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Chapter 110 ZONING*

***Editor's note:** Ord. No. 30-98, adopted Nov. 16, 1998, set out provisions pertaining to zoning included herein as §§ 110-100--110-1302 to read as herein set out. Subsequent amendments are noted in the parenthetical note following each section.

Cross references: Administration, ch. 2; adult entertainment, ch. 78; building and building regulations, ch. 18; businesses, ch. 22; communications, ch. 28; design-build contracts, ch. 29; environment, ch. 38; land development code, general provisions, ch. 70; land development code, administration, ch. 74; land development code, concurrency management, ch. 86; land development code, flood control, ch. 90; land development code, improvements, ch. 96; land development code, ch. natural resources protection, ch. 98; land development code, subdivision, ch. 106; land development code, zoning, ch. 110; solid waste, ch. 50; streets, sidewalks and other public places, ch. 58; traffic and vehicles, ch. 66; utility systems, ch. 68.

ARTICLE I. TITLE, PURPOSE, JURISDICTION

Sec. 110-100. Title.

These regulations shall be known and may be cited as the "Zoning Ordinance of the City of Deltona, Florida."

Sec. 110-101. Purpose and intent.

(a) These zoning regulations have been prepared and adopted by the Deltona City Commission with due consideration to existing conditions, future conditions and the adopted comprehensive plan for the City of Deltona.

(b) The zoning regulations are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote public health, safety, morals and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to retain productive agricultural areas; and to facilitate the provision of essential governmental services, such as transportation, water, sewage disposal, schools and parks.

Sec. 110-102. Jurisdiction.

The provisions of this ordinance shall apply to the City of Deltona, Florida, as now or hereafter defined.

ARTICLE II. INTERPRETATION

Sec. 110-200. General rules of interpretation.

(a) The following general rules of interpretation shall apply:

(1) The present tense includes the future.

(2) The singular number includes the plural, and vice versa, so long as the substitution of either the plural or the singular, as the case may be, cannot change the meaning of any provision being interpreted.

(3) The word shall is mandatory; the word may is permissive.

(4) Reference in one section of this chapter to another section of this chapter by section number shall include all subsections within that section.

(5) Any terms defined in the Florida Statutes or the Florida Administrative Code shall be given the same meaning unless a different definition is specifically provided herein. Any other terms shall be given their plain meanings examples of which may be found in Webster's II New Collegiate Dictionary (Houghton Mifflin Company, 1995) and The Zoning Dictionary (Lehmann & Associates, 1996).

Sec. 110-201. Reserved

ARTICLE III. ESTABLISHMENT OF CLASSIFICATIONS AND OFFICIAL ZONING MAP

Sec. 110-300. Official zoning map.

(a). Identification of official map.

The Official Zoning Map of the City of Deltona, Florida, adopted by Ordinance No. 30-98, as it has been amended from time to time, is hereby repealed; and a new official zoning map is hereby adopted. The Official Zoning Map shall consist of a cover page and a series of map pages and a master map or maps of the entire city, depicting the incorporated area of the city. The cover page and each master map depicting half or more of the city, shall bear the City Seal and the following words:

"This is the Official Zoning Map of the city of Deltona referred to in section 110-300, Code of Ordinances, City of Deltona, Florida, as it may be amended from time to time, adopted on November 3, 2003."

True copies of the Official Zoning Map shall be displayed and available for public viewing and purchase in the main and branch offices of the Planning and Development Services Department . File copies of the Official Zoning Map shall be maintained by the City Clerk.

(b). Amendments. Approved amendments to the official zoning map shall be promptly noted on the official zoning map and the true copies located in Planning and Development Services Department by inserting the correct zoning classification, and the case number on or near the affected lot. Approved annexations of unincorporated areas into the city shall be promptly noted on the official zoning map and its true copies located in the Planning and Development Services Department by inserting the correct municipal limit line and the city ordinance number annexing the property, if applicable.

(c). Retention of earlier zoning maps. All zoning maps and regulations or portions thereof which have had official force and effect in the city after the date of its incorporation and prior the date of adoption of this ordinance shall be retained as public records. A true copy of the official zoning map in force prior to the date of adoption of this ordinance shall be retained as public records by the city clerk and the Planning and Development Services Department.

(d). Replacement of official zoning map. If a map page of the official zoning map is damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the city commission may adopt, after due public notice, a replacement page for the official zoning map which will supersede the prior official zoning map page. The replacement page of the official zoning map may correct drafting or other errors or omissions in the prior official zoning map page, but no such corrections shall have the effect of amending the adopted official zoning map, except that the map page shall bear the following words:

"This map page, dated (insert date map was replaced) supersedes and replaces the Official Zoning Map page adopted on the effective date of this ordinance."

Unless the prior official zoning map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adopting or amendment.

Sec. 110-301. Establishment of classifications.

The city is hereby divided into the zoning classifications specified in this article, in the manner shown on the official zoning map. That map and the explanatory material contained on its face is incorporated in this chapter by reference.

***Editor's note:** Ord. No. 06-2003, § 1, adopted Nov. 3, 2003, amended art. VII in its entirety. Formerly, said article pertained to similar subject matter. See the Code Comparative Table for a detailed analysis of inclusion.

The following classifications and their included regulations are established:

Table 110-1 Zoning Districts and Classifications

ZONING DISTRICT RESOURCE PROTECTION	
RP	Resource Protection
ZONING DISTRICT PUBLIC USE	
P	Public Use
ZONING DISTRICT AGRICULTURE	
A	Agriculture
ZONING DISTRICT RESIDENTIAL	
RE-5	Residential Estate Five
RE-1	Residential Estate One
R1-AAA, AA, A and R1	Single-Family Residential
R-1B	Single-Family Residential
R-2	Two-Family (Duplex) Residential
RM-1	Multi-Family Residential, Medium Density
RM-2	Residential Multi-Family, High Density
MH	Mobile Home Park
OR	Office Residential

ZONING DISTRICT NON-RESIDENTIAL	
PB	Professional Business
C-1	Retail Commercial
C-2	General Commercial
C-3	Heavy Commercial
I	Industrial
EO	Enterprise Commercial Overlay

(Ord. No. 06-2003, § 1, 11-3-03)

Sec. 110-302. RP Resource Protection.

(a) Purpose and intent. It is intended that the RP Resource Protection classification be applied to certain lands which are either owned or controlled by a government agency, but it may be applied to privately owned lands upon request of the owner. It is the purpose of this classification to protect and preserve.

(1) Parks, recreation or similar areas;

(2) Historic or archaeological sites;

(3) Fishing, wildlife, or forest management areas;

(4) The natural environment of other selected public lands such as wellfields; and

(5) Any other unusual or unique feature or areas such as governmentally designated canoe trails, wild or scenic watercourses.

(b) Permitted principal uses and structures. In the RP Resource Protection classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Aquatic preserves (state or federally designated).

Communication towers up to 70 feet high, in accordance with the Deltona Communications Antenna and Tower Code, Chapter 82, Code of Ordinances, as it may be amended from time to time.

Essential utility services.

Exempt excavations (refer to section 110-817.00(o))

Exempt landfills (refer to section 110-817.00(p))

Fire stations.

Fishing, forest and wildlife management areas.

Historical or archeological sites.

Parks and recreation areas.

Public uses.

Public utility uses and structures (refer to section 110-817(a)).

Publicly and privately owned parks and recreational areas.

Publicly owned or regulated water supply wells of less than eight inches diameter, in accordance with the potable water wellfield protection requirements the Land Development Code chapter 98, article V, Code of Ordinances, City of Deltona, as it may be amended from time to time.

(c). Permitted conditional uses. Additional regulations/requirements governing permitted conditional uses are located in sections 110-817.00 and 110-1102.00 of this chapter.

Communication towers over 70 feet high, in accordance with the requirements of the Deltona Communications Antenna and Tower Code, Chapter 82, Code of Ordinances, as it may be amended from time to time.

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

(d) Dimensional requirements. None.

(e). Off-street parking and loading requirements. Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.

(f) Types of signs permitted. Signs are permitted in accordance with the Deltona Sign Code, Chapter 102, Code of Ordinances.

(Ord. No. 06-2003, § 1, 11-3-03)

Sec. 110-303. P, Public Use classification.

(a). Permitted principal uses and structures. In the P Public Use classification, no premises shall be used except for the following uses and their customary uses and structures:

Agricultural and silvicultural uses.

Agricultural centers and associated fairgrounds.

Airports and landing fields.

Communication towers up to 70 feet high, in accordance with the Deltona Communications Antenna and Tower Ordinance, Ordinance No. 06-97 [chapter 82, Code of Ordinances], as it may be amended from time to time.

Contractor's shop, storage and equipment yard.

Essential utility services.

Exempt and nonexempt excavations.

Exempt and nonexempt landfills.

Fire stations.

General offices.

Group homes.

Heliports and helipads.

Hospitals.

Laboratories.

Law enforcement facilities.

Libraries.

Medical and dental clinics.

Medical examiner facilities.

Museums.

Other public uses.

Other public utility uses and structures.

Plant facilities for essential utility services.

Potable water treatment plant.

Public parks and recreational areas.

Public schools.

Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of the Land Development Code chapter 98, article V, Code of Ordinances of the City of Deltona, Florida.

Recycling collection centers, transfer stations, and processing centers.

Solid waste transfer stations.

Wastewater treatment plants,

(b) Permitted conditional uses. Additional regulations/requirements governing permitted conditional uses are located in sections 110-817.00 and 110-1102.00 of this chapter.

Communication towers over 70 feet high in accordance with the requirements of the Deltona Communications Antenna and Tower Code Chapter 82, Code of Ordinances, as it may be amended from time to time.

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

(c) Dimensional requirements.

(1) Minimum lot size:

Area: One acre.

Width: No minimum.

Maximum building height: 45 feet.

Maximum lot coverage: None.

(d. Landscape buffer requirements. At least a ten foot-wide natural landscape buffer shall be maintained around the perimeter of the property.

(e) Off-street parking and loading requirements. Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.

(f) Types of signs permitted. Signs shall be permitted in accordance with the Deltona Sign Code Chapter 102, as it may be amended from time to time.

Sec. 110-304. A, Agriculture classification.

(a) Purpose and intent. The purpose and intent of the A Agriculture classification is to preserve and protect small farms for personal and limited agricultural production or to provide a transitional

agricultural production or to provide a transitional agricultural zone between more intensive agricultural use areas and residential areas. It is intended that this classification be applied to properties which are undeveloped or in agricultural use and which lie between other undeveloped or agricultural areas and areas developed as or designated for non-agricultural uses by the Comprehensive Plan, or to properties, whether designated agriculture by the Comprehensive Plan, or not, so as to coincide with the existing character of an area in a manner consistent with the comprehensive plan.

(b) Permitted principal uses and structures. In the A Agriculture classification, no premises shall be used except for the following uses and their customary accessory uses or structures.

Except for those permitted special exceptions listed hereunder, all agricultural pursuits, including the processing, packaging, storage and sale of agriculture products which are raised on the premises.

Animal hospitals and veterinary clinics, minimum lot size five acres.

Animal husbandry

Apiaries.

Aviaries.

Communication towers up to 70 feet high, in accordance with, Chapter 82, Code of Ordinances, as it may be amended from time to time, except that licensed amateur radio operators' towers as an accessory use to a residential or agricultural use may be permitted up to 199 feet high.

Contractors storage including equipment in completely enclosed buildings, minimum lot size ten acres.

Essential utility services.

Exempt excavations (refer to section 110-817(o).

Exempt landfills (refer to section 110-817(p)).

Fire stations.

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

Hobby breeder.

Home occupations (refer to section 110-807).

Parks and recreation areas accessory to residential developments.

Pisciculture.

Public schools.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of the Land Development Code Chapter 98, article V, Code of Ordinances.

Single-family standard or manufactured dwelling.

Riding stables (minimum parcel size requirement of five acres)

Tailwater recovery systems.

(c) *Activity center permitted uses.* Only the following land uses are permitted in the area zoned within the activity center designated in the adopted Deltona Comprehensive Plan, as they may be amended from time to time.

Office uses as follows: professional, financial, banks, insurance agencies, real estate agencies, travel agencies, stock and bond brokers, commodities brokers, mortgage companies, accountants, attorneys, architects, engineers, and office uses determined by the enforcement official to have the same characteristics as those specifically listed herein.

Restaurants, cafeterias, lounges, coffee shops, and similar eating establishments without drive through windows, but not fast food or drive-in restaurants; bars or taverns for on-premises consumption of alcoholic beverages.

Service establishments as follows: barber or beauty shops, interior decorators, photography shops, weight loss salon or gymnasium, laundry and dry cleaning establishments; self-service laundry; tailor or dressmaker; business school; and establishments determined by the enforcement official to have substantially the same characteristics as those specifically listed herein, but not adult entertainment establishments or tattoo parlors.

Computer hardware or software services and sales.

Medical or dental clinics.

Neighborhood convenience stores with or without gas pumps.

Motion picture or live performance theater, but not adult entertainment establishments.

(d) *Conditional uses.* Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Communication towers, other than towers used by licensed amateur radio operators, over 70 feet high, other than the permitted licensed amateur radio accessory towers, in accordance with Chapter 82, Code of Ordinances, as it may be amended from time to time.

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Bed and breakfast homestay (refer to section 110-817(s)).

Boardinghouse (refer to section 110-817(l))

Day care centers (refer to section 110-817(f)).

Excavations only for stormwater retention ponds for which a permit is required by this chapter.

Group home facility (refer to section 110-817(l)).

Houses of worship, and cemeteries (refer to section 110-817(d)).

Kennels. (minimum lot size, five acres, must consist of enclosed buildings with outdoor runs).

Nursing home and nursing home facility (refer to section 110-817(l)).

Off-street parking areas (refer to section 817.00(n)).

Private clubs (refer to section 110-817(m)).

Public markets.

Public uses not listed as a permitted principal use.

Public utility uses and structures (refer to section 110-817(a)).

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

Recreational (refer to section 110-817(c)).

Riding stables (minimum parcel size requirement of five acres).

Schools, parochial and private (refer to section 110-817(d)).

(e) Dimensional requirements.

A - *Agriculture*	
Minimum lot size	
Area (acre)	1
Exceptions:	
Animal hospital and veterinary clinics(acres)	5
Contractors' enclosed storage facilities(acres)	10
width (ft.)	150
Minimum yard size	
Front yard (ft.)	40
Rear yard (ft.)	40
Side yard (ft.): [(1)]	
Abbutting any lot	25
Abbutting any street	40
Waterfront yard	40
Maximum building height (ft.)	55
Maximum lot coverage (%) *(with principal and accessory buildings)*	35
Minimum floor area (sq. ft.)	1,400

[(1)]Animal hospitals, veterinary clinics, and contractors' enclosed storage facilities from lot lines abutting residential zones or residential uses on lots of less than two and one-half acres: 200 feet

(f) Off-street parking and loading requirement. Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.

(g) Skirting requirement for mobile home dwelling. The area between the ground and floor of the mobile home dwelling shall be enclosed with skirting.

(h) Types of signs permitted. Signs shall be permitted in accordance with the Deltona Sign Code Chapter 102, Code of Ordinances, as it may be amended from time to time.

(Ord. No. 06-2003, § 1, 11-3-03; Ord. No. 07-2010, § 1, 6-21-2010)

Sec. 110-305. RE-5, Residential Estate Five classification.

(a) Purpose and intent. The purpose and intent of the RE-5 Residential Estate Five classification is to provide for development, in a manner that is consistent with the comprehensive plan, in areas of the city that are characterized by extensive large lot development, and to provide for future low density subdivisions that may include trails, open space, golf courses, equestrian amenities and accessory uses. The low density subdivisions permitted by the RE-5 district are intended to be placed in areas of the city that separate it from agricultural, forestry, and open lands situated in the unincorporated area of Volusia County, and sited to take advantage of existing and planned trails, recreational facilities and equestrian amenities, or on large enough tracts of land to allow the creation of new golf courses, trails, parks, equestrian trails, common stable areas, polo fields, riding tracks, and similar amenities. Equestrian developments are required to meet applicable nationally recognized standards for the types of equestrian development proposed. Equestrian amenities are not required, but are permitted, and the development contemplated by this zoning district will generally occur on large tracts of land.

(b) Permitted principal uses and structures. In the RE-5 Residential Estate Five classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Communication towers up to 70 feet high, in accordance Chapter 82, Code of Ordinances, as it may be amended from time to time, except that licensed amateur radio operators' towers as an accessory use to a residential or agricultural use may be permitted up to 199 feet high.

Fire stations.

Golf courses with or without club houses and related accessory facilities.

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

Home occupations (refer to section 110-807).

Publicly owned parks, trails, and recreational areas, and those privately owned and maintained by homeowners associations.

Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of Chapter 98, Article V, Code of Ordinances, City of Deltona.

Keeping of horses as accessory uses to permitted single family dwellings on lots of two acres or more of net land area.

Single-family dwelling or DCA-approved manufactured dwelling.

Equestrian facilities, trails, and tracks accessory to residential developments, and equestrian accessory uses and structures that are customarily accessory to large lot single family subdivision development. Equestrian uses and structures that are customarily accessory to five-acre lot single family dwellings.

(c) Conditional uses. Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Communication towers over 70 feet high, other than the permitted accessory licensed amateur radio towers, in accordance with Chapter 82, Code of Ordinances, City of Deltona, as it may be amended from time to time.

Group home facility (refer to section 110-817(l))

Houses of worship (refer to section 110-817(d).

Nursing home and nursing home facility (refer to section 110-817(l))

Off-street parking areas (refer to section 110-817(n)).

Public markets.

Public uses not listed as a permitted principal use.

Publicly or privately owned municipal or public water supply wells of eight inches in diameter or greater.

Public utility uses and structures (refer to section 110-817(a)).

Recreational areas (refer to section 110-817(c)).

Schools, public, parochial or private (refer to section 110-817(d)).

