort agency or otherwise offers or advertises that it can furnish escorts, private dancers or private models; or
- (2) Offers or actually provides, arranges, dispatches or refers workers, employees, agents or independent contractors to act as an escort for a patron or customer.

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

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

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

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

Exempt 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 Construction: means, for the purposes of floodplain management, structures for which the start of construction commenced before April 18, 1974. This term may also be referred to as “existing structures”.

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

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

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

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

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

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

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

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

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

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

Federal manufactured housing construction and safety standard codes: Title VI of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et seq.), as amended (previously known as the Federal Mobile Home Construction and Safety Standards), rules and regulations adopted there under (including information supplied by the home manufacturer, which has been stamped and approved by a design

approval primary inspection agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), and regulations and interpretations of said code by the Florida Department of Highway Safety and Motor Vehicles Bureau of Mobile Home Construction; all of which became effective for mobile/manufactured home construction on June 15, 1976.

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

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

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

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

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

Final Site Plan (FSP): plan required by chapter 74, article II, 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:
 1. The overflow of inland or tidal waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.

3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a) (2) of this definition and are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- b. The collapse or subsidence of land along a shore of a lake or other body of water as the result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) (1) of this definition.

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

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

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

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

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

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

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

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

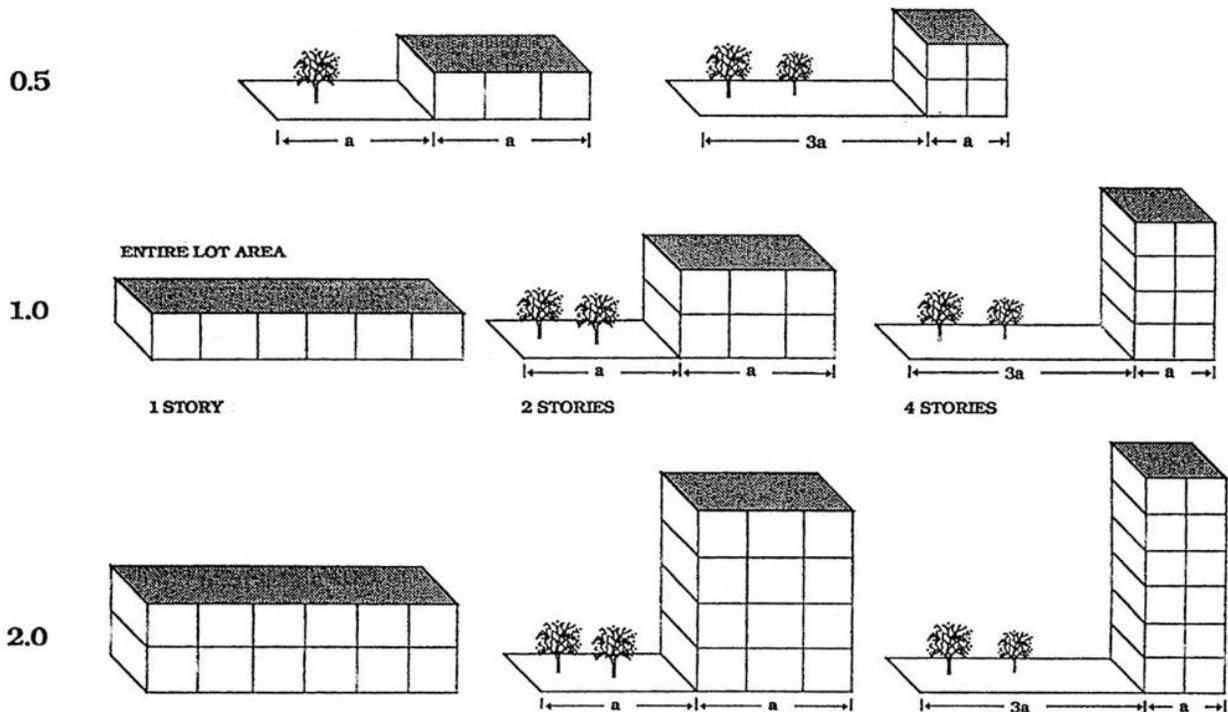
Floor area: sum of the gross horizontal heated and/or air conditioned areas of the several floors of a dwelling measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but excluding:

- (1) Unheated attic areas with a headroom of less than seven feet;
- (2) Unenclosed stairs or fire escape;
- (3) Elevator structures;
- (4) Cooling towers;
- (5) Areas devoted to air conditioning, ventilating or heating or other building machinery and equipment;
- (6) Vehicle parking structures;
- (7) Unheated basement space not devoted to residential use;

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

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

FLOOR AREA RATIO EXAMPLES



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

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

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.

Frame effect: a visual effect on an electronic message center applied to a single frame to transition from one message to the next.

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".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Historic structure: Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- c. Individually listed on the Florida inventory of historic places, which has been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By the approved Florida program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior.

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

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

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

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

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

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

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

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

Hunting camp: premises to accommodate individuals who hunt game.

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

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

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

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

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

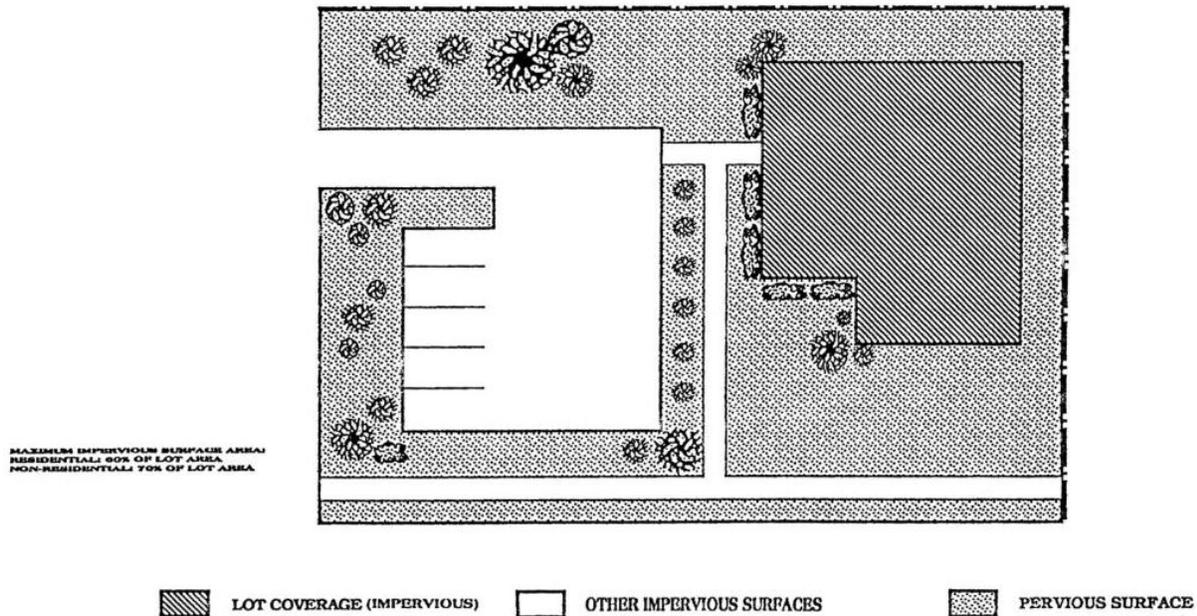
Impact fee: any fire/rescue impact fee, law enforcement impact fee, park impact fee, or transportation impact fee.

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

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

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

IMPERVIOUS SURFACE ILLUSTRATION



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

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

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

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

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

Item of information: each syllable or abbreviation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Light pollution: any adverse effect of manmade light.

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

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

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

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

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

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

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

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

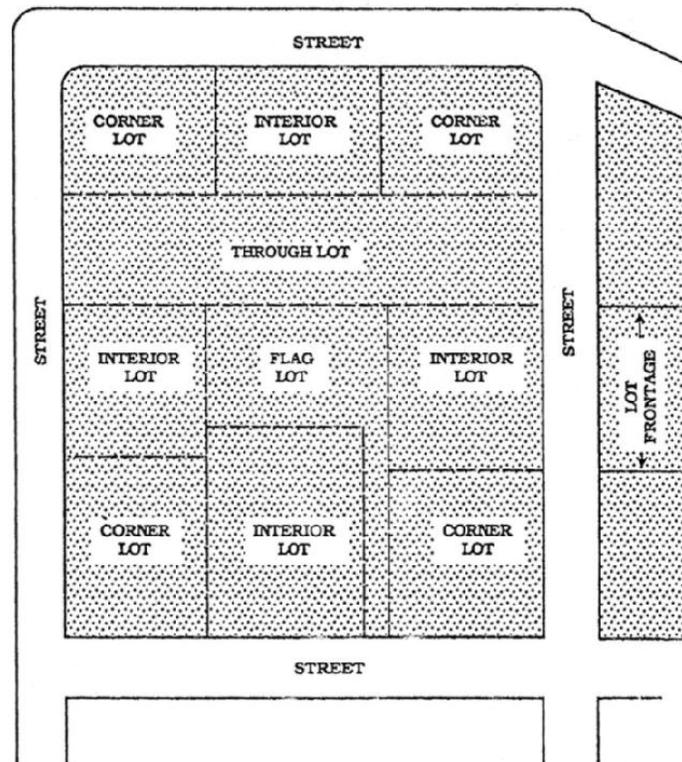
Local parks: Local parks are designed for populations of 5,000 to 50,000 and are ideally located from one-quarter to three miles from the population centers. Park sizes may vary from five to 49 acres with about ten acres being the most typical. Facilities include equipped playgrounds, multipurpose hard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

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

Lot:

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

DEFINITION OF TYPES OF LOTS



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

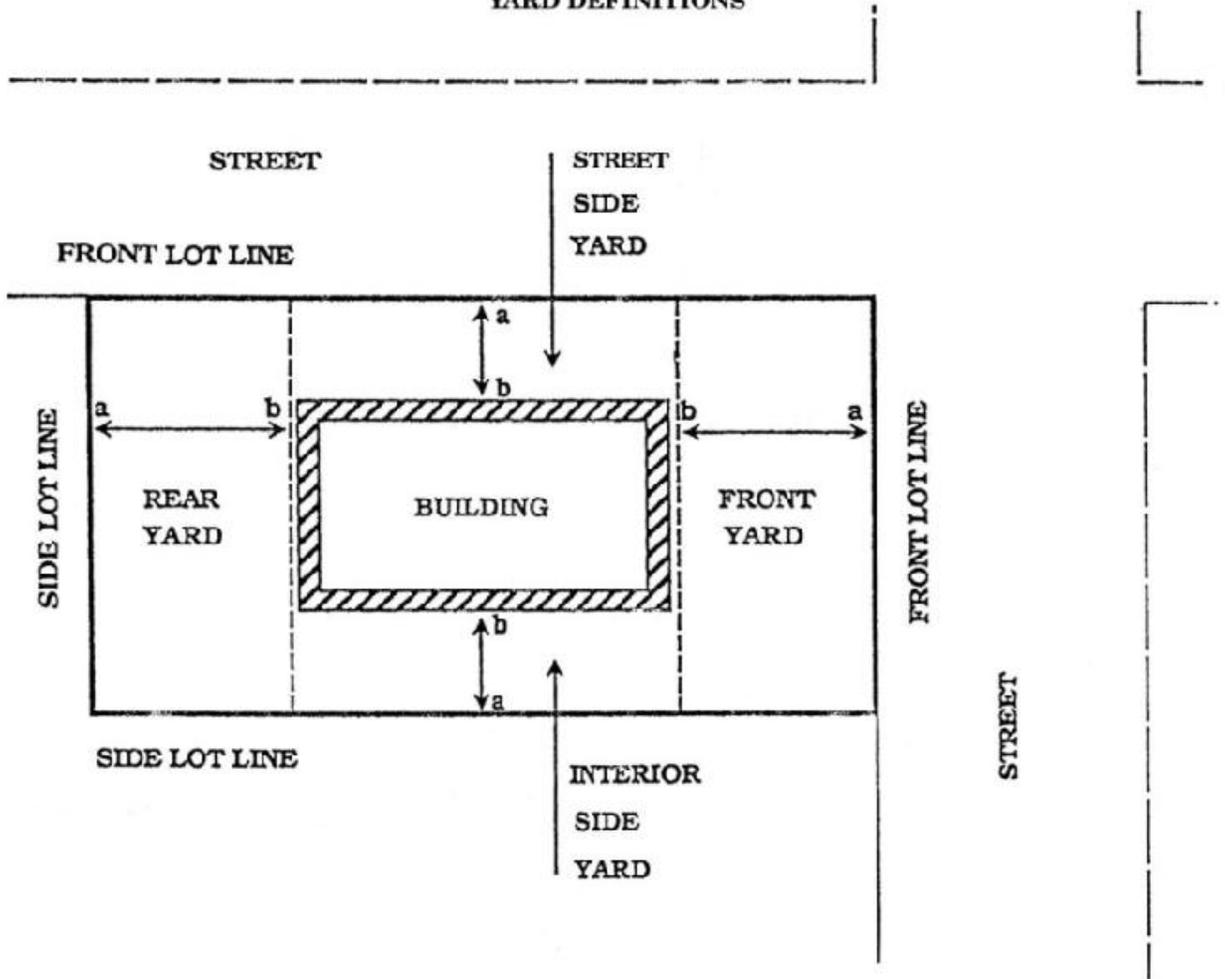
Lot classifications: lots shall be classified as corner lots, interior lots, through lots and atypical lots.

**ILLUSTRATION OF THE BASIC
TYPES OF LOTS**



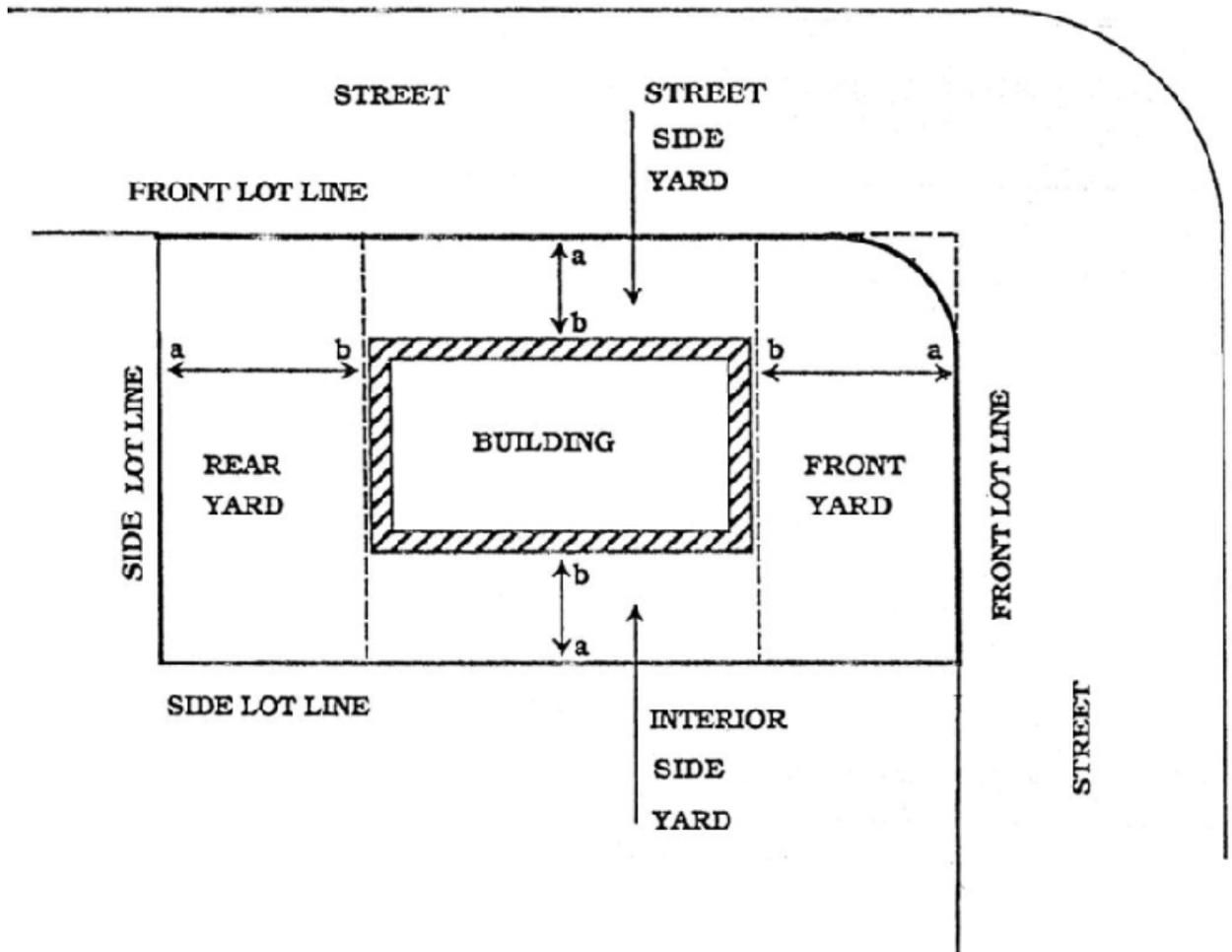
- (a) Corner lots are defined as lots located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the front most points of the side lot lines to the frontmost point of the lot meet at an interior angle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



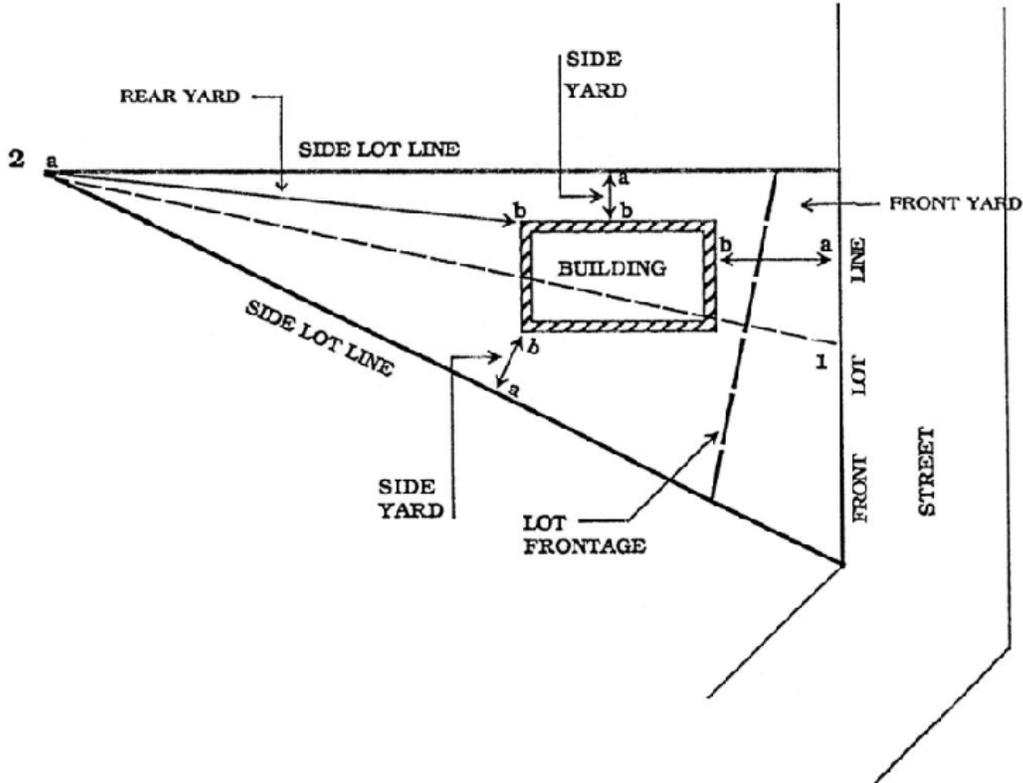
DISTANCE ab REPRESENTS THE DEPTH OF THE REQUIRED YARD MEASURED AS LEAST HORIZONTAL DIMENSION BETWEEN LOT LINE AND NEAREST PART OF MAIN BUILDING. DISTANCE ab MUST BE THE MINIMUM DISTANCE SPECIFIED IN THE ORDINANCE

- (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



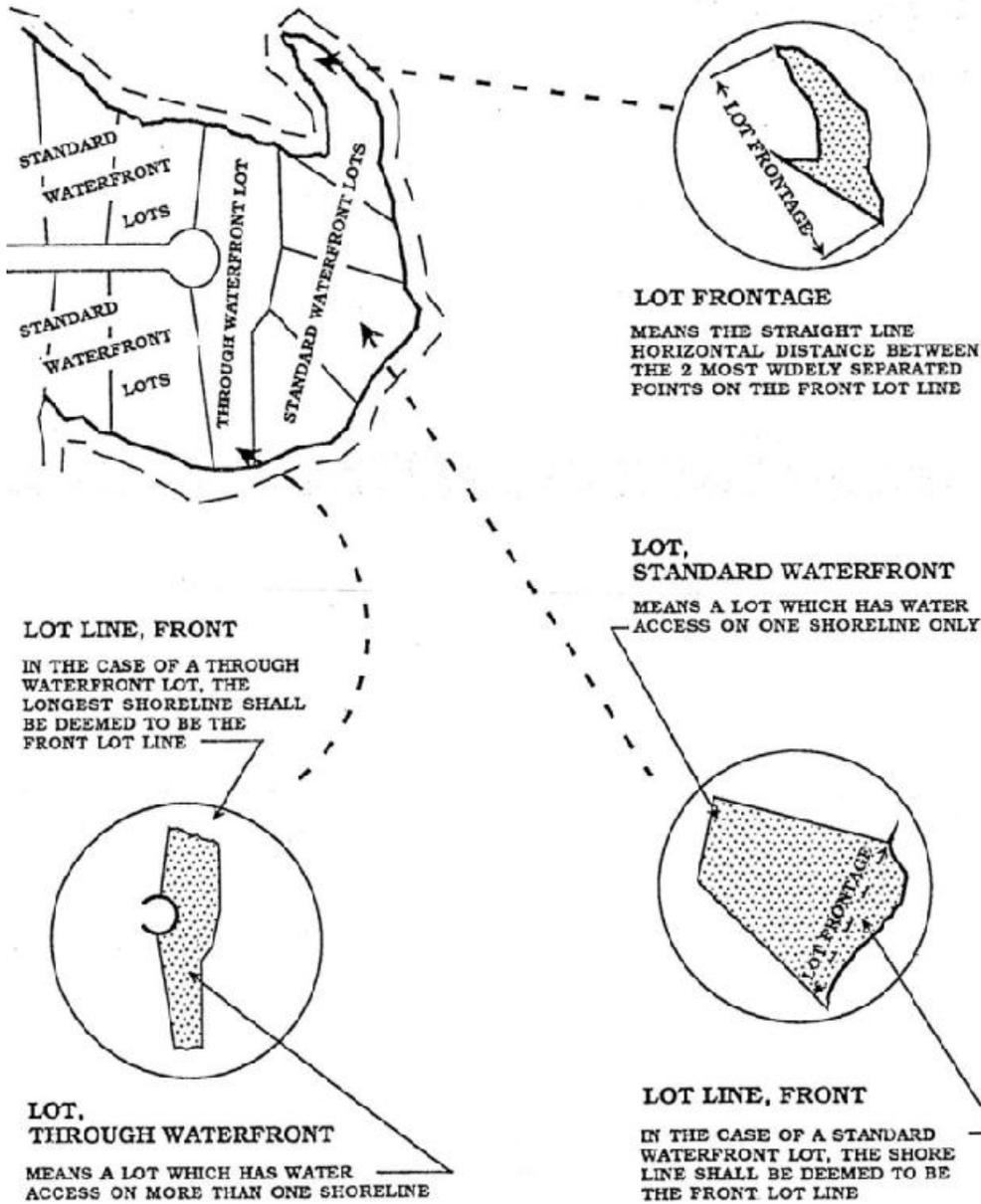
LOT FRONTAGE

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.

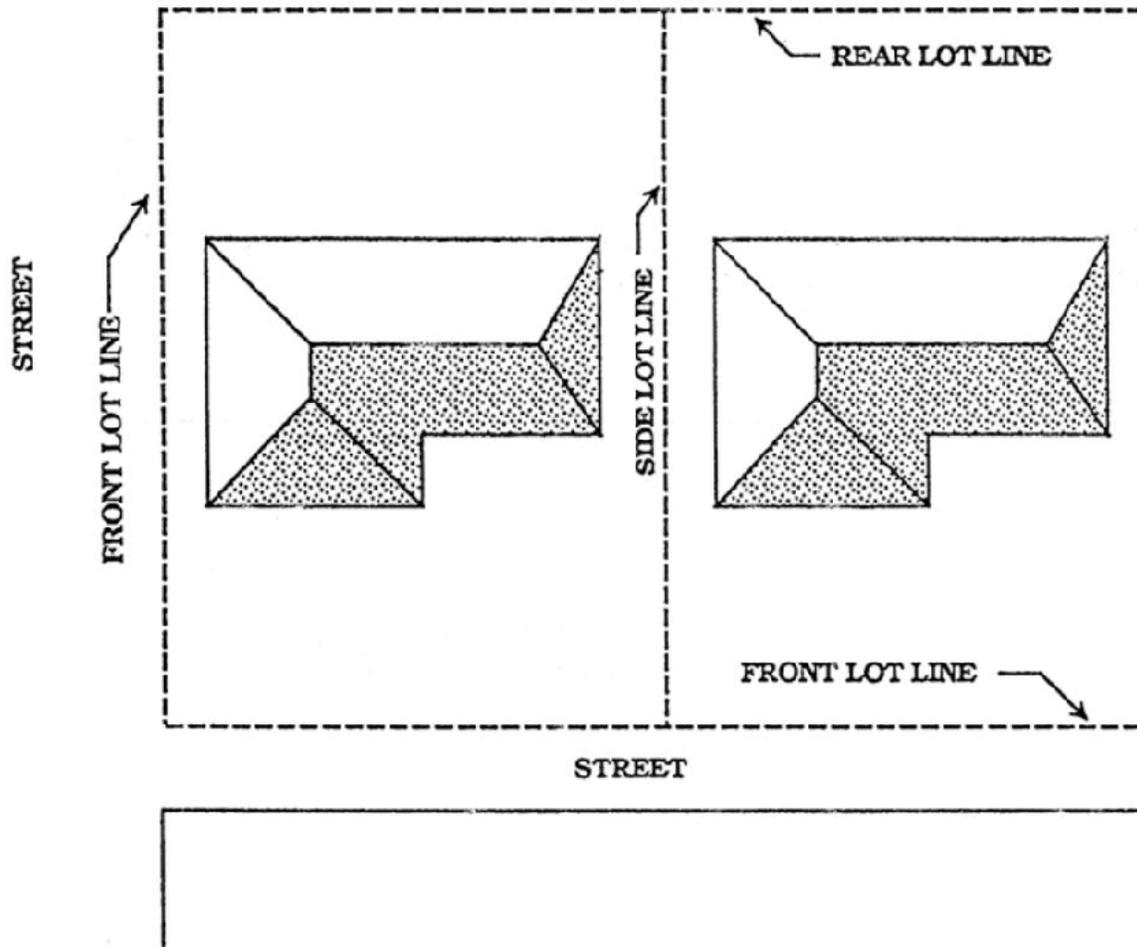
DISTANCE *ab* MUST AT LEAST BE THE MINIMUM SPECIFIED FOR THE REQUIRED YARD IN THE ORDINANCE.

**ILLUSTRATION OF DEFINITIONS
RELATED TO WATERFRONT LOTS**



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

LOT LINE DESCRIPTIONS



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Market value: The building value, which is the property value excluding the land value and that of the detached accessory structures and other improvements on site (as agreed to between a willing buyer and seller) as established by what the local real estate market will bear. Market value can be established by an independent certified appraisal (other than a limited or curbside appraisal, or one based on income approach), Actual Cash Value (replacement cost depreciated for age and quality of construction of building), or adjusted tax-assessed values.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) The issuance of building permits or final development orders are subject to the requirements of this article for obtaining a determination of capacity, a certificate of capacity reservation; and
- (2) No vested rights to obtain building permits or final development orders, or any other rights to develop the subject property have been granted or implied by the City's approval of the preliminary development order.

Nonconforming 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.

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

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

Nonresidential 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.

Nonresidential parcel: parcel of land other than a residential parcel.

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

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

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

- (1) Human genitals or pubic region;
- (2) The cleavage of the human buttocks;
- (3) The areola or nipple of the human female breast; or
- (4) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

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

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

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

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

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

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

Opaque:

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

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

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

Operator (adult entertainment): any person who engages in or performs any activity necessary to or that facilitates the operation of an adult entertainment establishment, including but not limited to the

licensee, manager, owner, doorman, bouncer, bartender, disc jockey, sales clerk, ticket taker, movie projectionist, dispatcher, receptionist or attendant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (2) A person licensed under state law to practice medicine, surgery, osteopathy, chiropractic, naturopathy, or podiatry, or persons licensed as a physician's assistant, or holding a drugless practitioner's certificate;
- (3) A nurse registered under state law;
- (4) A barber or beautician licensed under state law;
- (5) A cosmetologist licensed under state law;
- (6) A person performing services in any hospital, clinic, nursing home or sanitarium licensed under state law;
- (7) An instructor, coach or trainer employed by or on behalf of any bona fide professional, Olympic or sanctioned amateur athletic team, governmental entity or any bona fide state, county or private educational institution; or
- (8) A physical therapist licensed under state law.

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

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

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

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

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

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

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

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

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

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

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

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

Preexisting:

- (1) When used together with the term "adult entertainment establishment," "religious institution," "educational institution," "commercial establishment that in any manner sells or dispenses alcohol for on-premises consumption," or "residence":
 - a. The establishment, institution or residence is already being lawfully used or lawfully occupied;
 - b. A building permit for the establishment, institution or residence has been lawfully issued, all fees associated with the permit have been paid, and the permit has not expired; or
 - c. An application or plan to allow the establishment, institution or residence to be constructed, used or occupied has been filed and is undergoing review or is approved, with or without conditions.
- (2) When used with the term "park":
 - a. The park is already being used; or
 - b. The park site has been approved or otherwise designated by the appropriate governing body.

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

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

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

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

Principal structure: any structure occupied by the principal use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Religious sign: a shape symbolizing a religious belief.

Rendition: the filing of a signed, written decision with the zoning enforcement official or his/her designee. If a timely petition for rehearing has been filed, the decision shall not be deemed rendered until its disposition.

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

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

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

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

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

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

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

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

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

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

Retail: includes the sale of non-wholesale merchandise and goods for public consumption and may include adult bookstores; adult theatres; accounting and bookkeeping services; antique shops; apiaries; art goods and bric-a-brac shops; auction parlors; automobile driving schools; aviaries; bakeries, retail (including preparation of products for sale on the premises); beauty shops and parlors; barber shops; bars and liquor stores; bicycle stores; boathouses; building materials storage and sales; bus stations; carwashes; catering services; cigar stores; night clubs; private clubs; commercial nurseries and/or greenhouses; kennels or breeding farms; computer hardware or software service and sales; confectionery and ice cream stores; conservatories; contractor and building material yards; curb markets; curio stores; drug and sundry stores; electric service and sales; electronic service and sales; fish camps; flea markets; florist shops; florists retail; fruit stores; funeral homes; garden supplies and retail fertilizer stores; general retail sales and services; hardware stores (retail only); household moving centers; interior decorating, costuming, draperies; jewelry stores; watch repairs; Laundromats; laundry and cleaning agencies; laundry and dry cleaning establishments; self-service laundries: lawn equipment service and sales; leather goods stores (retail only); linen supply and industrial launderers; marinas; millineries, wearing apparel and furrier stores; mobile recreational vehicle and shelter sales, services, storage and repair; model home centers; moving and storage companies; music and radio stores; newsstands; paint stores; pawnshops; pest exterminators; pet stores; photograph galleries; plumbing fixture shops (retail only); plumbing shops with indoor storage only; plumbing, sales and service; printing and engraving, including Photostatting and publishing; printing shops; retail plant nurseries; retail specialty shops; riding stables; rug cleaning establishments; stamp redemption centers; tailor or tailor shops; tattoo parlors and body piercing establishments; taxicab stands; travel agencies; truck and freight transfer terminals; truck stops; truck storage; welding and soldering shops; and, wholesale-retail nurseries.

Retail sales and services: the duly licensed selling of general or specialized merchandise directly to the consumer 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.

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

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

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

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

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

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

Rooming house: See "boardinghouse".

RV park: includes mobile home parks and accessory laundry buildings, commissaries, swimming pools and recreational facilities; campers; campgrounds and recreational vehicle parks; and mobile recreational shelters and vehicles.

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

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

- (a) **Class I.** Landfills which receive an average of 20 tons or more of solid waste per day as weighed by scale if available, or 50 cubic yards or more of solid waste per day as measured in place after covering.
- (b) **Class II.** Landfills which receive an average of less than 20 tons of solid waste per day as weighed by scale if available, or less than 50 cubic yards of solid waste per day as measured in place after covering.
- (c) **Class III.** Landfills which receive only trash or yard trash. The city commission may further limit the types of materials which may be deposited in a class III landfill. (*Section 70-26*)

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

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

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

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

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

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

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

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

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

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

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

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

Sign:

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

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

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

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

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

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

- (a) Site driveways and roads;
- (b) Right- and left-turn lanes leading to those driveways and roads;
- (c) Traffic control measures for those driveways and roads;
- (d) Acceleration/deceleration lanes;
- (e) Frontage roads;
- (f) Median openings/closings; and
- (g) Roads necessary to provide direct access to the development.

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

Solid waste: sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or

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

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

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

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

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

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

Special exception: See "conditional use".

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

Specified anatomical areas:

- (1) Less than completely and opaquely covered:
 - a. Human genitals or pubic region;
 - b. Any part of the human buttocks; or
 - c. That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola (the colored ring around the nipple); which shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed.
- (2) Human male genitals in a discernibly erect or turgid state, even if completely and opaquely covered.
- (3) Any simulation of the above.

Specified criminal act:

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

- (2) Any offense under the following: F.S. Ch. 794 regarding sexual battery, F.S. Ch. 796 regarding prostitution, F.S. Ch. 800 regarding lewdness and indecent exposure, and F.S. Ch. 847 regarding obscene literature; or
- (3) An offense under an analogous statute of a state other than Florida, or an analogous ordinance of another county or city.

Specified sexual activity :

- (1) Human genitals in a state of sexual stimulation, arousal, erection or tumescence;
- (2) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast; or
- (3) Acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilous, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sapphism, sexual intercourse, sodomy or urolagnia; or
- (4) Excretory functions as part of or in connection with any of the activities set forth in subsection (1), (2) or (3) of this definition.

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

Table 70-1 Specimen Trees

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

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

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

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

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

Start of construction: means for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), this includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

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

Stock in trade: [all merchandise and equipment kept on-site and used in carrying on a business.](#)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Temporary sign permit: a permit for a temporary sign.

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

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

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

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

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

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

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

Toe: lowest part of an embankment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Use:

- (1) Any purpose for which premises may be designed, arranged, intended, maintained or occupied; or
- (2) Any activity, occupation, business or operation conducted or intended to be conducted on the premises.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

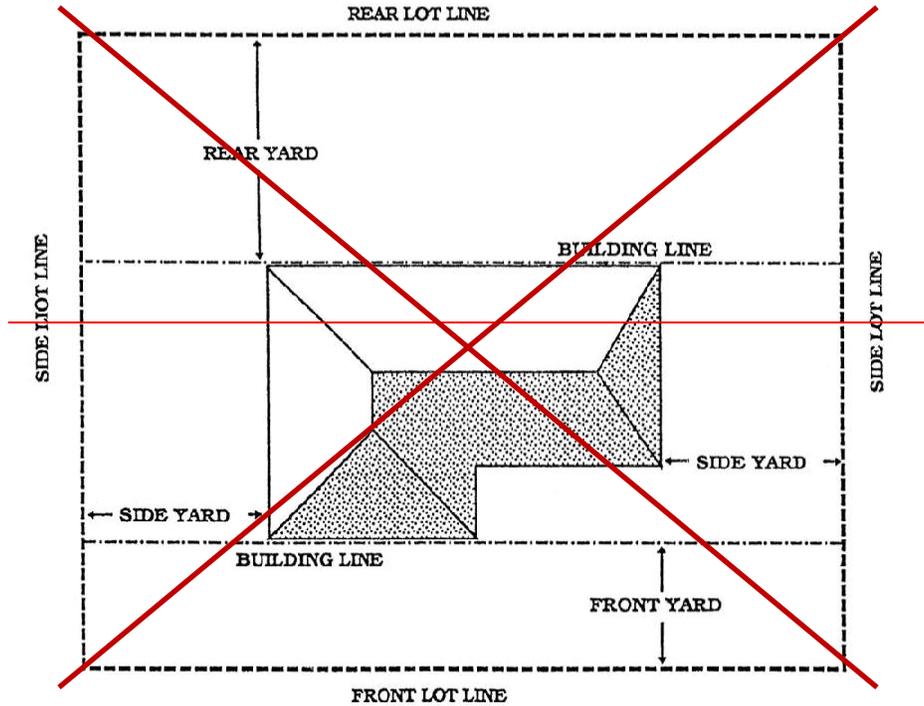
Window sign, temporary or promotional: window sign of a temporary nature used to direct attention to the sale of merchandise, or a change in the status of the business, including signs for sales, specials, going out of business, grand openings, etc.

Worker: person who works, performs or provides services at an adult entertainment establishment or who is an escort, irrespective of whether such person is paid a salary or wage. The term includes but is not

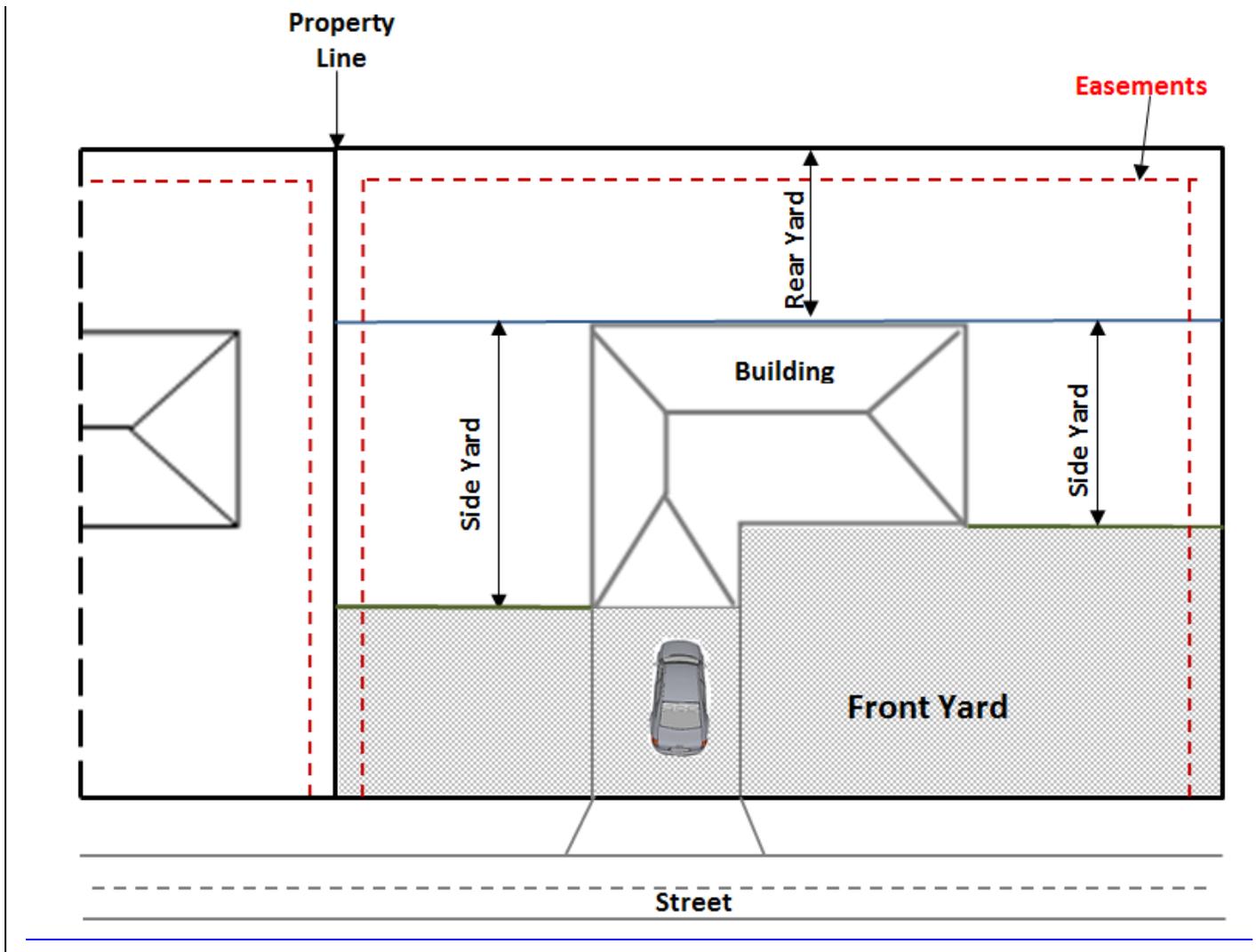
necessarily limited to employees, independent contractors, subcontractors, lessees or sublessees who work or perform in, at or for an adult entertainment establishment. An operator is deemed a type of worker.

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

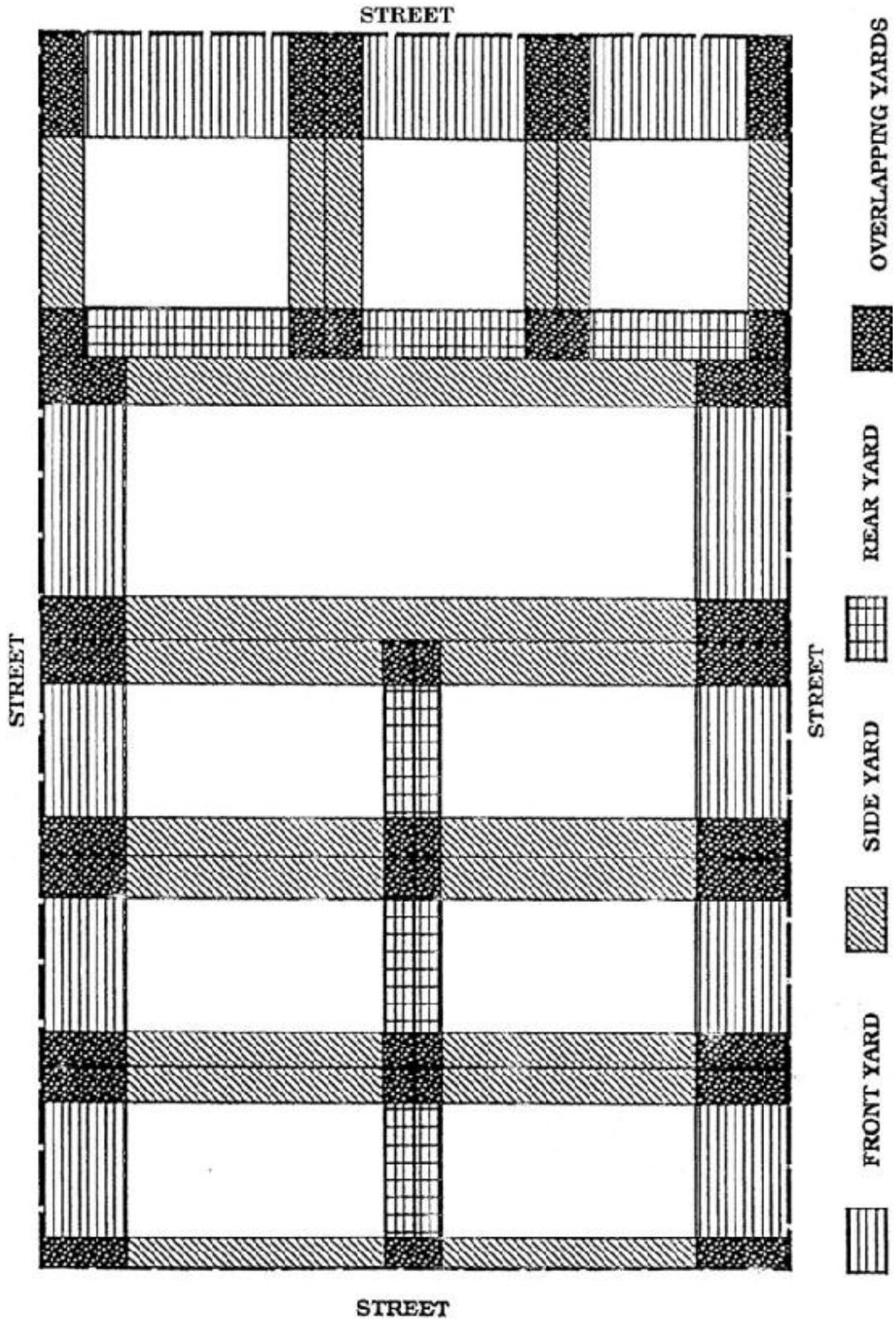
DEFINITION OF YARD



DEFINITION OF YARD



**ILLUSTRATION OF
FRONT, SIDE & REAR YARD**



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

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

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

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

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

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

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

Chapter 74 ADMINISTRATION

ARTICLE II. FINAL SITE PLAN APPROVAL PROCEDURES

Sec. 74-26. Final site plan review.

- (a) *Approval required.* Unless otherwise stated in this chapter, granting of a final site plan development order (FSP) is required prior to the issuance of any development permit allowing the commencement of site construction of any development in the City.
- (b) *Exempt development.* The following activities shall not require compliance with this article, but may be subject to other articles:
 - (1) Implementation, by a governmental entity, of a water management plan approved by the city commission, as such plan relates to an approved development of regional impact (DRI) (not a conceptual DRI).
 - (2) Construction of a single-family home and customary accessory structures on an existing single-family classified lot.
 - (3) Construction of a single duplex and customary accessory uses on an existing duplex classified lot.
 - (4) The installation of those improvements which are required to develop a subdivision and for which development permits have been issued pursuant to chapter 106.
 - (5) Agricultural production practices, which include fencing, drainage, irrigation and other agricultural uses and structures, including portable structures which do not conflict with existing city ordinances.

[\(6\) Public building under 10,000 sq. ft.](#)

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

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

- (a) *Necessity for filing.*
- (1) All applicants for an FSP shall first submit a conceptual site plan application (CPN) to the Planning and Development Services Department.
 - (2) The Planning and Development Services Director or his/her designee shall, within three working days of acceptance of the application, review the application for conformity with this chapter and other development regulations and notify the applicant in writing of the results of the review. Thereafter, the applicant may submit an application for an FSP.
- (b) *Procedures.* An application for an FSP shall be filed and processed pursuant to sections 74-3 and 74-4 of this chapter.
- (c) *Required submittals.* A CPN or FSP application shall include the following:
- (1) *Conceptual site plan application.*
 - a. Statement of ownership of the proposed development, and the names, addresses and telephone numbers of the developer and any project engineers, architects or planners;
 - b. Legal description;
 - c. Current zoning classification(s);
 - d. Schematic representation of proposed use, including building size, shape and location on the site;
 - e. Schematic representation of vehicular circulation within the site, including driveways, parking areas and loading areas;
 - f. Schematic representation of points of connection to the public right-of-way.
 - (2) *Final site plan application.* After receiving the written results or the CPN review an FSP application may be submitted pursuant to sections 74-3 and 74-4 of this chapter and shall include the following information and exhibits drawn to a scale of not less than one inch equals 50 feet:
 - a. Statement of ownership of the proposed development, and the names, addresses and telephone numbers of the developer and any project engineers, architects or planners;
 - b. Legal description;
 - c. Current zoning classification(s);
 - d. Vicinity map at a scale of one inch equals 2,000 feet with sufficient information to locate the property in the field;
 - e. A survey of the subject property, prepared by a registered surveyor, showing the boundaries of the project, and any existing streets, buildings, watercourses, easements and section lines;
 - f. Flood-prone areas;
 - g. Water bodies or courses;
 - h. Swamp or wetland areas;
 - i. A site plan containing the title of the project, its date, scale and a north arrow, and illustrating the location of all proposed buildings and structures, access and traffic flow, off-

- street parking and off-street loading areas, recreational facilities, landscaped and buffer areas, refuse collection areas, proposed utilities, and existing and proposed topography at one-foot contour intervals;
- j. Total acreage, project density, and the percentages of total acreage for each permitted use, for building coverage and for impervious surface coverage;
 - k. Statement of the proposed number of off-street parking and loading spaces and how that number was calculated;
 - l. Statement of the proposed arrangements for the maintenance of common open space areas and facilities;
 - m. Location and height of all structures and total floor area with dimensions to lot lines, and designation of use;
 - n. Building separations;
 - o. Vehicular circulation system for bicycles, cars and other required vehicle types, with indication of connection to adjacent streets;
 - p. All adjacent rights-of-way, with indication of centerline and width, paving width, existing median cuts, driveways and intersections, street light poles and power company facilities;
 - q. Pedestrian circulation system;
 - r. Provider of water and sewerage facilities;
 - s. Existing and proposed fire hydrant locations and water main sizes;
 - t. Direction of drainage flows and nature of retention facilities, if any;
 - u. Indication of existing native vegetation that will be preserved;
 - v. Identify known wildlife corridors for federal and state endangered species, threatened species or species of special concern;
 - w. Identify known plants and animals which inhabit the site that are listed as federal and state endangered species, threatened species or species of special concern;
 - x. Identify known historic and archaeological sites;
 - y. Tentative construction schedule for the proposed development, including, if applicable, a tentative schedule for phasing construction, the date potable water facilities are needed to serve the proposed development and a commitment from the appropriate potable water provider, if other than the City, demonstrating that adequate capacity shall be available to service the proposed development at the time of impact as provided in chapter 86; provided, however, the level of service standards described in chapter 86 shall be adhered to by any potable water facility provider;
 - z. The date sanitary sewer facilities are needed to service the proposed development and a demonstration and commitment from the appropriate sanitary sewer system provider, if other than the City, that adequate capacity shall be available to service the proposed development at the time of impact as provided in chapter 86; provided, however, the level of service standards described in chapter 86 shall be adhered to by any sanitary sewer provider.
 - aa. Location of solid waste disposal system and provisions for accessibility to refuse collection and recycling trucks;

- bb. Off-street parking, loading, bicycle parking and mass transit loading (bus stop) areas and provisions for accessibility to vehicles of the required type;
- cc. Areas for emergency vehicles and fire engines, and provisions for accessibility to vehicles of the required type;
- dd. Design of all paved areas, including dimensions, radii and elevations, as well as plans for traffic-control signs and pavement markings;
- ee. Location of all drainage features, and retention areas, if any; lowest floor elevation of proposed buildings;
- ff. Plans and specifications required pursuant to all other applicable articles of this chapter;
- gg. Computation of pervious and impervious area, in square footage and percentage;
- hh. Building floor areas, elevations, sizes, types and typical floor plans;
- ii. Plans for signs, which at a minimum shall include location, size and setbacks;
- jj. A landscaping plan meeting the requirements of the zoning ordinance [chapter 110, Code of Ordinances];
- kk. Location and plans for any outside storage areas;
- ll. Any additional information deemed necessary by any reviewing department or agency, or deemed appropriate by the developer;
- mm. If the FSP was prepared on an appropriate CAD system, the applicant shall provide such computer disks to the Planning and Development Services Director or his/her designee.
- nn. Location, type, and description of proposed erosion and sedimentation controls. At a minimum:
 1. For proposed developments greater than or equal to one acre or to developments less than one acre that are part of a larger common plan of development, a draft copy of the NPDES Generic Construction NOI (Notice of Intent) and SWPP (Stormwater Pollution Prevention Plan) shall be submitted to the City.
 2. Requirement that erosion control inspectors for project are Florida State Certified.

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

[oo. Other relevant items as may be required by the Planning and Development Services Director, Development Review Committee and other decision making bodies.](#)

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. 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 "[City of Deltona 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 ~~on a variance application~~ [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 ~~of 115 kv or greater capacity~~ 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. 96-30. Lots.

- (a) *General.* All lots shall be consistent with the requirements of the zoning ordinance [chapter 110, Code of Ordinances]. In addition, the following requirements shall apply:
 - (1) *Width.* All lots fronting on a cul-de-sac shall have a minimum width at the right-of-way line of not less than 35 feet, measured at the chord.
 - (2) *Depth.* Lot depths along designated thoroughfare roads shall be 150 percent of the average lot depth or lots shall front on service drives without increased depth.
 - (3) *Orientation.*

- a. Every lot shall abut on a public street which has a minimum right-of-way of at least 50 feet, except as may be provided under section 96-28(e)(1)a.
 - b. When lots are platted or developed abutting a limited-access city, state or federal highway, ingress or egress shall be limited to the interior streets or marginal-access roads.
- (b) *Dimensions.* Lots shall meet the minimum dimensional requirements of the zoning ordinance [chapter 110, Code of Ordinances] and shall be determined by the particular land use and building size proposed provided that minimum dimensions for lots utilizing individual wells and/or septic tanks shall be in accordance with section 96-34.
- (1) *Corner lots.* Corner lots shall have a 15 percent greater width and area than that required by the applicable zoning classification to accommodate setbacks from both streets except where all lots have an area of one-half acre or larger.
 - (2) *Business, industrial off-street parking.* Depth and width of properties reserved or laid out for business and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated. Due to high lot coverage of building, parking and roads, lot size shall include suitably sized and located areas to accommodate on-site storm water retention and/or detention in accordance with chapter 98, article IV of this Code, and tree protection and replacement in accordance with chapter 98, article II.
 - (3) *Street access.* The development of land shall provide, by means of a street or accessway, each lot with satisfactory and permanent access to an existing paved public street. Backing onto streets shall not be permitted except in single-family and duplex developments. In addition, where automobiles backing onto adjacent streets from single-family or duplex driveways are anticipated to present a potential traffic flow or safety problem, the DRC may require provisions, such as turnaround areas or horseshoe driveways, or other access control measures as deemed necessary.
- (c) *Double-frontage lots.* Double-frontage lots shall be permitted only where necessary to separate a development from thoroughfares, to overcome disadvantage of topography and orientation, or to limit individual driveway access where necessary to preserve the carrying capacity of streets. Where double-frontage lots are created, they shall all front in the same direction. The rear of the lots shall be screened from the abutting street by a wall of brick or masonry construction, erected on-site, six feet in height. The DRC may require landscaping of suitable height or permit a fence other than masonry. Such double-frontage lots shall be at least 150 feet in depth. Access rights along the portion of the lots abutting a thoroughfare shall be dedicated to the city by means of a note stating, "Vehicular Access Rights Dedicated to City of Deltona" lettered on the final plat along the right-of-way line adjacent to the lots affected.

CHAPTER 110 ZONING*

ARTICLE III. ESTABLISHMENT OF CLASSIFICATIONS AND OFFICIAL ZONING MAP

Sec. 110-303. P, Public Use classification.

- (a) *Permitted principal uses and structures.* In the P Public Use classification, no premises shall be used except for the following uses and their customary uses and structures:

Agricultural and silvicultural uses.

Agricultural centers and associated fairgrounds.

Airports and landing fields.

Communication towers up to 70 feet high, in accordance with the Deltona Communications Antenna and Tower Ordinance, Ordinance No. 06-97 [chapter 82, Code of Ordinances], as it may be amended from time to time.

Contractor's shop, storage and equipment yard.

Essential utility services.

Exempt and nonexempt excavations.

Exempt and nonexempt landfills.

Fire stations.

General offices.

Group homes.

Heliports and helipads.

Hospitals.

Laboratories.

Law enforcement facilities.

Libraries.

Medical and dental clinics.

Medical examiner facilities.

Museums.

Other public uses.

Other public utility uses and structures.

Plant facilities for essential utility services.

Potable water treatment plant.

Public parks and recreational areas.

Public schools.

Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of the Land Development Code chapter 98, article V, Code of Ordinances of the City of Deltona, Florida.

Recycling collection centers, transfer stations, and processing centers.

Solid waste transfer stations.

Wastewater treatment plants,

(b) Permitted conditional uses. Additional regulations/requirements governing permitted conditional uses are located in sections 110-817.00 and 110-1102.00 of this chapter.

Communication towers over 70 feet high in accordance with the requirements of the Deltona Communications Antenna and Tower Code Chapter 82, Code of Ordinances, as it may be amended from time to time.

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

(c) *Dimensional requirements.*

(1) *Minimum lot size:*

Area: ~~Five acres~~ One acre.

Width: No minimum.

Maximum building height: 45 feet.

Maximum lot coverage: None.

(d) *Landscape buffer requirements.* At least a ten foot-wide natural landscape buffer shall be maintained around the perimeter of the property.

(e) *Off-street parking and loading requirements.* Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.

(f) *Types of signs permitted.* Signs shall be permitted in accordance with the Deltona Sign Code Chapter 102, as it may be amended from time to time.

Sec. 110-304. A, Agriculture classification.

(a) *Purpose and intent.* The purpose and intent of the A Agriculture classification is to preserve and protect small farms for personal and limited agricultural production or to provide a transitional agricultural production or to provide a transitional agricultural zone between more intensive agricultural use areas and residential areas. It is intended that this classification be applied to properties which are undeveloped or in agricultural use and which lie between other undeveloped or agricultural areas and areas developed as or designated for non-agricultural uses by the Comprehensive Plan, or to properties, whether designated agriculture by the Comprehensive Plan, or not, so as to coincide with the existing character of an area in a manner consistent with the comprehensive plan.

(b) *Permitted principal uses and structures.* In the A Agriculture classification, no premises shall be used except for the following uses and their customary accessory uses or structures.

Except for those permitted special exceptions listed hereunder, all agricultural pursuits, including the processing, packaging, storage and sale of agriculture products which are raised on the premises.

Animal hospitals and veterinary clinics, minimum lot size five acres.

Animal husbandry

Apiaries.

Aviaries.

Communication towers up to 70 feet high, in accordance with, Chapter 82, Code of Ordinances, as it may be amended from time to time, except that licensed amateur radio operators' towers as an accessory use to a residential or agricultural use may be permitted up to 199 feet high.

Contractors storage including equipment in completely enclosed buildings, minimum lot size ten acres.

Essential utility services-

Exempt excavations (refer to section 110-817(o))-

Exempt landfills (refer to section 110-817(p))-

Fire stations.

[Granny Flats \(refer to section 110-827\(c\)\(4\)\)](#)

Hobby breeder.

Home occupations (refer to section 110-807).

Parks and recreation areas accessory to residential developments.

Pisciculture.

Public schools.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of the Land Development Code Chapter 98, article V, Code of Ordinances.

Single-family standard or manufactured dwelling.

[Riding stables \(minimum parcel size requirement of five acres\)](#)

Tailwater recovery systems.

- (c) *Activity center permitted uses.* Only the following land uses are permitted in the area zoned within the activity center designated in the adopted Deltona Comprehensive Plan, as they may be amended from time to time.

Office uses as follows: professional, financial, banks, insurance agencies, real estate agencies, travel agencies, stock and bond brokers, commodities brokers, mortgage companies, accountants, attorneys, architects, engineers, and office uses determined by the enforcement official to have the same characteristics as those specifically listed herein.

Restaurants, cafeterias, lounges, coffee shops, and similar eating establishments without drive through windows, but not fast food or drive-in restaurants; bars or taverns for on-premises consumption of alcoholic beverages.

Service establishments as follows: barber or beauty shops, interior decorators, photography shops, weight loss salon or gymnasium, laundry and dry cleaning establishments; self-service laundry; tailor or dressmaker; business school; and establishments determined by the enforcement official to have substantially the same characteristics as those specifically listed herein, but not adult entertainment establishments or tattoo parlors.

Computer hardware or software services and sales.

Medical or dental clinics.

Neighborhood convenience stores with or without gas pumps.

Motion picture or live performance theater, but not adult entertainment establishments.

- (d) *Conditional uses.* Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Communication towers, other than towers used by licensed amateur radio operators, over 70 feet high, other than the permitted licensed amateur radio accessory towers, in accordance with Chapter 82, Code of Ordinances, as it may be amended from time to time.

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Bed and breakfast homestay (refer to section 110-817(s)).

Boardinghouse (refer to section 110-817(l))

Day care centers (refer to section 110-817(f)).

Excavations only for stormwater retention ponds for which a permit is required by this chapter.

Group home facility (refer to section 110-817(l)).

Houses of worship, and cemeteries (refer to section 110-817(d)).

Kennels. (minimum lot size, five acres, must consist of enclosed buildings with outdoor runs).

Nursing home and nursing home facility (refer to section 110-817(l)).

Off-street parking areas (refer to section 817.00(n)).

Private clubs (refer to section 110-817(m)).

Public markets.

Public uses not listed as a permitted principal use.

Public utility uses and structures (refer to section 110-817(a)).

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

Recreational (refer to section 110-817(c)).

Riding stables (minimum parcel size requirement of five acres).

Schools, parochial and private (refer to section 110-817(d)).

(e) Dimensional requirements.

~~(1) Minimum lot size:~~

~~Area: One acre, except animal hospitals, veterinary clinics and enclosed contractors' storage facilities.~~

~~Animal hospitals and veterinary clinics: five acres.~~

~~Contractors' enclosed storage facilities: ten acres.~~

~~Width: 150 feet.~~

~~(2) Minimum yard size:~~

~~Front yard: 40 feet~~

~~Rear yard: 40 feet~~

~~Side yard:~~

~~Abutting any lot: 25 feet~~

~~Abutting any street: 40 feet~~

~~Waterfront yard: 40 feet~~

~~Animal hospitals, veterinary clinics, and contractors' enclosed storage facilities from lot lines abutting residential zones or residential uses on lots of less than two and one half acres: 200 feet.~~

~~(3) Maximum building height: 55 feet.~~

~~(4) Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed 35 percent.~~

~~(5) Minimum floor area: 1,500 square feet.~~

<u>A - Agriculture</u>	
<u>Minimum lot size</u>	-
<u>Area (acre)</u>	<u>1</u>
<u>Exceptions:</u>	-
<u>Animal hospital and veterinary clinics(acres)</u>	<u>5</u>
<u>Contractors' enclosed storage facilities(acres)</u>	<u>10</u>
<u>width (ft.)</u>	<u>150</u>
<u>Minimum yard size</u>	-
<u>Front yard (ft.)</u>	<u>40</u>
<u>Rear yard (ft.)</u>	<u>40</u>
<u>Side yard (ft.):⁽¹⁾</u>	-
<u>Abutting any lot</u>	<u>25</u>
<u>Abutting any street</u>	<u>40</u>
<u>Waterfront yard</u>	<u>40</u>
<u>Maximum building height (ft.)</u>	<u>55</u>
<u>Maximum lot coverage (%) (with principal and accessory buildings)</u>	<u>35</u>
<u>Minimum floor area (sq. ft.)</u>	<u>1,400</u>
<u>⁽¹⁾ Animal hospitals, veterinary clinics, and contractors' enclosed storage facilities from lot lines abutting residential zones or residential uses on lots of less than two and one-half acres: 200 feet</u>	

- (f) *Off-street parking and loading requirement.* Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.
- (g) *Skirting requirement for mobile home dwelling.* The area between the ground and floor of the mobile home dwelling shall be enclosed with skirting.
- (h) *Types of signs permitted.* Signs shall be permitted in accordance with the Deltona Sign Code Chapter 102, Code of Ordinances, as it may be amended from time to time.

Sec. 110-305. RE-5, Residential Estate Five classification.

- (a) *Purpose and intent.* The purpose and intent of the RE-5 Residential Estate Five classification is to provide for development, in a manner that is consistent with the comprehensive plan, in areas of the city that are characterized by extensive large lot development, and to provide for future low density subdivisions that may include trails, open space, golf courses, equestrian amenities and accessory uses. The low density subdivisions permitted by the RE-5 district are intended to be placed in areas of the city that separate it from agricultural, forestry, and open lands situated in the unincorporated

area of Volusia County, and sited to take advantage of existing and planned trails, recreational facilities and equestrian amenities, or on large enough tracts of land to allow the creation of new golf courses, trails, parks, equestrian trails, common stable areas, polo fields, riding tracks, and similar amenities. Equestrian developments are required to meet applicable nationally recognized standards for the types of equestrian development proposed. Equestrian amenities are not required, but are permitted, and the development contemplated by this zoning district will generally occur on large tracts of land.

- (b) *Permitted principal uses and structures.* In the RE-5 Residential Estate Five classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Communication towers up to 70 feet high, in accordance Chapter 82, Code of Ordinances, as it may be amended from time to time, except that licensed amateur radio operators' towers as an accessory use to a residential or agricultural use may be permitted up to 199 feet high.

Fire stations.

Golf courses with or without club houses and related accessory facilities.

[Granny Flats \(refer to section 110-827\(c\)\(4\)\)](#)

Home occupations (refer to section 110-807).

Publicly owned parks, trails, and recreational areas, and those privately owned and maintained by homeowners associations.

Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of Chapter 98, Article V, Code of Ordinances, City of Deltona.

Keeping of horses as accessory uses to permitted single family dwellings on lots of two acres or more of net land area.

Single-family ~~standard~~[dwelling](#) or DCA-approved manufactured dwelling.

Equestrian facilities, trails, and tracks accessory to residential developments, and equestrian accessory uses and structures that are customarily accessory to large lot single family subdivision development. Equestrian uses and structures that are customarily accessory to five-acre lot single family dwellings.

- (c) *Conditional uses.* Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Communication towers over 70 feet high, other than the permitted accessory licensed amateur radio towers, in accordance with Chapter 82, Code of Ordinances, City of Deltona, as it may be amended from time to time.

Group home facility (refer to section 110-817(l))

Houses of worship (refer to section 110-817(d)).

Nursing home and nursing home facility (refer to section 110-817(l))

~~Patio homes on individual lots, single family attached villas, and townhomes when adjacent to golf courses, open spaces, or protected conservation areas of 50 acres or more, or adjacent to collector or arterial roads. Such units are permitted only for the purpose of establishing density credits for open~~

~~space and recreational areas (such as golf courses and parks) and to use density credits for the establishment of conservation easements. They must be buffered from large lot single family development by a combination of open space and vegetative screening of at least 100 feet depth.~~

Off-street parking areas (refer to section 110-817(n)).

Public markets.

Public uses not listed as a permitted principal use.

Publicly or privately owned municipal or public water supply wells of eight inches in diameter or greater.

Public utility uses and structures (refer to section 110-817(a)).

Recreational areas (refer to section 110-817(c)).

Schools, public, parochial or private (refer to section 110-817(d)).

(d) *Maximum density.* The maximum development density permitted is one dwelling unit per five net acres, with the exceptions permitted herein.

- (1) When protected resources are set aside in common ownership as open spaces protected for at least 50 years in a conservation easement approved by the city, and no drainage or utilities are permitted to encroach into the easement area, the area of the easement shall be credited one dwelling unit per four acres of easement area, which credit shall be increased to one dwelling unit per three acres of conservation area when the entire area is conveyed to public ownership. The density credits shall be increased by one-half dwelling unit for the creation of interconnected wildlife habitat greenways suitable for the movement of wildlife through the site. The resulting density credit may be transferred to upland development area within the project boundaries.
- (2) A credit of one dwelling unit per four acres shall be given for the area established for commonly owned golf courses, parks, and recreational facilities, which credit shall be increased to one dwelling unit per three acres when such facilities are open to the general public through deed restriction or dedication to the city. The density credits for golf courses and recreational facilities shall be computed as allowable dwelling units to be permitted in upland areas of the site.
- (3) The additional units permitted herein as density credits may be applied in upland areas above the one dwelling unit per five net acres maximum limit established herein, but not above the maximum permitted gross density established by the Deltona Comprehensive Plan.

(e) *Dimensional requirements.*

~~(1) Minimum lot size: The intent of these minimum standards is to promote clustered, compatible and innovative residential development, and to prevent the destruction of valuable resources associated with extensive large lot subdivisions. These standards do not permit development in excess of the maximum density limits established in this section and in the adopted comprehensive plan.~~

~~a. Area:—~~

- ~~1. Single family detached development, except patio homes: One acre in clustered development when development is serviced by an onsite sewage disposal system. Minimum lot size may be reduced to 10,000 square feet in clustered development when community or public water and wastewater systems are provided, excluding community septic tanks. Clustered development shall not exceed the density standards established herein.~~

~~2. Single family patio home lots: 7,500 square feet.~~

~~3. Single family attached townhome or villa lots: 1,600 sq. ft., lots required to be individually platted.~~

~~4. Townhome, patio home, or villa development site: One acre per unit if on-site sewage disposal systems are used, 20,000 sq. ft. if community or public water and sewer service are available, but not including community septic tanks.~~

~~b. Width:—~~

~~1. Single family detached development: 150 feet.~~

~~2. Townhome and villa lots: 20 feet interior lot, 26 feet end lot, 38 feet corner lot.~~

~~3. Patio Home lots: 75 feet interior lots, 85 feet corner lots.~~

~~c. Depth: Townhome and villa lots shall have a minimum depth of 90 feet.~~

~~(2) Minimum yard size:~~

~~Front yard: 45 feet large lot (one acre or more) single family detached, 25 feet townhomes, villas, patio homes, and small lot single family detached.~~

~~Rear yard: 45 feet large lot (one acre or more) single family detached; 35 feet small lot single family detached; 25 feet townhomes, villas, patio homes~~

~~Side yard abutting any lot: 25 feet.~~

~~Side yard abutting any street: 45 feet.~~

~~Waterfront or golf course yard: 45 feet.~~

~~Yard abutting equestrian facilities or golf course: 45 feet.~~

~~Yard between interior townhome, patio home, villa dwelling units: 0 feet.~~

~~Interior open air courtyard, atrium, or patio shall be provided for patio homes.~~

~~Buffer yard between the periphery of townhome, patio home, and villa sites and single family development sites: 150 feet, 100 percent opaque landscaping using trees, shrubs, and groundcover permitted in the Landscaping provisions of this chapter.~~

~~(3) Maximum building height: 35 feet.~~

~~(4) Maximum lot coverage: The total lot area covered by principal and accessory buildings shall not exceed 35 percent.~~

~~(5) Minimum floor area: 2,000 square feet single family detached; 1,600 square feet townhomes, villas, patio homes.~~

~~(6) Townhome, villa building development standards:~~

~~a. Minimum of two dwelling units in a building, maximum of eight dwelling units in a building.~~

~~b. Minimum distance between buildings: 30 feet.~~

~~c. The exterior facades of all townhouse units shall be varied in material and design so that no more than two abutting units will have the same architectural appearance and front yard setback and depth. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit, and no setback distance shall be less than the required minimum.~~

<u>RE-5, Residential Estate Five</u>	<u>Single Family Detached Development</u>
<u>Minimum lot size</u>	-
<u>Area</u>	<u>5 acres⁽¹⁾ (net)</u>
<u>Area</u>	<u>1 acre⁽²⁾ (cluster)</u>
<u>Lot area if on-site sewage disposal systems are used (acre)</u>	- - - -
<u>Lot area if community or public water and sewer service are available, but not including community septic tanks (sq. ft.)</u>	- - - -
<u>Width (ft.)</u>	<u>150</u>
<u>Minimum yard size</u>	-
<u>Front yard(ft.)</u>	-
<u>Large lot (one acre or more)</u>	<u>45</u>
<u>Small lot</u>	<u>25</u>
<u>Rear yard (ft.)</u>	-
<u>Large lot (one acre or more)</u>	<u>45</u>
<u>Small lot</u>	<u>35</u>
<u>Side yard (ft.)</u>	-
<u>Abutting any lot</u>	<u>25</u>
<u>Abutting any street</u>	<u>45</u>
<u>Waterfront or golf course yard</u>	<u>45</u>
<u>Abutting equestrian facilities or golf course</u>	<u>45</u>
<u>Yard between interior</u>	- - - -
<u>Buffer yard between the periphery</u>	<u>150</u>
<u>Maximum building height (ft.)</u>	<u>35</u>
<u>Maximum lot coverage (with principal and accessory buildings)(%)</u>	<u>35</u>
<u>Minimum floor area (sq. ft.)</u>	<u>1,400</u>
⁽¹⁾ Refer to Section 110-305(d).	-
⁽²⁾ In clustered development when development is serviced by an onsite sewage disposal system. Minimum lot size may be reduced to 10,000 square feet in clustered development when community or public water and wastewater systems are provided, excluding community septic tanks. Clustered development shall not exceed the density standards established herein.	

(f) *Off-street parking and loading requirements.* Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.

(g) *Types of signs permitted.* Signs shall be permitted in accordance with the Deltona Sign Code, Chapter 102, Code of Ordinances, City of Deltona, as it may be amended from time to time.

Sec. 110-306. RE-1 Residential Estate One classification.

(a) *Purpose and intent.* The purpose and intent of the Residential Estate One classification is to provide for development, in a manner which is consistent with the comprehensive plan, in areas of the city that are characterized by extensive large lot development or large vacant parcels of land, and to provide for future large lot subdivisions that may or may not include equestrian amenities and accessory uses.

(b) *Permitted principal uses and structures.* In the RE-1, Residential Estate One classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Communication towers up to 70 feet high, in accordance with Chapter 82, Code of Ordinances, as it may be amended from time to time, except that licensed amateur radio operators' towers as an accessory use to a residential or agricultural use may be permitted up to 199 feet high.

Fire stations.

[Granny Flats \(refer to section 110-827\(c\)\(4\)\)](#)

Home occupations (refer to section 110-807).

Public and private parks and recreation areas.

Public schools.

Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of Chapter 98, article V, Code of Ordinances of the City of Deltona.

Keeping of horses as accessory uses to permitted single family dwellings on lots of two acres or more of net land area.

Equestrian trails, and commonly-owned equestrian facilities within subdivisions that have approved subdivision plans including equestrian land uses.

Single-family ~~standard~~[dwelling](#) or Florida DCA-approved manufactured dwellings.

(c) *Conditional uses.* Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Bed and breakfast homestay (refer to section 110-817(s)).

Communication towers over 70 feet high, in accordance with Chapter 82, Code of Ordinances of the City of Deltona, as it may be amended from time to time.

Day care center (refer to section 110-817(f)).

Group home facility (refer to section 110-817(l))

Houses of worship.