(d) *Maximum density.* The maximum development density permitted is one dwelling unit per five net acres, with the exceptions permitted herein.

(1) When protected resources are set aside in common ownership as open spaces protected for at least 50 years in a conservation easement approved by the city, and no drainage or utilities are permitted to encroach into the easement area, the area of the easement shall be credited one dwelling unit per four acres of easement area, which credit shall be increased to one dwelling unit per three acres of conservation area when the entire area is conveyed to public ownership. The density credits shall be increased by one-half dwelling unit for the creation of interconnected wildlife habitat greenways suitable for the movement of wildlife through the site. The resulting density credit may be transferred to upland development area within the project boundaries.

(2) A credit of one dwelling unit per four acres shall be given for the area established for commonly owned golf courses, parks, and recreational facilities, which credit shall be increased to one dwelling unit per three acres when such facilities are open to the general public through deed restriction or dedication to the city. The density credits for golf courses and recreational facilities shall be computed as allowable dwelling units to be permitted in upland areas of the site.

(3) The additional units permitted herein as density credits may be applied in upland areas above the one dwelling unit per five net acres maximum limit established herein, but not above the maximum permitted gross density established by the Deltona Comprehensive Plan.

(e) Dimensional requirements.

RE-5, *Residential Estate Five*	Single Family Detached Development
Minimum lot size	
Area	5 acres [1] (net)
Area	1 acre [2] (cluster)
Lot area if on-site sewage disposal systems are used (acre)	- - - -
Lot area if community or public water and sewer service are available, but not including community septic tanks (sq. ft.)	----
Width (ft.)	150
Minimum yard size	
Front yard(ft.)	
Large lot (one acre or more)	45
Small lot	25
Rear yard (ft.)	
Large lot (one acre or more)	45
Small lot	35
Side yard (ft.)	
Abutting any lot	25
Abutting any street	45
Waterfront or golf course yard	45
Abutting equestrian facilities or golf course	45
Yard between interior	- - - -
Buffer yard between the periphery	150
Maximum building height (ft.)	35
Maximum lot coverage *(with principal and accessory buildings)*(%)	35
Minimum floor area (sq. ft.)	1,400
[1] Refer to Section 110-305(d).	
[2] In clustered development when development is serviced by an onsite sewage disposal system. Minimum lot size may be reduced to 10,000 square feet in clustered development when community or public water and wastewater systems are provided, excluding community septic tanks. Clustered development shall not exceed the density standards established herein.	

(f) Off-street parking and loading requirements. Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.

(g) Types of signs permitted. Signs shall be permitted in accordance with the Deltona Sign Code, Chapter 102, Code of Ordinances, City of Deltona, as it may be amended from time to time.

Sec. 110-306. RE-1 Residential Estate One classification.

(a) Purpose and intent. The purpose and intent of the Residential Estate One classification is to provide for development, in a manner which is consistent with the comprehensive plan, in areas of the city that are characterized by extensive large lot development or large vacant parcels of land, and to provide for future large lot subdivisions that may or may not include equestrian amenities and accessory uses.

(b) Permitted principal uses and structures. In the RE-1, Residential Estate One classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Communication towers up to 70 feet high, in accordance with Chapter 82, Code of Ordinances, as it may be amended from time to time, except that licensed amateur radio operators' towers as an accessory use to a residential or agricultural use may be permitted up to 199 feet high.

Fire stations.

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

Home occupations (refer to section 110-807).

Public and private parks and recreation areas.

Public schools.

Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of Chapter 98, article V, Code of Ordinances of the City of Deltona.

Keeping of horses as accessory uses to permitted single family dwellings on lots of two acres or more of net land area.

Equestrian trails, and commonly-owned equestrian facilities within subdivisions that have approved subdivision plans including equestrian land uses.

Single-family dwelling or Florida DCA-approved manufactured dwellings.

(c) Conditional uses. Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Bed and breakfast homestay (refer to section 110-817(s)).

Communication towers over 70 feet high, in accordance with Chapter 82, Code of Ordinances of the City of Deltona, as it may be amended from time to time.

Day care center (refer to section 110-817(f)).

Group home facility (refer to section 110-817(l))

Houses of worship.

Nursing home and nursing home facility (refer to section 110-817(l)

Public markets.

Public uses not listed as a permitted principal use.

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

Public utility uses and structures (refer to section 110-817(a)).

Recreational areas (refer to section 110-817(c)).

Schools, parochial and private (refer to section 110-817(d)).

(d) Maximum density. The maximum development density permitted is one dwelling unit per net acre, with the exceptions permitted herein. When protected resources are set aside as open spaces protected for at least 50 years in a conservation easement approved by the city, and no drainage or utilities are permitted to encroach into the easement area, the area of the easement shall be credited one dwelling unit per three-fourths protected acre. The resulting density credit may be transferred to upland development area within the project boundaries. A credit of one dwelling unit per park/recreational acre will be given for the area established for commonly owned golf courses, parks, and recreational facilities, which credit shall be increased to one dwelling unit per three-fourths park/recreational acre when such facilities are open to the general public through deed restriction or dedication to the city.

(e) Dimensional requirements.

RE-1, *Residential Estate One*	Single Family Detached Development
Minimum lot size	
Area	1 acre [(1)]
Width (ft.)	100
Minimum yard size	
Front yard(ft.)	
Large lot (one acre or more)	40
Small lot	25
Rear yard (ft.)	
Large lot (one acre or more)	40
Small lot	35
Side yard (ft.)	
Abutting any lot	15
Abutting any street	40
Waterfront or golf course yard	40
Abutting equestrian facilities or golf course	40
Yard between interior	- - - -
Buffer yard between the periphery [(2)]	150
Maximum building height (ft.)	35
Maximum lot coverage *(with principal and accessory buildings)*(%)	35
Minimum floor area (sq. ft.)	1,400

[1] In clustered development when development is serviced by an onsite sewage disposal system. Minimum lot size may be reduced to 10,000 square feet in clustered development when community or public water and wastewater systems are provided, excluding community septic tanks. Clustered development shall not exceed the density standards established herein.

[2] 100 percent opaque landscaping using trees, shrubs, and groundcover permitted in the Landscaping provisions of this chapter.

(f) Off-street parking and loading requirements. Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.

(g) Types of signs permitted. Signs shall be permitted in accordance with Chapter 102, Code of Ordinances of the City of Deltona.

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

(a) Purpose and intent. These classifications are established within the city to provide areas for single family dwellings and customary accessory buildings. The regulations for this classification are designed to promote the construction and continued use of land for single-family dwellings, and to provide as conditional uses certain structures and uses required to serve the residents, such as churches and noncommercial recreational areas. Prohibited are uses of land that would create potential nuisances to residential areas, adversely affect residential property values, overburden public facilities or create potentially adverse individual or cumulative impacts to adjacent lakes that would diminish their water quality or aesthetic appeal.

(b) Permitted principal uses and structures. In the R-1AAA, AA and A districts, no premises shall be used except for the following principal uses and their customary accessory structures or uses.

Single-family dwellings and their customary accessory uses and structures when located on the same lot as the principal uses.

Home offices as restricted by section 110-807 of this chapter.

Publicly or privately owned municipal or public water supply wells less than eight inches in diameter.

Communication towers up to 70 feet high, in accordance with Chapter 82, Code of Ordinances of the City of Deltona, as it may be amended from time to time.

Antennas and towers up to 70 feet high for amateur radio, citizens band, marine band, and business band radio communications, consistent with applicable state and federal regulations regarding antennas and towers for these services.

Publicly owned parks and recreational areas.

Privately owned parks and recreational areas that are part of a city-approved subdivision, or single-family planned development.

(c) Conditional uses and structures.

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Communication towers over 70 feet high, in accordance with Chapter 82, Code of Ordinances of the City of Deltona, as it may be amended from time to time.

Day care centers (refer to section 110-817(f) of this chapter).

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

Group home facility (refer to section 110-817(l)).

Houses of worship (refer to section 110-817(d) of this chapter).

Nursing home and nursing home facility (refer to section 110-817(l))

Public markets.

Public uses not listed as a principal permitted use.

Publicly or privately owned municipal or public water supply wells of eight inches or more in diameter.

Public utility uses and structures (refer to section 110-817(a) of this chapter).

Non-commercial recreational areas not listed as principal permitted uses (refer to section 110-817(c) of this chapter).

Public, parochial, or private schools (refer to section 110-817(d) of this chapter).

(d) Maximum density. With septic tanks, maximum 1dwelling unit per acre. With community or public water and sewer (except community septic tanks):

1. R-1AAA: Two dwelling units per acre.
2. R-1AA: Three dwelling units per acre.
3. R-1A: Four dwelling units per acre.
4. R-1: Six dwelling units per acre.

(e) Dimensional requirements.

R1-AAA, AA, A, and R1 *Single-Family*	**R1-AAA**	**R1-AA**	**R1-A**	**R1**	**R1** ***(Arbor Ridge Subdivision)***
Minimum lot size					
Area (sq. ft.)	20,000	12,000	9,500	7,400	5,000
Width (ft.)	100	90	80	75	45
Minimum yard size					
Front yard(ft.)	25	25	25	25	25
Front yard abutting an arterial or collector street (ft)	30	30	30	30	30
Rear yard (ft.)	10	10	10	10	10
Side yard (ft.)	6	6	6	6	6
Side street yard (ft.)	25	25	25	25	15
Waterfront (ft.)[1]	25	25	25	25	25
Maximum building height (ft.)	35	35	35	35	35
Maximum lot coverage *(with principal and accessory buildings)*(%)	35	35	35	35	35

Minimum floor area (sq. ft.)	1,400	1,400	1,400	1,200	1,200
Accessory Structures Minimum Setbacks (ft.)					
Front yard (ft.)[2]	*Not permitted*	*Not permitted*	*Not permitted*	Not permitted	*Not permitted*
Rear yard (ft.)	10	10	10	10	10
Interior side yard (ft.)	6	6	6	6	6
Side street yard back-to-back existing SFR structures (ft.)[2]	15	15	15	15	15
Side street yard with existing house adjacent to a vacant lot)[2]	25	25	25	25	25
Side street yard adjacent to the existing front yard of a developed lot[2]	25	25	25	25	25
Side street yard abutting an arterial or collector street[2]	30	30	30	30	30

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

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

Accessory Structure Setbacks Back-to-Back Lots

Accessory Structure Setbacks Side Driveway

SIDE STREET YARD SETBACK FOR ACCESSORY STRUCTURE
(Area where no accessory structures are allowed)

SIDE STREET YARD

Accessory Structure Setbacks Adjacent to Vacant Lot

SIDE STREET YARD SETBACK FOR ACCESSORY STRUCTURE
(Area where no accessory structures are allowed)

SIDE STREET YARD

Sec. 110-308. R1-B Single-Family Residential classification.

(a) Purpose and intent. The purpose and intent of the R-1B Single-Family Residential classification is to provide for medium density single family development, in a manner which is consistent with the comprehensive plan, and preserve the character of existing small lot subdivisions.

(b) Permitted principal uses and structures. In the R1-B Urban Single-Family Residential classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Communication towers and antennas up to 70 feet high, in accordance with the requirements of Chapter 82, Code of Ordinances, City of Deltona, as it may be amended from time to time.

Antennas and towers up to 70 feet high for amateur radio, citizens band, marine band, and business band radio communications, consistent with applicable state and federal regulations regarding antennas and towers for these services.

Fire stations.

Home occupations (refer to section 110-807).

Public and private parks and recreation areas.

Public schools.

Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of Chapter 98, article V, Code of Ordinances of the City of Deltona.

Single-family standard or Florida DCA-approved manufactured dwellings.

(c) Conditional uses. Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Communication towers over 70 feet high, in accordance with Chapter 82, Code of Ordinances of the City of Deltona, as it may be amended from time to time.

Community residential home

Group home facility (refer to section (110-817(l))

Houses of worship (refer to section 110-817(f)).

Nursing home and nursing home facility (refer to section 110-817(l))

Off-street parking areas (refer to section 110-817(n)).

Public markets.

Public uses not listed as a permitted principal use.

Public utility uses and structures (refer to section 110-817(a) and (b)).

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

Recreational areas (refer to section 110-817(c)).

Schools, parochial and private (refer to section 110-817(d)).

(d) Maximum density. The maximum development density permitted is six dwelling units per net acre, with the exceptions permitted herein. When protected resources are set aside as open spaces protected for at least 50 years in a conservation easement approved by the city, and no drainage or utilities are permitted to encroach into the easement area, the area of the easement shall be credited three dwelling units per protected acre, but not more than the gross density permitted by the Future Land Use Map. The resulting density credit may be transferred to upland development area within the project boundaries. A credit of three dwelling units per park/recreational acre will be given for the area established for commonly owned golf courses, parks, and recreational facilities, which credit shall be increased to four dwelling units per park/recreational acre when such facilities are open to the general public through deed restriction or dedication to the city. No density credits shall allow the site to exceed the maximum gross density limits established in the Comprehensive Plan Future Land Use Map.

(e) Dimensional requirements.

R1-B, *Single Family Residential*	
Minimum lot size	
Area	5,000 sq. ft.
Width	50 feet
Minimum yard size	
Front yard	25 feet
Rear yard	**10** feet
Side yard:	
Abutting any lot(1)	**7.5** feet
Abutting any street(2)	25 feet
Waterfront or golf course yard(3)	25 feet
Maximum building height	35 feet
Maximum lot coverage *(with principal and accessory buildings)*	35%
Minimum floor area(4)	1,200 sq. ft.

(1) May be reduced to five feet or the width of side yard easement, whichever is greater, as measured from the closest points of buildings or roofs if Fire Code compliant fire rated materials are used on the external walls and roofs, or if residential fire sprinklers approved by the city fire marshal are installed in each building.

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

(3) 20 percent of the lot depth, but not less than 25 feet

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

(f) Off-street parking and loading requirements. Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.

(g) Types of signs permitted. Signs shall be permitted in accordance with Chapter 102, Code of Ordinances of the City of Deltona, as it may be amended from time to time.

Sec. 110-309. R-2, Two Family (Duplex) Dwelling District.

(a) Purposed and intent. The purpose of this zoning district is to allow, single-family dwellings, single-family detached patio homes, and duplex consistent with the development standards and density requirements of the Low Density Residential Future Land Use Category.

(b) Permitted uses. Within the R-2, Two Family (Duplex) Residential Dwelling District, no building, structure, land, or water shall be used except for one or more of the following uses and their customary, incidental, and subordinate accessory uses.

1. Single-family dwellings.
2. Single-family patio homes.
3. Two-family (duplex) dwellings.
4. Accessory buildings and uses customarily incident to the above uses when located on the same lot as the principal use, and not involving the conduct of a business (other than the customarily incidental business of onsite management and maintenance of apartment buildings).
5. Essential utility services.
6. Publicly owned or regulated public water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of Chapter 98, Article V, Code of Ordinances, City of Deltona, as it may be amended from time to time.
7. Communication towers up to 70 feet high in accordance with the requirements of Chapter 82, Code of Ordinances, City of Deltona, as it may be amended from time to time.
8. Home occupation offices.

(c) Conditional uses. The following land uses and their customary subordinate and incidental accessory uses are permitted as conditional uses subject to the public hearing and staff review requirements established for conditional uses in this chapter.

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Community residential home

Group home facility (refer to section 110-817(l))

Nursing home and nursing home facility (refer to section 110-817(l))

Publicly owned park and recreational facilities and recreational areas. In the platted Deltona Lakes Subdivisions, such facilities are permitted on a site designated as "Park" on the Deltona Lakes Master Development Plan, and passive parks and recreational facilities may be placed on designated drainage tracts.

Schools, public or private, including colleges and universities, junior or community colleges, high schools, junior high or middle schools, elementary schools, kindergarten schools, day care centers, correspondence and vocational schools, schools for adult education, and libraries. Schools are permitted in the platted Deltona Lakes Subdivisions only when they are located on a site designated as "school" on the Deltona Lakes Master Development Plan.

Houses of worship. In the platted Deltona Lakes subdivision, Houses of worship are permitted only on land designated "church" on the Deltona Lakes Community Development Plan.

Public markets.

Public uses not otherwise listed under permitted uses or conditional uses.

Publicly owned or regulated water supply wells of eight inches in diameter or greater.

Communication towers over 70 feet high, in accordance with Chapter 82, Code of Ordinances, as it may amended from time to time.

(d) Building height regulation. No building shall exceed a height of 35 feet.

(e) Density.

1. No development shall be permitted to exceed the maximum density limits established for the development site by the Low Density Residential Future Land Use Map Category established in the Deltona Comprehensive Plan, as it may be amended from time to time.
2. Maximum Density: Six dwelling units/acre.

(f) Dimensional requirements.

R-2, *Two Family (Duplex) Dwelling*	Single-Family Dwellings	Single-Family Patio Homes	Two-Family (Duplex) Dwellings
Minimum lot size			
Area	7,500 sq. ft.	3,500 sq. ft.	7,500 sq. ft.
Area if on-site sewage disposal systems are used (acre)	- - - -	1	- - - -
Area if community or public water and sewer service are available, but not including community septic tanks (sq. ft.)	- - - -	20,000	- - - -
Width (ft.)	75	- - - -	75
Interior Lot	- - - -	50	- - - -
Corner lot	- - - -	70	- - - -
Minimum yard size			
Front yard(ft.)	25	25	25
Rear yard (ft.)	25	25	25
Side yard (ft.):			
Abutting any lot[1]	7.5	0	0
Abutting any street	15	15	15
Waterfront yard	40	40	40
Abutting golf course	40	40	40
Maximum building height (ft.)	35	35	35
Maximum lot coverage *(with principal and accessory buildings)*(%)	40	40	40
Minimum floor area (sq. ft.)[2]	1,200	1,200	750 *(each unit)*

[(1)]7.5 feet, or ten percent of the width of the lot at the front property line, whichever is greater. Except that patio homes and duplexes may have a zero feet side yard setback along interior lot lines between patio homes and duplexes.

[(2)] Minimum floor area exclusive of terraces, attached roofed-over porches, carports, patios, attached garages, and utility rooms. 600 square feet net living area--One bedroom apartments; 750 square feet net living area-two bedroom apartments; 800 square feet net living area three or more bedroom apartments.

(g) Off-street parking and loading requirements. Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.

(h) Types of signs permitted. Signs shall be permitted in accordance with Chapter 102, Code of Ordinances of the City of Deltona.

Sec. 110-310. RM-1, Multiple Family Residential Dwelling District.

(a) Purpose and intent. The purpose of this zoning district is to allow single-family detached patio homes, duplex dwellings, and multiple family dwellings consistent with the development standards and density requirements of the Medium Density Residential Future Land Use Category.

(b) Permitted uses. Within the RM-1, Multiple Family Residential Dwelling District, no building, structure, land, or water shall be used except for one or more of the following uses and their customary, incidental, and subordinate accessory uses.

1. Single-family patio homes.
2. Single-family townhomes and townhome condominiums.
3. Two-family (duplex) dwellings.
4. Multiple-family dwellings, including cooperative apartments and condominiums.
5. Accessory buildings and uses customarily incident to the above uses when located on the same lot as the principal use, and not involving the conduct of a business (other than the customarily incidental business of onsite management and maintenance of apartment buildings).
6. Essential utility services.
7. Publicly owned or regulated public water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of Chapter 98, Article V, Code of Ordinances, City of Deltona, as it may be amended from time to time.
8. Communication towers up to 70 feet high in accordance with the requirements of Chapter 82, Code of Ordinances, City of Deltona, as it may be amended from time to time.
9. Home occupation offices.

(c) Conditional uses. The following land uses and their customary subordinate and incidental accessory uses are permitted as conditional uses subject to the public hearing and staff review requirements established for conditional uses in this chapter.

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Community residential home

Group home facility (refer to section 110-817(l))

Nursing home and nursing home facility (refer to section 110-817(l))

Publicly owned park and recreational facilities and recreational areas. In the platted Deltona Lakes Subdivisions, such facilities are permitted on a site designated as "Park" on the Deltona Lakes Master Development Plan, and passive parks and recreational facilities may be placed on designated drainage tracts.

Schools, public or private, including colleges and universities, junior or community colleges, high schools, junior high or middle schools, elementary schools, kindergarten schools, day care centers, correspondence and vocational schools, schools for adult education, and libraries. Schools are permitted in the platted Deltona Lakes Subdivisions only when they are located on a site designated as "school" on the Deltona Lakes Master Development Plan.

Public markets.

Public uses not otherwise listed under permitted uses or conditional uses.

Publicly owned or regulated water supply wells of eight inches in diameter or greater.

Communication towers over 70 feet high, in accordance with Chapter 82, Code of Ordinances, as it may amended from time to time.

(d) Density.

1. No development shall be permitted to exceed the maximum density limits established for the development site by the Future Land Use Map Category established in the Deltona Comprehensive Plan, as it may be amended from time to time. No development shall approved with less than the minimum density established for the property by the Future Land Use Map Category in the Deltona Comprehensive Plan, as it may be amended from time to time.
2. Maximum density: 12 dwelling units/acre.
3. Minimum density: Six dwelling units/acre.

(e) Dimensional requirements.

RM-1, *Multiple Family Residential Dwelling*	Single-Family Patio Homes	Single-Family Attached Townhouse
Minimum lot size		
Area (sq. ft.)	3,500	1,600
Area if on-site sewage disposal systems are used (acre per unit)	1	1
Area if community or public water and sewer service are available, but not including community septic tanks (sq. ft.)	20,000	20,000
Width (ft.)		
Interior Lot	50	20
End lot	- - - -	26
Corner lot	70	38
Depth (ft.)	- - - -	90
Minimum yard size		
Front yard(ft.)	25	25
Rear yard (ft.)	25	25
Side yard (ft.):		
Abutting any lot[(1)]	15	15
Abutting any street	15	15
Waterfront yard	40	40

Abutting golf course	40	40
Yard between interior[2]	0	0
Maximum building height (ft.)	45	45
Maximum lot coverage *(with principal and accessory buildings)*(%)	40	40
Minimum floor area (sq. ft.)[3]	1,400	1,400
Minimum building separation (ft.)		
Between fronts or rears of principal buildings	- - - -	50
Between any other combination of principal building arrangements	- - - -	25
Minimum building setback from streets and drives (ft.)	- - - -	
From any interior street drive or off-street parking area[4]	- - - -	10
Maximum building length and width (ft.)	- - - -	200
Building Development Standards[5]		
Minimum dwelling units in a building	- - - -	2
Maximum dwelling units in a building	- - - -	8
Minimum distance between buildings (ft.)	- - - -	30

[1] 15 feet, or ten percent of the width of the lot at the front property line, whichever is greater. Side yard for multi-family shall be a minimum of width of fifteen, or one-half the height of the building, whichever is greater.

[2] Patio homes are required to have an interior open air courtyard, atrium, or patio.

[3] Minimum floor area exclusive of terraces, attached roofed-over porches, carports, patios, attached garages, and utility rooms. 600 square feet net living area--One bedroom apartments; 750 square feet net living area-two bedroom apartments; 800 square feet net living area three or more bedroom apartments.

[4] This requirement shall not diminish the minimum front, side and rear yard requirements for townhouse developments.

[5] The exterior facades of all townhouse units shall be varied in material and design so that no more than two abutting units will have the same architectural appearance and front yard setback and depth. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit, and no setback distance shall be less than the required minimum.

(f) Off-street parking and loading requirements. Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.

(g) Types of signs permitted. Signs shall be permitted in accordance with Chapter 102, Code of Ordinances of the City of Deltona.

Sec. 110-311. RM-2, Multiple Family Residential Dwelling District.

(a) Purposed and intent. The purpose of this zoning district is to allow single-family detached patio homes, duplex dwellings, and multiple family dwellings consistent with the development standards and density requirements of the Medium Density Residential Future Land Use Category.

(b) Permitted uses. Within the RM-2, Multiple Family Residential Dwelling District, no building, structure, land, or water shall be used except for one or more of the following uses and their customary, incidental, and subordinate accessory uses.

1. Single-family patio homes.
2. Single-family townhomes and townhome condominiums.
3. Two-family (duplex) dwellings.
4. Multiple-family dwellings, including condominiums and cooperative apartments.

5. Accessory buildings and uses customarily incident to the above uses when located on the same lot as the principal use, and not involving the conduct of a business (other than the customarily incidental business of onsite management and maintenance of apartment buildings).

6. Essential utility services.

7. Publicly owned or regulated public water supply wells of less than eight (8) inches in diameter in accordance with the potable water wellfield protection requirements of Chapter 98, Article V, Code of Ordinances, City of Deltona, as it may be amended from time to time.

8. Communication towers up to 70 feet high in accordance with the requirements of Chapter 82, Code of Ordinances, City of Deltona, as it may be amended from time to time.

9. Home occupation offices.

(c) Conditional uses. The following land uses and their customary subordinate and incidental accessory uses are permitted as conditional uses subject to the public hearing and staff review requirements established for conditional uses in this chapter.

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Community residential home

Group home facility (refer to section 110-817(l))

Nursing home and nursing home facility (refer to section 110-817(l))

Publicly owned park and recreational facilities and recreational areas. In the platted Deltona Lakes Subdivisions, such facilities are permitted on a site designated as "Park" on the Deltona Lakes Master Development Plan, and passive parks and recreational facilities may be placed on designated drainage tracts.

Schools, public or private, including colleges and universities, junior or community colleges, high schools, junior high or middle schools, elementary schools, kindergarten schools, day care centers, correspondence and vocational schools, schools for adult education, and libraries. Schools are permitted in the platted Deltona Lakes Subdivisions only when they are located on a site designated as "school" on the Deltona Lakes Master Development Plan.

Public markets.

Public uses not otherwise listed under permitted uses or conditional uses.

Publicly owned or regulated water supply wells of eight inches in diameter or greater.

Communication towers over 70 feet high, in accordance with Chapter 82, Code of Ordinances, as it may amended from time to time.

(d) Density.

1. No development shall be permitted to exceed the maximum density limits established for the development site by the Future Land Use Map Category established in the Deltona Comprehensive Plan, as it may be amended from time to time. No development shall approved with less than the minimum density established for the property by the Future Land Use Map Category in the Deltona Comprehensive Plan, as it may be amended from time to time.

2. Maximum Density: 20 dwelling units/acre.

3. Minimum Density: 12 dwelling units/acre.

(e) Dimensional requirements.

RM-2, *Multiple Family Residential Dwelling*	Single-Family Patio Homes	Single-Family Attached Townhouse
Minimum lot size		
Area (sq. ft.)[1]	3,500	1,600
Area if on-site sewage disposal systems are used (acre per unit)	1	1
Area if community or public water and sewer service are available, but not including community septic tanks (sq. ft.)	20,000	20,000
Width (ft.)		
Interior Lot	50	20
End lot	- - - -	26
Corner lot	70	38
Depth (ft.)	- - - -	90
Minimum yard size		
Front yard(ft.)	25	25
Rear yard (ft.)	25	25
Side yard (ft.):		
Abutting any lot[2]	15	15
Abutting any street	15	15
Waterfront yard	40	40
Abutting golf course	40	40
Yard between interior[3]	0	0
Maximum building height (ft.)[4]	80	80
Maximum lot coverage *(with principal and accessory buildings)*(%)	40	40
Minimum floor area (sq. ft.)[5]	1,400	1,000
Minimum building separation (ft.)		
Between fronts or rears of principal buildings	- - - -	50
Between any other combination of principal building arrangements	- - - -	25
Minimum building setback from streets and drives (ft.)	- - - -	
From any interior street drive or off-street parking area[6]	- - - -	10
Maximum building length and width (ft.)	- - - -	200
Building Development Standards[7]		
Minimum dwelling units in a building	- - - -	2
Maximum dwelling units in a building	- - - -	8
Minimum distance between buildings (ft.)	- - - -	30

[1] For Single family attached townhouse, lots required to be individually platted.

[2] 15 feet, or ten percent of the width of the lot at the front property line, whichever is greater. Side yard for multi-family shall be a minimum of width of fifteen, or one-half the height of the building, whichever is greater.

[3] Patio homes are required to have an interior open air courtyard, atrium, or patio.

[4] Not over five habitable floors.

[5] Minimum floor area exclusive of terraces, attached roofed-over porches, carports, patios, attached garages, and utility rooms. 600 square feet net living area--One bedroom apartments; 750 square feet net living area-two bedroom apartments; 800 square feet net living area three or more bedroom apartments.

[6] This requirement shall not diminish the minimum front, side and rear yard requirements for townhouse developments.

[7] The exterior facades of all townhouse units shall be varied in material and design so that no more than two abutting units will have the same architectural appearance and front yard setback and depth. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit, and no setback distance shall be less than the required minimum.

(f) Off-street parking and loading requirements. Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.

(g) Types of signs permitted. Signs shall be permitted in accordance with chapter 102, Code of Ordinances of the City of Deltona.

Sec. 110-312. MH, Mobile Home Park classification.

(a) Purpose and intent. The purpose and intent of the MH Mobile Home park classification is to provide areas for the use and development of mobile home parks.

(b) Permitted principal uses and structures. In the MH Mobile Home Park classification, no premises shall be used except for the following uses and their customary accessory uses or structures.

(1) Communication towers up to 70 feet high, in accordance with chapter 82, Code of Ordinances, as it may be amended from time to time.

(2) Essential utility services.

(3) Exempt excavations (refer to Section 110-817(o) and/or those which comply with the Land Development Code of the City of Deltona, Chapter 75, 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.

MH - *Mobile Home Park*	
Minimum project size (acres)	10
Maximum spaces per net acre of land[1]	7
Minimum mobile home space size	
Area (sq. ft.)	5,000
Width (ft.)	50
Depth (ft.)	50
Minimum yard size	
Front yard (ft.)	10
Rear yard (ft.)	7.5
Side yard (ft.):	
Abutting any space	7.5
Abutting any street	10
Waterfront yard	25
Minimum floor area (sq. ft.)	750

[1]Not more than the gross residential density permitted by the underlying future land use category of the comprehensive plan.

(e) Final site plan requirements. Final site plan approval meeting the requirements of Chapter 75, Code of Ordinances, as it may be amended from time to time, is required.

(f) Off-street parking and loading requirements. Off-street parking and loading areas meeting the requirements of sections 110-828 and 110-811 shall be constructed.

(g) Landscape buffer requirements. A landscaped buffer area meeting the requirements of section 110-808 shall be constructed.

(h) Skirting requirement. The area between the ground and floor level of the mobile home dwelling shall be enclosed with block or decorative skirting.

(i) Types of signs permitted. Signs are permitted in accordance with the requirements of the Deltona Sign Ordinance,chapter 102, Code of Ordinances, as it may be amended from time to time.

Sec. 110-313. OR, Office Residential Zoning District.

(a) Purpose and intent. The purpose of the Office Residential (OR) Zoning District is to meet two objectives. First, the district is intended to be established in single-family residential areas where road expansions and/or high traffic volumes, nearby nonresidential development, and existing or developing nuisances (noise, lights, vibrations, etc.) decrease or potentially diminish the future potential for the continued use of the area for single-family residential purposes. Second, the OR District is intended to be established as a buffer between existing or proposed single-family residential development and existing or proposed commercial development and high traffic volume streets, and other nuisance producing areas. Designation of an area as an OR zoning district

recognizes that the area is a transitioning commercial area, as referenced in the adopted Deltona Comprehensive Plan, as it may be amended from time to time.

(b) Permitted uses. In the Office Residential (OR) Zoning District, no land, building, structure, or water shall be used for any purpose except for the following land uses and their customary, incidental and subordinate accessory uses, which are permitted:

(1) Single-family dwellings.

(2) Accounting and bookkeeping services.

(3) Professional offices.

(4) General offices.

(5) Internet sales businesses that do little or no on-site sales.

(6) Dental laboratories.

(7) Other uses may be approved by the enforcement official, if they are office or retail service land uses that have similar parking, trip generation, and nuisance characteristics to the non-residential land uses permitted by this paragraph. Parking generation and trip generation are to be determined using professionally acceptable data and analysis, consistent with Institute of Transportation Engineers recommended practice. The fact that other codes in other jurisdictions may permit reduced parking requirements for land uses that may come under consideration shall not be sufficient cause to allow such land uses.

(c) Conditional uses. The following land uses and their customary, incidental and subordinate accessory uses may be permitted in the Office Residential (OR) Zoning District as conditional uses:

General retail sales and services.

Medical and dental offices and clinics.

Banks and other financial institutions.

Stock and bond brokers.

Florist, retail only.

Group home, community residential home.

Public markets.

Publicly regulated water supply wells of eight inches or greater diameter, in accordance with Chapter 98, Article V, Code of Ordinances, City of Deltona.

Communication antennas and towers over 70 feet high, in accordance with Chapter 82, Code of Ordinances, City of Deltona.

Houses of worship.

The above conditional uses must meet all conditional use requirements in this chapter, and furthermore, must occur on sites large enough to accommodate minimum required parking, drainage facilities, landscaping and landscaped buffers, minimum building setbacks, and utility services. The above conditional uses shall be served by community or public water and sewer systems when sites equal to or greater than 0.75 acres or four combined lots are developed.

The floor area ratio of banks and other financial institutions, and medical and dental offices and clinics shall not exceed 0.12.

(d) Dimensional Requirements

OR - *Office Residential*	Single Family Dwellings	Permitted Nonresidential Uses	Conditional Uses
Lot Area (sq. ft.)	7,500	7,500	12,500
Lot Width (ft.)	75	75	- - - -
when access is from a thoroughfare street, arterial street, or major collector	- - - -	- - - -	100
when access is from a local street that is not a major collector	- - - -	- - - -	75
Yard Size			
Front yard(ft.)	25	25	25
Rear yard (ft.)[1]	25	25	25
Side yard (ft.)[2]	7.5	7.5	7.5
Side street yard (ft.)	15	15	15
Density and Intensity Standards, Minimum Floor Area			
Density	Not to exceed the permitted in the applicable Comp. Plan FLU Map Category	- - - -	- - - -
Maximum Floor Area Ratios (F.A.R.)[3]	- - - -	0.35	- - - -
Minimum Floor Area[4]	1,200	- - - -	- - - -
Maximum building height (ft.)	35	35	35
Maximum lot coverage (%) *(with principal and accessory buildings)*	30	30	30

[1]Except 30 feet from the ordinary high water mark or lot line, whichever is most restrictive, on lots adjacent to surface water bodies or golf courses.

[2] Seven and one-half feet, or ten percent of the width of the lot, whichever is greater. Nonresidential side-yard may be reduced to zero when there is adjoining nonresidential development, when the property owners enter into a recorded agreement that provides for reasonable access for building maintenance and repairs, and provisions are made in building design for proper fire protection.

[3] Banks, financial institutions, medical and dental offices and clinics: **Maximum F.A.R. 0.12.**

[4] Exclusive of garages, carports, attached roofed-over porches, terraces, and patios.

(e) Off-street parking regulations. See section 110-828, except that the permitted internet sales businesses shall have the same parking requirements as offices.

(f) Landscaped buffer requirements. Landscaped buffer areas meeting the requirements of section 110-808 shall be constructed prior to locating a non-residential use on a site in the Office Residential (OR) Zoning District. Except that when an existing building encroaches within the minimum required perimeter landscaped buffer area, then the required buffer width shall be the distance between the building and the lot line. Access shall be provided in the building encroachment area for maintenance of the building and landscaping.

(g) Final site plan requirements. Final site plan approval is required meeting all applicable requirements of the Land Development Code, Subpart B, Code of Ordinances, City of Deltona, prior to constructing a business use, or converting a residential structure to a business use.