Nursing home and nursing home facility (refer to section 110-817(l))

~~Patio homes, single family attached villas, and townhomes when adjacent to golf courses, open spaces, or protected conservation areas of 100 acres or more, or adjacent to collector or arterial roads. Such units are permitted only for the purpose of establishing and using density credits for~~

~~open space and recreational areas (such as golf courses and parks) and to take advantage of density credits for the establishment of conservation easements and conservation lands donated to government ownership. They must be buffered from large lot single family development by a combination of open space and vegetative screening of at least 100 feet depth.~~

Public markets.

Public uses not listed as a permitted principal use.

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

Public utility uses and structures (refer to section 110-817(a)).

Recreational areas (refer to section 110-817(c)).

Schools, parochial and private (refer to section 110-817(d)).

- (d) *Maximum density.* The maximum development density permitted is one dwelling unit per net acre, with the exceptions permitted herein. When protected resources are set aside as open spaces protected for at least 50 years in a conservation easement approved by the city, and no drainage or utilities are permitted to encroach into the easement area, the area of the easement shall be credited one dwelling unit per three-fourths protected acre. The resulting density credit may be transferred to upland development area within the project boundaries. A credit of one dwelling unit per park/recreational acre will be given for the area established for commonly owned golf courses, parks, and recreational facilities, which credit shall be increased to one dwelling unit per three-fourths park/recreational acre when such facilities are open to the general public through deed restriction or dedication to the city.

- (e) *Dimensional requirements.*

~~(1) Minimum lot size: The intent of these minimum standards is to promote clustered, compatible and innovative residential development, and to prevent the destruction of valuable resources associated with extensive large lot subdivisions. These standards do not permit development in excess of the maximum density limits established in this section and in the adopted comprehensive plan.~~

~~a. Area:—~~

- ~~1. Single family detached development: One acre in clustered development when development is serviced by an onsite sewage disposal system. Minimum lot size may be reduced to 10,000 square feet in clustered development when community or public water and wastewater systems are provided, excluding community septic tanks. Clustered development shall not exceed the density standards established herein.~~
- ~~2. Single family patio home lots: 7,500 square feet.~~
- ~~3. Single family attached townhome or villa lots: 1,600 sq. ft., lots required to be individually platted.~~
- ~~4. Townhome, patio home, or villa development site: One acre per unit if on-site sewage disposal systems are used, 20,000 sq. ft. if community or public water and sewer service are available, but not including community septic tanks.~~

~~b. Width:—~~

- ~~1. Single family detached development: 100 feet.~~
- ~~2. Townhome and villa lots: 20 feet interior lot, 26 feet end lot, 38 feet corner lot.~~

~~3. Patio home lots: 75 feet interior lots, 85 feet corner lots.~~

~~e. Depth: Townhome and villa lots shall have a minimum depth of 90 feet.~~

~~(2) Minimum yard size:~~

~~Front yard: 40 feet large lot (one acre to half acre) single family detached, 25 feet townhomes, villas, patio homes, and small lot single family detached.~~

~~Rear yard: 40 feet large lot (one acre to half acre) single family detached; 35 feet small lot single family detached; 25 feet townhomes, villas, patio homes~~

~~Side yard abutting any lot: 15 feet.~~

~~Side yard abutting any street: 40 feet.~~

~~Waterfront or golf course yard: 40 feet.~~

~~Yard abutting equestrian facilities or golf course: 40 feet.~~

~~Yard between interior townhome, patio home, villa dwelling units: 0 feet.~~

~~Interior open air courtyard, atrium, or patio shall be provided for patio homes.~~

~~Buffer yard between the periphery of townhome, patio home, and villa sites and single family development sites: 150 feet, 100 percent opaque landscaping using trees, shrubs, and groundcover permitted in the landscaping provisions of this chapter.~~

~~(3) Maximum building height: 35 feet.~~

~~(4) Maximum lot coverage: The total lot area covered by principal and accessory buildings shall not exceed 35 percent.~~

~~(5) Minimum floor area: 2,000 square feet single family detached; 1,600 square feet townhomes, villas, patio homes.~~

~~(6) Townhome, villa building development standards:~~

~~a. Minimum of two dwelling units in a building, maximum of eight dwelling units in a building.~~

~~b. Minimum distance between buildings: 30 feet.~~

~~c. The exterior facades of all townhouse units shall be varied in material and design so that no more than two abutting units will have the same architectural appearance and front yard setback and depth. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit, and no setback distance shall be less than the required minimum.~~

~~(7) Maximum building height: 35 feet.~~

~~(8) Maximum lot coverage: The total area covered by principal and accessory buildings shall not exceed 30 percent.~~

~~(9) Minimum floor area: 1,700 square feet.~~

<u>RE-1, Residential Estate</u>	<u>Single Family Detached Development</u>
<u>One</u>	<u>Development</u>
<u>Minimum lot size</u>	<u>-</u>
<u>Area</u>	<u>1 acre⁽¹⁾</u>

<u>Width (ft.)</u>	<u>100</u>
<u>Minimum yard size</u>	-
<u>Front yard(ft.)</u>	
<u>Large lot (one acre or more)</u>	<u>40</u>
<u>Small lot</u>	<u>25</u>
<u>Rear yard (ft.)</u>	-
<u>Large lot (one acre or more)</u>	<u>40</u>
<u>Small lot</u>	<u>35</u>
<u>Side yard (ft.)</u>	
<u>Abutting any lot</u>	<u>15</u>
<u>Abutting any street</u>	<u>40</u>
<u>Waterfront or golf course yard</u>	<u>40</u>
<u>Abutting equestrian facilities or golf course</u>	<u>40</u>
<u>Yard between interior</u>	<u>---</u>
<u>Buffer yard between the periphery ⁽²⁾</u>	<u>150</u>
<u>Maximum building height (ft.)</u>	<u>35</u>
<u>Maximum lot coverage (with principal and accessory buildings)(%)</u>	<u>35</u>
<u>Minimum floor area (sq. ft.)</u>	<u>1,400</u>
<p>⁽¹⁾<u>In clustered development when development is serviced by an onsite sewage disposal system. Minimum lot size may be reduced to 10,000 square feet in clustered development when community or public water and wastewater systems are provided, excluding community septic tanks. Clustered development shall not exceed the density standards established herein.</u></p> <p>⁽²⁾<u>100 percent opaque landscaping using trees, shrubs, and groundcover permitted in the Landscaping provisions of this chapter.</u></p>	

- (f) *Off-street parking and loading requirements.* Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.
- (g) *Types of signs permitted.* Signs shall be permitted in accordance with Chapter 102, Code of Ordinances of the City of Deltona.

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

- (a) *Purpose and intent.* These classifications are established within the city to provide areas for single family dwellings and customary accessory buildings. The regulations for this classification are designed to promote the construction and continued use of land for single-family dwellings, and to provide as conditional uses certain structures and uses required to serve the residents, such as churches and noncommercial recreational areas. Prohibited are uses of land that would create potential nuisances to residential areas, adversely affect residential property values, overburden public facilities or create potentially adverse individual or cumulative impacts to adjacent lakes that would diminish their water quality or aesthetic appeal.

(b) *Permitted principal uses and structures.* In the R-1AAA, AA and A districts, no premises shall be used except for the following principal uses and their customary accessory structures or uses.

Single-family dwellings and their customary accessory uses and structures when located on the same lot as the principal uses.

Home offices as restricted by section 110-807 of this chapter.

Publicly or privately owned municipal or public water supply wells less than eight inches in diameter.

Communication towers up to 70 feet high, in accordance with Chapter 82, Code of Ordinances of the City of Deltona, as it may be amended from time to time.

Antennas and towers up to 70 feet high for amateur radio, citizens band, marine band, and business band radio communications, consistent with applicable state and federal regulations regarding antennas and towers for these services.

Publicly owned parks and recreational areas.

Privately owned parks and recreational areas that are part of a city-approved subdivision, or single-family planned development.

(c) *Conditional uses and structures.*

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Communication towers over 70 feet high, in accordance with Chapter 82, Code of Ordinances of the City of Deltona, as it may be amended from time to time.

Day care centers (refer to section 110-817(f) of this chapter).

[Granny Flats \(refer to section 110-827\(c\)\(4\)\)](#)

Group home facility (refer to section 110-817(l)).

Houses of worship (refer to section 110-817(d) of this chapter).

Nursing home and nursing home facility (refer to section 110-817(l))

Public markets.

Public uses not listed as a principal permitted use.

Publicly or privately owned municipal or public water supply wells of eight inches or more in diameter.

Public utility uses and structures (refer to section 110-817(a) of this chapter).

Non-commercial recreational areas not listed as principal permitted uses (refer to section 110-817(c) of this chapter).

Public, parochial, or private schools (refer to section 110-817(d) of this chapter).

(d) *Maximum density.* With septic tanks, maximum 1dwelling unit per acre. With community or public water and sewer (except community septic tanks):

1. R-1AAA: Two dwelling units per acre.
2. R-1AA: Three dwelling units per acre.
3. R-1A: Four dwelling units per acre.

4. R-1: Six dwelling units per acre.

(e) Dimensional requirements.~~1. Minimum lot area:~~

- ~~a. R 1AAA: 20,000 square feet.~~
- ~~b. R 1AA: 12,000 square feet.~~
- ~~c. R 1A: 9,500 square feet.~~
- ~~d. R 1: 7,400 square feet, except Arbor Ridge Subdivision.~~
- ~~e. R 1: 5,000 square feet in Arbor Ridge Subdivision.~~

~~2. Minimum lot width:~~

- ~~a. R 1AAA: 100 feet at the front yard setback line.~~
- ~~b. R 1AA: 90 feet at the front yard setback line.~~
- ~~c. R 1A: 80 feet at the front yard setback line.~~
- ~~d. R 1: 75 feet at the front yard setback line, except Arbor Ridge Subdivision.~~
- ~~e. R 1: 45 feet at the front yard setback line in Arbor Ridge Subdivision.~~

~~3. Minimum yard size:~~

- ~~1. Front yard: Minimum 25 Feet, 30 feet abutting an arterial or collector street~~
- ~~2. Side yard: Minimum six feet~~
- ~~3. Side street yard: Same as front yard~~
- ~~4. Rear yard: Ten feet or ten percent of the lot depth, whichever is greater.~~
- ~~5. Waterfront: 25 feet from the rear property line or the ordinary high water mark, whichever is most restrictive (110-818).~~

~~(f) Maximum building height: 35 feet.~~~~(g) Maximum lot coverage: The maximum area of the lot permitted to be covered by principal and accessory buildings shall not exceed 35 percent.~~~~(h) Minimum floor area.—~~

- ~~1. R 1AAA: 1,700 sq. ft.~~
- ~~2. R 1AA: 1,500 sq. ft.~~
- ~~3. R 1A: 1,400 sq. ft.~~
- ~~4. R 1: 1,200 sq. ft.~~

<u>R1-AAA, AA, A, and R1</u> <u>Single-Family</u>	<u>R1-AAA</u>	<u>R1-AA</u>	<u>R1-A</u>	<u>R1</u>	<u>R1 (Arbor Ridge Subdivision)</u>
<u>Minimum lot size</u>	-	-	-	-	-
<u>Area (sq. ft.)</u>	<u>20,000</u>	<u>12,000</u>	<u>9,500</u>	<u>7,400</u>	<u>5,000</u>
<u>Width (ft.)</u>	<u>100</u>	<u>90</u>	<u>80</u>	<u>75</u>	<u>45</u>
<u>Minimum yard size</u>	-	-	-	-	-

<u>Front yard(ft.)</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Front yard abutting an arterial or collector street (ft)</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Rear yard (ft.)</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Side yard (ft.)</u>	<u>6</u>	<u>6</u>	<u>6</u>	<u>6</u>	<u>6</u>
<u>Side street yard (ft.)</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Waterfront (ft.)⁽¹⁾</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Maximum building height (ft.)</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>
<u>Maximum lot coverage (with principal and accessory buildings)(%)</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>
<u>Minimum floor area (sq. ft.)</u>	<u>1,400</u>	<u>1,400</u>	<u>1,400</u>	<u>1,200</u>	<u>1,200</u>
<u>Accessory Structures Minimum Setbacks (ft.)</u>	-	-	-	-	-
<u>Front yard (ft.)⁽²⁾</u>	<u>Not permitted</u>				
<u>Rear yard (ft.)</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Interior side yard (ft.)</u>	<u>6</u>	<u>6</u>	<u>6</u>	<u>6</u>	<u>6</u>
<u>Side street yard back-to-back existing SFR structures (ft.)⁽²⁾</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>
<u>Side street yard with existing house adjacent to a vacant lot⁽²⁾</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Side street yard adjacent to the existing front yard of a developed lot⁽²⁾</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Side street yard abutting an arterial or collector street⁽²⁾</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
⁽¹⁾ 25 feet from the rear property line or the ordinary high water mark, whichever is most restrictive (110-818).					
⁽²⁾ Accessory buildings and structures, other than lawn ornaments and fences built in accordance with this chapter, shall not be located in the front yard forward of the edge of the principal dwelling, or in any side street yard 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



Sec. 110-308. R1-B Single-Family Residential classification.

(a) *Purpose and intent.* The purpose and intent of the R-1B Single-Family Residential classification is to provide for medium density single family development, in a manner which is consistent with the comprehensive plan, and preserve the character of existing small lot subdivisions.

(b) *Permitted principal uses and structures.* In the R1-B Urban Single-Family Residential classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Communication towers and antennas up to 70 feet high, in accordance with the requirements of Chapter 82, Code of Ordinances, City of Deltona, as it may be amended from time to time.

Antennas and towers up to 70 feet high for amateur radio, citizens band, marine band, and business band radio communications, consistent with applicable state and federal regulations regarding antennas and towers for these services.

Fire stations.

Home occupations (refer to section 110-807).

Public and private parks and recreation areas.

Public schools.

Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of Chapter 98, article V, Code of Ordinances of the City of Deltona.

Single-family standard or Florida DCA-approved manufactured dwellings.

(c) *Conditional uses.* Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Communication towers over 70 feet high, in accordance with Chapter 82, Code of Ordinances of the City of Deltona, as it may be amended from time to time.

Community residential home

Group home facility (refer to section (110-817(l))

Houses of worship (refer to section 110-817(f)).

Nursing home and nursing home facility (refer to section 110-817(l))

Off-street parking areas (refer to section 110-817(n)).

Public markets.

Public uses not listed as a permitted principal use.

Public utility uses and structures (refer to section 110-817(a) and (b)).

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

Recreational areas (refer to section 110-817(c)).

Schools, parochial and private (refer to section 110-817(d)).

(d) *Maximum density.* The maximum development density permitted is six dwelling units per net acre, with the exceptions permitted herein. When protected resources are set aside as open spaces protected for at least 50 years in a conservation easement approved by the city, and no drainage or utilities are permitted to encroach into the easement area, the area of the easement shall be credited three dwelling units per protected acre, but not more than the gross density permitted by the Future Land Use Map. The resulting density credit may be transferred to upland development area within the project boundaries. A credit of three dwelling units per park/recreational acre will be given for the area established for commonly owned golf courses, parks, and recreational facilities, which credit shall be increased to four dwelling units per park/recreational acre when such facilities are open to the general public through deed restriction or dedication to the city. No density credits shall allow the site to exceed the maximum gross density limits established in the Comprehensive Plan Future Land Use Map.

(e) *Dimensional requirements.*

~~(1) Minimum lot size.—~~

~~Area: 5,000 square feet.~~

~~Width: 50 feet.~~

~~(2) Minimum yard size.—~~

~~Front yard: 25 feet.~~

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

~~Side yard:~~

~~Abutting any lot: Seven and one half feet. May be reduced to five feet between the closest points of buildings or roofs if Fire Code compliant fire rated materials are used on the external walls and roofs, or if residential fire sprinklers approved by the city fire marshal are installed in each building.~~

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

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

~~Maximum building height: 35 feet.~~

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

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

<u>R1-B, Single Family Residential</u>	
<u>Minimum lot size</u>	-
<u>Area</u>	<u>5,000 sq. ft.</u>
<u>Width</u>	<u>50 feet</u>
<u>Minimum yard size</u>	-
<u>Front yard</u>	<u>25 feet</u>
<u>Rear yard</u>	<u>10 feet</u>
<u>Side yard:</u>	-
<u>Abutting any lot⁽¹⁾</u>	<u>7.5 feet</u>
<u>Abutting any street⁽²⁾</u>	<u>25 feet</u>
<u>Waterfront or golf course yard⁽³⁾</u>	<u>25 feet</u>
<u>Maximum building height</u>	<u>35 feet</u>
<u>Maximum lot coverage (with principal and accessory buildings)</u>	<u>35%</u>
<u>Minimum floor area⁽⁴⁾</u>	<u>1,200 sq. ft.</u>
<p><u>⁽¹⁾ May be reduced to five feet or the width of side yard easement, whichever is greater, as measured from the closest points of buildings or roofs if Fire Code compliant fire rated materials are used on the external walls and roofs, or if residential fire sprinklers approved by the city fire marshal are installed in each building.</u></p> <p><u>⁽²⁾ May be 15 feet within subdivisions approved prior to November 3, 2003.</u></p> <p><u>⁽³⁾ 20 percent of the lot depth, but not less than 25 feet</u></p> <p><u>⁽⁴⁾ Except for any subdivisions approved prior to November 3, 2003.</u></p>	

- (f) *Off-street parking and loading requirements.* Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.
- (g) *Types of signs permitted.* Signs shall be permitted in accordance with Chapter 102, Code of Ordinances of the City of Deltona, as it may be amended from time to time.

Sec. 110-309. R-2, Two Family (Duplex) Dwelling District.

- (a) *Purposed and intent.* The purpose of this zoning district is to allow, single-family dwellings, single-family detached patio homes, and duplex consistent with the development standards and density requirements of the Low Density Residential Future Land Use Category.
- (b) *Permitted uses.* Within the R-2, Two Family (Duplex) Residential Dwelling District, no building, structure, land, or water shall be used except for one or more of the following uses and their customary, incidental, and subordinate accessory uses.
1. Single-family dwellings.
 2. Single-family patio homes.
 3. Two-family (duplex) dwellings.
 4. Accessory buildings and uses customarily incident to the above uses when located on the same lot as the principal use, and not involving the conduct of a business (other than the customarily incidental business of onsite management and maintenance of apartment buildings).
 5. Essential utility services.
 6. Publicly owned or regulated public water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of Chapter 98, Article V, Code of Ordinances, City of Deltona, as it may be amended from time to time.
 7. Communication towers up to 70 feet high in accordance with the requirements of Chapter 82, Code of Ordinances, City of Deltona, as it may be amended from time to time.
 8. Home occupation offices.
- (c) *Conditional uses.* The following land uses and their customary subordinate and incidental accessory uses are permitted as conditional uses subject to the public hearing and staff review requirements established for conditional uses in this chapter.
- Adult family-care home (refer to section 110-817(l))
- Assisted living facility (refer to section 110-817(l))
- Community residential home
- Group home facility (refer to section 110-817(l))
- Nursing home and nursing home facility (refer to section 110-817(l))
- Publicly owned park and recreational facilities and recreational areas. In the platted Deltona Lakes Subdivisions, such facilities are permitted on a site designated as "Park" on the Deltona Lakes Master Development Plan, and passive parks and recreational facilities may be placed on designated drainage tracts.
- Schools, public or private, including colleges and universities, junior or community colleges, high schools, junior high or middle schools, elementary schools, kindergarten schools, day care centers, correspondence and vocational schools, schools for adult education, and libraries. Schools are

permitted in the platted Deltona Lakes Subdivisions only when they are located on a site designated as "school" on the Deltona Lakes Master Development Plan.

Houses of worship. In the platted Deltona Lakes subdivision, Houses of worship are permitted only on land designated "church" on the Deltona Lakes Community Development Plan.

Public markets.

Public uses not otherwise listed under permitted uses or conditional uses.

Publicly owned or regulated water supply wells of eight inches in diameter or greater.

Communication towers over 70 feet high, in accordance with Chapter 82, Code of Ordinances, as it may amended from time to time.

(d) *Building height regulation.* No building shall exceed a height of 35 feet.

(e) *Density.*

1. No development shall be permitted to exceed the maximum density limits established for the development site by the Low Density Residential Future Land Use Map Category established in the Deltona Comprehensive Plan, as it may be amended from time to time.
2. Maximum Density: Six dwelling units/acre.

(f) *Dimensional requirements.*

~~(1) Minimum lot size: The intent of these minimum standards is to promote compatible and innovative residential development consistent with the Deltona Comprehensive Plan, as it may be amended from time to time. These standards do not permit development in excess of the maximum density limits established in this section or in the adopted comprehensive plan.~~

~~a. Area:—~~

- ~~1. Single family and two family (duplex) lots: 7,500 square feet.~~
- ~~2. Single family patio home lots: 3,500 square feet.~~
- ~~3. Patio home development site: One acre per unit if on-site sewage disposal systems are used; 20,000 sq. ft. if community or public water and sewer service are available, but not including community septic tanks.~~

~~b. Width:—~~

- ~~1. Single family and two family dwelling lots: 75 feet.~~
- ~~2. Patio home lots: 50 feet interior lots, 70 feet corner lots.~~

~~(2) Minimum yard size:~~

~~a. Front yard: 25 feet.~~

~~b. Rear yard: 25 feet.~~

~~c. Side yard abutting any lot: 7.5 feet, or ten percent of the width of the lot at the front property line, whichever is greater. Except that patio homes and duplexes may have a zero foot side yard setback along interior lot lines between patio homes and duplexes.~~

~~d. Side yard abutting any street: 15 feet.~~

~~e. Waterfront yard: 40 feet.~~

~~f. Yard abutting golf course: 40 feet.~~

~~g. Interior open air courtyards, atriums, or patios shall be provided for patio homes.~~

~~(3) Maximum building height: 35 feet.~~

~~(4) Maximum lot coverage: The total lot area covered by principal and accessory buildings shall not exceed 40 percent.~~

~~(5) Minimum floor area, exclusive of terraces, attached roofed over porches, carports, patios, attached garages, and utility rooms:~~

~~1. 1,200 square feet – Patio homes;~~

~~2. 750 square feet – Each unit in duplexes;~~

~~3. 600 square feet net living area – One bedroom apartments; 750 square feet net living area – two bedroom apartments – 800 square feet net living area three or more bedroom apartments.~~

~~(6) Maximum building height: 35 feet.~~

<u>R-2, Two Family (Duplex) Dwelling</u>	<u>Single-Family Dwellings</u>	<u>Single-Family Patio Homes</u>	<u>Two-Family (Duplex) Dwellings</u>
<u>Minimum lot size</u>	-	-	-
<u>Area</u>	<u>7,500 sq. ft.</u>	<u>3,500 sq. ft.</u>	<u>7,500 sq. ft.</u>
<u>Area if on-site sewage disposal systems are used (acre)</u>	<u>----</u>	<u>1</u>	<u>----</u>
<u>Area if community or public water and sewer service are available, but not including community septic tanks (sq. ft.)</u>	<u>----</u>	<u>20,000</u>	<u>----</u>
<u>Width (ft.)</u>	<u>75</u>	<u>----</u>	<u>75</u>
<u>Interior Lot</u>	<u>----</u>	<u>50</u>	<u>----</u>
<u>Corner lot</u>	<u>----</u>	<u>70</u>	<u>----</u>
<u>Minimum yard size</u>	-	-	-
<u>Front yard(ft.)</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Rear yard (ft.)</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Side yard (ft.):</u>	-	-	-
<u>Abutting any lot⁽¹⁾</u>	<u>7.5</u>	<u>0</u>	<u>0</u>
<u>Abutting any street</u>	<u>15</u>	<u>15</u>	<u>15</u>
<u>Waterfront yard</u>	<u>40</u>	<u>40</u>	<u>40</u>
<u>Abutting golf course</u>	<u>40</u>	<u>40</u>	<u>40</u>
<u>Maximum building height (ft.)</u>	<u>35</u>	<u>35</u>	<u>35</u>
<u>Maximum lot coverage (with principal and accessory buildings)(%)</u>	<u>40</u>	<u>40</u>	<u>40</u>
<u>Minimum floor area (sq. ft.)⁽²⁾</u>	<u>1,200</u>	<u>1,200</u>	<u>750 (each unit)</u>
<u>⁽¹⁾7.5 feet, or ten percent of the width of the lot at the front property line, whichever is greater. Except that patio homes and duplexes may have a zero feet side yard setback along interior lot lines between patio homes and duplexes.</u>			

⁽²⁾ Minimum floor area exclusive of terraces, attached roofed-over porches, carports, patios, attached garages, and utility rooms. 600 square feet net living area--One bedroom apartments; 750 square feet net living area--two bedroom apartments; 800 square feet net living area three or more bedroom apartments.

- (g) *Off-street parking and loading requirements.* Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.
- (h) *Types of signs permitted.* Signs shall be permitted in accordance with Chapter 102, Code of Ordinances of the City of Deltona.

Sec. 110-310. RM-1, Multiple Family Residential Dwelling District.

- (a) *Purpose and intent.* The purpose of this zoning district is to allow single-family detached patio homes, duplex dwellings, and multiple family dwellings consistent with the development standards and density requirements of the Medium Density Residential Future Land Use Category.
- (b) *Permitted uses.* Within the RM-1, Multiple Family Residential Dwelling District, no building, structure, land, or water shall be used except for one or more of the following uses and their customary, incidental, and subordinate accessory uses.
1. Single-family patio homes.
 2. Single-family townhomes and townhome condominiums.
 3. Two-family (duplex) dwellings.
 4. Multiple-family dwellings, including cooperative apartments and condominiums.
 5. Accessory buildings and uses customarily incident to the above uses when located on the same lot as the principal use, and not involving the conduct of a business (other than the customarily incidental business of onsite management and maintenance of apartment buildings).
 6. Essential utility services.
 7. Publicly owned or regulated public water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of Chapter 98, Article V, Code of Ordinances, City of Deltona, as it may be amended from time to time.
 8. Communication towers up to 70 feet high in accordance with the requirements of Chapter 82, Code of Ordinances, City of Deltona, as it may be amended from time to time.
 9. Home occupation offices.
- (c) *Conditional uses.* The following land uses and their customary subordinate and incidental accessory uses are permitted as conditional uses subject to the public hearing and staff review requirements established for conditional uses in this chapter.
- Adult family-care home (refer to section 110-817(I))
 - Assisted living facility (refer to section 110-817(I))
 - Community residential home
 - Group home facility (refer to section 110-817(I))
 - Nursing home and nursing home facility (refer to section 110-817(I))

Publicly owned park and recreational facilities and recreational areas. In the platted Deltona Lakes Subdivisions, such facilities are permitted on a site designated as "Park" on the Deltona Lakes Master Development Plan, and passive parks and recreational facilities may be placed on designated drainage tracts.

Schools, public or private, including colleges and universities, junior or community colleges, high schools, junior high or middle schools, elementary schools, kindergarten schools, day care centers, correspondence and vocational schools, schools for adult education, and libraries. Schools are permitted in the platted Deltona Lakes Subdivisions only when they are located on a site designated as "school" on the Deltona Lakes Master Development Plan.

Public markets.

Public uses not otherwise listed under permitted uses or conditional uses.

Publicly owned or regulated water supply wells of eight inches in diameter or greater.

Communication towers over 70 feet high, in accordance with Chapter 82, Code of Ordinances, as it may be amended from time to time.

(d) Density.

1. No development shall be permitted to exceed the maximum density limits established for the development site by the Future Land Use Map Category established in the Deltona Comprehensive Plan, as it may be amended from time to time. No development shall be approved with less than the minimum density established for the property by the Future Land Use Map Category in the Deltona Comprehensive Plan, as it may be amended from time to time.
2. Maximum density: 12 dwelling units/acre.
3. Minimum density: Six dwelling units/acre.

(e) Dimensional requirements.

~~(1) Minimum lot size: The intent of these minimum standards is to promote compatible and innovative residential development consistent with the Deltona Comprehensive Plan, as it may be amended from time to time. These standards do not permit development in excess of the maximum density limits established in this section and in the adopted comprehensive plan.~~

~~a. Area:—~~

- ~~1. Single family patio home lots: 3,500 square feet.~~
- ~~2. Single family attached townhome lots: 1,600 sq. ft., lots required to be individually platted.~~
- ~~3. Townhome or patio home development site: One acre per unit if on site sewage disposal systems are used; 20,000 sq. ft. if community or public water and sewer service are available, but not including community septic tanks.~~

~~b. Width:—~~

- ~~1. Townhome: 20 feet interior lot, 26 feet end lot, 38 feet corner lot.~~
- ~~2. Patio home lots: 50 feet interior lots, 70 feet corner lots.~~

~~c. Depth: Townhome lots shall have a minimum depth of 90 feet.~~

~~(2) Minimum yard size:~~

~~a. Front yard: 25 feet Townhomes, patio homes, duplexes, and multiple family dwellings.~~

- ~~b. *Rear yard:* 25 feet Townhomes, patio homes, 35 feet multiple family buildings and duplexes.~~
 - ~~c. *Side yard abutting any lot:* Townhomes, patio homes, duplexes 15 feet, or ten percent of the width of the lot at the front property line, whichever is greater. Side yard for multi family shall be a minimum of width of fifteen, or one half the height of the building, whichever is greater.~~
 - ~~d. *Side yard abutting any street:* 15 feet.~~
 - ~~e. *Waterfront yard:* 40 feet.~~
 - ~~f. *Yard abutting golf course:* 40 feet.~~
 - ~~g. *Yard between interior townhome, patio home, duplex dwelling units:* 0 feet.~~
 - ~~h. *Patio homes:* Patio homes are required to have an interior open air courtyard, atrium, or patio.~~
- ~~(3) Maximum building height: 45 feet.~~
- ~~(4) Maximum lot coverage: The total lot area covered by principal and accessory buildings shall not exceed 40 percent.~~
- ~~(5) Minimum floor area, exclusive of terraces, attached roofed over porches, carports, patios, attached garages, and utility rooms:~~
- ~~a. 1,600 square feet Townhomes, patio homes;~~
 - ~~b. 750 square feet Duplexes;~~
 - ~~c. 600 square feet net living area One bedroom apartments; 750 square feet net living area two bedroom apartments — 800 square feet net living area three or more bedroom apartments.~~
- ~~(6) Townhome, villa building development standards:~~
- ~~a. Minimum of two dwelling units in a building, maximum of eight dwelling units in a building.~~
 - ~~b. Minimum distance between buildings: 30 feet.~~
 - ~~c. The exterior facades of all townhouse units shall be varied in material and design so that no more than two abutting units will have the same architectural appearance and front yard setback and depth. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit, and no setback distance shall be less than the required minimum.~~
- ~~(7) Additional dimensional requirements for townhome and multiple family dwellings:~~
- ~~a. *Minimum building separation requirements:* 50 feet between fronts or rears of principal buildings, and 25 feet between any other combination of principal building arrangements.~~
 - ~~b. *Minimum building setback from streets and drives:* No building shall be located closer than ten feet from any interior street drive or off street parking area. This requirement shall not diminish the minimum front, side and rear yard requirements for townhome developments.~~
 - ~~c. *Maximum building length and width:* No building shall exceed 200 feet in length or width.~~

<u>RM-1, Multiple Family Residential Dwelling</u>	<u>Single-Family Patio Homes</u>	<u>Single-Family Attached Townhouse</u>
<u>Minimum lot size</u>	-	-
<u>Area (sq. ft.)</u>	<u>3,500</u>	<u>1,600</u>
<u>Area if on-site sewage disposal systems are used (acre per unit)</u>	<u>1</u>	<u>1</u>
<u>Area if community or public water and sewer service are available, but not including community septic tanks (sq. ft.)</u>	<u>20,000</u>	<u>20,000</u>
<u>Width (ft.)</u>	-	-
<u>Interior Lot</u>	<u>50</u>	<u>20</u>
<u>End lot</u>	<u>----</u>	<u>26</u>
<u>Corner lot</u>	<u>70</u>	<u>38</u>
<u>Depth (ft.)</u>	<u>----</u>	<u>90</u>
<u>Minimum yard size</u>	-	-
<u>Front yard(ft.)</u>	<u>25</u>	<u>25</u>
<u>Rear yard (ft.)</u>	<u>25</u>	<u>25</u>
<u>Side yard (ft.):</u>	-	-
<u>Abutting any lot⁽¹⁾</u>	<u>15</u>	<u>15</u>
<u>Abutting any street</u>	<u>15</u>	<u>15</u>
<u>Waterfront yard</u>	<u>40</u>	<u>40</u>
<u>Abutting golf course</u>	<u>40</u>	<u>40</u>
<u>Yard between interior⁽²⁾</u>	<u>0</u>	<u>0</u>
<u>Maximum building height (ft.)</u>	<u>45</u>	<u>45</u>
<u>Maximum lot coverage (with principal and accessory buildings)(%)</u>	<u>40</u>	<u>40</u>
<u>Minimum floor area (sq. ft.)⁽³⁾</u>	<u>1,400</u>	<u>1,400</u>
<u>Minimum building separation (ft.)</u>	-	-
<u>Between fronts or rears of principal buildings</u>	<u>----</u>	<u>50</u>
<u>Between any other combination of principal building arrangements</u>	<u>----</u>	<u>25</u>
<u>Minimum building setback from streets and drives (ft.)</u>	<u>----</u>	-
<u>From any interior street drive or off-street parking area⁽⁴⁾</u>	<u>----</u>	<u>10</u>
<u>Maximum building length and width (ft.)</u>	<u>----</u>	<u>200</u>
<u>Building Development Standards⁽⁵⁾</u>		-
<u>Minimum dwelling units in a building</u>	<u>----</u>	<u>2</u>
<u>Maximum dwelling units in a building</u>	<u>----</u>	<u>8</u>
<u>Minimum distance between buildings (ft.)</u>	<u>----</u>	<u>30</u>
<u>⁽¹⁾ 15 feet, or ten percent of the width of the lot at the front property line, whichever is greater. Side yard for multi-family shall be a minimum of width of fifteen, or one-half the height of the building, whichever is greater.</u>		
<u>⁽²⁾ Patio homes are required to have an interior open air courtyard, atrium, or patio.</u>		
<u>⁽³⁾ Minimum floor area exclusive of terraces, attached roofed-over porches, carports, patios, attached garages, and utility rooms. 600 square feet net living area--One bedroom apartments; 750 square feet net living area--two bedroom apartments; 800 square feet net living area three or more bedroom apartments.</u>		
<u>⁽⁴⁾ This requirement shall not diminish the minimum front, side and rear yard requirements for townhouse developments.</u>		
<u>⁽⁵⁾ The exterior facades of all townhouse units shall be varied in material and design so that no more than two abutting units will have the same architectural appearance and front yard setback and depth. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit, and no setback distance shall be less than the required minimum.</u>		

- (f) *Off-street parking and loading requirements.* Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.
- (g) *Types of signs permitted.* Signs shall be permitted in accordance with Chapter 102, Code of Ordinances of the City of Deltona.

Sec. 110-311. RM-2, Multiple Family Residential Dwelling District.

- (a) *Purposed and intent.* The purpose of this zoning district is to allow single-family detached patio homes, duplex dwellings, and multiple family dwellings consistent with the development standards and density requirements of the Medium Density Residential Future Land Use Category.
- (b) *Permitted uses.* Within the RM-2, Multiple Family Residential Dwelling District, no building, structure, land, or water shall be used except for one or more of the following uses and their customary, incidental, and subordinate accessory uses.
1. Single-family patio homes.
 2. Single-family townhomes and townhome condominiums.
 3. Two-family (duplex) dwellings.
 4. Multiple-family dwellings, including condominiums and cooperative apartments.
 5. Accessory buildings and uses customarily incident to the above uses when located on the same lot as the principal use, and not involving the conduct of a business (other than the customarily incidental business of onsite management and maintenance of apartment buildings).
 6. Essential utility services.
 7. Publicly owned or regulated public water supply wells of less than eight (8) inches in diameter in accordance with the potable water wellfield protection requirements of Chapter 98, Article V, Code of Ordinances, City of Deltona, as it may be amended from time to time.
 8. Communication towers up to 70 feet high in accordance with the requirements of Chapter 82, Code of Ordinances, City of Deltona, as it may be amended from time to time.
 9. Home occupation offices.
- (c) *Conditional uses.* The following land uses and their customary subordinate and incidental accessory uses are permitted as conditional uses subject to the public hearing and staff review requirements established for conditional uses in this chapter.
- Adult family-care home (refer to section 110-817(l))
- Assisted living facility (refer to section 110-817(l))
- Community residential home
- Group home facility (refer to section 110-817(l))
- Nursing home and nursing home facility (refer to section 110-817(l))
- Publicly owned park and recreational facilities and recreational areas. In the platted Deltona Lakes Subdivisions, such facilities are permitted on a site designated as "Park" on the Deltona Lakes Master Development Plan, and passive parks and recreational facilities may be placed on designated drainage tracts.

Schools, public or private, including colleges and universities, junior or community colleges, high schools, junior high or middle schools, elementary schools, kindergarten schools, day care centers, correspondence and vocational schools, schools for adult education, and libraries. Schools are permitted in the platted Deltona Lakes Subdivisions only when they are located on a site designated as "school" on the Deltona Lakes Master Development Plan.

Public markets.

Public uses not otherwise listed under permitted uses or conditional uses.

Publicly owned or regulated water supply wells of eight inches in diameter or greater.

Communication towers over 70 feet high, in accordance with Chapter 82, Code of Ordinances, as it may amended from time to time.

(d) *Density.*

1. No development shall be permitted to exceed the maximum density limits established for the development site by the Future Land Use Map Category established in the Deltona Comprehensive Plan, as it may be amended from time to time. No development shall approved with less than the minimum density established for the property by the Future Land Use Map Category in the Deltona Comprehensive Plan, as it may be amended from time to time.
2. Maximum Density: 20 dwelling units/acre.
3. Minimum Density: 12 dwelling units/acre.

(e) *Dimensional requirements.*

~~(1) Minimum lot size: The intent of these minimum standards is to promote compatible and innovative residential development consistent with the Deltona Comprehensive Plan, as it may be amended from time to time. These standards do not permit development in excess of the maximum density limits established in this section and in the adopted comprehensive plan.~~

~~a. Area:—~~

- ~~1. Single family patio home lots: 3,500 square feet.~~
- ~~2. Single family attached townhome lots: 1,600 sq. ft., lots required to be individually platted.~~
- ~~3. Townhome or patio home development site: One acre per unit if on site sewage disposal systems are used; 20,000 sq. ft. if community or public water and sewer service are available, but not including community septic tanks.~~

~~b. Width:—~~

- ~~1. Townhome: 20 feet interior lot, 26 feet end lot, 38 feet corner lot.~~
- ~~2. Patio home lots: 50 feet interior lots, 70 feet corner lots.~~

~~c. Depth: Townhome lots shall have a minimum depth of 90 feet.~~

~~(2) Minimum yard size:~~

- ~~a. Front yard: 25 feet Townhomes, patio homes, duplexes. For multiple family dwellings, the front yard setbacks shall be based on building height, as follows: One or two stories—25 feet; for each additional story, add five feet of front yard setback.~~
- ~~b. Rear yard: 25 feet Townhomes, patio homes, 35 feet duplexes. For multi-family the rear yard setback shall be based on building height, as follows: One to three stories—35 feet, each additional story, add five feet.~~

- ~~e. *Side yard abutting any lot:* Townhomes, patio homes, duplexes 15 feet, or ten percent of the width of the lot at the front property line, whichever is greater. Side yard for multi-family shall be a minimum of width of 15, or one half the height of the building, whichever is greater.~~
- ~~d. *Side yard abutting any street:* 15 feet.~~
- ~~e. *Waterfront yard:* 40 feet.~~
- ~~f. *Yard abutting golf course:* 40 feet.~~
- ~~g. *Yard between interior townhome, patio home, duplex dwelling units:* 0 feet.~~
- ~~h. *Patio homes:* Patio homes are required to have an interior open air courtyard, atrium, or patio.~~
- ~~(3) *Maximum building height:* 80 feet, but not over five habitable floors.~~
- ~~(4) *Maximum lot coverage:* The total lot area covered by principal and accessory buildings shall not exceed 40 percent.~~
- ~~(5) *Minimum floor area, exclusive of terraces, attached roofed over porches, carports, patios, attached garages, and utility rooms:*~~
 - ~~a. 1,600 square feet Townhomes, patio homes;~~
 - ~~b. 750 square feet Duplexes;~~
 - ~~c. 600 square feet net living area One bedroom apartments; 750 square feet net living area two bedroom apartments 800 square feet net living area three or more bedroom apartments.~~
- ~~(6) *Townhome, villa building development standards:*~~
 - ~~a. Minimum of two dwelling units in a building, maximum of eight dwelling units in a building.~~
 - ~~b. Minimum distance between buildings: 30 feet.~~
 - ~~c. The exterior facades of all townhouse units shall be varied in material and design so that no more than two abutting units will have the same architectural appearance and front yard setback and depth. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit, and no setback distance shall be less than the required minimum.~~
- ~~(7) *Additional dimensional requirements for townhome and multiple family dwellings:*~~
 - ~~a. *Minimum building separation requirements:* 50 feet between fronts or rears of principal buildings, and 25 feet between any other combination of principal building arrangements.~~
 - ~~b. *Minimum building setback from streets and drives:* No building shall be located closer than ten feet from any interior street drive or off street parking area. This requirement shall not diminish the minimum front, side and rear yard requirements for townhome developments.~~
 - ~~c. *Maximum building length and width:* No building shall exceed 200 feet in length or width.~~

<u>RM-2, Multiple Family Residential Dwelling</u>	<u>Single-Family Patio Homes</u>	<u>Single-Family Attached Townhouse</u>
<u>Minimum lot size</u>	-	-
<u>Area (sq. ft.)⁽¹⁾</u>	<u>3,500</u>	<u>1,600</u>
<u>Area if on-site sewage disposal systems are used (acre per unit)</u>	<u>1</u>	<u>1</u>
<u>Area if community or public water and sewer service are available, but not including community septic tanks (sq. ft.)</u>	<u>20,000</u>	<u>20,000</u>
<u>Width (ft.)</u>	-	-
<u>Interior Lot</u>	<u>50</u>	<u>20</u>
<u>End lot</u>	<u>----</u>	<u>26</u>
<u>Corner lot</u>	<u>70</u>	<u>38</u>
<u>Depth (ft.)</u>	<u>----</u>	<u>90</u>
<u>Minimum yard size</u>	-	-
<u>Front yard(ft.)</u>	<u>25</u>	<u>25</u>
<u>Rear yard (ft.)</u>	<u>25</u>	<u>25</u>
<u>Side yard (ft.):</u>	-	-
<u>Abutting any lot⁽²⁾</u>	<u>15</u>	<u>15</u>
<u>Abutting any street</u>	<u>15</u>	<u>15</u>
<u>Waterfront yard</u>	<u>40</u>	<u>40</u>
<u>Abutting golf course</u>	<u>40</u>	<u>40</u>
<u>Yard between interior⁽³⁾</u>	<u>0</u>	<u>0</u>
<u>Maximum building height (ft.)⁽⁴⁾</u>	<u>80</u>	<u>80</u>
<u>Maximum lot coverage (with principal and accessory buildings)(%)</u>	<u>40</u>	<u>40</u>
<u>Minimum floor area (sq. ft.)⁽⁵⁾</u>	<u>1,400</u>	<u>1,000</u>
<u>Minimum building separation (ft.)</u>	-	-
<u>Between fronts or rears of principal buildings</u>	<u>----</u>	<u>50</u>
<u>Between any other combination of principal building arrangements</u>	<u>----</u>	<u>25</u>
<u>Minimum building setback from streets and drives (ft.)</u>	<u>----</u>	-
<u>From any interior street drive or off-street parking area⁽⁶⁾</u>	<u>----</u>	<u>10</u>
<u>Maximum building length and width (ft.)</u>	<u>----</u>	<u>200</u>
<u>Building Development Standards⁽⁷⁾</u>		-
<u>Minimum dwelling units in a building</u>	<u>----</u>	<u>2</u>
<u>Maximum dwelling units in a building</u>	<u>----</u>	<u>8</u>
<u>Minimum distance between buildings (ft.)</u>	<u>----</u>	<u>30</u>

⁽¹⁾ For Single family attached townhouse, lots required to be individually platted.

⁽²⁾ 15 feet, or ten percent of the width of the lot at the front property line, whichever is greater. Side yard for multi-family shall be a minimum of width of fifteen, or one-half the height of the building, whichever is greater.

⁽³⁾ Patio homes are required to have an interior open air courtyard, atrium, or patio.

⁽⁴⁾ Not over five habitable floors.

⁽⁵⁾ Minimum floor area exclusive of terraces, attached roofed-over porches, carports, patios, attached garages, and utility rooms. 600 square feet net living area--One bedroom apartments; 750 square feet net living area--two bedroom apartments; 800 square feet net living area three or more bedroom apartments.

⁽⁶⁾ This requirement shall not diminish the minimum front, side and rear yard requirements for townhouse developments.

⁽⁷⁾ The exterior facades of all townhouse units shall be varied in material and design so that no more than two abutting units will have the same architectural appearance and front yard setback and depth. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit, and no setback distance shall be less than the required minimum.

- (f) *Off-street parking and loading requirements.* Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.
- (g) *Types of signs permitted.* Signs shall be permitted in accordance with chapter 102, Code of Ordinances of the City of Deltona.

Sec. 110-312. MH, Mobile Home Park classification.

- (a) *Purpose and intent.* The purpose and intent of the MH Mobile Home park classification is to provide areas for the use and development of mobile home parks.
- (b) *Permitted principal uses and structures.* In the MH Mobile Home Park classification, no premises shall be used except for the following uses and their customary accessory uses or structures.
- (1) Communication towers up to 70 feet high, in accordance with chapter 82, Code of Ordinances, as it may be amended from time to time.
 - (2) Essential utility services.
 - (3) Exempt excavations (refer to section 110-817(o) and/or those which comply with the Land Development Code of the City of Deltona, chapter 74, Article II, Code of Ordinances and/or final plan review procedures of this chapter.
 - (4) Exempt landfills (refer to section 110-817(p)).
 - (5) Fire stations.
 - (6) Home occupations (refer to section 807.00)
 - (7) Mobile home parks meeting the requirements of section 110-809 and accessory laundry buildings commissary, swimming pools and recreational facilities.
 - (8) Public schools.
 - (9) Publicly owned parks and recreational areas.
 - (10) Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of chapter 98, article V, Code of Ordinances.
- (c) *Conditional uses.* Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Excavations only for stormwater retention ponds for which a permit is required by this chapter.

Mobile home sales accessory to a mobile home park (refer to section 110-817). Off-street parking areas (refer to section 110-817(n)).

Public markets.

Public uses not listed as a permitted principal use.

Public utility uses and structures (refer to section 110-817(a)).

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

Communication towers over 70 feet high, in accordance with chapter 82, Code of Ordinances, as it may be amended from time to time.

(d) Dimensional requirements for mobile home park.

~~(1) Minimum project size: Ten acres.~~~~(2) Maximum spaces per net acre of land: Seven, but not more than the gross residential density permitted by the underlying future land use category of the comprehensive plan.~~~~(3) Minimum mobile home space size.~~~~Space Area: 5,000 square feet~~~~Space width: 50 feet.~~~~Space depth: 50 feet.~~~~(4) Minimum yard size.~~~~Front yard: Ten feet~~~~Rear yard: Seven and one half feet.~~~~Side yard:~~~~Abutting any space: Seven and one half feet.~~~~Abutting any street: Ten feet.~~~~Waterfront yard: 25 feet.~~~~(5) Minimum floor area: 750 square feet.~~

<u>MH - Mobile Home Park</u>	
<u>Minimum project size (acres)</u>	<u>10</u>
<u>Maximum spaces per net acre of land⁽¹⁾</u>	<u>7</u>
<u>Minimum mobile home space size</u>	-
<u>Area (sq. ft.)</u>	<u>5,000</u>
<u>Width (ft.)</u>	<u>50</u>
<u>Depth (ft.)</u>	<u>50</u>
<u>Minimum yard size</u>	-
<u>Front yard (ft.)</u>	<u>10</u>
<u>Rear yard (ft.)</u>	<u>7.5</u>
<u>Side yard (ft.):</u>	-
<u>Abutting any space</u>	<u>7.5</u>
<u>Abutting any street</u>	<u>10</u>
<u>Waterfront yard</u>	<u>25</u>
<u>Minimum floor area (sq. ft.)</u>	<u>750</u>
<u>(1) Not more than the gross residential density permitted by the underlying future land use category of the comprehensive plan.</u>	

(e) Final site plan requirements. Final site plan approval meeting the requirements of chapter 74, article II, Code of Ordinances, as it may be amended from time to time, is required.

- (f) *Off-street parking and loading requirements.* Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.
- (g) *Landscape buffer requirements.* A landscaped buffer area meeting the requirements of section 110-808 shall be constructed.
- (h) *Skirting requirement.* The area between the ground and floor level of the mobile home dwelling shall be enclosed with block or decorative skirting.
- (i) *Types of signs permitted.* Signs are permitted in accordance with the requirements of the Deltona Sign Ordinance, chapter 102, Code of Ordinances, as it may be amended from time to time.

Sec. 110-313. OR, Office Residential Zoning District.

- (a) *Purpose and intent.* The purpose of the Office Residential (OR) Zoning District is to meet two objectives. First, the district is intended to be established in single-family residential areas where road expansions and/or high traffic volumes, nearby nonresidential development, and existing or developing nuisances (noise, lights, vibrations, etc.) decrease or potentially diminish the future potential for the continued use of the area for single-family residential purposes. Second, the OR District is intended to be established as a buffer between existing or proposed single-family residential development and existing or proposed commercial development and high traffic volume streets, and other nuisance producing areas. Designation of an area as an OR zoning district recognizes that the area is a transitioning commercial area, as referenced in the adopted Deltona Comprehensive Plan, as it may be amended from time to time.
- (b) *Permitted uses.* In the Office Residential (OR) Zoning District, no land, building, structure, or water shall be used for any purpose except for the following land uses and their customary, incidental and subordinate accessory uses, which are permitted:
 - (1) Single-family dwellings.
 - (2) Accounting and bookkeeping services.
 - (3) Professional offices.
 - (4) General offices.
 - (5) Internet sales businesses that do little or no on-site sales.
 - (6) Dental laboratories.
 - (7) Other uses may be approved by the enforcement official, if they are office or retail service land uses that have similar parking, trip generation, and nuisance characteristics to the non-residential land uses permitted by this paragraph. Parking generation and trip generation are to be determined using professionally acceptable data and analysis, consistent with Institute of Transportation Engineers recommended practice. The fact that other codes in other jurisdictions may permit reduced parking requirements for land uses that may come under consideration shall not be sufficient cause to allow such land uses.
- (c) *Conditional uses.* The following land uses and their customary, incidental and subordinate accessory uses may be permitted in the Office Residential (OR) Zoning District as conditional uses:
 - General retail sales and services.
 - Medical and dental offices and clinics.
 - Banks and other financial institutions.
 - Stock and bond brokers.

Florist, retail only.

Group home, community residential home.

Public markets.

Publicly regulated water supply wells of eight inches or greater diameter, in accordance with Chapter 98, Article V, Code of Ordinances, City of Deltona.

Communication antennas and towers over 70 feet high, in accordance with Chapter 82, Code of Ordinances, City of Deltona.

Houses of worship.

The above conditional uses must meet all conditional use requirements in this chapter, and furthermore, must occur on sites large enough to accommodate minimum required parking, drainage facilities, landscaping and landscaped buffers, minimum building setbacks, and utility services. The above conditional uses shall be served by community or public water and sewer systems when sites equal to or greater than 0.75 acres or four combined lots are developed.

The floor area ratio of banks and other financial institutions, and medical and dental offices and clinics shall not exceed 0.12.

- ~~(d) Dimensional Requirements. Building height regulations.— No building or structure shall exceed a height of 35 feet, unless otherwise permitted in this section.—~~
- ~~(e) Building site area regulations.—~~
- ~~(1) Lot area:~~
- ~~a. Single family dwellings: 7,500 square feet.—~~
- ~~b. Permitted nonresidential uses: 7,500 square feet.—~~
- ~~c. Conditional uses: 12,500 square feet.—~~
- ~~(2) Lot width:~~
- ~~a. Single family dwellings: 75 feet.—~~
- ~~b. Permitted nonresidential uses: 75 feet.—~~
- ~~c. Conditional uses: 100 feet when access is from a thoroughfare street, arterial street, or major collector; 75 feet when access is from a local street that is not a major collector.—~~
- ~~(f) Front rear and side yard regulations.—~~
- ~~(1) Front yard: 25 feet.—~~
- ~~(2) Rear yard: 25 feet, except 30 feet from the ordinary high water mark or lot line, whichever is most restrictive, on lots adjacent to surface water bodies or golf courses.—~~
- ~~(3) Side yard: Seven and one half feet, or ten percent of the width of the lot, whichever is greater. Nonresidential side yard setbacks may be reduced to zero when there is adjoining nonresidential development, when the property owners enter into a recorded agreement that provides for reasonable access for building maintenance and repairs, and provisions are made in building design for proper fire protection.—~~
- ~~(4) Side street yard: 15 feet.—~~
- ~~(g) Density and intensity standards, minimum floor area.—~~

- ~~(1) Residential development shall not be permitted to exceed the density permitted in the applicable Deltona Comprehensive Plan Future Land Use Map Category.~~
- ~~(2) Nonresidential development shall not be permitted to exceed the following floor area ratios (F.A.R.):~~
- ~~a. Nonresidential development other than banks, financial institutions, medical and dental offices and clinics: Maximum F.A.R. 0.35.~~
- ~~b. Banks, financial institutions, medical and dental offices and clinics: Maximum F.A.R. 0.12.~~
- ~~(3) Single family dwellings minimum floor area, exclusive of garages, carports, attached roofed over porches, terraces, and patios: 1,200 square feet.~~

<u>OR - Office Residential</u>	<u>Single Family Dwellings</u>	<u>Permitted Nonresidential Uses</u>	<u>Conditional Uses</u>
<u>Lot Area (sq. ft.)</u>	<u>7,500</u>	<u>7,500</u>	<u>12,500</u>
<u>Lot Width (ft.)</u>	<u>75</u>	<u>75</u>	<u>----</u>
<u>when access is from a thoroughfare street, arterial street, or major collector</u>	<u>----</u>	<u>----</u>	<u>100</u>
<u>when access is from a local street that is not a major collector</u>	<u>----</u>	<u>----</u>	<u>75</u>
<u>Yard Size</u>	-	-	-
<u>Front yard(ft.)</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Rear yard (ft.)⁽¹⁾</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Side yard (ft.)⁽²⁾</u>	<u>7.5</u>	<u>7.5</u>	<u>7.5</u>
<u>Side street yard (ft.)</u>	<u>15</u>	<u>15</u>	<u>15</u>
<u>Density and Intensity Standards, Minimum Floor Area</u>	-	-	-
<u>Density</u>	<u>Not to exceed the permitted in the applicable Comp. Plan FLU Map Category</u>	<u>----</u>	<u>----</u>
<u>Maximum Floor Area Ratios (F.A.R.)⁽³⁾</u>	<u>----</u>	<u>0.35</u>	<u>----</u>
<u>Minimum Floor Area⁽⁴⁾</u>	<u>1,200</u>	<u>----</u>	<u>----</u>
<u>Maximum building height (ft.)</u>	<u>35</u>	<u>35</u>	<u>35</u>
<u>Maximum lot coverage (%) (with principal and accessory buildings)</u>	<u>30</u>	<u>30</u>	<u>30</u>
⁽¹⁾ Except 30 feet from the ordinary high water mark or lot line, whichever is most restrictive, on lots adjacent to surface water bodies or golf courses.			
⁽²⁾ Seven and one-half feet, or ten percent of the width of the lot, whichever is greater. Nonresidential side-yard may be reduced to zero when there is adjoining nonresidential development, when the property owners enter into a recorded agreement that provides for reasonable access for building maintenance and repairs, and provisions are made in building design for proper fire protection.			
⁽³⁾ Banks, financial institutions, medical and dental offices and clinics: Maximum F.A.R. 0.12.			
⁽⁴⁾ Exclusive of garages, carports, attached roofed-over porches, terraces, and patios.			

- (~~h~~e) *Off-street parking regulations.* See section 110-828, except that the permitted internet sales businesses shall have the same parking requirements as offices.
- ~~(i) *Maximum building coverage.* 30 percent of the lot area is the maximum that can be covered by the principal and accessory buildings thereon. Swimming pools and screened enclosures are exempted from this provision.~~
- (~~f~~) *Landscaped buffer requirements.* Landscaped buffer areas meeting the requirements of section 110-808 shall be constructed prior to locating a non-residential use on a site in the Office Residential (OR) Zoning District. Except that when an existing building encroaches within the minimum required perimeter landscaped buffer area, then the required buffer width shall be the distance between the building and the lot line. Access shall be provided in the building encroachment area for maintenance of the building and landscaping.
- (~~g~~) *Final site plan requirements.* Final site plan approval is required meeting all applicable requirements of the Land Development Code, Subpart B, Code of Ordinances, City of Deltona, prior to constructing a business use, or converting a residential structure to a business use.
- (~~h~~) *Types of signs permitted.* Signs are permitted in accordance with the Deltona Sign Code, chapter 102, Code of Ordinances, City of Deltona, as it may be amended from time to time.

Sec. 110-314. PB, Professional Business (~~PB~~) Zoning District.

- (a) *Purpose and intent.* The purpose of the Professional Business (PB) Zoning District is to establish a transitional zone between high volume streets and single family residential areas, and between higher intensity development and single family residential areas. The Professional Business Zoning District is established in areas that are transitional in character. Therefore, a mix of single family and compatible office development, with some retail sales, is permitted. The Professional Business (PB) Zoning District was first established in the original Deltona Lakes Community Development Plan to serve this purpose in the planned development. It may be applied to achieve a zoning transition in all other appropriate areas of the City of Deltona, including those areas that were not included in the original Deltona Lakes Community Development Plan, consistent with the commercial future land use designations on the adopted Future Land Use Map.
- (b) *Permitted uses.* In the Professional Business (PB) Zoning District, no building, structure, land or water shall be used except for one or more of the following uses:
 - (1) Any business office, provided no retail sales are conducted. Permitted professional business offices include, but are not necessarily limited to: accountants, attorneys, insurance agencies, mortgage brokerages, real estate agencies, and offices for architects and engineers.
 - (2) Barber and beauty shop.
 - (3) Communication towers up to 70 feet high, in accordance with Chapter 82, Code of Ordinances, City of Deltona, as it may be amended from time to time.
 - (4) Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of Chapter 98, Code of Ordinances, City of Deltona, as it may be amended from time to time.
 - ~~(5) Medical offices, subject to the setback and floor area ratio requirements in sections 110-316(f) and 110-316(g).~~
 - ~~(6) Banks, subject to the setback and floor area ratio requirements in sections 110-316(f) and 110-316(g).~~
 - (7) Single-family dwellings and their customary accessory uses.

- (8) Townhomes.
 - (9) Off-street parking areas.
 - (10) Essential utility services.
 - (11) Excavations only for stormwater retention ponds, subject to applicable permitting requirements.
- (c) *Conditional uses.* Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter. The following land uses and their customary, incidental and subordinate accessory uses may be permitted in the Professional Business (PB) Zoning District as conditional uses:
- Adult family-care home (refer to section 110-817(l))
 - Assisted living facility (refer to section 110-817(l))
 - Communication towers greater than 70 feet high, in accordance with Chapter 82, Code of Ordinances, City of Deltona, as it may be amended from time to time.
 - Community residential home
 - Day care centers (refer to section 110-817(f)).
 - Group home facility (refer to section 110-817(l))
 - Houses of worship (refer to section 110-817(d)).
 - Nursing home and nursing home facility (refer to section 110-817(l))
 - Professional or trade schools related to permitted uses (refer to section 110-817(b)).
 - Public markets.
 - Public uses not listed as a permitted principal use.
 - Public utility uses and structures (refer to section 110-817(a)).
 - Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.
 - Schools, parochial or private (refer to section 110-817(d)).

~~(d) *Building height regulations.* No building or structure shall exceed 35 feet in height.~~

~~(e) *Residential density.* No residential construction shall exceed a density of nine dwelling units per acre.~~

~~(f) *Building site area regulations*~~ *Dimensional Requirements.*

~~(1) *Lot area:*~~

~~a. *Single family dwellings:* 7,500 square feet.~~

~~b. *Single family attached townhome lots:* 1,600 square feet for interior lots, 2,000 square feet for end lots, and 2,800 square feet for corner lots. Townhome lots are required to be individually platted.~~

~~c. *Townhome development site:*~~

~~1. *One acre per unit if onsite sewage disposal systems are used;*~~

~~2. *15,000 square feet if community or public water and sewer service are available, but not including community septic tanks.*~~

~~d. *Nonresidential development:* 12,500 square feet. No site for nonresidential development shall be created, and no conversion of an existing site or building to nonresidential use shall be permitted unless the site area meets this minimum standard.~~

~~(2) *Lot width:*~~

~~a. *Single family lots:* 75 feet.~~

~~b. *Townhome lots:* 20 feet interior lot; 26 feet end lot; 38 feet corner lot.~~

~~c. *Nonresidential land uses:* 100 feet.~~

~~(g) *Front, rear and side yard regulations.* The following front, rear and side yards shall be observed, measured from the front, rear and side walls of the main structure to the road or street right of way line, rear and side lines of lot or parcel of land respectively. Eaves and steps shall not be construed to permit any portion of a building on a lot to encroach upon another lot or easement.~~

~~(1) *Front yard:* 25 feet, except that medical offices and banks shall be limited to a front yard equal to the minimum required width of the required landscaped buffer.~~

~~(2) *Rear yard:*~~

~~a. *On waterfront lots no buildings shall be erected nearer than 30 feet to the ordinary high water mark, or the platted property line, whichever is more restrictive.*~~

~~b. *On non-waterfront lots no building shall be erected nearer to the rear lot line than 25 feet.*~~

~~(3) *Side yard:*~~

~~a. *Single family dwellings and nonresidential land uses:* Seven and one half feet or ten percent of the width of the lot at the front property line, whichever is greater.~~

~~b. *Townhomes:*~~

~~1. *Interior lot between townhomes, zero feet.*~~

~~2. *Between townhome buildings and adjacent interior building site side lot line seven and one half feet.*~~

~~c. *Side street yard:* 15 feet.~~

~~(h) *Minimum floor area and maximum floor area ratio requirements.*~~

~~(1) *The minimum required floor area for all single family dwellings, exclusive of attached roofed over porches, carports, terraces, patios and attached garages shall be 1,000 square feet.*~~

~~(2) *The minimum required floor area for townhome units shall be 1,000 square feet.*~~

~~(3) *The maximum floor area ratio for medical offices shall be 0.12.*~~

~~(4) *The maximum floor area ratio for banks shall be 0.10.*~~

~~(5) *The maximum floor area ratio for all other non-residential land uses shall be 0.35.*~~

~~(i) *Additional development standards for townhome dwellings.*~~

~~(1) *Minimum building separation requirements:* 50 feet between fronts or rears of principal buildings, and 30 feet between any other combination of principal building arrangements.~~

~~(2) *Minimum building setback from streets and drives:* No building shall be located closer than ten feet from any interior street drive or off street parking area. This requirement shall not diminish the minimum front, side and rear yard requirements for townhome developments.~~

~~(3) *Maximum building length and width:* No building shall exceed 200 feet in length or width.~~

- (4) ~~Minimum of two dwelling units in a building, maximum of eight dwelling units in a building.~~
- (5) ~~The exterior facades of all townhome units shall be varied in material and design so that no more than two abutting units will have the same architectural appearance and front yard setback and depth. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit, and no setback distance shall be less than the required minimum.~~

<u>PB - Professional Business</u>	<u>Single Family Dwellings</u>	<u>Single Family attached Townhouse</u>	<u>Nonresidential</u>
<u>Lot Area (sq. ft.)⁽¹⁾</u>	<u>7,500</u>	<u>1,600 interior lots</u> <u>2,000 end lots</u> <u>2,800 corner lots</u>	<u>12,500</u>
<u>Development site if onsite sewage disposal systems are used (acre)</u>	<u>----</u>	<u>1</u>	<u>----</u>
<u>Development site if community or public water and sewer service are available, but not including community septic tanks (sq. ft.)</u>	<u>----</u>	<u>15,000</u>	<u>----</u>
<u>Lot Width (ft.)</u>	<u>75</u>	<u>----</u>	<u>100</u>
<u>Interior lot</u>	<u>----</u>	<u>20</u>	<u>----</u>
<u>End lot</u>	<u>----</u>	<u>26</u>	<u>----</u>
<u>Corner lot</u>	<u>----</u>	<u>38</u>	<u>----</u>
<u>Yard Size</u>			
<u>Front yard(ft.)⁽²⁾</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Rear yard (ft.)</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Waterfront rear yard (ft.)⁽³⁾</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Side yard (ft.)⁽⁴⁾</u>	<u>7.5</u>	<u>----</u>	<u>7.5</u>
<u>Interior lot(ft.)⁽⁵⁾</u>	<u>----</u>	<u>0 between townhouses</u>	<u>----</u>
<u>Side street yard (ft.)</u>	<u>15</u>	<u>15</u>	<u>15</u>
<u>Minimum Floor Area (sq. ft.)</u>	<u>1,000</u>	<u>1,000</u>	<u>----</u>
<u>Maximum Floor Area Ratios (F.A.R.)</u>	<u>----</u>	<u>----</u>	<u>0.35⁽⁶⁾</u>
<u>Maximum building height (ft.)</u>	<u>35</u>	<u>35</u>	<u>35</u>
<u>Maximum lot coverage (with principal and accessory buildings) (swimming pools and screened enclosures are excepted from this provision)(%)</u>	<u>35</u>	<u>30</u>	<u>30</u>
<u>Minimum building separation (ft.)</u>			
<u>Between fronts or rears of principal buildings</u>	<u>----</u>	<u>50</u>	<u>----</u>
<u>Between any other combination of principal building arrangements</u>	<u>----</u>	<u>30</u>	<u>----</u>
<u>Minimum building setback from streets and drives (ft.)</u>			
<u>From any interior street drive or off-street parking area⁽⁷⁾</u>	<u>----</u>	<u>10</u>	<u>----</u>
<u>Maximum building length and width (ft.)</u>	<u>----</u>	<u>200</u>	<u>-</u>
<u>Building Development Standards⁽⁸⁾</u>			
<u>Minimum dwelling units in a building</u>	<u>----</u>	<u>2</u>	<u>----</u>
<u>Maximum dwelling units in a building</u>	<u>----</u>	<u>8</u>	<u>----</u>

- (1) No site for nonresidential development shall be created, and no conversion of an existing site or building to nonresidential use shall be permitted unless the site area meets the minimum standard.
- (2) Except that medical offices and banks shall be limited to a front yard equal to the minimum required width of the required landscaped buffer.
- (3) No building shall be erected nearer than 30 feet to the ordinary high water mark, or the platted property line, whichever is more restrictive.
- (4) 7.5 feet or 10 percent of the width of the lot at the front property line, whichever is greater.
- (5) Between townhouse buildings and adjacent interior building site side lot line 7.5 feet.
- (6) The maximum floor area ratio for medical offices shall be 0.12 and for banks shall be 0.10.
- (7) This requirement shall not diminish the minimum front, side and rear yard requirements for townhouse developments.
- (8) The exterior facades of all townhouse units shall be varied in material and design so that no more than two abutting units will have the same architectural appearance and front yard setback and depth. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit, and no setback distance shall be less than the required minimum.

- ~~(f)~~ *Off-street parking regulations.* See section 110-828 of the Code of Ordinances, City of Deltona, as it may be amended from time to time.
- ~~(k)~~ *Maximum lot coverage. 30 percent of the lot is the maximum that may be covered by the principal and accessory buildings located thereon. Swimming pools and screened enclosures are excepted from this provision.*
- ~~(g)~~ *Landscaped buffer requirements.* Landscaped buffer areas meeting the requirements of section 110-808 of the Code of Ordinances, City of Deltona, as it may be amended from time to time, shall be constructed prior to locating a non-residential use on any site.
- ~~(h)~~ *Final site plan requirements.* Final Site Plan approval meeting the requirements of Chapter 74, Article II, Code of Ordinances, City of Deltona, as it may be amended from time to time, is required prior to constructing a business use, townhome use, or converting a residential structure to a business use.
- ~~(i)~~ *Types of signs permitted.* Signs are permitted in accordance with Chapter 102, Code of Ordinances, City of Deltona, as it may be amended from time to time.
- ~~(j)~~ *General provisions, exceptions, and prohibitions.*
- (1) See Article VIII. Supplementary regulations.
 - (2) All Professional Business, PB district sites must be located on a thoroughfare roadway as identified in Deltona Comprehensive Plan as it may be amended from time to time.

Sec. 110-315. C-1, Retail Commercial district.

- (a) Purpose and intent.* The purpose of the C-1-Retail Commercial Zoning District is to establish neighborhood commercial development along high volume roads that is compatible with nearby single-family residential areas. The C-1-Retail Commercial Zoning District is not suitable for transitional areas. Therefore, low intensity commercial development with no residential mix is permitted. The C-1-Retail Commercial Zoning District was first established in the original Deltona Lakes Community Development Plan to serve this purpose in the planned development. It may be applied to achieve a commercial development suitable for serving surrounding single-family residential development in all other appropriate areas of the City of Deltona, including those areas that were not included in the original Deltona Lakes Community Development Plan. The C-1-Retail

Commercial Zoning District shall only be applied to areas that are designated in the commercial future land use category on the adopted Future Land Use Map in the Deltona Comprehensive Plan, as it may be amended from time to time.

(b) *Uses permitted.* Within the C-1 Retail Commercial district, no building, structure, land or water shall be used except for one or more of the following uses:

- (1) Motels and hotels.
- (2) Restaurants, Types A and B
- (3) Retail shops, professional offices, and personal service enterprises similar to the following:
 - Animal hospital.
 - Antique shops.
 - Aquariums.
 - Art goods and bric-a-brac shops.
 - Artist studios.
 - Automobile new parts, equipment and accessories; sales only.
 - Automobile service stations, Type C.
 - Bakeries, retail (including preparation of products for sale on the premises.)
 - Banks and other financial businesses
 - Barber shops.
 - Bars.
 - Beauty parlors.
 - Bicycle stores.
 - Billiard rooms, pool rooms or bowling alleys.
 - Car washes.
 - Cigar stores (retail only).
 - Confectionery and ice cream stores.
 - Conservatories.
 - Convenience stores.
 - Cultural, historical, and art centers and museums.
 - Curio stores.
 - Day care centers.
 - Dental offices and clinics.
 - Drug and sundry stores.
 - Electric sales and service.
 - Electronic sales and service.
 - Employment agencies.
 - Essential utility services.

Fire stations.
 Florist shops.
 Fruit stores (retail only).
 Furniture stores.
 Garden supplies and retail fertilizer store.
 General offices.
 Grocery stores with or without meat sales.
 Hardware stores (retail only).
 Houses of worship.
 Interior decorating, costuming, draperies.
 Jewelry stores, watch repairs.
 Laundromats.
 Laundry and cleaning agencies (provided no gasoline or explosives of any kind are stored or used therein).
 Lawn equipment sales and service.
 Leather goods stores (retail only).
 Libraries.
 Medical offices and clinics.
 Millinery, wearing apparel, furrier stores.
 Music and radio stores.
 Night clubs.
 Non-profit membership and charitable organizations.
 Newsstands.
 Paint stores.
 Pest exterminators.
 Pet stores.
 Photograph galleries.
 Physical fitness centers.
 Printing shops.
 Private clubs, lodges, fraternities, sororities.
 Plumbing fixture shops (retail only).
 Plumbing, sales and service.
 Police and sheriff stations.
 Public art galleries, libraries, museums, and other public meeting places not operated for profit.

Retail sales and services, excluding sales or rental of automobile, motorcycle, truck, motor home, or travel trailers, automobile driving schools, boat or mobile home sales and services.

Retail specialty shops.

Schools.

Tailor shops.

Theaters.

Utility offices.

Veterinarians.

- (4) Communication towers up to a height of 70 feet are permitted in accordance with Chapter 82, Code of Ordinances, as it may be amended from time to time.
- (5) Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water well field protection requirements of the Land Development Code Chapter 98, article V, Code of Ordinances, as it may be amended from time to time.

(c) Conditional uses.

Communication towers exceeding 70 feet in height above ground level, in accordance with Chapter 82, Code of Ordinances, as it may be amended from time to time.

Group home facility (refer to section 110-817(l))

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Automobile driving schools.

Automobile repair garage.

Automobile service stations, Type A; permitted only on building sites with not less than 150 feet frontage on all abutting streets.

Community residential home

Funeral homes.

Group home facility (refer to section 110-817(l))

Nursing home and nursing home facility (refer to section 110-817(l))

Public markets.

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater in accordance with the potable water well field protection requirements of the land development code Chapter 98, article V, Code of Ordinances, as it may be amended from time to time.