(h) Types of signs permitted. Signs are permitted in accordance with the Deltona Sign Code, chapter 102, Code of Ordinances, City of Deltona, as it may be amended from time to time.

Sec. 110-314. PB, Professional Business Zoning District.

(a) Purpose and intent. The purpose of the Professional Business (PB) Zoning District is to establish a transitional zone between high volume streets and single family residential areas, and between higher intensity development and single family residential areas. The Professional Business Zoning District is established in areas that are transitional in character. Therefore, a mix of single family and compatible office development, with some retail sales, is permitted. The Professional Business (PB) Zoning District was first established in the original Deltona Lakes Community Development Plan to serve this purpose in the planned development. It may be applied to achieve a zoning transition in all other appropriate areas of the City of Deltona, including those areas that were not included in the original Deltona Lakes Community Development Plan, consistent with the commercial future land use designations on the adopted Future Land Use Map.

(b) Permitted uses. In the Professional Business (PB) Zoning District, no building, structure, land or water shall be used except for one or more of the following uses:

(1) Any business office, provided no retail sales are conducted. Permitted professional business offices include, but are not necessarily limited to: accountants, attorneys, insurance agencies, mortgage brokerages, real estate agencies, and offices for architects and engineers.

(2) Barber and beauty shop.

(3) Communication towers up to 70 feet high, in accordance with Chapter 82, Code of Ordinances, City of Deltona, as it may be amended from time to time.

(4) Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of Chapter 98, Code of Ordinances, City of Deltona, as it may be amended from time to time.

(5) Medical offices

(6) Banks

(7) Single-family dwellings and their customary accessory uses.

(8) Townhomes.

(9) Off-street parking areas.

(10) Essential utility services.

(11) Excavations only for stormwater retention ponds, subject to applicable permitting requirements.

(c) Conditional uses. Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter. The following land uses and their customary, incidental and subordinate accessory uses may be permitted in the Professional Business (PB) Zoning District as conditional uses:

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Communication towers greater than 70 feet high, in accordance with Chapter 82, Code of Ordinances, City of Deltona, as it may be amended from time to time.

Community residential home

Day care centers (refer to section 110-817(f)).

Group home facility (refer to section 110-817(l))

Houses of worship (refer to section 110-817(d)).

Nursing home and nursing home facility (refer to section 110-817(l))

Professional or trade schools related to permitted uses (refer to section 110-817(b)).

Public markets.

Public uses not listed as a permitted principal use.

Public utility uses and structures (refer to section 110-817(a)).

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

Schools, parochial or private (refer to section 110-817(d)).

(d) *Residential density.* No residential construction shall exceed a density of nine dwelling units per acre.

(e) Dimensional Requirements.

PB - *Professional Business*	Single Family Dwellings	Single Family attached Townhouse	Nonresidential
Lot Area (sq. ft.)[1]	7,500	1,600 *interior lots* 2,000 *end lots* 2,800 *corner lots*	12,500
Development site if onsite sewage disposal systems are used (acre)	- - - -	1	- - - -
Development site if community or public water and sewer service are available, but not including community septic tanks (sq. ft.)	- - - -	15,000	- - - -
Lot Width (ft.)	75	- - - -	100
Interior lot	- - - -	20	- - - -
End lot	- - - -	26	- - - -
Corner lot	- - - -	38	- - - -
Yard Size			
Front yard(ft.)[2]	25	25	25
Rear yard (ft.)	25	25	25
Waterfront rear yard (ft.)[3]	30	30	30
Side yard (ft.)[4]	7.5	- - - -	7.5
Interior lot(ft.)[5]	- - - -	0 *between townhouses*	- - - -
Side street yard (ft.)	15	15	15
Minimum Floor Area (sq. ft.)	1,000	1,000	- - - -

Maximum Floor Area Ratios (F.A.R.)	- - - -	- - - -	0.35[6]
Maximum building height (ft.)	35	35	35
Maximum lot coverage *(with principal and accessory buildings) (swimming pools and screened enclosures are excepted from this provision)*(%)	35	30	30
Minimum building separation (ft.)			
Between fronts or rears of principal buildings	- - - -	50	- - - -
Between any other combination of principal building arrangements	- - - -	30	- - - -
Minimum building setback from streets and drives (ft.)			
From any interior street drive or off-street parking area[7]	- - - -	10	- - - -
Maximum building length and width (ft.)	- - - -	200	
Building Development Standards[8]			
Minimum dwelling units in a building	- - - -	2	- - - -
Maximum dwelling units in a building	- - - -	8	- - - -

[1]No site for nonresidential development shall be created, and no conversion of an existing site or building to nonresidential use shall be permitted unless the site area meets the minimum standard.

[2] Except that medical offices and banks shall be limited to a front yard equal to the minimum required width of the required landscaped buffer.

[3] No building shall be erected nearer than 30 feet to the ordinary high water mark, or the platted property line, whichever is more restrictive.

[4] 7.5 feet or 10 percent of the width of the lot at the front property line, whichever is greater.

[5] Between townhouse buildings and adjacent interior building site side lot line 7.5 feet.

[6] The maximum floor area ratio for medical offices shall be 0.12 and for banks shall be 0.10.

[7] This requirement shall not diminish the minimum front, side and rear yard requirements for townhouse developments.

[8] The exterior facades of all townhouse units shall be varied in material and design so that no more than two abutting units will have the same architectural appearance and front yard setback and depth. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit, and no setback distance shall be less than the required minimum.

(f) Off-street parking regulations. See section 110-828 of the Code of Ordinances, City of Deltona, as it may be amended from time to time.

(g) Landscaped buffer requirements. Landscaped buffer areas meeting the requirements of section 110-808 of the Code of Ordinances, City of Deltona, as it may be amended from time to time, shall be constructed prior to locating a non-residential use on any site.

(h) Final site plan requirements. Final Site Plan approval meeting the requirements of Chapter 75, Code of Ordinances, City of Deltona, as it may be amended from time to time, is required prior to constructing a business use, or converting a residential structure to a business use.

(i) Types of signs permitted. Signs are permitted in accordance with Chapter 102, Code of Ordinances, City of Deltona, as it may be amended from time to time.

(j) General provisions, exceptions, and prohibitions.

(1) See Article VIII. Supplementary regulations.

(2) All Professional Business, PB district sites must be located on a thoroughfare roadway as identified in Deltona Comprehensive Plan as it may be amended from time to time.

Sec. 110-315. C-1, Retail Commercial district.

(a) Purpose and intent. The purpose of the C-1-Retail Commercial Zoning District is to establish neighborhood commercial development along high volume roads that is compatible with nearby single-family residential areas. The C-1-Retail Commercial Zoning District is not suitable for transitional areas. Therefore, low intensity commercial development with no residential mix is permitted. The C-1-Retail Commercial Zoning District was first established in the original Deltona Lakes Community Development Plan to serve this purpose in the planned development. It may be applied to achieve a commercial development suitable for serving surrounding single-family residential development in all other appropriate areas of the City of Deltona, including those areas that were not included in the original Deltona Lakes Community Development Plan. The C-1-Retail Commercial Zoning District shall only be applied to areas that are designated in the commercial future land use category on the adopted Future Land Use Map in the Deltona Comprehensive Plan, as it may be amended from time to time.

(b) Uses permitted. Within the C-1 Retail Commercial district, no building, structure, land or water shall be used except for one or more of the following uses:

(1) Motels and hotels.

(2) Restaurants, Types A and B

(3) Retail shops, professional offices, and personal service enterprises similar to the following:

Animal hospital.

Antique shops.

Aquariums.

Art goods and bric-a-brac shops.

Artist studios.

Automobile new parts, equipment and accessories; sales only.

Automobile service stations, Type C.

Bakeries, retail (including preparation of products for sale on the premises.)

Banks and other financial businesses

Barber shops.

Bars.

Beauty parlors.

Bicycle stores.

Billiard rooms, pool rooms or bowling alleys.

Car washes.

Cigar stores (retail only).

Confectionery and ice cream stores.

Conservatories.

Convenience stores.

Cultural, historical, and art centers and museums.

Curio stores.

Day care centers.

Dental offices and clinics.

Drug and sundry stores.

Electric sales and service.

Electronic sales and service.

Employment agencies.

Essential utility services.

Fire stations.

Florist shops.

Fruit stores (retail only).

Furniture stores.

Garden supplies and retail fertilizer store.

General offices.

Grocery stores with or without meat sales.

Hardware stores (retail only).

Houses of worship.

Interior decorating, costuming, draperies.

Jewelry stores, watch repairs.

Laundromats.

Laundry and cleaning agencies (provided no gasoline or explosives of any kind are stored or used therein).

Lawn equipment sales and service.

Leather goods stores (retail only).

Libraries.

Medical offices and clinics.

Millinery, wearing apparel, furrier stores.

Music and radio stores.

Night clubs.

Non-profit membership and charitable organizations.

Newsstands.

Paint stores.

Pest exterminators.

Pet stores.

Photograph galleries.

Physical fitness centers.

Printing shops.

Private clubs, lodges, fraternities, sororities.

Plumbing fixture shops (retail only).

Plumbing, sales and service.

Police and sheriff stations.

Public art galleries, libraries, museums, and other public meeting places not operated for profit.

Retail sales and services, excluding sales or rental of automobile, motorcycle, truck, motor home, or travel trailers, automobile driving schools, boat or mobile home sales and services.

Retail specialty shops.

Schools.

Tailor shops.

Theaters.

Utility offices.

Veterinarians.

(4) Communication towers up to a height of 70 feet are permitted in accordance with Chapter 82, Code of Ordinances, as it may be amended from time to time.

(5) Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water well field protection requirements of the Land Development Code Chapter 98, article V, Code of Ordinances, as it may be amended from time to time.

(c) Conditional uses.

Communication towers exceeding 70 feet in height above ground level, in accordance with Chapter 82, Code of Ordinances, as it may be amended from time to time.

Group home facility (refer to section 110-817(l))

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Automobile driving schools.

Automobile repair garage.

Automobile service stations, Type A; permitted only on building sites with not less than 150 feet frontage on all abutting streets.

Community residential home

Funeral homes.

Group home facility (refer to section 110-817(l))

Nursing home and nursing home facility (refer to section 110-817(l))

Public markets.

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater in accordance with the potable water well field protection requirements of the land development code Chapter 98, article V, Code of Ordinances, as it may be amended from time to time.

(d) Dimensional Requirements:

C-1, *Retail Commercial*	
Minimum lot size	
Area (sq. ft.)	10,000
Width (ft.)[1]	100
Minimum yard size	
Front yard (ft.)	25
Rear yard (ft.)	15
Side yard (ft.)[2]	5
Side street yard(ft)	15
Maximum building height (ft.)	35
Maximum lot coverage (%) *(with principal and accessory buildings)*[3]	40
Maximum floor area ratio (F.A.R.)	0.35

[1]Except 150 feet shall be required along all abutting street frontages for land uses with drive through service or windows, and all three types of automobile service stations.

[2]Except may be reduced to zero foot where adjacent to existing building with zero foot setback, or coordinated with proposed building with zero foot setback. When two or more lots are used as one building site the setback restrictions set forth in this zoning district shall apply to the exterior perimeter of the combined site.

[3]Excluding swimming pools and screened enclosures, except, that screened enclosures used for storage, trash or equipment containment, and covered parking areas are included. This provision shall not be interpreted to allow a floor area ratio of any principal building or group of principal buildings to exceed the maximum permitted.

(e) Off-street parking regulations. See sections 110-828(f) through 810(j).

(f) Landscape buffer requirements. Landscape buffer areas meeting the requirements of section 110-808 shall be constructed.

(g) Final site plan requirements. Final site plan approval meeting the requirements of Article III of the Land Development Code [Chapter 75, Code of Ordinances], is required.

(h) Types of signs permitted. Signs are permitted in accordance with the city's sign code Chapter 102, Code of Ordinances, as it may be amended from time to time.

(i) General provisions, exceptions and prohibitions. See article VIII.

Sec. 110-316. C-2, General Commercial.

(a) Purpose and intent. The purpose and intent of the C-2 General Commercial classification is to encourage the development of intensive commercial areas providing a wide range of goods and services, and located adjoining at least one major collector or arterial road. The C-2 classification is intended to be applied to strip retail areas and may be applied to Interstate Highway interchange areas and other intersections that are characterized by high traffic volumes appropriate for highway-oriented commercial development and shopping centers. This district is not intended to be applied within established residential areas, except when those areas are either in transition, blighted, or designated in the Commercial future land use category on the adopted Future Land Use Map. This zoning district shall only be applied to areas designated in the Commercial future land use category on the adopted Deltona Comprehensive Plan Future Land Use Map.

(b) Permitted uses. In the C-2 General Commercial zoning district, no premises shall be used except for one of the following uses and their customary accessory uses and structures:

Art, dance, modeling and music schools.

Automobile driving schools.

Automobile rental agencies.

Automobile sales, new and used.

Automobile service station, Types A and C.

Barber and beauty shops.

Bars and liquor stores.

Boat, mobile home and recreational vehicle sales and service establishments.

Bowling alleys.

Catering services.

Communication towers up to 70 feet high, in accordance with Chapter 82, Code of Ordinances, as it may be amended from time to time.

Cultural art centers.

Dental laboratories.

Employment agencies.

Essential utility services.

Exempt excavations (refer to Section 110-817(o)) and/or those which comply with the Land Development Code of the City of Deltona, Chapter 75, 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 that eight inches in diameter in accordance with the potable water wellfield protection requirements of, the Land Development Code Chapter 98, article V, Code of Ordinances, as it may be amended from time to time.

Recycling collection center.

Restaurants, Types A and B.

Retail plant nursery.

Retail sales and services.

Retail specialty shops.

Stamp redemption centers.

Tailors.

Taxicab stands.

Theaters.

Travel agencies.

Veterinary clinics.

(c) *Conditional uses.* Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Adult family-care home (refer to section 110-817(l))

Assisted living facility (refer to section 110-817(l))

Communication towers greater than 70 feet high, in accordance with Chapter 82, Code of Ordinances, as it may be amended from time to time.

Bicycle motocross tracks.

Boardinghouse (refer to section 110-817(l))

Bus stations.

Car washes.

Community residential home

Day care centers (refer to section 110-817(f)).

Excavations only for stormwater retention ponds for which a permit is required by this chapter.

Group home facility (refer to section 110-817(l)).

Nursing home and nursing home facility (refer to section 110-817(l)).

Outdoor entertainment and recreational uses and structures.

Professional or trade schools related to permitted uses (refer to section (110-817(b)).

Public markets.

Public uses not listed as a permitted principal use.

Public utility uses and structures (refer to section 110-817(a)).

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

Schools, parochial or private (refer to section 110-817(d)).

Tattoo parlors.

Only one single-family dwelling for the owner or manager of an existing permitted principal use.

(d) Dimensional requirements.

C-2, *General Commercial*	
Minimum lot size	
Area (sq. ft.)	15,000
Width (ft.)[1]	100
Minimum yard size	
Front yard (ft.)	35
Rear yard (ft.)[2]	10
Side yard (ft.)[2]	10
Waterfront yard(ft)	25
Maximum building height (ft.)	75
Maximum lot coverage (%) *(with principal and accessory buildings)*	35
Maximum floor area ratio (F.A.R.)	0.50

[1]Except 150 feet shall be required along all abutting street frontages for land uses with drive through service or windows, and all three types of automobile service stations.

[2]Unless abutting any residentially zoned property, then 35 feet.

(e) *Off-street parking and loading requirements.* Off-street parking and loading areas meeting the requirements of section 110-828 shall be constructed.

(f) *Landscape buffer requirements.* Landscaped buffer areas meeting the requirements of section 110-808.00 shall be constructed.

(g) *Final site plan requirements.* Final Site Plan approval meeting the requirements of the Land Development Code, Chapter 75, Code of Ordinances, as it may be amended from time to time, is required.

(h) *Types of signs permitted.* Signs are permitted in accordance with the requirements of the city's sign code Chapter 102, Code of Ordinances, as it may be amended from time to time.

Sec. 110-317. C-3, Heavy Commercial classification.

(a) *Purpose and intent.* The purpose and intent of the C-3 Heavy Commercial classification is to provide areas for commercial uses and structures that are not generally compatible with B-4 uses and structures.

(b) *Permitted principal uses and structures.* In the C-3 Heavy Commercial classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Art, dance, modeling and music schools.

Auction parlors.

Automobile body shops.

Automobile driving schools.

Automobile rental agencies.

Automobile sales, new and used.

Automobile service stations, Types A, B and C.

Bars and liquor stores.

Beauty and barber shops.

Boat, truck, motorcycle, trailer, bicycle and mobile home storage, sales, service and rental for off-site use (new and used).

Bowling alleys.

Building material sales and storage.

Car washes.

Catering services.

Communication towers up to 70 feet high, in accordance with the requirements of Chapter 82, Code of Ordinances, as it may be amended from time to time.

Contractor's shop, storage and equipment yard.

Cultural art centers.

Dental laboratories.

Employment agencies.

Essential utility services.

Exempt excavations (refer to section 110-817(o))

Exempt landfills (refer to section 110-817(p)).

Financial institutions.

Fire stations.

Funeral homes.

Game rooms or arcades for pool, billiards, pinball machines, jukeboxes or other coin-operated amusements.

General offices.

Government sponsored civic centers.

Home occupations (refer to section 110-807).

Laundry and dry cleaning establishments.

Libraries.

Marine engine repair and service.

Mini-warehouses which meet the requirements of section 110-817(e).

Mobile recreational vehicle and shelter sales, service, storage and repair.

Museums.

Nightclubs.

Outdoor musical event.

Pawnshops.

Pest exterminators.

Printing and engraving, including Photostatting and publishing.

Private clubs.

Public schools.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements of the Land Development Code Chapter 98, article V, Code of Ordinances, as it may be amended from time to time.

Radio and television broadcasting stations.