~~(d) Building height regulations. No building or structure shall exceed 35 feet in height.~~

~~(ed) Building site area regulations~~ Dimensional Requirements:

~~(1) Minimum lot width: 100 feet; except 150 feet shall be required along all abutting street frontages for land uses with drive through service or windows, and all three types of automobile service stations.~~

~~(2) Minimum lot area: 10,000 square feet.~~

~~(f) Maximum floor area ratios:—~~

~~(1) 0.28 except for medical and dental offices and clinics;~~

~~(2) 0.12 for medical and dental offices and clinics.~~

~~(g) Front, rear and side street yard regulations:—~~

~~(1) Front yard: 25 feet.~~

~~(2) Rear yard: 15 feet.~~

~~(3) Side street yard: 15 feet.~~

~~(h) Side yard: Five feet except may be reduced to zero foot where adjacent to existing building with zero foot setback, or coordinated with proposed building with zero foot setback.—~~

~~When two or more lots are used as one building site the setback restrictions set forth in this zoning district shall apply to the exterior perimeter of the combined site.~~

<u>C-1, Retail Commercial</u>	
<u>Minimum lot size</u>	-
	<u>Area (sq. ft.)</u> 10,000
	<u>Width (ft.)⁽¹⁾</u> 100
<u>Minimum yard size</u>	-
	<u>Front yard (ft.)</u> 25
	<u>Rear yard (ft.)</u> 15
	<u>Side yard (ft.)⁽²⁾</u> 5
	<u>Side street yard(ft)</u> 15
<u>Maximum building height (ft.)</u>	<u>35</u>
<u>Maximum lot coverage (%) (with principal and accessory buildings)⁽³⁾</u>	<u>40</u>
<u>Maximum floor area ratio (F.A.R.)</u>	<u>0.35</u>
<p><u>⁽¹⁾ Except 150 feet shall be required along all abutting street frontages for land uses with drive through service or windows, and all three types of automobile service stations.</u></p> <p><u>⁽²⁾ Except may be reduced to zero foot where adjacent to existing building with zero foot setback, or coordinated with proposed building with zero foot setback. When two or more lots are used as one building site the setback restrictions set forth in this zoning district shall apply to the exterior perimeter of the combined site.</u></p> <p><u>⁽³⁾ Excluding swimming pools and screened enclosures, except, that screened enclosures used for storage, trash or equipment containment, and covered parking areas are included. This provision shall not be interpreted to allow a floor area ratio of any principal building or group of principal buildings to exceed the maximum permitted.</u></p>	

- (~~i~~e) *Off-street parking regulations.* See sections 110-828(f) through ~~810828~~(j).
- ~~(j) Lot coverage. 40 percent of the lot area is the maximum that may be covered by the principal and accessory buildings located thereon, excluding swimming pools and screened enclosures, except that screened enclosures used for storage, trash or equipment containment, and covered parking areas are included. This provision shall not be interpreted to allow a floor area ratio of any principal building or group of principal buildings to exceed the maximum permitted by subsection E.~~
- (~~k~~f) *Landscape buffer requirements.* Landscape buffer areas meeting the requirements of section 110-808 shall be constructed.
- (~~l~~g) *Final site plan requirements.* Final site plan approval meeting the requirements of article III of the Land Development Code [chapter 74, article II, Code of Ordinances] is required.
- (~~m~~h) *Types of signs permitted.* Signs are permitted in accordance with the city's sign code Chapter 102, Code of Ordinances, as it may be amended from time to time.
- (~~n~~i) *General provisions, exceptions and prohibitions.* See article VIII.

Sec. 110-316. C-2, General Commercial.

- (a) *Purpose and intent.* The purpose and intent of the C-2 General Commercial classification is to encourage the development of intensive commercial areas providing a wide range of goods and services, and located adjoining at least one major collector or arterial road. The C-2 classification is intended to be applied to strip retail areas and may be applied to Interstate Highway interchange areas and other intersections that are characterized by high traffic volumes appropriate for highway-oriented commercial development and shopping centers. This district is not intended to be applied within established residential areas, except when those areas are either in transition, blighted, or designated in the Commercial future land use category on the adopted Future Land Use Map. This zoning district shall only be applied to areas designated in the Commercial future land use category on the adopted Deltona Comprehensive Plan Future Land Use Map.
- (b) *Permitted uses.* In the C-2 General Commercial zoning district, no premises shall be used except for one of the following uses and their customary accessory uses and structures:
- Art, dance, modeling and music schools.
 - Automobile driving schools.
 - Automobile rental agencies.
 - Automobile sales, new and used.
 - Automobile service station, Types A and C.
 - Barber and beauty shops.
 - Bars and liquor stores.
 - Boat, mobile home and recreational vehicle sales and service establishments.
 - Bowling alleys.
 - Catering services.
 - Communication towers up to 70 feet high, in accordance with Chapter 82, Code of Ordinances, as it may be amended from time to time.
 - Cultural art centers.

Dental laboratories.

Employment agencies.

Essential utility services.

Exempt excavations (refer to section 110-817(o)) and/or those which comply with the Land Development Code of the City of Deltona, Chapter 74, article II, Code of Ordinances, as it may be amended from time to time and/or final plan review procedures of this chapter.

Exempt landfills (refer to section 110-817(p)).

Financial institutions.

Fire stations.

Funeral homes.

Game rooms or arcades for pool, billiards, pinball machines, jukeboxes or other coin-operated amusements.

General offices.

Government-sponsored civic centers.

Home occupations (refer to section 110-807).

Household moving center.

Laundry and dry cleaning establishments.

Libraries.

[Moped/Motorcycle sales and services](#)

Museums.

Nightclubs.

Outdoor musical event.

Pawnshops.

Pest exterminators.

Private clubs.

Public schools.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells of less 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.

Recycling collection center.

Restaurants, Types A and B.

Retail plant nursery.

Retail sales and services.

Retail specialty shops.

Stamp redemption centers.

Tailors.

Taxicab stands.

Theaters.

Travel agencies.

Veterinary clinics.

- (c) *Conditional uses.* Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Communication towers greater than 70 feet high, in accordance with Chapter 82, Code of Ordinances, as it may be amended from time to time.

Bicycle motocross tracks.

Boardinghouse (refer to section 110-817(l))

Bus stations.

Car washes.

Community residential home

Day care centers (refer to section 110-817(f)).

Excavations only for stormwater retention ponds for which a permit is required by this chapter.

Group home facility (refer to section 110-817(l)).

Nursing home and nursing home facility (refer to section 110-817(l)).

Outdoor entertainment and recreational uses and structures.

Professional or trade schools related to permitted uses (refer to section (110-817(b)).

Public markets.

Public uses not listed as a permitted principal use.

Public utility uses and structures (refer to section 110-817(a)).

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

Schools, parochial or private (refer to section 110-817(d)).

Tattoo parlors.

Only one single-family dwelling for the owner or manager of an existing permitted principal use.

- (d) *Dimensional requirements.*

~~(1) Minimum lot size.~~

~~Area: 15,000 square feet~~

~~Width: Minimum lot width: 100 feet; except 150 feet shall be required along all abutting street frontages for land uses with drive through service or windows, and all three types of automobile service stations.~~

~~(2) Minimum yard size:~~

~~Front yard: 35 feet.~~

~~Side and rear yard: Ten feet unless abutting any residentially zoned property, then 35 feet.~~

~~Waterfront yard: 25 feet.~~

~~(3) Maximum building height: 45 feet.~~

~~(4) Maximum floor area ratio (F.A.R.): 0.50~~

~~(5) Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed 35 percent.~~

<u>C-2, General Commercial</u>	
<u>Minimum lot size</u>	-
<u>Area (sq. ft.)</u>	<u>15,000</u>
<u>Width (ft.)⁽¹⁾</u>	<u>100</u>
<u>Minimum yard size</u>	-
<u>Front yard (ft.)</u>	<u>35</u>
<u>Rear yard (ft.)⁽²⁾</u>	<u>10</u>
<u>Side yard (ft.)⁽²⁾</u>	<u>10</u>
<u>Waterfront yard(ft)</u>	<u>25</u>
<u>Maximum building height (ft.)</u>	<u>75</u>
<u>Maximum lot coverage (%) (with principal and accessory buildings)</u>	<u>35</u>
<u>Maximum floor area ratio (F.A.R.)</u>	<u>0.50</u>
<u>⁽¹⁾Except 150 feet shall be required along all abutting street frontages for land uses with drive through service or windows, and all three types of automobile service stations.</u>	
<u>⁽²⁾Unless abutting any residentially zoned property, then 35 feet.</u>	

- (e) *Off-street parking and loading requirements.* Off-street parking and loading areas meeting the requirements of section 110-828 shall be constructed.
- (f) *Landscape buffer requirements.* Landscaped buffer areas meeting the requirements of section 110-808.00 shall be constructed.
- (g) *Final site plan requirements.* Final site plan approval meeting the requirements of the Land Development Code, chapter 74, article II, Code of Ordinances, as it may be amended from time to time, is required.
- (h) *Types of signs permitted.* Signs are permitted in accordance with the requirements of the city's sign code Chapter 102, Code of Ordinances, as it may be amended from time to time.

(Ord. No. 06-2003, § 1, 11-3-03; Ord. No. 07-2010, § 13, 6-21-2010)

Sec. 110-317. C-3, Heavy Commercial classification.

(a) *Purpose and intent.* The purpose and intent of the C-3 Heavy Commercial classification is to provide areas for commercial uses and structures that are not generally compatible with B-4 uses and structures.

(b) *Permitted principal uses and structures.* In the C-3 Heavy Commercial classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Art, dance, modeling and music schools.

Auction parlors.

Automobile body shops.

Automobile driving schools.

Automobile rental agencies.

Automobile sales, new and used.

Automobile service stations, Types A, B and C.

Bars and liquor stores.

Beauty and barber shops.

Boat, truck, motorcycle, trailer, bicycle and mobile home storage, sales, service and rental for off-site use (new and used).

Bowling alleys.

Building material sales and storage.

Car washes.

Catering services.

Communication towers up to 70 feet high, in accordance with the requirements of Chapter 82, Code of Ordinances, as it may be amended from time to time.

Contractor's shop, storage and equipment yard.

Cultural art centers.

Dental laboratories.

Employment agencies.

Essential utility services.

Exempt excavations (refer to section 110-817(o))

Exempt landfills (refer to section 110-817(p)).

Financial institutions.

Fire stations.

Funeral homes.

Game rooms or arcades for pool, billiards, pinball machines, jukeboxes or other coin-operated amusements.

General offices.

Government sponsored civic centers.
 Home occupations (refer to section 110-807).
 Laundry and dry cleaning establishments.
 Libraries.
 Marine engine repair and service.
 Mini-warehouses which meet the requirements of section 110-817(e).
 Mobile recreational vehicle and shelter sales, service, storage and repair.
 Museums.
 Nightclubs.
 Outdoor musical event.
 Pawnshops.
 Pest exterminators.
 Printing and engraving, including Photostatting and publishing.
 Private clubs.
 Public schools.
 Publicly owned parks and recreational areas.
 Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of the Land Development Code Chapter 98, article V, Code of Ordinances, as it may be amended from time to time.
 Radio and television broadcasting stations.
 Recycling collection center.
 Restaurants, Types A and B.
 Retail sales and services.
 Retail specialty shops.
 Rug cleaning establishments.
 Stamp redemption centers.
 Tailors.
 Tattoo parlors.
 Taxicab stands.
 Theaters.
 Travel agencies.
 Veterinary clinics.
 Welding and soldering shops.
 Wholesale-retail nursery.

(c) *Conditional uses.* Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Communication towers greater than 70 feet high, in accordance with the requirements of Chapter 82, Code of Ordinances, as it may be amended from time to time.

Bus garages and repair shops.

Bus stations.

Curb markets.

Drive-in theaters.

Excavations only for stormwater retention ponds of which a permit is required by this chapter.

Flea markets (refer to section 110-817(g)).

Houses of worship (refer to section 110-817(d)).

Moving and storage companies.

Outdoor entertainment and recreational uses and structures.

Professional or trade schools related to permitted uses (refer to section 110-817(b)).

Public markets.

Public use not listed as a permitted principal use.

Public utility uses and structures (refer to section 110-817(a)).

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

Schools, parochial or private (refer to section 110-817(d)).

Only one single-family dwelling for the owner or manager of an existing permitted principal use.

Truck and freight transfer terminals.

Truck stops.

Truck storage.

Warehouse.

(d) Dimensional requirements.

~~(1) Minimum lot size:~~

~~Area: 15,000 square feet.~~

~~Width: 100 feet.~~

~~(2) Minimum yard size:~~

~~Front yard: 35 feet.~~

~~Rear yard: 25 feet unless abutting any residentially zoned property, then 35 feet.~~

~~Side yard: Ten feet unless abutting any residentially zoned property, then 35 feet.~~

~~Waterfront yard: 25 feet.~~

~~(3) Maximum building height: 45 feet.~~

~~(4) Maximum floor area ratio (F.A.R.): 0.75.~~

~~(5) Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed 35 percent.~~

<u>C-3, Heavy Commercial</u>	
<u>Minimum lot size</u>	-
<u>Area (sq. ft.)</u>	<u>15,000</u>
<u>Width (ft.)</u>	<u>100</u>
<u>Minimum yard size</u>	-
<u>Front yard (ft.)</u>	<u>35</u>
<u>Rear yard (ft.)⁽¹⁾</u>	<u>25</u>
<u>Side yard (ft.)⁽¹⁾</u>	<u>10</u>
<u>Waterfront yard(ft)</u>	<u>25</u>
<u>Maximum building height (ft.)</u>	<u>75</u>
<u>Maximum lot coverage (%) (with principal and accessory buildings)</u>	<u>35</u>
<u>Maximum floor area ratio (F.A.R.)</u>	<u>0.55</u>
⁽¹⁾ <u>Unless abutting any residentially zoned property, then 35 feet.</u>	

- (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 74, article II, Code of Ordinances, as it may be amended from time to time, is required.
- (h) *Types of signs permitted.* Signs are permitted in accordance with the requirements of the city's sign code Chapter 102, Code of Ordinances, as it may be amended from time to time.

Sec. 110-318. I Industrial district.

(a) *Uses permitted.*

- (1) Retail and service. Any retail or service establishment necessary to serve the needs of the industrial area, and Type A or B restaurants; business or professional offices; fire stations and public uses not otherwise listed; linen supply and industrial launderer; tattoo parlors and body piercing establishments, major automobile and truck repair garages, including major repair, body work and painting services, and enclosed storage areas, or outdoor storage areas completely screened from view from adjacent properties and from any street or road; new and/or used automobile, truck farm implement, camping trailer and/or boat sales; bottling of soft drinks or milk and distribution stations; contractor and building material yards completely screened from view from adjacent properties and from any street or road; plumbing shops with indoor storage only; and automobile service stations, types A, B, and C. All parking and storage areas for heavy equipment and large trucks shall be completely screened from view from nearby properties, streets and roads.
- (2) Warehousing. Warehouses for the storage of merchandise and materials, motor freight stations or terminals, and hauling and storage establishments for household goods.

- (3) Laboratories. Experimental testing laboratories, provided no operation shall be conducted or equipment used which would create hazards, noxious or offensive effects.
 - (4) Manufacturing. The manufacturing, compounding, processing, packaging and assembling of products such as:
 - a. Food products: Bakery goods, candy, cosmetics, toiletries, meat products, except slaughter houses, fish, sauerkraut, vinegar, yeast and rendering or refining of fats or oils.
 - b. Instruments: Musical toys, novelties, rubber or metal stamps, and other small rubber or plastic products.
 - c. Advertising and sheet metal products: Neon sign manufacturing and repair, billboard and other commercial advertising structures; light sheet metal products, including heating and air conditioning equipment, cornices, eaves, and the like (except where presses over 20 tons rated capacity are employed). In the activity center, all materials, equipment, interim product, finished products, and by-products shall be stored indoors. In the activity center, parking areas for heavy equipment and vehicles shall be completely screened from view from adjacent buildings and from all streets and roads.
 - d. Electrical: Electrical applies, electronic instruments and devices, television sets, radios and phonographs.
 - e. General: Products manufactured from the following previously prepared materials; bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals, or stones, shell, textiles, tobacco, wax, wood (except where saw planning mills are employed) and yarns. In the activity center, all materials, equipment, interim products, finished products, and by-products shall be stored indoors. In the activity center, parking areas for heavy equipment and vehicles shall be completely screened from view from adjacent buildings and from all streets and roads.
 - (5) Public utility uses and structures. Any public utility building or structure, including storage yards. In the activity center, all outdoor storage and heavy equipment parking areas shall be completely screened from view from adjacent buildings and from all streets and roads.
 - (6) Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements the Land Development Code Chapter 98, article V, Code of Ordinances, as it may be amended from time to time.
 - (7) Communication towers up to a height of 70 feet are permitted in accordance with Chapter 82, Code of Ordinances, as it may be amended from time to time.
 - (8) One dwelling unit, in conjunction with a permitted use, providing that the unit is necessary for safety or security purposes and providing that the unit is incorporated within the principal structure.
 - (9) Essential utility services.
- (b) *Conditional uses.* Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Communication towers greater than 70 feet in height, in accordance with the requirements of Chapter 82, Code of Ordinances, as it may be amended from time to time.

Public markets.

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

- (c) ~~**Dimensional Requirements.** *Building site area requirements.* Each I-classified lot must contain a minimum area of 20,000 square feet of net land area and have a minimum lot width of 100 feet, except that in the activity center each I-classified lot shall be a minimum of one and two-tenths acres of net land area and have a minimum width of 100 feet.~~
- (d) ~~*Front, rear and side yard regulations.* The following front, rear and side yards shall be observed, measured from the front, rear and side walls of the main structure to the road or street right-of-way line, rear and side lines of lot or parcel of land respectively, eaves and steps shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot or easement.~~
- (1) ~~*Front yard:* There shall be a front yard of at least 50 feet. On corner lots the above-stated requirements shall apply for both sides, excluding alleys and utility right-of-ways.~~
- (2) ~~*Rear yard:* A rear yard of at least 20 feet is required. For buildings over 35 feet in height the side and rear yard shall be increased by one foot of yard for each foot of building height over 35 feet. A rear yard of 35 feet shall be required if abutting residentially zoned property.~~
- (3) ~~*Side yard:* A minimum side yard of ten feet must be provided. If abutting any residentially zoned property a minimum side yard of 35 feet must be provided.~~
- (e) ~~*Maximum floor area ratio (F.A.R.):* 1.0~~
- (f) ~~*Maximum building height.* 75 feet. In the activity center, buildings having a height over 55 feet shall provide perimeter landscaping and visual screening that is 50 percent higher both at the time of planting and within three years than the minimum height requirements of article VIII, section 110-808, landscaping requirements.~~

<u>I - Industrial</u>	
<u>Minimum lot size</u> ⁽¹⁾	-
	<u>Area (sq. ft.)</u> 20,000
	<u>Width (ft.)</u> 100
<u>Minimum yard size</u> ⁽²⁾	-
	<u>Front yard (ft.)</u> 50
	<u>Rear yard (ft.)</u> ⁽³⁾ 20
	<u>Side yard (ft.)</u> ⁽³⁾ 10
	<u>Side and Rear yard abutting residentially zoned property (ft.)</u> 35
<u>Maximum building height (ft.)</u> ⁽⁴⁾	75
<u>Maximum lot coverage (%)</u> <i>(with principal and accessory buildings)</i> ⁽⁵⁾	40
<u>Maximum floor area ratio (F.A.R.)</u>	1.0
⁽¹⁾ Except that in the Activity Center each Industrial classified lot shall be a minimum of one and two-tenths acres of net land area and have a minimum width of 100 feet.	

(2) Measured from the front, rear, and side wall of the main structure to the road or street-right-of-way line, rear and side lines of lot or parcel of land respectively, eaves and steps shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot or easement.

(3) For buildings over 35 feet in height the side and rear yard shall be increased by one foot of yard for each foot of building height over 35 feet.

(4) In the Activity Center, buildings having a height over 55 feet shall provide perimeter landscaping and visual screening that is 50 percent higher both at the time of planting and within three years than the minimum height requirements of Article VIII, Section 110-808, Landscaping Requirements.

(5) Swimming pools and screened enclosures are excepted from this provision.

~~(g)~~ *Off-street parking regulations.* See section 110-828.

~~(h) Lot coverage. 40 percent of the lot area is the maximum that may be covered by the principal and accessory buildings located thereon. Swimming pools and screened enclosures are excepted from this provision.~~

~~(i)~~ *Landscape buffer requirements.* Landscape buffer areas meeting the requirements of section 110-808 shall be constructed, except for the increased requirements noted above in the activity center.

~~(j)~~ *Final site plan requirements.* Final site plan approval meeting the requirements of article III of the Land Development Code, Ordinance No. 96-25 [chapter 74, article II, Code of Ordinances], as it may be amended from time to time, is required.

~~(k)~~ *Types of signs permitted.* Signs are permitted in accordance with the requirements of the city's sign ordinance, Ordinance No. 12-97 [chapter 102, Code of Ordinances], as it may be amended from time to time.

~~(h)~~ *General provisions, exceptions and prohibitions.*

(1) See article VIII .

Sec. 110-320. EO, Enterprise Commercial Overlay District.

(a). *Purpose.* Gateway corridors serve as primary entrances to The City of Deltona. The Enterprise community has recognized historical significance. The purpose of this section is to ensure the design of non-residential sites, landscaping, site appurtenances, and building architecture at the gateways to Deltona and Enterprise along Doyle Road, DeBary Avenue, and Enterprise Road near and within the Enterprise Community is consistent with the historical character of Enterprise. Gateway areas are the area within a 1/4 mile radius of the intersection of I-4 and DeBary Avenue, and the area within a 1/4 mile radius of the intersection of Providence Boulevard with Doyle Road/DeBary Avenue.

(b) *Basis guidelines, elevated guidelines and applicability.* Basis guidelines consist of existing, or hereafter amended, development guidelines presently contained in the City of Deltona Code of Ordinances and/or Land Development Regulations.

Elevated guidelines consist of development guidelines hereafter set forth in sections 110-320(c) and 110-320(d). In case of a conflict in the applicability of guidelines, the most stringent and restrictive shall apply.

(c) *Elevated architectural guidelines.*

- (1) **Applicability.** The architectural guidelines shall apply to all new development and redevelopment within the Enterprise area, and gateways to both Deltona and the Enterprise community, except for additions, renovations, replacement or redevelopment of an existing structure or project, where the cost of such additions, renovations, replacement or redevelopment does not exceed 50 percent of the value of the existing structure(s), or 35 percent of the square footage of the existing structure(s), unless the use of the structure(s) or project has ceased for a period of more than 365 consecutive days, or unless cumulative additions, renovations, replacement or redevelopment initiated during any five-year period meet the thresholds listed above, whereupon the provisions herein shall apply.
- (2) **Submittal and approval requirements.** The architectural guidelines shall be monitored and enforced by the City of Deltona. All development proposals shall be submitted to the city for approval in accordance with all applicable laws, rules and ordinances. No development proposal shall be submitted to the city that does not comply with all applicable requirements. Deviations from these requirements shall require a variance approved by the city commission in accordance with the ordinance procedures and standards for zoning variance.
- (3) **Elevated guidelines (appearance criteria).** Compliance with the intent, guidelines and provisions of this ordinance shall be as provided for below:
 - a. *Architectural style and application.* It is the intent of this ordinance to ensure a harmonious streetscape and compatibility between structures within the Enterprise Road/Doyle Road/DeBary Avenue corridors, and at the Deltona/Enterprise gateways at the intersections of Deltona Boulevard and DeBary Avenue and Providence Boulevard with Doyle Road and DeBary Avenue, sympathetic and respectful of commercial structures in and around Enterprise, which will serve as a guide for the aesthetic of new development. The styles that accomplish this are the Florida Cracker, a subset of the Florida Vernacular, and the Florida Victorian. (Examples of Interpretation, Figure 1)
 1. Structures shall reflect similar styles, materials, details and colors.
 2. In the, the following guidelines shall be implemented for new structures and renovations.
 3. All construction shall conform in street orientation and massing to pre-approved site plan.
 - b. *Building mass.*
 1. For structures less than 5,000 square feet in gross building area on the ground floor, no uninterrupted horizontal length of a building facade shall exceed 20 linear feet.
 2. For structures greater than 5,000 square feet in gross building area on the ground floor, no uninterrupted horizontal length of a building facade, (defined as the front of a building), shall exceed 35 linear feet.
 3. Blank wall areas for each floor-to-floor relationship (those without relief or uninterrupted) shall incorporate the use of landscaping to break up the monolithic appearance of such areas. Blank wall areas uninterrupted by landscaping shall not exceed ten feet in vertical direction or 20 feet in horizontal direction of any building facade.
 4. Elements acceptable for the interruption of blank wall surfaces are: Belt courses, Trim Bands, and related horizontal and vertical recessed and protruding elements.

5. For structures where verandahs, (defined as a usually roofed open porch on the exterior of the building), have been included, a change from grade to finish floor of structure of 12" will be included in the design.
- c. *Design detail.* Buildings shall be designed to enhance the attractiveness of the city's streetscape. Buildings shall, through use of architectural details and scale, have architectural features and patterns that provide visual interest from the perspective of the pedestrian and the motorist. The following techniques shall be incorporated into building design in order to accomplish such requirements (see Illustration No. 2):
1. All buildings shall be required to provide the following exterior design elements:
 - a) Canopies or porticos, integrated with, and responsive to, building massing and style at entryways - see 1.1.3.3 (D).
 - b) Trim elements of appropriate materials and profiles at entries and fenestration.
 2. building elevation configurations and techniques: For structures greater than 5,000 square feet in gross building area on the ground floor, eaves, cornices, facades shall include detailing, (i.e. raised access bands, cap elements, etc.), emphasizing horizontal lines.
 3. Windows (may be active or fixed) shall be placed along at least 50 percent of any facade that is visible from a public right-of-way. Windows shall be recessed (set to the inside of the building face wall) and shall include prominent sills and some form of framing or trim as outlined below. Examples of Interpretation, Figure 2)
 - a) Windows at street level elevation shall be un-tinted.
 - b) Windows shall be of square, vertical proportion, or horizontal.
 - c) Windows shall be divided lite (true or simulated). Picture pane and storefront glazing will not be allowed.
 - Simulated division of windows requires full profile muntins, (defined as the strip separating panes of glass in a sash).
 - Windows immediately adjacent to commercial entrances shall have a sill height of between 12" and 36" above finish floor.
 - No window on any facade shall be lower than 12" above finish floor.
 - d) One accent window with decorative glass per building facade may be circular or hexagonal. Additionally, each facade of a cupola or entry tower may act as a facade for this window type, i.e. a six sided cupola may have six accent windows of either circular or hexagonal shape.
 - e) Windows in stucco or wood facades shall have molded or squared casings, respectively, keeping with the architectural style of the structure.
 - f) Windows in brick facades shall be trimmed with brick moldings but not cased. Windows in brick facades shall have either brick jack or segmented arches and classic brick sills, preferably a molded shape, not rowlock or headers.
 - g) Palladian semi-circular window arches are not allowed.
 - h) Retail frontages, which require storefront styled window areas, can use exposed steel, or aluminum clad in wood.

- d. *Entryways/customer entrance design.* Entryways shall be designed to provide project focal points. Entryways shall be designed in accordance with the techniques listed below. In the event that the entryway is not oriented toward the major road that, as determined by the city, provides access to the building, the side of the building facing such road shall also be designed to comply with item a. below.
1. Entryways shall be differentiated from the remainder of the facade through at minimum the use of color, change in materials, application of architectural features (arches, columns, colonnades, etc.), setbacks, offsets, level changes and the like.
 2. Entryway design shall incorporate landscaping, landscape planters or wing walls with landscaped areas.
 3. Entryway areas shall be provided with structural or vegetative shading features and benches or other seating components.
- e. *Building orientation.* Buildings shall be oriented so as to enhance the appearance of the city's streetscape. This requirement shall be met by incorporating the following techniques into project design and shall be approved in site plan development review.
1. Buildings shall be designed and oriented so the entrance is visible from the public road from which driveway access is provided.
 2. Either each the building's primary facade shall face parallel to the public road from which driveway access is provided, or each facade, which is clearly visible from a public right-of-way, or public area of adjoining properties shall be designed with full architectural treatment.
 3. Building orientation shall be such that service areas are placed out of view from public rights-of-way, parking areas and adjacent properties. Structural screening and/or landscape screening to comply with these guidelines shall be used to visually encapsulate service areas.
- f. *Exterior materials and colors.* Exterior building materials and colors contribute significantly to the visual impact of a building on a community, which, in turn, individually and collectively reflect upon the visual character and quality of a community. In order to project an image of high quality city aesthetics, building materials and colors shall conform to the following requirements: (Examples of Interpretation, Figure 3)
1. All buildings shall be faced with materials that exhibit a durable, high quality appearance.
 2. Materials shall be of a low maintenance type, retaining a consistent, clean appearance.
 3. Generally accepted exterior facing materials shall relate to the mass of the structure and be prioritized in their use based on square footage as follow:
 - a) For structures less than 5,000 square feet in gross building area on the ground floor acceptable materials shall include on all facades that are or will be exposed to the general public:
 - Wood
 - Cellulose fiber - reinforced cement building boards.
 - Brick
 - Stone
 - Stucco, if used shall be flat finish or sand finish.

- b) For structures greater than 5,000 square feet in a gross building area on the ground floor acceptable materials shall include on all facades that are or will be exposed to the general public:
 - Wood
 - Cellulose fiber - reinforced cement building boards.
 - Stucco, if used shall be flat finish or sand finish.
 - Brick
 - Stone may be used at foundations and structural pier locations.
- c) Two wall materials may be combined on any facade, up to all four facades, horizontally. The visually heavier facade material must be below and can cover the first third of the overall wall height only.
- 4. Exterior colors shall not be specifically limited, but shall be consistent with historically appropriate tones and hues, as is consistent with paint manufacturer's produced palettes of historic colors and combinations on file with city staff. Variation from established combinations should be discouraged. Corporate colors not included on historic palettes, shall be limited to logo signage only.
- 5. Building materials and colors shall be consistent around the entire building.
- 6. Metal building structures are acceptable if clad in the approved materials as outlined above.
- g. *Reserved.*
- h. *Roof design and materials.* Roof features shall be in scale with the building's mass and complement the character of the structure, developments and neighborhoods. Roofs shall be constructed of durable, high quality materials in order to enhance the appearance and attractiveness of the community. Roofs shall incorporate the design elements and materials listed below: Examples of Interpretation, Figure 4)
 - 1. For structures less than 5,000 square feet in gross building area on the ground floor the design of roof structures shall be of flat, hip, or gable. If roof surface is visible, hipped or gabled, the material shall be metal standing seam or "V" crimp.
 - 2. For structures greater than 5,000 square feet in gross building area on the ground floor the design of roof structures shall be flat with parapet wall. The parapet wall and cornice shall include decorative caps and brackets that do not act as waterproofing elements.
 - 3. Parapets when provided will be broken with a minimum of one stepped pediment articulated with a centered entry below or no more than two per 50' of length centered on a main entry below and centered over side windows.
 - 4. Roof-like appurtenances such as false roofs, parapets and other similar features may be allowed if, such features are required for mechanical equipment screening or acoustical control that cannot be accomplished through utilization of approved roof styles. Application of such-roof like features shall be accomplished in such a manner as to minimize the appearance of a flat roof design.
 - 5. Roofs shall be designed to be of such height, bulk and mass so as to appear structural even when the design is non-structural.

6. Cupolas shall only be included on roof structures when windows are for natural light illumination of a space beyond or through louver venting of an attic volume.
 7. If the use of a flat roof is desired, the exterior of the building shall be clad in brick or stucco.
- i. *Fence and wall design.* Design and construction quality of fences and non-building walls are important visual reflections of community character and quality. In order to promote quality site aesthetics, fence and wall design and construction shall comply with the following requirements:
1. Fences and walls, whether required for project approval or whether incorporated into overall project design, shall be designed as an integral part of the principal structure(s). Such design shall include the use of similar materials, colors and finishes as the principal structure.
 2. Fences and walls shall be architecturally designed with offsets, raised elements and landscape pockets to avoid an expansive monolithic appearance.
 3. Chain link fencing, plastic fencing panels, and vinyl fencing is not permitted.
- j. *Perimeter planting.* Plantings located around the perimeter of buildings enhance site aesthetics and increase green space. All projects shall incorporate perimeter plantings into project design in accordance with the requirements listed below:
1. This section supplements and does not supercede the City of Deltona Landscaping Code requirements. All minimum requirements of the City of Deltona Landscaping Code must be met, notwithstanding anything to the contrary that may be contained in this section.
 2. Perimeter landscape plantings shall be located adjacent to the primary facade(s) and along any blank facade wall areas that are, or will be, exposed to the general public. Such plantings shall also be included at entrance areas, plazas and courtyards.
 3. Perimeter landscaping shall consist of a combination of trees, palms, shrubs and ground covers. Planting material type, size and spacing shall, at a minimum, be consistent with the requirements of the city's tree and landscape ordinance.
- k. *Screening of mechanical equipment.* Lack of, or inadequate screening of, mechanical equipment can have negative visual impacts on the city's streetscape, ambient landscape or community image. Such impacts shall be minimized through compliance with the following requirements:
1. Mechanical equipment located on the ground, such as air conditioning units, heating units, satellite dishes, irrigation pumps, propane tank displays and refilling areas, utilities lift stations and the like shall be screened from public view. Screening shall, at a minimum, be at the same height as the equipment. Structural screening shall be architecturally integrated into the overall project design and shall be compatible, in terms of style, construction materials, colors, and finish, with the principle structure(s). Landscaping may be substituted for structural screening if plantings are compatible with the landscape plan for the project and are of such size and maturity as to be able to provide a fully opaque screen at time of planting.
 2. Equipment and appurtenances mounted on rooftops shall be kept to a minimum. All exposed rooftop mounted equipment and appurtenances shall be fully screened from view from any public right-of-way. All screening shall, at a minimum, be at the same height as the equipment and appurtenances. Screening shall be an integral part of the

design of the building(s) and shall be architecturally consistent with the style, colors, construction materials and finish of the building(s).

1. *Lighting.* Lighting fixture design and placement are important components of an attractive urban environment as well as important to public safety. In order to enhance site aesthetics and minimize visual distraction, yet maintain adequate public safety, project lighting shall comply with the requirements listed below:
 1. An exterior building and site lighting master plan detailing areas and structures requiring illumination, lighting fixture styles, light source and light levels shall be included as part of a project's submittal for approval.
 2. Recessed lighting fixtures shall be required in order to conceal the actual light source, reduce glare and direct light to specific areas while shielding other areas.
 3. Lighting of parking areas, access drives and vehicular circulation areas shall be as follows: See 719.04(d).
 4. Neon lighting and fiber optic lighting, signs, or company logos/slogans, or neon or fiber optic lighting of any use is not permitted.
 5. Building illumination and architectural lighting shall be indirect and with no visible light source.
 6. Ground level light fixtures shall be of the burial vault type or shall be fully screened by landscaping materials.
 7. Lighting fixtures will not create ambient lighting or trespassing lighting scenarios.
- m. *Utilities.* The location and aesthetic treatment of utilities is an important factor in creating an attractive urban environment. In order to enhance and maintain the image of quality in the urban environment, utilities construction and placement shall comply with the following requirements:
 1. All utility lines, whether new or relocated, shall be installed underground.
 2. Utility conduit and utility panels/boxes shall be painted to match the color of the building on which they are placed. Additionally, panels/boxes shall be located on the same facade considered the service side or entrance.
 3. Water and sewer lift stations, pump houses and similar features shall be located at the rear of the project site and shall be fully screened from view by structural or vegetative means. Where screening is accomplished structural means, such screening shall be compatible in design and color with the main building.
- n. *Outdoor storage.* Outdoor storage areas are not permitted.
- o. *Accessory uses and structures.* Structures and uses accessory to principle structures and uses shall be integrated into project design in a manner such that they will not detract from site aesthetics. Such structures and uses shall comply with the requirements listed below:
 1. Accessory structures shall be designed and constructed so as to be compatible, (i.e. similar in style and image), with the architectural design of the principle structure(s). Exterior finishes, colors and materials on accessory structures shall be similar to those used on the principle structure(s).
 2. Outdoor display and sales areas are not permitted.
 3. Site furnishings such as benches, bicycle racks, newspaper racks, trash receptacles and the like shall be compatible with the architectural design of the principle structure.

Permanent shopping cart storage shall be contained within the principal structure. Any site furnishings as listed above will be painted black, so as to blend in with the existing landscape and environment.

4. Except for cellular and other communications towers and antennas that shall be regulated pursuant to Chapter 82 of the Code of Ordinances, as it may be amended from time to time, no accessory wireless communications towers or antennas are permitted within these guidelines for the Enterprise Commercial Overlay District to be ground mounted, (i.e. placed on concrete pads with appropriate anchoring systems on grade). Dishes and antennas required for the operation of the principal business will be located on a roof structure and will not visible from the R.O.W. Such placements shall comply with the following requirements:
 - a) For facilities mounted on an existing or new building, the tower, and antenna must be of a color that is identical to, or closely compatible with, the color of the building so as to make them as visually unobtrusive as reasonably possible. In addition, supporting electrical and mechanical equipment shall be screened from view or camouflaged.
 - b) No such wireless telecommunication antennas shall exceed 20 feet in height from the top of the building, existing tower or other structure.
 - c) For all wireless telecommunication antennas mounted on an existing building, the maximum height of such antenna's support structure shall not exceed ten feet from the top of the building.
 - d) The diameter of roof-mounted dish antennas shall not exceed 12 feet, provided that no such antenna shall be visible as stated in 1.1.3.3(O)4. and the color, location and design shall blend into and not detract from the character and appearance of the building and surrounding properties.
 - e) The diameter of a tower-mounted dish antenna shall not exceed four and one-half feet.
 - f) Aesthetic effects, devices and techniques. The purpose of this subsection is to assist the city in determining whether or not a proposed tower is camouflaged and/or concealed appropriately in a given area. The applicant shall submit the following documentation:
 - Colorized pictorial representation, artist rendering, or similar representation drawn to scale.
 - Design specifications of the various proposed techniques (if drawings, plans and/or other graphic representations are included, they shall be drawn to scale).
 - A corresponding statement explaining what the nature and character of the area is within which the tower is proposed with respect to land use, surrounding environment, building heights and design, and how the proposed camouflaging and/or concealment agent(s) will blend in and harmonize with the nature and character of the area.

(d) Elevated site guidelines. Elevated guidelines shall consist of the following:

- (1) Location and design of parking areas. All parking areas and access ways and driveways shall be designed in accordance with the requirements of the zoning and land development code of the City of Deltona, as they may be amended from time to time. Parking areas shall be located, designed and visually screened/landscaped so as to minimize potential impacts on adjacent

property owners. Parking areas shall be located and designed so as to maximize traffic circulation patterns and minimize traffic hazards.

- (2) Cross access. Driveways, curb cuts, parking and internal roadway/traffic circulation shall be designed so that uninterrupted vehicular access from parcel to parcel is achieved. Cross access easements shall be provided as detailed elsewhere in this section and in the Deltona Land Development Code.
- (3) Pedestrian access. A clear, safe and convenient pedestrian path shall be provided from the sidewalk along the corridor right-of-way to the main entry door of each principal structure. The pedestrian path shall be functionally delineated by using construction materials that are different than the materials used for the construction of the parking area (e.g., use of brick or concrete for the pedestrian access when the parking lot is an asphalt surface). Sidewalks shall meet the minimum design and construction standards for sidewalks contained in the Deltona Land Development Code, as it may be amended from time to time. Bikeways and other bicycle facilities shall be provided as required by the Deltona Comprehensive Plan and the Deltona Land Development Code, as they may be amended from time to time.
- (4) Lighting. General - Recessed lighting fixtures shall be required in order to conceal the actual source of the light so as to reduce glare and direct the light to specific areas while shielding other areas. Lighting shall be of the metal halide type.
 - a. Backlighting--Backlit awnings/canopies are not permitted.
 - b. Parking areas--Parking lot lighting shall be designed as follows:
 1. Light poles shall be located only within landscaped strips, interior landscape islands, or terminal landscape islands. Light poles are not allowed in corridor buffers.
 2. Illumination on to adjacent properties shall not exceed one foot-candle.
 3. The maximum height of the light pole shall be 20 feet, including the basis.
 4. The minimum setback of the light source from the property line shall be a horizontal distance of ten feet.
 5. The character of style selected for the Enterprise Commercial Overlay District will be used on all properties for all structures through the entire visible surrounding area of the Enterprise Commercial Overlay District. Examples of acceptable styles are included as Figure 5.
- (5) Outside storage. No outside storage of materials, equipment or merchandise shall be allowed.
- (6) Utilities. All utilities, new or relocated, shall be installed underground. Underground utilities shall be installed in accordance with the procedures and requirements of the City of Deltona Land Development Code, as it may be amended from time to time.
- (7) Screening (roof top). All roof top equipment shall be screened from public view. The screen shall consist of a material, and shall be designed, so as to be compatible and consistent with the building on which the equipment is located and in keeping with the architectural portion of these guidelines.

(e) *Examples of interpretation.* Figures referenced in sections 110-320(c) and 110-320(d):



Figure 1 (Referenced in 1.1.3.3(A)110-320(c)(3)a. Architectural Style and Application)

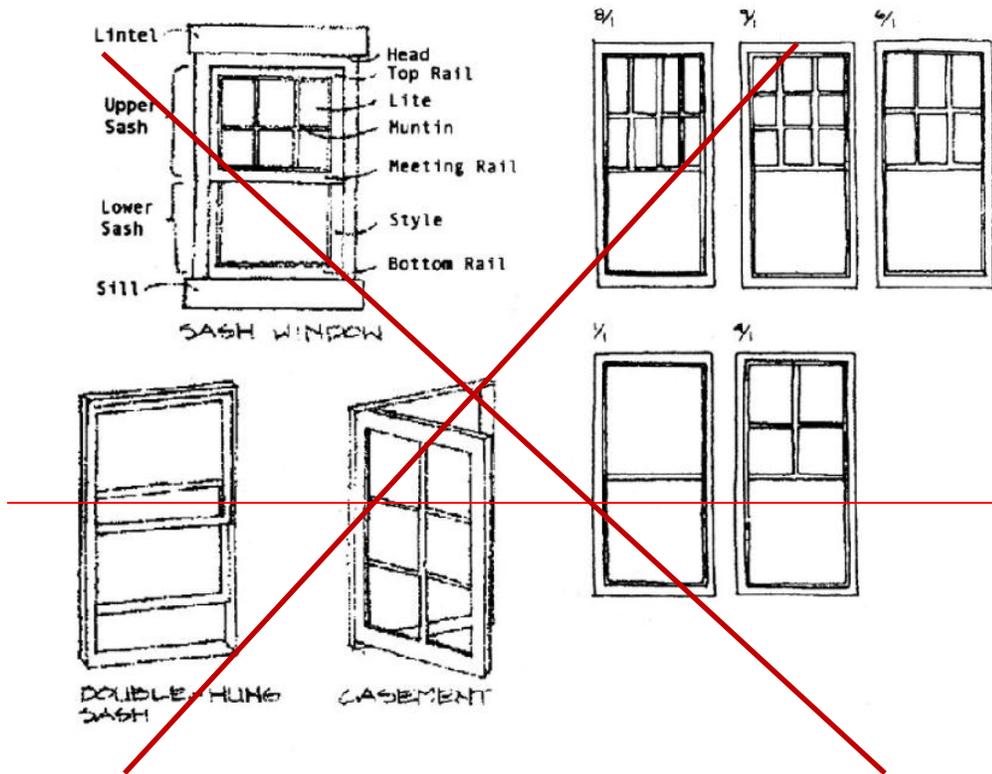


Figure 2 (Referenced in 1.1.3.3(C) 3. Design Detail: Windows)

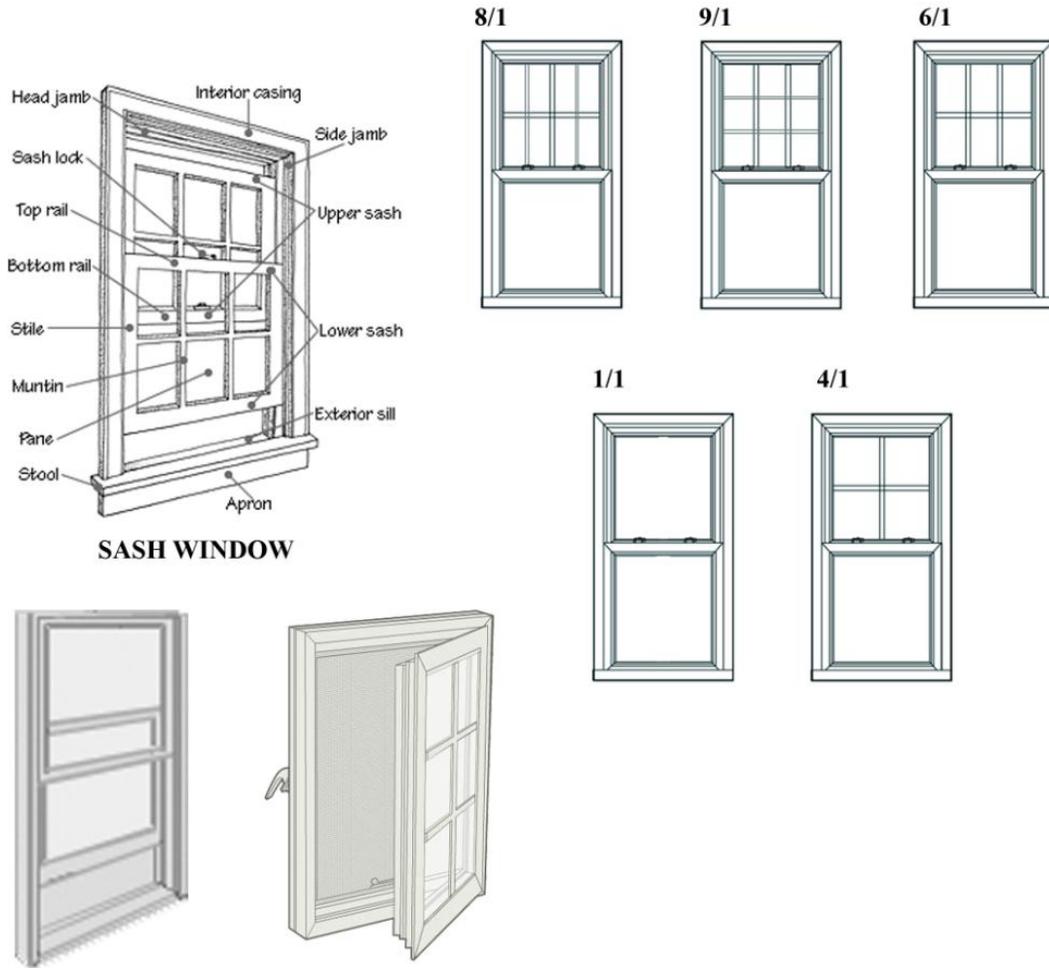


Figure 2 (Referenced in ~~1.1.3.3(C)~~ 110-320(c)(3)c. Design Detail: ~~Windows~~)

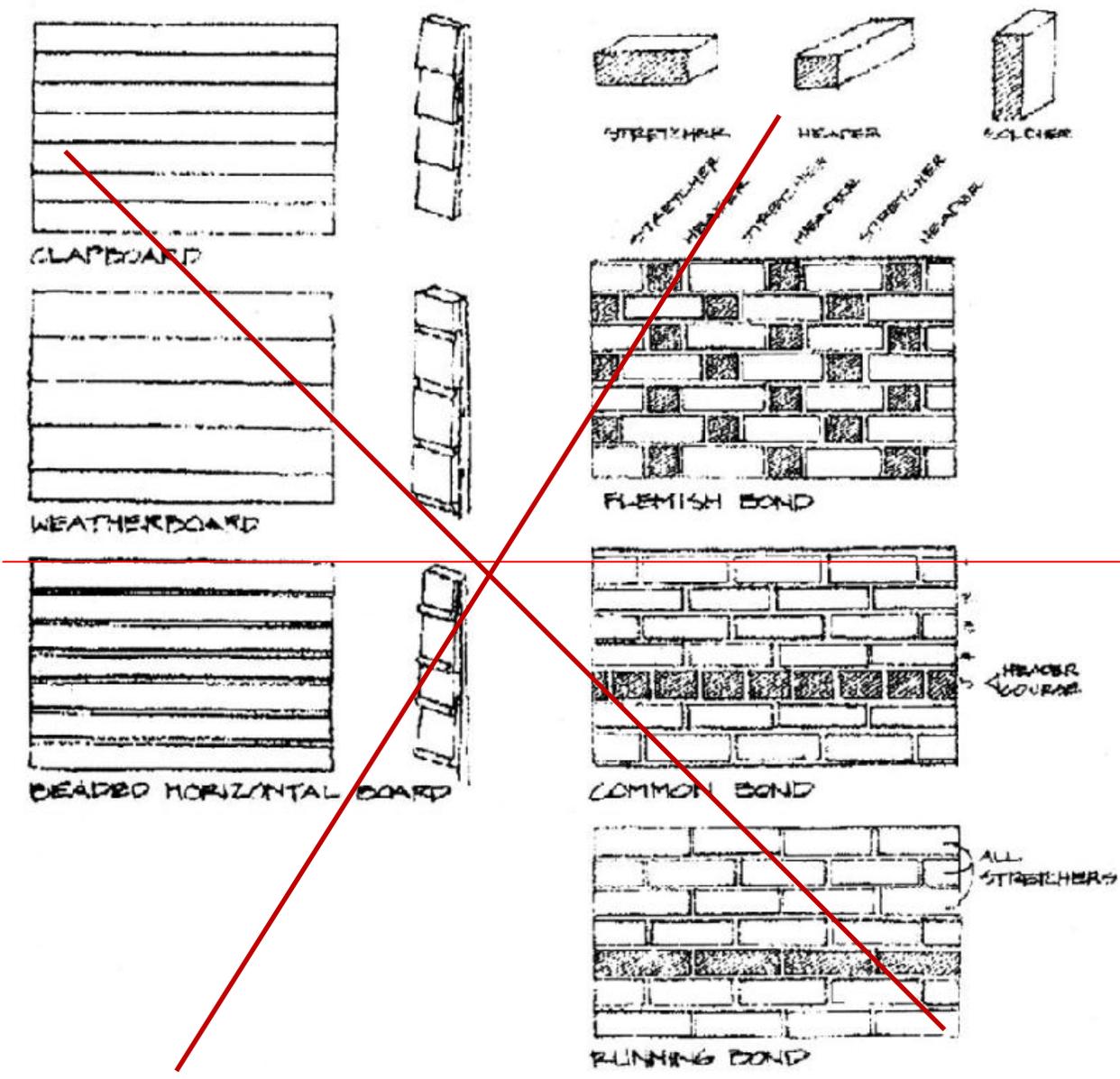


Figure 3 (Referenced in 1.1.3.3(G) Exterior Materials and Colors)

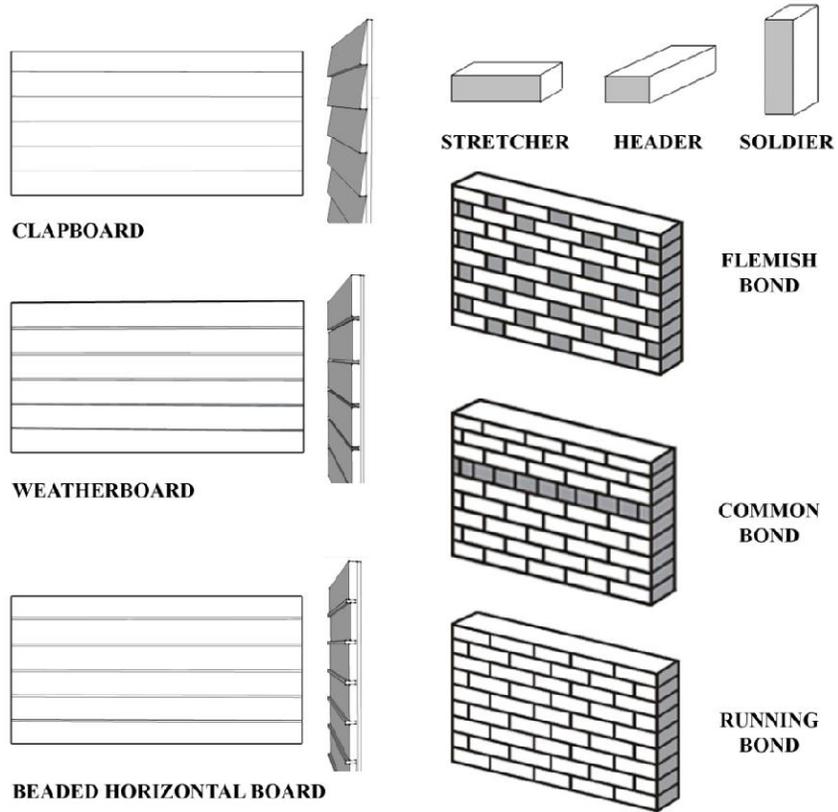


Figure 3 (Referenced in [1.1.3.3\(G\)110-320\(c\)\(3\)f](#). Exterior Materials and Colors)

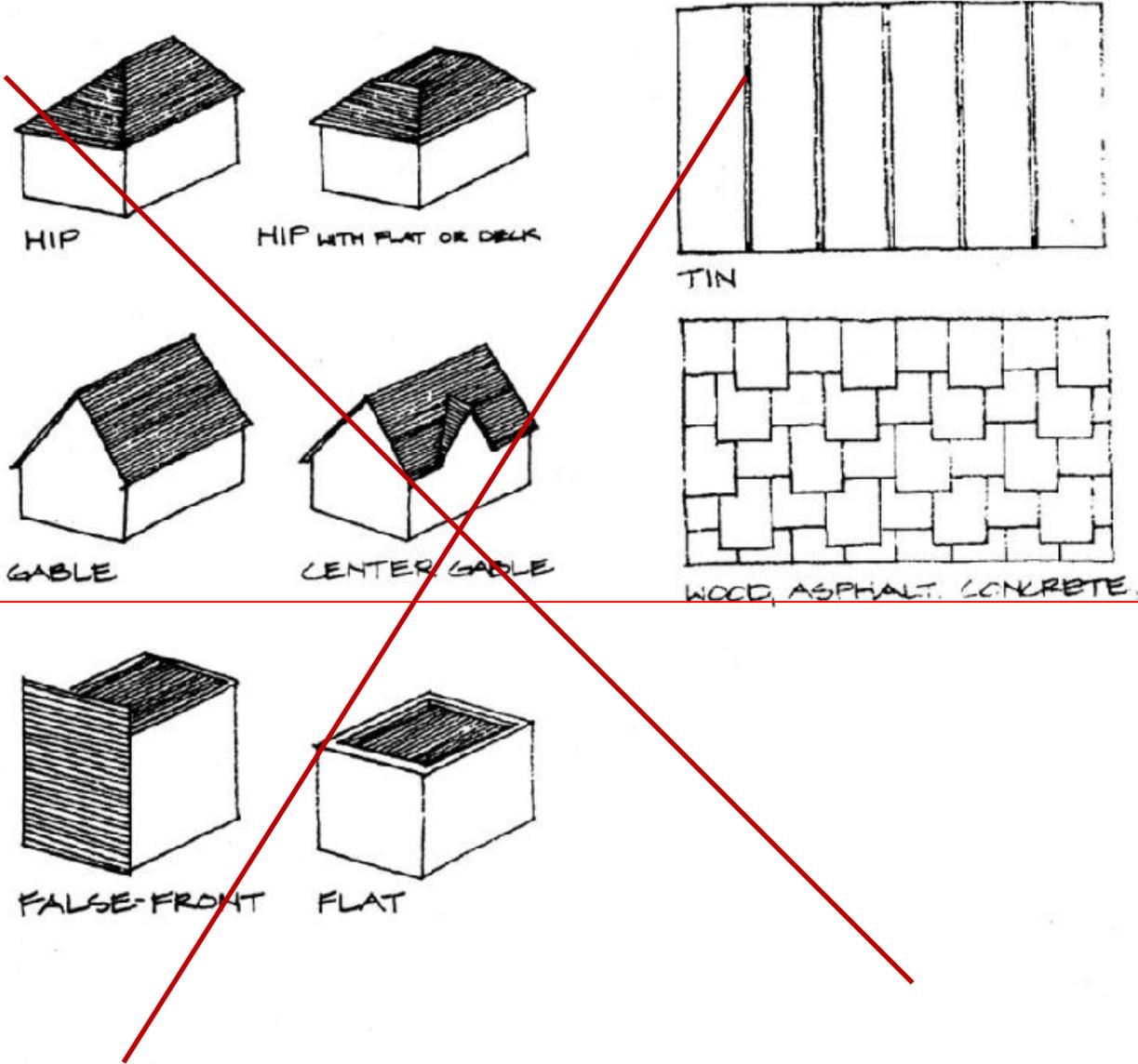


Figure 4 (Referenced in 1.1.3.3(H) Roof Design and Materials)

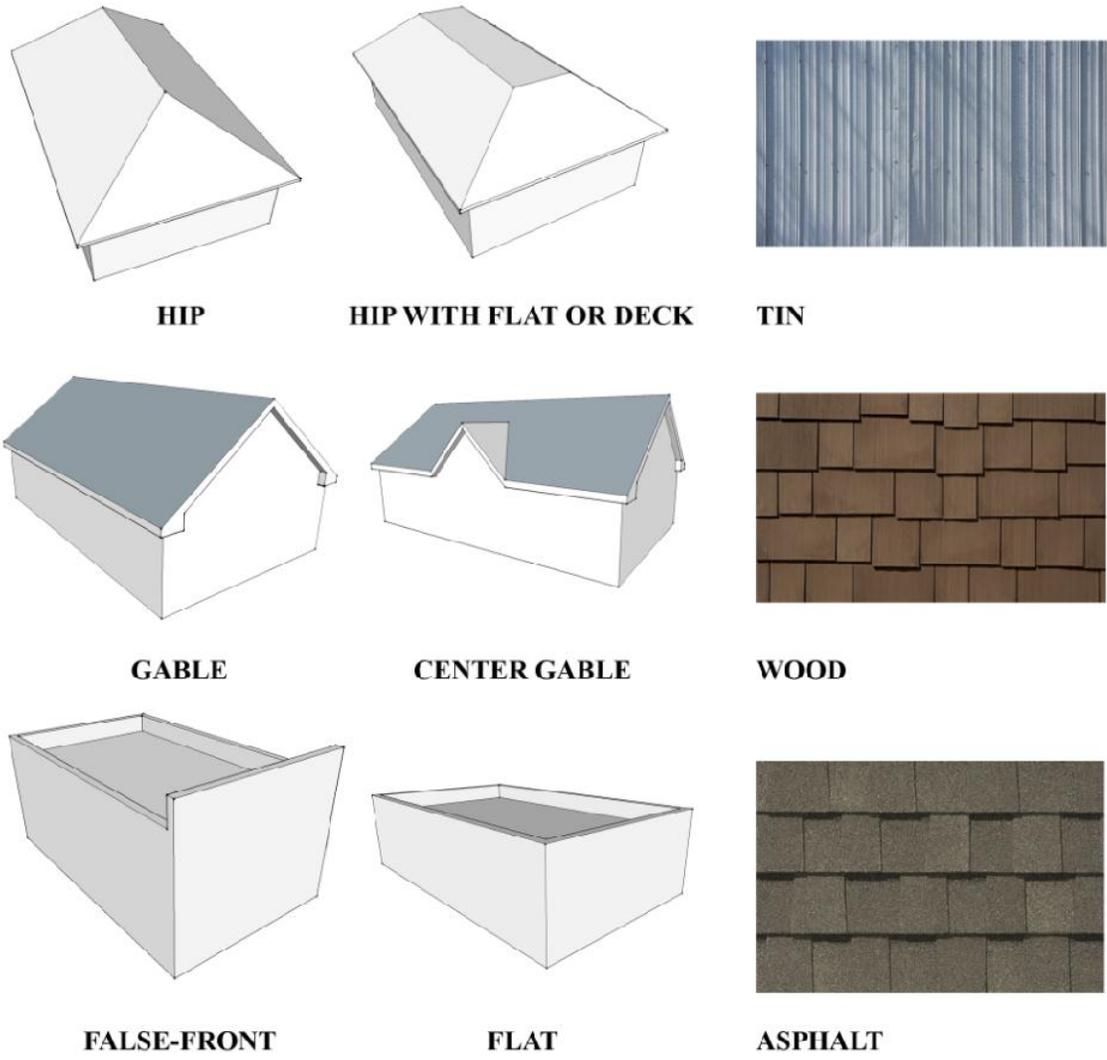


Figure 4 (Referenced in ~~4-1.3.3(H)~~110-320(c)(3)h. Roof Design and Materials)



This is an example only for reference of acceptable aesthetic style. This specific style may not be able to meet the city light code.

ARTICLE VI. NONCONFORMITY

Sec. 110-600. Types of nonconformity.

Within the classifications established by this chapter, there may exist lots, uses of premises, or structures which lawfully existed before this chapter was effective [November 16, 1998] or amended, but which would be prohibited, regulated or restricted under the terms of this chapter. These nonconformities may continue in their present condition but shall not be enlarged, expanded, extended or used for adding other structures or uses prohibited elsewhere in the same classification, subject to the provisions of this section. There are three types of nonconformity:

- (a) *Nonconforming lots.* Permitted principal and accessory structures can be built on any single nonconforming lot in any zoning classification, except as provided in this section.
- (1) When, on the date of their adoption, the provisions of this chapter or any of its amendments make nonconforming two or more adjoining lots under single ownership, then those lots shall be joined together as necessary to create a conforming lot. When a conforming lot cannot be created by the joining of two or more nonconforming lots, the lots will be joined into a single building site to reduce their degree of nonconformity.
 - (2) Adjoining lots, under single ownership on the effective date of this chapter or any of its amendments, at least one of which is made nonconforming, shall not be further subdivided or sold separately. If they are separated to create one or more nonconforming lots, no building

permits shall be issued to allow construction on them until they are re-joined under single ownership to form a single building site. Except that such lots may be combined, subdivided, or re-platted in a manner that results in conforming lots.

- (3) When a nonconforming lot is so small that no permitted principal building can be built without variances, only the minimum variances needed to make use of the lot may be permitted. A variance application may be filed with the city in accordance with the variance procedures as cited in section 110-1103. Such variances to make use of a substandard lot shall not require the payment of administrative fees for processing and advertising.
- (4) When a substandard lot or lot combination is so small that the granting of variances to permit the establishment of a permitted principal use would result in potential fire or health hazards, encroachments upon or nuisances affecting adjacent property, or an adverse impact on surrounding property values, no variance shall be granted to permit construction thereon.

(b) *Nonconforming use of premises.* In any classification, a lawful principal or accessory use of premises existing on the effective date of adoption or amendment of this chapter [November 16, 1998], but not permitted thereafter, may continue, or be resumed if destroyed, provided:

- (1) It is not enlarged, increased or extended to occupy a greater area than was occupied on the effective date of adoption or amendment of this chapter;
- (2) It is not moved in whole or in part to any portion of the lot other than that occupied by such use on the effective date of adoption or amendment of this chapter; and
- (3) No additional structure is constructed or erected in connection with such nonconforming use.

This article shall not be construed to permit the continued parking of any vehicles or watercraft in violation of the applicable provisions of this chapter after its effective date [November 16, 1998]. (See also section 110-811 herein.)

(c) *Nonconforming structure.* In any classification, a lawful structure existing on the effective date of adoption or amendment of this chapter, that could not thereafter be built because of classification requirements, dimensional requirements other than density, or other requirements, may still be used, provided:

- (1) It is not enlarged or altered in a way which increases its nonconformity. (It may be altered to decrease its nonconformity, however.)
- (2) If ~~the dwelling unit~~ is damaged in excess of ~~75~~⁵⁰ percent, of its replacement value, as defined in section 70-30, any reconstruction shall comply with this chapter. Provided, however, if ~~a residential structure~~such dwelling is damaged through no fault of its owner, and its nonconformity is as to its dimensional requirements, such structure may be rebuilt to the same or larger dimensions, but otherwise in conformity with this code. Such home replacement that does not expand the non-conformity shall obtain a building permit within one year of the damages, otherwise the replacement home shall conform to the requirements of this code.
- (3) If it is moved for any reason, or for any distance, it shall thereafter conform to this chapter.
- (4) Nonconforming signs shall be subject to the regulations for such signs that appear in the Deltona Sign Ordinance, City Ordinance No. 12-97 [chapter 102, Code of Ordinances], as it may be amended from time to time.

(d) *Involuntary moves.* Subsections 110-600(b)(2) and 110-600(c)(2) are not intended to apply to involuntary movements of uses or structures as a result of condemnation actions or other litigation.

(e) *Actions of governmental agencies.* In any classification, should a governmental agency obtain after the effective date of this amendment a portion of a conforming lot for public purposes and thereby

create a nonconforming lot, it may be possible to erect or construct on said nonconforming lot the principal and accessory structures otherwise authorized under these regulations provided that all other requirements of this chapter are met.

ARTICLE VIII. SUPPLEMENTARY REGULATIONS

Sec. 110-801. Exceptions to minimum yard or lot coverage requirements.

Every part of every yard shall be open and unobstructed from the ground up, except as otherwise permitted by this chapter:

- (a) ~~Reserved~~. Accessibility ramps needed to meet the current Florida Building Code accessibility requirements may encroach within any yard area. However, accessibility ramp encroachment into a yard area shall be minimized to the greatest extent possible.
- (b) On any corner lot, no structure or shrubbery shall cause any obstruction to vision of motorists in accordance with the provisions for obstructions to vision in chapter 96, article II, Code of Ordinances, as it may be amended from time to time.
- (c) In all zoning classifications, off-street parking lots may be in yards to the extent permitted by sections 110-828 and 110-811
- (d) ~~Reserved~~ Fixed awnings may encroach on front yard setbacks as per Section 102-100(3).
- (e) ~~Every part of a required yard shall be open from its lowest point to the sky, unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features, chimneys and eaves; provided however, that none of the above p~~Projections of sills, belt courses, cornices, buttresses, ornamental features, chimneys, eaves, and other similar structures; provided, however, that none of the above mentioned projections may~~shall~~ project into a minimum side~~any~~ yard more than 30 inches. If a yard is associated with a platted easement, then the terms of Section 110-803 may be applicable.
- (f) Open or enclosed fire escapes, fire proof outside stairways, moveable awnings (when fully extended) and balconies may ~~projecting~~ into any minimum yard ~~or court~~ not more than three and one-half feet, ~~and the ordinary projection of chimneys and flues are permitted.~~
- (g) All structures erected to protect or support fern or other agricultural crops are exempt from the yard requirements. All buildings erected to protect or grow nursery plants are exempt from the maximum lot coverage requirements in all of the agricultural zoning classifications.
- (h) Those exceptions permitted in section 110-814 pertaining to automobile service stations.
- (i) In all residential classifications, where a lot is situated between two lots, each having a principal building which projects beyond the minimum front yard requirements for its classification, its minimum front yard requirement shall be the average of the distance between the front lines and the fronts of the principal buildings on the adjacent properties.
- (j) If, because of prior zoning regulations, or because of a unified plan of development, or for any other reason, a majority of the houses already constructed in a particular residential neighborhood observe a setback greater than that which is required by these regulations, the average setback actually observed shall apply to all new construction in that neighborhood, anything in these regulations to the contrary notwithstanding.
- (k) On any nonconforming lot not more than 50 feet in width, that has a single-family zoning classification, the minimum side yard may be decreased to seven feet.

- (l) On any lot with 50 feet or less of depth and at least 5,000 square feet of area, that has a single-family zone classification, the minimum front yard may be reduced to 12.5 feet and the minimum rear yard may be reduced to ten feet providing:
- (1) The lot abuts a city or county arterial thoroughfare road;
 - (2) The lot was reduced in size by the action of the city, county, state or federal government;
 - (3) The lot is to be utilized only for a single-family residence and its accessory uses and structures; and
 - (4) The proposed single-family residence is to be connected to central water and sewer services.
- (m) In all zoning classifications, package sewage treatment plants may be located in yards to the extent permitted by sections 110-816 and 110-817(a)(3).
- (n) *Reserved.*
- (o) On any lot which has a septic system or a septic system drain field located in the rear yard to meet the requirements of the city's lot fill and underground utilities ordinance, Ordinance No. 01-20, one minimum side yard may be reduced to five feet providing:
- (1) The minimum distance separation between the principal building and the nearest adjacent ~~principle~~principal building is not less than 12 1/2 feet; and
 - (2) The principal building does not encroach into a platted easement; and
 - (3) The reduction is the minimum necessary to provide a ten-foot clearance between the opposite side yard lot line and the ~~overhanging eaves~~projections, if any, of the principal building; and
 - (4) No equipment or accessory structures may be located within the opposite side yard or within ten feet of the opposite side lot line from the rear of the principal building on that side to a line representing an extension of the rear line of the septic tank drain field; and
 - (5) The change in setbacks is necessary to allow the passage to the rear yard of equipment that is necessary to maintain or replace the septic system.

Sec. 110-803. Construction or Projections in platted easements.

- (a) Principal and accessory structures and related projections, including driveways and swimming pool decks, ~~other than boat docks, boathouses and walkways that traverse the easements,~~ shall not be erected in platted easements unless the easement has been abandoned/vacated consistent with Section 58-32 – Section 58-37 of the City Code of Ordinances. ~~an authorized use permit is issued by the City of Deltona.~~
- (b) However, the following improvements may be permitted in non-vacated/abandoned platted easements:
- (1) Fences
 - (2) Boat docks, boat houses and walkways that traverse platted easements in a perpendicular manner.

Sec. 110-807. Home occupations.

- (a) Home occupations shall have no employees on the premises. Only immediate family members for whom the premise in question is the family member's domicile may conduct the home occupation.

For purposes of this subsection, the term employee shall include, but not limited to, independent contractors, volunteers and other non-paid workers.

- (b) The home occupation shall be clearly incidental and subordinate to the residential use and shall under no circumstances change the residential character of the dwelling.
- (c) The floor area devoted to the home occupation shall not exceed 25 percent of the floor area of the dwelling. However, up to 500 square feet in an attached or detached garage of a dwelling, or in any accessory building in an agricultural classification, may be used for a home occupation in lieu of floor space within the dwelling.
- (d) There shall be no change in the outside appearance of the premises other than one unlighted nameplate no more than one square foot in area. Any sign shall be mounted flat against the wall of the building. There shall be no display that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling.
- (e) ~~No stock in trade or commodity shall be kept or sold upon the premises.~~ Storage of stock in trade (i.e. materials or supplies used in the home occupation) shall be ~~done~~ located within an enclosed buildings and within the space limitations in section 110-807(d). No products shall be displayed on the premises. No toxic/hazardous materials shall be stored on the premises.
- (f) No mechanical equipment shall be used except such as is permissible for purely domestic and household uses. Further, no equipment shall be used in the home occupation which creates fire hazards, electrical interference, noise, vibration, glare, fumes or odors detectable to the normal senses off the lot if the occupation is conducted in a single-family dwelling or mobile home dwelling, or outside the dwelling if conducted in other than a single-family dwelling or mobile home dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- (g) No vehicular traffic shall be generated by the home occupation in greater volumes than would normally be generated by the dwelling unit. For the purposes of this section the typical trip generation rates for each type of residential use are those specified in the latest edition Trip Generation, published by the Institute of Traffic Engineers (ITE). In an instance where two or more trip generation rates may apply to a particular land use the enforcement official shall determine the appropriate rate. In an instance where the Trip Generation Manual does not specify a rate for a particular proposed land use, the enforcement official shall determine a rate using a professionally acceptable source of information, or using the results of a professionally acceptable study that meets all of the requirements for such studies as outlined in Trip Generation and in other ITE publications.
- (h) The home occupation shall not adversely affect the habitability or value of the surrounding properties nor alter the essentially residential character of the neighborhood.
- (i) Any violation of these regulations may result in the revocation of any home occupation permit, in addition to any other remedy for such violation provided in this chapter or by law.
- (j) The issuance of a permit to engage in a home occupation in accordance with this chapter shall not be deemed to be a change of zoning nor an official expression of opinion as to the proper zoning for the particular property.
- (k) Agricultural home occupations shall be permitted as conditional uses in the A-1, Prime Agriculture classification. Agricultural home occupations include commercial land uses, as well as office uses and arts and handicrafts. Agricultural home occupations are permitted to have customers visit the premises, have employees on the premises, and have deliveries to the premises, subject to the conditions of their approval. Those agricultural home occupations that are covered by section 110-817, permitted conditional uses, are subject to the requirements of both section 110-817 and section

110-1006. All other agricultural home occupations shall be approved in accordance with the requirements of section 110-1006 that provides the procedures and standards for approval of conditional uses.

Sec. 110-808. Landscaping requirements.

(a) *Application to development.* The requirements of this section shall apply to all development within the City of Deltona. The requirements of this section apply to individual one- and two-family residential lots only to the extent that such lots are specifically addressed herein. This shall not be construed to exempt any residential developments that require approval from article II of the land development code, Ordinance No. 96-25 [chapter 106, Code of Ordinances], as it may be amended from time to time.

(b) *Landscape plan and irrigation plan required.* When the construction upon or the development of a new site or the redevelopment, reconstruction, upgrading, or expansion in use of a previously developed site will require a landscape plan and irrigation plan, the provisions of this section shall be applied to all landscaped areas required by this regulation consistent with the water-efficient landscaping standards established herein.

(1) *Landscape plan.*

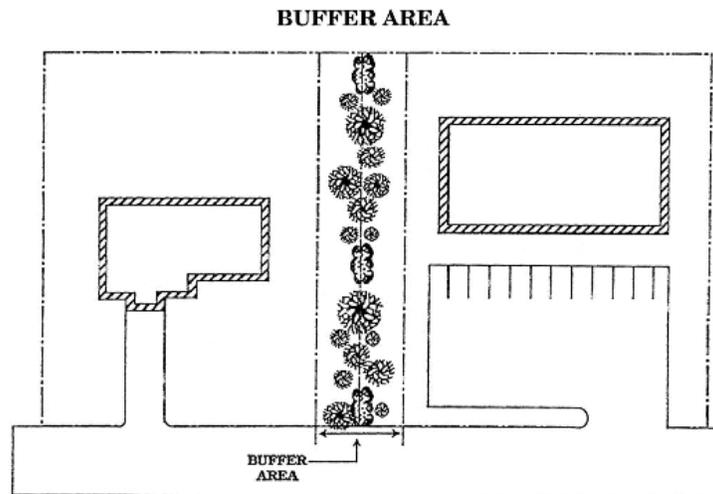
- a. The landscape plan shall graphically portray the layout of all landscape plant materials, turf areas, walls, fences and buffers, pavement and parking areas, curbing, structures, signs, easements, existing or proposed utility service lines and all other site improvements. The landscape plan shall list the common and botanical name, container size, quantity and spacing of each item. The landscape plan shall indicate the total regulated landscape area and size of each water use zone by square feet. In addition, the landscape plan shall clearly indicate the location of existing vegetation which shall remain undisturbed. Any existing trees six inches DBH or larger proposed for removal shall be clearly indicated.
- b. Low water use zone plant material shall comprise at least 20 percent of the total regulated landscaped areas. High water use zone plant material which includes most turfgrasses shall comprise no more than 40 percent of the total regulated landscape area.