Recycling collection center.

Restaurants, Types A and B.

Retail sales and services.

Retail specialty shops.

Rug cleaning establishments.

Stamp redemption centers.

Tailors.

Tattoo parlors.

Taxicab stands.

Theaters.

Travel agencies.

Veterinary clinics.

Welding and soldering shops.

Wholesale-retail nursery.

(c) Conditional uses. Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Communication towers greater than 70 feet high, in accordance with the requirements of Chapter 82, Code of Ordinances, as it may be amended from time to time.

Bus garages and repair shops.

Bus stations.

Curb markets.

Drive-in theaters.

Excavations only for stormwater retention ponds of which a permit is required by this chapter.

Flea markets (refer to section 110-817(g)).

Houses of worship (refer to section 110-817(d)).

Moving and storage companies.

Outdoor entertainment and recreational uses and structures.

Professional or trade schools related to permitted uses (refer to section 110-817(b)).

Public markets.

Public use not listed as a permitted principal use.

Public utility uses and structures (refer to section 110-817(a)).

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

Schools, parochial or private (refer to section 110-817(d)).

Only one single-family dwelling for the owner or manager of an existing permitted principal use.

Truck and freight transfer terminals.

Truck stops.

Truck storage.

Warehouse.

(d) Dimensional requirements.

C-3, *Heavy Commercial*	
Minimum lot size	
Area (sq. ft.)	15,000
Width (ft.)	100
Minimum yard size	
Front yard (ft.)	35
Rear yard (ft.)[1]	25
Side yard (ft.)[1]	10
Waterfront yard(ft)	25
Maximum building height (ft.)	75
Maximum lot coverage (%) *(with principal and accessory buildings)*	35
Maximum floor area ratio (F.A.R.)	0.55
[1]Unless abutting any residentially zoned property, then 35 feet.	

(e) Off-street parking and loading requirements. Off-street parking and loading areas meeting the requirements of section 110-828 shall be constructed.

(f) Landscape buffer requirements. Landscaped buffer areas meeting the requirements of section 110-808 shall be constructed.

(g) Final Site Plan requirements. Final Site Plan approval meeting the requirements of the Land Development Code chapter 75, Code of Ordinances, as it may be amended from time to time, is required.

(h) Types of signs permitted. Signs are permitted in accordance with the requirements of the city's sign code Chapter 102, Code of Ordinances, as it may be amended from time to time.

Sec. 110-318. I Industrial district.

(a) Uses permitted.

(1) Retail and service. Any retail or service establishment necessary to serve the needs of the industrial area, and Type A or B restaurants; business or professional offices; fire stations and public uses not otherwise listed; linen supply and industrial launderer; tattoo parlors and body piercing establishments, major automobile and truck repair garages, including major repair, body work and painting services, and enclosed storage areas, or outdoor storage areas completely screened from view from adjacent properties and from any street or road; new and/or used automobile, truck farm implement, camping trailer and/or boat sales; bottling of soft drinks or milk and distribution stations; contractor and building material yards completely screened from view from adjacent properties and from any street or road; plumbing shops with indoor storage only; and automobile service stations, types A, B, and C. All parking and storage areas for heavy equipment and large trucks shall be completely screened from view from nearby properties, streets and roads.

(2) Warehousing. Warehouses for the storage of merchandise and materials, motor freight stations or terminals, and hauling and storage establishments for household goods.

(3) Laboratories. Experimental testing laboratories, provided no operation shall be conducted or equipment used which would create hazards, noxious or offensive effects.

(4) Manufacturing. The manufacturing, compounding, processing, packaging and assembling of products such as:

a. Food products: Bakery goods, candy, cosmetics, toiletries, meat products, except slaughter houses, fish, sauerkraut, vinegar, yeast and rendering or refining of fats or oils.

b. Instruments: Musical toys, novelties, rubber or metal stamps, and other small rubber or plastic products.

c. Advertising and sheet metal products: Neon sign manufacturing and repair, billboard and other commercial advertising structures; light sheet metal products, including heating and air conditioning equipment, cornices, eaves, and the like (except where presses over 20 tons rated capacity are employed). In the activity center, all materials, equipment, interim product, finished products, and by-products shall be stored indoors. In the activity center, parking areas for heavy equipment and vehicles shall be completely screened from view from adjacent buildings and from all streets and roads.

d. Electrical: Electrical applies, electronic instruments and devices, television sets, radios and phonographs.

e. General: Products manufactured from the following previously prepared materials; bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals, or stones, shell, textiles, tobacco, wax, wood (except where saw planning mills are employed) and yarns. In the activity center, all materials, equipment, interim products, finished products, and by-products shall be stored indoors. In the activity center, parking areas for heavy equipment and vehicles shall be completely screened from view from adjacent buildings and from all streets and roads.

(5) Public utility uses and structures. Any public utility building or structure, including storage yards. In the activity center, all outdoor storage and heavy equipment parking areas shall be completely screened from view from adjacent buildings and from all streets and roads.

(6) Publicly owned or regulated water supply wells of less than eight inches in diameter in accordance with the potable water wellfield protection requirements the Land Development Code Chapter 98, article V, Code of Ordinances, as it may be amended from time to time.

(7) Communication towers up to a height of 70 feet are permitted in accordance with Chapter 82, Code of Ordinances, as it may be amended from time to time.

(8) One dwelling unit, in conjunction with a permitted use, providing that the unit is necessary for safety or security purposes and providing that the unit is incorporated within the principal structure.

(9) Essential utility services.

(b) Conditional uses. Additional regulations/requirements governing permitted conditional uses are located in sections 110-817 and 110-1102 of this chapter.

Communication towers greater than 70 feet in height, in accordance with the requirements of Chapter 82, Code of Ordinances, as it may be amended from time to time.

Public markets.

Publicly or privately owned municipal or public water supply wells of eight inches diameter or greater.

(c) Dimensional Requirements

	I - *Industrial*
Minimum lot size[1]	
Area (sq. ft.)	20,000
Width (ft.)	100
Minimum yard size[2]	
Front yard (ft.)	50
Rear yard (ft.)[3]	20
Side yard (ft.)[3]	10
Side and Rear yard abutting residentially zoned property (ft.)	35
Maximum building height (ft.)[4]	75
Maximum lot coverage (%) *(with principal and accessory buildings)*[5]	40
Maximum floor area ratio (F.A.R.)	1.0

[1]Except that in the Activity Center each Industrial classified lot shall be a minimum of one and two-tenths acres of net land area and have a minimum width of 100 feet.

[2]Measured from the front, rear, and side wall of the main structure to the road or street-right-of-way line, rear and side lines of lot or parcel of land respectively, eaves and steps shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot or easement.

[3]For buildings over 35 feet in height the side and rear yard shall be increased by one foot of yard for each foot of building height over 35 feet.

[4]In the Activity Center, buildings having a height over 55 feet shall provide perimeter landscaping and visual screening that is 50 percent higher both at the time of planting and within three years than the minimum height requirements of Article VIII, Section 110-808, Landscaping Requirements.

[5]Swimming pools and screened enclosures are excepted from this provision.

(d) Off-street parking regulations. See section 110-828.

(e) Landscape buffer requirements. Landscape buffer areas meeting the requirements of section 110-808 shall be constructed, except for the increased requirements noted above in the activity center.

(f) Final Site Plan requirements. Final Site Plan approval meeting the requirements of Article III of the Land Development Code, Ordinance No. 96-25 [Chapter 75, Code of Ordinances], as it may be amended from time to time, is required.

(g) Types of signs permitted. Signs are permitted in accordance with the requirements of the city's sign ordinance, Ordinance No. 12-97 [chapter 102, Code of Ordinances], as it may be amended from time to time.

(h) General provisions, exceptions and prohibitions.

(1) See article VIII .

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

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

The PUD classification has been divided into four (4) sub-classifications for land uses of residential, business, industrial and mixed use.

PUDs that were in existence prior to the effective date of this Chapter [November 16, 1998] shall continue in accordance with their original approval and shall be deemed to be lawful conforming land uses. To the extent of any specific amendment to these PUDs, the amendment must comply with the requirements of this Chapter. Terms previously used in said the approved PUDs may continue to be employed.

(b) Permitted principal uses and structures. The permitted principal uses and structures shall be those agreed upon by the City Commission.

A Residential Planned Unit Development will be indicated on the Official Zoning Map with the symbol RPUD. The permitted uses within an RPUD may be applied from any of the residential zoning classifications of this Chapter and shall be listed in the Development Agreement, and depicted as part of the PUD plan. All uses shall be approved by the City Commission.

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

An Industrial Planned Unit Development will be indicated on the Official Zoning Map with the symbol IPUD. The permitted uses within an IPUD may be applied from the Industrial zoning classifications of this Chapter and shall be listed in the Development Agreement, and depicted as part of the PUD plan. All uses shall be approved by the City Commission.

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

(c) Dimensional requirements.

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

(d) Minimum lot area and yard requirements. Minimum lot sizes, width, and yard areas shall be described in the Development Agreement. In determining yard sizes, the City Commission shall consider whether or not the proposed PUD will have adverse effects upon adjoining properties.

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

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

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

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

(i) Thresholds for traffic impact and analysis report. A transportation impact analysis (TIA) report shall be required for any project that is anticipated to generate in excess of 1,000 trips per day, as defined by the current edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual or if a PUD is located in an area that has traffic safety or congestion concerns. The contents of the transportation impact analysis report shall, at a minimum, be consistent with a locally accepted methodologies.

(j) Types of signs permitted. Signs are permitted in accordance with the requirements of Chapter 102, Code of Ordinances, as it may be amended from time to time. No variances or waivers of Deltona Sign Code requirements shall be authorized.

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

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

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

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

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

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

(4) Procedure for rezoning to PUD.

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

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

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

aa. Evidence of unified ownership and control.

bb. Statement agreeing to:

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

2) Provide appropriate performance and maintenance guarantees;

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

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

dd. Maximum density for each type of dwelling.

ee. Maximum building heights.

ff. Minimum building spacing and floor areas.

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

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

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

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

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

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

mm. Environmental considerations.

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

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

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

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

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

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

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

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

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

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

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

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

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

ii. Approximate location and size of common open space.

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

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

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

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

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

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

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

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

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

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

hh. General location of signs.

ii. Environmental considerations.

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

(5) Post-approval stage.

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

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

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

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

Sec. 110-320. EO, Enterprise Commercial Overlay District.

(a). Purpose. Gateway corridors serve as primary entrances to The City of Deltona. The Enterprise community has recognized historical significance. The purpose of this section is to ensure the design of non-residential sites, landscaping, site appurtenances, and building architecture at the gateways to Deltona and Enterprise along Doyle Road, DeBary Avenue, and Enterprise Road near and within the Enterprise Community is consistent with the historical character of Enterprise. Gateway areas are the area within a 1/4 mile radius of the intersection of I-4 and DeBary Avenue, and the area within a 1/4 mile radius of the intersection of Providence Boulevard with Doyle Road/DeBary Avenue.

(b) Basis guidelines, elevated guidelines and applicability. Basis guidelines consist of existing, or hereafter amended, development guidelines presently contained in the City of Deltona Code of Ordinances and/or Land Development Regulations.

Elevated guidelines consist of development guidelines hereafter set forth in sections 110-320(c) and 110-320(d). In case of a conflict in the applicability of guidelines, the most stringent and restrictive shall apply.

(c) Elevated architectural guidelines.

(1) Applicability. The architectural guidelines shall apply to all new development and redevelopment within the Enterprise area, and gateways to both Deltona and the Enterprise community, except for additions, renovations, replacement or redevelopment of an existing structure or project, where the cost of such additions, renovations, replacement or redevelopment does not exceed 50 percent of the value of the existing structure(s), or 35 percent of the square footage of the existing structure(s), unless the use of the structure(s) or project has ceased for a period of more than 365 consecutive days, or unless cumulative additions, renovations, replacement or redevelopment initiated during any five-year period meet the thresholds listed above, whereupon the provisions herein shall apply.

(2) Submittal and approval requirements. The architectural guidelines shall be monitored and enforced by the City of Deltona. All development proposals shall be submitted to the city for approval in accordance with all applicable laws, rules and ordinances. No development proposal shall be submitted to the city that does not comply with all applicable requirements. Deviations from these requirements shall require a variance approved by the city commission in accordance with the ordinance procedures and standards for zoning variance.

(3) Elevated guidelines (appearance criteria). Compliance with the intent, guidelines and provisions of this ordinance shall be as provided for below:

a. *Architectural style and application.* It is the intent of this ordinance to ensure a harmonious streetscape and compatibility between structures within the Enterprise Road/Doyle Road/DeBary Avenue corridors, and at the Deltona/Enterprise gateways at the intersections of Deltona Boulevard and DeBary Avenue and Providence Boulevard with Doyle Road and DeBary Avenue, sympathetic and respectful of commercial structures in and around Enterprise, which will serve as a guide for the aesthetic of new development. The styles that accomplish this are the Florida Cracker, a subset of the Florida Vernacular, and the Florida Victorian. (Examples of Interpretation, Figure 1)

1. Structures shall reflect similar styles, materials, details and colors.
2. In the, the following guidelines shall be implemented for new structures and renovations.
3. All construction shall conform in street orientation and massing to pre-approved site plan.

b. *Building mass.*

1. For structures less than 5,000 square feet in gross building area on the ground floor, no uninterrupted horizontal length of a building facade shall exceed 20 linear feet.
2. For structures greater than 5,000 square feet in gross building area on the ground floor, no uninterrupted horizontal length of a building facade, (defined as the front of a building), shall exceed 35 linear feet.
3. Blank wall areas for each floor-to-floor relationship (those without relief or uninterrupted) shall incorporate the use of landscaping to break up the monolithic appearance of such areas. Blank wall areas uninterrupted by landscaping shall not exceed ten feet in vertical direction or 20 feet in horizontal direction of any building facade.
4. Elements acceptable for the interruption of blank wall surfaces are: Belt courses, Trim Bands, and related horizontal and vertical recessed and protruding elements.
5. For structures where verandahs, (defined as a usually roofed open porch on the exterior of the building), have been included, a change from grade to finish floor of structure of 12" will be included in the design.

c. *Design detail.* Buildings shall be designed to enhance the attractiveness of the city's streetscape. Buildings shall, through use of architectural details and scale, have architectural features and patterns that provide visual interest from the perspective of the pedestrian and the motorist. The following techniques shall be incorporated into building design in order to accomplish such requirements (see Illustration No. 2):

1. All buildings shall be required to provide the following exterior design elements:
   a) Canopies or porticos, integrated with, and responsive to, building massing and style at entryways - see 1.1.3.3 (D).
   b) Trim elements of appropriate materials and profiles at entries and fenestration.
2. building elevation configurations and techniques: For structures greater than 5,000 square feet in gross building area on the ground floor, eaves, cornices, facades shall include detailing, (i.e. raised access bands, cap elements, etc.), emphasizing horizontal lines.
3. Windows (may be active or fixed) shall be placed along at least 50 percent of any facade that is visible from a public right-of-way. Windows shall be recessed (set to the

inside of the building face wall) and shall include prominent sills and some form of framing or trim as outlined below. Examples of Interpretation, Figure 2)

a) Windows at street level elevation shall be un-tinted.

b) Windows shall be of square, vertical proportion, or horizontal.

c) Windows shall be divided lite (true or simulated). Picture pane and storefront glazing will not be allowed.

- Simulated division of windows requires full profile muntins, (defined as the strip separating panes of glass in a sash).
- Windows immediately adjacent to commercial entrances shall have a sill height of between 12" and 36" above finish floor.
- No window on any facade shall be lower than 12" above finish floor.

d) One accent window with decorative glass per building facade may be circular or hexagonal. Additionally, each facade of a cupola or entry tower may act as a facade for this window type, i.e. a six sided cupola may have six accent windows of either circular of hexagonal shape.

e) Windows in stucco or wood facades shall have molded or squared casings, respectively, keeping with the architectural style of the structure.

f) Windows in brick facades shall be trimmed with brick moldings but not cased. Windows in brick facades shall have either brick jack or segmented arches and classic brick sills, preferably a molded shape, not rowlock or headers.

g) Palladian semi-circular window arches are not allowed.

h) Retail frontages, which require storefront styled window areas, can use exposed steel, or aluminum clad in wood.

d. *Entryways/customer entrance design.* Entryways shall be designed to provide project focal points. Entryways shall be designed in accordance with the techniques listed below. In the event that the entryway is not oriented toward the major road that, as determined by the city, provides access to the building, the side of the building facing such road shall also be designed to comply with item a. below.

1. Entryways shall be differentiated from the remainder of the facade through at minimum the use of color, change in materials, application of architectural features (arches, columns, colonnades, etc.), setbacks, offsets, level changes and the like.

2. Entryway design shall incorporate landscaping, landscape planters or wing walls with landscaped areas.

3. Entryway areas shall be provided with structural or vegetative shading features and benches or other seating components.

e. *Building orientation.* Buildings shall be oriented so as to enhance the appearance of the city's streetscape. This requirement shall be met by incorporating the following techniques into project design and shall be approved in site plan development review.

1. Buildings shall be designed and oriented so the entrance is visible from the public road from which driveway access is provided.

2. Either each the building's primary facade shall face parallel to the public road from which driveway access is provided, or each facade, which is clearly visible from a

public right-of-way, or public area of adjoining properties shall be designed with full architectural treatment.

3. Building orientation shall be such that service areas are placed out of view from public rights-of-way, parking areas and adjacent properties. Structural screening and/or landscape screening to comply with these guidelines shall be used to visually encapsulate service areas.

f. *Exterior materials and colors.* Exterior building materials and colors contribute significantly to the visual impact of a building on a community, which, in turn, individually and collectively reflect upon the visual character and quality of a community. In order to project an image of high quality city aesthetics, building materials and colors shall conform to the following requirements: (Examples of Interpretation, Figure 3)

1. All buildings shall be faced with materials that exhibit a durable, high quality appearance.

2. Materials shall be of a low maintenance type, retaining a consistent, clean appearance.

3. Generally accepted exterior facing materials shall relate to the mass of the structure and be prioritized in their use based on square footage as follow:

a) For structures less than 5,000 square feet in gross building area on the ground floor acceptable materials shall include on all facades that are or will be exposed to the general public:

Wood

Cellulose fiber - reinforced cement building boards.

Brick

Stone

Stucco, if used shall be flat finish or sand finish.

b) For structures greater than 5,000 square feet in a gross building area on the ground floor acceptable materials shall include on all facades that are or will be exposed to the general public:

Wood

Cellulose fiber - reinforced cement building boards.

Stucco, if used shall be flat finish or sand finish.

Brick

Stone may be used at foundations and structural pier locations.

c) Two wall materials may be combined on any facade, up to all four facades, horizontally. The visually heavier facade material must be below and can cover the first third of the overall wall height only.

4. Exterior colors shall not be specifically limited, but shall be consistent with historically appropriate tones and hues, as is consistent with paint manufacturer's produced palettes of historic colors and combinations on file with city staff. Variation from established combinations should be discouraged. Corporate colors not included on historic palettes, shall be limited to logo signage only.

5. Building materials and colors shall be consistent around the entire building.

6. Metal building structures are acceptable if clad in the approved materials as outlined above.

g. *Reserved.*

h. *Roof design and materials.* Roof features shall be in scale with the building's mass and complement the character of the structure, developments and neighborhoods. Roofs shall be constructed of durable, high quality materials in order to enhance the appearance and attractiveness of the community. Roofs shall incorporate the design elements and materials listed below: Examples of Interpretation, Figure 4)

1. For structures less than 5,000 square feet in gross building area on the ground floor the design of roof structures shall be of flat, hip, or gable. If roof surface is visible, hipped or gabled, the material shall be metal standing seam or "V" crimp.

2. For structures greater than 5,000 square feet in gross building area on the ground floor the design of roof structures shall be flat with parapet wall. The parapet wall and cornice shall include decorative caps and brackets that do not act as waterproofing elements.

3. Parapets when provided will be broken with a minimum of one stepped pediment articulated with a centered entry below or no more than two per 50' of length centered on a main entry below and centered over side windows.

4. Roof-like appurtenances such as false roofs, parapets and other similar features may be allowed if, such features are required for mechanical equipment screening or acoustical control that cannot be accomplished through utilization of approved roof styles. Application of such-roof like features shall be accomplished in such a manner as to minimize the appearance of a flat roof design.

5. Roofs shall be designed to be of such height, bulk and mass so as to appear structural even when the design is non-structural.

6. Cupolas shall only be included on roof structures when windows are for natural light illumination of a space beyond or through louver venting of an attic volume.

7. If the use of a flat roof is desired, the exterior of the building shall be clad in brick or stucco.

i. *Fence and wall design.* Design and construction quality of fences and non-building walls are important visual reflections of community character and quality. In order to promote quality site aesthetics, fence and wall design and construction shall comply with the following requirements:

1. Fences and walls, whether required for project approval or whether incorporated into overall project design, shall be designed as an integral part of the principal structure(s). Such design shall include the use of similar materials, colors and finishes as the principal structure.

2. Fences and walls shall be architecturally designed with offsets, raised elements and landscape pockets to avoid an expansive monolithic appearance.

3. Chain link fencing, plastic fencing panels, and vinyl fencing is not permitted.

j. *Perimeter planting.* Plantings located around the perimeter of buildings enhance site aesthetics and increase green space. All projects shall incorporate perimeter plantings into project design in accordance with the requirements listed below:

1. This section supplements and does not supercede the City of Deltona Landscaping Code requirements. All minimum requirements of the City of Deltona Landscaping Code must be met, notwithstanding anything to the contrary that may be contained in this section.

2. Perimeter landscape plantings shall be located adjacent to the primary facade(s) and along any blank facade wall areas that are, or will be, exposed to the general public. Such plantings shall also be included at entrance areas, plazas and courtyards.

3. Perimeter landscaping shall consist of a combination of trees, palms, shrubs and ground covers. Planting material type, size and spacing shall, at a minimum, be consistent with the requirements of the city's tree and landscape ordinance.

k. *Screening of mechanical equipment.* Lack of, or inadequate screening of, mechanical equipment can have negative visual impacts on the city's streetscape, ambient landscape or community image. Such impacts shall be minimized through compliance with the following requirements:

1. Mechanical equipment located on the ground, such as air conditioning units, heating units, satellite dishes, irrigation pumps, propane tank displays and refilling areas, utilities lift stations and the like shall be screened from public view. Screening shall, at a minimum, be at the same height as the equipment. Structural screening shall be architecturally integrated into the overall project design and shall be compatible, in terms of style, construction materials, colors, and finish, with the principle structure(s). Landscaping may be substituted for structural screening if plantings are compatible with the landscape plan for the project and are of such size and maturity as to be able to provide a fully opaque screen at time of planting.

2. Equipment and appurtenances mounted on rooftops shall be kept to a minimum. All exposed rooftop mounted equipment and appurtenances shall be fully screened from view from any public right-of-way. All screening shall, at a minimum, be at the same height as the equipment and appurtenances. Screening shall be an integral part of the design of the building(s) and shall be architecturally consistent with the style, colors, construction materials and finish of the building(s).

l. *Lighting.* Lighting fixture design and placement are important components of an attractive urban environment as well as important to public safety. In order to enhance site aesthetics and minimize visual distraction, yet maintain adequate public safety, project lighting shall comply with the requirements listed below:

1. An exterior building and site lighting master plan detailing areas and structures requiring illumination, lighting fixture styles, light source and light levels shall be included as part of a project's submittal for approval.

2. Recessed lighting fixtures shall be required in order to conceal the actual light source, reduce glare and direct light to specific areas while shielding other areas.

3. Lighting of parking areas, access drives and vehicular circulation areas shall be as follows: See 719.04(d).

4. Neon lighting and fiber optic lighting, signs, or company logos/slogans, or neon or fiber optic lighting of any use is not permitted.

5. Building illumination and architectural lighting shall be indirect and with no visible light source.

6. Ground level light fixtures shall be of the burial vault type or shall be fully screened by landscaping materials.

7. Lighting fixtures will not create ambient lighting or trespassing lighting scenarios.

m. *Utilities.* The location and aesthetic treatment of utilities is an important factor in creating an attractive urban environment. In order to enhance and maintain the image of quality in the urban environment, utilities construction and placement shall comply with the following requirements:

1. All utility lines, whether new or relocated, shall be installed underground.

2. Utility conduit and utility panels/boxes shall be painted to match the color of the building on which they are placed. Additionally, panels/boxes shall be located on the same facade considered the service side or entrance.

3. Water and sewer lift stations, pump houses and similar features shall be located at the rear of the project site and shall be fully screened from view by structural or vegetative means. Where screening is accomplished structural means, such screening shall be compatible in design and color with the main building.

n. *Outdoor storage.* Outdoor storage areas are not permitted.

o. *Accessory uses and structures.* Structures and uses accessory to principle structures and uses shall be integrated into project design in a manner such that they will not detract from site aesthetics. Such structures and uses shall comply with the requirements listed below:

1. Accessory structures shall be designed and constructed so as to be compatible, (i.e. similar in style and image), with the architectural design of the principle structure(s). Exterior finishes, colors and materials on accessory structures shall be similar to those used on the principle structure(s).

2. Outdoor display and sales areas are not permitted.

3. Site furnishings such as benches, bicycle racks, newspaper racks, trash receptacles and the like shall be compatible with the architectural design of the principle structure. Permanent shopping cart storage shall be contained within the principal structure. Any site furnishings as listed above will be painted black, so as to blend in with the existing landscape and environment.

4. Except for cellular and other communications towers and antennas that shall be regulated pursuant to Chapter 82 of the Code of Ordinances, as it may be amended from time to time, no accessory wireless communications towers or antennas are permitted within these guidelines for the Enterprise Commercial Overlay District to be ground mounted, (i.e. placed on concrete pads with appropriate anchoring systems on grade). Dishes and antennas required for the operation of the principal business will be located on a roof structure and will not visible from the R.O.W. Such placements shall comply with the following requirements:

a) For facilities mounted on an existing or new building, the tower, and antenna must be of a color that is identical to, or closely compatible with, the color of the building so as to make them as visually unobtrusive as reasonably possible. In addition, supporting electrical and mechanical equipment shall be screened from view or camouflaged.

b) No such wireless telecommunication antennas shall exceed 20 feet in height from the top of the building, existing tower or other structure.

c) For all wireless telecommunication antennas mounted on an existing building, the maximum height of such antenna's support structure shall not exceed ten feet from the top of the building.

d) The diameter of roof-mounted dish antennas shall not exceed 12 feet, provided that no such antenna shall be visible as stated in 1.1.3.3(O)4. and the color, location and design shall blend into and not detract from the character and appearance of the building and surrounding properties.

e) The diameter of a tower-mounted dish antenna shall not exceed four and one-half feet.

f) Aesthetic effects, devices and techniques. The purpose of this subsection is to assist the city in determining whether or not a proposed tower is camouflaged and/or concealed appropriately in a given area. The applicant shall submit the following documentation:

- Colorized pictorial representation, artist rendering, or similar representation drawn to scale.
- Design specifications of the various proposed techniques (if drawings, plans and/or other graphic representations are included, they shall be drawn to scale).
- A corresponding statement explaining what the nature and character of the area is within which the tower is proposed with respect to land use, surrounding environment, building heights and design, and how the proposed camouflaging and/or concealment agent(s) will blend in and harmonize with the nature and character of the area.

(d) Elevated site guidelines. Elevated guidelines shall consist of the following:

(1) Location and design of parking areas. All parking areas and access ways and driveways shall be designed in accordance with the requirements of the zoning and land development code of the City of Deltona, as they may be amended from time to time. Parking areas shall be located, designed and visually screened/landscaped so as to minimize potential impacts on adjacent property owners. Parking areas shall be located and designed so as to maximize traffic circulation patterns and minimize traffic hazards.

(2) Cross access. Driveways, curb cuts, parking and internal roadway/traffic circulation shall be designed so that uninterrupted vehicular access from parcel to parcel is achieved. Cross access easements shall be provided as detailed elsewhere in this section and in the Deltona Land Development Code.

(3) Pedestrian access. A clear, safe and convenient pedestrian path shall be provided from the sidewalk along the corridor right-of-way to the main entry door of each principal structure. The pedestrian path shall be functionally delineated by using construction materials that are different than the materials used for the construction of the parking area (e.g., use of brick or concrete for the pedestrian access when the parking lot is an asphalt surface). Sidewalks shall meet the minimum design and construction standards for sidewalks contained in the Deltona Land Development Code, as it may be amended from time to time. Bikeways and other bicycle facilities shall be provided as required by the Deltona Comprehensive Plan and the Deltona Land Development Code, as they may be amended from time to time.

(4) Lighting. General - Recessed lighting fixtures shall be required in order to conceal the actual source of the light so as to reduce glare and direct the light to specific areas while shielding other areas. Lighting shall be of the metal halide type.

a. Backlighting--Backlit awnings/canopies are not permitted.

b. Parking areas--Parking lot lighting shall be designed as follows:

1. Light poles shall be located only within landscaped strips, interior landscape islands, or terminal landscape islands. Light poles are not allowed in corridor buffers.

2. Illumination on to adjacent properties shall not exceed one foot-candle.

3. The maximum height of the light pole shall be 20 feet, including the basis.

4. The minimum setback of the light source from the property line shall be a horizontal distance of ten feet.

5. The character of style selected for the Enterprise Commercial Overlay District will be used on all properties for all structures through the entire visible surrounding area of the Enterprise Commercial Overlay District. Examples of acceptable styles are included as Figure 5.

(5) Outside storage. No outside storage of materials, equipment or merchandise shall be allowed.

(6) Utilities. All utilities, new or relocated, shall be installed underground. Underground utilities shall be installed in accordance with the procedures and requirements of the City of Deltona Land Development Code, as it may be amended from time to time.

(7) Screening (roof top). All roof top equipment shall be screened from public view. The screen shall consist of a material, and shall be designed, so as to be compatible and consistent with the building on which the equipment is located and in keeping with the architectural portion of these guidelines.

(e) Examples of interpretation. Figures referenced in sections 110-320(c) and 110-320(d):

Figure 1 (Referenced in 1.1.3.3(A) Architectural Style and Applicability)

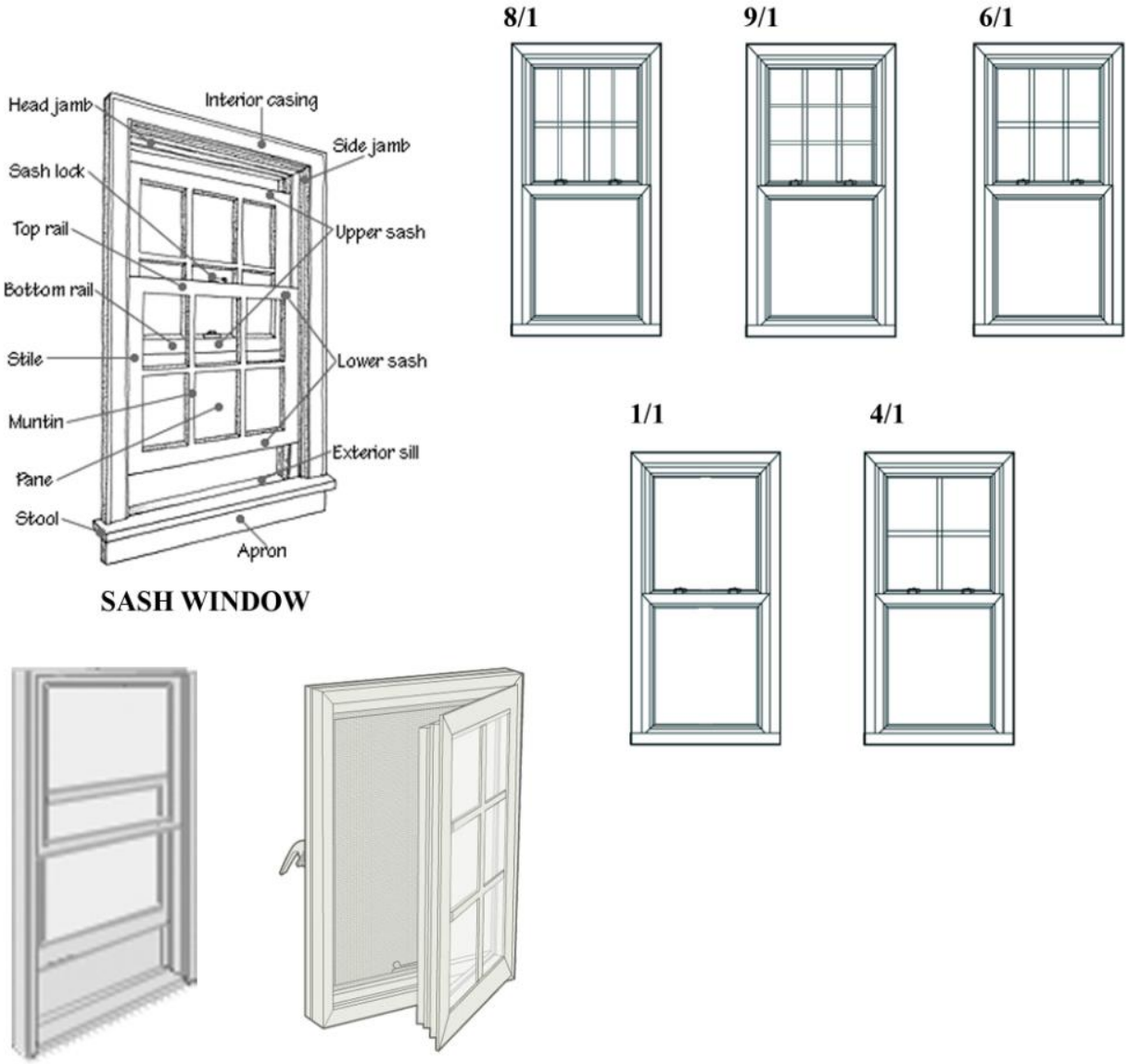


Figure 2 (Referenced in 110-320(c)(3)c. Design Detail)