(2) *Irrigation plan.*

- a. Irrigation systems shall be designed to correlate to the organization of plants into zones as described above. A temporary above ground irrigation system may be used in areas where low water use zone plant material are proposed. All permanent underground irrigation systems shall be automatic with cycling capacity and shall be designed to avoid irrigation of impervious surfaces. Irrigation systems shall be maintained to eliminate waste of water due to loss from damaged, missing or improperly operating sprinkler heads, valves, pipes, or controllers.
- b. The irrigation plan shall be submitted showing a detailed layout and description of a permanent underground irrigation system providing 100 percent coverage of all landscaped areas. The irrigation plan shall include information such as sprinkler head type, pipe size, radius of throw, valve and backflow preventer and rain sensor device locations, location of well or source of water and other relevant information for an irrigation system.
- c. Installed trees and plant materials shall be grouped together into zones according to their water use needs. The water use zones shall correlate to the water use zone designations identified in the approved plant species list set forth in Figure I to this chapter. Plants with similar cultural (soil, climate, and light) requirements should be grouped together and

irrigated according to their water requirements. Turfgrass shall be irrigated on a separate zone from trees, shrubs and ground cover beds.

- d. All water use zones shall be indicated on the landscape plan and irrigation plan. A rain sensor device or switch shall be required on any newly installed automatic irrigation system to prevent irrigation during periods of sufficient rainfall. The use of low volume, emitter or target irrigation is preferred for trees, shrubs and ground cover. The use of irrigation systems shall comply with all water use restrictions imposed by law.
 - e. When an effluent reuse system is available to serve the premises and sufficient capacity exists, reclaimed water shall be used to irrigate any area required to be landscaped.
 - f. Irrigation systems shall be installed according to manufacturer's specifications and the Florida Irrigation Society Standards and Specifications for Turf and Landscape Irrigation Systems.
- (c) *Review and enforcement.* The landscaping and irrigation plan shall be reviewed by the Planning and Development Services Department, and no building permit or development order shall be issued for any structure until the landscaping and irrigation plan is approved. Any person aggrieved by a determination of the zoning enforcement official under this section may appeal that determination in writing to the city commission within 30 days after the rendition of a determination.
- (d) *Approved plant species list.* All plant material proposed to be installed on a site to meet the requirements of this chapter shall be site appropriate and selected from the approved plant species list set forth in Table 110-7 to this chapter. Use of any other plant material shall require prior approval by the enforcement official. The plants listed in Figure I to this part have demonstrated ability to grow and thrive in the Central Florida area.
- (e) *Landscaped perimeter buffers.* Landscape buffers shall be designed, established and maintained in accordance with this section.
- (1) *General interpretation.* When more than one requirement applies to a specific land use or development, the most restrictive requirement shall apply.
 - (2) *Bufferyards.* Landscaped bufferyards shall be established between differing land uses around development project perimeters in accordance with the requirements of this section. These requirements shall be deemed the minimum necessary to achieve compatibility between land uses. Bufferyards shall be developed by each use classification based on existing contiguous land uses, zoning, or land use plan designation, whichever is most intense.



- (3) *Bufferyard requirements.* Bufferyard requirements shall be determined by subtracting the land use intensity factor of the least intense land use from that of the more intense land use as shown in the following table in this paragraph. Where two differing land uses are opposite each other across a right-of-way, the intensity factor shall be further reduced as follows:

Table 110-2 Reduction of Intensity Difference

Right-of-way Width	Reduction of Intensity Difference
60 feet or less	1
61 feet to 100 feet	2
101 feet to 150 feet	3
151 feet or more	4

However, all development adjacent to rights-of-way shall provide landscaping adjacent to the right-of-way in accordance with the minimum requirements of this section.

All plant materials in required landscape bufferyards between differing land uses shall be evergreen, except where natural vegetation is preserved. Natural vegetation may be preserved within the required landscape bufferyard. Natural vegetation shall be supplemented with walls, berms, or planted landscaping to achieve the desired screening.

Plant materials shall be placed within the required bufferyard to produce the maximum screening effect between the affected properties. Trees shall be spaced within the bufferyard to provide a continuous screen at maturity. Trees shall be selected and planted so their crown spreads at maturity will be as close as possible to one another. The use of flowering understory trees is required in this bufferyard. Shrubs shall also be located within the bufferyard to provide maximum opacity, whether they are evenly spaced or clustered. Plants shall be selected to provide variety and interest, as well as screening. The entire bufferyard shall not be covered with only one plant species of any type.

Bufferyard design type shall be based on the land use intensity score difference using the following table:

Table 110-3 Bufferyard Design Type Required Plantings

Bufferyard Design Type	Width (feet)	Required Plantings per 100 lineal feet:		
		Shade Trees	Understory Trees	Shrubs
1	5	2	2	20
2	10	3	3	30
3	20	4	4	40
4	30	5	6	50
5	40	7	8	60
6	50	8	10	70
7	60	9	12	80
8	70	10	14	90
9	80	10	16	100

(4) *Land use intensity factors.*

Table 110-4 Land Use Intensity Factors

Land Use Category	Intensity Factor
Forestry	0
Agriculture: Pasture/Fields/Nurseries/100'+ of water or space	4
Agriculture: Processing/Hatcheries	10
Residential: Less than two dwelling units/acre	1
Residential: 2.1--4 dwelling units/acre	2
Residential: 4.1--8 dwelling units/acre	3
Residential: 8.1--16 dwelling units/acre	4
Residential: Over 16 dwelling units/acre	5
Office: Less than 0.50 ISR*	4
Office: 0.50--0.65 ISR*	5
Office: Greater than 0.65 ISR*	6
General Commercial: Less than 0.50 ISR*	5

General Commercial: 0.50--0.65 ISR*	6
General Commercial: Over 0.65 ISR*	7
Highway Commercial/Warehouse/Mini-warehouse: 0.50--0.65 ISR*	7
Highway Commercial/Warehouse/Mini-warehouse: Over 0.65 ISR	9
Enclosed Industrial: Less than 0.65 ISR*	8
Enclosed Industrial: Over 0.65 ISR*	9
All Outside Storage	9
All Outside Processes	10

*Impervious Surface Ratio (ISR) may exceed 0.65 for the purposes of this section, because the measurement shall not include landscaped bufferyards required along rights-of-way.

(5) *Landscape buffers along rights-of-way.*

- a. *Minimum width.* The following landscape buffer widths shall be established and measured perpendicular to the property line at the right-of-way.
 1. All streets designated on the thoroughfare map in the Deltona Comprehensive Plan, as amended: 25 feet.
 2. All other streets: 15 feet.
- b. *Multifamily development.* Multifamily Development shall provide a landscape buffer of at least 20 feet on all streets, except where a greater buffer width is required by section(7)(a).
- c. *Neighborhood and transitional commercial and transitional office.* Neighborhood and transitional commercial and transitional office development, when lot frontages face one- or two-family residential development, shall provide a minimum landscape buffer of 30 feet along all streets.
- d. *Minimum length.* Landscape buffers shall extend along the entire length of the property boundary abutting a street right-of-way or adjacent property, and may only be altered for the following purposes:
 1. Construction of accessways as necessary and in compliance with an approved development plan. Accessways shall traverse the required buffer yards at angles between 80 and 90 degrees.
 2. Installation of stormwater, drainage or utility improvements as necessary and in compliance with an approved development plan. Such improvements and their associated easements shall traverse the required landscaped buffer yards by the shortest routes possible, and shall not have a length within the required buffer yard that exceeds 115 percent of the minimum required width of the buffer yard.
 3. Selective clearing for visibility of freestanding signs in accordance with an approved site or sign plan.
 4. The regular pruning of trees to provide clear trunk and visibility between three feet and eight feet above grade. Pruning to 15 feet above grade shall be required within the vision triangle at road and accessway intersections. Such pruning shall only be permitted for trees with height and maturity necessary to reasonably accommodate such activity. Such pruning shall be permitted only to provide a view of approved

freestanding signs and traffic control devices, and to maintain drivers' visibility within required vision triangles at intersections and driveways, and to maintain the health of understory trees and shrubs. Other unnecessary excessive pruning shall be prohibited.

5. The regular removal of dead material and debris.
6. Installation of additional landscape materials required by this Code, including walls and fences.
7. Construction of loading/unloading zones as required by this chapter for commercial lots adjacent to a platted alleyway, in which the loading zones are located in the rear of the commercial building, to be accessed through the alleyway, and to be shielded from view of the street. Additional screening of the loading zone is required in this situation to protect the view of residential zoning districts also adjacent to the alleyway. Such screening requirements shall include the use of fences, walls, landscaped berms and/or hedges to the height of eight feet at 100 percent opacity along the sides of the loading zone that face a residential zoning district.

No public or private right-of-way, stormwater retention or detention area, building, impervious surface, or easement other than those listed above shall be located in any required buffer yard.

- (6) *Minimum planting requirements.* Minimum planting requirements within landscape buffers along rights-of-way shall be determined based upon the required buffer width.

Table 110-5 Minimum Planting Requirements

	Per 100 lineal feet of property line at the right-of-way		
Buffer Width (feet)	Shade Trees	Understory Trees	Shrubs
10	2	2	30
15	3	3	30
20	4	4	30
25	4	4	35
30	6	6	45
50	8	8	60
55	8	8	65
65	9	9	70

When possible, placement of shrubs shall not be linear, and in clusters containing no less than seven shrubs each.

- (7) *Perimeter landscape buffers.*

- a. *Minimum width.* A minimum landscaped area shall be established along the entire length of all internal property lines, as described below.

1. Five feet measured perpendicular to the property line for all land uses and major subdivisions, except multifamily and individual single-family lots. The landscaping

for major subdivisions shall be around the subdivision perimeter, shall not be included within individual lots, and shall be maintained by a homeowners association.

2. Fifteen feet measured perpendicular to the property line for multifamily.

- b. *Minimum planting requirements.* One shade tree, two understory trees shall be planted per 50 lineal feet of property frontage at the right-of-way line and at adjacent property lines. A row of shrubs shall be planted within the buffer areas that will reach three feet in height within one year after planting, and provide as nearly as possible 100 percent opacity.

(8) *Landscape buffers for double frontage residential lots.*

- a. *Minimum width.* Landscape buffers for all double frontage residential lots shall be 25 feet measured from the property line parallel to the abutting the rights-of-way.
- b. *Required vegetation.* A minimum of one shade tree and two flowering evergreen understory trees shall be planted in each bufferyard, and arranged to create maximum screening of the building or building site at maturity. Alternatively, the bufferyards may be left in natural vegetation, but must be supplemented with additional plants if the desired screening effect is not achieved. Shrubs shall be planted within the buffer to provide additional 100 percent opaque screening to a height of four feet at maturity.
- c. *Fences or walls.* Fences or walls may be installed within the required buffers in accordance with the requirements for fences and walls in the front yards of the zoning district in which the double frontage residential lot is located. If a 100 percent opaque fence or wall is installed to a height of four feet on a double frontage residential lot, shrubs are not required to be planted behind it, or in front of it. The finished side of such fences and walls shall face the exterior property line. Masonry and concrete fences shall be finished with false brick facades, or with stucco or split face block in earth tones or pastel colors.

(9) *Buffer design guidelines.*

- a. *Landscape material selection.* Landscape materials within buffers along rights-of-way shall be designed to display variety and color by utilizing flowering and variegated species. Such variety and color may be accomplished by using a combination of shrubs and ornamentals from the approved plant lists provided herein. Ornamentals may be substituted for required shrubs on a two ornamentals for one shrub basis. In no case shall more than 50 percent of the required shrubs be replaced by ornamentals.
- b. *Location of landscaping.*
1. The placement of landscape materials within landscape buffers shall have a rational relationship to the existing patterns and densities of adjoining areas that have been preserved. Arrangements shall be organic or curvilinear, and shall not be linear unless dimensional limitations necessitate such an arrangement.
 2. Landscape materials shall be clustered into groupings, which simulate a natural, rather than man-made, appearance.
- c. *Maximum vegetation removal.*
1. A minimum of 65 percent of any landscape buffer over ten feet in width shall be set aside for preservation of existing trees, except Sand Pines and exotic species. Removal of understory trees and shrubs may be permitted to provide for shallow swales without removal or damage to any existing shade trees in order to create retention areas. In no instance shall more than 50 percent of the preserved understory tree canopy be removed.

(f) *Landscaping adjacent to structures.*

(1) *Minimum planting requirements.* The interior of any site, including those areas directly adjacent to structures shall be landscaped in accordance with the following provisions. Landscape materials required in this subsection are in addition to any landscape materials that may otherwise be required in this chapter, unless stated herein. The measurement of any exterior building to determine the required number of plantings shall not include overhead or loading area doors, openings for motor vehicle bays or entrances, or the perimeter of attached or detached canopies.

a. *Professional business, commercial, medical, or industrial uses.*

1. One foundation plant shall be required for every one foot of the front of building, and for every one foot of the building exterior that is faces a street, parking area, or is exposed to view from adjacent residential property.
2. One understory tree shall be required for every 20 feet of the front of building, and for every 20 feet of the building exterior walls that are exposed to view from an adjacent street or parking area. One understory tree shall be required for every 15 linear feet of exterior building wall that is exposed to view from adjacent residential areas.

b. *Multifamily.*

1. One foundation plants shall be required for every one foot of the front of building and for every exterior wall that is exposed to view from an adjacent street. Two foundation plants shall be required for every one foot of every exterior wall of the building that is exposed to view from an adjacent single-family or two-family residential area.
2. One understory tree shall be required for every 20 feet of the front of building and for every exterior wall of the building that is exposed to view from an adjacent street. One understory tree shall be required for every 15 feet of the building that is exposed to view from an adjacent two-family or single-family residential area.
3. Landscaped berms, appropriately scaled, shall be provided adjacent to single-family and two-family development and on road frontages. Landscaped berms shall use topsoil that is clean and free of construction debris, weeds, rocks, noxious pests and diseases. Berms shall be stabilized to prevent subsidence and erosion. Berms shall not cause water runoff to adjacent properties or streets that is in excess of pre-development conditions or that otherwise poses a nuisance. Landscaped berms shall be at the maximum height possible for the width of the required buffer and the soil, topography, and drainage conditions on and adjacent to the site. All berms shall be planted with groundcover or sod, and shall be planted with a continuous hedge. In cases where more than 65 percent of the existing trees that are categorized as protected trees by the city's land development code (excluding Sand Pines) must be removed to create the required landscaped berms, at least 15 percent of the developed site must be set aside in a natural vegetation retention area to preserve existing trees.

(2) *Planting.* Foundation plants required by this subsection may be comprised of shrubs and/or ground covers in any arrangement or combination provided that no less than 50 percent of the total required materials are shrubs.

(3) *Function of landscape materials.* Landscape materials required by this subsection should be located to achieve the following in order of priority:

- a. Provide transition between the building and the ground;
- b. Provide visual breaks along the front of monotonous building facades;

- c. Enhance walkways, entrances, seating areas, bus stops or any other pedestrian areas;
- d. Separate and buffer pedestrian and public areas from cruise lanes, drives and parking areas;
- e. Provide direction to focal areas and main entrances;
- f. Screen mechanical equipment, air conditioning units, or any other visible outdoor equipment; and
- g. Screen service areas.

(4) *Location of landscape materials.* Generally, landscape materials required by this subsection should be located within five to 25 feet of the building foundation. Emphasis should be afforded to those areas, which are visible from any public or private street or from any public area internal to the site.

(g).*Landscaping of off-street parking areas.* Required off-street parking areas constructed after April 13, 1989, and having off-street parking spaces for more than eight vehicles, shall have interior landscaped areas covering a minimum of 15 percent of the total off-street parking area, excluding any required landscaped buffer areas. Landscaped islands shall be required at the ends of each row of interior parking spaces not abutting the perimeter of the parking area. A landscaped island shall be provided for every ten parking spaces. Interior landscaped areas shall be dispersed so as to define aisles.

Landscaped row ends shall have a minimum area of 175 square feet with no width less than ten feet and no length less than 17.5 feet if it abuts one parking space, or 35 feet if it abuts two parking spaces. Islands in parking bays, other than row ends, shall have a minimum landscaped area of nine feet width and 16 feet length. Every landscaped island, including row ends, shall include at least one tree. Row end islands abutting parking facility entry and exit accessways, and in front of principal buildings shall have at least one overstory tree. Interior landscaped areas, other than required landscaped islands, shall have a minimum area of 100 square feet with no dimension less than ten feet. Two feet of these landscaped areas may be part of the required depth of each abutting parking space, provided wheel stops or curbs are used to protect them.

Each landscaped area less than 400 sq. ft. shall include at least one understory tree. A canopy tree may be used in lieu of the understory tree if recommended by the director of development services or his or her designee. In landscaped areas of 400 sq. ft. or more any canopy tree may be used in lieu of an understory tree. A minimum of 35 percent of each landscaped area shall have a combination of shrubs less than four feet high, and ground covers. The remaining area shall be landscaped with shrubs, grass, ground cover, or other materials, such as stone, gravel or mulch.

Accessways longer than 100 feet that provide direct access to entry or exiting driveways classified as intermediate or major driveways by the city's land development code, as it may be amended from time to time, shall have landscaped buffers on each side. These landscaped buffers shall be planted with groundcover, a continuous shrub hedge broken only by traversing sidewalks, and two understory trees and one overstory tree for every 50 lineal feet of buffer. Perpendicular interior vehicular accessways shall not traverse the landscaped buffer strip at intervals of less than 100 feet.

Where the strict application of this subsection will seriously limit the function of the parking area, as determined by the zoning enforcement official or his or her designee, the required landscaping may be located near the perimeter of the paved area.

(h) *Wheel stops/curbing.* All landscaped areas shall be protected from vehicle encroachment by wheel stops or curbing. If curbing is raised above abutting landscaped areas, it shall be perforated to permit drainage from the paved ground surface area onto the landscaped areas. Curbing used to protect landscaped areas shall not be inverted, or Miami, curbing. Where a wheelstop or curb is utilized, no more than two feet of the paved area between the curb and the end of the parking spaces may be

omitted if the area is landscaped in addition to the required landscaping herein with a material such as ground cover, rock, or gravel, requiring minimal maintenance.

(i) *Landscape materials.* All plant materials shall be Florida No. 1 grade, or better; according to the current "Grades and Standards for Nursery Plants", State of Florida, Department of Agriculture, Tallahassee, except where in the discretion of the enforcement official natural vegetation is adequate to provide the necessary visual screening. Existing trees situated in the required buffer may be used to satisfy the buffer tree requirement. Existing upland native vegetation shall be incorporated, where appropriate, into off-street parking areas and landscape buffers of a proposed development.

(1) *Tree planting standards.* Canopy trees shall have a minimum caliper at DBH of one and one half inches and a minimum height of six feet, and understory trees shall have a minimum height of six feet and minimum caliper at DBH of three-fourths inch at installation. Trees shall not be planted where they interfere with site drainage.

Where utility lines are present, trees shall be placed at the edge of the required buffer area farthest from the utility lines. The requirements for canopy trees may be waived by the enforcement official if they interfere with above ground utility lines. Trees planted under, or close to, utility lines shall be selected to ensure that their crowns at maturity will not interfere with the utility lines. This does not change the number of trees required.

a. *Required mix of tree species.* When eight or more trees are required to be planted to meet the requirements of this section, a mix of tree species shall be provided, at least one of which shall be native to the Central Florida region. The minimum number of species to be planted are indicated below.

Table 110-6 Required Mix of Tree Species

Required Mix of Tree Species	
Required Number of Trees Planted	Minimum Number of Species
8--14	2
14--20	3
21--30	4
30+	5

(2) *Shrubs.* Shrubs and hedges shall be a minimum of two feet in height, at installation. Plants shall be spaced no less than three feet apart measured from center to center. Hedges, where required, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen within a maximum of one year after the time of planting.

(3) *Ground cover.* Ground cover plants include plant materials which reach a maximum height of not more than 24 inches and may be used in lieu of grass. Ground cover plants must present a reasonably complete coverage at time of planting. Ground cover plants shall be a minimum of one-gallon size when planted and spaced a maximum of two feet on center. Ground covers must present a finished appearance and provide reasonably complete coverage at the time of planting.

(4) *Turfgrass.* Grass areas shall be planted in species normally grown as permanent lawns in the City of Deltona. Grass areas may be sodded, plugged, sprigged or seeded; provided, however,

that solid sod shall be used in swales or other areas that are found to be subject to erosion. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases. Turfgrass areas should be consolidated and limited to those areas on the site that receive occasional pedestrian traffic, provide for recreational uses, provide soil erosion control such as on slopes or in swales; or where turfgrass is used as a design unifier, or other similar practical use. Unless sod or grass seed is used, nursegrass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.

- (5) *Use of drought-resistant plant material.* All new or replacement plantings required for any off-street parking area or landscape buffer shall use, to the maximum extent possible, native plant material or other species with equivalent drought-resistant properties. The intent of this requirement is to promote and conserve the water resources of the City of Deltona and Volusia County.
 - (6) *Preservation of existing native plants and material.* Every reasonable effort shall be made in the design and construction of all site improvements and alterations to save existing healthy trees and native vegetation and maintain the existing topography. The enforcement official may require alternate designs and construction techniques to better achieve tree and native vegetation preservation while still allowing the permitted use of the property. Existing native vegetation specified to remain shall be preserved in its entirety, with all trees, understory, ground cover and duff left intact. Areas of existing natural vegetation should not be irrigated.
 - (7) *Mulch.* In order to preserve soil moisture, all planting areas not left in the natural state shall be mulched with no less than two inches of organic mulch. Wood chips, pine needles or oak leaves are preferred. Mulch shall be placed directly on the soil or landscaping fabric and planting areas shall be properly edged to retain mulch.
- (j) *Solid waste containers.* All solid waste containers shall be enclosed on at least three sides with a six-foot high screen. The screen shall consist of a masonry wall. A hedge consisting of shrubs of a species selected from Figure 1, planted one-foot apart within three feet of the solid waste container enclosure, and groundcover selected from Figure 1 shall abut the enclosure walls. The landscaping around the solid waste container enclosure shall be maintained in accordance with the requirements for maintenance of landscaping in this section, and shall be planted in a strip of soil wide and deep enough to ensure its survival.
- The container shall be enclosed in such a manner so that said container will be screened from public streets and adjoining properties. A concrete or asphalt pad of appropriate size and construction shall be provided as a base for the container. The container pad shall be at the approximate level of the service vehicle approach areas so that the truck's loading mechanism can align with the container's sleeves.
- The screened enclosure shall not be located within any street right-of-way or required yard area. Containers and enclosures shall be located so as to allow ease of access for collection trucks and direct access to drive areas. Straight-in or circular drives are encouraged to reduce truck-maneuvering problems. No parking or other obstructions shall be permitted in the access area for enclosures.
- (k) *Enforcement official.* The enforcement official may, in his or her discretion, waive or modify certain requirements in this section by an amount not to exceed 15 percent, if literal interpretation of this section will seriously hamper the use to which the property is intended.
 - (l) *Maintenance requirements.* The property owner will be responsible for maintenance of all required landscape and irrigation improvements as originally approved. Therefore, these maintenance requirements shall carry with the land and shall be the responsibility of any subsequent owners of the property.

Landscape areas and site improvements shall be maintained in good condition for a healthy, neat, and orderly appearance and shall be kept free from weeds and debris. All plant materials shall be maintained in a healthy and vigorous condition through proper irrigation, fertilization, pruning, weeding, mowing, and other standard horticultural practices. Plant material should grow to their normal shape, color, and height, to fulfill the required functions of screening, shading, buffering, and aesthetic appeal set forth by the City of Deltona. The hat racking of trees is prohibited. All dead plants shall be replaced. This requirement includes, but is not limited to, the replacement of plants damaged by insects, diseases, vehicular traffic, acts of God, and vandalism. Mulch shall be maintained at the proper coverage and depth.

The irrigation system shall be fully operational and shall be operated on a regular basis to provide the appropriate amount of water to the plant materials to maintain adequate plant health and growth. In situations where drought tolerant plant materials have not been properly maintained primarily due to lack of sufficient watering, the enforcement official may require the installation of a permanent irrigation system meeting the specifications of this chapter.

The city shall notify the property owner in writing of any maintenance violations. Upon notification of a maintenance violation, the property owner, tenant, or authorized agent shall correct the violation within 30 days.

If an existing site that is nonconforming with regard to landscape or buffer requirements, number of trees or other landscape standards is made more so by the removal, destruction or death of the plant material, then the owner shall be required to replace what was removed or destroyed in that area and to provide additional materials to the extent that it would be practically and economically feasible to do so, to meet minimum current standards.

Table 110-7 Approved Plant Species List

Table 110-7A Canopy Trees

CANOPY TREES (Mature Size 40' or more in Height)			
Common Name	Botanical Name	Water Zone	Native (Y/N)
American Holly*	Ilex opaca (or X attenuata)	L	Y
Bald Cypress	Taxodium distichum	L	Y
Black Cherry	Prunus serotina	M	Y
Black Gum/Swamp Tupelo*	Nyssa sylvatica	H	Y
Cabbage Palm*	Sabal palmetto	L	Y
Chinese Elm*	Ulmus parvifolia	L	N
Florida Elm*	Ulmus americana var. floridana	M	Y
Florida Scrub Hickory*	Carya floridana	L	Y
Formosan Gum	Liquidambar formosana	L	N
Date Palm*	Phoenix dactylifera	L	N

Desert Fan Palm*	Washington filifera	L	N
Green Ash	Fraxinus pennsylvanica	M	N
Laurel Oak	Quercus laurifolia	L	Y
Live Oak	Quercus virginiana	L	Y
Loblolly Pine	Pinus taeda	L	Y
Longleaf Pine	Pinus palustris	L	Y
Nagi Podocarpus*	Podocarpus nagi	M	N
Oriental Sycamore	Platanus orientalis	M	N
Pecan	Carya illinoensis	M	N
Pignut Hickory	Carya glabra	L	Y
Pond Cypress	Taxodium ascendens	H	Y
Red Maple	Acer rubrum	H	Y
Redbud*	Cercis Canadensis	M	Y
Sand Pine	Pinus clausa	L	Y
Shumard Oak	Quercus shumardii	L	Y
Slash Pine	Pinus elliotti	L	Y
Southern Basswood*	Tilia floridana	M	Y
Southern Magnolia	Magnolia grandiflora	L	Y
Sugarberry	Celtis laevigata	L	Y
Sweetgum	Liquidambar styraciflua	L	Y
Sycamore	Plantanus occidentalis	H	Y
Tulip Tree	Liriodendron tulipifera	H	Y
Tupelo Gum	Nyssa aquatica	H	Y
Turkey Oak*	Quercus laevis	L	Y
Washington Palm*	Washingtonia robusta	L	N
Water Oak	Quercus nigra	M, L	Y
Weeping Willow	Salix babylonica	H	N
Winged Elm	Ulmus alata	L	Y

*Canopy trees that may be used in lieu of understory trees in landscaping with the parking areas if recommended by the director of development services or his or her designee.

Table 110-7B Understory Trees

UNDERSTORY TREES (Mature Size 12' to 35' Height) AND PALMS			
Common Name	Botanical Name	Water Zone	Native (Y/N)
American Hornbeam	<i>Carpinus caroliniana</i>	H	Y
Australian Fan Palm	<i>Livistonia australis</i>	L	N
Bluejack Oak	<i>Quercus incana</i>	L	Y
Bradford Pear	<i>Pyrus calleryana "Bradfordi"</i>	M	N
Canary Island Date Palm	<i>Phoenix canariensis</i>	L	N
Carolina Ash	<i>Fraxinus caroliniana</i>	M	Y
Chapman Oak	<i>Quercus chapmanii</i>	L	Y
Cherry Laurel	<i>Prunus caroliniana</i>	M	Y
Chickasaw Plum	<i>Prunus angustifolia</i>	L	Y
Chinese Fan Palm	<i>Livistonia chinensis</i>	L	N
Coastal Plain Willow	<i>Salix caroliniana</i>	H	Y
Common Persimmon	<i>Diospyros virginiana</i>	L	Y
Crape Myrtle	<i>Lagerstroemia indica</i>	L	N
Dahoon Holly	<i>Ilex cassine</i>	M	Y
Decidious Holly	<i>Ilex decidua</i>	M	Y
Drake Elm	<i>Ulmus parviofolia "Drake"</i>	L	N
Dwarf Siberian Elm	<i>Ulmus pumila</i>	L	N
Eastern Red Cedar	<i>Juniperus virginiana</i>	L	Y
European Fan Palm	<i>Chamaerops humulis</i>	M	N
Firethorn Pyracantha Tree	<i>Pyracantha coccinea</i>	L	N
Flowering Dogwood	<i>Cornus florida</i>	L	Y
Fraser's Photinia	<i>Photinia x Fraseri</i>	M	N
Fringetree	<i>Chionanthus virginicus</i>	M	Y
Glossy Tree Privet	<i>Ligustrum lucidum</i>	M	N
Japanese Persimmon	<i>Diosypros kaki</i>	L	N
Jerusalem Thorn	<i>Parkinsonia aculeata</i>	L	N
Kawakami Pear	<i>Pyrus calleryana "Kawakami"</i>	M	N
Leyland Cypress	<i>Cupressocyparis leylandii</i>	M	N

Loblolly Bay	Gordonia lasianthus	H	Y
Loquat	Eriobotrya 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 macrophyllus "maki"	L	N
Queen Palm	Arecastrum romanzoffianum	L	N
Red Bay	Persia borbonica	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	Rhapidothymum 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	Diets 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 jamesonii	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	<i>Osmunda regalis</i>	H	Y
Sedum	<i>Sedum</i> spp.	L	N
Shield Fern	<i>Thelypteris</i> spp.	M	Y
Shore Juniper	<i>Juniperus conferta</i>	L	N
Society Garlic	<i>Tulbaghia violacea</i>	L	N
Star Jasmine	<i>Trachelospermum jasminoides</i>	M	N
Swamp Lily	<i>Crinum americanum</i>	H	Y
Sword or Boston Fern	<i>Nephrolepis</i> spp.	H	Y
Trailing Fig	<i>Ficus sagittata</i>	L	N
Virginia Creeper	<i>Parthenocissus quinquefolia</i>	H	Y
Wedelia	<i>Wedelia trilobata</i>	L	N
Weeping Lantana	<i>Lantana montevidensis</i>	L	N
Wintercreeper	<i>Euonymus fortunei</i> 'coloratus'	M	N
Yellow Pineland Lantana	<i>Lantana depressa</i>	L	Y

Table 110-7E Non-Native Vines

NON-NATIVE VINES		
Common Name	Botanical Name	Water Zone
Algerian Ivy	<i>Hedera canariensis</i>	M
Allamanda	<i>Allamanda cathartica</i>	M
Chinese Wisteria	<i>Wisteria sinensis</i>	L
Clematis	<i>Clematis</i> spp.	M
Confederate Jasmine	<i>Trachelospermum asiaticum</i>	M
Coral Vine	<i>Antigonon leptopus</i>	L
Downy Jasmine	<i>Jasminum multiflorum</i>	M
English Ivy	<i>Hedera</i> spp.	M
Hall's Honeysuckle	<i>Lonicera japonica</i> 'halliana'	L
Mexican Flame Vine	<i>Senecio confusus</i>	L
Star Jasmine	<i>Trachelospermum jasminoides</i>	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:

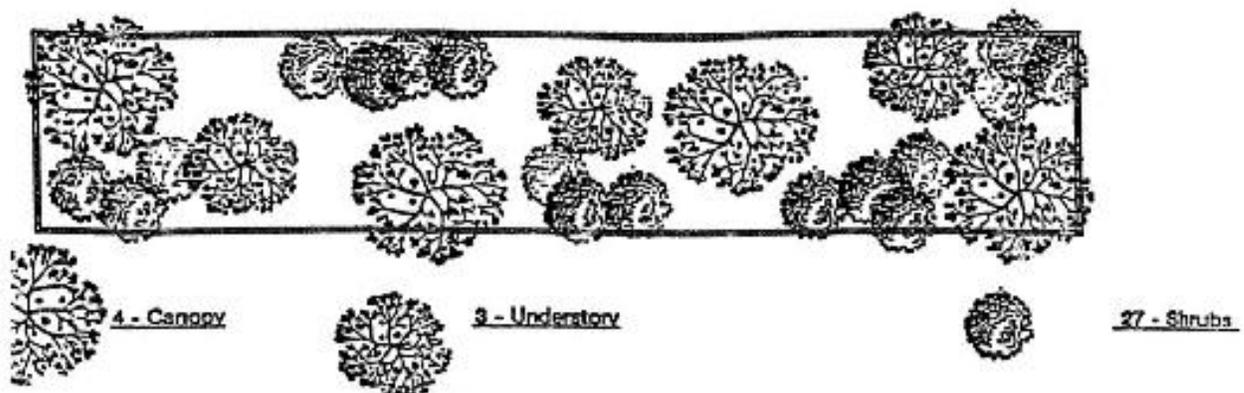
H = High Water Use Zone - Plants which are associated with moist soils and require supplemental water in addition to natural rainfall to survive. This zone includes shallow rooted turfgrass varieties.

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.

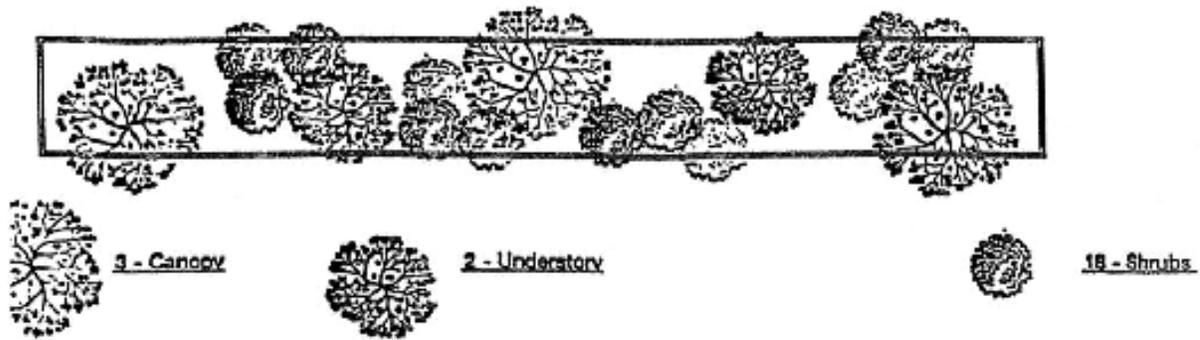
Sources: St. Johns River Water Management District Xeriscape Plant Guide South Florida Water Management District Xeriscape Plant Guide II Cooperative Extension Service

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 74, article II, Code of Ordinances, , as it may be amended from time to time, provide flexibility in the administration of standards in recognition of site specific conditions, and to establish conditions to ensure compatibility where standards are modified.
- (2) The enforcement official may approve a maximum reduction of up to 20 percent of the required minimum yard setbacks for principal and accessory buildings and/or the number of required parking spaces upon making a finding that the adjustment will protect and encourage the preservation of large canopy, specimen, or historic trees.
- (3) Modification of the development standards listed above of less than one foot shall be deemed to be non-substantial. The enforcement official shall be authorized to approve the modification at the time of request based upon the requirements of this chapter. Non-substantial modifications shall be deemed to have no effect on adjacent properties.
- (4) Nothing in this section shall supersede the planning and zoning board review process or deny access by the applicant to relief through the zoning variance review procedures.
- (5) Application for modification of standards may be reviewed prior to application for final site plan review or may be made in conjunction with final site plan review. Application shall be made to the Planning and Development Services Department in conformance with the submittal requirements of this section.
- (6) Upon acceptance of the application, the enforcement official shall review it and render his decision approving, approving with conditions, or denying the request. A modification of standards report shall be issued and be attached to the final site plan.
- (7) When the enforcement official approves the modification of standards, he may prescribe appropriate conditions and safeguards in conformity with the intent and provisions of this section.

(n) Appeals. Any person aggrieved by this decision of the enforcement official or any of the conditions imposed as part of the terms under which the modification of standards is approved, may elect to appeal the decision to the city commission. The appeal shall be filed under section 110-1002 City of

Deltona Zoning Ordinance No. 30-98, as amended. The appeal shall be taken within ten working days after the decision is rendered by filing with the enforcement official and with the city attorney, a written notice of notice of appeal specifying it's grounds, together with the appropriate fee.

- (o) Except as provided herein, the requirements of Section 110-808 do not apply to properties that meet the following criteria:

- (a1) The property is currently used for, was used for, and is zoned for commercial or industrial use.
- (b2) The change in use will not require a rezoning.
- (e3) The proposed use is a permitted or conditional use in the current zoning district.
- (d4) No expansion will occur to the buildings gross square footage.

Development proposals that meet these criteria shall provide at least 15% of landscape coverage of the property 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. 110-811. Parking and storage of vehicles or watercraft.

(a) Vehicles in agricultural and residential areas.

- (1) No vehicles greater than 10,000 lbs. manufacturer's gross weight or designed to carry 16 or more passengers, or requiring a commercial drivers license (CDL) of any endorsement to operate will be parked or stored in any residential or agricultural zoning district except in agriculture areas on lots of five acres or more. Vehicles that are inoperable or do not have a current and valid license plate and validation sticker affixed to the license plate are prohibited.
- (2) No vehicle with external refrigeration units may operate within these zoning districts.
- (3) No back-up noise alarms may operate between the hours of 10:00 p.m. and 7:00 a.m.
- (4) No vehicles or utility trailers may be parked or stored in the front yard forward of the edge of the principal dwelling that meet any of the following criteria.

Vehicles prohibited above, or

Greater than 21 feet in length, or

Greater than ten feet in height, including accessories with fully inflated tires.

- (5) Vehicles greater than 21 feet in length and/or greater than ten feet in height may be stored in the side or rear yard.
- (6) All vehicles parked in side or rear yards must be stored in a site plan approved parking area, ~~and meet the screening requirements of 110-811.06~~. Screening exceeding the height limitations for the zoning district in which it is located may only consist of vegetative screening for that portion exceeding said height limitations. All vegetative screening must be designed as three year to maturity from the approved plant list provided by the Planning and Development Services Department. All site plan approved parking shall meet the standards for minimum required parking in subsection 110-828(b) through 110-828(e). For parking the excess of minimum required parking spaces, the enforcement official may allow semi-impervious materials similar to those permitted by subsection 110-828(b)(1).
- (7) All vehicles parked or stored on property must be registered or assigned to the resident or their temporary guest.

- (8) Repairs other than normal maintenance and washing of vehicles or any repairs causing the vehicle to become inoperable are prohibited outside of an enclosed garage.
- (9) No vehicle or equipment shall be parked or stored in a manner which obstructs access to any door, window, or other entrance to or exit from the dwelling.

Exclusions:

Conversion vans with a handicapped sticker whose corresponding licensed driver is a resident of the principal dwelling are specifically excluded from these standards. Sport utility vehicles (SUV's) or pick-up trucks for personal use that have no commercial advertising may be parked in the driveway.

~~(b) Mobile recreational shelters.~~ Mobile recreational shelters and vehicles, other camping type vehicles excluding pickup covers when appropriately mounted on a vehicle, boats, boat trailers, utility trailers, and other trailers are permitted as an accessory use on any lot within the A, RE-1, RE-5,, R-1, R-2, R-3, R-4, R1-B,, the single- and two-family residential areas of RPUD, and the MPUD, ~~and the MH-6~~ classifications provided the following conditions are met:

- (1) They shall have a current license plate or validation sticker, and shall be parked or stored in full compliance with all yard requirements for accessory structures. The ground area beneath such vehicles shall be kept free from debris, including excessive weed growth.
- (2) They may be temporarily parked in the driveway of the principal structure for trip preparation, loading, unloading and cleanup, for a maximum of 36 hours per week.
- (3) They shall not be parked or stored either within a public right-of-way, or within that portion of the lot lying across the full width of the lot between the front lot line and front most part of the principal structure, except as provided for by paragraph (2) above and paragraph (6) below.
- (4) No sewage shall be permitted to escape from such vehicles onto a lot or street.
- (5) They shall not be connected to water, sewer or electric lines or be used for residential purposes.
- (6) Motor vehicles commonly referred to as vans that have been converted to a recreational vehicle by a licensed recreational vehicle manufacturer by installation of 110-volt electrical wiring, LP gas piping, or a plumbing system consisting of a permanently attached water using toilet facility may be parked in the driveway of the principal structure when the occupant of the principal structure has a disability which may require the above facilities to be incorporated in a motor vehicle, and if the occupants have received a handicapped parking decal from the State of Florida for the vehicle.

(c) *Residential parking.* In the R, PB, and MF districts when used only for single- or two-family residential uses, motor vehicles shall not be parked anywhere within that portion of the lot lying across the full width of the lot between the front lot line and the front most part of the principal structure, except on driveways. Automobiles are to be parked in designated off-street parking areas for all other uses within these districts.

(d) *Commercial vehicle storage and parking*

- (1) Commercial vehicles which are used daily by residents of the household for transportation but which do not exceed the manufacturer's standard three-quarter size pick-up truck may be parked outdoors in a residential district provided that only one such commercial vehicle may be located at any one dwelling unit.
- (2) Commercial vehicles prohibited from outdoor parking in all residential areas:
 - a. Any commercial vehicles not meeting the standards described in paragraph (1);
 - b. Step vans;

- c. Flatbed and stakebed trucks;
 - d. Wreckers, except when authorized by the City of Deltona, the Volusia County Sheriff's Office, or the Florida Highway Patrol for on-call emergency service.
 - e. Tractor, including truck tractors and their associated vans or trailers (see section 110-811(a), above).
- (e) *Long term storage.* Recreational vehicles shall be parked or stored within a side or rear yard, on site plan approved parking, but not within a side street yard, provided:
- (1) No portion of the vehicle or equipment shall extend into any part of the front yard.
 - (2) No vehicle or equipment shall be parked or stored in a manner which obstructs access to any door, window, or other entrance to or exit from the dwelling.
 - (3) No vehicle or equipment shall be parked or stored in any part of the required rear yard of a double frontage lot.
 - (4) On corner lots, no vehicles or equipment shall be parked or stored in any part of the required side yard abutting any street and provide that no vehicle or equipment shall be parked or stored within 20 feet from any street right-of-way.
- (f) ~~Reserved.~~ Special Event Parking. During such events, grass areas may be permitted to be used for parking provided the Authority Having Jurisdiction (AHJ) from the Fire Department, consistent with Section 10.15.2 as amended of the Fire Code, shall be permitted to regulate all outdoor events pertaining to access for emergency vehicle; access to fire protection equipment; placement of stands, concession booths, and exhibits; and the control of hazardous conditions dangerous to life and property.

Sec. 110-814. 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 ~~1,000~~500 feet of any of the following land uses permitted by this chapter:

- a. House of Worship;
 - b. Public park;
 - c. Public recreation area; or
 - d. School.
- (2) No place of business holding a 1-COP; 2-COP; or COP license shall be located within 1,000 feet of an existing or approved bar, lounge, nightclub, or package store, except when it is part of a hotel or motel having 100 or more rooms with access limited to the hotel or motel lobby and where parking is provided on the basis of one additional space per six seats, or except when it is part of a restaurant in which has at least 51 percent of its sales consist of food and non-alcoholic beverages.
- (3) If located adjacent to a residential zoning district or a conforming residential use, screening and buffering shall be provided to minimize noise and glare impact as follows:
- a. No loud noises shall be permitted after 10:00 p.m. which have the effect of creating a nuisance to adjacent property, or which exceed 60 db at the property line of the adjacent residential land use;
 - b. Screening in the form of a six-foot high masonry wall and landscaping shall be provided at all property lines adjoining residential land uses or zoning. Masonry walls shall include landscaping on both sides with a minimum distance of three feet between the exterior wall landscaping and the property line. Required landscaping shall be selected from the list of permitted groundcover, shrubs and understory trees in section 110-808 of this chapter, and shall otherwise comply with the sprinkler systems and maintenance requirements of section 110-808.
 - c. Fencing shall be provided which impairs pedestrian access to nearby residential properties.
- (h) *Mini-warehouses.* Mini-warehouse developments shall be designed and constructed to comply with the following minimum requirements.
- (1) *Use limitations.* Mini-warehouses are intended exclusively for the storage of personal property and goods by the general public and for incidental storage of goods by small commercial users. Each user shall have direct access to his or her rented space during all hours of operation. For each cubicle, no utility service, other than lighting and one electrical outlet shall be permitted, except for air conditioning, dehumidifying, or similar equipment. Multiple storage cubicles collected into a single building for the purpose of air conditioning or dehumidification may be distinguished from commercial warehouses by the provision of direct access to a secured storage space by the renter. Mini-warehouse developments shall be limited to storage use only. No business activities, such as sales or service, shall be conducted on the premises. The operation of such a facility shall not be deemed to include a transfer and storage business where the use of vehicles is part of the business. Signs advertising individual businesses shall be prohibited. A mini-warehouse shall not be used as a business address for purposes of obtaining an occupational license, except for the mini-warehouse development itself. Manufacture, auto repair, or other similar activities are expressly prohibited. No garage sales shall be conducted on the premises. No servicing or repair of motor vehicles, watercraft, trailers, lawn mowers and other similar equipment shall be conducted on the premises.
 - (2) *Storage.* All storage on the property shall be kept within an enclosed building. No unattended vehicles shall be permitted on the premises unless stored within an enclosed building. Alternatively, vehicles may be stored behind masonry screen walls high enough to completely obscure the vehicles from view from any street or road, and from any property within 500 feet of

the mini-warehouse facility's property line. Such screen walls shall be set back in accordance with the minimum front, rear and side yard requirements of the applicable zoning district for the location of principal buildings on a lot or parcel of land.

- (3) *On-site circulation and driveway widths.*
- a. All single-loaded driveways shall be a minimum of 20 feet in width;
 - b. All double-loaded driveways shall be a minimum of 30 feet in width;
 - c. Traffic direction shall be designated by signing and/or painting on driveway surfaces;
 - d. Access to storage cubicles shall only be provided from the interior of the site;
 - e. Alleys shall not be used as part of the internal circulation system of mini-warehouse developments, and access from alleys shall be restricted to vehicles that service the development itself (such as solid waste collection vehicles). Alleys shall not be permitted to have a direct connection to the internal circulation system of a mini-warehouse development. Alleys shall not be used as parking or storage areas, except that employee parking may be provided in accordance with the requirements of section 110-828 of this chapter and the applicable requirements of the land development code, as they may be amended from time to time.
- (4) *Landscaping.* Mini-warehouse developments shall be landscaped in accordance with the requirements of section 110-808 of this chapter. In addition, in order to reduce the visual impact of driveways, storage buildings and security fences common to mini-warehouse developments, a combination of landscape screen and decorative masonry wall ranging from three feet to six feet in height shall be required along a diagonal line in the front yard, along the front yard setback, and six feet in height along any other property line that abuts a residential district or public right-of-way. The required decorative masonry wall shall be set back from the property line at least five feet. A landscape buffer area meeting the requirements of section 110-808 of this chapter shall be placed between the required wall and the property line. The required wall shall be constructed with its finished side facing the adjacent lot or lots. Any part of the opposite side of the wall that is visible to the public shall also be finished.
- Required interior landscaping adjacent to buildings shall give priority to softening end walls visible from a public right-of-way through foundation plantings, shrubs, and understory trees, and to landscaping perimeter buildings, entryway and management office areas.
- (5) *Lighting.* All lights shall be shielded to direct light onto the mini-warehouse development and away from adjacent property, but it may be of sufficient intensity and of a type to discourage vandalism and theft pursuant to the principles of Crime Prevention Through Environmental Design (CPTED). Lighting shall not increase illumination levels at the edge of pavement of adjacent streets, roads, and residential property lines by more than one lumen above the nighttime level of illumination existing at the time of development of the project. Exterior site lighting of parking and loading areas, and similar site lighting, on lots or parcels of land that are adjacent to residential zoning or development shall be provided with low pressure sodium light fixtures. These light fixtures will be fitted with full cutoff shields when located within 30 feet of the residential property lines and when mounted on lighting standards (poles) that are higher than 15 feet.
- (6) *Building treatment.*
- a. Only muted earth-tone colored buildings and doors shall be permitted. Color selection shall be subject to the approval of the enforcement official.

- b. Metal buildings' shall be designed and constructed in accordance with the requirements of subsection 110-814(i), "metal buildings".
 - c. Except where completely obscured from view by a perimeter wall, garage doors or simulated garage doors shall not be permitted on the sides of a storage building facing a public right-of-way, public park, school, or residentially used or zoned area.
- (7) *Hours of operation.* Access to storage facilities shall not be allowed except during approved hours of operation. Hours of operation shall be noted on-site plan submittals and designed to provide maximum safety for users, while not interfering with existing or potential users of adjoining properties.
 - (8) *Maximum height of mini-warehouses.* One story, not to exceed 15 feet.
 - (9) *Caretaker's or manager's residence.* A caretaker's or manager's residence is permitted as an accessory use in a mini-warehouse development of over 100 units. The accessory residence shall not exceed 1,500 sq. ft. in habitable floor area. If a caretaker's or manager's residence is provided, at least two parking spaces shall be required in a location adjacent to, or within 20 feet of the residence's main entrance, in addition to all other minimum parking requirements for the mini-warehouse development.
- (i) *Metal buildings.* Metal buildings shall be permitted only in accordance with the following requirements:
 - (1) That portion of a metal building visible from a street or residentially or commercially used or zoned property, public right-of-way, public park or building, school, office used or zoned area, or other area of similar use shall adhere to the design principles outlined in the City of Deltona Urban Design Pattern Book and Urban Design Master Plan or employ at least one of the following techniques to achieve an opaque, attractive and durable visual screen between such metal building and properties described herein;
 - a. Use of landscaping, hedges, berms, fences or a combination of these materials, or
 - b. Construction of building walls using either wood, brick, split-face masonry, stucco or other synthetic materials of similar appearance and durability.
 - (2) Notwithstanding any definition of accessory structure to the contrary, any metal building greater than 240 square feet that meets the locational criteria cited in section 110-814(i)(1) shall be considered a principal use for the purposes of this section and shall be required to meet the provisions of section 110-814(i)(1).
 - (3) The roof of a metal building designated as a principal structure shall either have the same pitch and appearance of the roofs of neighboring buildings, or shall be obscured from view by parapets having the appearance of wood, brick, or masonry construction;
 - (4) Only muted earth tone colors shall be permitted for any building designated as a principal structure.
 - (5) No facade, roof or parapet materials or color on buildings designated as principal structures shall be used unless approved by the enforcement official as conforming to the requirements of this section. The applicant for a permit for the construction of a such metal building shall include the necessary information to make this determination both with the conceptual and final site plan applications and with the building permit application. The information supplied shall be as required by the enforcement official. The materials approved by the Planning and Development Services Department shall become a requirement of the building permit as the materials to be used in the construction of the building.

- (6) In those cases where façade design improvements are required for metal buildings, such design improvements shall complement the predominant physical character of surrounding development in terms of the building's scale, proportion, massing and orientation.

(j) Garage sales or yard sales.

- (1) Garage sales or yard sales shall have the same meaning given to the term garage sales in article II of this chapter.
- (2) Homeowners' garage sales are permitted in the A, RE-5, RE-1, , and R-1 through R1-B zoning districts provided that no more than two such sales are held during any calendar year and that such sales are limited to a duration of one week.
- (3) Garage or yard sales may be conducted at any single-family or two-family residential premises subject to the following conditions:
 - a. No such sale shall be conducted unless a permit therefor has been obtained from the city. The permit shall be issued upon written application in accordance with these requirements and upon payment of the prescribed fee. A fee schedule shall be adopted by resolution of the city commission. Fees shall be periodically updated.
 - b. Prior to issuance of any garage sale permit the person conducting such sale shall file a statement with the enforcement official setting forth the following information:
 1. Person's interest in the residential property--ownership, current lessee or such other control as the person may have;
 2. Ownership of the property or goods to be sold;
 3. An affirmative statement that the property to be sold was neither acquired or consigned for the purpose of resale.
- (4) A permit shall be issued along with, or in the form of, a sign which shall be posted on the property where the sale will occur to identify and advertise the garage or yard sale. No other sign shall be authorized or used.
- (5) All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. The permittee shall be responsible for enforcing such additional temporary controls as are needed to alleviate any special hazards and/or congestion created by the garage or yard sale.
- (6) No property offered for sale shall be displayed outdoors except on the driveway or other private property at least 15 feet from any road or sidewalk.
- (7) None of the items offered for sale during any permitted garage or yard sale shall be displayed or allowed to remain outside in any driveway or yard area prior to sunrise of the first permitted date of the sale or after sundown of the last permitted date of the sale.
- (8) In the event of a garage or yard sale held by a nonprofit organization or by more than one family or household, the permit shall be issued to the person owning, leasing, or otherwise having control of the premises at which the sale is held.

(k) Temporary outdoor automobile and arts and crafts sales events and shows.

- (1) Temporary outdoor automobile and arts and crafts sales events and shows are permitted at shopping centers (as defined in this chapter) of 50,000 sq. ft. or more of gross floor area in the C-1 and C-2 zoning districts.

- (2) The temporary events permitted by this section shall not exceed seven consecutive days in duration, and shall not be held more than three times in any calendar year at any permitted location.
- (3) The display, or event, area shall be located on the same lot or parcel as the principal use for which the temporary outdoor event permit is issued.
- (4) The display, or event, area shall not be located so as to diminish the utility of any required parking space unless an alternative temporary parking plan is approved by the development review committee. The display, or event, area shall be located in the part of the parking facility that is farthest removed from the principal buildings, consistent with the maintenance of safe and efficient internal vehicular circulation and vehicular ingress and egress.
- (5) No temporary outdoor event permitted by this section shall occur during the continuous time period starting on November 15th and ending on January 2nd of the following year.
- (6) The flow of traffic on designated on-site traffic lanes on or off the lot or parcel shall not be obstructed in a manner that would create an unsafe condition.
- (7) Adequate area for safe and efficient pedestrian movement shall be maintained.
- (8) A permit for a temporary outdoor display shall be obtained from the Planning and Development Services Department following submittal of a scale drawing showing the display or event area and its relationship to pedestrian and vehicular movement areas and parking bays.
- (9) It shall be unlawful for any person to display or place any vehicles, goods, wares or merchandise upon any public street or sidewalk in the city, except as permitted under this section, or other related ordinance or codes.
- (10) Signs for temporary outdoor events shall comply with the Deltona Sign Ordinance, Ordinance 12-97 [chapter 102, Code of Ordinances], as it may be amended from time to time. No offsite signs are permitted except as provided for special events in the Deltona Sign Ordinance.

Sec. 110-817. ~~Permitted~~eConditional uses.

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

- (a) Public utility uses and structures.
 - (1) A landscape buffer meeting the requirements of section 110-808 is required.
 - (2) A final site plan meeting the requirements of chapter 74, article II, Code of Ordinances, as it may be amended from time to time, is required.
 - (3) Package sewage treatment plants may be permitted provided that they are consistent with the comprehensive plan and meet all applicable state requirements and the following additional requirements:
 - a. Package sewage treatment plant structures shall not be located closer than 50 feet to adjoining lot lines.
 - b. Evaporation/percolation ponds shall not be located within 100 feet of adjoining lot lines, streets rights-of-way, the mean high-water mark or water bodies, or bulkhead lines.
 - c. Subsurface drainfields shall not be located within 50 feet of bulkhead lines or mean high-water mark of the water bodies.

- d. When spray irrigation fields are used, the minimum distance between said fields and adjoining lot lines, street rights-of-way, the mean high-water mark of water bodies, or bulkhead lines shall be determined on a case-by-case basis after due consideration of prevailing wind direction, average wind velocity, or other conditions that might carry sprayed effluent onto adjoining premises.
 - e. The package plant structures shall, in the absence of an appropriate natural vegetation screen, be visually screened from adjoining properties or street rights-of-way with an appropriate fence, decorative masonry wall, or plant materials.
 - f. Plants shall be designed to be transformed into a pump station when public central wastewater facilities are constructed to serve the area, provided that said availability is to be not more than ten years distant from the issuance of the development order/permit, except as provided for in item g. below.
 - g. Notwithstanding the provisions of paragraph f. above, a package plant intended to correct any existing problem of public health, safety or welfare, may be permitted.
- (4) Package water treatment plants may be permitted providing they are consistent with the comprehensive plan and meet all applicable state requirements and the following additional requirements:
- a. Package water treatment plant structures shall not be located less than 50 feet to adjoining lot lines.
 - b. Package water treatment plant structures shall, in the absence of an appropriate natural vegetation screen, be visually screened from adjoining properties or street rights-of-way with an appropriate fence, decorative masonry wall or plant material.
- (b) Professional or trade schools related to the permitted principal uses. Landscaped buffer areas meeting the requirements of section 110-808 and off-street parking and loading spaces, meeting the requirements of section 110-828, shall be constructed.
- (c) Golf courses, country clubs, swim clubs, tennis clubs, and similar uses are permitted, provided:
- (1) The total lot area covered with principal and accessory buildings shall not exceed 15 percent.
 - (2) No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman or caretaker. Those living quarters, if any, shall be constructed as part of the principal building.
 - (3) No principal or accessory building, swimming pool or tennis court shall be located less than 50 feet from any lot line.
 - (4) No outdoor loudspeaker or call system shall be audible on adjoining property.
 - (5) All artificial lights shall be directed away from adjoining properties.
 - (6) Off-street parking areas meeting the requirements of section 110-828 and landscaped buffer areas meeting the requirements of section 110-808 shall be constructed.
- (d) Houses of worship, cemeteries, parochial or private schools are permitted, provided:
- (1) No principal or accessory building shall be located less than 50 feet from any property line.
 - (2) Off-street parking areas meeting the requirements of section 110-828 and landscaped buffer areas meeting the requirements of section 110-808 shall be constructed. Notwithstanding the provisions of section 110-828~~(a)~~(b)(2), off-street parking and loading areas shall be surfaced with brick, asphalt, bituminous, concrete or packed shell or marl material and shall be maintained in a smooth, well-graded condition.

- (3) Cemeteries shall comply with F.S. ch. 559 and any other applicable governmental regulations.
- (4) All schools must meet the requirements of F.S. § 333.3(3) or obtain a variance under article X of this chapter.
- (e) Mini-warehouses, designed and operated according to the following standards:
 - (1) Mini-warehouses shall meet the requirements contained in subsection 110-814(h), "Mini-warehouses".
 - (2) Metal buildings in mini-warehouse developments shall meet the requirements contained in subsection 110-814(i), "Metal buildings".
- (f) Day care centers designed and constructed according to the applicable state standards and the following:
 - (1) The intensity of the facility (e.g. number of residents) shall be compatible with the density and character of the surrounding residential area.
- (g) Granny Flats
 - (1) Minimum lot area required: 7,500 square feet
 - (2) Be used to house immediate family members or domestic help/caregivers.
 - (3) Shall contain a minimum of 400 square feet of living area but shall not be greater than 35 percent of the gross floor area of the principal dwelling unit.
 - (4) Shall have all utility services provided by a common meter with the principal dwelling.
 - (5) Shall not have a separate driveway.
 - (6) Shall not be assigned a separate address.
 - (7) All granny flats approved will be subject to a declaration of use agreement between the owner and City stipulating, at minimum, the nature of the occupancy and granting the City right to inspect the premises in a reasonable manner.
- (h)--(j) [*Reserved.*]
- (k) *Farm worker living facility.*
 - (1) The minimum floor area per dwelling shall be 720 square feet.
 - (2) No detached dwelling used in the farm worker living facility shall be closer than 50 feet to any other detached dwelling.
 - (3) No dwelling used as a farm worker living facility shall be closer than 100 feet to any property line of the premises on which it is placed.
 - (4) Potable water and sewage disposal facilities shall be in compliance with all applicable provisions of the Florida law and the comprehensive plan.
 - (5) The area between the ground and the floor of a mobile home dwelling used as a farm worker living facility shall be enclosed with skirting.
 - (6) No subsequent expansion of a farm worker living facility as shown on the approved site plan for the conditional use shall be allowed unless another special exception for that expansion is approved. However, subsequent decrease of the approved uses are permitted.
 - (7) The applicant shall provide information to the enforcement official as to the kind of agricultural operation existing on the premises at the time of application for the farm worker living facility.

(8)

Table 110-8 Maximum Number of Dwellings Authorized Based on Size of Premises

Size of Premises	Maximum Number of Dwellings Authorized Based on Size of Premises
5 or more acres but less than 20 acres....	1
20 or more acres but less than 30 acres....	2
30 or more acres but less than 40 acres....	3
40 or more acres but less than 50 acres....	4
50 or more acres but less than 60 acres....	5
60 or more acres but less than 70 acres....	6
70 or more acres but less than 80 acres....	7
80 or more acres....	8

The dwellings may be arranged in a cluster fashion on the premises.

- (l) *Adult family-care homes, assisted living facility, group homes and nursing homes, boardinghouses.*
- (1) The scale of the facility (e.g. number of residents) shall be compatible with the density and character of the surrounding residential area. The Future Land Use Map will be used as a guide to determine compatible density.
 - (2) No principal or accessory building shall be located less than 50 feet from any property line.
 - (3) Off-street parking and loading areas meeting the requirements of section 110-828 and landscaped buffer areas meeting the requirements of section 110-808 shall be constructed.
 - (4) Facilities located in the A, RE-5, RE-1, R-1AAA, R-1AA, R-1A, R-1 AND R-1B zoning classifications must have direct frontage on, and access to, City thoroughfares as defined in the City of Deltona Comprehensive Plan.
 - (5) The uses listed in paragraph (l) above shall not be deemed to include halfway houses or any other facilities licensed to serve clients of the Department of Corrections or the Department of Juvenile Justice.
- (m) Private clubs are permitted provided:
- (1) The total lot area covered with principal and accessory buildings shall not exceed 15 percent.
 - (2) No principal or accessory building, swimming pool or tennis court shall be located less than 50 feet from any lot line.
 - (3) No outdoor loudspeaker or call system shall be audible on adjoining property.
 - (4) All artificial lights shall be directed away from adjoining properties.
 - (5) Off-street parking areas meeting the requirements of section 110-828 and landscaped buffer areas meeting the requirements of section 110-808 shall be constructed.

- (n) Off-street parking areas are permitted on vacant lots that are contiguous to or lie directly across the street from lots classified as PB, C-1, C-2 and C-3 providing the following conditions are met:
- (1) The off-street parking area shall be used to serve only an existing conforming commercial use.
 - (2) If the off-street parking area is contiguous to the premises on which the principal commercial use is located, motor vehicles shall only enter or exit the parking area through that premises.
 - (3) The parking area shall be surfaced with, brick, asphalt, bituminous concrete or packed shell or marl material and maintained in a smooth, well-graded condition and shall comply with the land development code Ordinance No. 96-25, as it may be amended from time to time. If lighted, no artificial light source shall be visible from adjoining properties. Lighting shall be shielded so as not to directly illuminate adjacent residential properties, and shall not glare directly onto the adjacent streets.
 - (4) The off-street parking area shall be designed to meet the dimensional requirements of the land development code.
 - (5) Each application for a conditional use shall be accompanied by a parking plan meeting the requirements of the land development code and a landscape plan.
 - (6) A landscape plan meeting the following requirements shall be submitted:
 - a. The parking lot shall be planned and designed to retain the maximum amount of natural vegetation and shade trees. In the event that natural vegetation cannot be used, the plant materials listed in section 110-808 of this chapter shall be incorporated into the landscape design.
 - b. An existing tree survey performed in compliance with chapter 98, article II, Code of Ordinances, as it may be amended from time to time, and irrigation plan shall also be provided at the same scale as the landscape plan.
 - c. The landscape materials and planting area shall be reasonably dispersed throughout the parking area.
 - d. Not less than ten percent of the interior of the parking lot shall be landscaped. The required buffer area shall not be considered a part of this interior landscape requirement.
 - e. The dimensions of any planting area shall comply with section 110-808 of this chapter.
 - f. A 25-foot landscaping buffer area shall be maintained along the perimeter of the parking area which is contiguous to property classified C, FR, RC,A, RE-5, RE-1, R-1 through R1-B, residential use areas of the RPUD and MPUD, MH.
 - g. A six-foot-high, opaque masonry wall, or wall having the appearance of masonry using a material approved by the enforcement official and the building official, shall be constructed adjacent to A, RE-5, RE-1, R-1 through R1-B, residential use areas of the RPUD and MPUD, MH zoning classifications. The wall shall be erected within five feet of the off-street parking area and be maintained in a neat and orderly manner at all times. Landscaped berms may be used in place of a wall. The berms shall be constructed to a height of four feet with inside slopes not exceeding a three to one ratio. Plant material shall be planted on top of the berm and shall be a minimum of two feet in height with a planting interval of at least three feet on center.
 - (7) A workable underground irrigation system shall be installed in order to provide the means to water any planted landscape materials.
 - (8) All landscaping shall be maintained in accordance with section 110-808 of this chapter.

- (9) The parking area shall not be used until the parking area has been constructed in accordance with the plans approved pursuant to conditional use.
- (10) A ten-foot wide landscape buffer area meeting the requirements of section 110-808 shall be maintained along the perimeter of the parking area which is contiguous to or directly across the street from property located in the RE-5, RE-1, R-1 through R1-B, or MH zoning districts.
- (o) Excavations.
- (1) Exempt excavations. A conditional use is not required for the following activities:
- a. Installation of utilities, provided a valid underground utility permit or right-of-way utilization permit has been issued.
 - b. Grading and filling in conjunction with commercial, industrial, or residential construction provided a development order or permit has been obtained.
 - c. Foundations and building pads for any building or structure, provided that a valid building permit has been issued by Planning and Development Services Department.
 - d. Minor landscaping projects provided they do not encroach in floodprone areas as depicted on the flood insurance rate maps, promulgated by the Federal Emergency Management Agency, or change the natural drainage pattern of the ground surface at the property line.
 - e. Swimming pool construction provided a building permit has been issued for construction of the pool.
 - f. For excavations relating to the accessory use of land and designed to be filled upon completion of excavation, such as septic tanks, graves, etc.
 - g. Borrow pits designated or controlled by any federal or state agency or local government; or any federal or state agency or local government created by law to provide for mosquito control or drainage, or any drainage district created pursuant to Laws of Florida ch. 298.
 - h. Where not otherwise governed by zoning requirements, any leveling of land within the confines of a single tract of land where the plans for such leveling are authorized by the land development code, Ordinance No. 96-25, as it may be amended from time to time. If such plans are disapproved through the review procedures and standards established in the land development code, the applicant may, upon application, appeal such decision in accordance with the provisions for appeals in Ordinance No. 96-25, as it may be amended from time to time.
 - i. Excavations of leveling for private drives to provide ingress or egress authorized by the land development code.
 - j. Notwithstanding the provisions of subsection g to the contrary, excavated material from a tailwater recovery system or farm pond may be transferred from one parcel of land to a noncontiguous parcel when such system is designed to meet the standards and specifications of the United States Department of Agriculture Soil Conservation Service, or designed by a professional engineer licensed to practice in the State of Florida.

Said tailwater recovery system is defined as a facility to collect, store and transport irrigation tailwater in a farm irrigation distribution system. In order to qualify for said exemption, the design for said system shall be approved by the St. John's River Water Management District or U.S.D.A. Soil Conservation Service and submitted for authorization by the enforcement official. Each tailwater recovery system must be completed within six months of receiving approval.

- k. All projects funded by the City of Deltona, the Volusia County Department of Public Works and the Florida Department of Transportation. These projects would include but not be limited to borrow pits, road-building activities, and installation of utilities.
 - l. Farm ponds. Accessory ponds established in conjunction with an agricultural use and which are three-fourths of an acre or less in size. The boundaries of excavation are to be wholly within one owner's property. Off-site drainage is not to be affected. Farm ponds are to be constructed to the standards and specifications promulgated by the U.S. Department of Agriculture, Soil Conservation Service, and shall be approved by that agency. The landowner shall forward to the Planning and Development Services Department a copy of the approved plans prior to construction of the pond. Each pond must be completed within six months of receiving soil conservation service approval. Farm ponds shall be permitted at a rate of not more than one pond per ten acres of land.
- (2) The following requirements and conditions must be met for any non-exempt excavation. A non-exempt excavation requires a Conditional Use to this chapter and issuance of a permit in accordance with the final site plan procedures of chapter 74, article II, Code of Ordinances, as it may be amended from time to time.
- a. Each application for a special exception shall be accompanied by plans, drawings, and information prepared by a Florida registered engineer depicting, at a minimum:
 - 1. Existing and proposed topography at one-foot contour interval. Such topography shall extend a minimum of 150 feet beyond the top of the bank of excavation.
 - 2. Proposed side slopes and depths which meet these minimums:

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

 - a) One foot vertical for each six feet horizontal to a depth of ten feet below the dry season water table elevation, unless waived by the commission.
 - b) For depths greater than ten 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 which shall include a gate that shall be closed and locked at all times during which the excavation pit is not in use. Said fencing shall be completely installed prior to initiation of the excavating activity and shall remain in place, unless determined otherwise by the City engineer division, until the excavation is satisfactorily reclaimed.

- 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 the following minimum distance:
 - a) One hundred fifty feet from the right-of-way of any public street, road, or highway.
 - b) One hundred fifty feet from abutting residential or mobile home classified property.
 - c) One hundred fifty feet from any other abutting property.
 - d) One hundred fifty feet from 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 hydrogeologic report, prepared by a qualified engineer or hydrologist, of the proposed excavation-site. Such a report shall, at a minimum, provide:
 - a) A detailed description of subsurface conditions.
 - b) A groundwater contour map.
 - c) A map depicting the thickness and depths of material to be excavated.
 - d) A discussion of the environmental impacts of the proposed excavation, including but not limited to the impact of the proposed excavation upon existing area wells.
 - e) A recommendation of the necessity to install monitoring wells.
 11. The proposed location of access points to the site and proposed haul routes for disposal of excavated material. Vehicular access to and from excavations shall be designated by the council 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 such right-of-way, the applicant may be required to agree to provide the city with funds in the amount necessary to mitigate the adverse impact upon the right-of-way which is caused by the excavation operation and to ensure that said roadway is maintained in a satisfactory condition. In the case of roads maintained by the county, the applicant may be required to come to an agreement with the county about how the adverse impacts will be mitigated. In furtherance of this agreement with either the city or the county, or both, the excavator may be required by the 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 department of public works.
- d. All excavations, as applicable, shall be reclaimed in accordance with the rules of the Florida Department of Natural Resources, Division of Resource Management, found in chapters 16C-36 and 16C-39, 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 pattern, 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. Said cost shall be derived using the proposed plan of reclamation. Said bond or letter of credit shall be conditioned that the excavation and reclamation shall be in accordance with the approved plan.
- h. No person may engage in the business of being an excavator until such 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 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 department and the Florida Department of Environmental Regulation 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, as specified by chapter 74, article II, Code of Ordinances, as it may be amended from time to time, is required.
 - m. Off-site discharge is prohibited.
- (3) Any excavator shall be responsible for notifying the City of Deltona, Department of Planning and Development Services, Volusia County and the Florida Department of State, Bureau of Historical Resources when human remains and/or artifactual materials are discovered. The county reserves the right to monitor the excavation activity and to prohibit such activity if artifactual materials and/or human remains are encountered.
 - (4) All excavations shall use the most current best management practices (BMP) so as to control erosion and limit the amount of sediment reaching surface waters. The city reserves the right to monitor the excavation activity and prohibit said activity if it is determined that said activity is responsible for off-premises erosion.
- (p) Exempt landfills. No conditional use for the deposition of material is required by this chapter for the following activities provided that the activity does not violate any federal or state laws, rules, regulations or orders:
 - (1) Normal farming operations/agricultural use.
 - (2) Grading, filling and moving of earth in conjunction with commercial, industrial or subdivision construction provided a development order or permit has been obtained.
 - (3) Foundations and building pads for any building or structure, provided that a valid building permit has been issued by the building and zoning services department.
 - (4) Minor landscaping projects provided they do not encroach in floodprone areas as depicted on the flood insurance rate maps, promulgated by the Federal Emergency Management Agency, or change the natural drainage pattern of the ground surface at the property line.
 - (5) Disposal by persons of solid waste resulting from their own activities on their own, same or contiguous property, providing that said disposal is exempted under Florida Administrative Code rule 17-701.030(3).
 - (6) On-site disposal of construction and demolition debris, provided that disposal conforms to rule 17-701.061(3), Florida Administrative Code.
 - (q) Bed and breakfast homestay.
 - (1) Maximum number of guest rooms for bed and breakfast use in the home: Five.
 - (2) Owner must reside in the building.
 - (3) Separate cooking facilities are not permitted in the guest room.
 - (4) Each guest room shall have private toilet and shower facilities, except where the building is designated as historically significant by the city or the county or is listed on the National Register of Historic Places, in which cases a minimum of one bathroom shall be provided exclusively for use by the guests.
 - (5) Minimum bedroom area shall be 150 square feet.

Sec. 110-820. Airport hazards.

- (a) *Application of certain federal and state standards.* Notwithstanding any other maximum height provisions of this chapter or any PUD order and resolution adopted pursuant to this chapter, unless a variance is granted by the planning and land development regulation commission pursuant to F.S. ch. 333, and section 110-1103 of this chapter, no structure or tree shall exceed the maximum heights as set out in the Federal Obstruction Standards as contained in 14 C.F.R. sections 77.21, 77.23, 77.28 and 77.29, which are adopted by reference as part of this chapter.

~~The above described standards shall not apply to private airports in the City of Deltona. Proposed development of any aboveground structure within one nautical mile of the ASR-9 radar site, as shown on the ASR-9 Operational Area Map prepared by the County of Volusia, shall be reviewed and approved by the FAA prior to issuance of a permit. Proposed development of any structure over 100 feet within four nautical miles of the ASR-9 site shall be reviewed and approved by the FAA prior to issuance of a permit.~~

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 in any side street yard on lots of less than 2.45 acres. On lots of 2.45 acres or more, accessory uses and structures other than swimming pools and their decks may be located in the front yard and side street yard past the main building line provided they are set back a minimum of 100 feet from the front yard and the side street yard and 75 feet from any interior side lot line.
 - e. Accessory structures including pools and screened pool enclosures shall not be located in any platted easements.
 - f. Accessory buildings and structures shall not exceed the maximum height requirement for the particular district in which they are located.
 - g. [Reserved.]
 - h. [Reserved.]
 - i. [Reserved.]
 - j. Fences and walls, except those used in connection with a government use, and those required by Chapter 82, Communication Antennas and Towers of the Code of Ordinances of the City of Deltona, Florida, shall be governed by the standards found in article VIII, section 110-806.
 - k. Up to two (2) sheds, not including other types of accessory buildings and structures, shall be permitted on a residential lot that is equal to or less than 20,000 square feet, so long as the sheds do not exceed 240 square feet in the aggregate. If a shed exceeds 240 square feet in floor area, it must be constructed to follow the same design and facade presented by the principal structure, including but not limited to: structure material, exterior finish, and roofing.
 - l. Accessory buildings and structures may be permitted up to the maximum permitted lot coverage for buildings and impervious surfaces, as appropriate.

- m. Accessory sheds have a maximum height limitation of ten and one-half feet from average finished grade to ridgeline, or ten and one-half feet from finished grade to peak on the front of the structure.
- (2) Private garages and carports shall be permitted as accessory buildings in all residential districts in accordance with the standards set forth in this subsection:
- a. Private garages and carports shall be used solely by the occupants of the dwellings to which they are accessory and only for noncommercial purposes. Private garages shall not be used as accessory structures to support activity or store equipment or material of an off-site business.
 - b. Private garages and ~~Carports~~ shall be constructed of materials similar in appearance, texture, and color to those used in the construction of the principal dwelling. Carports shall not extend forward of the most forward line of the closest other part of the main building to the front lot line.
- (3) Drain fields and septic tanks shall be installed in accordance with the requirements of state law, and Section 96-27 and Chapter 110, Zoning, of the Code of Ordinances of the City of Deltona.
- (4) ~~Detached garage apartments or detached mother-in-law apartments~~ Granny flats allowed in the A, RE-5 and RE-1 zoning classification as a permitted principal use are subject to the following requirements:
- a. Can only be used as a dwelling unit by immediate family members or ~~servant~~ domestic help/caregiver quarters of the principal dwelling pursuant to the zoning district requirements;
 - b. shall be a minimum of ~~600~~ 400 square feet of living area, but shall not be greater than 35 percent of the gross floor area of the principal dwelling unit;
 - c. shall have all utility services provided by a common meter with the principal dwelling;
 - d. shall not have a separate driveway connection to the street;
 - e. ~~and~~ shall not be assigned a separate address; and
 - f. all granny flats shall be subject to a declaration of use agreement between the owner and the City stipulating, at minimum, the nature of the occupancy and granting the City the right to inspect the premises in a reasonable manner

(d) Specific prohibitions.

- (1) No accessory building shall be constructed, erected, or otherwise placed on a single-family residential zoning lot that is not occupied by a principal building, except that when the single-family residential zoning lot of the proposed accessory structure is contiguous to the zoning lot of the principal building and both lots are under single ownership. When an accessory building is permitted to be placed on one of two adjoining single-family residential zoning lots, the two lots shall be joined together by a covenant recorded in the Volusia County property records. The covenant shall provide that the two lots are joined together and shall not be separated without the consent of the city. The covenant shall be in a form approved by the city and provided by the Planning and Development Services Department. All lien holders shall be notified of the joiner. Proof of title shall be provided in a form acceptable to the city.
- (2) Accessory buildings and structures shall not be located so as to restrict access to buildings by emergency equipment, to impair work in platted easements, or to restrict access to rear yard septic tanks by maintenance or construction equipment.

- (3) No accessory building or structure in any residential district except [the A, RE-5, and RE-1, or approved as a conditional use within the R1-AAA, AA, A and R1 Single-Family classification](#) shall be permitted to be used as a dwelling, dwelling unit, or other place of residence, or for housekeeping purposes.
- (4) No driveways may connect to streets by crossing both front lot lines of through lots. Driveways connecting to the rear lot line or additional front lot lines of atypical lots are prohibited. No driveway may connect to a thoroughfare, arterial or collector street from a corner residential lot, unless all lot lines front on one of these types of streets. When all lot lines of a corner lot abut a thoroughfare, arterial or collector street, the driveway connection shall be made to the street with the lowest traffic volume whenever corner distance separation requirements of the land development code, Chapter 96, can be met. One accessory driveway may connect across a side street yard on a single family residential corner lot to a low volume (0-1000 ADT) local street if all corner distance separation requirements of the Land Development Code, Chapter 96, can be met, there are no adverse stormwater impacts, no horizontal or vertical vision clearance issues, and a right-of-way use permit is obtained authorizing the connections in accordance with all applicable codes.
- (e) Location of structures and buildings in residential areas for principal residential structures on lots which abut or include public utility easements which equal or exceed 30 feet in width.

The side and rear yard setback requirements for a principal residential structure may be reduced to provide a minimum seven and one-half feet side yard setback and minimum ten feet rear yard setback from residential lot line(s) that directly abut or include public utility easements or public drainage easements which equal or exceed 30 feet in width. This exception shall not apply to any property line, which abuts an existing or proposed street right-of-way or alley. No structure shall be placed in a public utility or drainage easement without the prior approval of the city commission.

(f) [Non-residential accessory buildings and structures](#)

- [\(1\) Review and approval of non-residential accessory uses and structures to ensure compliance with applicable provisions of the Land Development Code may be performed by the Director of Planning and Development Services or his/her designee.](#)

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

- (a) *General design requirements.* Internal site circulation shall follow a functional classification and hierarchical design criteria to assure that the movements between the public right-of-way, which is the high-speed movement facility, and the parking stall, which is the terminal facility, are conducted in an efficient and orderly form. All streams of departing traffic from the parking stalls in a parking lot shall be assembled and delivered to an internal collector facility that combines them into a few concentrated streams which will then be connected to the public right-of-way at a few properly spaced access locations.
- (b) *Functional elements of off-street circulation system.* Parking spaces, drive aisles, driveways and reservoir areas are the basic functional elements of the off-street circulation system. Additional elements, including but not limited to service roads, loading areas, bicycle parking areas, and mass transit loading (bus stop) areas within the proposed development, and left-turn lanes, right-turn lanes, traffic signals and marginal-access roads immediately adjacent to the proposed development, may also be required.

- (1) Parking stalls and aisles.

a. The minimum size (in feet) of a parking space shall be as follows:

Nine' × 19' standard space

10' × 22' parallel space

12' × 20' with a five-foot wide adjacent ingress/egress aisle handicap space

Parking and maneuvering areas shall be designed in accordance with the diagram and table contained in section 70-60 of this Code.

A maximum of two feet of the length of any parking space may be grassed with use of appropriate curb stops.

- b. All required parking stalls shall have direct and unobstructed access from a parking aisle.
 - c. No parking stall shall directly abut a driveway.
 - d. No parking aisle or system of parking aisles in a parking lot shall connect more than 60 parking stalls.
 - e. Access for emergency fire vehicles shall be in accordance with NFPA standards.
 - f. All off-street parking areas shall be so arranged and marked as to provide for orderly safe loading, unloading, parking and storage of vehicles with individual parking stalls clearly defined, and with directional arrows and traffic signs provided as necessary for traffic control. All signs and pavement markings shall be in accordance with the "USDOT Manual on Uniform Traffic Control Devices."
 - g. Acceptable plans must illustrate that proper consideration has been given to the surrounding street plan, traffic volumes, proposed street improvements, vehicular street capacities, pedestrian movements and safety.
- (2) Driveways.
- a. All parking aisles shall connect to a driveway.
 - b. A parking lot which exceeds 60 parking stalls shall be designed with at least one two-way directional driveway loop system connecting the point of entry of the parking lot to the parking stalls and the principal building.
 - c. The minimum distance from a driveway to a structure or property line shall be five feet.
 - d. Single-lane driveways shall be a minimum of 14 feet wide. Two-lane driveways shall be a minimum of 24 feet wide. Required widths shall be increased according to vehicle type or if the number of parking stalls connected or the number of trips generated justifies such increase.
 - e. Any off-street parking facility shall have either driveway approaches of sufficient width to allow for two-way traffic, or one-way driveways connected to aisles, parking areas or maneuvering areas in such a manner as to permit traffic to simultaneously enter and leave the property, facing forward at the same time. A driveway which is only wide enough for one-way traffic shall be signed for one-way operation.
- (3) Circulation design. A parking lot abutting a thoroughfare shall be designed for full circulation. A parking lot abutting a non-thoroughfare may be designed for partial circulation.
- (4) Parking and loading areas to be curbed. Except for one- and two-family dwellings, all parking and loading areas shall be constructed with a six-inch raised curb or bumper blocks located a minimum distance of seven feet behind the street right-of-way line and other property lines along sidewalks, safety islands, driveways, sight distance triangles, and other places as determined by the city traffic engineer or city traffic engineer consultant. The raised curb shall

be constructed in such a manner as to prevent vehicles from crossing sidewalks or other pedestrian walkways, other than by means of an approved driveway approach.

(c) *Additional functional elements.*

(1) Off-street loading spaces.

- a. Off-street loading spaces shall be designed to accommodate both the parking of and maneuvering of the design vehicle exclusive of those areas designated for aisles, driveways or parking stalls. Backing from or onto public right-of-way shall not be permitted. Off-street loading spaces shall be directly accessible from a street without crossing or entering any other loading space and may not extend into any street.
- b. Off-street loading space dimensional requirements. Each required off-street loading space shall have a minimum dimension of 12 feet by 40 feet and a minimum overhead clearance of 14 feet above the paving grade.

(2) Handicapped parking spaces.

- a. All handicapped parking spaces shall be accessible by a curb cut or curb ramp. Handicapped spaces shall be located at the closest practical point to the use or structure on the premises and so that it will not be necessary for individuals to access the space from behind other non-handicapped spaces.
- b. Each handicapped parking space, regardless of the angle of design, shall have a minimum width of 12 feet and shall comply with the standards specified in the Accessibility Requirements Manual, latest edition, published by the Florida Department of Community Affairs.
- c. Each handicapped space shall be prominently posted with a permanent sign of a design specified in "Roadway and Traffic Design Standards," latest edition, published by the Florida Department of Transportation.

(d) *Vehicular reservoir areas.* Adequate reservoir capacity shall be required for both inbound and outbound vehicles to facilitate the safe and efficient movement between the public right-of-way and the development. An inbound reservoir shall be of sufficient size to ensure that vehicles will not obstruct the adjacent roadway, the sidewalk, and the circulation within the facility. An outbound reservoir shall be required to eliminate backup and delay of vehicles within the development.

- (1) Design. A reservoir area shall be designed to include a space of 12 feet wide by 25 feet long for each vehicle to be accommodated within the reservoir area and so that vehicles within the reservoir area do not block parking stalls, parking aisles or driveways of off-street parking facilities.
- (2) Adjacent to thoroughfare. The minimum number of vehicles required to be accommodated within a reservoir area of a parking lot adjacent to a thoroughfare shall be in conformance with table 110-13.
- (3) Adjacent to non-thoroughfare street. The minimum number of vehicles required to be accommodated within a reservoir area adjacent to a non-thoroughfare shall accommodate at least one percent of the number of parking stalls served by the driveway. For parking lots with fewer than ten cars, the reservoir area shall be able to accommodate at least one car.

Table 110-13. Vehicle Reservoir Area Requirements
Adjacent to Thoroughfare

		Reservoir Area	
Type of Facility		Inbound Vehicles	Outbound Vehicles
<i>Vehicle-oriented services:</i>			
	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
<i>Residential:</i>			
	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
<i>Nonresidential:</i>			
	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)

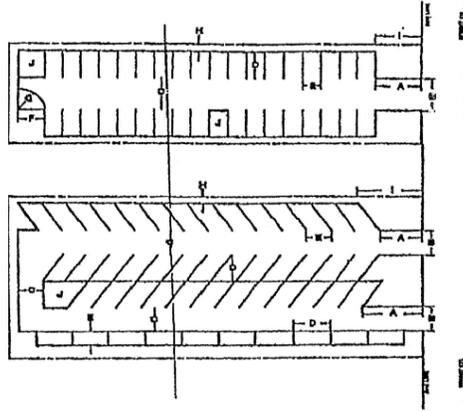
The width of a curb opening shall not exceed the driveway width by more than five feet on each side.

- 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 Sight distance.~~

~~(1) Cross-visibility requirements at the intersection of driveways and public right of way. If a driveway intersects a public right of way, there shall be no sight obstruction within a triangular area of property on both sides of a driveway formed by the intersection of each side of the driveway and the public right of way line with two sides of each triangle being ten feet in length~~

~~from the point of intersection and the third side being a line connecting the ends of the two other sides.~~

~~(2) Cross visibility requirements at pedestrian crosswalks and other areas of pedestrian concentration. If a crosswalk intersects a vehicular access aisle, driveway or public right of way, there shall be no sight obstruction within a triangular area of property on both sides of a crosswalk or walkway formed by the intersection of each side of the walkway and the public right of way or aisle with two sides of each triangle being ten feet in length from the point of intersection and the third side being a line connecting the ends of the two sides.~~

~~(3) Sight triangles.~~

~~a. Within the triangular areas described above, it shall not be permissible to install, set out or maintain, or to allow the installation, setting out or maintenance of, either temporarily or permanently, any vehicular parking space, sign, wall, hedge, shrubbery, tree, earth mound, natural growth or other obstruction of any kind which obstructs cross visibility at a level between 30 inches and ten feet above the level of the center of the adjacent intersection.~~

~~Any wall or fence within the sight triangle must be constructed in such a manner as to provide adequate cross visibility over or through the structure between 30 inches and ten feet in height above the driving surface.~~

~~b. The following will be permitted within the triangular area described above:~~

~~1. Limbs of trees and foliage trimmed in such a manner that no limbs or foliage extend into the area between 30 inches and ten feet above the level of the center of the adjacent intersection. Landscaping, except required grass or ground cover, shall not be located closer than five feet from the edge of any roadway pavement, and three feet from the edge of any alley or driveway pavement.~~

~~2. Fire hydrants and street signs.~~

~~3. If there is no public right of way, the sight distance requirement shall be determined by the DRC.~~

(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.

Section 110-832 Sidewalk Cafés

(a) Purpose and Intent. Within non-residentially zoned areas and added as part of an existing or proposed restaurants, an establishment may provide a designated space that includes sidewalk café seating areas consistent with the provisions of this subsection. Any such area shall have direct access to the building containing the restaurant or to a sidewalk network and be placed in a visible location that is convenient for use by the general public.

- (1) Sidewalk cafés shall only be allowed following approval of a site plan by the Director of Development Services.
- (2) The sidewalk café site plan shall meet all relevant provisions of the Land Development Code.
- (3) The sidewalk café shall meet all minimum requirements of the Fire Code.
- (4) The Fire Marshal or designee may cause the immediate removal, relocation, redesign, and/or storage of all or part of a sidewalk café in emergency situations or for public safety considerations at the expense of the business owner.
- (5) The Fire Marshal or designee may require the temporary removal and/or relocation of all or part of a sidewalk café when street, sidewalk, or utility repairs, or other public construction, necessitates such action.
- (6) The owner of a sidewalk café shall maintain a current business tax license issued by the City of Deltona, Finance Department (refer to City of Deltona, Code of Ordinance, Chapter 22-Businesses).
- (7) The clear width of adjacent sidewalks shall be a minimum of 36 inches to provide for adequate pedestrian access , and such sidewalk shall not bisect and shall be located outside the sidewalk café sitting area. Consistent with Section 403.5.1 of the Florida Building Code, as may be amended, such width may be reduced to a minimum of 32 inches for a length of 24 inches maximum, provided that reduced width segments are separated by segments that are a minimum of 48 inches long and a minimum of 36 inches wide.

(b) *Indemnification and insurance.*

- (1) Sidewalk cafés which serve alcoholic beverages shall carry liquor liability insurance at its own expense and liability.
- (2) Workers' compensation and employers' liability as required by the state.

Sec. 110-832~~3~~ – Sec. 110-834. Reserved

PHASE II-A 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.

April 11, 2013

CHAPTER 70. GENERAL PROVISIONS

Sec. 70-30. Definitions

~~**Apartment, garage:** an accessory building containing a storage area for one or more motor vehicles and one single family dwelling occupying not more than 800 square feet of living area (Exhibit A page 5)~~

Arcade: a commercial establishment with the principal activity featuring pay-to-play games. (Exhibit A page 5)

Density, Gross: absolute density of all land comprising the development tract. (Exhibit A page 16)

Density, Net: number of dwelling unit per acre excluding dedicated land. (Exhibit A page 16)

Exempt Excavation: an excavation that does not require a conditional use permit (refer to Sec. 110-817(o)) (Exhibit A page 23)

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. (Exhibit A page 28)

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) (Exhibit A page 28)

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. (Exhibit A page 32)

Replacement value: cost/value to replace the existing building/structure with a similar type of construction. (Exhibit A page 53)

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. (Exhibit A page 55)

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. (Exhibit A page 55)

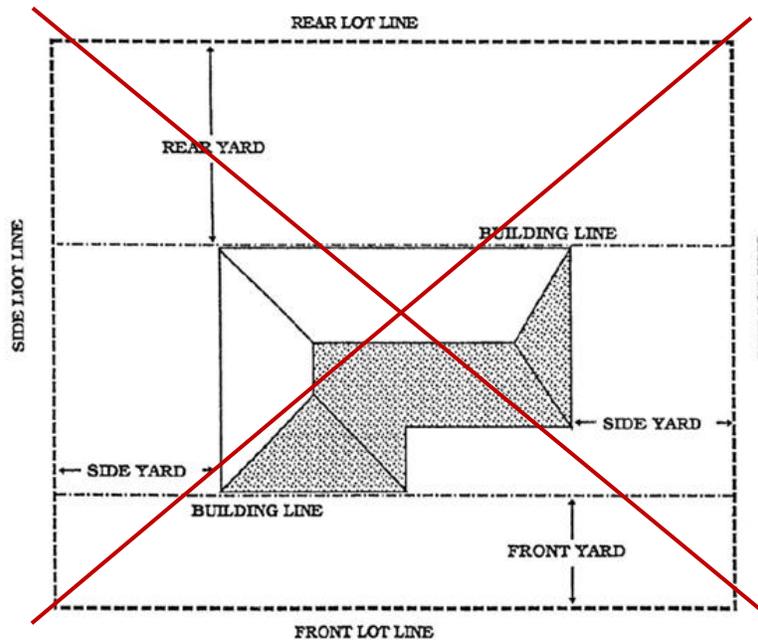
Stock in trade: all merchandise and equipment kept on-site and used in carrying on a business. (Exhibit A page 59)

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. (Exhibit A page 61)

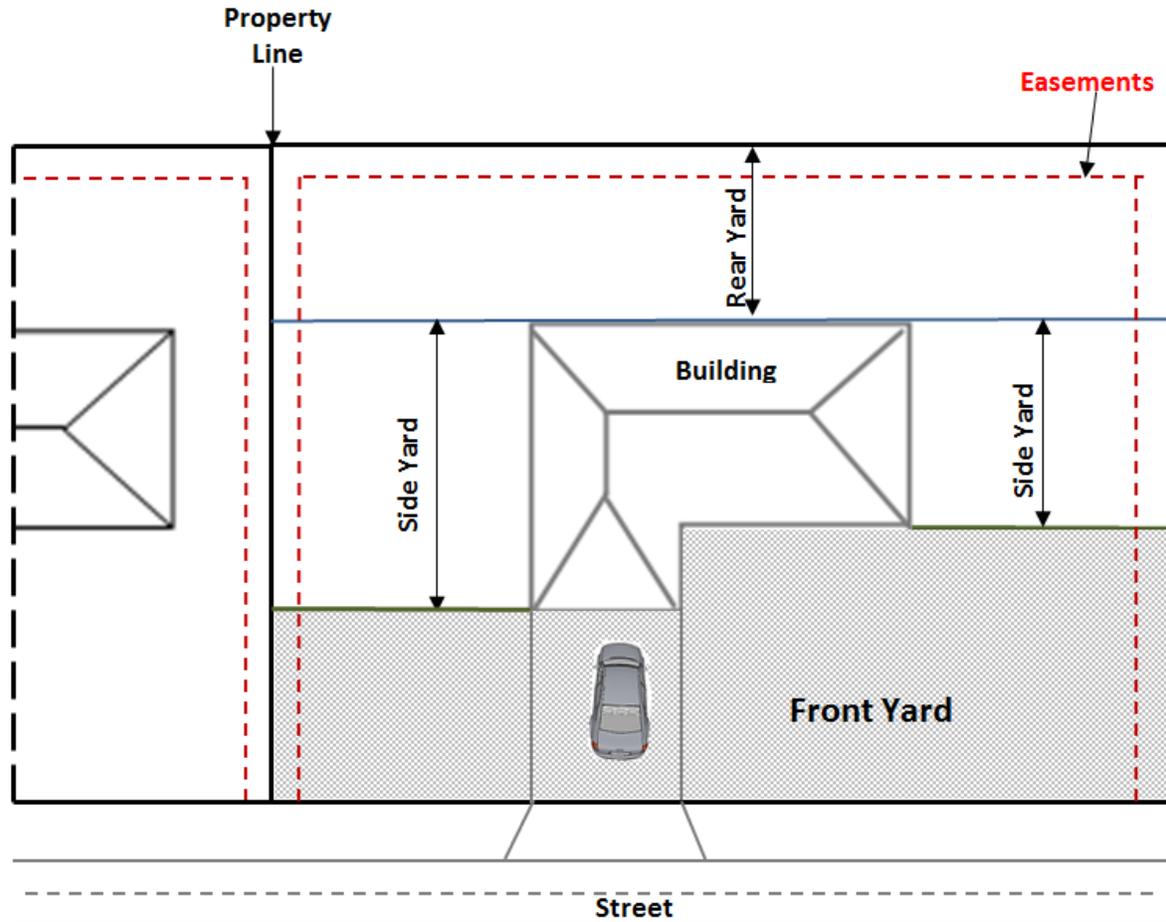
Vehicle: a device or structure that is designed to transport persons or things (i.e. car, truck, etc.) (Exhibit A page 62)

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. (Exhibit A page 64)

DEFINITION OF YARD



DEFINITION OF YARD



CHAPTER 74. ADMINISTRATION

Sec. 74-26. Final site plan review.

- (a) *Approval required.* Unless otherwise stated in this chapter, granting of a final site plan development order (FSP) is required prior to the issuance of any development permit allowing the commencement of site construction of any development in the City.
- (b) *Exempt development.* The following activities shall not require compliance with this article, but may be subject to other articles:
 - (1) Implementation, by a governmental entity, of a water management plan approved by the city commission, as such plan relates to an approved development of regional impact (DRI) (not a conceptual DRI).
 - (2) Construction of a single-family home and customary accessory structures on an existing single-family classified lot.
 - (3) Construction of a single duplex and customary accessory uses on an existing duplex classified lot.

- (4) The installation of those improvements which are required to develop a subdivision and for which development permits have been issued pursuant to chapter 106.
- (5) Agricultural production practices, which include fencing, drainage, irrigation and other agricultural uses and structures, including portable structures which do not conflict with existing city ordinances.

(6) Public building under 10,000 sq. ft. (Exhibit A page 67)

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

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

Sec. 74-27(c)(2)oo. Other relevant items as may be required by the Planning and Development Services Director, Development Review Committee and other decision making bodies. (Exhibit A page 70)

CHAPTER 96. IMPROVEMENTS

Sec. 96-26(a)(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 "~~City of Deltona~~ 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. (Exhibit A page 71)

Sec. 96-26(a)(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 a decision on a variance application~~ 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 ~~of 115 kv or greater capacity~~ shall not be required. (Exhibit A page 71)

Sec. 96-30(a)(3)a. Every lot shall abut on a public street which has a minimum right-of-way of at least 50 feet, except as may be provided under section 96-28(e)(1)a. (Exhibit A page 73)

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 +	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

CHAPTER 110. ZONING

Sec. 110-303. P, Public Use classification.

(c) *Dimensional requirements.* (Exhibit A page 75)

(1) *Minimum lot size:*

Area: ~~Five acres.~~ One acre

Width: No minimum.

Maximum building height: 45 feet.

Maximum lot coverage: None.

Sec. 110-304. A, Agriculture Classification (Exhibit A pages 75 & 76)

(b) *Permitted principal uses and structures.* In the A Agriculture classification, no premises shall be used except for the following uses and their customary accessory uses or structures.

Except for those permitted special exceptions listed hereunder, all agricultural pursuits, including the processing, packaging, storage and sale of agriculture products which are raised on the premises.

Animal hospitals and veterinary clinics, minimum lot size five acres.

Animal husbandry

Apiaries.

Aviaries.

Communication towers up to 70 feet high, in accordance with, Chapter 82, Code of Ordinances, as it may be amended from time to time, except that licensed amateur radio operators' towers as an accessory use to a residential or agricultural use may be permitted up to 199 feet high.

Contractors storage including equipment in completely enclosed buildings, minimum lot size ten acres.

Essential utility services.

Exempt excavations (refer to section 110-817(o)).

Exempt landfills (refer to section 110-817(p)).

Fire stations.

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

Hobby breeder.

Home occupations (refer to section 110-807).

Parks and recreation areas accessory to residential developments.

Pisciculture.

Public schools.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of the Land Development Code Chapter 98, article V, Code of Ordinances.

Single-family standard or manufactured dwelling.

Riding stables (minimum parcel size requirement of five acres)

Tailwater recovery systems

(e) Dimensional requirements. (Exhibit A page 77)

~~(1) Minimum lot size:~~

~~Area: One acre, except animal hospitals, veterinary clinics and enclosed contractors' storage facilities.~~

~~Animal hospitals and veterinary clinics: five acres.~~

~~Contractors' enclosed storage facilities: ten acres.~~

~~Width: 150 feet.~~

~~(2) Minimum yard size:~~

~~Front yard: 40 feet~~

~~Rear yard: 40 feet~~

~~Side yard:~~

~~Abutting any lot: 25 feet~~

~~Abutting any street: 40 feet~~

~~Waterfront yard: 40 feet~~

~~Animal hospitals, veterinary clinics, and contractors' enclosed storage facilities from lot lines abutting residential zones or residential uses on lots of less than two and one-half acres: 200 feet.~~

~~(3) Maximum building height: 55 feet.~~

~~(4) Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed 35 percent.~~

~~(5) Minimum floor area: 1,500 square feet.~~

<u>A - Agriculture</u>	
<u>Minimum lot size</u>	-
<u>Area (acre)</u>	<u>1</u>
<u>Exceptions:</u>	-
<u>Animal hospital and veterinary clinics(acres)</u>	<u>5</u>
<u>Contractors' enclosed storage facilities(acres)</u>	<u>10</u>
<u>width (ft.)</u>	<u>150</u>
<u>Minimum yard size</u>	-
<u>Front yard (ft.)</u>	<u>40</u>
<u>Rear yard (ft.)</u>	<u>40</u>
<u>Side yard (ft.):⁽¹⁾</u>	-
<u>Abutting any lot</u>	<u>25</u>
<u>Abutting any street</u>	<u>40</u>
<u>Waterfront yard</u>	<u>40</u>
<u>Maximum building height (ft.)</u>	<u>55</u>
<u>Maximum lot coverage (%) (with principal and accessory buildings)</u>	<u>35</u>
<u>Minimum floor area (sq. ft.)</u>	<u>1,500</u> <u>1,400</u>
⁽¹⁾ <u>Animal hospitals, veterinary clinics, and contractors' enclosed storage facilities from lot lines abutting residential zones or residential uses on lots of less than two and one-half acres: 200 feet</u>	

Sec. 110-305. RE-5, Residential Estate Five classification.

(b) *Permitted principal uses and structures.* In the RE-5 Residential Estate Five classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Communication towers up to 70 feet high, in accordance Chapter 82, Code of Ordinances, as it may be amended from time to time, except that licensed amateur radio operators' towers as an accessory use to a residential or agricultural use may be permitted up to 199 feet high.

Fire stations.

Golf courses with or without club houses and related accessory facilities.

[Granny Flats \(refer to section 110-827\(c\)\(4\)\)](#) (Exhibit A page 79)

Home occupations (refer to section 110-807).

Publicly owned parks, trails, and recreational areas, and those privately owned and maintained by homeowners associations.

Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of Chapter 98, Article V, Code of Ordinances, City of Deltona.

Keeping of horses as accessory uses to permitted single family dwellings on lots of two acres or more of net land area.

Single-family ~~standard~~ [dwelling](#) or DCA-approved manufactured dwelling.

Equestrian facilities, trails, and tracks accessory to residential developments, and equestrian accessory uses and structures that are customarily accessory to large lot single family subdivision development. Equestrian uses and structures that are customarily accessory to five-acre lot single family dwellings.

(c) *Conditional uses.* Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Communication towers over 70 feet high, other than the permitted accessory licensed amateur radio towers, in accordance with Chapter 82, Code of Ordinances, City of Deltona, as it may be amended from time to time.

Group home facility (refer to section 110-817(l))

Houses of worship (refer to section 110-817(d)).

Nursing home and nursing home facility (refer to section 110-817(l))

~~Patio homes on individual lots, single family attached villas, and townhomes when adjacent to golf courses, open spaces, or protected conservation areas of 50 acres or more, or adjacent to collector or arterial roads. Such units are permitted only for the purpose of establishing density credits for open space and recreational areas (such as golf courses and parks) and to use density credits for the establishment of conservation easements. They must be buffered from large lot single family development by a combination of open space and vegetative screening of at least 100 feet depth. (Exhibit A page 79)~~

Off-street parking areas (refer to section 110-817(n)).

Public markets.

Public uses not listed as a permitted principal use.

Publicly or privately owned municipal or public water supply wells of eight inches in diameter or greater.

Public utility uses and structures (refer to section 110-817(a)).

Recreational areas (refer to section 110-817(c)).

Schools, public, parochial or private (refer to section 110-817(d)).

(e) Dimensional requirements. (Exhibit A page 80)

~~(1) Minimum lot size: The intent of these minimum standards is to promote clustered, compatible and innovative residential development, and to prevent the destruction of valuable resources associated with extensive large lot subdivisions. These standards do not permit development in excess of the maximum density limits established in this section and in the adopted comprehensive plan.~~

~~a. Area:—~~

~~1. Single family detached development, except patio homes: One acre in clustered development when development is serviced by an onsite sewage disposal system. Minimum lot size may be reduced to 10,000 square feet in clustered development when community or public water and wastewater systems are provided, excluding community septic tanks. Clustered development shall not exceed the density standards established herein.~~

~~2. Single family patio home lots: 7,500 square feet.~~

~~3. Single family attached townhome or villa lots: 1,600 sq. ft., lots required to be individually platted.~~

~~4. Townhome, patio home, or villa development site: One acre per unit if on-site sewage disposal systems are used, 20,000 sq. ft. if community or public water and sewer service are available, but not including community septic tanks.~~

~~b. Width:—~~

~~1. Single family detached development: 150 feet.~~

~~2. Townhome and villa lots: 20 feet interior lot, 26 feet end lot, 38 feet corner lot.~~

~~3. Patio Home lots: 75 feet interior lots, 85 feet corner lots.~~

~~c. Depth: Townhome and villa lots shall have a minimum depth of 90 feet.~~~~(2) Minimum yard size:~~

~~Front yard: 45 feet large lot (one acre or more) single family detached, 25 feet townhomes, villas, patio homes, and small lot single family detached.~~

~~Rear yard: 45 feet large lot (one acre or more) single family detached; 35 feet small lot single family detached; 25 feet townhomes, villas, patio homes~~

~~Side yard abutting any lot: 25 feet.~~

~~Side yard abutting any street: 45 feet.~~

~~Waterfront or golf course yard: 45 feet.~~

~~Yard abutting equestrian facilities or golf course: 45 feet.~~

~~Yard between interior townhome, patio home, villa dwelling units: 0 feet.~~

~~Interior open air courtyard, atrium, or patio shall be provided for patio homes.~~

~~Buffer yard between the periphery of townhome, patio home, and villa sites and single family development sites: 150 feet, 100 percent opaque landscaping using trees, shrubs, and groundcover permitted in the Landscaping provisions of this chapter.~~

~~(3) Maximum building height: 35 feet.~~

- ~~(4) Maximum lot coverage: The total lot area covered by principal and accessory buildings shall not exceed 35 percent.~~
- ~~(5) Minimum floor area: 2,000 square feet single family detached; 1,600 square feet townhomes, villas, patio homes.~~
- ~~(6) Townhome, villa building development standards:~~
- ~~a. Minimum of two dwelling units in a building, maximum of eight dwelling units in a building.~~
- ~~b. Minimum distance between buildings: 30 feet.~~
- ~~c. The exterior facades of all townhouse units shall be varied in material and design so that no more than two abutting units will have the same architectural appearance and front yard setback and depth. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit, and no setback distance shall be less than the required minimum.~~

(Exhibit A page 82)

<u>RE-5, Residential Estate Five</u>	<u>Single Family Detached Development</u>
<u>Minimum lot size</u>	-
<u>Area</u>	<u>5 acres⁽¹⁾ (net)</u>
<u>Area</u>	<u>1 acre⁽²⁾ (cluster)</u>
<u>Lot area if on-site sewage disposal systems are used (acre)</u>	- - - -
<u>Lot area if community or public water and sewer service are available, but not including community septic tanks (sq. ft.)</u>	- - - -
<u>Width (ft.)</u>	<u>150</u>
<u>Minimum yard size</u>	-
<u>Front yard(ft.)</u>	-
<u>Large lot (one acre or more)</u>	<u>45</u>
<u>Small lot</u>	<u>25</u>
<u>Rear yard (ft.)</u>	-
<u>Large lot (one acre or more)</u>	<u>45</u>
<u>Small lot</u>	<u>35</u>
<u>Side yard (ft.)</u>	-
<u>Abutting any lot</u>	<u>25</u>
<u>Abutting any street</u>	<u>45</u>
<u>Waterfront or golf course yard</u>	<u>45</u>
<u>Abutting equestrian facilities or golf course</u>	<u>45</u>
<u>Yard between interior</u>	- - - -
<u>Buffer yard between the periphery</u>	<u>150</u>
<u>Maximum building height (ft.)</u>	<u>35</u>
<u>Maximum lot coverage (with principal and accessory buildings)(%)</u>	<u>35</u>

Minimum floor area (sq. ft.)	2,000 1,400
⁽¹⁾ Refer to Section 110-305(d).	-
⁽²⁾ In clustered development when development is serviced by an onsite sewage disposal system. Minimum lot size may be reduced to 10,000 square feet in clustered development when community or public water and wastewater systems are provided, excluding community septic tanks. Clustered development shall not exceed the density standards established herein.	

Sec. 110-306. RE-1 Residential Estate One classification.

(b) *Permitted principal uses and structures.* In the RE-1, Residential Estate One classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Communication towers up to 70 feet high, in accordance with Chapter 82, Code of Ordinances, as it may be amended from time to time, except that licensed amateur radio operators' towers as an accessory use to a residential or agricultural use may be permitted up to 199 feet high.

Fire stations.

[Granny Flats \(refer to section 110-827\(c\)\(4\)\).](#) *(Exhibit A page 83)*

Home occupations (refer to section 110-807).

Public and private parks and recreation areas.

Public schools.

Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of Chapter 98, article V, Code of Ordinances of the City of Deltona.

Keeping of horses as accessory uses to permitted single family dwellings on lots of two acres or more of net land area.

Equestrian trails, and commonly-owned equestrian facilities within subdivisions that have approved subdivision plans including equestrian land uses.

Single-family ~~standard~~ [dwelling](#) or Florida DCA-approved manufactured dwellings.

(c) *Conditional uses.* Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Bed and breakfast homestay (refer to section 110-817(s)).

Communication towers over 70 feet high, in accordance with Chapter 82, Code of Ordinances of the City of Deltona, as it may be amended from time to time.

Day care center (refer to section 110-817(f)).

Group home facility (refer to section 110-817(l))

Houses of worship.

Nursing home and nursing home facility (refer to section 110-817(l))

~~Patio homes, single family attached villas, and townhomes when adjacent to golf courses, open spaces, or protected conservation areas of 100 acres or more, or adjacent to collector or arterial roads. Such units are permitted only for the purpose of establishing and using density credits for open space and recreational areas (such as golf courses and parks) and to take advantage of density credits for the establishment of conservation easements and conservation lands donated to government ownership. They must be buffered from large lot single family development by a combination of open space and vegetative screening of at least 100 feet depth. (Exhibit A page 83)~~

Public markets.

Public uses not listed as a permitted principal use.

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

Public utility uses and structures (refer to section 110-817(a)).

Recreational areas (refer to section 110-817(c)).

Schools, parochial and private (refer to section 110-817(d)).

(e) Dimensional requirements. (Exhibit A page 84)

~~(1) Minimum lot size: The intent of these minimum standards is to promote clustered, compatible and innovative residential development, and to prevent the destruction of valuable resources associated with extensive large lot subdivisions. These standards do not permit development in excess of the maximum density limits established in this section and in the adopted comprehensive plan.~~

~~a. Area:—~~

- ~~1. Single family detached development: One acre in clustered development when development is serviced by an onsite sewage disposal system. Minimum lot size may be reduced to 10,000 square feet in clustered development when community or public water and wastewater systems are provided, excluding community septic tanks. Clustered development shall not exceed the density standards established herein.~~
- ~~2. Single family patio home lots: 7,500 square feet.~~
- ~~3. Single family attached townhome or villa lots: 1,600 sq. ft., lots required to be individually platted.~~
- ~~4. Townhome, patio home, or villa development site: One acre per unit if on-site sewage disposal systems are used, 20,000 sq. ft. if community or public water and sewer service are available, but not including community septic tanks.~~

~~b. Width:—~~

- ~~1. Single family detached development: 100 feet.~~
- ~~2. Townhome and villa lots: 20 feet interior lot, 26 feet end lot, 38 feet corner lot.~~
- ~~3. Patio home lots: 75 feet interior lots, 85 feet corner lots.~~

~~c. Depth: Townhome and villa lots shall have a minimum depth of 90 feet.~~

~~(2) Minimum yard size:~~

~~Front yard: 40 feet large lot (one acre to half acre) single family detached, 25 feet townhomes, villas, patio homes, and small lot single family detached.~~

~~Rear yard: 40 feet large lot (one acre to half acre) single family detached; 35 feet small lot single family detached; 25 feet townhomes, villas, patio homes~~

~~Side yard abutting any lot: 15 feet.~~

~~Side yard abutting any street: 40 feet.~~

~~Waterfront or golf course yard: 40 feet.~~

~~Yard abutting equestrian facilities or golf course: 40 feet.~~

~~Yard between interior townhome, patio home, villa dwelling units: 0 feet.~~

~~Interior open air courtyard, atrium, or patio shall be provided for patio homes.~~

~~Buffer yard between the periphery of townhome, patio home, and villa sites and single family development sites: 150 feet, 100 percent opaque landscaping using trees, shrubs, and groundcover permitted in the landscaping provisions of this chapter.~~

~~(3) Maximum building height: 35 feet.~~

~~(4) Maximum lot coverage: The total lot area covered by principal and accessory buildings shall not exceed 35 percent.~~

~~(5) Minimum floor area: 2,000 square feet single family detached; 1,600 square feet townhomes, villas, patio homes.~~

~~(6) Townhome, villa building development standards:~~

~~a. Minimum of two dwelling units in a building, maximum of eight dwelling units in a building.~~

~~b. Minimum distance between buildings: 30 feet.~~

~~c. The exterior facades of all townhouse units shall be varied in material and design so that no more than two abutting units will have the same architectural appearance and front yard setback and depth. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit, and no setback distance shall be less than the required minimum.~~

~~(7) Maximum building height: 35 feet.~~

~~(8) Maximum lot coverage: The total area covered by principal and accessory buildings shall not exceed 30 percent.~~

~~(9) Minimum floor area: 1,700 square feet.~~

(Exhibit A page 85)

<u>RE-1, Residential Estate</u> <u>One</u>	<u>Single Family Detached Development</u>
<u>Minimum lot size</u>	-
<u>Area</u>	<u>1 acre⁽¹⁾</u>
<u>Width (ft.)</u>	<u>100</u>
<u>Minimum yard size</u>	-

<u>Front yard(ft.)</u>	
<u>Large lot (one acre or more)</u>	<u>40</u>
<u>Small lot</u>	<u>25</u>
<u>Rear yard (ft.)</u>	-
<u>Large lot (one acre or more)</u>	<u>40</u>
<u>Small lot</u>	<u>35</u>
<u>Side yard (ft.)</u>	
<u>Abutting any lot</u>	<u>15</u>
<u>Abutting any street</u>	<u>40</u>
<u>Waterfront or golf course yard</u>	<u>40</u>
<u>Abutting equestrian facilities or golf course</u>	<u>40</u>
<u>Yard between interior</u>	<u>---</u>
<u>Buffer yard between the periphery ⁽²⁾</u>	<u>150</u>
<u>Maximum building height (ft.)</u>	<u>35</u>
<u>Maximum lot coverage (with principal and accessory buildings)(%)</u>	<u>35</u>
<u>Minimum floor area (sq. ft.)</u>	2,000 1,400
<p>⁽¹⁾<u>In clustered development when development is serviced by an onsite sewage disposal system. Minimum lot size may be reduced to 10,000 square feet in clustered development when community or public water and wastewater systems are provided, excluding community septic tanks. Clustered development shall not exceed the density standards established herein.</u></p> <p>⁽²⁾ <u>100 percent opaque landscaping using trees, shrubs, and groundcover permitted in the Landscaping provisions of this chapter.</u></p>	

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

Sec. 110-307(c) Conditional uses and structures. (Exhibit A page 86)

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)). (Exhibit A page 87)

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. 110-307(e) Dimensional requirements. (Exhibit A page 88)

~~1. Minimum lot area:~~

- ~~a. R 1AAA: 20,000 square feet.~~
- ~~b. R 1AA: 12,000 square feet.~~
- ~~c. R 1A: 9,500 square feet.~~
- ~~d. R 1: 7,400 square feet, except Arbor Ridge Subdivision.~~
- ~~e. R 1: 5,000 square feet in Arbor Ridge Subdivision.~~

~~2. Minimum lot width:~~

- ~~a. R 1AAA: 100 feet at the front yard setback line.~~
- ~~b. R 1AA: 90 feet at the front yard setback line.~~
- ~~c. R 1A: 80 feet at the front yard setback line.~~
- ~~d. R 1: 75 feet at the front yard setback line, except Arbor Ridge Subdivision.~~
- ~~e. R 1: 45 feet at the front yard setback line in Arbor Ridge Subdivision.~~

~~3. Minimum yard size:~~

- ~~1. Front yard: Minimum 25 Feet, 30 feet abutting an arterial or collector street~~
- ~~2. Side yard: Minimum six feet~~
- ~~3. Side street yard: Same as front yard~~
- ~~4. Rear yard: Ten feet or ten percent of the lot depth, whichever is greater.~~
- ~~5. Waterfront: 25 feet from the rear property line or the ordinary high water mark, whichever is most restrictive (110-818).~~

~~(f) Maximum building height: 35 feet.~~

~~(g) Maximum lot coverage: The maximum area of the lot permitted to be covered by principal and accessory buildings shall not exceed 35 percent.~~

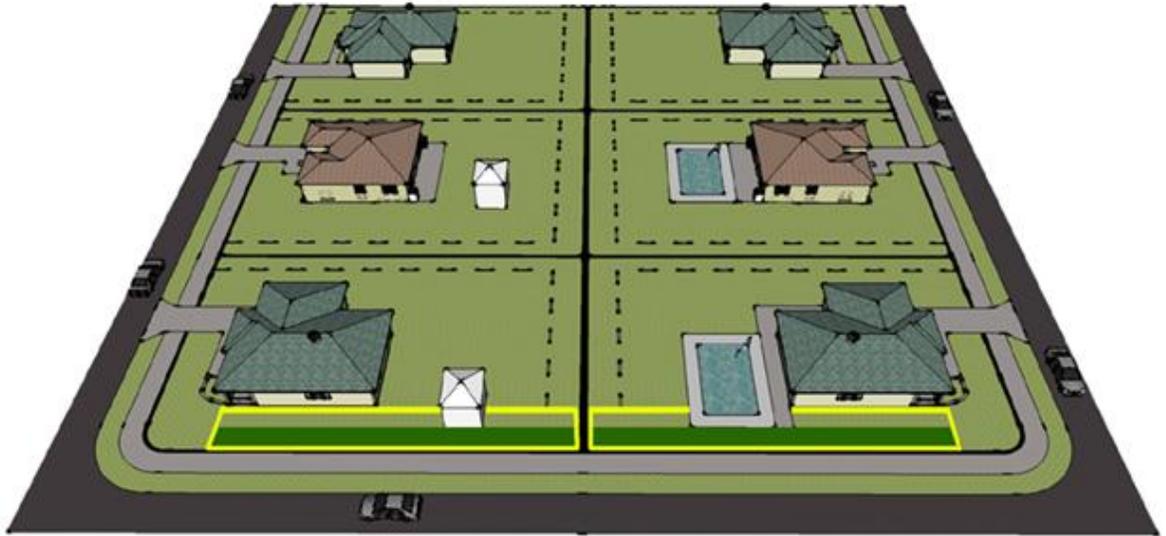
~~(h) Minimum floor area.—~~

- ~~1. R 1AAA: 1,700 sq. ft.~~
- ~~2. R 1AA: 1,500 sq. ft.~~
- ~~3. R 1A: 1,400 sq. ft.~~
- ~~4. R 1: 1,200 sq. ft.~~

<u>R1-AAA, AA, A, and R1 Single-Family</u>	<u>R1-AAA</u>	<u>R1-AA</u>	<u>R1-A</u>	<u>R1</u>	<u>R1 (Arbor Ridge Subdivision)</u>
<u>Minimum lot size</u>	-	-	-	-	-
<u>Area (sq. ft.)</u>	<u>20,000</u>	<u>12,000</u>	<u>9,500</u>	<u>7,400</u>	<u>5,000</u>
<u>Width (ft.)</u>	<u>100</u>	<u>90</u>	<u>80</u>	<u>75</u>	<u>45</u>
<u>Minimum yard size</u>	-	-	-	-	-
<u>Front yard(ft.)</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Front yard abutting an arterial or collector street (ft)</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Rear yard (ft.)</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Side yard (ft.)</u>	<u>6</u>	<u>6</u>	<u>6</u>	<u>6</u>	<u>6</u>
<u>Side street yard (ft.)</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Waterfront (ft.)⁽¹⁾</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Maximum building height (ft.)</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>
<u>Maximum lot coverage (with principal and accessory buildings)(%)</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>
<u>Minimum floor area (sq. ft.)</u>	<u>1,700</u>	<u>1,400</u>	<u>1,400</u>	<u>1,200</u>	<u>1,200</u>
<u>Accessory Structures Minimum Setbacks (ft.)</u>	-	-	-	-	-
<u>Front yard (ft.)⁽²⁾</u>	<u>Not permitted</u>				
<u>Rear yard (ft.)</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Interior side yard (ft.)</u>	<u>6</u>	<u>6</u>	<u>6</u>	<u>6</u>	<u>6</u>
<u>Side street yard back-to-back existing SFR structures (ft.)⁽²⁾</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>
<u>Side street yard with existing house adjacent to a vacant lot⁽²⁾</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Side street yard adjacent to the existing front yard of a developed lot⁽²⁾</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Side street yard abutting an arterial or collector street⁽²⁾</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
⁽¹⁾ 25 feet from the rear property line or the ordinary high water mark, whichever is most restrictive (110-818).					
⁽²⁾ Accessory buildings and structures, other than lawn ornaments and fences built in accordance with this chapter, shall not be located in the front yard forward of the edge of the principal dwelling, or in any side street yard 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.)					

(Exhibit A page 90)

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

(Exhibit A page 91)



Sec. 110-308. R1-B Single-Family Residential Classification.

Sec. 110-308(e) Dimensional requirements. (Exhibit A page 92)

~~(1) Minimum lot size.—~~

~~Area: 5,000 square feet.~~

~~Width: 50 feet.~~

~~(2) Minimum yard size.—~~

~~Front yard: 25 feet.~~

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

~~Side yard:~~

~~Abutting any lot: Seven and one-half feet. May be reduced to five feet between the closest points of buildings or roofs if Fire Code-compliant fire-rated materials are used on the external walls and roofs, or if residential fire sprinklers approved by the city fire marshal are installed in each building.~~

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

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

~~Maximum building height: 35 feet.~~

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

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

(Exhibit A page 93)

<u>R1-B, Single Family Residential</u>	
<u>Minimum lot size</u>	-
<u>Area</u>	<u>5,000 sq. ft.</u>
<u>Width</u>	<u>50 feet</u>
<u>Minimum yard size</u>	-
<u>Front yard</u>	<u>25 feet</u>
<u>Rear yard</u>	<u>10 feet</u>
<u>Side yard:</u>	-
<u>Abutting any lot⁽¹⁾</u>	<u>7.5 feet</u>
<u>Abutting any street⁽²⁾</u>	<u>25 feet</u>
<u>Waterfront or golf course yard⁽³⁾</u>	<u>25 feet</u>
<u>Maximum building height</u>	<u>35 feet</u>
<u>Maximum lot coverage</u> <i>(with principal and accessory buildings)</i>	<u>35%</u>
<u>Minimum floor area</u> ⁽⁴⁾	<u>1,200 sq. ft.</u>
<p><u>(1) May be reduced to five feet or the width of side yard easement, whichever is greater, as measured from the closest points of buildings or roofs if Fire Code compliant fire rated materials are used on the external walls and roofs, or if residential fire sprinklers approved by the city fire marshal are installed in each building.</u></p> <p><u>(2) May be 15 feet within subdivisions approved prior to November 3, 2003.</u></p> <p><u>(3) 20 percent of the lot depth, but not less than 25 feet</u></p> <p><u>(4) Except for any subdivisions approved prior to November 3, 2003.</u></p>	

Sec. 110-309. R-2, Single-Family (Duplex) Dwelling District

Sec. 110-309(f) Dimensional requirements. (Exhibit A page 95)

~~(1) Minimum lot size: The intent of these minimum standards is to promote compatible and innovative residential development consistent with the Deltona Comprehensive Plan, as it may~~

~~be amended from time to time. These standards do not permit development in excess of the maximum density limits established in this section or in the adopted comprehensive plan.~~

~~a. Area:~~

- ~~1. Single family and two family (duplex) lots: 7,500 square feet.~~
- ~~2. Single family patio home lots: 3,500 square feet.~~
- ~~3. Patio home development site: One acre per unit if on-site sewage disposal systems are used; 20,000 sq. ft. if community or public water and sewer service are available, but not including community septic tanks.~~

~~b. Width:~~

- ~~1. Single family and two family dwelling lots: 75 feet.~~
- ~~2. Patio home lots: 50 feet interior lots, 70 feet corner lots.~~

~~(2) Minimum yard size:~~

- ~~a. Front yard: 25 feet.~~
- ~~b. Rear yard: 25 feet.~~
- ~~c. Side yard abutting any lot: 7.5 feet, or ten percent of the width of the lot at the front property line, whichever is greater. Except that patio homes and duplexes may have a zero foot side yard setback along interior lot lines between patio homes and duplexes.~~
- ~~d. Side yard abutting any street: 15 feet.~~
- ~~e. Waterfront yard: 40 feet.~~
- ~~f. Yard abutting golf course: 40 feet.~~
- ~~g. Interior open air courtyards, atriums, or patios shall be provided for patio homes.~~

~~(3) Maximum building height: 35 feet.~~

~~(4) Maximum lot coverage: The total lot area covered by principal and accessory buildings shall not exceed 40 percent.~~

~~(5) Minimum floor area, exclusive of terraces, attached roofed over porches, carports, patios, attached garages, and utility rooms:~~

- ~~1. 1,200 square feet – Patio homes;~~
- ~~2. 750 square feet – Each unit in duplexes;~~
- ~~3. 600 square feet net living area – One bedroom apartments; 750 square feet net living area – two bedroom apartments – 800 square feet net living area three or more bedroom apartments.~~

~~(6) Maximum building height: 35 feet.~~

~~(Exhibit A page 96)~~

<u>R-2, Two Family (Duplex) Dwelling</u>	<u>Single-Family Dwellings</u>	<u>Single-Family Patio Homes</u>	<u>Two-Family (Duplex) Dwellings</u>
<u>Minimum lot size</u>	-	-	-
<u>Area</u>	<u>7,500 sq. ft.</u>	<u>3,500 sq. ft.</u>	<u>7,500 sq. ft.</u>
<u>Area if on-site sewage disposal systems are used (acre)</u>	<u>----</u>	<u>1</u>	<u>----</u>

<u>Area if community or public water and sewer service are available, but not including community septic tanks (sq. ft.)</u>	<u>----</u>	<u>20,000</u>	<u>----</u>
<u>Width (ft.)</u>	<u>75</u>	<u>----</u>	<u>75</u>
<u>Interior Lot</u>	<u>----</u>	<u>50</u>	<u>----</u>
<u>Corner lot</u>	<u>----</u>	<u>70</u>	<u>----</u>
<u>Minimum yard size</u>	<u>-</u>	<u>-</u>	<u>-</u>
<u>Front yard(ft.)</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Rear yard (ft.)</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Side yard (ft.):</u>	<u>-</u>	<u>-</u>	<u>-</u>
<u>Abutting any lot⁽¹⁾</u>	<u>7.5</u>	<u>0</u>	<u>0</u>
<u>Abutting any street</u>	<u>15</u>	<u>15</u>	<u>15</u>
<u>Waterfront yard</u>	<u>40</u>	<u>40</u>	<u>40</u>
<u>Abutting golf course</u>	<u>40</u>	<u>40</u>	<u>40</u>
<u>Maximum building height (ft.)</u>	<u>35</u>	<u>35</u>	<u>35</u>
<u>Maximum lot coverage (with principal and accessory buildings)(%)</u>	<u>40</u>	<u>40</u>	<u>40</u>
<u>Minimum floor area (sq. ft.)⁽²⁾</u>	<u>1,200</u>	<u>1,200</u>	<u>750 (each unit)</u>
<u>⁽¹⁾7.5 feet, or ten percent of the width of the lot at the front property line, whichever is greater. Except that patio homes and duplexes may have a zero feet side yard setback along interior lot lines between patio homes and duplexes.</u>			
<u>⁽²⁾ Minimum floor area exclusive of terraces, attached roofed-over porches, carports, patios, attached garages, and utility rooms. 600 square feet net living area--One bedroom apartments; 750 square feet net living area--two bedroom apartments; 800 square feet net living area three or more bedroom apartments.</u>			

Sec. 110-310. RM-1, Multiple Family Residential Dwelling District

Sec. 110-310(e) Dimensional requirements. (Exhibit A page 98)

~~(1) Minimum lot size: The intent of these minimum standards is to promote compatible and innovative residential development consistent with the Deltona Comprehensive Plan, as it may be amended from time to time. These standards do not permit development in excess of the maximum density limits established in this section and in the adopted comprehensive plan.~~

~~a. Area:--~~

- ~~1. Single family patio home lots: 3,500 square feet.~~
- ~~2. Single family attached townhome lots: 1,600 sq. ft., lots required to be individually platted.~~
- ~~3. Townhome or patio home development site: One acre per unit if on-site sewage disposal systems are used; 20,000 sq. ft. if community or public water and sewer service are available, but not including community septic tanks.~~

~~b. Width:--~~

1. ~~Townhome: 20 feet interior lot, 26 feet end lot, 38 feet corner lot.~~
2. ~~Patio home lots: 50 feet interior lots, 70 feet corner lots.~~
- e. ~~Depth: Townhome lots shall have a minimum depth of 90 feet.~~
- (2) ~~Minimum yard size:~~
 - a. ~~Front yard: 25 feet Townhomes, patio homes, duplexes, and multiple family dwellings.~~
 - b. ~~Rear yard: 25 feet Townhomes, patio homes, 35 feet multiple family buildings and duplexes.~~
 - c. ~~Side yard abutting any lot: Townhomes, patio homes, duplexes 15 feet, or ten percent of the width of the lot at the front property line, whichever is greater. Side yard for multi-family shall be a minimum of width of fifteen, or one half the height of the building, whichever is greater.~~
 - d. ~~Side yard abutting any street: 15 feet.~~
 - e. ~~Waterfront yard: 40 feet.~~
 - f. ~~Yard abutting golf course: 40 feet.~~
 - g. ~~Yard between interior townhome, patio home, duplex dwelling units: 0 feet.~~
 - h. ~~Patio homes: Patio homes are required to have an interior open air courtyard, atrium, or patio.~~
- (3) ~~Maximum building height: 45 feet.~~
- (4) ~~Maximum lot coverage: The total lot area covered by principal and accessory buildings shall not exceed 40 percent.~~
- (5) ~~Minimum floor area, exclusive of terraces, attached roofed over porches, carports, patios, attached garages, and utility rooms:~~
 - a. ~~1,600 square feet Townhomes, patio homes;~~
 - b. ~~750 square feet Duplexes;~~
 - c. ~~600 square feet net living area One bedroom apartments; 750 square feet net living area two bedroom apartments — 800 square feet net living area three or more bedroom apartments.~~
- (6) ~~Townhome, villa building development standards:~~
 - a. ~~Minimum of two dwelling units in a building, maximum of eight dwelling units in a building.~~
 - b. ~~Minimum distance between buildings: 30 feet.~~
 - c. ~~The exterior facades of all townhouse units shall be varied in material and design so that no more than two abutting units will have the same architectural appearance and front yard setback and depth. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit, and no setback distance shall be less than the required minimum.~~
- (7) ~~Additional dimensional requirements for townhome and multiple family dwellings:~~
 - a. ~~Minimum building separation requirements: 50 feet between fronts or rears of principal buildings, and 25 feet between any other combination of principal building arrangements.~~

- b. ~~Minimum building setback from streets and drives: No building shall be located closer than ten feet from any interior street drive or off street parking area. This requirement shall not diminish the minimum front, side and rear yard requirements for townhome developments.~~
- c. ~~Maximum building length and width: No building shall exceed 200 feet in length or width.~~

(Exhibit A page 100)

<u>RM-1, Multiple Family Residential Dwelling</u>	<u>Single-Family Patio Homes</u>	<u>Single-Family Attached Townhouse</u>
<u>Minimum lot size</u>	-	-
<u>Area (sq. ft.)</u>	<u>3,500</u>	<u>1,600</u>
<u>Area if on-site sewage disposal systems are used (acre per unit)</u>	<u>1</u>	<u>1</u>
<u>Area if community or public water and sewer service are available, but not including community septic tanks (sq. ft.)</u>	<u>20,000</u>	<u>20,000</u>
<u>Width (ft.)</u>	-	-
<u>Interior Lot</u>	<u>50</u>	<u>20</u>
<u>End lot</u>	<u>----</u>	<u>26</u>
<u>Corner lot</u>	<u>70</u>	<u>38</u>
<u>Depth (ft.)</u>	<u>----</u>	<u>90</u>
<u>Minimum yard size</u>	-	-
<u>Front yard(ft.)</u>	<u>25</u>	<u>25</u>
<u>Rear yard (ft.)</u>	<u>25</u>	<u>25</u>
<u>Side yard (ft.):</u>	-	-
<u>Abutting any lot⁽¹⁾</u>	<u>15</u>	<u>15</u>
<u>Abutting any street</u>	<u>15</u>	<u>15</u>
<u>Waterfront yard</u>	<u>40</u>	<u>40</u>
<u>Abutting golf course</u>	<u>40</u>	<u>40</u>
<u>Yard between interior⁽²⁾</u>	<u>0</u>	<u>0</u>
<u>Maximum building height (ft.)</u>	<u>45</u>	<u>45</u>
<u>Maximum lot coverage (with principal and accessory buildings)(%)</u>	<u>40</u>	<u>40</u>
<u>Minimum floor area (sq. ft.)⁽³⁾</u>	1,600 <u>1,400</u>	1,600 <u>1,400</u>
<u>Minimum building separation (ft.)</u>	-	-
<u>Between fronts or rears of principal buildings</u>	<u>----</u>	<u>50</u>
<u>Between any other combination of principal building arrangements</u>	<u>----</u>	<u>25</u>
<u>Minimum building setback from streets and drives (ft.)</u>	<u>----</u>	-
<u>From any interior street drive or off-street parking area⁽⁴⁾</u>	<u>----</u>	<u>10</u>
<u>Maximum building length and width (ft.)</u>	<u>----</u>	<u>200</u>
<u>Building Development Standards⁽⁵⁾</u>		
<u>Minimum dwelling units in a building</u>	<u>----</u>	<u>2</u>
<u>Maximum dwelling units in a building</u>	<u>----</u>	<u>8</u>
<u>Minimum distance between buildings (ft.)</u>	<u>----</u>	<u>30</u>
<u>⁽¹⁾ 15 feet, or ten percent of the width of the lot at the front property line, whichever is greater. Side yard for multi-family shall be a minimum of width of fifteen, or one-half the height of the building, whichever is greater.</u>		
<u>⁽²⁾ Patio homes are required to have an interior open air courtyard, atrium, or patio.</u>		

⁽³⁾ Minimum floor area exclusive of terraces, attached roofed-over porches, carports, patios, attached garages, and utility rooms. 600 square feet net living area--One bedroom apartments; 750 square feet net living area--two bedroom apartments; 800 square feet net living area three or more bedroom apartments.

⁽⁴⁾ This requirement shall not diminish the minimum front, side and rear yard requirements for townhouse developments.

⁽⁵⁾ The exterior facades of all townhouse units shall be varied in material and design so that no more than two abutting units will have the same architectural appearance and front yard setback and depth. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit, and no setback distance shall be less than the required minimum.

Sec. 110-311. RM-2, Multiple Family Residential Dwelling District

Sec. 110-311(e) Dimensional requirements. (Exhibit A page 102)

~~(1) Minimum lot size: The intent of these minimum standards is to promote compatible and innovative residential development consistent with the Deltona Comprehensive Plan, as it may be amended from time to time. These standards do not permit development in excess of the maximum density limits established in this section and in the adopted comprehensive plan.~~

~~a. Area:—~~

- ~~1. Single family patio home lots: 3,500 square feet.~~
- ~~2. Single family attached townhome lots: 1,600 sq. ft., lots required to be individually platted.~~
- ~~3. Townhome or patio home development site: One acre per unit if on site sewage disposal systems are used; 20,000 sq. ft. if community or public water and sewer service are available, but not including community septic tanks.~~

~~b. Width:—~~

- ~~1. Townhome: 20 feet interior lot, 26 feet end lot, 38 feet corner lot.~~
- ~~2. Patio home lots: 50 feet interior lots, 70 feet corner lots.~~

~~c. Depth: Townhome lots shall have a minimum depth of 90 feet.~~

~~(2) Minimum yard size:~~

~~a. Front yard: 25 feet Townhomes, patio homes, duplexes. For multiple family dwellings, the front yard setbacks shall be based on building height, as follows: One or two stories—25 feet; for each additional story, add five feet of front yard setback.~~

~~b. Rear yard: 25 feet Townhomes, patio homes, 35 feet duplexes. For multi-family the rear yard setback shall be based on building height, as follows: One to three stories—35 feet, each additional story, add five feet.~~

~~c. Side yard abutting any lot: Townhomes, patio homes, duplexes 15 feet, or ten percent of the width of the lot at the front property line, whichever is greater. Side yard for multi-family shall be a minimum of width of 15, or one half the height of the building, whichever is greater.~~

~~d. Side yard abutting any street: 15 feet.~~

~~e. Waterfront yard: 40 feet.~~

~~f. Yard abutting golf course: 40 feet.~~

~~g. Yard between interior townhome, patio home, duplex dwelling units: 0 feet.~~

- ~~h. *Patio homes:* Patio homes are required to have an interior open air courtyard, atrium, or patio.~~
- ~~(3) Maximum building height: 80 feet, but not over five habitable floors.~~
- ~~(4) Maximum lot coverage: The total lot area covered by principal and accessory buildings shall not exceed 40 percent.~~
- ~~(5) Minimum floor area, exclusive of terraces, attached roofed over porches, carports, patios, attached garages, and utility rooms:~~
- ~~a. 1,600 square feet Townhomes, patio homes;~~
- ~~b. 750 square feet Duplexes;~~
- ~~c. 600 square feet net living area One bedroom apartments; 750 square feet net living area two bedroom apartments 800 square feet net living area three or more bedroom apartments.~~
- ~~(6) Townhome, villa building development standards:~~
- ~~a. Minimum of two dwelling units in a building, maximum of eight dwelling units in a building.~~
- ~~b. Minimum distance between buildings: 30 feet.~~
- ~~c. The exterior facades of all townhouse units shall be varied in material and design so that no more than two abutting units will have the same architectural appearance and front yard setback and depth. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit, and no setback distance shall be less than the required minimum.~~
- ~~(7) Additional dimensional requirements for townhome and multiple family dwellings:~~
- ~~a. *Minimum building separation requirements:* 50 feet between fronts or rears of principal buildings, and 25 feet between any other combination of principal building arrangements.~~
- ~~b. *Minimum building setback from streets and drives:* No building shall be located closer than ten feet from any interior street drive or off-street parking area. This requirement shall not diminish the minimum front, side and rear yard requirements for townhome developments.~~
- ~~c. *Maximum building length and width:* No building shall exceed 200 feet in length or width.~~

(Exhibit A page 104)

<u>RM-2, Multiple Family Residential Dwelling</u>	<u>Single-Family Patio Homes</u>	<u>Single-Family Attached Townhouse</u>
<u>Minimum lot size</u>	-	-
<u>Area (sq. ft.)⁽¹⁾</u>	<u>3,500</u>	<u>1,600</u>
<u>Area if on-site sewage disposal systems are used (acre per unit)</u>	<u>1</u>	<u>1</u>
<u>Area if community or public water and sewer service are available, but not including community septic tanks (sq. ft.)</u>	<u>20,000</u>	<u>20,000</u>
<u>Width (ft.)</u>	-	-
<u>Interior Lot</u>	<u>50</u>	<u>20</u>
<u>End lot</u>	<u>----</u>	<u>26</u>
<u>Corner lot</u>	<u>70</u>	<u>38</u>
<u>Depth (ft.)</u>	<u>----</u>	<u>90</u>
<u>Minimum yard size</u>	-	-
<u>Front yard(ft.)</u>	<u>25</u>	<u>25</u>
<u>Rear yard (ft.)</u>	<u>25</u>	<u>25</u>
<u>Side yard (ft.):</u>	-	-
<u>Abutting any lot⁽²⁾</u>	<u>15</u>	<u>15</u>
<u>Abutting any street</u>	<u>15</u>	<u>15</u>
<u>Waterfront yard</u>	<u>40</u>	<u>40</u>
<u>Abutting golf course</u>	<u>40</u>	<u>40</u>
<u>Yard between interior⁽³⁾</u>	<u>0</u>	<u>0</u>
<u>Maximum building height (ft.)⁽⁴⁾</u>	<u>80</u>	<u>80</u>
<u>Maximum lot coverage (with principal and accessory buildings)(%)</u>	<u>40</u>	<u>40</u>
<u>Minimum floor area (sq. ft.)⁽⁵⁾</u>	<u>1,600</u> <u>1,400</u>	<u>1,600</u> <u>1,000</u>
<u>Minimum building separation (ft.)</u>	-	-
<u>Between fronts or rears of principal buildings</u>	<u>----</u>	<u>50</u>
<u>Between any other combination of principal building arrangements</u>	<u>----</u>	<u>25</u>
<u>Minimum building setback from streets and drives (ft.)</u>	<u>----</u>	-
<u>From any interior street drive or off-street parking area⁽⁶⁾</u>	<u>----</u>	<u>10</u>
<u>Maximum building length and width (ft.)</u>	<u>----</u>	<u>200</u>
<u>Building Development Standards⁽⁷⁾</u>	-	-
<u>Minimum dwelling units in a building</u>	<u>----</u>	<u>2</u>
<u>Maximum dwelling units in a building</u>	<u>----</u>	<u>8</u>
<u>Minimum distance between buildings (ft.)</u>	<u>----</u>	<u>30</u>
⁽¹⁾ For Single family attached townhouse, lots required to be individually platted.		
⁽²⁾ 15 feet, or ten percent of the width of the lot at the front property line, whichever is greater. Side yard for multi-family shall be a minimum of width of fifteen, or one-half the height of the building, whichever is greater.		
⁽³⁾ Patio homes are required to have an interior open air courtyard, atrium, or patio.		
⁽⁴⁾ Not over five habitable floors.		
⁽⁵⁾ Minimum floor area exclusive of terraces, attached roofed-over porches, carports, patios, attached garages, and utility rooms. 600 square feet net living area--One bedroom apartments; 750 square feet net living area--two bedroom apartments; 800 square feet net living area three or more bedroom apartments.		
⁽⁶⁾ This requirement shall not diminish the minimum front, side and rear yard requirements for townhouse developments.		

(7) The exterior facades of all townhouse units shall be varied in material and design so that no more than two abutting units will have the same architectural appearance and front yard setback and depth. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit, and no setback distance shall be less than the required minimum.

Sec. 110-312. MH, Mobile Home Park Classification

Sec. 110-312(d) Dimensional requirements for mobile home park. (Exhibit A page 106)

~~(1) Minimum project size: Ten acres.~~

~~(2) Maximum spaces per net acre of land: Seven, but not more than the gross residential density permitted by the underlying future land use category of the comprehensive plan.~~

~~(3) Minimum mobile home space size:~~

~~Space Area: 5,000 square feet~~

~~Space width: 50 feet.~~

~~Space depth: 50 feet.~~

~~(4) Minimum yard size:~~

~~Front yard: Ten feet~~

~~Rear yard: Seven and one half feet.~~

~~Side yard:~~

~~Abutting any space: Seven and one half feet.~~

~~Abutting any street: Ten feet.~~

~~Waterfront yard: 25 feet.~~

~~(5) Minimum floor area: 750 square feet.~~

MH - Mobile Home Park	
Minimum project size (acres)	<u>10</u>
Maximum spaces per net acre of land⁽¹⁾	<u>7</u>
Minimum mobile home space size	-
Area (sq. ft.)	<u>5,000</u>
Width (ft.)	<u>50</u>
Depth (ft.)	<u>50</u>
Minimum yard size	-
Front yard (ft.)	<u>10</u>
Rear yard (ft.)	<u>7.5</u>
Side yard (ft.):	-
Abutting any space	<u>7.5</u>
Abutting any street	<u>10</u>
Waterfront yard	<u>25</u>
Minimum floor area (sq. ft.)	<u>750</u>

⁽¹⁾ Not more than the gross residential density permitted by the underlying future land use category of the comprehensive plan.

Sec. 110-313. OR, Office Residential Zoning District

- ~~(d) *Dimensional Requirements Building height regulations.* No building or structure shall exceed a height of 35 feet, unless otherwise permitted in this section. (Exhibit A page 108)~~
- ~~(e) *Building site area regulations.*~~
- ~~(1) Lot area:~~
- ~~a. Single family dwellings: 7,500 square feet.~~
- ~~b. Permitted nonresidential uses: 7,500 square feet.~~
- ~~c. Conditional uses: 12,500 square feet.~~
- ~~(2) Lot width:~~
- ~~a. Single family dwellings: 75 feet.~~
- ~~b. Permitted nonresidential uses: 75 feet.~~
- ~~c. Conditional uses: 100 feet when access is from a thoroughfare street, arterial street, or major collector; 75 feet when access is from a local street that is not a major collector.~~
- ~~(f) *Front rear and side yard regulations.*~~
- ~~(1) Front yard: 25 feet.~~
- ~~(2) Rear yard: 25 feet, except 30 feet from the ordinary high water mark or lot line, whichever is most restrictive, on lots adjacent to surface water bodies or golf courses.~~
- ~~(3) Side yard: Seven and one half feet, or ten percent of the width of the lot, whichever is greater. Nonresidential side yard setbacks may be reduced to zero when there is adjoining nonresidential development, when the property owners enter into a recorded agreement that provides for reasonable access for building maintenance and repairs, and provisions are made in building design for proper fire protection.~~
- ~~(4) Side street yard: 15 feet.~~
- ~~(g) *Density and intensity standards, minimum floor area.*~~
- ~~(1) Residential development shall not be permitted to exceed the density permitted in the applicable Deltona Comprehensive Plan Future Land Use Map Category.~~
- ~~(2) Nonresidential development shall not be permitted to exceed the following floor area ratios (F.A.R.):~~
- ~~a. Nonresidential development other than banks, financial institutions, medical and dental offices and clinics: Maximum F.A.R. 0.35.~~
- ~~b. Banks, financial institutions, medical and dental offices and clinics: Maximum F.A.R. 0.12.~~
- ~~(3) Single family dwellings minimum floor area, exclusive of garages, carports, attached roofed over porches, terraces, and patios: 1,200 square feet.~~

(Exhibit A page 109)

<u>OR - Office Residential</u>	<u>Single Family Dwellings</u>	<u>Permitted Nonresidential Uses</u>	<u>Conditional Uses</u>
<u>Lot Area (sq. ft.)</u>	<u>7,500</u>	<u>7,500</u>	<u>12,500</u>
<u>Lot Width (ft.)</u>	<u>75</u>	<u>75</u>	<u>----</u>
<u>when access is from a thoroughfare street, arterial street, or major collector</u>	<u>----</u>	<u>----</u>	<u>100</u>
<u>when access is from a local street that is not a major collector</u>	<u>----</u>	<u>----</u>	<u>75</u>
<u>Yard Size</u>	-	-	-
<u>Front yard(ft.)</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Rear yard (ft.)⁽¹⁾</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Side yard (ft.)⁽²⁾</u>	<u>7.5</u>	<u>7.5</u>	<u>7.5</u>
<u>Side street yard (ft.)</u>	<u>15</u>	<u>15</u>	<u>15</u>
<u>Density and Intensity Standards, Minimum Floor Area</u>	-	-	-
<u>Density</u>	<u>Not to exceed the permitted in the applicable Comp. Plan FLU Map Category</u>	<u>----</u>	<u>----</u>
<u>Maximum Floor Area Ratios (F.A.R.)⁽³⁾</u>	<u>----</u>	<u>0.35</u>	<u>----</u>
<u>Minimum Floor Area⁽⁴⁾</u>	<u>1,200</u>	<u>----</u>	<u>----</u>
<u>Maximum building height (ft.)</u>	<u>35</u>	<u>35</u>	<u>35</u>
<u>Maximum lot coverage (%) (with principal and accessory buildings)</u>	<u>30</u>	<u>30</u>	<u>30</u>
⁽¹⁾ Except 30 feet from the ordinary high water mark or lot line, whichever is most restrictive, on lots adjacent to surface water bodies or golf courses.			
⁽²⁾ Seven and one-half feet, or ten percent of the width of the lot, whichever is greater. Nonresidential side-yard may be reduced to zero when there is adjoining nonresidential development, when the property owners enter into a recorded agreement that provides for reasonable access for building maintenance and repairs, and provisions are made in building design for proper fire protection.			
⁽³⁾ Banks, financial institutions, medical and dental offices and clinics: Maximum F.A.R. 0.12.			
⁽⁴⁾ Exclusive of garages, carports, attached roofed-over porches, terraces, and patios.			