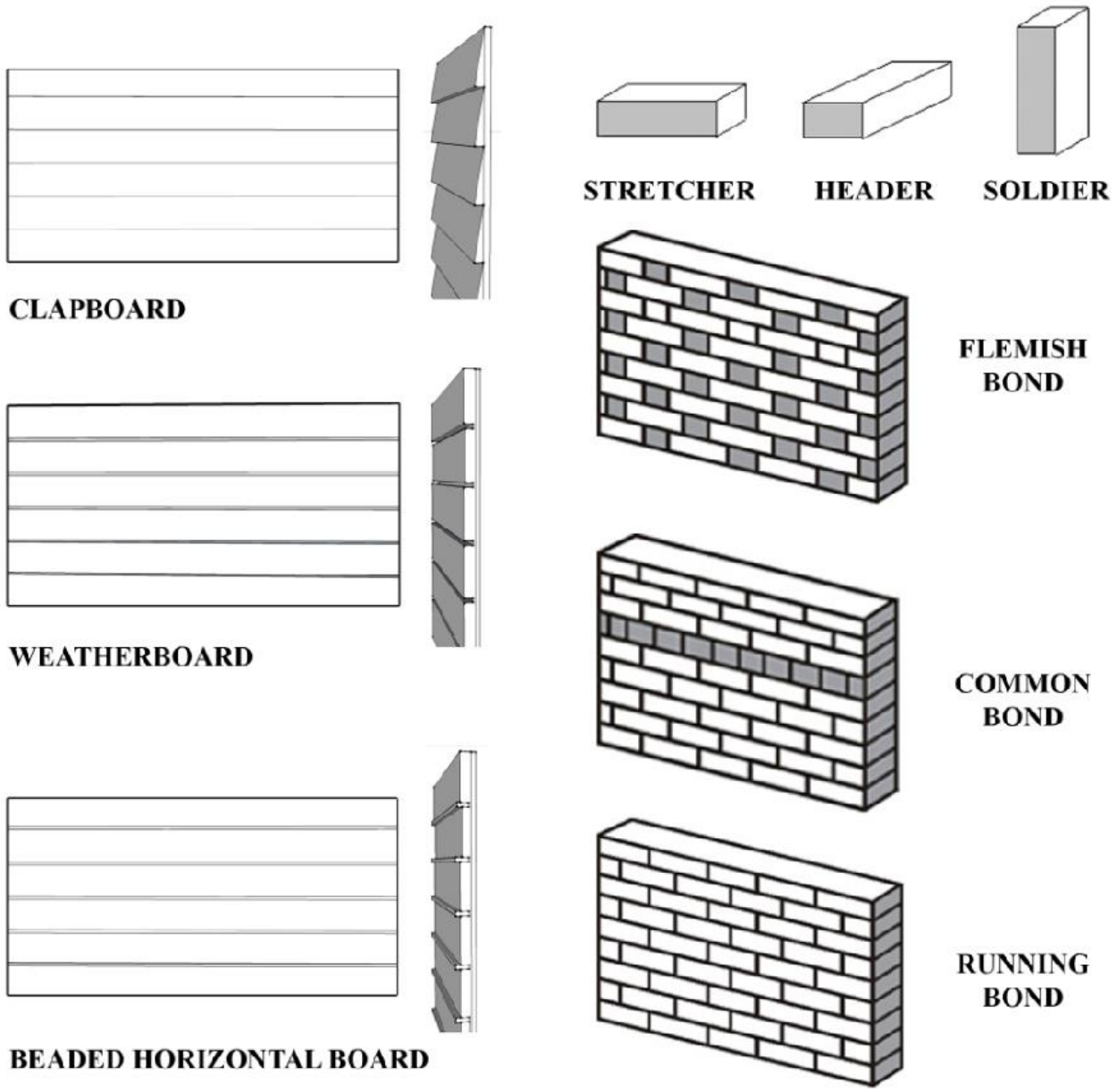


Figure 3 (Referenced in 110-320(c)(3)f. Exterior Materials and Colors)

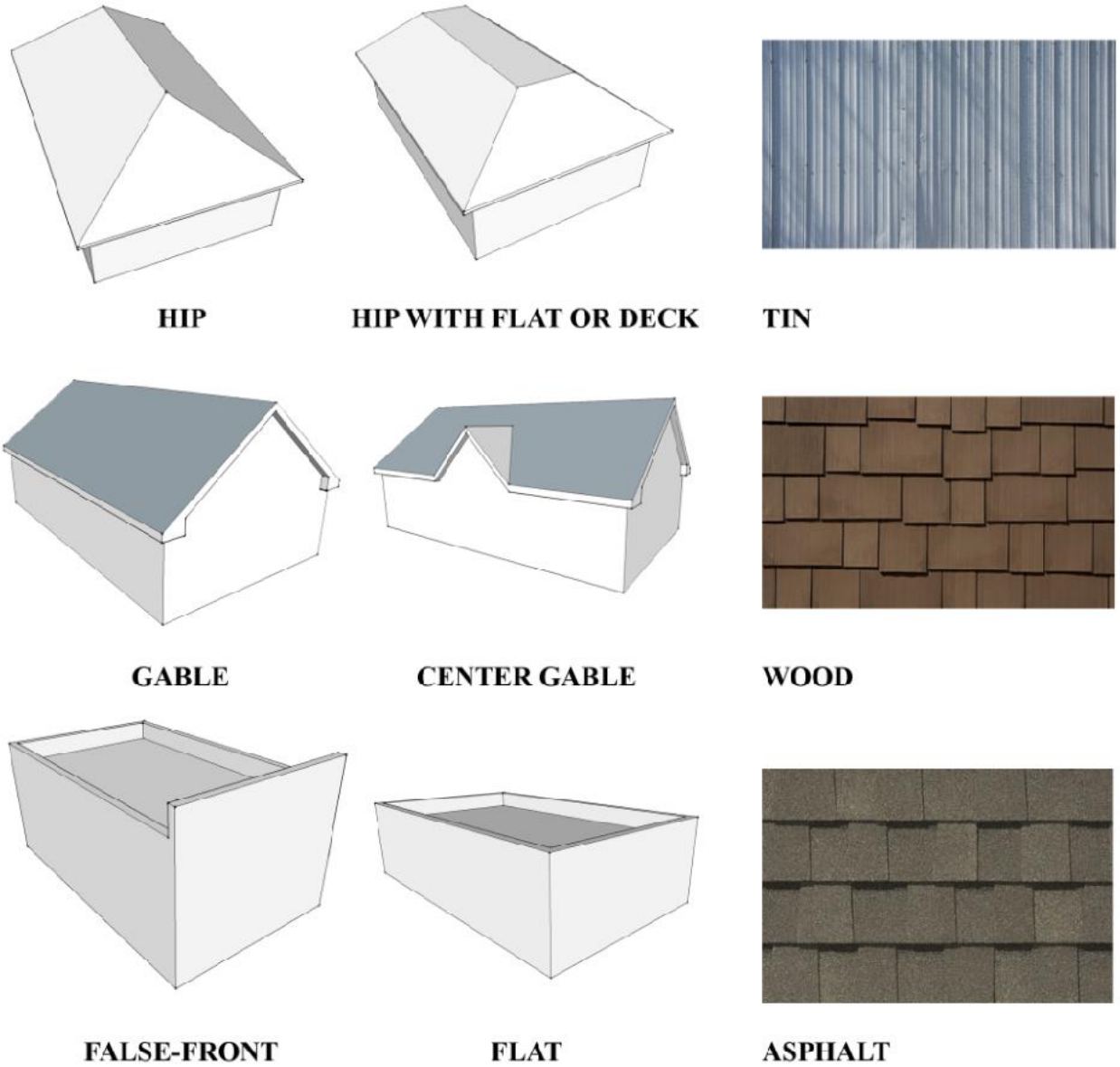


Figure 4 (Referenced in 110-320(c)(3)h. Roof Design and Materials)

This is an example only for reference of acceptable aesthetic style. This specific style may not be able to meet the city light code.

ARTICLE IV. RULES OF INTERPRETATION OF CLASSIFICATION BOUNDARIES

Sec. 110-400. Interpretation of classification boundaries.

The following rules of interpretation shall be used to locate the classification boundaries shown on the official zoning map:

(a) Boundaries following streets. Boundaries following, or approximately following, the centerlines of streets shall be construed to follow those centerlines. If a street is vacated, the classification boundary shall be construed to remain in its location, except when ownership of the vacated street is divided other than at the center, in which case, the boundary shall be construed to move with the ownership.

(b) Boundaries following lot lines. Boundaries following, or approximately following, lot lines shall be construed to follow those lot lines.

(c) Boundaries following city limits. Boundaries following, or approximately following, city limits shall be construed to follow those city limits.

(d) Boundaries following railroad lines. Boundaries following, or approximately following, railroad lines shall be construed to follow the centerline of the railroad right-of-way. If a railroad right-of-way is vacated, the classification boundary shall be construed to remain in its location; except when ownership of the vacated railroad right-of-way is divided other than at the center, in which case, the boundary shall be construed to move with the ownership.

(e) Boundaries following water bodies. Boundaries following, or approximately following, the shorelines of water bodies shall be construed to follow and move with those shorelines. Boundaries following, or approximately following, the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow and move with those centerlines.

(f) Boundaries entering any body of water. Boundaries entering any body of water, but not continuing to intersect with other zoning boundaries, shall be construed to extend in the same direction in which they entered the body of water, until they intersect with other zoning boundaries.

(g) Increase of Incorporated Area by Municipal Annexation. If city limits change through annexation, no different use may be made of the property annexed until an appropriate zoning classification for it has been assigned in the manner prescribed by law.

(h) Reduction of Incorporated Area by Municipal Deannexation. If city limits change through deannexation, classification boundaries shall be construed to move with the city limits.

(i) Boundaries parallel to or extensions of above features. Boundaries apparently parallel to or extensions of the features indicated in subsections 110-400(a) through 110-400(h) above shall be construed to be parallel to or extensions of those features, as the case may be.

(j) Other cases. Boundaries splitting existing lots in subdivisions and any other boundaries not determined by the above rules shall be determined by reference to the expressed distances on or the scale of the official zoning map. In instances where boundaries, other than resource corridor boundaries, split existing lots, parcels or other tracts of land, the minimum yard and other requirements of the respective zoning classifications shall be measured from the classification boundary. If the existing lot will not accommodate any of the uses permitted in the multiple classification indicated thereon, a rezoning to an appropriate classification shall be required.

In instances where resource corridor boundaries split lots, parcels or other tracts of land, and when that area of the lot classified as resource corridor has less than 25 acres of area, principal and accessory structures shall be located on the area not classified as resource corridor utilizing the minimum yard requirements of the zoning classification of the area not classified as resource corridor as measured from the property line.

In instances where the structure cannot be located in the area not classified as resource corridor, the structure may be located in the area classified as resource corridor utilizing the minimum yard requirements of the resource corridor classification as measured from the property line.

(k) Administrative adjustment of zoning classification boundaries. Where the boundary of a land use designation accorded an individual parcel or lot by the future land use map of the comprehensive plan has been administratively adjusted in a manner which is consistent with the provisions of said plan, the corresponding zoning classification boundary shall not be realigned, nor shall it be interpreted as having been realigned, concurrent with the adjusted boundary of the land use designation except as provided for herein. Proposed realignment of any zoning classification boundaries so as to correspond to the revised boundary of a land use designation shall be processed in the manner required by section 110-1005 of this chapter unless the realignment of said zoning classifications is necessitated by the adjustment of the boundaries of the environmental systems corridor land use designation; provided, however, that the revised boundary of the land use designation does not adjoin land owned by a person other than the owner of the property for which the administrative adjustment of the land use designation boundary has been requested.

ARTICLE V. SCOPE

These regulations shall apply uniformly to all premises.

Sec. 110-500. Zoning affects all premises.

No premises shall hereafter be used or occupied and no principal building, accessory structure or sign shall be hereafter erected, constructed, moved or altered except in conformity with these regulations.

Sec. 110-501. Interpretation of uses and structures permitted.

If a use or structure is not expressly permitted in any classification, the enforcement official shall not permit such use or structure in the classification unless it is substantially similar to a use or structure otherwise permitted in the classification.

Sec. 110-502. Yard, lot coverage, floor area, and building height requirements.

Every principal or accessory structure to be erected upon a lot shall meet all yard, lot coverage, floor area and building height requirements of its classification unless otherwise expressly permitted by this chapter.

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

No part of a yard, or other required open space, or of the off-street parking or loading spaces for one structure, shall be included as part of a yard, open space or off-street parking or loading space requirements for any other structure.

Sec. 110-504. Reduction of lot area and width prohibited.

No lot existing on the effective date of this chapter [November 16, 1998] shall be reduced in area and width below the minimum requirements of its classification, except lots made up of combinations of nonconforming lots (refer to section 110-600(a)).

Sec. 110-505. Reduction of yards below certain minimum dimensional requirements prohibited.

No yard existing on the effective date of this chapter [November 16, 1998] shall be reduced below the minimum dimensional requirements of its classification.

ARTICLE VI. NONCONFORMITY

Sec. 110-600. Types of nonconformity.

Within the classifications established by this chapter, there may exist lots, uses of premises, or structures which lawfully existed before this chapter was effective [November 16, 1998] or amended, but which would be prohibited, regulated or restricted under the terms of this chapter. These nonconformities may continue in their present condition but shall not be enlarged, expanded, extended or used for adding other structures or uses prohibited elsewhere in the same classification, subject to the provisions of this section. There are three types of nonconformity:

(a) Nonconforming lots. Permitted principal and accessory structures can be built on any single nonconforming lot in any zoning classification, except as provided in this section.

(1) When, on the date of their adoption, the provisions of this chapter or any of its amendments make nonconforming two or more adjoining lots under single ownership, then those lots shall be joined together as necessary to create a conforming lot. When a conforming lot cannot be created by the joining of two or more nonconforming lots, the lots will be joined into a single building site to reduce their degree of nonconformity.

(2) Adjoining lots, under single ownership on the effective date of this chapter or any of its amendments, at least one of which is made nonconforming, shall not be further subdivided or sold separately. If they are separated to create one or more nonconforming lots, no building permits shall be issued to allow construction on them until they are re-joined under single ownership to form a single building site. Except that such lots may be combined, subdivided, or re-platted in a manner that results in conforming lots.

(3) When a nonconforming lot is so small that no permitted principal building can be built without variances, only the minimum variances needed to make use of the lot may be permitted. A variance application may be filed with the city in accordance with the variance procedures as cited in section 110-1103. Such variances to make use of a substandard lot shall not require the payment of administrative fees for processing and advertising.

(4) When a substandard lot or lot combination is so small that the granting of variances to permit the establishment of a permitted principal use would result in potential fire or health hazards, encroachments upon or nuisances affecting adjacent property, or an adverse impact on surrounding property values, no variance shall be granted to permit construction thereon.

(b) Nonconforming use of premises. In any classification, a lawful principal or accessory use of premises existing on the effective date of adoption or amendment of this chapter [November 16, 1998], but not permitted thereafter, may continue, or be resumed if destroyed, provided:

(1) It is not enlarged, increased or extended to occupy a greater area than was occupied on the effective date of adoption or amendment of this chapter;

(2) It is not moved in whole or in part to any portion of the lot other than that occupied by such use on the effective date of adoption or amendment of this chapter; and

(3) No additional structure is constructed or erected in connection with such nonconforming use.

This article shall not be construed to permit the continued parking of any vehicles or watercraft in violation of the applicable provisions of this chapter after its effective date [November 16, 1998]. (See also section 110-811 herein.)

(c) Nonconforming structure. In any classification, a lawful structure existing on the effective date of adoption or amendment of this chapter, that could not thereafter be built because of classification requirements, dimensional requirements other than density, or other requirements, may still be used, provided:

(1) It is not enlarged or altered in a way which increases its nonconformity. (It may be altered to decrease its nonconformity, however.)

(2) If the dwelling unit is damaged in excess of 50 percent, of its replacement value, as defined in section 70-30,any reconstruction shall comply with this chapter. Provided, however, if such dwelling is damaged through no fault of its owner, and its nonconformity is to the minimum square footage requirements, such structure may be rebuilt to the same or larger square footage, but otherwise in conformity with this code. Such home replacement that does not expand the non-conformity shall obtain a building permit within one year of the damages, otherwise the replacement home shall conform to the requirements of this code.

(3) If it is moved for any reason, or for any distance, it shall thereafter conform to this chapter.

(4) Nonconforming signs shall be subject to the regulations for such signs that appear in the Deltona Sign Ordinance, City Ordinance No. 12-97 [chapter 102, Code of Ordinances], as it may be amended from time to time.

(d) *Involuntary moves.* Subsections 110-600(b)(2) and 110-600(c)(2) are not intended to apply to involuntary movements of uses or structures as a result of condemnation actions or other litigation.

(e) *Actions of governmental agencies.* In any classification, should a governmental agency obtain after the effective date of this amendment a portion of a conforming lot for public purposes and thereby create a nonconforming lot, it may be possible to erect or construct on said nonconforming lot the principal and accessory structures otherwise authorized under these regulations provided that all other requirements of this chapter are met.

Sec. 110-601. Abandonment of nonconforming use of premises.

If a nonconforming use of premises has been abandoned for a period of six consecutive months, it shall not thereafter be reestablished. After abandonment of a nonconforming use, any future use shall conform to this chapter.

ARTICLE VII. RESERVED

ARTICLE VIII. SUPPLEMENTARY REGULATIONS

Sec. 110-800. Access control.

To promote the safety of vehicular traffic and pedestrians and to minimize traffic congestion and conflict, access to any project or development shall comply with the requirements of chapter 96, article II, Code of Ordinances, as it may be amended from time to time.

Sec. 110-801. Exceptions to minimum yard or lot coverage requirements.

Every part of every yard shall be open and unobstructed from the ground up, except as otherwise permitted by this chapter:

(a) Accessibility ramps needed to meet the current Florida Building Code accessibility requirements may encroach within any yard area. However, accessibility ramp encroachment into a yard area shall be minimized to the greatest extent possible.

(b) On any corner lot, no structure or shrubbery shall cause any obstruction to vision of motorists in accordance with the provisions for obstructions to vision in chapter 96, article II, Code of Ordinances, as it may be amended from time to time.

(c) In all zoning classifications, off-street parking lots may be in yards to the extent permitted by sections 110-828 and 110-811

(d) Fixed awnings may encroach on front yard setbacks as per Section 102-100(3).

(e) Projections of sills, belt courses, cornices, buttresses, ornamental features, chimneys, eaves, and other similar structures; provided, however, that none of the above mentioned projections may project into any yard more than 30 inches. If a yard is associated with a platted easement, then the terms of Section 110-803 may be applicable.

(f) Open or enclosed fire escapes, fire proof outside stairways, moveable awnings (when fully extended) and balconies may project into any minimum yard not more than three and one-half feet.

(g) All structures erected to protect or support fern or other agricultural crops are exempt from the yard requirements. All buildings erected to protect or grow nursery plants are exempt from the maximum lot coverage requirements in all of the agricultural zoning classifications.

(h) Those exceptions permitted in section 110-814 pertaining to automobile service stations.

(i) In all residential classifications, where a lot is situated between two lots, each having a principal building which projects beyond the minimum front yard requirements for its classification, its minimum front yard requirement shall be the average of the distance between the front lines and the fronts of the principal buildings on the adjacent properties.