~~(h)~~ *Off-street parking regulations.* See section 110-828, except that the permitted internet sales businesses shall have the same parking requirements as offices.

~~(i) Maximum building coverage. 30 percent of the lot area is the maximum that can be covered by the principal and accessory buildings thereon. Swimming pools and screened enclosures are exempted from this provision (Exhibit A page 110)~~

~~(f)~~ *Landscaped buffer requirements.* Landscaped buffer areas meeting the requirements of section 110-808 shall be constructed prior to locating a non-residential use on a site in the Office Residential (OR) Zoning District. Except that when an existing building encroaches within the minimum

required perimeter landscaped buffer area, then the required buffer width shall be the distance between the building and the lot line. Access shall be provided in the building encroachment area for maintenance of the building and landscaping.

- (~~g~~) *Final site plan requirements.* Final site plan approval is required meeting all applicable requirements of the Land Development Code, Subpart B, Code of Ordinances, City of Deltona, prior to constructing a business use, or converting a residential structure to a business use.
- (~~h~~) *Types of signs permitted.* Signs are permitted in accordance with the Deltona Sign Code, chapter 102, Code of Ordinances, City of Deltona, as it may be amended from time to time.

Sec. 110-314. PB, Professional Business (~~PB~~) Zoning District (*Exhibit A page 110*)

- (a) *Purpose and intent.* The purpose of the Professional Business (PB) Zoning District is to establish a transitional zone between high volume streets and single family residential areas, and between higher intensity development and single family residential areas. The Professional Business Zoning District is established in areas that are transitional in character. Therefore, a mix of single family and compatible office development, with some retail sales, is permitted. The Professional Business (PB) Zoning District was first established in the original Deltona Lakes Community Development Plan to serve this purpose in the planned development. It may be applied to achieve a zoning transition in all other appropriate areas of the City of Deltona, including those areas that were not included in the original Deltona Lakes Community Development Plan, consistent with the commercial future land use designations on the adopted Future Land Use Map.
- (b) *Permitted uses.* In the Professional Business (PB) Zoning District, no building, structure, land or water shall be used except for one or more of the following uses:
 - (1) Any business office, provided no retail sales are conducted. Permitted professional business offices include, but are not necessarily limited to: accountants, attorneys, insurance agencies, mortgage brokerages, real estate agencies, and offices for architects and engineers.
 - (2) Barber and beauty shop.
 - (3) Communication towers up to 70 feet high, in accordance with Chapter 82, Code of Ordinances, City of Deltona, as it may be amended from time to time.
 - (4) Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of Chapter 98, Code of Ordinances, City of Deltona, as it may be amended from time to time.
 - (5) Medical offices, ~~subject to the setback and floor area ratio requirements in sections 110-316(f) and 110-316(g).~~
 - (6) Banks, ~~subject to the setback and floor area ratio requirements in sections 110-316(f) and 110-316(g).~~
 - (7) Single-family dwellings and their customary accessory uses.
 - (8) Townhomes.
 - (9) Off-street parking areas.
 - (10) Essential utility services.
 - (11) Excavations only for stormwater retention ponds, subject to applicable permitting requirements.

(c) *Conditional uses.* Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter. The following land uses and their customary, incidental and subordinate accessory uses may be permitted in the Professional Business (PB) Zoning District as conditional uses:

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Communication towers greater than 70 feet high, in accordance with Chapter 82, Code of Ordinances, City of Deltona, as it may be amended from time to time.

Community residential home

Day care centers (refer to section 110-817(f)).

Group home facility (refer to section 110-817(l))

Houses of worship (refer to section 110-817(d)).

Nursing home and nursing home facility (refer to section 110-817(l))

Professional or trade schools related to permitted uses (refer to section 110-817(b)).

Public markets.

Public uses not listed as a permitted principal use.

Public utility uses and structures (refer to section 110-817(a)).

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

Schools, parochial or private (refer to section 110-817(d)).

~~(d) *Building height regulations.* No building or structure shall exceed 35 feet in height. (Exhibit A page 111)~~

~~(e) *Residential density.* No residential construction shall exceed a density of nine dwelling units per acre.~~

~~(f) *Building site area regulations* *Dimensional Requirements.* (Exhibit A page 111)~~

~~(1) *Lot area:*~~

~~a. *Single family dwellings:* 7,500 square feet.~~

~~b. *Single family attached townhome lots:* 1,600 square feet for interior lots, 2,000 square feet for end lots, and 2,800 square feet for corner lots. Townhome lots are required to be individually platted.~~

~~c. *Townhome development site:*~~

~~1. One acre per unit if onsite sewage disposal systems are used;~~

~~2. 15,000 square feet if community or public water and sewer service are available, but not including community septic tanks.~~

~~d. *Nonresidential development:* 12,500 square feet. No site for nonresidential development shall be created, and no conversion of an existing site or building to nonresidential use shall be permitted unless the site area meets this minimum standard.~~

~~(2) *Lot width:*~~

~~a. Single family lots: 75 feet.~~

~~b. Townhome lots: 20 feet interior lot; 26 feet end lot; 38 feet corner lot.~~

~~c. Nonresidential land uses: 100 feet.~~

~~(g) Front, rear and side yard regulations. The following front, rear and side yards shall be observed, measured from the front, rear and side walls of the main structure to the road or street right of way line, rear and side lines of lot or parcel of land respectively. Eaves and steps shall not be construed to permit any portion of a building on a lot to encroach upon another lot or easement.~~

~~(1) Front yard: 25 feet, except that medical offices and banks shall be limited to a front yard equal to the minimum required width of the required landscaped buffer.~~

~~(2) Rear yard:~~

~~a. On waterfront lots no buildings shall be erected nearer than 30 feet to the ordinary high water mark, or the platted property line, whichever is more restrictive.~~

~~b. On non-waterfront lots no building shall be erected nearer to the rear lot line than 25 feet.~~

~~(3) Side yard:~~

~~a. Single family dwellings and nonresidential land uses: Seven and one half feet or ten percent of the width of the lot at the front property line, whichever is greater.~~

~~b. Townhomes:—~~

~~1. Interior lot between townhomes, zero feet.~~

~~2. Between townhome buildings and adjacent interior building site side lot line seven and one half feet.~~

~~c. Side street yard: 15 feet.~~

~~(h) Minimum floor area and maximum floor area ratio requirements.—~~

~~(1) The minimum required floor area for all single family dwellings, exclusive of attached roofed over porches, carports, terraces, patios and attached garages shall be 1,000 square feet.~~

~~(2) The minimum required floor area for townhome units shall be 1,000 square feet.~~

~~(3) The maximum floor area ratio for medical offices shall be 0.12.~~

~~(4) The maximum floor area ratio for banks shall be 0.10.~~

~~(5) The maximum floor area ratio for all other non-residential land uses shall be 0.35.~~

~~(i) Additional development standards for townhome dwellings.—~~

~~(1) Minimum building separation requirements: 50 feet between fronts or rears of principal buildings, and 30 feet between any other combination of principal building arrangements.~~

~~(2) Minimum building setback from streets and drives: No building shall be located closer than ten feet from any interior street drive or off-street parking area. This requirement shall not diminish the minimum front, side and rear yard requirements for townhome developments.~~

~~(3) Maximum building length and width: No building shall exceed 200 feet in length or width.~~

~~(4) Minimum of two dwelling units in a building, maximum of eight dwelling units in a building.~~

~~(5) The exterior facades of all townhome units shall be varied in material and design so that no more than two abutting units will have the same architectural appearance and front yard setback and depth. Varied front yard setbacks shall not be less than two feet offset from adjoining units~~

as measured at the principal foundation line of each unit, and no setback distance shall be less than the required minimum.

(Exhibit A page 113)

<u>PB - Professional Business</u>		<u>Single Family Dwellings</u>	<u>Single Family attached Townhouse</u>	<u>Nonresidential</u>
<u>Lot Area (sq. ft.)⁽¹⁾</u>		<u>7,500</u>	<u>1,600 interior lots</u> <u>2,000 end lots</u> <u>2,800 corner lots</u>	<u>12,500</u>
<u>Development site if onsite sewage disposal systems are used (acre)</u>		<u>----</u>	<u>1</u>	<u>----</u>
<u>Development site if community or public water and sewer service are available, but not including community septic tanks (sq. ft.)</u>		<u>----</u>	<u>15,000</u>	<u>----</u>
<u>Lot Width (ft.)</u>		<u>75</u>	<u>----</u>	<u>100</u>
<u>Interior lot</u>		<u>----</u>	<u>20</u>	<u>----</u>
<u>End lot</u>		<u>----</u>	<u>26</u>	<u>----</u>
<u>Corner lot</u>		<u>----</u>	<u>38</u>	<u>----</u>
<u>Yard Size</u>				
<u>Front yard(ft.)⁽²⁾</u>		<u>-</u> <u>25</u>	<u>-</u> <u>25</u>	<u>-</u> <u>25</u>
<u>Rear yard (ft.)</u>		<u>25</u>	<u>25</u>	<u>25</u>
<u>Waterfront rear yard (ft.)⁽³⁾</u>		<u>30</u>	<u>30</u>	<u>30</u>
<u>Side yard (ft.)⁽⁴⁾</u>		<u>7.5</u>	<u>----</u>	<u>7.5</u>
<u>Interior lot(ft.)⁽⁵⁾</u>		<u>----</u>	<u>0 between townhouses</u>	<u>----</u>
<u>Side street yard (ft.)</u>		<u>15</u>	<u>15</u>	<u>15</u>
<u>Minimum Floor Area (sq. ft.)</u>		<u>1,000</u>	<u>1,000</u>	<u>----</u>
<u>Maximum Floor Area Ratios (F.A.R.)</u>		<u>----</u>	<u>----</u>	<u>0.35⁽⁶⁾</u>
<u>Maximum building height (ft.)</u>		<u>35</u>	<u>35</u>	<u>35</u>
<u>Maximum lot coverage (with principal and accessory buildings) (swimming pools and screened enclosures are excepted from this provision)(%)</u>		<u>35</u>	<u>30</u>	<u>30</u>
<u>Minimum building separation (ft.)</u>				
<u>Between fronts or rears of principal buildings</u>		<u>----</u>	<u>50</u>	<u>----</u>
<u>Between any other combination of principal building arrangements</u>		<u>----</u>	<u>30</u>	<u>----</u>
<u>Minimum building setback from streets and drives (ft.)</u>				
<u>From any interior street drive or off-street parking area⁽⁷⁾</u>		<u>----</u>	<u>10</u>	<u>----</u>
<u>Maximum building length and width (ft.)</u>		<u>----</u>	<u>200</u>	<u>-</u>
<u>Building Development Standards⁽⁸⁾</u>				
<u>Minimum dwelling units in a building</u>		<u>----</u>	<u>2</u>	<u>----</u>
<u>Maximum dwelling units in a building</u>		<u>----</u>	<u>8</u>	<u>----</u>
<u>⁽¹⁾No site for nonresidential development shall be created, and no conversion of an existing site or building to nonresidential use shall be permitted unless the site area meets the minimum standard.</u>				

(2) Except that medical offices and banks shall be limited to a front yard equal to the minimum required width of the required landscaped buffer.

(3) No building shall be erected nearer than 30 feet to the ordinary high water mark, or the platted property line, whichever is more restrictive.

(4) 7.5 feet or 10 percent of the width of the lot at the front property line, whichever is greater.

(5) Between townhouse buildings and adjacent interior building site side lot line 7.5 feet.

(6) The maximum floor area ratio for medical offices shall be 0.12 and for banks shall be 0.10.

(7) This requirement shall not diminish the minimum front, side and rear yard requirements for townhouse developments.

(8) The exterior facades of all townhouse units shall be varied in material and design so that no more than two abutting units will have the same architectural appearance and front yard setback and depth. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit, and no setback distance shall be less than the required minimum.

(f) Off-street parking regulations. See section 110-828 of the Code of Ordinances, City of Deltona, as it may be amended from time to time.

~~*(k) Maximum lot coverage.* 30 percent of the lot is the maximum that may be covered by the principal and accessory buildings located thereon. Swimming pools and screened enclosures are excepted from this provision. (Exhibit A page 114)~~

(g) Landscaped buffer requirements. Landscaped buffer areas meeting the requirements of section 110-808 of the Code of Ordinances, City of Deltona, as it may be amended from time to time, shall be constructed prior to locating a non-residential use on any site.

(h) Final site plan requirements. Final Site Plan approval meeting the requirements of Chapter 74, Article II, Code of Ordinances, City of Deltona, as it may be amended from time to time, is required prior to constructing a business use, townhome use, or converting a residential structure to a business use.

(i) Types of signs permitted. Signs are permitted in accordance with Chapter 102, Code of Ordinances, City of Deltona, as it may be amended from time to time.

(j) General provisions, exceptions, and prohibitions.

(1) See Article VIII. Supplementary regulations.

(2) All Professional Business, PB district sites must be located on a thoroughfare roadway as identified in Deltona Comprehensive Plan as it may be amended from time to time.

Sec. 110-315. C-1, Retail Commercial District

~~*(d) Building height regulations.* No building or structure shall exceed 35 feet in height. (Exhibit A page 116)~~

~~*(e) Building site area regulations: Dimensional Requirements* (Exhibit A page 117)~~

~~(1) Minimum lot width: 100 feet; except 150 feet shall be required along all abutting street frontages for land uses with drive through service or windows, and all three types of automobile service stations:~~

~~(2) Minimum lot area: 10,000 square feet.~~

~~*(f) Maximum floor area ratios:—*~~

~~(1) 0.28 except for medical and dental offices and clinics;~~

~~(2) 0.12 for medical and dental offices and clinics.~~

~~(g) Front, rear and side street yard regulations:—~~

~~(1) Front yard: 25 feet.~~

~~(2) Rear yard: 15 feet.~~

~~(3) Side street yard: 15 feet.~~

~~(h) Side yard: Five feet except may be reduced to zero foot where adjacent to existing building with zero foot setback, or coordinated with proposed building with zero foot setback.~~

~~When two or more lots are used as one building site the setback restrictions set forth in this zoning district shall apply to the exterior perimeter of the combined site.~~

(Exhibit A page 118)

<u>C-1, Retail Commercial</u>	
<u>Minimum lot size</u>	-
<u>Area (sq. ft.)</u>	<u>10,000</u>
<u>Width (ft.)⁽¹⁾</u>	<u>100</u>
<u>Minimum yard size</u>	-
<u>Front yard (ft.)</u>	<u>25</u>
<u>Rear yard (ft.)</u>	<u>15</u>
<u>Side yard (ft.)⁽²⁾</u>	<u>5</u>
<u>Side street yard(ft)</u>	<u>15</u>
<u>Maximum building height (ft.)</u>	<u>35</u>
<u>Maximum lot coverage (%) (with principal and accessory buildings)⁽³⁾</u>	<u>40</u>
<u>Maximum floor area ratio (F.A.R.)</u>	<u>0.35</u>
=	=
<p><u>⁽¹⁾Except 150 feet shall be required along all abutting street frontages for land uses with drive through service or windows, and all three types of automobile service stations.</u></p> <p><u>⁽²⁾Except may be reduced to zero foot where adjacent to existing building with zero foot setback, or coordinated with proposed building with zero foot setback. When two or more lots are used as one building site the setback restrictions set forth in this zoning district shall apply to the exterior perimeter of the combined site.</u></p> <p><u>⁽³⁾Excluding swimming pools and screened enclosures, except, that screened enclosures used for storage, trash or equipment containment, and covered parking areas are included. This provision shall not be interpreted to allow a floor area ratio of any principal building or group of principal buildings to exceed the maximum permitted.</u></p>	

(~~i~~e) *Off-street parking regulations.* See sections 110-828(f) through ~~810828~~(j).

~~(j) *Lot coverage.* 40 percent of the lot area is the maximum that may be covered by the principal and accessory buildings located thereon, excluding swimming pools and screened enclosures, except that screened enclosures used for storage, trash or equipment containment, and covered parking areas are included. This provision shall not be interpreted to allow a floor area ratio of any principal building or group of principal buildings to exceed the maximum permitted by subsection E. (Exhibit A page 119)~~

(~~k~~f) *Landscape buffer requirements.* Landscape buffer areas meeting the requirements of section 110-808 shall be constructed.

(~~l~~g) *Final site plan requirements.* Final site plan approval meeting the requirements of article III of the Land Development Code [chapter 74, article II, Code of Ordinances] is required.

(~~m~~h) *Types of signs permitted.* Signs are permitted in accordance with the city's sign code Chapter 102, Code of Ordinances, as it may be amended from time to time.

(~~n~~i) *General provisions, exceptions and prohibitions.* See article VIII.

Sec. 110-316. C-2, General Commercial

(b) *Permitted uses.* In the C-2 General Commercial zoning district, no premises shall be used except for one of the following uses and their customary accessory uses and structures:

Art, dance, modeling and music schools.

Automobile driving schools.

Automobile rental agencies.

Automobile sales, new and used.

Automobile service station, Types A and C.

Barber and beauty shops.

Bars and liquor stores.

Boat, mobile home and recreational vehicle sales and service establishments.

Bowling alleys.

Catering services.

Communication towers up to 70 feet high, in accordance with Chapter 82, Code of Ordinances, as it may be amended from time to time.

Cultural art centers.

Dental laboratories.

Employment agencies.

Essential utility services.

Exempt excavations (refer to section 110-817(o)) and/or those which comply with the Land Development Code of the City of Deltona, Chapter 74, article II, Code of Ordinances, as it may be amended from time to time and/or final plan review procedures of this chapter.

Exempt landfills (refer to section 110-817(p)).

Financial institutions.

Fire stations.

Funeral homes.

Game rooms or arcades for pool, billiards, pinball machines, jukeboxes or other coin-operated amusements.

General offices.

Government-sponsored civic centers.

Home occupations (refer to section 110-807).

Household moving center.

Laundry and dry cleaning establishments.

Libraries.

[Moped/Motorcycle sales and services](#) (*Exhibit A page 120*)

Museums.

Nightclubs.

Outdoor musical event.

Pawnshops.

Pest exterminators.

Private clubs.

Public schools.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells of less 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.

Recycling collection center.

Restaurants, Types A and B.

Retail plant nursery.

Retail sales and services.

Retail specialty shops.

Stamp redemption centers.

Tailors.

Taxicab stands.

Theaters.

Travel agencies.

Veterinary clinics.

(d) Dimensional requirements. (Exhibit A page 121)

~~(1) Minimum lot size.~~

~~Area: 15,000 square feet~~

~~Width: Minimum lot width: 100 feet; except 150 feet shall be required along all abutting street frontages for land uses with drive through service or windows, and all three types of automobile service stations.~~

~~(2) Minimum yard size.~~

~~Front yard: 35 feet.~~

~~Side and rear yard: Ten feet unless abutting any residentially zoned property, then 35 feet.~~

~~Waterfront yard: 25 feet.~~

~~(3) Maximum building height: 45 feet.~~

~~(4) Maximum floor area ratio (F.A.R.): 0.50~~

~~(5) Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed 35 percent.~~

(Exhibit A page 122)

<u>C-2, General Commercial</u>	
<u>Minimum lot size</u>	-
<u>Area (sq. ft.)</u>	<u>15,000</u>
<u>Width (ft.)⁽¹⁾</u>	<u>100</u>
<u>Minimum yard size</u>	-
<u>Front yard (ft.)</u>	<u>35</u>
<u>Rear yard (ft.)⁽²⁾</u>	<u>10</u>
<u>Side yard (ft.)⁽²⁾</u>	<u>10</u>
<u>Waterfront yard(ft)</u>	<u>25</u>
<u>Maximum building height (ft.)</u>	45 -75
<u>Maximum lot coverage (%) (with principal and accessory buildings)</u>	<u>35</u>
<u>Maximum floor area ratio (F.A.R.)</u>	<u>0.50</u>
<p>⁽¹⁾<u>Except 150 feet shall be required along all abutting street frontages for land uses with drive through service or windows, and all three types of automobile service stations.</u></p> <p>⁽²⁾<u>Unless abutting any residentially zoned property, then 35 feet.</u></p>	

Sec. 110-317. C-3, Heavy Commercial Classification

(d) Dimensional requirements. (Exhibit A page 125)

~~(1) Minimum lot size:~~~~Area: 15,000 square feet.~~~~Width: 100 feet~~~~(2) Minimum yard size:~~~~Front yard: 35 feet.~~~~Rear yard: 25 feet unless abutting any residentially zoned property, then 35 feet.~~~~Side yard: Ten feet unless abutting any residentially zoned property, then 35 feet.~~~~Waterfront yard: 25 feet.~~~~(3) Maximum building height: 45 feet.~~~~(4) Maximum floor area ratio (F.A.R.): 0.75.~~~~(5) Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed 35 percent.~~~~(Exhibit A page 126)~~

<u>C-3, Heavy Commercial</u>	
<u>Minimum lot size</u>	-
<u>Area (sq. ft.)</u>	<u>15,000</u>
<u>Width (ft.)</u>	<u>100</u>
<u>Minimum yard size</u>	-
<u>Front yard (ft.)</u>	<u>35</u>
<u>Rear yard (ft.)⁽¹⁾</u>	<u>25</u>
<u>Side yard (ft.)⁽¹⁾</u>	<u>10</u>
<u>Waterfront yard(ft)</u>	<u>25</u>
<u>Maximum building height (ft.)</u>	45 <u>75</u>
<u>Maximum lot coverage (%) (with principal and accessory buildings)</u>	<u>35</u>
<u>Maximum floor area ratio (F.A.R.)</u>	<u>0.55</u>
⁽¹⁾ Unless abutting any residentially zoned property, then 35 feet.	

Sec. 110-318. I, Industrial District

~~(c) **Dimensional Requirements** (Exhibit A page 128) **Building site area requirements.** Each I classified lot must contain a minimum area of 20,000 square feet of net land area and have a minimum lot width of 100 feet, except that in the activity center each I classified lot shall be a minimum of one and two-tenths acres of net land area and have a minimum width of 100 feet.~~

~~(d) **Front, rear and side yard regulations.** The following front, rear and side yards shall be observed, measured from the front, rear and side walls of the main structure to the road or street right-of-way line, rear and side lines of lot or parcel of land respectively, eaves and steps shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot or easement.~~

~~(1) *Front yard:* There shall be a front yard of at least 50 feet. On corner lots the above stated requirements shall apply for both sides, excluding alleys and utility right of ways.~~

~~(2) *Rear yard:* A rear yard of at least 20 feet is required. For buildings over 35 feet in height the side and rear yard shall be increased by one foot of yard for each foot of building height over 35 feet. A rear yard of 35 feet shall be required if abutting residentially zoned property.~~

~~(3) *Side yard:* A minimum side yard of ten feet must be provided. If abutting any residentially zoned property a minimum side yard of 35 feet must be provided.~~

~~(e) *Maximum floor area ratio (F.A.R.):* 1.0~~

~~(f) *Maximum building height:* 75 feet. In the activity center, buildings having a height over 55 feet shall provide perimeter landscaping and visual screening that is 50 percent higher both at the time of planting and within three years than the minimum height requirements of article VIII, section 110-808, landscaping requirements.~~

<u>I - Industrial</u>	
<u>Minimum lot size⁽¹⁾</u>	-
<u>Area (sq. ft.)</u>	<u>20,000</u>
<u>Width (ft.)</u>	<u>100</u>
<u>Minimum yard size⁽²⁾</u>	-
<u>Front yard (ft.)</u>	<u>50</u>
<u>Rear yard (ft.)⁽³⁾</u>	<u>20</u>
<u>Side yard (ft.)⁽³⁾</u>	<u>10</u>
<u>Side and Rear yard abutting residentially zoned property (ft.)</u>	<u>35</u>
<u>Maximum building height (ft.)⁽⁴⁾</u>	<u>75</u>
<u>Maximum lot coverage (%) (with principal and accessory buildings)⁽⁵⁾</u>	<u>40</u>
<u>Maximum floor area ratio (F.A.R.)</u>	<u>1.0</u>
<p><u>⁽¹⁾Except that in the Activity Center each Industrial classified lot shall be a minimum of one and two-tenths acres of net land area and have a minimum width of 100 feet.</u></p> <p><u>⁽²⁾Measured from the front, rear, and side wall of the main structure to the road or street-right-of-way line, rear and side lines of lot or parcel of land respectively, eaves and steps shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot or easement.</u></p> <p><u>⁽³⁾For buildings over 35 feet in height the side and rear yard shall be increased by one foot of yard for each foot of building height over 35 feet.</u></p> <p><u>⁽⁴⁾In the Activity Center, buildings having a height over 55 feet shall provide perimeter landscaping and visual screening that is 50 percent higher both at the time of planting and within three years than the minimum height requirements of Article VIII, Section 110-808, Landscaping Requirements.</u></p>	

⁽⁵⁾Swimming pools and screened enclosures are excepted from this provision.

(g) *Off-street parking regulations.* See section 110-828.

~~(h) *Lot coverage.* 40 percent of the lot area is the maximum that may be covered by the principal and accessory buildings located thereon. Swimming pools and screened enclosures are excepted from this provision. (Exhibit A page 129)~~

(i) *Landscape buffer requirements.* Landscape buffer areas meeting the requirements of section 110-808 shall be constructed, except for the increased requirements noted above in the activity center.

(j) *Final site plan requirements.* Final site plan approval meeting the requirements of article III of the Land Development Code, Ordinance No. 96-25 [chapter 74, article II, Code of Ordinances], as it may be amended from time to time, is required.

(k) *Types of signs permitted.* Signs are permitted in accordance with the requirements of the city's sign ordinance, Ordinance No. 12-97 [chapter 102, Code of Ordinances], as it may be amended from time to time.

(h) *General provisions, exceptions and prohibitions.*

(1) See article VIII.

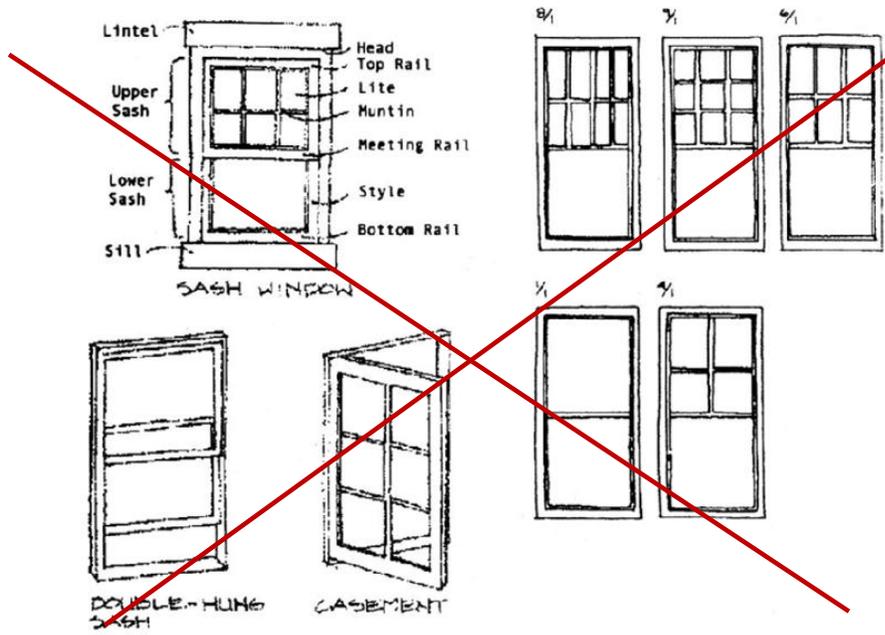
Sec. 110-320. EO, Enterprise Commercial Overlay District

Sec. 110-320(e) *Examples of interpretation.* Figures referenced in sections 110-320(c) and 110-320(d):



Figure 1 (Referenced in ~~4.1.3.3(A)~~[110-320\(c\)\(3\)a](#). Architectural Style and Application**ility**)

(Exhibit A page 138)



(Exhibit A page 139)

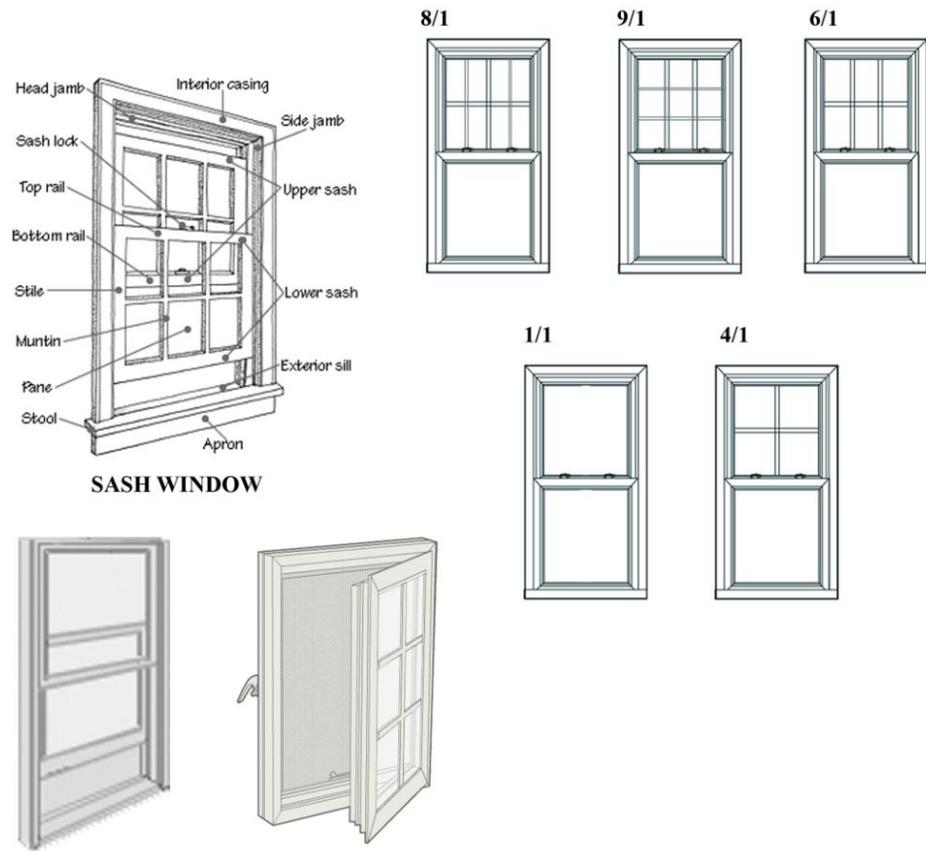
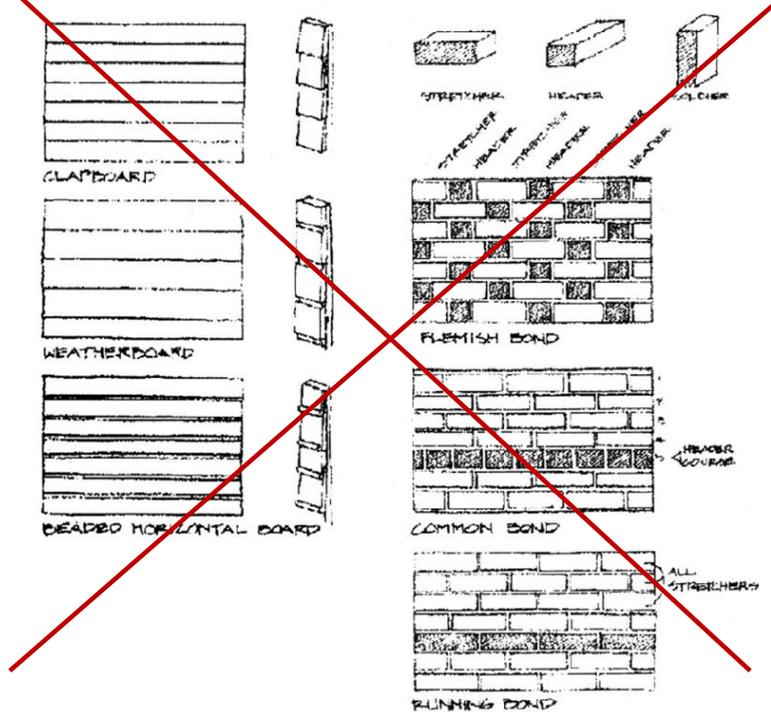


Figure 2 (Referenced in [110-320\(c\)\(3\)c.1.1.3.3\(C\)3](#). Design Detail: ~~Windows~~)

(Exhibit A page 140)



(Exhibit A page 141)

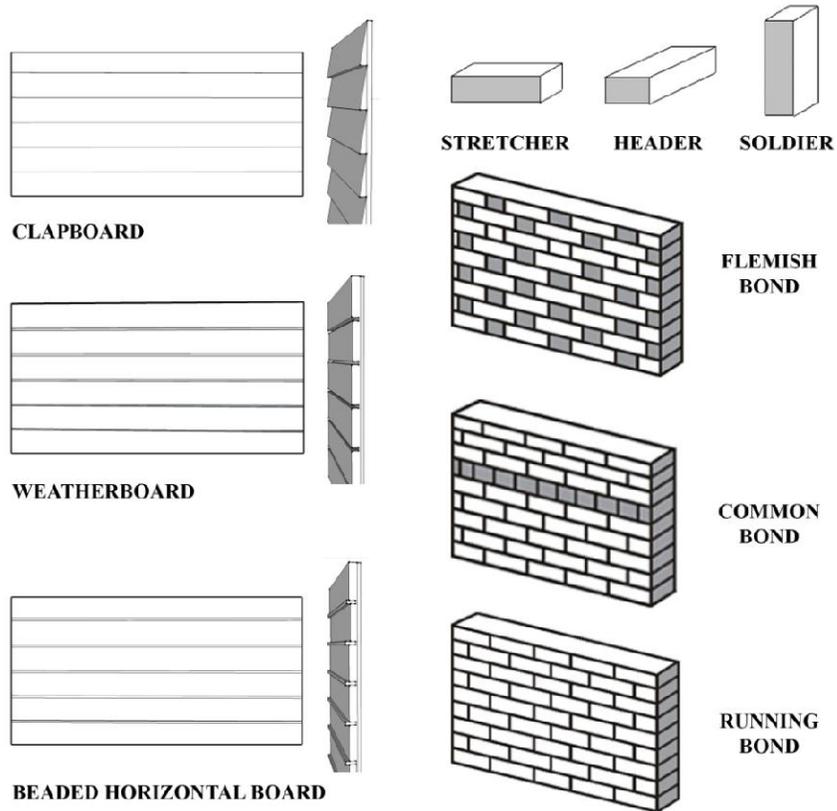
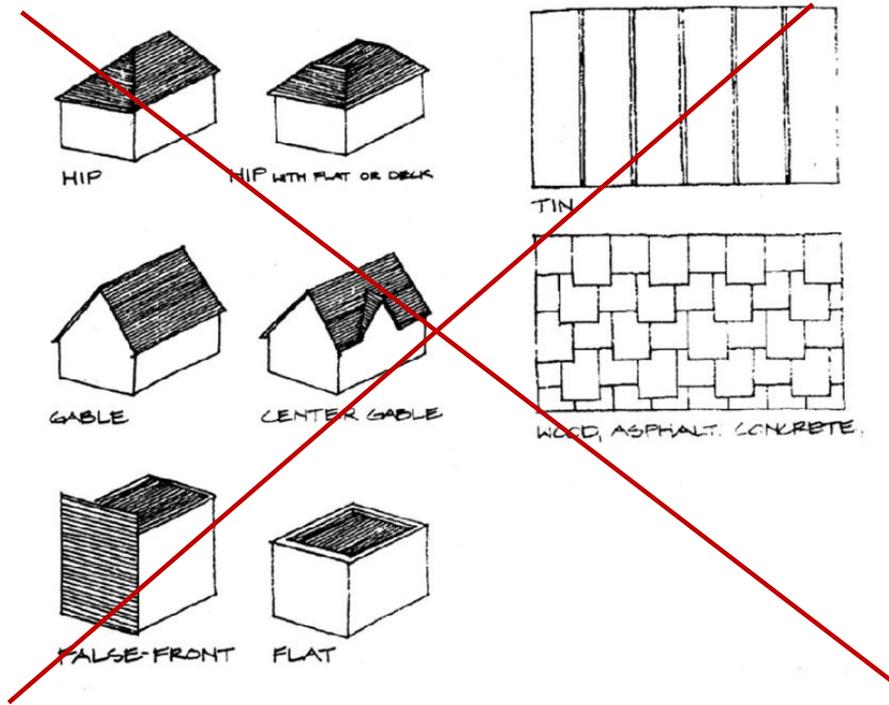


Figure 3 (Referenced in [110-320\(c\)\(3\)f.1.1.3.3\(G\)](#) Exterior Materials and Colors)

(Exhibit A page 142)



(Exhibit A page 143)

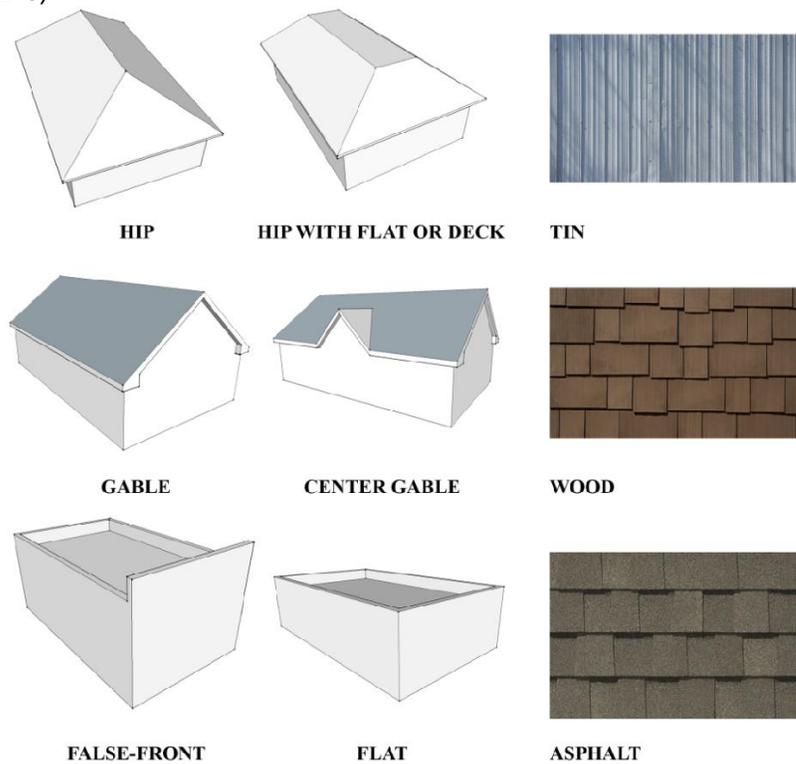


Figure 4 (Referenced in [110-320\(c\)\(3\)h.1.1.3.3\(H\)](#) Roof Design and Materials)

Sec. 110-600. Types of nonconformity

Sec. 110-600 (c)(2) If ~~it~~ the dwelling unit is damaged in excess of ~~75~~50 percent, of its replacement value, as defined in section 70-30, any reconstruction shall comply with this chapter. Provided, however, if ~~a residential structure~~such dwelling is damaged through no fault of its owner, and its nonconformity is as to its dimensional requirements, such structure may be rebuilt to the same or larger dimensions, but otherwise in conformity with this code. Such home replacement that does not expand the non-conformity shall obtain a building permit within one year of the damages, otherwise the replacement home shall conform to the requirements of this code. (Exhibit A page 145)

Sec. 110-801. Exceptions to minimum yard or lot coverage requirements. (Exhibit A page 146)

Every part of every yard shall be open and unobstructed from the ground up, except as otherwise permitted by this chapter:

- (a) ~~Reserved.~~ Accessibility ramps needed to meet the current Florida Building Code accessibility requirements may encroach within any yard area. However, accessibility ramp encroachment into a yard area shall be minimized to the greatest extent possible.
- (b) On any corner lot, no structure or shrubbery shall cause any obstruction to vision of motorists in accordance with the provisions for obstructions to vision in chapter 96, article II, Code of Ordinances, as it may be amended from time to time.
- (c) In all zoning classifications, off-street parking lots may be in yards to the extent permitted by sections 110-828 and 110-811
- (d) ~~Reserved.~~ Fixed awnings may encroach on front yard setbacks as per Section 102-100(3).
- (e) ~~Every part of a required yard shall be open from its lowest point to the sky, unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features, chimneys and eaves; provided however, that none of the above p~~Projections of sills, belt courses, cornices, buttresses, ornamental features, chimneys, eaves, and other similar structures; provided, however, that none of the above mentioned projections may shall project into a minimum side any yard more than 30 inches. If a yard is associated with a platted easement, then the terms of Section 110-803 may be applicable.
- (f) Open or enclosed fire escapes, fire proof outside stairways, moveable awnings (when fully extended) and balconies may projecting into any a minimum yard ~~or court~~ not more than three and one-half feet, ~~and the ordinary projection of chimneys and flues are permitted.~~
- (g) All structures erected to protect or support fern or other agricultural crops are exempt from the yard requirements. All buildings erected to protect or grow nursery plants are exempt from the maximum lot coverage requirements in all of the agricultural zoning classifications.
- (h) Those exceptions permitted in section 110-814 pertaining to automobile service stations.
- (i) In all residential classifications, where a lot is situated between two lots, each having a principal building which projects beyond the minimum front yard requirements for its classification, its minimum front yard requirement shall be the average of the distance between the front lines and the fronts of the principal buildings on the adjacent properties.
- (j) If, because of prior zoning regulations, or because of a unified plan of development, or for any other reason, a majority of the houses already constructed in a particular residential neighborhood observe

a setback greater than that which is required by these regulations, the average setback actually observed shall apply to all new construction in that neighborhood, anything in these regulations to the contrary notwithstanding.

- (k) On any nonconforming lot not more than 50 feet in width, that has a single-family zoning classification, the minimum side yard may be decreased to seven feet.
- (l) On any lot with 50 feet or less of depth and at least 5,000 square feet of area, that has a single-family zone classification, the minimum front yard may be reduced to 12.5 feet and the minimum rear yard may be reduced to ten feet providing:
 - (1) The lot abuts a city or county arterial thoroughfare road;
 - (2) The lot was reduced in size by the action of the city, county, state or federal government;
 - (3) The lot is to be utilized only for a single-family residence and its accessory uses and structures; and
 - (4) The proposed single-family residence is to be connected to central water and sewer services.
- (m) In all zoning classifications, package sewage treatment plants may be located in yards to the extent permitted by sections 110-816 and 110-817(a)(3).
- (n) *Reserved.*
- (o) On any lot which has a septic system or a septic system drain field located in the rear yard to meet the requirements of the city's lot fill and underground utilities ordinance, Ordinance No. 01-20, one minimum side yard may be reduced to five feet providing:
 - (1) The minimum distance separation between the principal building and the nearest adjacent ~~principle~~ principal building is not less than 12 1/2 feet; and
 - (2) The principal building does not encroach into a platted easement; and
 - (3) The reduction is the minimum necessary to provide a ten-foot clearance between the opposite side yard lot line and the ~~overhanging eaves~~ projections, if any, of the principal building; and
 - (4) No equipment or accessory structures may be located within the opposite side yard or within ten feet of the opposite side lot line from the rear of the principal building on that side to a line representing an extension of the rear line of the septic tank drain field; and
 - (5) The change in setbacks is necessary to allow the passage to the rear yard of equipment that is necessary to maintain or replace the septic system.

Sec. 110-803. Construction or Projections in platted easements. (*Exhibit A page 147*)

(a) Principal and accessory structures and related projections, including driveways and swimming pool decks, ~~other than boat docks, boathouses and walkways that traverse the easements~~, shall not be erected in platted easements unless the easement has been abandoned/vacated consistent with Section 58-32 – Section 58-37 of the City Code of Ordinances. ~~an authorized use permit is issued by the City of Deltona.~~

(b) However, the following improvements may be permitted in non-vacated/abandoned platted easements:

- (1) Fences

(2) Boat docks, boat houses and walkways that traverse platted easements in a perpendicular manner.

Sec. 110-807. Home Occupations

Sec. 110-807(e) ~~No stock in trade or commodity shall be kept or sold upon the premises.~~ Storage of stock in trade (i.e. materials or supplies used in the home occupation) shall be ~~done~~located within an ~~in~~-enclosed buildings and within the space limitations in section 110-807(d). No products shall be displayed on the premises. No toxic/hazardous materials shall be stored on the premises. *(Exhibit A page 148)*

Sec. 110-808. Landscaping Requirements

Sec. 110-808(o) Except as provided herein, the requirements of Section 110-808 do not apply to properties that meet the following criteria:

- (a1) The property is currently used for, was used for, and is zoned for commercial or industrial use.
- (b2) The change in use will not require a rezoning.
- (e3) The proposed use is a permitted or conditional use in the current zoning district.
- (d4) No expansion will occur to the buildings' gross square footage.

Development proposals that meet these criteria shall provide at least 15% of landscape coverage of the property 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. *(Exhibit A page 172)*

Sec. 110-811. Parking and storage of vehicles or watercraft

Sec. 110-811(a)(6) All vehicles parked in side or rear yards must be stored in a site plan approved parking area, ~~and meet the screening requirements of 110-811.06.~~ Screening exceeding the height limitations for the zoning district in which it is located may only consist of vegetative screening for that portion exceeding said height limitations. All vegetative screening must be designed as three year to maturity from the approved plant list provided by the Planning and Development Services Department. All site plan approved parking shall meet the standards for minimum required parking in subsection 110-828(b) through 110-828(e). For parking the excess of minimum required parking spaces, the enforcement official may allow semi-impervious materials similar to those permitted by subsection 110-828(b)(1). *(Exhibit A page 172)*

Sec. 110-811(b). Mobile recreational shelters. Mobile recreational shelters and vehicles, other camping type vehicles excluding pickup covers when appropriately mounted on a vehicle, boats, boat trailers, utility trailers, and other trailers are permitted as an accessory use on any lot within the A, RE-1, RE-5,, R-1, R-2, R-3, R-4, R1-B,, the single- and two-family residential areas of RPUD, and the MPUD, ~~and the MH 6~~ classifications provided the following conditions are met: ...*(Exhibit A page 173)*

Sec. 110-811(f) ~~Reserved~~ *Special Event Parking. During such events, grass areas may be permitted to be used for parking provided the Authority Having Jurisdiction (AHJ) from the Fire Department, consistent with Section 10.15.2 as amended of the Fire Code, shall be permitted to regulate all outdoor events pertaining to access for emergency vehicle; access to fire protection equipment; placement of stands, concession booths, and exhibits; and the control of hazardous conditions dangerous to life and property. (Exhibit A page 174)*

Sec. 110-814. Additional regulations for certain permitted principal uses and structures. *(Exhibit A page 175)*

(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 ~~1,000~~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.

Sec. 110-817. ~~Permitted e~~Conditional uses *(Exhibit A page 180)*

Sec. 110-817(d)(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~~(a)~~(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. *(Exhibit A page 175)*

Sec. 110-817(g) Granny Flats (Exhibit A page 182)

- (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 ~~larger~~ greater than ~~800 square feet of living area~~ 35 percent of the gross floor area of the principal dwelling unit.
- (4) Shall have all utility services provided by a common meter with the principal dwelling.
- (5) Shall not have a separate driveway.

(6) Shall not be assigned a separate address.

(7) All granny flats approved will be subject to a declaration of use agreement between the owner and City stipulating, at minimum, the nature of the occupancy and granting the City right to inspect the premises in a reasonable manner.

Sec. 110-817(~~gh~~) (j) Reserved

Sec. 110-820. Airport hazards.

(a) *Application of certain federal and state standards.* Notwithstanding any other maximum height provisions of this chapter or any PUD order and resolution adopted pursuant to this chapter, unless a variance is granted by the planning and land development regulation commission pursuant to F.S. ch. 333, and section 110-1103 of this chapter, no structure or tree shall exceed the maximum heights as set out in the Federal Obstruction Standards as contained in 14 C.F.R. sections 77.21, 77.23, 77.28 and 77.29, which are adopted by reference as part of this chapter.

~~The above described standards shall not apply to private airports in the City of Deltona. Proposed development of any aboveground structure within one nautical mile of the ASR 9 radar site, as shown on the ASR 9 Operational Area Map prepared by the County of Volusia, shall be reviewed and approved by the FAA prior to issuance of a permit. Proposed development of any structure over 100 feet within four nautical miles of the ASR 9 site shall be reviewed and approved by the FAA prior to issuance of a permit (Exhibit A page 190)~~

Sec. 110-827. Accessory Uses and Structures

Sec. 110-827(c)(2)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. *(Exhibit A page 192)*

Sec. 110-827(c)(4) ~~Detached garage apartments or detached mother in law apartments~~ Granny flats allowed in the A, RE-5 and RE-1 zoning classification as a permitted principal use are subject to the following requirements: *(Exhibit A page 192)*

a. Can only be used as a dwelling unit by immediate family members or ~~servant-domestic help/caregiver~~ quarters of the principal dwelling pursuant to the zoning district requirements.;

b. shall be a minimum of ~~600~~ 400 square feet of living area, but shall not be greater than ~~35~~ percent of the gross floor area of the principal dwelling unit.;

c. shall have all utility services provided by a common meter with the principal dwelling.;

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

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

f. all granny flats shall be subject to a declaration of use agreement between the owner and the City stipulating, at minimum, the nature of the occupancy and granting the City the right to inspect the premises in a reasonable manner.

Sec. 110-827(d)(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. *(Exhibit A page 193)*

[Sec. 110-827\(f\) 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. \(Exhibit A page 193\)](#)

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

Sec. 110-829(h) [Sight distance Reserved.](#) (Exhibit A page 199)

- ~~(1) Cross visibility requirements at the intersection of driveways and public right of way. If a driveway intersects a public right of way, there shall be no sight obstruction within a triangular area of property on both sides of a driveway formed by the intersection of each side of the driveway and the public right of way line with two sides of each triangle being ten feet in length from the point of intersection and the third side being a line connecting the ends of the two other sides.~~
- ~~(2) Cross visibility requirements at pedestrian crosswalks and other areas of pedestrian concentration. If a crosswalk intersects a vehicular access aisle, driveway or public right of way, there shall be no sight obstruction within a triangular area of property on both sides of a crosswalk or walkway formed by the intersection of each side of the walkway and the public right of way or aisle with two sides of each triangle being ten feet in length from the point of intersection and the third side being a line connecting the ends of the two sides.~~
- ~~(3) Sight triangles.~~
- ~~a. Within the triangular areas described above, it shall not be permissible to install, set out or maintain, or to allow the installation, setting out or maintenance of, either temporarily or permanently, any vehicular parking space, sign, wall, hedge, shrubbery, tree, earth mound, natural growth or other obstruction of any kind which obstructs cross visibility at a level between 30 inches and ten feet above the level of the center of the adjacent intersection.~~
- ~~Any wall or fence within the sight triangle must be constructed in such a manner as to provide adequate cross visibility over or through the structure between 30 inches and ten feet in height above the driving surface.~~
- ~~b. The following will be permitted within the triangular area described above:~~
- ~~1. Limbs of trees and foliage trimmed in such a manner that no limbs or foliage extend into the area between 30 inches and ten feet above the level of the center of the adjacent intersection. Landscaping, except required grass or ground cover, shall not be located closer than five feet from the edge of any roadway pavement, and three feet from the edge of any alley or driveway pavement.~~
 - ~~2. Fire hydrants and street signs.~~
 - ~~3. If there is no public right of way, the sight distance requirement shall be determined by the DRC.~~

[Section 110-832 Sidewalk Cafés](#) (Exhibit A page 201)

[\(a\) Purpose and Intent. Within non-residentially zoned areas and added as part of an existing or proposed restaurants, an establishment may provide a designated space that includes sidewalk café seating areas consistent with the provisions of this subsection. Any such area shall have direct access to the](#)

building containing the restaurant or to a sidewalk network and be placed in a visible location that is convenient for use by the general public.

- (1) Sidewalk cafés shall only be allowed following approval of a site plan by the Director of Development Services.
- (2) The sidewalk café site plan shall meet all relevant provisions of the Land Development Code.
- (3) The sidewalk café shall meet all minimum requirements of the Fire Code.
- (4) The Fire Marshal or designee may cause the immediate removal, relocation, redesign, and/or storage of all or part of a sidewalk café in emergency situations or for public safety considerations at the expense of the business owner.
- (5) The Fire Marshal or designee may require the temporary removal and/or relocation of all or part of a sidewalk café when street, sidewalk, or utility repairs, or other public construction, necessitates such action.
- (6) The owner of a sidewalk café shall maintain a current business tax license issued by the City of Deltona, Finance Department (refer to City of Deltona, Code of Ordinance, Chapter 22-Businesses).
- (7) The clear width of adjacent sidewalks shall be a minimum of 36 inches to provide for adequate pedestrian access, and such sidewalk shall not bisect and shall be located outside the sidewalk café sitting area. Consistent with Section 403.5.1 of the Florida Building Code, as may be amended, such width may be reduced to a minimum of 32 inches for a length of 24 inches maximum, provided that reduced width segments are separated by segments that are a minimum of 48 inches long and a minimum of 36 inches wide.

(b) Indemnification and insurance.

- (1) Sidewalk cafés which serve alcoholic beverages shall carry liquor liability insurance at its own expense and liability.
- (2) Workers' compensation and employers' liability as required by the state.

~~Sec. 110-832~~ — Sec. 110-833 -- Sec. 110-834. Reserved



AGENDA MEMO

TO: Mayor & City Commission **AGENDA DATE:** 6/3/2013
FROM: William "Dave" Denny, Acting City Manager **AGENDA ITEM:** 9 - A
SUBJECT: Consideration of one (1) appointment to the William S. Harvey Deltona Scholarship Advisory Board (Commissioner Barnaby's appointment).

LOCATION:

N/A

BACKGROUND:

The terms of all seven (7) members of the William S. Harvey Deltona Scholarship Advisory Board expired on May 31, 2013 and all appointments or re-appointments have been made at the May 20th Regular City Commission Meeting with the exception of Commissioner Barnaby's appointment.

The City has run press releases, posted the openings on D-TV, the City's web page and bulletin boards. To date the City has received applications from the following individuals: Stephen Campbell, Alvin John, Gretel McNaney and Cristina Raimundo.

ORIGINATING DEPARTMENT:

City Clerk's Office

SOURCE OF FUNDS:

N/A

COST:

N/A

REVIEWED BY:

City Clerk

STAFF RECOMMENDATION PRESENTED BY:

Joyce Raftery, City Clerk - That the Commission confirm Commissioner Barnaby's appointment to the William S. Harvey Deltona Scholarship Advisory Board with a term to expire on May 31, 2014.

POTENTIAL MOTION:

"I move to confirm Commissioner Barnaby's appointment with a term to expire on May 31, 2014 to the William S. Harvey Deltona Scholarship Advisory Board."

**AGENDA ITEM
APPROVED BY:**

William "Dave" Denny, Acting City
Manager

ATTACHMENTS:

- Wm S Harvey Scholarship Member List Member List
- Application - Campbell
- Application - John
- Application - McNaney
- Application - Raimundo
- Resignation Email - Drysdale; Fisher; Watral

City of Deltona, Florida
WILLIAM S. HARVEY DELTONA
SCHOLARSHIP ADVISORY BOARD

	<u>Appointed By</u>	<u>Apptd. Date</u>	<u>Term Expiration</u>
Christopher Alcantara 574 Giralda Ave. Deltona, FL 32725 (347) 515-0427 Email: calcanta@stetson.edu	Mayor Masiarczyk	05-20-13(Re-appt) 05-07-12 08-15-11 01-02-10	05-31-14
Steve Lightbody 1161 E. Normandy Blvd. Deltona, FL 32725 (321) 948-1043 Email: bulb00@yahoo.com	Commissioner Herzberg (District 3)	05-20-13	05-31-14
Harry Meeks 2642 Gramercy Dr. Deltona, FL 32738 (386) 789-0644 Email: princehall@cfl.rr.com	Commissioner Schleicher (District 4)	05-20-2013	05-31-14
Peggy Fisher (Resigned 4/22/13) 900 Yellowbird Ave. Deltona, FL 32725 (386) 574-7046 Email: pegsterinfl@yahoo.com	Commissioner Barnaby (District 2)	05-07-12 (Re-appt) 08-15-11	05-31-13
Walter Dawson 1698 Sterling Silver Blvd. Deltona, FL 32725 (386) 532-3688 H Email: ddzncl505@aol.com	Vice Mayor Denizac (District 1)	05-20-13(Re-appt) 05-07-12 09-06-11	05-31-14
Lori Burbank 2073 Brewster Dr. Deltona, FL 32738 (386) 789-3054 Email: loriburbank@gmail.com	Commissioner Nabicht (District 6)	05-20-13	05-31-14

City of Deltona, Florida
WILLIAM S. HARVEY DELTONA
SCHOLARSHIP ADVISORY BOARD

	<u>Appointed By</u>	<u>Apptd. Date</u>	<u>Term Expiration</u>
Vernon Moore 3021 Cloverdale St. Deltona, FL 32738 (386) 795-2343 (H) (386) 789-4515 (W) Email: vernonsmoore@gmail.com	Commissioner Lowry (District 5)	05-20-2013(Re-appt) 05-07-12 09-06-11	05-31-13

Staff Liaison:

Pauline Shattuck
M&C Admin. Asst. II
2345 Providence Blvd.
Deltona, FL 32725
Phone: (386) 878-8860
Fax: (386) 878-8851
Email: pshattuck@deltonafl.gov

Joyce Raftery

From: Stephen Campbell <SJCampbell9@yahoo.com>
Sent: Wednesday, May 29, 2013 11:52 AM
To: Joyce Raftery
Subject: Citizen Board/Committee Application
Attachments: Attach0.html

Request From: Stephen Campbell
 Email: SJCampbell9@yahoo.com
 Source IP: 142.197.239.195

Address: 2250 St. Augustine St.
 City: Deltona
 State: Florida
 Zip: 32738
 Phone: 407-462-4170
 Alt Phone:
 Fax:
 Organization:

Checkbox Choices
 William S. Harvey Scholarship Selection Committee ,

Number of Years as a Deltona Resident
 11 - 15 Years

What Commission district do you reside in?
 District 1

Are you a registered voter in Volusia County?
 No

Who is your employer? (Please include number of years, address, phone number and title/position)
 University of Central Florida, sophomore, 4000 Central Florida Blvd Orlando FL, Student
 Publix Super Markets Inc., 1 year, 915 Doyle Road Deltona, FL, (386)575-0521, Deli Clerk

Please summarize your work experience.
 I am a full time student at the University of Central Florida double majoring in political Science and Economics. I also work part time at Publix Super Markets and have for one year. Being only 19 I do not have much work experience.

List any volunteer service organizations, clubs, or professional societies you are a member of and give the positions or titles you have held.

I have volunteered as a Pop Warner Little Scholars assistant football coach for the past 2 years with the west Volusia Wolves. I have also been involved in a number of charities at UCF including the Children's Miracle Network's Hope for the Holidays, American Cancer Societies' Relay for Life, and Knight-thon UCF's largest student run charity benefitting Children's Miracle Network. I was also on UCF Student Government Association's Student Body President's Advisory Council, which coordinated a number of events that Student Government would hold for the students of UCF.

Have you ever served on a committee or advisory board? If so, give the details, including any positions held. Have you ever held public office? If so, give the details, including offices involved, whether elected or appointed, and the length of service.

Last year at UCF I served on the Student Government Association's Student Body President's Advisory Council. The purpose of the group was to coordinate events to be held for the UCF students, as well as help run many of SGA's charitable events.

Describe any additional knowledge, skill, education, or experience you have, which would assist you in the duties of this Board/Committee.

Being only 19, I feel that I can bring a different perspective to the scholarship committee. I recently graduated from Deltona public schools, and would like to share the perspective from someone who knows what these applicants are going through while applying for scholarships and schools.

Explain why you want to serve on this Board/Committee, and include any potential contribution you selection would bring.

I want to serve on the William S. Harvey Scholarship board because I would like to give back to students who have worked very hard for almost their entire life to reach this point. I would like to help give opportunities to some of these students who would not normally be able to afford the expenses of college, and I feel helping determine who will receive Deltona's prestigious William S. Harvey Scholarship will allow me to do so. What I can contribute to the scholarship board is that I am only 19 and can bring a different perspective which may be absent from the committee currently. I have just recently graduated from Deltona High School, and I understand what many of these students are going through, as I am only a couple years removed from it (And I am still going through many similar situations, just on a college level).

Potential conflict of interest: Do you do business, or are you engaged in the management of any business enterprise that has a financial interest with the City of Deltona? Please give details, including the name of the enterprise, the nature of the business, and the position you hold.

I am not involved in any business that would have financial interest in the City of Deltona.

Have you ever been convicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? If so, give details. Do not include traffic violations or fines of \$100 or less that were imposed, unless it also included a jail sentence.

I have never been convicted of a violation of any sort.

List names, addresses, and telephone numbers of at least three persons who are in a position to comment on your qualifications and of whom inquiry may be made by the City of Deltona.

John Rozzero, 2042 Watersedge Dr. Deltona, FL 32738, (386)860-3022

Ron Guire, 2121 Watersedge Dr. Deltona, FL 32738, (386)473-9941

Alexis Dempsey, 29812 Fairway Dr. Wesley Chapel, FL 33543 (813)310-5454

Additional Information or Comments

I declare the foregoing facts to be true, correct, and complete.

I agree

City Clerk's Office Use:

App'd. to: _____

Date: _____

Other Boards of Interest/Date Contacted: _____

City of Deltona
Citizen Board/Committee Application

Name of Board/Committee: William S Hervey
Deltona Scholarship Board

1. Personal Information:Name: ALVIN JOHNAddress: 1941 Newark DriveCity: DELTONA Zip: 32738 # Years: 10 years District: _____Telephone #: (386) 334-0465 Are you a registered voter? Yes NoE-mail Address: Macgijon@yahoo.comEmployer: self employed # years: _____Address: 595 West Granada Blvd, Ormond Beach, Fla.Telephone #: (386) 615-7859 Position: AgentSummarize your work experience: Teaching people how to make money, save money, get out of debt & prepare for retirement2. Education:

School	Years	Degree
<u>NYU, Old Westbury, New York</u>	<u>6 yrs</u>	<u>Bachel B.A</u>
<u>P.F.S.U.</u>	<u>3 yrs</u>	<u>Licensed in Ins. Securities</u>

3. Volunteer, Civic, Professional & Other Activities:

a. List any volunteer service organizations, clubs or professional societies you are a member of and give the positions or titles you have held.

Mid Florida Community Services, Inc - Member on the Head StartAdvisory Board 386-748-2600; Office (386)-878-8860

b. Have you ever served on a committee or advisory board? If so, give the details, including any positions held.

c. Have you ever held public office? If so, give the details, including the offices involved, whether elected or appointed, and the length of service.

No

4. Reasons for serving:

- a. Describe any additional knowledge, skill, education or experience you have, which would assist you in the duties of this Board/Committee.

Listening, and understanding the spoken wording of anyone by asking questions

- b. Explain why you want to serve on this Board/Committee, and include any particular potential contribution your selection would bring.

To utilize my spare time, and knowledge and experience to improve the life of the community, the youth and adults in the Community

5. Miscellaneous:

- a. Potential conflict of interest: Do you do business, or are you engaged in the management of any business enterprise that has a financial interest with the City of Deltona? Please give details, including the name of the enterprise, the nature of the business, and the position you hold.

No

- b. Have you ever been convicted for violation of any federal, state, county or municipal law, regulation or ordinance? If so, give details. Do not include traffic violations or fines of \$100 or less that were imposed, unless it also included a jail sentence.

No

6. References:

List names, addresses and telephone numbers of at least three persons who are in a position to comment on your qualifications and of whom inquiry may be made by the City of Deltona.

1. *Mr. Vernon Moore 3021 Cloverdale St Deltona, FL 32738 (386) 795-2343*
2. *Commissioner Barnaby*
3. _____

7. Additional information or comments:

I DECLARE THE FOREGOING FACTS TO BE TRUE, CORRECT AND COMPLETE.

Signature

Atwa Joh

Date

5/23/13

Return completed application to:

City of Deltona ♦ City Clerk's Office ♦ 2345 Providence Blvd. ♦ Deltona, FL 32725

** Please note that the City Clerk's Office keeps applications active for 6 months from the date of receipt if you are not chosen to fill the Board/Committee vacancy. If within that 6 months you wish to be considered for another Board/Committee vacancy other than the Board originally applied for, you must contact the City Clerk's Office at (386)-561-2100 and request your application be pulled for consideration. After 6 months, a new application must be submitted.

appointed 9/6/11

McNaney, Gretel

contacted 8/30/11

Joyce Kent

From: Board/Committee Application [forms@deltonafl.gov]
 Sent: Wednesday, January 14, 2009 11:52 AM
 To: Joyce Kent
 Subject: Board/Committee Application

Board Committee ApplicationName of Board or Committee: *Wm. S. Harvey Scholarship Committee***Personal Information**

Name: Gretel McNaney
 Email: gretelsue@gmail.com
 Address: 876 Adler Drive
 City: Deltona
 State: FL
 Zip: 32738
 Number of Yrs. residence: 25
 District: District 6
 Phone: 386 216 1609
 Registered Voter: Yes
 Employer: Semi-Retired Previously at Houghton Mifflin Harcourt
 Number of Yrs. Worked there: 25
 Address: 6277 Sea Harbor Drive
 Phone: 407 345 2000
 Position: Art Director/Graphic Designer

Summarize your work experience

Designed School Books Managed Projects Maintained Budgets Supervised People

Education

School	Years	Degree
UCF	1976-1980	BA with Education background

Volunteer, Civic, Professional, & Other Activities

List any volunteer service organizations, clubs, or professional societies you are a member of and give the positions or titles you have held.

Newly Retired I am very responsible, a hard worker, and would take this opportunity very seriously, with support to anyone as needed.

Have you ever served on a committee or advisory board? If so, give the details, including any positions held.

I have been on many committees throughout my publishing career. Budget, Change Management, Process, Workflow, Branding and Design Committees to name a few. Committees were created to have a small group of people represent a larger group of different teams to be sure as many issues could be addressed when moving in a new direction. I was a lead, member and often offered the Designers voice in the organization I worked in.

Have you ever held public office? If so, give the details, including offices involved, whether elected or appointed, and the length of service.

no

Reasons For Serving

Describe any additional knowledge, skill, education, or experience you have, which would assist you in the duties of this Board/Committee.

I have experience with budgets, project management, budgets, instructional design, education and I have good team skills. I am a hard worker and would consider this a great opportunity.

Explain why you want to serve on this Board/Committee, and include any potential contribution you selection would bring.

I am recently retired/semi retired and want to give back to my community.

Miscellaneous

Potential conflict of interest: Do you do business, or are you engaged in the management of any business enterprise that has a financial interest with the City of Deltona? Please give details, including the name of the enterprise, the nature of the business, and the position you hold.

no

Have you ever been convicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? If so, give details. Do not include traffic violations or fines of \$100 or less that were imposed, unless it also included a jail sentence.

no

References

List names, addresses, and telephone numbers of at least three persons who are in a position to comment on your qualifications and of whom inquiry may be made by the City of Deltona.

Andrea Kratz
Theresa Collins
Mathy Hogan

Mitch Honaker

From: gretel mcnaney <gretelsue@gmail.com>
Sent: Friday, April 12, 2013 11:49 AM
To: Mitch Honaker
Subject: Re: Reappointment to Harvey Scholarship Board

no changes...

On Fri, Apr 12, 2013 at 11:32 AM, Mitch Honaker <MHonaker@deltonafl.gov> wrote:

Good morning Ms. Gretel,

Please review the attached application, if no changes I'll use your old application and a copy of your email saying no changes. I have to attach a copy of all individuals who request re-appointment and appointment to the Muni Agenda item so the Commissioners can review them.

So instead of having current members fill out their application again, I just send the old one out for review and attach the email that says "No Changes to application on file".

Sincerely,

Mitch Honaker

Deputy City Clerk, City of Deltona

2345 Providence Blvd.

Deltona, FL 32725

Phone: [\(386\) 878-8505](tel:(386)878-8505)

Fax: [\(386-878-8501\)](tel:(386)878-8501)

Florida's Bright Spot!

Mitch Honaker

From: Cristina Raimundo <cristinaraimundo50@gmail.com>
Sent: Tuesday, April 09, 2013 8:04 PM
To: Mitch Honaker
Subject: Citizen Board/Committee Application
Attachments: Attach0.html

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Working Project

Request From: Cristina Raimundo
 Email: cristinaraimundo50@gmail.com
 Source IP: 99.40.165.79

Address: 1185 Outlook Drive
 City: Deltona
 State: New York
 Zip: 32725
 Phone: 917-576-1318
 Alt Phone:
 Fax:
 Organization:

Checkbox Choices
 William S. Harvey Scholarship Selection Committee ,

Number of Years as a Deltona Resident
 6 - 10 Years

What Commission district do you reside in?
 District 3

Are you a registered voter in Volusia County?
 Yes

Who is your employer? (Please include number of years, address, phone number and title/position)
 Volusia County Schools 200 N. Clara Deland, Florida 32720 386-734-7190
 Deltona Lakes Elementary Teacher (5 years)
 Osteen Elementary School Assistant Principal (3years)
 500 Doyle Road, Osteen, Florida 32764 407-328-5500

Please summarize your work experience.

I have worked in the field of education for twelve years four of which were in NYC as an elementary school teacher serving third and fourth grade students. In Florida I have served as an elementary school fourth grade teacher for five years and presently I hold the title of Assistant Principal for three years at Osteen Elementary.

List any volunteer service organizations, clubs, or professional societies you are a member of and give the positions or titles you have held.

I am a member of the Nova Southeastern University Omega Theta Chapter of the International Honor Society in Education Kappa Delta Pi.

Have you ever served on a committee or advisory board? If so, give the details, including any positions held. Have you ever held public office? If so, give the details, including offices involved, whether elected or appointed, and the length of service.

I have served as a member of the School Advisory Board at Deltona Lakes Elementary. I served as a teacher member. My responsibilities included serving as a liaison between parents and teachers regarding activities within the school. I attended monthly meetings and was expected to share information pertinent to school related topics as well as vote on initiatives presented to the board. I also serve as a no voting member on the Osteen Elementary School Advisory Committee.

Describe any additional knowledge, skill, education, or experience you have, which would assist you in the duties of this Board/Committee.

Explain why you want to serve on this Board/Committee, and include any potential contribution you selection would bring.

I want to serve on this committee to assist in the selection of exceptional student recipients to be awarded the scholarship. I feel that my years in education would benefit the board when determining outstanding academic achievement.

Potential conflict of interest: Do you do business, or are you engaged in the management of any business enterprise that has a financial interest with the City of Deltona? Please give details, including the name of the enterprise, the nature of the business, and the position you hold.

I do not have any affiliations with any businesses with direct monetary interest in the city of Deltona.

Have you ever been convicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? If so, give details. Do not include traffic violations or fines of \$100 or less that were imposed, unless it also included a jail sentence.

I have never been convicted of any crimes or violations.

List names, addresses, and telephone numbers of at least three persons who are in a position to comment on your qualifications and of whom inquiry may be made by the City of Deltona.

David Santiago State Representative 386-216-9969 2631 Eustace Avenue Deltona, Florida 32725

Judith Rivera School Principal 386-789-7015 2022 Adelia Blvd, Deltona, Florida 32725

Paul Raimundo Contractor 407-466-9351 1749 South Lorraine Drive, Deltona, Florida 32725

Eric Raimundo

Additional Information or Comments

I declare the foregoing facts to be true, correct, and complete.

I agree

Mitch Honaker

From: Pauline Shattuck
Sent: Monday, April 22, 2013 2:56 PM
To: Mitch Honaker
Subject: Harvey Scholarship Board Membership

Mitch,

Peggy Fisher, Dawn Drysdale, and Ron Watral have resigned from the Board.

Let me know if you need anything else.

Pauline Shattuck
Administrative Assistant II
Mayor & Commissioners' Office
2345 Providence Blvd.
Deltona, FL 32725
Phone: 386.878.8860
E-mail: pshattuck@deltonafl.gov

Florida's Bright Spot!

PRESENTED BY:

appointment of one (1) member to the Firefighters' Pension Plan, Board of Trustees.

POTENTIAL MOTION:

"I move to confirm the appointment of the following citizen member _____ to the Firefighters' Pension Plan, Board of Trustees for a term to expire on June 30, 2017."

AGENDA ITEM APPROVED BY:

William "Dave" Denny, Acting City Manager

ATTACHMENTS:

- Member List
- Letter of Resignation, Earl Deyette
- Application - Fernandez
- Application - LaBoy

**BOARD OF TRUSTEES FOR THE CITY OF
DELTONA, FLORIDA FIREFIGHTERS' PENSION PLAN**

	<u>Appointed Date</u>	<u>Term Expiration</u>
James Koczan Chairman (Appointed by the Board) 2050 Lakebreeze Way Deltona, FL 32738 Phone: (386) 860-0737 Email: jkoczan@cfl.rr.com	01-15-08 01-19-10	01-15-14
John D. Adams Secretary (Appointed by City Commission) 1127 Baton Drive Deltona, FL 32725 Phone: (386) 574-5519 Email: airbea26@att.net	01-15-05 01-08-07 (Re-apptd) 01-05-09 (Re-apptd) 01-07-13 (Re-apptd)	01-15-17
Earl Deyette (Appointed by City Commission)	Resigned (4/19/2013)	01-15-17
Bill Snyder (Elected by the members) 1685 Providence Blvd Deltona, FL 32725 Phone: (386) 668-9488 Email: bsnyder@deltonafl.gov	09-30-11 12-11-12	01-15-17
Kurt Vroman (Elected by the members) 318 Colomba Road Debary, FL 32713 Phone: (386) 235-6765 Email: kurtvro@yahoo.com	12-12-09 12-11-12	01-15-17
<u>Plan Administrator:</u>		
Lisa Spriggs 135 Williams Avenue Orange City, FL 32763 (386) 775-7489 Email: slspriggs@embarqmail.com		

Earl E. Deyette
2451 Timbercrest Drive
Deltona, Florida 32738
Phone: 386-574-8053
Fax: 386-574-3877

MEMORANDUM

To: Dave Denny, Acting City Manager
City of Deltona, FL
2345 Providence Blvd.
Deltona, FL 32725

Cc: Janet Day

From: Earl E. Deyette, Trustee
FIREFIGHTERS' PENSION PLAN BOARD OF TRUSTEES
City of Deltona, Florida

Date: April 9, 2013

Re: Resignation, FIREFIGHTERS' PENSION PLAN BOARD OF TRUSTEES

I regret to inform you that my health problems have prevented me from serving on the Board these past few months. I wish to convey my sincere appreciation to the Commission for again appointing me to the Board of Trustees. While I have thoroughly enjoyed the years on this Board, I am no longer able to do so.

Sincerely,


Earl E. "Mac" Deyette



Application - Daniel Fernandez

Request From: Daniel Fernandez
 Email: dansjuiceplus48@yahoo.com
 Source IP: 97.104.167.204

Address: 1111 W Seagate dr
 City: Deltona
 State: florida
 Zip: 32725
 Phone: 386 873 9064
 Alt Phone:
 Fax:
 Organization:

Checkbox Choices
 Firefighter's Pension Plan Board of Trustees,

Number of Years as a Deltona Resident
 6 - 10 Years

What Commission district do you reside in?
 District 1

Are you a registered voter in Volusia County?
 No

Who is your employer? (Please include number of years, address, phone number and title/position)
 Bankers Life and casualty 3 month, 780 West Granada blvd 386 615 5100 Insurance agent

Please summarize your work experience.
 20 years as a pressman for the Miami Herald, 10 years in commercial electric field 5 with Try city electrical contractor State certified

List any volunteer service organizations, clubs, or professional societies you are a member of and give the positions or titles you have held.
 none

Have you ever served on a committee or advisory board? If so, give the details, including any positions held. Have you ever held public office? If so, give the details, including offices involved, whether elected or appointed, and the length of service.
 no

Describe any additional knowledge, skill, education, or experience you have, which would assist you in the duties of this Board/Committee.

Explain why you want to serve on this Board/Committee, and include any potential contribution you selection would bring.
 My interest is what's best for the city of Deltona,

Potential conflict of interest: Do you do business, or are you engaged in the management of any business enterprise that has a financial interest with the City of Deltona? Please give details, including the name of the enterprise, the nature of the business, and the position you hold.
 no

Have you ever been convicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? If so, give details. Do not include traffic violations or fines of \$100 or less that were imposed, unless it also

Application - Daniel Fernandez

included a jail sentence.
no

List names, addresses, and telephone numbers of at least three persons who are in a position to comment on your qualifications and of whom inquiry may be made by the City of Deltona.

Nathan Johnson 1117 W Segate dr Deltona 386 479 0571

Desy Gondo 1697 S Page dr 386 682 7935

Jose Fernandez 2842 Coonty ave 386 747 8152

Additional Information or Comments

I declare the foregoing facts to be true, correct, and complete.
I agree

Mitch Honaker

From: Darien LaBoy <darienlaboy@allstate.com>
Sent: Thursday, April 25, 2013 12:13 PM
To: Mitch Honaker
Subject: Citizen Board/Committee Application
Attachments: Attach0.html

Request From: Darien LaBoy
 Email: darienlaboy@allstate.com
 Source IP: 71.43.68.66

Address: 335 Saxon Blvd
 City: Deltona
 State: Florida
 Zip: 32725
 Phone: 3868602X793
 Alt Phone: 3865752228
 Fax:
 Organization:

Checkbox Choices

Firefighter's Pension Plan Board of Trustees,

Number of Years as a Deltona Resident
 21 - 25 Years

What Commission district do you reside in?
 District 1

Are you a registered voter in Volusia County?
 Yes

Who is your employer? (Please include number of years, address, phone number and title/position)
 Allstate Insurance Company 21 years 1705 Providence Blvd Deltona FL 32725 386 575 2228 Agency Owner
 Exclusive Agent

Please summarize your work experience.
 21 years of Insurance Sales and services, Life and Financial Services Investments and Certification as
 Financial Planner since 2008

List any volunteer service organizations, clubs, or professional societies you are a member of and give the
 positions or titles you have held.
 Mostly Church based programs that help with finances of the organization as they relate to accounting,
 budget management and expense processes

Have you ever served on a committee or advisory board? If so, give the details, including any positions held.
 Have you ever held public office? If so, give the details, including offices involved, whether elected or appointed, and the length of service.

No

Describe any additional knowledge, skill, education, or experience you have, which would assist you in the duties of this Board/Committee.

Bachelor of Science in Business Management, Prior to Allstate I was involved in Operational Accounting for Citibank for 8 years before moving to Deltona in 1990. Tax preparation in the early 1980's

Explain why you want to serve on this Board/Committee, and include any potential contribution you selection would bring.

I was invited to apply by Commisioner Chris Nasbicht as he knows of my qualification via church community and as a business owner in Deltona for 21 years

Potential conflict of interest: Do you do business, or are you engaged in the management of any business enterprise that has a financial interest with the City of Deltona? Please give details, including the name of the enterprise, the nature of the business, and the position you hold.

No conflicts that I know of.

Have you ever been convicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? If so, give details. Do not include traffic violations or fines of \$100 or less that were imposed, unless it also included a jail sentence.

No

List names, addresses, and telephone numbers of at least three persons who are in a position to comment on your qualifications and of whom inquiry may be made by the City of Deltona.

Commisioner Nasbicht, John Hernandez, James Kozcan

Additional Information or Comments

I declare the foregoing facts to be true, correct, and complete.

I agree



AGENDA MEMO

TO: Mayor & City Commission

AGENDA DATE: 6/3/2013

FROM: William "Dave" Denny, Acting City Manager

AGENDA ITEM: 10 - B

SUBJECT: Request for approval for budget amendment and award of Bid #13012 for Addition to Fire Station 64 - Ft. Smith Boulevard.

LOCATION:

Fire Station 64 - Ft. Smith Boulevard

BACKGROUND:

FS64 is a 17 year old facility that was constructed under the former Deltona Fire District. Many changes have occurred since then, necessitating increased space needs for the handling of bunker gear, uniforms and protective equipment, bio-hazardous materials, etc. This facility has limited space for storage. Currently this facility does not allow for the storage of bunker gear except in the apparatus bay area which is against all recommendations for firefighter health and safety. Additionally, there is nowhere to store bio-hazardous waste until an authorized pick-up is made and there is nowhere to decontaminate uniforms when they become soiled from bio-hazardous waste such as blood and other bodily fluids. The addition will be a stop-gap in lieu of replacing the existing facility which could easily exceed \$1 million and would require a larger commercial lot. The addition would extend the life of this facility for at least ten years.

Staff posted the bid on demandstar and notice went out to 1180 companies. Thirty nine companies downloaded the bid. Six bids were received as follows:

- A.G. Pifer Construction Co., Inc.: \$123,000
- General Mechanical Corporation: \$125,000
- New Horizon Construction, Inc. \$169,209.39
- Parkit Construction, Inc.: \$137,400
- Saboungi Construction, Inc. \$114,600
- The Watauga Company: \$137,980

The Commission approved \$85,000 in the budget for the

renovations. All bids came in over budget. The low bid was received from Saboungi Construction, Inc. at \$114,600. Almost \$10,000 of the \$85,000 was spent on architectural fees and it is anticipated that there will be additional expenses related to impact fees.

ORIGINATING DEPARTMENT:

Fire Administration

SOURCE OF FUNDS:

Municipal Complex Fund

COST:

\$114,600

REVIEWED BY:

Acting City Manager

STAFF RECOMMENDATION PRESENTED BY:

Deputy Chief Rogers - Recommendation is being made to approve a budget amendment of \$45,000 for this project and approve award to Saboungi Construction, Inc. at a total of \$114,600.

POTENTIAL MOTION:

"I move to approve a budget amendment of \$45,000 for this project and approve award to Saboungi Construction, Inc. at a total of \$114,600."

AGENDA ITEM APPROVED BY:

William "Dave" Denny, Acting City Manager

ATTACHMENTS:

- Original Bid
- Architect Drawings
- Addendum
- BID FROM SABOUNGI CONSTRUCTION
- Sunbiz Check
- Budget Amendment
- Draft Agreement

<p>Submit Bid to:</p> <p>CITY OF DELTONA</p> <p>2345 Providence Blvd. Deltona, Florida 32725 Attn: Purchasing</p> <p>CLEARLY MARK SEALED ENVELOPE WITH BID NAME AND NUMBER</p>	<p>INVITATION TO BID# 13012 FOR:</p> <p>ADDITION TO FIRE STATION 64- FT SMITH BLVD.</p>
<p><u>Contact:</u></p> <p>Kate Krauss, CPPO, CPPB, SPSM Purchasing Manager Phone: (386) 878-8570 Fax: (386) 878-8571</p> <p>EMAIL QUESTIONS TO: E-Mail Address: kkrauss@deltonafl.gov</p>	<p>BIDDER NAME: _____ _____ _____</p>
<p>THERE WILL BE A MANDATORY PRE-BID MEETING ON THURSDAY, APRIL 4, 2013 AT 9:00 A.M. AT STATION 64 LOCATED AT 236 FT. SMITH BOULEVARD, DELTONA, FLORIDA</p> <p><u>BID DUE DATE & TIME:</u> THURSDAY, APRIL 18, 2013 AT 2:00 P.M.</p> <p><u>Location of Public Opening:</u> City of Deltona, City Hall 2345 Providence Blvd ,Deltona, FL 32725 1ST Floor Conference Room</p>	<p>MAILING ADDRESS: _____ _____ _____</p> <p>Phone#: _____</p> <p>Fax#: _____</p>

GENERAL CONDITIONS, INSTRUCTIONS AND INFORMATION FOR BIDDERS

These documents constitute the complete set of terms and conditions, specification requirements, and bid forms. All bid sheets and attachments must be executed and submitted in a sealed envelope. The face of the envelope shall contain Bidder's name, return address, the date and time of bid opening, the bid number and title. Bids not submitted on the enclosed Bid Form shall be rejected. Bidders shall submit three (3) complete sets (one [1] original and two [2] copies) of their bid, complete with all supporting documentation. **SUBMITTAL OF A BID IN RESPONSE TO THIS INVITATION TO BID CONSTITUTES AN OFFER BY THE BIDDER.** Bids which do not comply with these requirements may be rejected at the option of the City.

CONTACT: All prospective bidders are hereby instructed not to contact any member of the City of Deltona Commission, City Manager, or City of Deltona Staff members other than the noted contact person regarding this Invitation to Bid or their bid proposal at any time during the bid process. Any such contact shall be cause for rejection of your bid proposal.

DELAYS: The City, at its sole discretion, may delay the scheduled due dates indicated above if it is to the advantage of the City to do so. The City will notify bidders of all changes in scheduled due dates by written addendum.

EXECUTION OF BID: Bid must contain a manual signature, in ink, of an authorized representative, who has the legal ability to bind the Bidder in contractual obligations in the space provided on the Bid Response Form. Failure to properly sign the Bid shall invalidate same, and it shall not be considered for award. Bid must be typed or legibly printed in ink. Use of erasable ink is not permitted. All corrections made by Bidder to any part of the bid document must be initialed in ink. The original bid conditions and specifications cannot be changed or altered in any way. Altered bids will not be considered. Clarification of bids submitted shall be in letter form, signed by bidders and attached to the bid.

BIDDER INFORMATION: Bidder shall complete the "Corporate Authority", "Joint Venture", "Sole Proprietorship", or "Partnership" portion of the Bidder Information Sheet, whichever part applies, and include with their bid submittal.

JOINT VENTURES: Bids submitted by firms under "joint venture" arrangements or other multi-party agreements must submit a power of attorney delegating authority to one principal with authority to negotiate and execute any/all contract documents resulting from negotiations/award of this Invitation to Bid.

NO BID: If not submitting a bid, respond by returning only the Statement of No Bid, and give the reason in the space provided. Failure to respond three (3) times in succession without justification may be cause for removal of the Bidders name from the mailing list.

BID OPENING: Shall be public, at the above address, on the date and at the time specified above. The bid time shall be scrupulously observed. Under no circumstances shall bids delivered after the time specified be considered; such bids will be returned unopened. The City will not be responsible for late deliveries or delayed mail. The time/date stamp clock located in the Finance Department serve as the official authority to determine lateness of any bid. It is the Bidders sole responsibility to assure that his/her bid is complete and delivered at the proper time and place of the bid opening. Bids which for any reason are not so delivered will not be considered. Offers by facsimile, telegram or telephone are **not** acceptable. A bid may **NOT** be altered by the Bidder after opening of the bids. Bid tabulations will be furnished upon written request which includes a self-addressed, stamped envelope.

Persons with disabilities needing assistance to participate in the Public Bid Opening should contact the City Clerk at least 48 hours in advance of the meeting at 386-561-2100.

TAXES: The City is exempt from Federal Excise and State Sales Taxes on direct purchases of tangible personal property. The City's exemption numbers are on the face of the purchase order. If requested, the Purchasing Manager will provide an exemption certificate to the awarded Bidder. Vendors/contractors doing business with the City shall **not** be exempted from paying sales tax to their suppliers for materials to fulfill contractual obligations with the City nor shall any Vendor/Contractor be authorized to use the City's Tax Exemption Number in securing such materials.

CERTIFICATES

The City reserves the right to require proof that the bidder is an established business and is abiding by the Ordinances, Regulations, and Laws of their Community and the State of Florida such as but not limited to: Occupational Licenses, Business Licenses, Florida Sales Tax Registration, Federal Employee Identification Number.

DISCOUNTS: Cash discounts for prompt payment shall **not** be considered in determining the lowest net cost for bid evaluation purposes.

MISTAKES: Bidders are expected to examine the terms and conditions, specifications, delivery schedule, bid prices, extensions and all instructions pertaining to supplies and services. **FAILURE TO DO SO WILL BE AT BIDDER'S RISK.** In the event of extension error(s), the unit price will prevail and the Bidder's total offer will be corrected accordingly. Written amounts shall take precedence over numerical amounts. In the event of addition errors(s), the unit price, and extension thereof, will prevail and the Bidder's total offer will be corrected accordingly. Bids having erasures or corrections must be initialed in ink by the Bidder.

AWARD TERM Contracts resulting from this Invitation for Bid will run for an initial period of one (1) year, renewable for three additional one (1) year periods. Both the City and the vendor must mutually agree upon the renewals in writing. Rates quoted will be firm for the first year and will or will not be changed based on the guidelines outlined in the following paragraph "Price Redetermination".

PRICE REDETERMINATION The Contractor may petition the Purchasing Manager for price redetermination within forty-five (45) days of the expiration of each term of the contract. Any price redetermination will include all items awarded. If the City and the Contractor cannot agree on any price redetermination, then the contract will expire. (See other conditions under Special Terms and Conditions).

UNUSUAL CIRCUMSTANCES: If during a contract term where costs to the City are to remain firm or adjustments are restricted by a percentage or CPI cap, unusual circumstances that could not have been foreseen by either party to the contract occur, and those circumstances significantly affect the Seller's cost in providing the required items or services, then the Seller may request adjustments to the costs to the City to reflect the changed circumstances. The circumstances must be beyond the control of the Seller, and the requested adjustments must be fully documented. The City may, after examination, refuse to accept the adjusted costs if they are not properly documented, increases are considered to be excessive, or

decreases are considered to be insufficient. In the event the City does not wish to accept the adjusted costs and the matter cannot be resolved to the satisfaction of the City, the City will reserve the following options:

1. The contract can be canceled by the City upon giving thirty (30) days written notice to the Seller with no penalty to the City or Seller. The Seller shall fill all City requirements submitted to the Seller until the termination date contained in the notice.
2. The City requires the Seller to continue to provide the items and services at the firm fixed (non-adjusted) cost until the termination of the contract term then in effect.
3. If the City, in its interest and in its sole opinion, determines that the Seller in a capricious manner attempted to use this section of the contract to relieve themselves of a legitimate obligation under the contract, and no unusual circumstances had occurred, the City reserves the right to take any and all action under law or equity. Such action shall include, but not be limited to, declaring the Seller in default and disqualifying him for receiving any business from the City for a state period of time.
4. If the City does agree to adjusted costs, these adjusted costs shall not be invoiced to the City until the Seller receives notice in writing signed by a person authorized to bind the City in such matters.

INVOICING AND PAYMENT: Payment for any and all invoice(s) that may arise as a result of a contract or purchase order issued pursuant to this bid specification shall minimally meet the following conditions to be considered as a valid payment request:

- a. A timely submission of a properly certified invoice(s), in strict accordance with the price(s) and delivery elements as stipulated in the contract or purchase order document, and be submitted to the Finance Department at the address as stipulated on the Purchase Order.
- b. All invoices submitted shall consist of an original and one (1) copy; clearly reference the subject contract or purchase order number; provide a sufficient salient description to identify goods or service for which payment is requested; contain date of delivery; original or legible copy of signed delivery receipt including both manual signature and printed name of a designated City employee or authorized Agent; be clearly marked as "partial", "complete" or "final" invoice. The City will accept partial deliveries.
- c. The invoice shall contain the Bidder's Federal Employer Identification Number (F.E.I.N.).
- d. The City's terms are "Net 30 Days" after acceptance of goods or services and receipt of an acceptable invoice as described herein. Any discounts must be offered on the Bid Response Form.

GENERAL: The City of Deltona, having limited storage facilities, requires the service of private firms to provide materials, supplies and/or services on an as needed basis, as indicated herein, to support the City's needs.

ADDITIONAL TERMS AND CONDITIONS: Unless expressly accepted by the City, the following conditions shall apply: No additional terms and conditions included with the bid response shall be considered. Any and all such additional terms and conditions shall have no force and effect, and are inapplicable to this bid if submitted either purposely through intent or design, or inadvertently appearing separately in transmittal letters, specifications, literature, price lists or warranties. It is understood and agreed that the general and/or any special conditions in these Bid Documents are the only conditions applicable to this bid and the Bidder's authorized signature on the Bid Response Form attests to this. Exceptions to the terms and conditions will not be accepted.

INTERPRETATIONS: All Bidders shall carefully examine the Bid Documents. Any ambiguities or inconsistencies shall be brought to the attention of the City in writing prior to the opening of Bids; failure to do so, on the part of the Bidder, will constitute an acceptance by the Bidder of any subsequent decision. Any questions concerning the intent, meaning and interpretations of the Bid Documents shall be requested in writing (facsimile transmission acceptable (386) 789-7230, and received by the City at least seven (7) calendar days prior to the Bid Opening. Inquiries shall be addressed to the attention of the Contact person as indicated on Page 1. No person is authorized to give oral interpretations of, or make oral changes to, the bid. Therefore, oral statements given before the bid opening will not be binding. Any interpretation of, or changes to, the bid will be made in the form of a written Addendum to the bid and will be furnished to all Bidders through DemandStar. Receipt of all addenda shall be acknowledged by the Bidders by signing and enclosing said addenda or addendum acknowledgement with their bid.

ADDENDUM: The City will record its responses to inquiries, any supplemental instructions, and/or necessary revisions to Bid Documents, in the form of a written addendum. Should revisions to the Bid Documents become necessary, the City will post a written addendum to the DemandStar website which will go out to all Bidders who received a bid package through DemandStar. All addenda are posted to the DemandStar website and current planholders are notified that an addendum has been issued. Bidders who obtain Bid Documents from other sources must officially register with the City's Purchasing Manager in order to be placed on the DemandStar website as a bid holder in order to receive any forthcoming addenda or other official communications. Failure to register as a prospective Bidder may cause your bid to be rejected as non-responsive if you have failed to submit a bid without an addendum acknowledgment for the most current addendum. It is the vendor's responsibility to check the DemandStar website at www.demandstar.com in order to be sure latest addendum and any prior addendum have been received.

PROTESTS: Any Bidder who disputes the bid selection or contract award recommendation shall file such protest according to the bid protest procedures. These procedures are available upon request from the City.

CONFLICT OF INTEREST: All Bidders must disclose with their bid the name of any officer, director, or Agent who is also an employee of the City. All Bidders must disclose the name of any City employee

who owns, directly or indirectly, an interest of five percent (5%) or more in the Bidder's firm or any of its branches

LEGAL REQUIREMENTS: Bidders are required to comply with all provisions of Federal, State, City and local laws and ordinances, rules and regulations that are applicable to the items being bid. Lack of knowledge by the Bidder shall in no way be a cause for relief from responsibility, or constitute a cognizable defense against the legal effect thereof.

DRUG-FREE WORKPLACE: Preference shall be given to business with Drug-Free Work Place (DFW) programs. Whenever two or more bids which are equal with respect to price, quality, and service are received by the City for the procurement of commodities or contractual services, a bid received from a business that completes the attached DFW form certifying that it is a DFW shall be given preference in the award process.

POSTING OF BID AWARD: Recommendation for award will be posted for review by interested parties on DemandStar. Failure to file a protest to Purchasing within the time prescribed in the CITY's Purchasing Manual, shall constitute a waiver of proceedings.

AWARD: As the best interest of the City may require, the right is reserved to make award(s) by individual item, group of items, "All or None", or a combination thereof; with one or more suppliers; to reject any or all bids, or waive any minor irregularity or technicality in bids received, award or eliminate a portion of the bid, and may, at its sole discretion, request a re-bid, or abandon the project in its entirety. Bidders are cautioned to make no assumption until the City has entered into a contract or issued a purchase order.

EEO STATEMENT: The City is committed to assuring equal opportunity in the award of contracts, and, therefore complies with all laws prohibiting discrimination on the basis of race, color, religion, national origin, age or sex.

CONTRACTUAL AGREEMENT: The contents of this Bid and all provisions of the successful bid proposal deemed pertinent by the City may be incorporated into a contract and become legally binding. A separate contract document, other than the purchase order, may or may not be issued. Any and all legal action necessary to enforce a contract or purchase order will be interpreted according to the laws of Florida. The venue shall be County of Volusia, Florida.

GOVERNMENTAL RESTRICTIONS: In the event that any governmental restrictions are imposed which would necessitate alteration of the material quality, workmanship or performance of the items offered on this bid prior to their delivery, it shall be the responsibility of the Bidder to notify Purchasing at once, indicating in his/her letter the specific regulation which required an alteration, including any price adjustments occasioned thereby. The City reserves the right to accept such alteration or to cancel the contract or purchase order at no further expense to the City.

PERMITS/LICENSES/FEEES: Any permits, licenses, or fees required will be the responsibility of the Contractor, no separate or additional payment will be made.

Adherence to all applicable code regulations (Federal, State, City, City) are the responsibility of the Contractor.

INDEMNIFICATION: The Bidder, without exemption, shall indemnify and save harmless, the City, its employees and/or any of its Commissioners from liability of any nature or kind, including cost and expenses for or on account of any copyrighted, patented, or unpatented invention, process, or item manufactured by the Bidder. Further, if such a claim is made, or is pending, the Bidder may, at its option and expense, procure for the City the right to use, replace or modify the item to render it non-infringing. If none of the alternatives are reasonably available, the City agrees to return the article on request to the Bidder and receive reimbursement. If the Bidder used any design, device, or materials covered by letters, patent or copyright, it is mutually agreed and understood, without exception, that the bid prices shall include all royalties or cost arising from the use of such design, device, or materials in any way involved in the work.

ADVERTISING: In submitting a bid, Bidder agrees not to use the results therefrom as a part of any commercial advertising, without the express written approval, by the appropriate level of authority within the City.

ASSIGNMENT: Any purchase order or contract issued pursuant to this Invitation to Bid and the monies which may become due hereunder are not assignable except with the prior written approval of the City, through the Finance Department.

COMPLIANCE WITH OCCUPATIONAL SAFETY AND HEALTH: Bidder certifies that all material, equipment, etc., contained in his/her bid meets all applicable O.S.H.A. requirements. Bidder further certifies that, if he/she is the successful Bidder, and the material, equipment, etc., delivered is subsequently found to be defective in any applicable O.S.H.A. requirement in effect on the date of delivery, all costs necessary to comply with the requirements shall be borne by the Bidder.

RESPONSIBILITY: A Bidder must have at the time of bid opening, a company in operation, (if applicable) or be a fully authorized Agent or representative of the product bid, and capable of producing or providing the items bid, and follow-up parts and service, including any warranty services as applicable, and so provide such certification upon request.

FACILITIES: The City reserves the right to inspect the Bidder's facilities at any reasonable time, during normal working hours, to determine that Bidder has a bona fide place of business, and is a responsible Bidder.

DISQUALIFICATION OF BIDDER: More than one bid from an individual, firm, partnership, corporation, or association under the same or different names will not be considered. Reasonable grounds for believing that a Bidder is involved in more than one bid submittal will be cause for rejection of all bids in which such Bidders are believed to be involved. Any or all bids will be rejected if there is reason to believe that collusion exists between Bidders. Bids in which the prices obviously are unbalanced will be subject to rejection.

ADJUSTMENTS / CHANGES / DEVIATIONS: No adjustments, changes or deviations shall be accepted on any item unless conditions or specifications of a bid expressly so provide. Any other adjustments, changes or deviations shall require prior written approval, and shall be binding **ONLY** if issued by the City's Finance Department. The Bidder shall bear sole responsibility for any and all costs of claims arising from any adjustments, changes or deviations not properly executed as required herein.

PUBLIC RECORDS: Upon award recommendation or ten (10) days after opening, whichever is earlier, bids become "public records" and shall be subject to public disclosure consistent with Chapter 119.07(3)(o), Florida Statutes. Bidders must invoke the exemptions to disclosure provided by law in the response to the Bid, and must identify the data or other materials to be protected, and must state the reasons why such exclusion from public disclosure is necessary.

Bids may be reviewed at City Hall, 2345 Providence Blvd., Deltona, FL 32725.

BID PREPARATION COSTS: Neither the CITY nor its representatives shall be liable for any expenses incurred in connection with preparation of a response to this Invitation to Bid. Bidders should prepare their bids simply and economically, providing all information and prices as required.

ACCEPTANCE / REJECTION: The City of Deltona reserves the right to accept or reject any or all bids and to make the award to that Bidder, who in the opinion of the City will be in the best interest of and/or the most advantageous to the City. The City of Deltona also reserves the right to reject the bid of any vendor who has previously failed in the proper performance of an award or to deliver on time contracts of a similar nature or who, in the City's opinion, is not in a position to perform properly under this award. The City of Deltona reserves the right to inspect all facilities of bidders in order to make a determination as to the foregoing. The City of Deltona reserves the right to waive any irregularities, informalities, and technicalities in offers received, and may, at its discretion, request a re-bid, or abandon the project/procurement in its entirety.

ANY AND ALL SPECIAL TERMS AND CONDITIONS, TECHNICAL REQUIREMENTS, SCOPE OF WORK OR SPECIFICATIONS ATTACHED HERETO WHICH VARY FROM THESE GENERAL CONDITIONS SHALL HAVE PRECEDENCE.

SCOPE OF WORK

Bid No. 13012

For

ADDITION TO FIRE STATION 64 – FT. SMITH BLVD.

The City of Deltona is accepting bids from Florida Licensed General Contractors qualified to perform the work as described on the plans dated March 15, 2013 from John S. Dickerson, Inc. related to an addition at Fire Station 64 located at 236 Fort Smith Boulevard, Deltona, Florida.

SCOPE OF SERVICES

GENERAL

This project consists of a 560 sq. ft. addition to the current fire station located at 236 Fort Smith Blvd. in Deltona, FL. The addition includes a small shop for storage and repairs of small tools, a physical fitness room and a gear locker room. Construction shall include removal of a portable 8x12 skid mount storage shed, and minor site prep. Along with the addition to the original building, the contractor will be required to install a new City purchased emergency generator utilizing the existing Automatic Transfer Switch, and expansion to the present driveway with a new short retainer wall. Generator installation shall include full start up and basic operational training of staff.

Construction shall be completed without impairing the daily operations of the fire station which is staffed 24/7 and shall begin on June 1, 2013 and be completed before September 30, 2013. The addition shall be turn key to include all materials, labor, and fixtures. The contract does not include any exercise equipment, furniture or the washer and dryer. Construction shall be per the plans dated 3/15/2013 and shall meet all relative building codes in effect at time of construction.

The current facility is a 3,720 sq ft butler building with 3 foot brick wall around the base. The addition shall be concrete block with wood truss roof. Both shall be covered with metal sheeting to match the current facility and the brick wall matched as close as possible. Contractor is responsible for all permits and fees. The wood stockade fence enclosing the generator shall be removed and after installation of the new generator, a new white PVC fence around the entire generator area shall be installed with one 3 foot wide access gate.

Construction shall include any necessary debris removal and final landscaping to return the property to a finished look.

THERE WILL BE A MANDATORY PRE-BID MEETING ON THURSDAY, APRIL 4, 2013 AT 9:00 A.M. AT STATION 64 LOCATED AT 236 FT. SMITH BOULEVARD, DELTONA, FLORIDA. A representative from the bidding company must be present in order to be eligible to submit a bid for the project.

BID DUE DATE & TIME: THURSDAY, APRIL 18, 2013 AT 2:00 P.M.

Location of Public Opening:

City of Deltona, City Hall

2345 Providence Blvd, Deltona, FL 32725

1ST Floor Conference Room

FEDERAL AND STATE TAXES

The City is exempt from payment of Florida State Sales and User Taxes. The City will sign an exemption certificate submitted by the contractor. The contractor shall not be exempted from paying sales tax to its suppliers for materials used to fulfill contractual obligations with the City, nor is the contractor authorized to use the City's Tax Exempt Number in securing such materials, or product.

SEVERABILITY

If any term or provision of the resulting **AGREEMENT**, or the application thereof to any person or circumstances shall, to any extent, be held invalid or unenforceable, to remainder of the **AGREEMENT** or the application of such terms or provisions, to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected, and every other term and provision of the **AGREEMENT** shall be deemed valid and enforceable to the extent permitted by law.

CERTIFICATION OF INDEPENDENT PRICE DETERMINATION

By submission of this bid, the Bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, that in connection with this procurement:

- 1 The prices in this bid have been arrived at independently, without consultation, collusion, communication, or agreement for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor.
- 2 Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the Bidder and will not knowingly be disclosed by the Bidder prior to opening, directly or indirectly to any other Bidder or to any competitor; and,
- 3 No attempt has been made or will be made by the Bidder to induce any other person or firm to submit or not to submit a bid for the purpose of restricting competition.
- 4 Bidder agrees that supplies/services furnished regarding this offer, if awarded, shall be covered by the most favorable commercial warranties the Bidder gives to any customer for such supplies services and that rights and remedies provided herein are in addition to and do not limit any rights offered to the City by any other provision of the bid award.

REFERENCES

Bidder must submit with the bid, three (3) references (form attached) for projects of similar scope to include: Point of contact and telephone number. Failure to provide this information with the bid may result in bid being declared non-responsive.

SUBMITTALS:

All submittals are **REQUIRED** and shall be submitted with the bid package at the time of the bid opening to be considered a responsive bidder. Faxed or Electronically submitted Bids shall not be accepted.

- 1 Bid response Form (page 9 attached to this bid document)
- 2 Hold Harmless Agreement (page 10 attached to this bid document)
- 3 Bidder Information Form (page 11, attached to this bid document)
- 4 References (page 12, attached to this bid document)
- 5 Drug Free Workplace Form (if applicable) (page 13, attached to this bid document)
- 6 Any and all addendums pertaining to this bid.
- 7 Include a copy of your Contractor's license. Only licensed contractors will be considered to provide these services. A list of subcontractors will be required to be submitted by the awarded contractor.

Questions regarding this bid are to be addressed in writing to:

Kate Krauss, Purchasing Manager
 2345 Providence Blvd.
 Deltona, FL 32725
 E-Mail Address: kkrauss@deltonafl.gov
 Or Fax: (386) 878-8571

Questions or Inquiries regarding this bid will be accepted up until 7 days prior to bid opening.

TIE ON UNIT PRICE OR BID: Should there be a tie on either the unit price (if awarded on a per item basis) the deadlock will be decided upon using the following order:

- a Companies who certify they are a drug-free workplace

- b Companies located in Volusia County, Florida
- c Companies located in Florida.
- d All else being equal, both companies will be asked to submit a final bid in a sealed envelope

The City of Deltona further reserves the right to be the final judge of what is considered equal and hold the bid open for a 90-day period if award is not made on the date specified

The City of Deltona reserves the right to cancel any agreement, or any part thereof without obligation if completion is not made within the time specified Any work performed after cancellation of order(s) will at the contractor's expense

Irrevocable Offer: Bidder warrants by virtue of bidding that the prices bid shall remain firm and be considered an irrevocable offer for a period of sixty (60) days, during which time one or more of the bids received may be accepted by the City of Deltona

Please be advised that the City of Deltona will not prepay for work Invoices may be submitted upon completion and acceptance of deliverables and will be paid upon submission of a complete invoice to the Department of Finance and Internal Services, 2345 Providence Blvd ,Deltona, FL 32725

BID RESPONSE FORM
BID NO. 13012
ADDITION TO FIRE STATION 64- FT. SMITH BLVD.

In accordance with the foregoing terms, conditions and specifications, the undersigned bidder, having visited the site of the work and having become familiarized with the conditions affecting the cost of the work and with all requirements of the proposed Contract Documents, and duly issued Addenda to said documents, as acknowledged herein, proposes to furnish and perform all things required in labor, material, necessary tools, expendable equipment, and all services necessary to perform and complete in a workmanlike manner all work required by said documents and Addenda.

TOTAL LUMP SUM BID PRICE \$ _____
(Provide breakdown as attachment to bid)

TOTAL NUMBER OF DAYS FROM PERMIT TO COMPLETION
_____ DAYS

Please be advised that the City of Deltona will not prepay for work. Invoices may be submitted upon completion and acceptance of deliverables and will be paid upon submission of a complete invoice to the Department of Finance and Internal Services, 2345 Providence Blvd., Deltona, FL 32725.

**NOTE: CONTRACTOR IS RESPONSIBLE FOR OBTAINING AND PAYING FOR ALL PERMITS.
NO SEPARATE PAYMENT WILL BE MADE.**

INSURANCE REQUIREMENTS

WORKERS' COMPENSATION

Coverage is to apply for all employees for statutory limits in compliance with the applicable state and federal laws. The policy must include Employers' Liability with a limit of \$500,000 each accident, \$500,000 each employee, \$500,000 policy limit for disease.

COMMERCIAL GENERAL LIABILITY – OCCURRENCE FORM REQUIRED

Contractor shall maintain commercial general liability (CGL) insurance with a limit of not less than \$500,000 each occurrence. If such CGL insurance contains a general aggregate limit, it shall apply separately to this location/project in the amount of \$1,000,000. Products and completed operations aggregate shall be \$1,000,000. CGL insurance shall be written on an occurrence form and shall include bodily injury and property damage liability for premises, operations, independent contractors, products and completed operations, contractual liability, broad form property damage and property damage resulting from explosion, collapse or underground (x, c, u) exposures, personal injury and advertising injury. Fire damage liability shall be included at \$100,000.

COMMERCIAL AUTOMOBILE LIABILITY INSURANCE

Contractor shall maintain automobile liability insurance with a limit of not less than \$1,000,000 each accident for bodily injury and property damage liability. Such insurance shall cover liability arising out of any auto (including owned, hired and non-owned autos). The policy shall be endorsed to provide contractual liability coverage.

EVIDENCE OF INSURANCE

The Contractor shall furnish the City of Deltona with Certificate of Insurance. The Certificates are to be signed by a person authorized by that insurer to bind coverage on its behalf. The City of Deltona is to be specifically included as an additional insured on all policies except Workers' Compensation. In the event the insurance coverage expires prior to the completion of the project, a renewal certificate shall be issued 30-days prior to said expiration date. The policy shall provide a 30-day notification clause in the event of cancellation or modification to the policy. All certificates of insurance must be on file with and approved by the City of Deltona before the commencement of any work activities.

HOLD HARMLESS AND INDEMNITY AGREEMENT

_____, agrees through the signing of this document by an authorized party or agent that it shall defend, indemnify and hold harmless the City of Deltona, and its agents, employees, and public officials from and against all suits, losses, claims, demands, judgments of every name and description arising out of or incidental to the performance of this contract or work performed thereunder, whether or not due to or caused by the negligence of the City of Deltona, its agents, employees, and public officials excluding only the sole negligence of the City of Deltona, its agents, employees, and Public Officials.

This provision shall also pertain to any claims brought against the City of Deltona, its agents, employees, and public officials by an employee of the named Contractor, any Sub-contractor, or anyone directly or indirectly employed by any of them.

The Contractor's obligation to indemnify the City of Deltona, its agents, employees and public officials under this provision shall be limited to \$1,000,000 per occurrence which the parties agree bears a reasonable commercial relationship to the contract

The Contractor agrees to accept, and acknowledges as adequate remunerations, the consideration of \$10, which is part of the agreed bid price, the promises contained herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, for agreement to enter into this Hold Harmless and Indemnity Agreement

CONTRACTOR

DATE

This Form Must Be Completed and Returned with your Submittal.

**CITY OF DELTONA
BIDDER INFORMATION FORM**

The information below is required to complete your bid packet. Type or print only.

Company Name: _____

Address: _____

City: _____

State: _____

Zip Code: _____

Phone Number: _____

Fax Number: _____

Project Contact: _____

e-mail address: _____

Remittance (Payment) Mailing Information

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____

Fax Number: _____

Project Contact: _____

e-mail address: _____

Federal Tax ID No.: _____

Tax ID Type: Federal Tax ID Social Security Number

This Form Must Be Completed and Returned with your Submittal.

References

CUSTOMER NAME	CONTACT PERSON	TELEPHONE AND FAX NUMBER	SCOPE OF SERVICES PROVIDED/JOB NAME
		()	
		()	
		()	
		()	
		()	

Does Bidder have any similar work in progress at time of Bid Opening? Yes No

If "Yes", explain:

References who are located in foreign countries are not acceptable.

This Form Must Be Completed and Returned with your Submittal.

DRUG-FREE WORK PLACE FORM

The undersigned Bidder in accordance with Florida Statute 287.087, hereby certifies that

_____ does:

(Name of Business)

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are proposed a copy of the statement specified in subsection (1)
4. In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

X

Bidder's Signature

Date

This Form Must Be Completed and Returned with your Submittal, if applicable

Statement of No Bid

Bid No. 13012 Addition to Fire Station 64

If your company does not intend to bid on this Procurement, please complete and return this form prior to the date shown for receipt of bids to: CITY OF DELTONA, Purchasing Manager, 2345 Providence Blvd., Deltona, FL 32725

We, the undersigned, have declined to bid on the above referenced Invitation to Bid for the following reason(s) :

- Specifications are too "restrictive." (please explain below)
- Unable to meet specifications
- Specifications were unclear (please explain below)
- Insufficient time to respond
- We do not offer this type of product or equivalent
- Our production schedule would not permit us to perform
- Unable to meet bond requirements
- Other (please explain below)

REMARKS:

Company Name

Telephone

X

Signature

Fax

Title

Typed or Printed Name

Address

City

State

Zip



JOHN S. DICKERSON ARCHITECT INC.
 POST OFFICE BOX 42226
 TAMPA, FLORIDA 33679-2226
 PHONE: 813-787-3771 LICENSE NO. A00000000

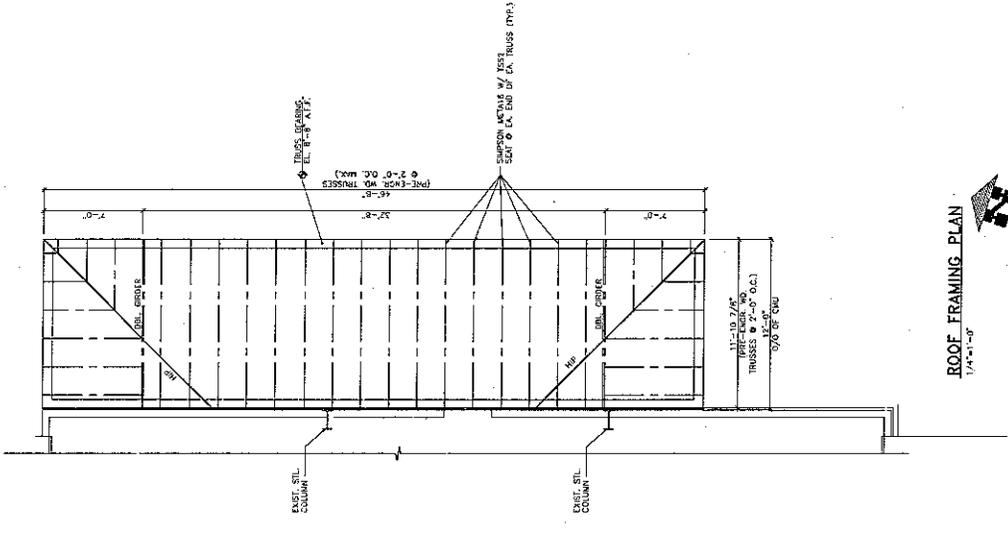
ADDITIONS AND RENOVATIONS TO THE CITY OF DELTONA FIRE STATION 64
 238 FORT SMITH BLD., DELTONA, FL 32725

DATE: 09/16/13
 DRAWN: M.J.D.
 REVISIONS:

2812 PROJECT

SHEET NO. AI

MANUF.	MODEL	FASTENERS REQ'D.	NOTES	EL. LIST
HAMPSON	MTD18	(7)-10x1 1/2"	6 CA. TRUSS W/ 1/2" DIA. SPLIT UNLESS SPLIT SEAT IS ON TRUSS	E11143117

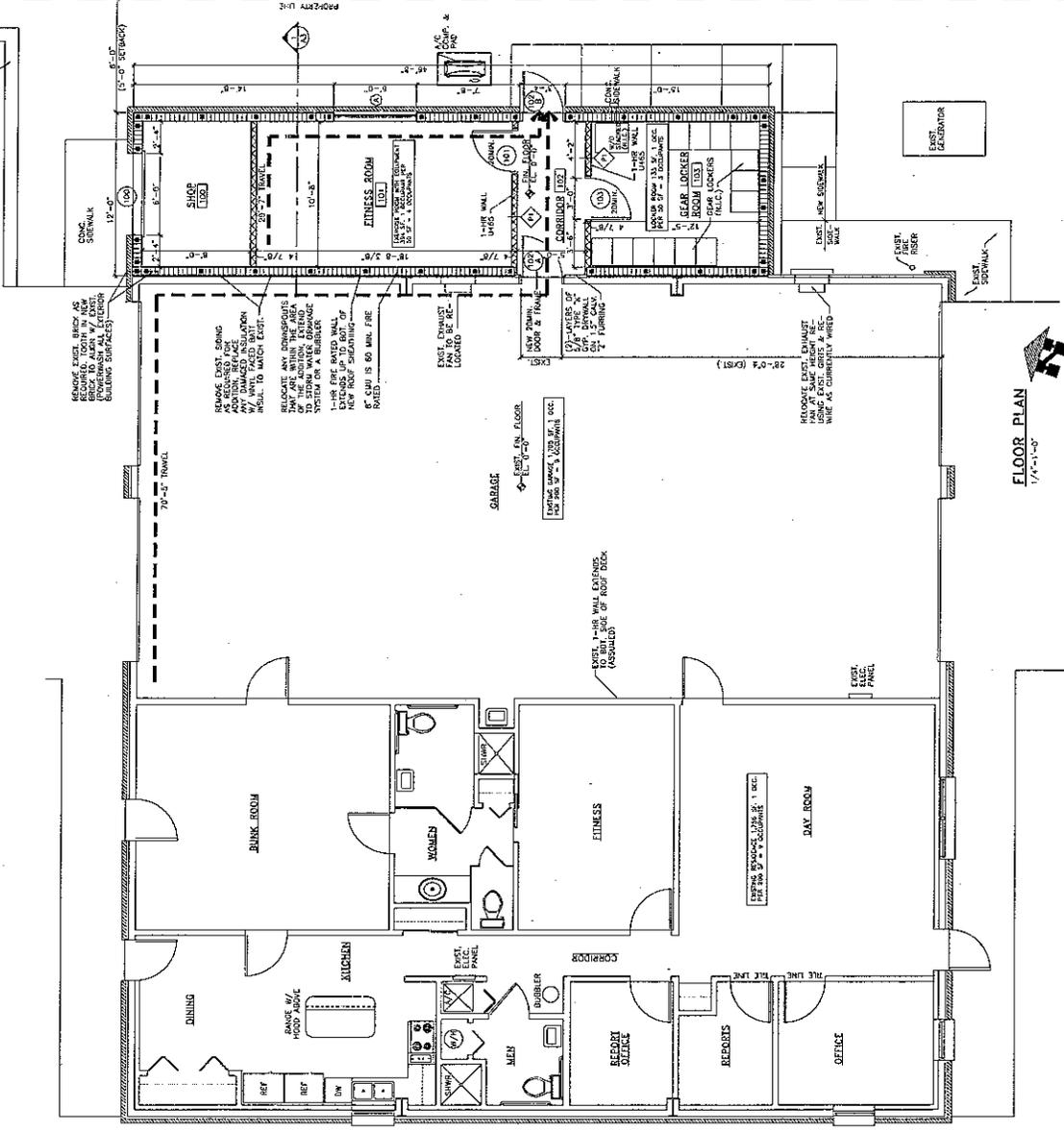


ROOF FRAMING PLAN
 1/4"=1'-0"

MARK	DETAIL	DESCRIPTION	WIDTH	FIRE RATING	S.W.C.	REMARKS
4	(Symbol)	1/2" x 1/2" x 1/2" Gypsum Board on 1/2" x 1/2" Studs	4'-0"	1/2 hr	0	

SEE SCHEDULE NOTES

- EXISTING CONSTRUCTION HAS AN AUTOMATIC FIRE SPRINKLER SYSTEM.
- AUTOMATIC FIRE SPRINKLER CONTRACTOR SHALL SUBMIT 100% COMPLETE SETS, SIGNED AND SEALED BY FIRE SPRINKLER DESIGNER FOR REVIEW AND PERMITTING PRIOR TO FABRICATION TO LOCK THE WATERSHALL.
- SYSTEM SHALL BE EXTENDED TO INCLUDE THE NEW SPACE. WORK TO BE PERFORMED BY SMOKE ZONE SULLY SYSTEMS, INC., PHONE: 385-795-5986.



FLOOR PLAN
 1/4"=1'-0"



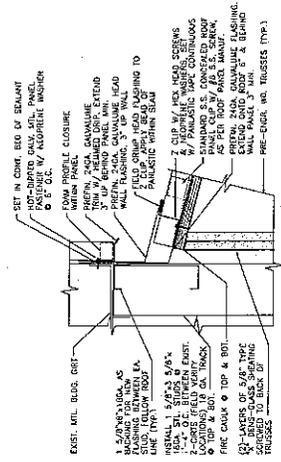
JOHN S. DICKERSON ARCHITECT
POST OFFICE BOX 48226
MIAMI, FLORIDA 33148-0226
PHONE: 305.757.9771 (CARRIER NO. A40000022)

ADDITIONS AND RENOVATIONS
TO THE CITY OF DELTONA
FIRE STATION 64
236 FORT SMITH BLVD., DELTONA, FL 32725

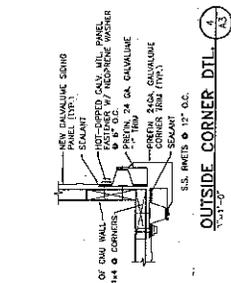
DATE: 08/13/15
DRAWN: M.J.O.
CHECKED: J.S.D.
REVISIONS:

PROJECT: 2812

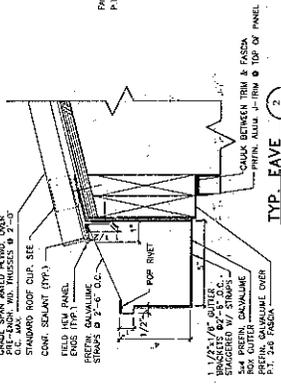
SHEET NO. A3



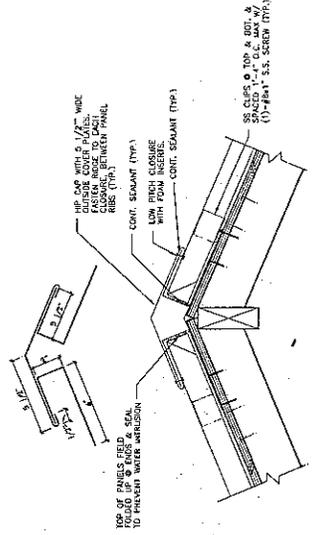
HEAD WALL 1-3



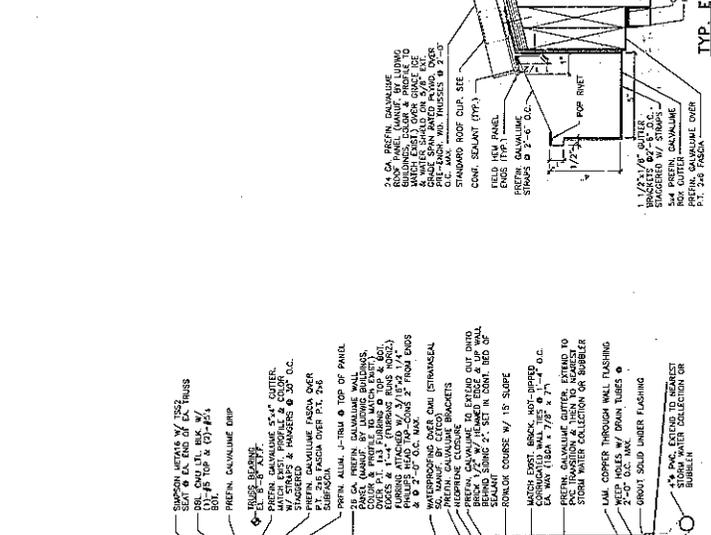
OUTSIDE CORNER DTL 2-3



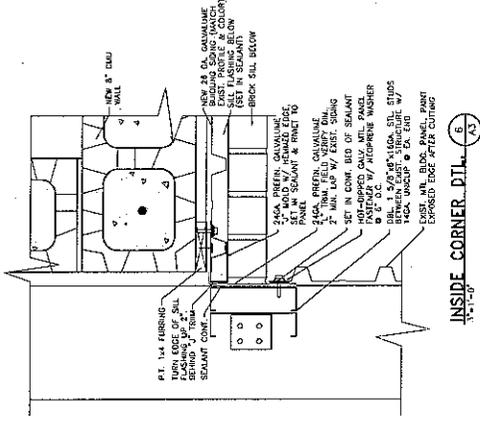
TYP. FAVE 2-3



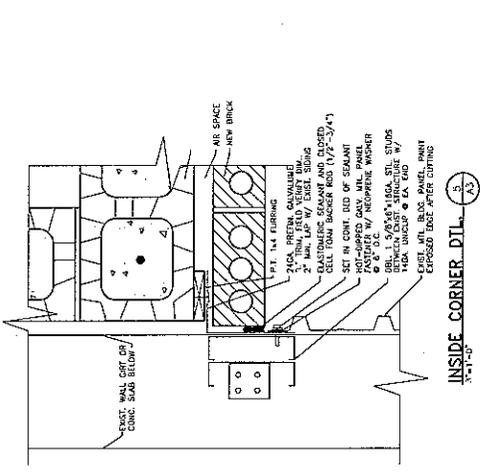
TYP. HIP 2-3



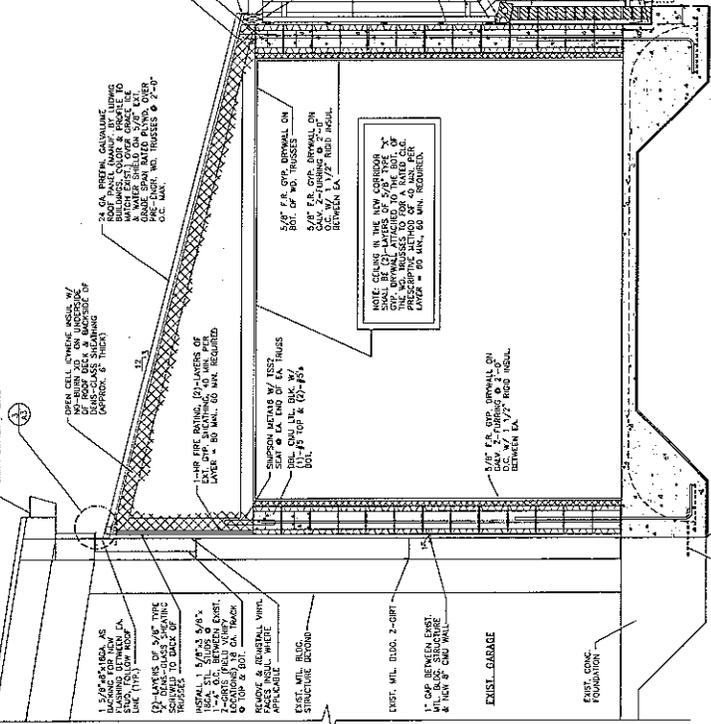
BUILDING SECTION 1-3



INSIDE CORNER DTL 5-3



INSIDE CORNER DTL 4-3



EAST GARAGE



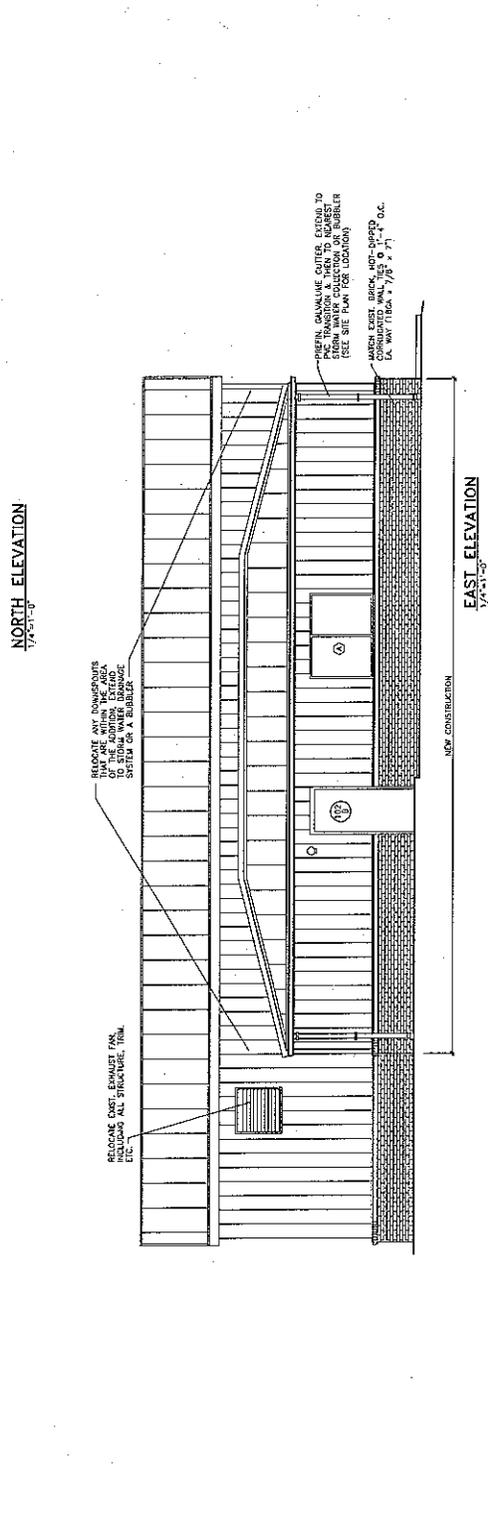
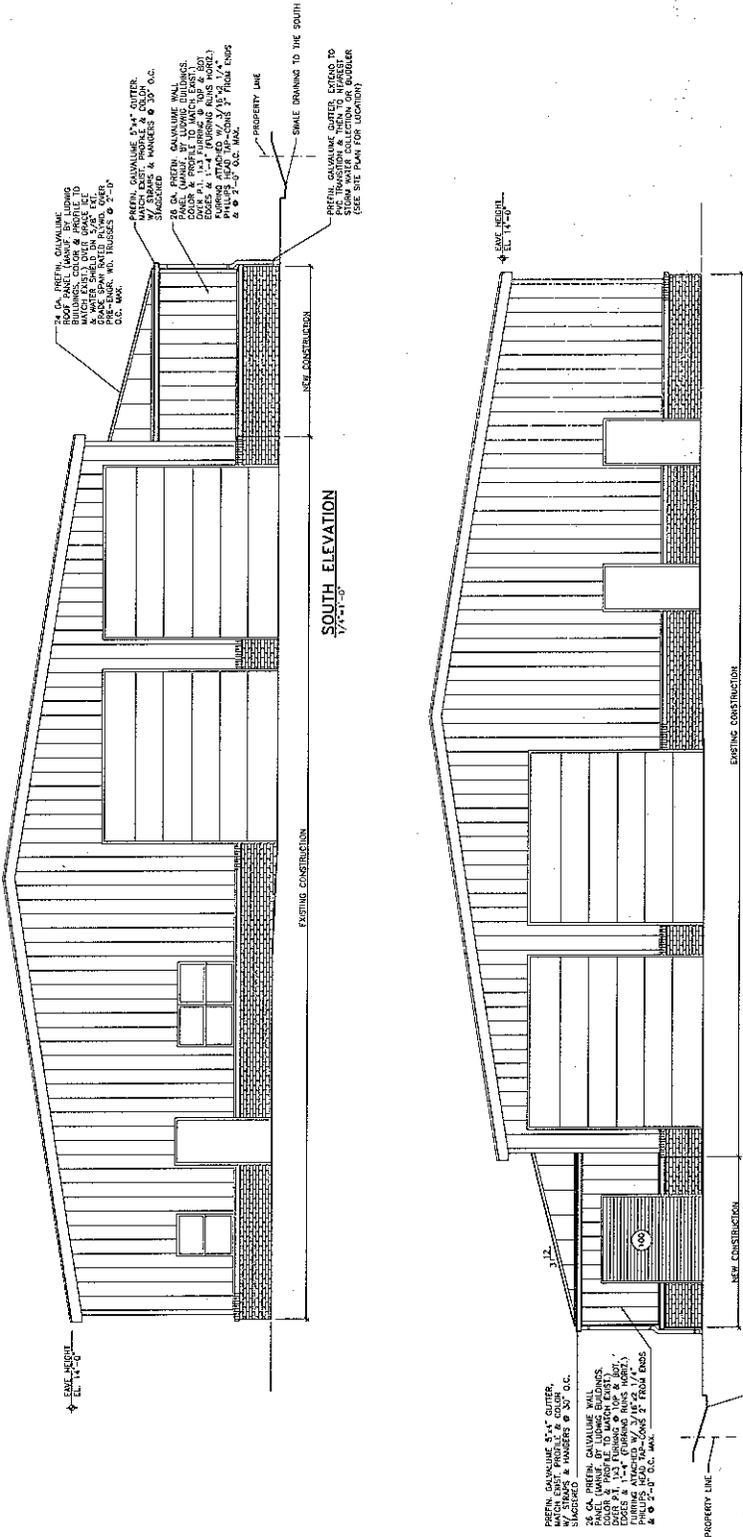
JOHN S. DICKERSON ARCHITECT
 POST OFFICE BOX 452228
 MIAMI, FLORIDA 33140-2228
 PHONE: 305-787-8771
 LICENSE NO. AA00000000

ADDITIONS AND RENOVATIONS TO THE CITY OF DELTONA FIRE STATION 64
 236 FORT SMITH BLVD., DELTONA, FL 32725

DATE: 02/19/13
 DRAWN: M.L.D.
 CHECKED: J.S.D.
 REVISIONS:

28112
 PROJECT

SHEET NO.
A4





JOHN S. DICKERSON ARCHITECT, INC.
 POST OFFICE BOX 48228
 DELTONA, FL 32725
 PHONE: 385-797-4771 (FLORIDA REG. NO. AC000082)

ADDITONS AND RENOVATIONS TO THE CITY OF DELTONA FIRE STATION 64
 236 FORT SMITH BLVD., DELTONA, FL 32725

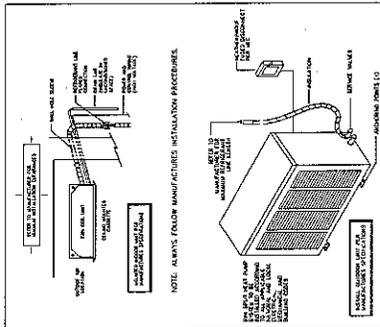
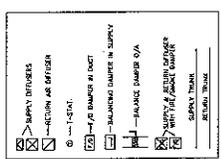
DATE: 07/13/10
 DRAWN: M.L.D.
 CHECKED: J.S.D.
 REVISIONS:

MI
 SHEET NO.
 PROJECT: 2812
 MECH. PROJECT: 13377212C
 DATE: 12/17/2012

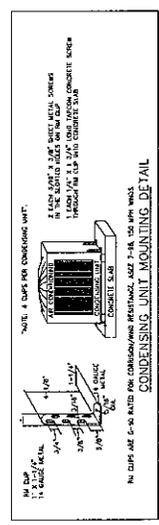
THIS HVAC SYSTEM AS DESIGNED AND THE F.E.C.C. 2010.
 DAVID R. ABRON, A/C DESIGN, INC.
 1400 S. W. 10TH AVE., SUITE 100
 P.O. BOX 1007, ALTOONA, FL 32702
 PHONE - 352-469-0035

OUTSIDE AIR AS PER FLORIDA BUILDING CODE 2010 SECTION 403.3	
A/C #1 - OUTSIDE AIR SCHEDULE	A/C #2 - OUTSIDE AIR SCHEDULE
SPACE	SPACE
OCCUPANTS	OCCUPANTS
VENTILATION	VENTILATION
TOTAL	TOTAL

BALANCE AIR SCHEDULE	
POS / NEG	CFM'S
PERV - A/FP	+35
PERV - A/GAP	+35
TOTAL	+70



- GENERAL HVAC NOTES ARE IN COMPLIANCE WITH 2010 F.B.C.M. AND F.E.C.C. 2010.**
1. ALL MECHANICAL COMPONENTS SHALL BE PROVIDED WITH PROPER CLEARANCE.
 2. ALL WORK SHALL BE INSTALLED IN "NON-COMBUSTIBLE" AREAS SHALL BE CONSTRUCTED WITH APPROVED MATERIAL AND FINISHES.
 3. ALL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING:
 - a. PERMANENTLY MOUNTED TO THE STRUCTURE OR TO THE WALLS OF THE ROOM.
 - b. PERMANENTLY MOUNTED TO THE WALLS OF THE ROOM.
 - c. PERMANENTLY MOUNTED TO THE WALLS OF THE ROOM.
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 4. OTHER MEANS OF ENTRY AND EXIT SHALL BE PROVIDED ON ALL AIR HANDLING DEVICES OR EQUIPMENT.
 5. CURTAIN OR SHUTTER OPERATION (SEE SECTION).
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 100. CURTAIN OR SHUTTER OPERATION (SEE SECTION).



H.V.A.C. EQUIPMENT SCHEDULE

A/C	NO.	MODEL NO.	SIZE	TYPE	STATUS	REMARKS
1	1	42C-250A	25000	4000	13,200	18,300
2	1	52C-350A	35000	5000	15,700	21,000
3	1	62C-450A	45000	6000	18,300	24,600

NOTE: ELECTRIC REQUIREMENT FOR EQUIPMENT TO BE FIELD VERIFIED BY ELECTRICAL/MECHANICAL CONTRACTOR.



ADDENDUM #1 TO BID # 13012
ADDITION TO FIRE STATION 64
April 11, 2013

1. The existing door, number 102A on the Floor Plan, shall remain and shall be painted after proper preparation. Replace the existing door hardware with a passage lever set to allow for exit. The existing door is a fire rated door and meets the minimum requirements.
2. The submitted roll up door, number 100 on the Floor Plan, has been approved as a Cornell ESD10, color to be approved by owner at a later date. Contractor is responsible for coordinating the area required toward the interior jamb for the concrete slab to be recessed to properly receive the steel angles for the track. The drawings are attached.
3. The wood fence around the existing generator site needs to be removed and disposed of including the posts. After the new generator is installed, new white PVC fencing and posts shall be installed to enclose the generator area. Installation shall be per manufacturer's specs and include one 3 foot lockable access gate.
4. Contractor shall remove the trees. No additional planting will be required.
5. The City of Deltona will provide the generator. The Contractor is only responsible for installation and hookup. Concrete pad is already in place.
6. Work hours shall be 6:00 a.m. until 6:00 p.m. unless otherwise approved by the City of Deltona.
7. The City's Public Works will provide the dump truck and dirt disposal. The contractor will provide the loader.
8. Use \$1670.62 for permit fees calculated as follows:
 - \$607.26 City building permit
 - \$178.00 Fire inspection fees
 - \$481.60 County impact fees
 - \$403.76 City impact fees

There may be a fee from the Health Department since there is a septic tank That will be addressed with the awarded contractor If there are resubmittals and re-inspections due to a failed inspection, those are additional and shall be paid by the Contractor.

- 9. A clearer set of plans has been uploaded to Demandstar.

ALL OTHER SPECIFICATIONS AND CONDITIONS REMAIN UNCHANGED.

RECEIPT OF THIS ADDENDUM IS HEREBY ACKNOWLEDGED

NAME OF BUSINESS

BY: _____
SIGNATURE/DATE

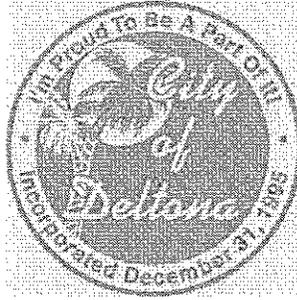
NAME & TITLE, TYPED OR PRINTED

MAILING ADDRESS

CITY, STATE, ZIP CODE

(_____) _____
AREA CODE AND TELEPHONE NUMBER

**RETURN SIGNED ADDENDUM WITH YOUR BID
ACKNOWLEDGING RECEIPT OF IT**



ADDENDUM #2 TO BID # 13012
ADDITION TO FIRE STATION 64
April 16, 2013

Clarifications:

1. There is just one condenser required. The model # (1) MXC-3830NA is correct for the one and only condenser unit.

SLZ-KA(15 & 12)NA is the right number.
2. The washer will need plumbing. Include a Guy Gray "T" model washer box, 2" drain to existing sanitary line with a clean out directly to the exterior of the unit, include hot and cold supply, include a 2" vent to the roof with proper vent flashing.
3. Add a Rheem 30 Gallon Commercial water heater, model #EGSP30, 120V, 3000 watt. To be located beside the new washing machine location. Include a 25 amp circuit and outlet per code. Include a 2" high emergency pan with a 3/4" diameter drain, with bug screen, to the exterior through the wall as per code and manufacturers recommendations. Insulate all exposed pipes.

ALL OTHER SPECIFICATIONS AND CONDITIONS REMAIN UNCHANGED.

RECEIPT OF THIS ADDENDUM IS HEREBY ACKNOWLEDGED

 NAME OF BUSINESS

BY: _____
 SIGNATURE/DATE

 NAME & TITLE, TYPED OR PRINTED

 MAILING ADDRESS

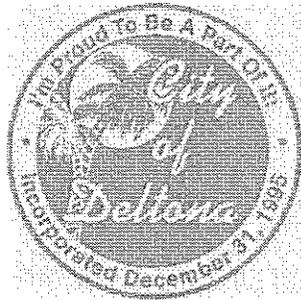
 CITY, STATE, ZIP CODE

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AREA CODE AND TELEPHONE NUMBER

**RETURN SIGNED ADDENDUM WITH YOUR BID
ACKNOWLEDGING RECEIPT OF IT**

Addendum #1 to Bid #13006 for EMS-Medical Supplies

2



**ADDENDUM #3 TO BID # 13012
ADDITION TO FIRE STATION 64
April 17, 2013**

This addendum is to change the bid due date and time as follows:

**NEW DUE DATE IS:
WEDNESDAY, APRIL 24, 2013 AT 2:00 P.M. AT CITY
HALL, 2345 PROVIDENCE BLVD., DELTONA, FL 32725,
1ST FLOOR CONFERENCE ROOM**

A final addendum will be issued addressing the plumbing.

ALL OTHER SPECIFICATIONS AND CONDITIONS REMAIN UNCHANGED.

RECEIPT OF THIS ADDENDUM IS HEREBY ACKNOWLEDGED

NAME OF BUSINESS

BY: _____
SIGNATURE/DATE

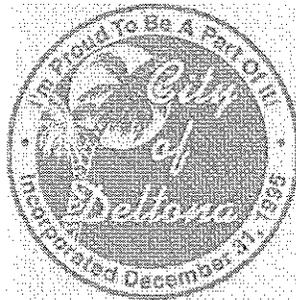
NAME & TITLE, TYPED OR PRINTED

MAILING ADDRESS

CITY, STATE, ZIP CODE

(_____) _____
AREA CODE AND TELEPHONE NUMBER

RETURN SIGNED ADDENDUM WITH YOUR BID ACKNOWLEDGING RECEIPT OF IT



**ADDENDUM #4 TO BID # 13012
ADDITION TO FIRE STATION 64
April 18, 2013**

Question 1 : What type of water heater piping is to be used?

Answer 1: CPVC for all water pipes. The sub-contractor may need to visit the project prior to bidding if he is confused on the addendum items to field verify existing conditions.

Question 2: What is the correct model number for the condenser unit?

Answer: It should be: MXZ-3B30NA.

The MXZ number is the condenser for outside. The SLZ numbers are for the cassette type air handlers in the ceiling of the two conditioned spaces, SLZ-KA15NA is the 1.5 Ton and then the other one is a 1 ton and its number is SLZ-KA12NA.

Question 3: Where is the existing sanitary line located with respect to the new washer location?

Answer 3: Just south of the existing generator you will see a clean out.

Question 4: Where is the existing water supply line located? Overhead? Underground? Distance to point of connection?

Answer 4: There is a 3/4" water supply line coming into the building just west of southwest existing roll up door, you should be able to tie in there and run the water line overhead. We certainly would not want you to cut into the existing slab to run a water supply line.

Question 5: Do we have to cut into the existing floor slab inside the Fire Station?

Answer 5: I would not imagine, but we cannot advise you on means and methods. If, during your site visit you notice the pipe isn't accessible from above the slab you would need to cut it to gain access the pipe, if it is accessible from above the slab you would not need to cut it.

Question 6: Connection details for the washer box: recessed or surface mounted?

Answer 6: In the addendum the Guy Gray model T is specified, this is a recessed box with the valves and the 2" drain. That only leaves you with the T150 or T200 models. Either would be fine to use.

Question 7: Is the Contractor to have temporary electric power and temporary water.

Answer 7: Contractor will not need to provide temporary electric or water. They can use the fire station water and electric. Contractor will need to provide restroom facilities for their workers.

**No further questions will be addressed and no further addendum will be issued.
The bid due date remains the same:**

**WEDNESDAY, APRIL 24, 2013 AT 2:00 P.M. AT CITY
HALL, 2345 PROVIDENCE BLVD., DELTONA, FL 32725,
1ST FLOOR CONFERENCE ROOM**

ALL OTHER SPECIFICATIONS AND CONDITIONS REMAIN UNCHANGED

RECEIPT OF THIS ADDENDUM IS HEREBY ACKNOWLEDGED

NAME OF BUSINESS

BY: _____

SIGNATURE/DATE

NAME & TITLE, TYPED OR PRINTED

MAILING ADDRESS

CITY, STATE, ZIP CODE

(_____) _____
AREA CODE AND TELEPHONE NUMBER

**RETURN SIGNED ADDENDUM WITH YOUR BID
ACKNOWLEDGING RECEIPT OF IT**

<p>Submit Bid to:</p> <p>CITY OF DELTONA</p> <p>2345 Providence Blvd Deltona, Florida 32725 Attn: Purchasing</p> <p>CLEARLY MARK SEALED ENVELOPE WITH BID NAME AND NUMBER</p>	<p>INVITATION TO BID# 13012 FOR:</p> <p>ADDITION TO FIRE STATION 64- FT SMITH BLVD.</p>
<p><u>Contact:</u></p> <p>Kate Krauss, CPPO, CPPB, SPSM Purchasing Manager</p> <p>Phone: (386) 878-8570 Fax: (386) 878-8571</p> <p>EMAIL QUESTIONS TO: E-Mail Address: kkrauss@deltonafl.gov</p>	<p>BIDDER NAME: <u>Saboungi Construction, Inc.</u></p> <p>_____</p> <p>_____</p>
<p>THERE WILL BE A MANDATORY PRE-BID MEETING ON THURSDAY, APRIL 4, 2013 AT 9:00 A.M. AT STATION 64 LOCATED AT 236 FT SMITH BOULEVARD, DELTONA, FLORIDA</p> <p>BID DUE DATE & TIME: THURSDAY, APRIL 18, 2013 AT 2:00 P M</p> <p><u>Location of Public Opening:</u> City of Deltona, City Hall 2345 Providence Blvd ,Deltona, FL 32725 1ST Floor Conference Room</p>	<p>MAILING ADDRESS: _____</p> <p><u>290 A North US Highway 1</u></p> <p>_____</p> <p><u>Ormond Beach, FL 32174</u></p> <p>_____</p> <p>Phone#: <u>(386) 672-2077</u></p> <p>_____</p> <p>Fax#: <u>(386) 673-4189</u></p> <p>_____</p>

GENERAL CONDITIONS, INSTRUCTIONS AND INFORMATION FOR BIDDERS

These documents constitute the complete set of terms and conditions, specification requirements, and bid forms. All bid sheets and attachments must be executed and submitted in a sealed envelope. The face of the envelope shall contain Bidder's name, return address, the date and time of bid opening, the bid number and title. Bids not submitted on the enclosed Bid Form shall be rejected. Bidders shall submit three (3) complete sets (one [1] original and two [2] copies) of their bid, complete with all supporting documentation. **SUBMITTAL OF A BID IN RESPONSE TO THIS INVITATION TO BID CONSTITUTES AN OFFER BY THE BIDDER.** Bids which do not comply with these requirements may be rejected at the option of the City.

CONTACT: All prospective bidders are hereby instructed not to contact any member of the City of Deltona Commission, City Manager, or City of Deltona Staff members other than the noted contact person regarding this Invitation to Bid or their bid proposal at any time during the bid process. Any such contact shall be cause for rejection of your bid proposal.

DELAYS: The City, at its sole discretion, may delay the scheduled due dates indicated above if it is to the advantage of the City to do so. The City will notify bidders of all changes in scheduled due dates by written addendum.

EXECUTION OF BID: Bid must contain a manual signature, in ink, of an authorized representative, who has the legal ability to bind the Bidder in contractual obligations in the space provided on the Bid Response Form. Failure to properly sign the Bid shall invalidate same, and it shall not be considered for award. Bid must be typed or legibly printed in ink. Use of erasable ink is not permitted. All corrections made by Bidder to any part of the bid document must be initialed in ink. The original bid conditions and specifications cannot be changed or altered in any way. Altered bids will not be considered. Clarification of bids submitted shall be in letter form, signed by bidders and attached to the bid.

BIDDER INFORMATION: Bidder shall complete the "Corporate Authority", "Joint Venture", "Sole Proprietorship", or "Partnership" portion of the Bidder Information Sheet, whichever part applies, and include with their bid submittal.

JOINT VENTURES: Bids submitted by firms under "joint venture" arrangements or other multi-party agreements must submit a power of attorney delegating authority to one principal with authority to negotiate and execute any/all contract documents resulting from negotiations/award of this invitation to Bid.

NO BID: If not submitting a bid, respond by returning only the Statement of No Bid, and give the reason in the space provided. Failure to respond three (3) times in succession without justification may be cause for removal of the Bidders name from the mailing list.

BID OPENING: Shall be public, at the above address, on the date and at the time specified above. The bid time shall be scrupulously observed. Under no circumstances shall bids delivered after the time specified be considered; such bids will be returned unopened. The City will not be responsible for late deliveries or delayed mail. The time/date stamp clock located in the Finance Department serve as the official authority to determine lateness of any bid. It is the Bidders sole responsibility to assure that his/her bid is complete and delivered at the proper time and place of the bid opening. Bids which for any reason are not so delivered will not be considered. Offers by facsimile, telegram or telephone are **not** acceptable. A bid may **NOT** be altered by the Bidder after opening of the bids. Bid tabulations will be furnished upon written request which includes a self-addressed, stamped envelope.

Persons with disabilities needing assistance to participate in the Public Bid Opening should contact the City Clerk at least 48 hours in advance of the meeting at 386-561-2100.

TAXES: The City is exempt from Federal Excise and State Sales Taxes on direct purchases of tangible personal property. The City's exemption numbers are on the face of the purchase order. If requested, the Purchasing Manager will provide an exemption certificate to the awarded Bidder. Vendors/contractors doing business with the City shall not be exempted from paying sales tax to their suppliers for materials to fulfill contractual obligations with the City nor shall any Vendor/Contractor be authorized to use the City's Tax Exemption Number in securing such materials.

GERTIFICATES

The City reserves the right to require proof that the bidder is an established business and is abiding by the Ordinances, Regulations, and Laws of their Community and the State of Florida such as but not limited to: Occupational Licenses, Business Licenses, Florida Sales Tax Registration, Federal Employee Identification Number.

DISCOUNTS: Cash discounts for prompt payment shall not be considered in determining the lowest net cost for bid evaluation purposes.

MISTAKES: Bidders are expected to examine the terms and conditions, specifications, delivery schedule, bid prices, extensions and all instructions pertaining to supplies and services. **FAILURE TO DO SO WILL BE AT BIDDER'S RISK.** In the event of extension error(s), the unit price will prevail and the Bidder's total offer will be corrected accordingly. Written amounts shall take precedence over numerical amounts. In the event of addition errors(s), the unit price, and extension thereof, will prevail and the Bidder's total offer will be corrected accordingly. Bids having erasures or corrections must be initialed in ink by the Bidder.

AWARD TERM: Contracts resulting from this Invitation for Bid will run for an initial period of one (1) year, renewable for three additional one (1) year periods. Both the City and the vendor must mutually agree upon the renewals in writing. Rates quoted will be firm for the first year and will or will not be changed based on the guidelines outlined in the following paragraph "Price Redetermination".

PRICE REDETERMINATION: The Contractor may petition the Purchasing Manager for price redetermination within forty-five (45) days of the expiration of each term of the contract. Any price redetermination will include all items awarded. If the City and the Contractor cannot agree on any price redetermination, then the contract will expire. (See other conditions under Special Terms and Conditions).

UNUSUAL CIRCUMSTANCES: If during a contract term where costs to the City are to remain firm or adjustments are restricted by a percentage or CPI cap, unusual circumstances that could not have been foreseen by either party to the contract occur, and those circumstances significantly affect the Seller's cost in providing the required items or services, then the Seller may request adjustments to the costs to the City to reflect the changed circumstances. The circumstances must be beyond the control of the Seller, and the requested adjustments must be fully documented. The City may, after examination, refuse to accept the adjusted costs if they are not properly documented, increases are considered to be excessive, or

decreases are considered to be insufficient. In the event the City does not wish to accept the adjusted costs and the matter cannot be resolved to the satisfaction of the City, the City will reserve the following options:

1. The contract can be canceled by the City upon giving thirty (30) days written notice to the Seller with no penalty to the City or Seller. The Seller shall fill all City requirements submitted to the Seller until the termination date contained in the notice.
2. The City requires the Seller to continue to provide the items and services at the firm fixed (non-adjusted) cost until the termination of the contract term then in effect.
3. If the City, in its interest and in its sole opinion, determines that the Seller in a capricious manner attempted to use this section of the contract to relieve themselves of a legitimate obligation under the contract, and no unusual circumstances had occurred, the City reserves the right to take any and all action under law or equity. Such action shall include, but not be limited to, declaring the Seller in default and disqualifying him for receiving any business from the City for a state period of time.
4. If the City does agree to adjusted costs, these adjusted costs shall not be invoiced to the City until the Seller receives notice in writing signed by a person authorized to bind the City in such matters.

INVOICING AND PAYMENT: Payment for any and all invoice(s) that may arise as a result of a contract or purchase order issued pursuant to this bid specification shall minimally meet the following conditions to be considered as a valid payment request:

- a. A timely submission of a properly certified invoice(s), in strict accordance with the price(s) and delivery elements as stipulated in the contract or purchase order document, and be submitted to the Finance Department at the address as stipulated on the Purchase Order.
- b. All invoices submitted shall consist of an original and one (1) copy; clearly reference the subject contract or purchase order number; provide a sufficient salient description to identify goods or service for which payment is requested; contain date of delivery; original or legible copy of signed delivery receipt including both manual signature and printed name of a designated City employee or authorized Agent; be clearly marked as "partial", "complete" or "final" invoice. The City will accept partial deliveries.
- c. The invoice shall contain the Bidder's Federal Employer Identification Number (F.E.I.N.)
- d. The City's terms are "Net 30 Days" after acceptance of goods or services and receipt of an acceptable invoice as described herein. Any discounts must be offered on the Bid Response Form.

GENERAL: The City of Deltona, having limited storage facilities, requires the service of private firms to provide materials, supplies and/or services on an as needed basis, as indicated herein, to support the City's needs.

ADDITIONAL TERMS AND CONDITIONS: Unless expressly accepted by the City, the following conditions shall apply: No additional terms and conditions included with the bid response shall be considered. Any and all such additional terms and conditions shall have no force and effect, and are inapplicable to this bid if submitted either purposely through intent or design, or inadvertently appearing separately in transmittal letters, specifications, literature, price lists or warranties. It is understood and agreed that the general and/or any special conditions in these Bid Documents are the only conditions applicable to this bid and the Bidder's authorized signature on the Bid Response Form attests to this. Exceptions to the terms and conditions will not be accepted.

INTERPRETATIONS: All Bidders shall carefully examine the Bid Documents. Any ambiguities or inconsistencies shall be brought to the attention of the City in writing prior to the opening of Bids; failure to do so, on the part of the Bidder, will constitute an acceptance by the Bidder of any subsequent decision. Any questions concerning the intent, meaning and interpretations of the Bid Documents shall be requested in writing (facsimile transmission acceptable (386) 789-7230, and received by the City at least seven (7) calendar days prior to the Bid Opening. Inquiries shall be addressed to the attention of the Contact person as indicated on Page 1. No person is authorized to give oral interpretations of, or make oral changes to, the bid. Therefore, oral statements given before the bid opening will not be binding. Any interpretation of, or changes to, the bid will be made in the form of a written Addendum to the bid and will be furnished to all Bidders through DemandStar. Receipt of all addenda shall be acknowledged by the Bidders by signing and enclosing said addenda or addendum acknowledgement with their bid.

ADDENDUM: The City will record its responses to inquiries, any supplemental instructions, and/or necessary revisions to Bid Documents, in the form of a written addendum. Should revisions to the Bid Documents become necessary, the City will post a written addendum to the DemandStar website which will go out to all Bidders who received a bid package through DemandStar. All addendums are posted to the DemandStar website and current planholders are notified that an addendum has been issued. Bidders who obtain Bid Documents from other sources must officially register with the City's Purchasing Manager in order to be placed on the DemandStar website as a bid holder in order to receive any forthcoming addenda or other official communications. Failure to register as a prospective Bidder may cause your bid to be rejected as non-responsive if you have failed to submit a bid without an addendum acknowledgment for the most current addendum. It is the vendor's responsibility to check the DemandStar website at www.demandstar.com in order to be sure latest addendum and any prior addendum have been received.

PROTESTS: Any Bidder who disputes the bid selection or contract award recommendation shall file such protest according to the bid protest procedures. These procedures are available upon request from the City.

CONFLICT OF INTEREST: All Bidders must disclose with their bid the name of any officer, director, or Agent who is also an employee of the City. All Bidders must disclose the name of any City employee

who owns, directly or indirectly, an interest of five percent (5%) or more in the Bidder's firm or any of its branches

LEGAL REQUIREMENTS: Bidders are required to comply with all provisions of Federal, State, City and local laws and ordinances, rules and regulations that are applicable to the items being bid. Lack of knowledge by the Bidder shall in no way be a cause for relief from responsibility, or constitute a cognizable defense against the legal effect thereof.

DRUG-FREE WORKPLACE: Preference shall be given to business with Drug-Free Work Place (DFW) programs. Whenever two or more bids which are equal with respect to price, quality, and service are received by the City for the procurement of commodities or contractual services, a bid received from a business that completes the attached DFW form certifying that it is a DFW shall be given preference in the award process.

POSTING OF BID AWARD: Recommendation for award will be posted for review by interested parties on DemandStar. Failure to file a protest to Purchasing within the time prescribed in the CITY's Purchasing Manual, shall constitute a waiver of proceedings.

AWARD: As the best interest of the City may require, the right is reserved to make award(s) by individual item, group of items, "All or None", or a combination thereof; with one or more suppliers; to reject any or all bids, or waive any minor irregularity or technicality in bids received, award or eliminate a portion of the bid, and may, at its sole discretion, request a re-bid, or abandon the project in its entirety. Bidders are cautioned to make no assumption until the City has entered into a contract or issued a purchase order.

EEO STATEMENT: The City is committed to assuring equal opportunity in the award of contracts, and, therefore complies with all laws prohibiting discrimination on the basis of race, color, religion, national origin, age or sex.

CONTRACTUAL AGREEMENT: The contents of this Bid and all provisions of the successful bid proposal deemed pertinent by the City may be incorporated into a contract and become legally binding. A separate contract document, other than the purchase order, may or may not be issued. Any and all legal action necessary to enforce a contract or purchase order will be interpreted according to the laws of Florida. The venue shall be County of Volusia, Florida.

GOVERNMENTAL RESTRICTIONS: In the event that any governmental restrictions are imposed which would necessitate alteration of the material quality, workmanship or performance of the items offered on this bid prior to their delivery, it shall be the responsibility of the Bidder to notify Purchasing at once, indicating in his/her letter the specific regulation which required an alteration, including any price adjustments occasioned thereby. The City reserves the right to accept such alteration or to cancel the contract or purchase order at no further expense to the City.

PERMITS/LICENSES/FEEES: Any permits, licenses, or fees required will be the responsibility of the Contractor, no separate or additional payment will be made.

Adherence to all applicable code regulations (Federal, State, City, City) are the responsibility of the Contractor.

INDEMNIFICATION: The Bidder, without exemption, shall indemnify and save harmless, the City, its employees and/or any of its Commissioners from liability of any nature or kind, including cost and expenses for or on account of any copyrighted, patented, or unpatented invention, process, or item manufactured by the Bidder. Further, if such a claim is made, or is pending, the Bidder may, at its option and expense, procure for the City the right to use, replace or modify the item to render it non-infringing. If none of the alternatives are reasonably available, the City agrees to return the article on request to the Bidder and receive reimbursement. If the Bidder used any design, device, or materials covered by letters, patent or copyright, it is mutually agreed and understood, without exception, that the bid prices shall include all royalties or cost arising from the use of such design, device, or materials in any way involved in the work.

ADVERTISING: In submitting a bid, Bidder agrees not to use the results therefrom as a part of any commercial advertising, without the express written approval, by the appropriate level of authority within the City.

ASSIGNMENT: Any purchase order or contract issued pursuant to this Invitation to Bid and the monies which may become due hereunder are not assignable except with the prior written approval of the City, through the Finance Department.

COMPLIANCE WITH OCCUPATIONAL SAFETY AND HEALTH: Bidder certifies that all material, equipment, etc., contained in his/her bid meets all applicable OSHA requirements. Bidder further certifies that, if he/she is the successful Bidder, and the material, equipment, etc., delivered is subsequently found to be defective in any applicable OSHA requirement in effect on the date of delivery, all costs necessary to comply with the requirements shall be borne by the Bidder.

RESPONSIBILITY: A Bidder must have at the time of bid opening, a company in operation, (if applicable) or be a fully authorized Agent or representative of the product bid, and capable of producing or providing the items bid, and follow-up parts and service, including any warranty services as applicable, and so provide such certification upon request.

FACILITIES: The City reserves the right to inspect the Bidder's facilities at any reasonable time, during normal working hours, to determine that Bidder has a bona fide place of business, and is a responsible Bidder.

DISQUALIFICATION OF BIDDER: More than one bid from an individual, firm, partnership, corporation, or association under the same or different names will not be considered. Reasonable grounds for believing that a Bidder is involved in more than one bid submittal will be cause for rejection of all bids in which such Bidders are believed to be involved. Any or all bids will be rejected if there is reason to believe that collusion exists between Bidders. Bids in which the prices obviously are unbalanced will be subject to rejection.

ADJUSTMENTS / CHANGES / DEVIATIONS: No adjustments, changes or deviations shall be accepted on any item unless conditions or specifications of a bid expressly so provide. Any other adjustments, changes or deviations shall require prior written approval, and shall be binding **ONLY** if issued by the City's Finance Department. The Bidder shall bear sole responsibility for any and all costs of claims arising from any adjustments, changes or deviations not properly executed as required herein.

PUBLIC RECORDS: Upon award recommendation or ten (10) days after opening, whichever is earlier, bids become "public records" and shall be subject to public disclosure consistent with Chapter 119 07(3)(o), Florida Statutes. Bidders must invoke the exemptions to disclosure provided by law in the response to the Bid, and must identify the data or other materials to be protected, and must state the reasons why such exclusion from public disclosure is necessary.

Bids may be reviewed at City Hall, 2345 Providence Blvd., Deltona, FL 32725.

BID PREPARATION COSTS: Neither the CITY nor its representatives shall be liable for any expenses incurred in connection with preparation of a response to this Invitation to Bid. Bidders should prepare their bids simply and economically, providing all information and prices as required.

ACCEPTANCE / REJECTION: The City of Deltona reserves the right to accept or reject any or all bids and to make the award to that Bidder, who in the opinion of the City will be in the best interest of and/or the most advantageous to the City. The City of Deltona also reserves the right to reject the bid of any vendor who has previously failed in the proper performance of an award or to deliver on time contracts of a similar nature or who, in the City's opinion, is not in a position to perform properly under this award. The City of Deltona reserves the right to inspect all facilities of bidders in order to make a determination as to the foregoing. The City of Deltona reserves the right to waive any irregularities, informalities, and technicalities in offers received, and may, at its discretion, request a re-bid, or abandon the project/procurement in its entirety.

ANY AND ALL SPECIAL TERMS AND CONDITIONS, TECHNICAL REQUIREMENTS, SCOPE OF WORK OR SPECIFICATIONS ATTACHED HERETO WHICH VARY FROM THESE GENERAL CONDITIONS SHALL HAVE PRECEDENCE

SCOPE OF WORK

Bid No. 13012

For

ADDITION TO FIRE STATION 64 – FT. SMITH BLVD.

The City of Deltona is accepting bids from Florida Licensed General Contractors qualified to perform the work as described on the plans dated March 15, 2013 from John S. Dickerson, Inc. related to an addition at Fire Station 64 located at 236 Fort Smith Boulevard, Deltona, Florida

SCOPE OF SERVICES

GENERAL

This project consists of a 560 sq ft addition to the current fire station located at 236 Fort Smith Blvd. in Deltona, FL. The addition includes a small shop for storage and repairs of small tools, a physical fitness room and a gear locker room. Construction shall include removal of a portable 8x12 skid mount storage shed, and minor site prep. Along with the addition to the original building, the contractor will be required to install a new City purchased emergency generator utilizing the existing Automatic Transfer Switch, and expansion to the present driveway with a new short retainer wall. Generator installation shall include full start up and basic operational training of staff.

Construction shall be completed without impairing the daily operations of the fire station which is staffed 24/7 and shall begin on June 1, 2013 and be completed before September 30, 2013. The addition shall be turn key to include all materials, labor, and fixtures. The contract does not include any exercise equipment, furniture or the washer and dryer. Construction shall be per the plans dated 3/15/2013 and shall meet all relative building codes in effect at time of construction.

The current facility is a 3,720 sq ft butler building with 3 foot brick wall around the base. The addition shall be concrete block with wood truss roof. Both shall be covered with metal sheeting to match the current facility and the brick wall matched as close as possible. Contractor is responsible for all permits and fees. The wood stockade fence enclosing the generator shall be removed and after installation of the new generator, a new white PVC fence around the entire generator area shall be installed with one 3 foot wide access gate.

Construction shall include any necessary debris removal and final landscaping to return the property to a finished look.

THERE WILL BE A MANDATORY PRE-BID MEETING ON THURSDAY, APRIL 4, 2013 AT 9:00 A.M. AT STATION 64 LOCATED AT 236 FT SMITH BOULEVARD, DELTONA, FLORIDA. A representative from the bidding company must be present in order to be eligible to submit a bid for the project.

BID DUE DATE & TIME: THURSDAY, APRIL 18, 2013 AT 2:00 P.M.

Location of Public Opening:

City of Deltona, City Hall

2345 Providence Blvd, Deltona, FL 32725

1ST Floor Conference Room

FEDERAL AND STATE TAXES

The City is exempt from payment of Florida State Sales and User Taxes. The City will sign an exemption certificate submitted by the contractor. The contractor shall not be exempted from paying sales tax to its suppliers for materials used to fulfill contractual obligations with the City, nor is the contractor authorized to use the City's Tax Exempt Number in securing such materials, or product.

SEVERABILITY

If any term or provision of the resulting AGREEMENT, or the application thereof to any person or circumstances shall, to any extent, be held invalid or unenforceable, to remainder of the AGREEMENT or the application of such terms or provisions, to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected, and every other term and provision of the AGREEMENT shall be deemed valid and enforceable to the extent permitted by law.

CERTIFICATION OF INDEPENDENT PRICE DETERMINATION

By submission of this bid, the Bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, that in connection with this procurement:

- 1 The prices in this bid have been arrived at independently, without consultation, collusion, communication, or agreement for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor.
- 2 Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the Bidder and will not knowingly be disclosed by the Bidder prior to opening, directly or indirectly to any other Bidder or to any competitor; and,
- 3 No attempt has been made or will be made by the Bidder to induce any other person or firm to submit or not to submit a bid for the purpose of restricting competition.
- 4 Bidder agrees that supplies/services furnished regarding this offer, if awarded, shall be covered by the most favorable commercial warranties the Bidder gives to any customer for such supplies services and that rights and remedies provided herein are in addition to and do not limit any rights offered to the City by any other provision of the bid award.

REFERENCES

Bidder must submit with the bid, three (3) references (form attached) for projects of similar scope to include: Point of contact and telephone number. Failure to provide this information with the bid may result in bid being declared non-responsive.

SUBMITTALS:

All submittals are REQUIRED and shall be submitted with the bid package at the time of the bid opening to be considered a responsive bidder. Faxed or Electronically submitted Bids shall not be accepted.

- 1 Bid response Form (page 9 attached to this bid document)
- 2 Hold Harmless Agreement (page 10 attached to this bid document)
- 3 Bidder Information Form (page 11, attached to this bid document)
- 4 References (page 12, attached to this bid document)
- 5 Drug Free Workplace Form (if applicable) (page 13, attached to this bid document)
- 6 Any and all addendums pertaining to this bid.
- 7 Include a copy of your Contractor's license. Only licensed contractors will be considered to provide these services. A list of subcontractors will be required to be submitted by the awarded contractor.

Questions regarding this bid are to be addressed in writing to:

Kate Krauss, Purchasing Manager
2345 Providence Blvd
Deltona, FL 32725
E-Mail Address: kkrauss@deltonafl.gov
Or Fax: (386) 878-8571

Questions or Inquiries regarding this bid will be accepted up until 7 days prior to bid opening.

TIE ON UNIT PRICE OR BID: Should there be a tie on either the unit price (if awarded on a per item basis) the deadlock will be decided upon using the following order:

- a Companies who certify they are a drug-free workplace

- b Companies located in Volusia County, Florida
- c Companies located in Florida
- d All else being equal, both companies will be asked to submit a final bid in a sealed envelope

The City of Deltona further reserves the right to be the final judge of what is considered equal and hold the bid open for a 90-day period if award is not made on the date specified

The City of Deltona reserves the right to cancel any agreement, or any part thereof without obligation if completion is not made within the time specified Any work performed after cancellation of order(s) will at the contractor's expense

Irrevocable Offer: Bidder warrants by virtue of bidding that the prices bid shall remain firm and be considered an irrevocable offer for a period of sixty (60) days, during which time one or more of the bids received may be accepted by the City of Deltona

Please be advised that the City of Deltona will not prepay for work Invoices may be submitted upon completion and acceptance of deliverables and will be paid upon submission of a complete invoice to the Department of Finance and Internal Services, 2345 Providence Blvd ,Deltona, FL 32725

BID RESPONSE FORM
BID NO. 13012
ADDITION TO FIRE STATION 64- FT. SMITH BLVD.

In accordance with the foregoing terms, conditions and specifications, the undersigned bidder, having visited the site of the work and having become familiarized with the conditions affecting the cost of the work and with all requirements of the proposed Contract Documents, and duly issued Addenda to said documents, as acknowledged herein, proposes to furnish and perform all things required in labor, material, necessary tools, expendable equipment, and all services necessary to perform and complete in a workmanlike manner all work required by said documents and Addenda

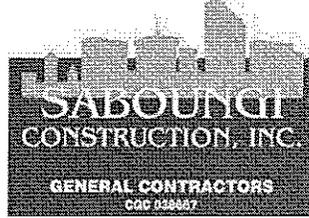
TOTAL LUMP SUM BID PRICE \$ 114,600.⁰⁰
(Provide breakdown as attachment to bid)

TOTAL NUMBER OF DAYS FROM PERMIT TO COMPLETION
122 **DAYS**

Please be advised that the City of Deltona will not prepay for work. Invoices may be submitted upon completion and acceptance of deliverables and will be paid upon submission of a complete invoice to the Department of Finance and Internal Services, 2345 Providence Blvd., Deltona, FL 32725.

NOTE: CONTRACTOR IS RESPONSIBLE FOR OBTAINING AND PAYING FOR ALL PERMITS. NO SEPARATE PAYMENT WILL BE MADE.

M. "Mike" Saboungi
President



Hassan Saboungi
Vice President

290 A North U.S. Highway 1, Ormond Beach, FL 32174-4504
Tel: (386) 672-2077 Fax: (386) 673-4189

Addition to Fire Station 64 – City of Deltona

Schedule of Values

1. General Conditions	-	\$ 15,650
2. Interlocking Retaining Wall	-	\$ 11,350
3. Site Work	-	\$ 9,300
4. Building Concrete	-	\$ 7,720
5. Building Masonry (Block & Brick)	-	\$ 10,230
6. Carpentry	-	\$ 7,430
7. Thermal (Roof, Siding & Insulation)	-	\$ 15,630
8. Doors & Window	-	\$ 6,600
9. Finishes	-	\$ 5,500
10. Fire Alarm System	-	\$ 1,650
11. Fire Suppression System	-	\$ 3,850
12. Plumbing	-	\$ 2,320
13. HVAC	-	\$ 11,100
14. Electrical	-	\$ 6,270
		<hr/>
	TOTAL BID	\$ 114,600

INSURANCE REQUIREMENTS

WORKERS' COMPENSATION

Coverage is to apply for all employees for statutory limits in compliance with the applicable state and federal laws. The policy must include Employers' Liability with a limit of \$500,000 each accident, \$500,000 each employee, \$500,000 policy limit for disease

COMMERCIAL GENERAL LIABILITY – OCCURRENCE FORM REQUIRED

Contractor shall maintain commercial general liability (CGL) insurance with a limit of not less than \$500,000 each occurrence. If such CGL insurance contains a general aggregate limit, it shall apply separately to this location/project in the amount of \$1,000,000. Products and completed operations aggregate shall be \$1,000,000. CGL insurance shall be written on an occurrence form and shall include bodily injury and property damage liability for premises, operations, independent contractors, products and completed operations, contractual liability, broad form property damage and property damage resulting from explosion, collapse or underground (x, c, u) exposures, personal injury and advertising injury. Fire damage liability shall be included at \$100,000.

COMMERCIAL AUTOMOBILE LIABILITY INSURANCE

Contractor shall maintain automobile liability insurance with a limit of not less than \$1,000,000 each accident for bodily injury and property damage liability. Such insurance shall cover liability arising out of any auto (including owned, hired and non-owned autos). The policy shall be endorsed to provide contractual liability coverage.

EVIDENCE OF INSURANCE

The Contractor shall furnish the City of Deltona with Certificate of Insurance. The Certificates are to be signed by a person authorized by that insurer to bind coverage on its behalf. The City of Deltona is to be specifically included as an additional insured on all policies except Workers' Compensation. In the event the insurance coverage expires prior to the completion of the project, a renewal certificate shall be issued 30-days prior to said expiration date. The policy shall provide a 30-day notification clause in the event of cancellation or modification to the policy. All certificates of insurance must be on file with and approved by the City of Deltona before the commencement of any work activities.

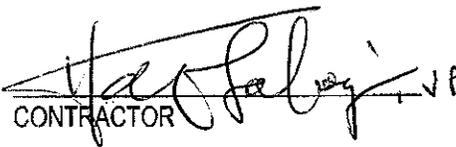
HOLD HARMLESS AND INDEMNITY AGREEMENT

Hassan Saboungi, agrees through the signing of this document by an authorized party or agent that it shall defend, indemnify and hold harmless the City of Deltona, and its agents, employees, and public officials from and against all suits, losses, claims, demands, judgments of every name and description arising out of or incidental to the performance of this contract or work performed thereunder, whether or not due to or caused by the negligence of the City of Deltona, its agents, employees, and public officials excluding only the sole negligence of the City of Deltona, its agents, employees, and Public Officials

This provision shall also pertain to any claims brought against the City of Deltona, its agents, employees, and public officials by an employee of the named Contractor, any Sub-contractor, or anyone directly or indirectly employed by any of them

The Contractor's obligation to indemnify the City of Deltona, its agents, employees and public officials under this provision shall be limited to \$1,000,000 per occurrence which the parties agree bears a reasonable commercial relationship to the contract

The Contractor agrees to accept, and acknowledges as adequate remunerations, the consideration of \$10, which is part of the agreed bid price, the promises contained herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, for agreement to enter into this Hold Harmless and Indemnity Agreement


CONTRACTOR

April 18, 2013
DATE

This Form Must Be Completed and Returned with your Submittal.

**CITY OF DELTONA
BIDDER INFORMATION FORM**

The information below is required to complete your bid packet. Type or print only.

Company Name: Saboungi Construction, Inc.

Address: 290 A North US Hwy 1

City: Ormond Beach, FL

State: Florida

Zip Code: 32174

Phone Number: (386) 672-2077

Fax Number: (386) 673-4189

Project Contact: (386) 673-4189

e-mail address: saboungi@aol.com

Remittance (Payment) Mailing Information

Address: 290 A North US Hwy 1

City: Ormond Beach State: Florida Zip Code: 32174

Phone Number: (386) 672-2077

Fax Number: (386) 673-4189

Project Contact: Hassan Saboungi

e-mail address: saboungi@aol.com

Federal Tax ID No.: 59 - 2219055

Tax ID Type: Federal Tax ID Social Security Number

This Form Must Be Completed and Returned with your Submittal.

References

CUSTOMER NAME	CONTACT PERSON	TELEPHONE AND FAX NUMBER	SCOPE OF SERVICES PROVIDED/JOB NAME
City of Daytona Beach	James Hanis R A	(386) 671-8632 (386) 671-8620	Yvonne Scarlet Golden Community Center
City of Ormond Beach	John Noble, PE	(386) 676-3302 (386) 676-3304	Andy Romano Beachfront Park
County of St. Johns	Phyllis Thorpe, PM	(904) 209-0193 (904) 209-0191	West Augustine Park

Does Bidder have any similar work in progress at time of Bid Opening? Yes No

If "Yes", explain:

References who are located in foreign countries are not acceptable.

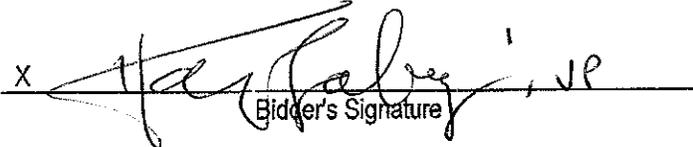
This Form Must Be Completed and Returned with your Submittal.

DRUG-FREE WORK PLACE FORM

The undersigned Bidder in accordance with Florida Statute 287 087, hereby certifies that
Saboungi Construction, Inc. does:
(Name of Business)

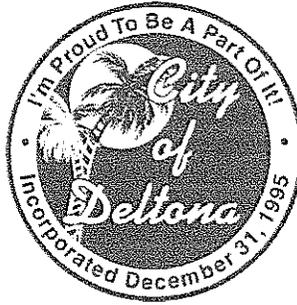
- 1 Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition
- 2 Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations
- 3 Give each employee engaged in providing the commodities or contractual services that are proposed a copy of the statement specified in subsection (1)
- 4 In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction
- 5 Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted
- 6 Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements

X  Bidder's Signature

April 18, 2013
Date

This Form Must Be Completed and Returned with your Submittal, if applicable



ADDENDUM #1 TO BID # 13012
ADDITION TO FIRE STATION 64
April 11, 2013

1. The existing door, number 102A on the Floor Plan, shall remain and shall be painted after proper preparation. Replace the existing door hardware with a passage lever set to allow for exit. The existing door is a fire rated door and meets the minimum requirements.
2. The submitted roll up door, number 100 on the Floor Plan, has been approved as a Cornell ESD10, color to be approved by owner at a later date. Contractor is responsible for coordinating the area required toward the interior jamb for the concrete slab to be recessed to properly receive the steel angles for the track. The drawings are attached.
3. The wood fence around the existing generator site needs to be removed and disposed of including the posts. After the new generator is installed, new white PVC fencing and posts shall be installed to enclose the generator area. Installation shall be per manufacturer's specs and include one 3 foot lockable access gate.
4. Contractor shall remove the trees. No additional planting will be required.
5. The City of Deltona will provide the generator. The Contractor is only responsible for installation and hookup. Concrete pad is already in place.
6. Work hours shall be 6:00 a.m. until 6:00 p.m. unless otherwise approved by the City of Deltona.
7. The City's Public Works will provide the dump truck and dirt disposal. The contractor will provide the loader.
8. Use \$1670.62 for permit fees calculated as follows:
 - \$607.26 City building permit
 - \$178.00 Fire inspection fees
 - \$481.60 County impact fees
 - \$403.76 City impact fees

There may be a fee from the Health Department since there is a septic tank That will be addressed with the awarded contractor. If there are resubmittals and re-inspections due to a failed inspection, those are additional and shall be paid by the Contractor.

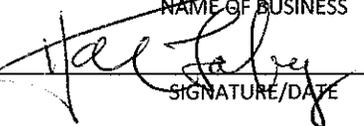
- 9 A clearer set of plans has been uploaded to Demandstar.

ALL OTHER SPECIFICATIONS AND CONDITIONS REMAIN UNCHANGED

RECEIPT OF THIS ADDENDUM IS HEREBY ACKNOWLEDGED

Saboungi Construction, Inc.

NAME OF BUSINESS

BY:  4/18/13
SIGNATURE/DATE

Hassan Saboungi, Vice President

NAME & TITLE, TYPED OR PRINTED

290 A North US Highway 1

MAILING ADDRESS

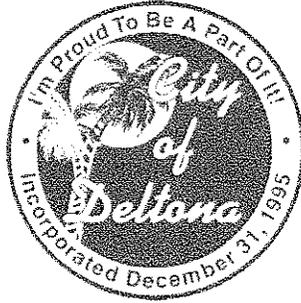
Ormond Beach, FL 32174

CITY, STATE, ZIP CODE

(386.) 672-2077

AREA CODE AND TELEPHONE NUMBER

**RETURN SIGNED ADDENDUM WITH YOUR BID
ACKNOWLEDGING RECEIPT OF IT**



ADDENDUM #2 TO BID # 13012
ADDITION TO FIRE STATION 64
April 16, 2013

Clarifications:

1. There is just one condenser required. The model # (1) MXC-3830NA is correct for the one and only condenser unit

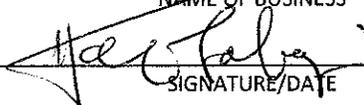
SLZ-KA(15 & 12)NA is the right number
2. The washer will need plumbing. Include a Guy Gray "T" model washer box, 2" drain to existing sanitary line with a clean out directly to the exterior of the unit, include hot and cold supply, Include a 2" vent to the roof with proper vent flashing
3. Add a Rheem 30 Gallon Commercial water heater, model #EGSP30, 120V, 3000 watt. To be located beside the new washing machine location. Include a 25 amp circuit and outlet per code. Include a 2" high emergency pan with a 3/4" diameter drain, with bug screen, to the exterior through the wall as per code and manufacturers recommendations. Insulate all exposed pipes.

ALL OTHER SPECIFICATIONS AND CONDITIONS REMAIN UNCHANGED.

RECEIPT OF THIS ADDENDUM IS HEREBY ACKNOWLEDGED

Saboungi Construction, Inc

NAME OF BUSINESS

BY:  4/18/13

SIGNATURE/DATE

Hassan Saboungi, Vice President

NAME & TITLE, TYPED OR PRINTED

290 A North US Highway 1

MAILING ADDRESS

Ormond Beach, FL 32174

CITY, STATE, ZIP CODE

~~(386) 672-2077~~
AREA CODE AND TELEPHONE NUMBER

**RETURN SIGNED ADDENDUM WITH YOUR BID
ACKNOWLEDGING RECEIPT OF IT**

Addendum #1 to Bid #13006 for EMS-Medical Supplies

2

415

Item 10B



**ADDENDUM #3 TO BID # 13012
ADDITION TO FIRE STATION 64
April 17, 2013**

This addendum is to change the bid due date and time as follows:

**NEW DUE DATE IS:
WEDNESDAY, APRIL 24, 2013 AT 2:00 P.M. AT CITY
HALL, 2345 PROVIDENCE BLVD., DELTONA, FL 32725,
1ST FLOOR CONFERENCE ROOM**

A final addendum will be issued addressing the plumbing.

ALL OTHER SPECIFICATIONS AND CONDITIONS REMAIN UNCHANGED

RECEIPT OF THIS ADDENDUM IS HEREBY ACKNOWLEDGED

Saboungi Construction, Inc.

NAME OF BUSINESS

BY:

Hassan Saboungi, 4/18/13

SIGNATURE/DATE

Hassan Saboungi, Vice President

NAME & TITLE, TYPED OR PRINTED

290 A North US Highway 1

MAILING ADDRESS

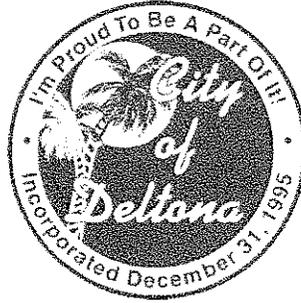
Ormond Beach, FL 32174

CITY, STATE, ZIP CODE

(386) 672-2077

AREA CODE AND TELEPHONE NUMBER

RETURN SIGNED ADDENDUM WITH YOUR BID ACKNOWLEDGING RECEIPT OF IT



**ADDENDUM #4 TO BID # 13012
ADDITION TO FIRE STATION 64
April 18, 2013**

Question 1 : What type of water heater piping is to be used?

Answer 1: *CPVC for all water pipes. The sub-contractor may need to visit the project prior to bidding if he is confused on the addendum items to field verify existing conditions.*

Question 2: What is the correct model number for the condenser unit?

Answer: *It should be: MXZ-3B30NA.*

The MXZ number is the condenser for outside. The SLZ numbers are for the cassette type air handlers in the ceiling of the two conditioned spaces, SLZ-KA15NA is the 1 5 Ton and then the other one is a 1 ton and its number is SLZ-KA12NA...

Question 3: Where is the existing sanitary line located with respect to the new washer location?

Answer 3: *Just south of the existing generator you will see a clean out.*

Question 4: Where is the existing water supply line located? Overhead? Underground? Distance to point of connection?

Answer 4: *There is a 3/4" water supply line coming into the building just west of southwest existing roll up door, you should be able to tie in there and run the water line overhead. We certainly would not want you to cut into the existing slab to run a water supply line.*

Question 5: Do we have to cut into the existing floor slab inside the Fire Station?

Answer 5: *I would not imagine, but we cannot advise you on means and methods. If, during your site visit you notice the pipe isn't accessible from above the slab you would need to cut it to gain access the pipe, if it is accessible from above the slab you would not need to cut it.*

Question 6: Connection details for the washer box: recessed or surface mounted?

Answer 6: In the addendum the Guy Gray model T is specified, this is a recessed box with the valves and the 2" drain. That only leaves you with the T150 or T200 models. Either would be fine to use.

Question 7: Is the Contractor to have temporary electric power and temporary water.

Answer 7: Contractor will not need to provide temporary electric or water. They can use the fire station water and electric. Contractor will need to provide restroom facilities for their workers.

No further questions will be addressed and no further addendum will be issued. The bid due date remains the same:

WEDNESDAY, APRIL 24, 2013 AT 2:00 P.M. AT CITY HALL, 2345 PROVIDENCE BLVD., DELTONA, FL 32725, 1ST FLOOR CONFERENCE ROOM

ALL OTHER SPECIFICATIONS AND CONDITIONS REMAIN UNCHANGED

RECEIPT OF THIS ADDENDUM IS HEREBY ACKNOWLEDGED

Saboungi Construction, Inc.

NAME OF BUSINESS

BY:

SIGNATURE/DATE

Hassan Saboungi, Vice President

NAME & TITLE, TYPED OR PRINTED

290 A North US Highway 1

MAILING ADDRESS

Ormond Beach, FL 32174

CITY, STATE, ZIP CODE

(386) 672-2077

AREA CODE AND TELEPHONE NUMBER

**RETURN SIGNED ADDENDUM WITH YOUR BID
ACKNOWLEDGING RECEIPT OF IT**

AC# 6185851

STATE OF FLORIDA

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
CONSTRUCTION INDUSTRY LICENSING BOARD

SEQ# L12070501010

DATE	BATCH NUMBER	LICENSE NBR
07/05/2012	120011635	CGC038667

The GENERAL CONTRACTOR
Named below IS CERTIFIED
Under the provisions of Chapter 489 FS.
Expiration date: AUG 31, 2014

SABOUNGI, HASSAN
SABOUNGI CONSTRUCTION INC
290 N U S HIGHWAY #1
ORMOND BEACH FL 32174-4504

RICK SCOTT
GOVERNOR

KEN LAWSON
SECRETARY

DISPLAY AS REQUIRED BY LAW

AC# 6185852

STATE OF FLORIDA

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
CONSTRUCTION INDUSTRY LICENSING BOARD

SEQ# L12070501011

DATE	BATCH NUMBER	LICENSE NBR
07/05/2012	120011636	CGC013521

The GENERAL CONTRACTOR
Named below IS CERTIFIED
Under the provisions of Chapter 489 FS.
Expiration date: AUG 31, 2014

SABOUNGI, MAHMOUD
SABOUNGI CONSTRUCTION INC
290 N US 1
ORMOND BEACH FL 32174-4504

RICK SCOTT
GOVERNOR

KEN LAWSON
SECRETARY

DISPLAY AS REQUIRED BY LAW

Detail by Entity Name

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS



No No Name
Events History

Entity Name Search

Search

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Results

Detail by Entity Name

Florida Profit Corporation

SABOUNGI CONSTRUCTION, INC.

Filing Information

Document Number F86301
FEI/EIN Number 592219055
Date Filed 06/22/1982
State or Country FL
Status ACTIVE

Principal Address

290A N US 1
ORMOND BCH., FL 32174

Changed: 09/19/2008

Mailing Address

290A N US 1
ORMOND BCH., FL 32174

Changed: 09/19/2008

Registered Agent Name & Address

SABOUNGI, HASSAN
290A NORTH US 1
ORMOND BEACH, FL 32174

Name Changed: 09/19/2008

Address Changed: 09/19/2008

Officer/Director Detail

Name & Address

Detail by Entity Name

Title P

SABOUNGI, MAHMOUD
648 RIVERSIDE DR.
ORMOND BEACH, FL 32176

Title S

SABOUNGI, MAISA
1570 JOHN ANDERSON DR.
ORMOND BEACH, FL 32176

Title VT

SABOUNGI, HASSAN
1570 JOHN ANDERSON DR.
ORMOND BEACH, FL 32176

Annual Reports

Report Year	Filed Date
2011	02/16/2011
2012	01/16/2012
2013	03/05/2013

Document Images

03/05/2013 -- ANNUAL REPORT	View image in PDF format
01/16/2012 -- ANNUAL REPORT	View image in PDF format
02/16/2011 -- ANNUAL REPORT	View image in PDF format
03/30/2010 -- ANNUAL REPORT	View image in PDF format
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09/19/2008 -- ANNUAL REPORT	View image in PDF format
05/08/2008 -- ANNUAL REPORT	View image in PDF format
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03/22/2005 -- ANNUAL REPORT	View image in PDF format
02/23/2004 -- ANNUAL REPORT	View image in PDF format
04/11/2003 -- ANNUAL REPORT	View image in PDF format
04/08/2002 -- ANNUAL REPORT	View image in PDF format
03/19/2001 -- ANNUAL REPORT	View image in PDF format

Detail by Entity Name

04/27/2000 -- ANNUAL REPORT	View image in PDF format
03/17/1999 -- ANNUAL REPORT	View image in PDF format
02/23/1998 -- ANNUAL REPORT	View image in PDF format
02/21/1997 -- ANNUAL REPORT	View image in PDF format
04/29/1996 -- ANNUAL REPORT	View image in PDF format
04/26/1995 -- ANNUAL REPORT	View image in PDF format

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Events **History**

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 State of Florida, Department of State

City of Deltona
Budget Amendment
 Fiscal Year 2012-2013

Amendment #: 2013-42 Date: June 3, 2013
 Fund: 301-Municipal Complex Agenda Item: _____

		<u>Increase</u>	<u>Decrease</u>
Account #: 301 650100 30310	Amount:	45,000	
Description: <u>FS64 ADDITION</u>			
Account #:	Amount:		
Description: _____			
Account #:	Amount:		
Description: _____			
Account #:	Amount:		
Description: _____			
Account #:	Amount:		
Description: _____			
Account #:	Amount:		
Description: _____			
Account #:	Amount:		
Description: _____			
Account #:	Amount:		
Description: _____			

Description: This amendment results in a net decrease in
 Budgetary Fund Balance of \$45,000.

Reason: **Appropriate additional funds needed for Fire Station 64 renovations.**

ATTEST:

 Joyce Raftery, City Clerk

 John C. Masiarczyk, Sr., Mayor

AGREEMENT BETWEEN CITY OF DELTONA AND

PER ITB NO. 13012

THIS AGREEMENT is made and entered into this ____ day of _____, 2012 by and between the CITY OF DELTONA, a municipality of the State of Florida, whose address is 2345 Providence Boulevard, Deltona, Florida 32725, hereinafter called the "City" and **Saboungi Construction, Inc.**, duly authorized to conduct business in the State of Florida, whose principal address is **290 A North US Hwy 1, Ormond Beach, Florida, 32174**, hereinafter called the "Contractor".

WHEREAS, the City desires to obtain services related to **the Addition to Fire Station 64** per ITB No. **13012**. The work generally involves all work as described in the ITB documents, specifications, drawings and any addendum issued for this project.

WHEREAS, the City requested and received expressions of interest from several companies to provide these services; and

WHEREAS, Contractor is competent and qualified to furnish said services to the City and desires to provide its services for this project, and

WHEREAS, the Commission of the City of Deltona has approved award of this agreement on **June 3, 2013**.

NOW, THEREFORE, IN CONSIDERATION of the mutual terms, understandings, conditions, premises, covenants and payment hereinafter set forth, and intending to be legally bound, the parties hereby agree as follows:

Article 1. Recitals

The foregoing recitals are true and correct and incorporated herein by reference.

Article 2. Scope of Services

2.1 Pursuant to the terms and conditions set forth in this Agreement, City hereby engages Contractor to perform services related to **the Addition to Fire Station 64** per ITB No. **13012**, attached hereto and incorporated herein by reference, and Contractor's Proposal dated **April 18, 2013**.

2.2 The services, as described in ITB No. **13012**, to be rendered by the Contractor, shall commence upon issuance of a Notice to Proceed and be completed **no later than September 30, 2013**.

2.3 City and Contractor recognize that time is of the essence of this Agreement and that City will suffer financial loss if the Work is not completed within the times specified above. They also recognize the delays, expense and difficulties in proving the actual loss suffered by City if the Work is not completed on time. Accordingly, instead of requiring any such proof, City and Contractor agree that as liquidated damages for delay (but not as a penalty), Contractor shall pay the City **one thousand dollars (\$1,000.00)** for each day that goes beyond the agreed upon completion date as stated on the Notice to Proceed. This amount represents an estimate of City's damages for loss of use and administrative costs associated with the delay.

2.4 The services to be rendered by the Contractor shall include all labor, materials, equipment and incidentals necessary to perform all work indicated and specified in the ITB documents.

2.5 Contractor has familiarized itself with the nature and extent of the contract documents, work, site, locality, and all local conditions and laws and regulations that in any manner may affect cost, progress, performance or furnishing of the work.

2.6 Contractor has obtained and carefully studied (or assumes responsibility for obtaining and carefully studying) all examinations, investigations, explorations, tests, reports and studies which pertain to the subsurface or physical conditions at or contiguous to the site or otherwise may affect the cost, progress, performance or furnishing of the work as Contractor considers necessary for the performance or furnishing of the work at the contract price, within the contract time and in accordance with the other terms and conditions of the contract documents and no additional examinations, investigations, explorations, tests, reports, studies or similar information or data are or will be required by Contractor for such purposes.

2.7 Contractor acknowledges that nothing herein shall be deemed to preclude the City from retaining the services of other persons or entities undertaking the same or similar services as those undertaken by the Contractor or from independently developing or acquiring materials or programs that are similar to or competitive with, the services provided under this Agreement.

2.8 Contractor shall be responsible for obtaining all required federal, state or local permits required to complete the scope of work under this agreement.

2.9 Contractor shall be responsible for the quality of work performed. Contractor shall, without additional compensation, correct or revise any errors or deficiencies in his services.

2.10 Contractor agrees to provide a one year maintenance period to correct any defective work that may be found within the one year period from the time of completion.

Article 3. Payment

3.1 The City agrees to compensate Contractor for work performed, completed and accepted by the City's representative for services provided for this project at a total cost not to exceed **One hundred fourteen thousand six hundred dollars and 00/100 (\$114,600.00)**. Fees for any additional work needed will be agreed upon in writing prior to any service being completed.

3.2 Invoices shall be submitted in duplicate to the City of Deltona, Accounts Payable, 2345 Providence Blvd., Deltona, FL 32725. Each invoice shall contain the purchase order number and a detailed description of services and fees.

3.3 The City shall make payment on all invoices in accordance with the Florida Prompt Payment Act, sections 218.70 through 218.79, Florida Statutes.

3.4 The City shall make progress payments on account of the Contract Price on the basis of Contractor's monthly Applications for Payment, as recommended by the City, which shall be submitted by the Contractor between the first (1st) and the tenth (10th) day after the end of each calendar month for which payment is requested. All progress payments will be made on the basis of the progress of the work completed and accepted by the City.

3.5 Progress payments will be made in an amount equal to the percentage indicated below, but in each case, less the aggregate of payments previously made.

3.5.1. Ninety percent (90%) of the value of work completed, with the balance being retainage.

3.5.2. Upon 50% Completion, a total of ninety-five percent (95%) of the value of work completed, with the balance being retainage.

3.5.3. Final Payment. Upon final completion of the work, City shall pay Contractor an amount sufficient to increase total payments to ninety-five percent (95%) of the Contract Price. However, not less than five percent (5%) of the Contract Price shall be retained until Contract Closeout is completed.

3.6 The Contractor shall not be entitled to payment for any other expenses, fees, or other costs it may incur at any time and in any connection with its performance hereunder. The Contractor hereby agrees that the total cost is inclusive of all overhead and administrative expenses.

3.7 In the event a specific project is to be funded by state or federal monies, the Contractor hereby agrees to comply with all requirements of the state or federal government applicable to the use of the monies, including receiving no payment until all required forms are completed, submitted, and approved by the City.

Article 4. Special Terms and Conditions

4.1 Qualifications. Firms or individuals shall be registered with the State of Florida and have obtained at least the minimum thresholds of education and professional experience required by Florida Statutes to perform the services contained herein.

4.2 Termination. This Agreement may be terminated by the City upon thirty (30) days advance written notice to the Contractor; but if any work is in progress but not completed as of the date of termination, then this Agreement may be extended upon written approval of the City until said work is completed by the Contractor and accepted by the City.

- A. Upon notification to the Contractor of termination by the City, Contractor will immediately discontinue all services affected unless the notice directs otherwise.
- B. Termination for Convenience. In the event this Agreement is terminated or cancelled upon the request and for the convenience of City, City shall reimburse Contractor for actual work satisfactorily completed.
- C. Termination for Cause. If the termination of this Agreement is due to the failure of the Contractor to fulfill his contractual obligations, City shall reimburse Contractor for actual work satisfactorily completed, and City may take over the work and prosecute the same to completion by Agreement or otherwise.
- D. In the event of termination of this Agreement, all work, reports, and other work product produced by Contractor in connection with the Agreement shall be returned to the City and become and remain the property of the City.

4.3 Assignment. This Agreement may not be assigned or transferred in any manner by Contractor and any such assignment is expressly prohibited. Any attempt to assign this Agreement shall render this Agreement null and void.

4.4 Insurance and Bond. **The City of Deltona will purchase Builders' Risk Insurance.** Contractor shall provide and maintain, during the entire term of this Agreement, without cost to the City, insurance in the following types and limits with a company or companies authorized to do business in the State of Florida and rated "Class A" or better by A. M. Best or some other form of assurance approved by the City's Risk Manager. Contractor shall not commence work

under the Agreement until City has received an acceptable certificate or certificates of insurance and endorsement evidencing the required insurance, which is as follows:

- (A) General Liability insurance on forms no more restrictive than the latest edition of the Commercial General Liability policy (CG 00 01 or CG 00 02) of the Insurance Services Office or equivalent without restrictive endorsements, with the following minimum limits and coverage available:

General Liability	
Each Occurrence/General Aggregate	\$1,000,000
Products-Completed Operations	\$1,000,000
Premises Operation	\$1,000,000
Personal & Adv. Injury	\$1,000,000
Professional Liability	\$1,000,000
Blanket Contractual Liability	\$1,000,000
Fire Damage	\$50,000
Medical Expense	\$5,000

- (B) Automobile liability insurance, including owned, non-owned and hired autos with the following minimum limits and coverage:

Combined Single Limit	\$1,000,000
Or	
Bodily Injury (per person)	\$1,000,000
Bodily Injury (per accident)	\$1,000,000
Property Damage	\$100,000

- (C) Workers' compensation insurance in accordance with Florida Statute, Chapter 440, and/or any other applicable law requiring workers' compensation (Federal, maritime, etc).

- (D) Additional Requirements:

(1) **City of Deltona shall be named and endorsed as an additional insured on the General liability policy.**

(2) The General Liability policy is to contain or be endorsed to name the City, its officers, officials and employees as additional insureds as respects to the liability arising out of the activities performed under this Agreement. Such coverage shall be primary to the extent of Contractors negligent acts or omissions or willful misconduct, and shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. In addition, a waiver of subrogation by

the commercial liability insurer shall be provided that lists or names the additional insured as subject to the waiver.

(3) Certificates of insurance shall provide for a minimum of thirty (30) days prior written notice to the City of any material change or cancellation of the required insurance, with ten (10) day written notice of cancellation due to non-payment of premium.

(4) Certificates of insurance shall identify the Bid number, contract, project, etc. in the Description of Operations section of the Certificate.

(5) Contractor shall be responsible for subcontractors and their insurance.

(6) The Certificate holder section of each policy shall state: City OF DELTONA, 2345 PROVIDENCE BOULEVARD, DELTONA, FLORIDA 32725.

(7) Contractor shall be solely responsible for all deductibles and self-insurance retention on Contractor Liability Insurance policies. All of the policies of insurance so required to be purchased and maintained shall contain a provision or endorsement that the coverage afforded shall not be canceled, materially changed or renewal refused without thirty (30) calendar days written notice, or without ten (10) days written notice of cancellation due to non-payment of premium, being given to City by certified mail.

4.5 Indemnity. Contractor shall indemnify and hold City and its agents, officers, commission, or employees harmless for any damages resulting from failure of Contractor to take out and maintain the above insurance. Additionally, Contractor agrees to indemnify, defend and hold the City, and its officers, commission, employees and agents free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional and attorney fees, court costs, other expenses and liabilities to the extent resulting from the negligent act, error or omission of Contractor, its agents, employees or representative, in the performance of Contractor's duties set forth in this Agreement, including any act alleged to give rise to an action in inverse condemnation.

4.6 Independent Contractor. Contractor agrees that it shall be acting as an independent contractor and shall not be considered or deemed to be an agent, employee, joint venturer, or partner of City. Contractor shall have no authority to contract for or bind City in any manner and shall not represent itself as an agent of City or as otherwise authorized to act for or on behalf of City.

4.7 Ownership of Deliverables.

(a) Title to all work product produced by Contractor pursuant to this Agreement shall be and remain the sole and exclusive property of City when produced. Contractor shall deliver all such original work product to City upon completion thereof unless it is necessary for Contractor, in City's sole discretion to retain possession for a longer period of time.

(b) The documents, reports, and similar materials provided or created by Contractor are public records and Contractor shall abide by applicable requirements of Florida law. Contractor shall notify the City within 24 hours of receiving the request to release the information concerning the subject project to a member of the media and/or to the public. The City's notification shall to the extent possible provide the name, date, time and type of information requested to be released prior to the Contractor's release or disclosure of information to the media or to the public.

4.8 Return of Materials. Upon the request of the City, but in any event upon termination of this Agreement, Contractor shall surrender to the City all memoranda, notes, records, and other documents or materials pertaining to the services hereunder, that were furnished to the Contractor by the City pursuant to this Agreement. Contractor may keep copies of all work products for its records.

4.9 **NO CLAIM FOR DAMAGES OR ANY CLAIM OTHER THAN FOR AN EXTENSION OF TIME SHALL BE MADE OR ASSERTED AGAINST THE CITY BY REASON OF ANY DELAYS.** No interruption, interference, inefficiency, suspension or delay in the commencement or progress of the work from any cause whatsoever, shall relieve the Contractor of his duty to perform or give rise to any right to damages or additional compensation from the City. The Contractor expressly acknowledges and agrees that the Contractor shall receive no damages for delay. The Contractor's sole remedy, if any, against the City shall be the right to seek an extension to the contract time.

4.10 Retaining Other Contractors by City. Nothing herein shall be deemed to preclude the City from retaining the services of other persons or entities undertaking the same or similar services as those undertaken by the Contractor or from independently developing or acquiring materials or programs that are similar to or competitive with, the services provided under this Agreement.

4.11 Accuracy. The Contractor is responsible for the professional quality, technical accuracy, timely completion and coordination of all the services furnished hereunder. The Contractor shall, without additional compensation, correct or revise any errors, omissions or other deficiencies in its services.

4.12 Codes and Regulations. All work completed under this Agreement shall at all times comply with all applicable federal, state and local statutes, codes, regulations and ordinances.

4.13 Public Entity Crimes. A person or affiliate who has been placed on the convicted vendor list following a conviction of a public entity crime may not be awarded or perform work as a contractor, supplier, subcontractor, or engineer under a contract with any public entity in excess of the threshold amount provided in Florida Statutes, section 287.017 for Category Two for a period of thirty-six (36) months from the date of being placed on the convicted vendor list.

4.14 Prohibition against Contingent Fees. Contractor warrants that they have not employed or retained any company or person, other than a bona fide employee working solely for the Contractor to solicit or secure this Agreement and that they have not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for the Contractor, any fee, commission, percentage, gift or other consideration contingent upon or resulting from the award or making of this Agreement.

Article 5. General Conditions

5.1 This Agreement is made under, and in all respects shall be interpreted, construed, enforced, and governed by and in accordance with, the laws of the State of Florida. Venue for any legal action resulting from this Agreement shall lie solely in Volusia County, Florida.

5.2 No modification, amendment or alteration in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith. The City may make changes in the services at any time by giving written notice to Contractor. If such changes increase (additional services) or decrease (eliminate any amount of work) in the scope of work, City and Contractor shall modify this agreement through issuance of a change order. All change orders shall be authorized in writing by City prior to commencing or reducing any term of this agreement.

5.3 Neither the City's review, approval or acceptance of, nor payment for, any of the services required shall be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement and the Contractor shall be and remain liable to the City in accordance with applicable law for all damages to the City caused by the Contractor's performance of any of the services furnished under this Agreement.

5.4 In the event Contractor, during the course of the work under this Agreement, requires the services of any Sub-Contractor or other professional associates in connection with service covered by this Agreement, Contractor must secure the prior written approval of the City. If Sub-Contractors or other professional associates are required in connection with the services

covered by this Agreement, Contractor shall remain fully and solely responsible for the services of and monies owed to Sub-Contractors or other professional associates.

5.5 It is recognized that questions in the day-to-day conduct of performance pursuant to this Agreement will arise. The City, upon request by Contractor, shall designate in writing and shall advise Contractor in writing of one (1) or more City employees to whom all communications pertaining to the day-to-day conduct of the Agreement shall be addressed. The designated representative shall have the authority to transmit instructions, receive information and interpret and define the City's policy and decisions pertinent to the work covered by this Agreement.

5.6 No claim for services furnished by the Contractor not specifically provided for herein shall hold the City liable or be honored by the City.

5.7 The Contractor agrees that it will not engage in any action that would create a conflict of interest in the performance of its obligations pursuant to this Agreement with the City or which would violate or cause others to violate the provisions of Part III, Chapter 112, Florida Statutes, relating to ethics in government.

5.8 The Contractor hereby certifies that no officer, agent or employee of the City has any material interest (as defined in Section 112.312(15), Florida Statutes, as over 5%) either directly or indirectly, in the business of the Contractor to be conducted here, and that no such person shall have any such interest at any time during the term of this Agreement.

5.9 The captions utilized in this Agreement are for the purposes of identification only and do not control or affect the meaning or construction of any of the provisions hereof.

5.10 This Agreement shall be binding upon and shall inure to the benefit of each of the parties and of their respective successors and permitted assigns. Nothing in this Agreement is intended or shall be deemed to confer any rights or benefits upon any entity or person other than the parties hereto or to make or render any such other entity or person a third-party beneficiary of this Agreement.

5.11 This Agreement may not be amended, released, discharged, rescinded or abandoned, except by a written instrument duly executed by each of the parties hereto.

5.12 The failure of any party hereto at any time to enforce any of the provisions of this Agreement will in no way constitute or be construed as a waiver of such provision or of any other provision hereof, nor in any way affect the validity of, or the right thereafter to enforce, each and every provision of this Agreement.

5.13 During the term of this Agreement Contractor assures City that it is in compliance with Title VII of the 1964 Civil Rights Act, as amended, and the Florida Civil Rights Act of 1992, in that Contractor does not on the grounds of race, color, national origin, religion, sex, age, disability or marital status, discriminated in any form or manner against Contractor employees or applicants for employment. Contractor understands and agrees that this Agreement is conditioned upon the veracity of this statement of assurance.

Article 6. Severability and Notice

6.1 The invalidity or unenforceability of any particular provision of this Agreement shall not affect the other provisions hereof, and this Agreement shall be construed in all respects as if such invalid or unenforceable provisions were omitted.

6.2 Wherever provision is made in this Agreement for the giving, service or delivery of any notice, statement or other instrument, such notice shall be in writing and shall be deemed to have been duly given, served and delivered, if delivered by hand or mailed by United States registered or certified mail or sent by facsimile, addressed as follows:

If to Contractor:
Hassan Saboungi
Saboungi Construction, Inc.
290 A North US Hwy 1
Ormond Beach, FL 32174

If to City:
Deputy Chief Rogers
City of Deltona
2345 Providence Blvd.
Deltona, Florida 32725

Each party hereto may change its mailing address by giving to the other party hereto, by hand delivery, United States registered or certified mail notice of election to change such address.

Article 7. Scope of Agreement

7.1 This Agreement is intended by the parties hereto to be the final expression of their Agreement, and it constitutes the full and entire understanding between the parties with respect to the subject hereof, notwithstanding any representations, statements, or agreements to the contrary heretofore made.

7.2 This Agreement consists of the following:

This Agreement
 Notice of Award and Notice to Proceed
 ITB Documents, to include Project Manual and Drawings
 Addendum, if any
 Contractor's Response to ITB

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement for the purposes stated herein.

ATTEST:

CONTRACTOR:

Secretary

President

(CORPORATE SEAL)

Date

ATTEST:

CITY OF DELTONA

JOYCE KENT
City Clerk

William "Dave" Denny
Acting City Manager

Date

Approved as to Form and Legality:

GRETCHEN R.H. VOSE
City Attorney



AGENDA MEMO

TO: Mayor & City Commission

AGENDA DATE: 6/3/2013

FROM: William "Dave" Denny, Acting City Manager

AGENDA ITEM: 10 - C

SUBJECT: Request for approval of five year renewal to the Interlocal Agreement for Distribution of Local Option Fuel Tax September 1, 2013 - August 31, 2018.

LOCATION:

N/A

BACKGROUND:

On May 2, 2013, the County Council voted its support for continuation of the current interlocal agreement regarding gas taxes for another five years. Attached is the renewal of the interlocal agreement. Each municipality is to print two copies of their signature page and have them signed by all designated signees. Once all signature pages have been received, the County will assemble and return a fully executed agreement to each municipality.

ORIGINATING DEPARTMENT:

Deputy City Manager

SOURCE OF FUNDS:

N/A

COST:

N/A

REVIEWED BY:

Acting City Manager

STAFF RECOMMENDATION PRESENTED BY:

William D. Denny, Acting City Manager - That the City Commission approve and sign the five year renewal to the Interlocal Agreement for Distribution of Local Option Fuel Tax September 1, 2013 - August 31, 2018.

POTENTIAL MOTION:

"I move to approve and sign the five year renewal to the Interlocal Agreement for Distribution of Local Option Fuel Tax September 1, 2013 - August 31, 2018."

AGENDA ITEM

APPROVED BY:

William "Dave" Denny, Acting City
Manager

ATTACHMENTS:

- Five Year Renewal Interlocal Agreement



JASON P. DAVIS
COUNTY CHAIR

May 15, 2013

Sent via email and U.S. mail

JOYCE CUSACK
Vice-Chair
AT-LARGE

PAT PATTERSON
DISTRICT 1

Mr. Dave Denny, Interim City Manager
City of Deltona
2345 Providence Blvd.
Deltona, FL 32725

JOSHUA J. WAGNER
DISTRICT 2

DEBORAH DENYS
DISTRICT 3

Re: Five Year Renewal to the Interlocal Agreement for Distribution of Local
Option Fuel Tax September 1, 2013 – August 31, 2018

DOUG DANIELS
DISTRICT 4

PATRICIA NORTHEY
DISTRICT 5

Dear Mr. Denny:

JAMES T. DINNEEN
COUNTY MANAGER

On May 2, 2013, the County Council voted its support for continuation of the current interlocal agreement regarding gas taxes for another five years. Attached is the renewal of the interlocal agreement. Please print two copies of your municipality's signature page, have both copies signed by all of your designated signees. Return one original by June 15. Once all signature pages have been received, we will assemble and return a fully executed agreement to each municipality.

This May 2, 2013 agenda item #35 and agreement can also be viewed online at www.volusia.org.

Thank you.

Sincerely,

Mary Anne Connors
Deputy County Manager

Attachment

**FIVE YEAR RENEWAL TO THE INTERLOCAL AGREEMENT
FOR DISTRIBUTION OF PROCEEDS OF LOCAL
OPTION FUEL TAX SEPTEMBER 1, 2013 – AUGUST 31, 2018**

THIS RENEWAL AGREEMENT is entered into between the COUNTY OF VOLUSIA, a political subdivision of the State of Florida, and the municipalities by which it is executed.

WHEREAS, the existing Interlocal Agreement governing the distribution of the local option fuel taxes expires on midnight, August 31, 2013; and

WHEREAS, the parties desire to renew the Interlocal Agreement and its distribution formula for the proceeds of the 6-Cent and 5-Cent Local Option Fuel Taxes for an additional five years.

NOW, THEREFORE, for and in consideration of the premises above, and the mutual covenants contained herein, the parties hereby agree as follows:

1. The Interlocal Agreement for Distribution of Proceeds of Local Option Fuel Tax September 1, 2003 – August 31, 2013 is hereby renewed for an additional five (5) years, beginning 12:01 a.m., September 1, 2013 and ending midnight, August 31, 2018.
2. All other terms and conditions of the Interlocal Agreement are hereby ratified and continue in full force and effect.
3. This Renewal Agreement shall become effective if it shall have been executed by the County and by participating municipalities representing a majority of the population of the incorporated area of the County.
4. This Renewal Agreement may be executed by the parties in counterparts, and each counterpart shall be deemed an original.

IN WITNESS WHEREOF, the parties hereto have duly executed this Renewal Agreement on the date set forth below.

ATTEST:

COUNTY OF VOLUSIA, a political subdivision of the State of Florida

JAMES T. DINNEEN
County Manager

BY: _____
JASON P. DAVIS, Chair

DATE: _____

**FIVE YEAR RENEWAL TO THE INTERLOCAL AGREEMENT
FOR DISTRIBUTION OF PROCEEDS OF LOCAL
OPTION FUEL TAX SEPTEMBER 1, 2013 – AUGUST 31, 2018**

ATTEST:

CITY OF DAYTONA BEACH, a Florida
municipal corporation

JAMES V. CHISHOLM
City Manager

BY: _____
DERRICK L. HENRY, Mayor

JENNIFER L. THOMAS
City Clerk

DATE: _____

**FIVE YEAR RENEWAL TO THE INTERLOCAL AGREEMENT
FOR DISTRIBUTION OF PROCEEDS OF LOCAL
OPTION FUEL TAX SEPTEMBER 1, 2013 – AUGUST 31, 2018**

ATTEST:

**CITY OF DAYTONA BEACH SHORES, a
Florida municipal corporation**

MICHAEL T. BOOKER
City Manager

BY: _____
HARRY JENNINGS, Mayor

CHERI SCHWAB
City Clerk

DATE: _____

**FIVE YEAR RENEWAL TO THE INTERLOCAL AGREEMENT
FOR DISTRIBUTION OF PROCEEDS OF LOCAL
OPTION FUEL TAX SEPTEMBER 1, 2013 – AUGUST 31, 2018**

ATTEST:

**CITY OF DEBARY, a Florida municipal
corporation**

DAN PARROTT
City Manager

BY: _____
BOB GARCIA, Mayor

STACY TEBO
City Clerk

DATE: _____

**FIVE YEAR RENEWAL TO THE INTERLOCAL AGREEMENT
FOR DISTRIBUTION OF PROCEEDS OF LOCAL
OPTION FUEL TAX SEPTEMBER 1, 2013 – AUGUST 31, 2018**

ATTEST:

CITY OF DELAND, a Florida municipal
corporation

MICHAEL PLEUS
City Manager

BY: _____
ROBERT F. APGAR, Mayor

JULIE HENNESSY
City Clerk

DATE: _____

**FIVE YEAR RENEWAL TO THE INTERLOCAL AGREEMENT
FOR DISTRIBUTION OF PROCEEDS OF LOCAL
OPTION FUEL TAX SEPTEMBER 1, 2013 – AUGUST 31, 2018**

ATTEST:

**CITY OF DELTONA, a Florida municipal
corporation**

WILLIAM DENNY
City Manager

BY: _____
JOHN MASIARCZYK, Mayor

JOYCE RAFTERY
City Clerk

DATE: _____

**FIVE YEAR RENEWAL TO THE INTERLOCAL AGREEMENT
FOR DISTRIBUTION OF PROCEEDS OF LOCAL
OPTION FUEL TAX SEPTEMBER 1, 2013 – AUGUST 31, 2018**

ATTEST:

CITY OF EDGEWATER, a Florida municipal
corporation

TRACEY BARLOW
City Manager

BY: _____
MICHAEL THOMAS, Mayor

BONNIE A. WENZEL
City Clerk

DATE: _____

**FIVE YEAR RENEWAL TO THE INTERLOCAL AGREEMENT
FOR DISTRIBUTION OF PROCEEDS OF LOCAL
OPTION FUEL TAX SEPTEMBER 1, 2013 – AUGUST 31, 2018**

ATTEST:

CITY OF HOLLY HILL, a Florida municipal
corporation

JAMES MCCROSKEY
City Manager

BY: _____
ROY JOHNSON, Mayor

VALERIE MANNING
City Clerk

DATE: _____

**FIVE YEAR RENEWAL TO THE INTERLOCAL AGREEMENT
FOR DISTRIBUTION OF PROCEEDS OF LOCAL
OPTION FUEL TAX SEPTEMBER 1, 2013 – AUGUST 31, 2018**

ATTEST:

**CITY OF LAKE HELEN, a Florida municipal
corporation**

KENT CICHON
City Manager

BY: _____
BUDDY SNOWDEN, Mayor

NANCY WILSON
City Clerk

DATE: _____

**FIVE YEAR RENEWAL TO THE INTERLOCAL AGREEMENT
FOR DISTRIBUTION OF PROCEEDS OF LOCAL
OPTION FUEL TAX SEPTEMBER 1, 2013 – AUGUST 31, 2018**

ATTEST:

CITY OF NEW SMYRNA BEACH, a Florida
municipal corporation

PAM BRANGACCIO
City Manager

BY: _____
ADAM BARRINGER, Mayor

JOHNNY R. BLEDSOE
City Clerk

DATE: _____

**FIVE YEAR RENEWAL TO THE INTERLOCAL AGREEMENT
FOR DISTRIBUTION OF PROCEEDS OF LOCAL
OPTION FUEL TAX SEPTEMBER 1, 2013 – AUGUST 31, 2018**

ATTEST:

**CITY OF OAK HILL, a Florida municipal
corporation**

KOHN EVANS
City Administrator / City Clerk

BY: _____
DOUGLAS A. GIBSON, Mayor

Witness

DATE: _____

**FIVE YEAR RENEWAL TO THE INTERLOCAL AGREEMENT
FOR DISTRIBUTION OF PROCEEDS OF LOCAL
OPTION FUEL TAX SEPTEMBER 1, 2013 – AUGUST 31, 2018**

ATTEST:

CITY OF ORANGE CITY, a Florida municipal
corporation

JAMIE CROTEAU
City Manager

BY:

TOM LAPUTKA, Mayor

DEBBIE RENNER
City Clerk

DATE: _____

**FIVE YEAR RENEWAL TO THE INTERLOCAL AGREEMENT
FOR DISTRIBUTION OF PROCEEDS OF LOCAL
OPTION FUEL TAX SEPTEMBER 1, 2013 – AUGUST 31, 2018**

ATTEST:

**CITY OF ORMOND BEACH, a Florida
municipal corporation**

JOYCE SHANAHAN
City Manager

BY: _____
ED KELLY, Mayor

SCOTT MCKEE
City Clerk

DATE: _____

**FIVE YEAR RENEWAL TO THE INTERLOCAL AGREEMENT
FOR DISTRIBUTION OF PROCEEDS OF LOCAL
OPTION FUEL TAX SEPTEMBER 1, 2013 – AUGUST 31, 2018**

ATTEST:

TOWN OF PIERSON, a Florida municipal
corporation

DEBBIE BASS
Town Administrator / Town Clerk

BY: _____
JAMES F. SOWELL, Mayor

Witness

DATE: _____

**FIVE YEAR RENEWAL TO THE INTERLOCAL AGREEMENT
FOR DISTRIBUTION OF PROCEEDS OF LOCAL
OPTION FUEL TAX SEPTEMBER 1, 2013 – AUGUST 31, 2018**

ATTEST:

TOWN OF PONCE INLET, a Florida municipal
corporation

JEANEEN P. CLAUSS

Town Manager

BY:

GARY L. SMITH, Mayor

KIM CHERBANO

Deputy Clerk

DATE: _____

**FIVE YEAR RENEWAL TO THE INTERLOCAL AGREEMENT
FOR DISTRIBUTION OF PROCEEDS OF LOCAL
OPTION FUEL TAX SEPTEMBER 1, 2013 – AUGUST 31, 2018**

ATTEST:

CITY OF PORT ORANGE, a Florida municipal
corporation

GREGORY A. KISELA
City Manager

BY: _____
ALLEN GREEN, Mayor

ROBIN FENWICK
City Clerk

DATE: _____

**FIVE YEAR RENEWAL TO THE INTERLOCAL AGREEMENT
FOR DISTRIBUTION OF PROCEEDS OF LOCAL
OPTION FUEL TAX SEPTEMBER 1, 2013 – AUGUST 31, 2018**

ATTEST:

**CITY OF SOUTH DAYTONA, a Florida
municipal corporation**

JOSEPH YARBROUGH
City Manager

BY: _____
GEORGE FISKE LOCKE, III, Mayor

DEBBIE FITZ-GERALD
City Clerk

DATE: _____