(j) If, because of prior zoning regulations, or because of a unified plan of development, or for any other reason, a majority of the houses already constructed in a particular residential neighborhood observe a setback greater than that which is required by these regulations, the average setback actually observed shall apply to all new construction in that neighborhood, anything in these regulations to the contrary notwithstanding.

(k) On any nonconforming lot not more than 50 feet in width, that has a single-family zoning classification, the minimum side yard may be decreased to seven feet.

(l) On any lot with 50 feet or less of depth and at least 5,000 square feet of area, that has a single-family zone classification, the minimum front yard may be reduced to 12.5 feet and the minimum rear yard may be reduced to ten feet providing:

(1) The lot abuts a city or county arterial thoroughfare road;

(2) The lot was reduced in size by the action of the city, county, state or federal government;

(3) The lot is to be utilized only for a single-family residence and its accessory uses and structures; and

(4) The proposed single-family residence is to be connected to central water and sewer services.

(m) In all zoning classifications, package sewage treatment plants may be located in yards to the extent permitted by sections 110-816 and 110-817(a)(3).

(n) Reserved.

(o) On any lot which has a septic system or a septic system drain field located in the rear yard to meet the requirements of the city's lot fill and underground utilities ordinance, Ordinance No. 01-20, one minimum side yard may be reduced to five feet providing:

(1) The minimum distance separation between the principal building and the nearest adjacent principal building is not less than 12 1/2 feet; and

(2) The principal building does not encroach into a platted easement; and

(3) The reduction is the minimum necessary to provide a ten-foot clearance between the opposite side yard lot line and the projections, if any, of the principal building; and

(4) No equipment or accessory structures may be located within the opposite side yard or within ten feet of the opposite side lot line from the rear of the principal building on that side to a line representing an extension of the rear line of the septic tank drain field; and

(5) The change in setbacks is necessary to allow the passage to the rear yard of equipment that is necessary to maintain or replace the septic system.

Sec. 110-802. Boat docks and boathouses.

The following regulations shall apply in all residential zoning classifications:

(a) Boathouses and boat docks may be located in waterfront yards but shall not be permitted within 15 feet of any side lot line, or its extension into the water (see section 110-801(e), above). No boathouse extending into any waterway shall have more than 400 square feet area. The highest point of such structure shall not exceed 15 feet above the ordinary high-water mark.

(b) No more than one boathouse may be erected on an individual waterfront lot.

(c) Boathouses shall not be used for dwelling purposes or contain any sleeping or living quarters.

Sec. 110-803. Construction or Projections in platted easements.

(a) Principal and accessory structures and related projections, including driveways and swimming pool decks shall not be erected in platted easements unless the easement has been abandoned/vacated consistent with Section 58-32 – Section 58-37 of the City Code of Ordinances.

(b) However, the following improvements may be permitted in non-vacated/abandoned platted easements:

(1) Fences

(2) Boat docks, boat houses and walkways that traverse platted easements in a perpendicular manner.

Sec. 110-804. Erection of more than one principal structure on a lot.

In the A and RE-5 classifications, more than one principal structure may be erected on a lot; but only one principal standard or manufactured single-family or mobile home dwelling may be erected. In commercial, industrial conservation and public use classifications, more than one principal structure may be erected on a lot, provided that the requirements of this chapter shall be met for each principal structure as though it were on an individual lot, except hotels. In all other classifications, only one principal structure may be erected on a lot.

Sec. 110-805. Exceptions to height regulations.

Spires, belfries, cupolas, clerestory windows, antennas, water tanks, ventilators, solar panels, windmills, chimneys, penthouses or other similar accessory structures customarily required to extend above the roof level, may extend for an additional 20 feet above the maximum building height prescribed for the classification in which they are located. Antennas are permitted in accordance with chapter 82, Code of Ordinances.

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

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

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

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

d) *Materials.*

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

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

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

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

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

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

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

a. The nearest exterior wall of the dwelling;

b. The side street setback line; or

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

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

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

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

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

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

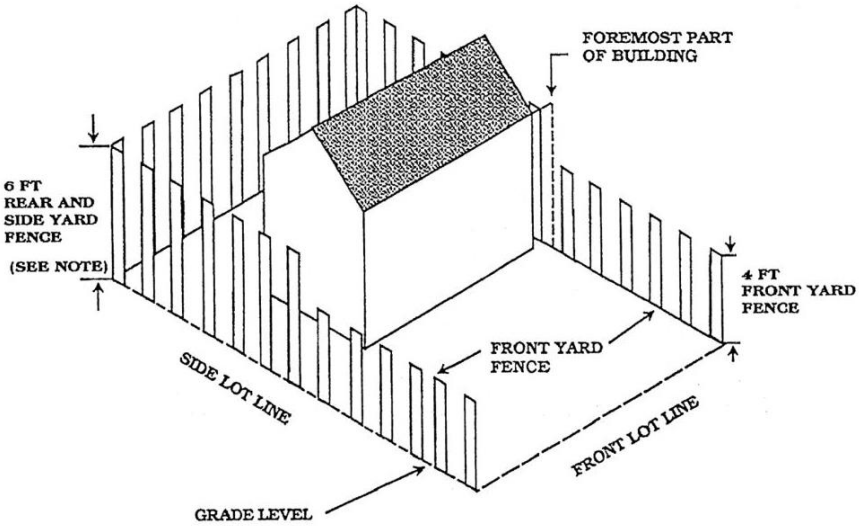
h) *Fences, walls, and hedges on vacant lots*. On vacant lots, the permitted fencing is the same as that for developed lots in the same zoning district. On vacant corner lots, fences, walls, and hedges shall be located only within the minimum allowable setback area. If a dwelling is added later, the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

i) *Non-conforming fences.* Unless it is integral or a necessary part of another structure, whether principal or accessory, at such time that an entire fence on a property is destroyed or planned to be replaced, the property owner shall obtain a building permit and locate the new fence in accordance with the provisions of the City Code. In cases where the fence is integral or a necessary part of the structure noted above, the type, size, and location of the fence may be replaced in-kind.

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

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

FENCING REQUIREMENTS



NOTE: ON TYPICAL LOTS, REAR YARD FENCES CANNOT EXCEED 3 FEET HEIGHT REARWARD OF THE PRINCIPAL BUILDING, EXCEPT WHEN THE STANDARD SWIMMIMG POOL CODE REQUESTS HIGHER FENCING.

Sec. 110-807. Home occupations.

(a) Home occupations shall have no employees on the premises. Only immediate family members for whom the premise in question is the family member's domicile may conduct the home occupation. For purposes of this subsection, the term employee shall include, but not limited to, independent contractors, volunteers and other non-paid workers.

(b) The home occupation shall be clearly incidental and subordinate to the residential use and shall under no circumstances change the residential character of the dwelling.

(c) The floor area devoted to the home occupation shall not exceed 25 percent of the floor area of the dwelling. However, up to 500 square feet in an attached or detached garage of a dwelling, or in any accessory building in an agricultural classification, may be used for a home occupation in lieu of floor space within the dwelling.

(d) There shall be no change in the outside appearance of the premises other than one unlighted nameplate no more than one square foot in area. Any sign shall be mounted flat against the wall of the building. There shall be no display that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling.

(e) Storage of stock in trade (i.e. materials or supplies used in the home occupation) shall be located within an enclosed buildings and within the space limitations in section 110-807(d). No products shall be displayed on the premises. No toxic/hazardous materials shall be stored on the premises.

(f) No mechanical equipment shall be used except such as is permissible for purely domestic and household uses. Further, no equipment shall be used in the home occupation which creates fire hazards, electrical interference, noise, vibration, glare, fumes or odors detectable to the normal

senses off the lot if the occupation is conducted in a single-family dwelling or mobile home dwelling, or outside the dwelling if conducted in other than a single-family dwelling or mobile home dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

(g) No vehicular traffic shall be generated by the home occupation in greater volumes than would normally be generated by the dwelling unit. For the purposes of this section the typical trip generation rates for each type of residential use are those specified in the latest edition Trip Generation, published by the Institute of Traffic Engineers (ITE). In an instance where two or more trip generation rates may apply to a particular land use the enforcement official shall determine the appropriate rate. In an instance where the Trip Generation Manual does not specify a rate for a particular proposed land use, the enforcement official shall determine a rate using a professionally acceptable source of information, or using the results of a professionally acceptable study that meets all of the requirements for such studies as outlined in Trip Generation and in other ITE publications.

(h) The home occupation shall not adversely affect the habitability or value of the surrounding properties nor alter the essentially residential character of the neighborhood.

(i). Any violation of these regulations may result in the revocation of any home occupation permit, in addition to any other remedy for such violation provided in this chapter or by law.

(j) The issuance of a permit to engage in a home occupation in accordance with this chapter shall not be deemed to be a change of zoning nor an official expression of opinion as to the proper zoning for the particular property.

(k) Agricultural home occupations shall be permitted as conditional uses in the A-1, Prime Agriculture classification. Agricultural home occupations include commercial land uses, as well as office uses and arts and handicrafts. Agricultural home occupations are permitted to have customers visit the premises, have employees on the premises, and have deliveries to the premises, subject to the conditions of their approval. Those agricultural home occupations that are covered by section 110-817, permitted conditional uses, are subject to the requirements of both section 110-817 and section 110-1006. All other agricultural home occupations shall be approved in accordance with the requirements of section 110-1006 that provides the procedures and standards for approval of conditional uses.

Sec. 110-808. Landscaping requirements.

(a) Application to development. The requirements of this section shall apply to all development within the City of Deltona. The requirements of this section apply to individual one- and two-family residential lots only to the extent that such lots are specifically addressed herein. This shall not be construed to exempt any residential developments that require approval from article II of the land development code, Ordinance No. 96-25 [chapter 106, Code of Ordinances], as it may be amended from time to time.

(b) Landscape plan and irrigation plan required. When the construction upon or the development of a new site or the redevelopment, reconstruction, upgrading, or expansion in use of a previously developed site will require a landscape plan and irrigation plan, the provisions of this section shall be applied to all landscaped areas required by this regulation consistent with the water-efficient landscaping standards established herein.

(1) *Landscape plan.*

a. The landscape plan shall graphically portray the layout of all landscape plant materials, turf areas, walls, fences and buffers, pavement and parking areas, curbing, structures, signs, easements, existing or proposed utility service lines and all other site improvements. The

landscape plan shall list the common and botanical name, container size, quantity and spacing of each item. The landscape plan shall indicate the total regulated landscape area and size of each water use zone by square feet. In addition, the landscape plan shall clearly indicate the location of existing vegetation which shall remain undisturbed. Any existing trees six inches DBH or larger proposed for removal shall be clearly indicated.

b. Low water use zone plant material shall comprise at least 20 percent of the total regulated landscaped areas. High water use zone plant material which includes most turfgrasses shall comprise no more than 40 percent of the total regulated landscape area.

(2) *Irrigation plan.*

a. Irrigation systems shall be designed to correlate to the organization of plants into zones as described above. A temporary above ground irrigation system may be used in areas where low water use zone plant material are proposed. All permanent underground irrigation systems shall be automatic with cycling capacity and shall be designed to avoid irrigation of impervious surfaces. Irrigation systems shall be maintained to eliminate waste of water due to loss from damaged, missing or improperly operating sprinkler heads, valves, pipes, or controllers.

b. The irrigation plan shall be submitted showing a detailed layout and description of a permanent underground irrigation system providing 100 percent coverage of all landscaped areas. The irrigation plan shall include information such as sprinkler head type, pipe size, radius of throw, valve and backflow preventer and rain sensor device locations, location of well or source of water and other relevant information for an irrigation system.

c. Installed trees and plant materials shall be grouped together into zones according to their water use needs. The water use zones shall correlate to the water use zone designations identified in the approved plant species list set forth in Figure I to this chapter. Plants with similar cultural (soil, climate, and light) requirements should be grouped together and irrigated according to their water requirements. Turfgrass shall be irrigated on a separate zone from trees, shrubs and ground cover beds.

d. All water use zones shall be indicated on the landscape plan and irrigation plan. A rain sensor device or switch shall be required on any newly installed automatic irrigation system to prevent irrigation during periods of sufficient rainfall. The use of low volume, emitter or target irrigation is preferred for trees, shrubs and ground cover. The use of irrigation systems shall comply with all water use restrictions imposed by law.

e. When an effluent reuse system is available to serve the premises and sufficient capacity exists, reclaimed water shall be used to irrigate any area required to be landscaped.

f. Irrigation systems shall be installed according to manufacturer's specifications and the Florida Irrigation Society Standards and Specifications for Turf and Landscape Irrigation Systems.

(c) Review and enforcement. The landscaping and irrigation plan shall be reviewed by the Planning and Development Services Department, and no building permit or development order shall be issued for any structure until the landscaping and irrigation plan is approved. Any person aggrieved by a determination of the zoning enforcement official under this section may appeal that determination in writing to the city commission within 30 days after the rendition of a determination.

(d) Approved plant species list. All plant material proposed to be installed on a site to meet the requirements of this chapter shall be site appropriate and selected from the approved plant species list set forth in Table 110-7 to this chapter. Use of any other plant material shall require prior approval by

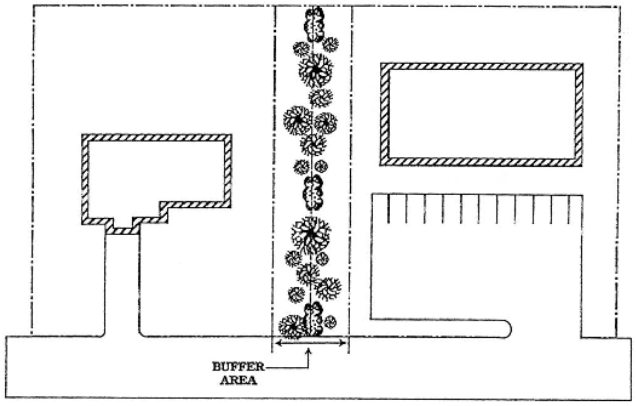
the enforcement official. The plants listed in Figure I to this part have demonstrated ability to grow and thrive in the Central Florida area.

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

(1) *General interpretation.* When more than one requirement applies to a specific land use or development, the most restrictive requirement shall apply.

(2) *Bufferyards.* Landscaped bufferyards shall be established between differing land uses around development project perimeters in accordance with the requirements of this section. These requirements shall be deemed the minimum necessary to achieve compatibility between land uses. Bufferyards shall be developed by each use classification based on existing contiguous land uses, zoning, or land use plan designation, whichever is most intense.

BUFFER AREA



(3) *Bufferyard requirements.* Bufferyard requirements shall be determined by subtracting the land use intensity factor of the least intense land use from that of the more intense land use as shown in the following table in this paragraph. Where two differing land uses are opposite each other across a right-of-way, the intensity factor shall be further reduced as follows:

Table 110-2 Reduction of Intensity Difference

Right-of-way Width	Reduction of Intensity Difference
60 feet or less	1
61 feet to 100 feet	2
101 feet to 150 feet	3
151 feet or more	4

However, all development adjacent to rights-of-way shall provide landscaping adjacent to the right-of-way in accordance with the minimum requirements of this section.

All plant materials in required landscape bufferyards between differing land uses shall be evergreen, except where natural vegetation is preserved. Natural vegetation may be preserved within the required

landscape bufferyard. Natural vegetation shall be supplemented with walls, berms, or planted landscaping to achieve the desired screening.

Plant materials shall be placed within the required bufferyard to produce the maximum screening effect between the affected properties. Trees shall be spaced within the bufferyard to provide a continuous screen at maturity. Trees shall be selected and planted so their crown spreads at maturity will be as close as possible to one another. The use of flowering understory trees is required in this bufferyard. Shrubs shall also be located within the bufferyard to provide maximum opacity, whether they are evenly spaced or clustered. Plants shall be selected to provide variety and interest, as well as screening. The entire bufferyard shall not be covered with only one plant species of any type.

Bufferyard design type shall be based on the land use intensity score difference using the following table:

Table 110-3 Bufferyard Design Type Required Plantings

		Required Plantings per 100 lineal feet:		
Bufferyard Design Type	Width (feet)	Shade Trees	Understory Trees	Shrubs
1	5	2	2	20
2	10	3	3	30
3	20	4	4	40
4	30	5	6	50
5	40	7	8	60
6	50	8	10	70
7	60	9	12	80
8	70	10	14	90
9	80	10	16	100

(4) *Land use intensity factors.*

Table 110-4 Land Use Intensity Factors

Land Use Category	**Intensity Factor**
Forestry	0
Agriculture: Pasture/Fields/Nurseries/100'+ of water or space	4
Agriculture: Processing/Hatcheries	10
Residential: Less than two dwelling units/acre	1
Residential: 2.1--4 dwelling units/acre	2
Residential: 4.1--8 dwelling units/acre	3

Residential: 8.1--16 dwelling units/acre	4
Residential: Over 16 dwelling units/acre	5
Office: Less than 0.50 ISR*	4
Office: 0.50--0.65 ISR*	5
Office: Greater than 0.65 ISR*	6
General Commercial: Less than 0.50 ISR*	5
General Commercial: 0.50--0.65 ISR*	6
General Commercial: Over 0.65 ISR*	7
Highway Commercial/Warehouse/Mini-warehouse: 0.50--0.65 ISR*	7
Highway Commercial/Warehouse/Mini-warehouse: Over 0.65 ISR	9
Enclosed Industrial: Less than 0.65 ISR*	8
Enclosed Industrial: Over 0.65 ISR*	9
All Outside Storage	9
All Outside Processes	10

*Impervious Surface Ratio (ISR) may exceed 0.65 for the purposes of this section, because the measurement shall not include landscaped bufferyards required along rights-of-way.

(5) *Landscape buffers along rights-of-way.*

a. *Minimum width.* The following landscape buffer widths shall be established and measured perpendicular to the property line at the right-of-way.

1. All streets designated on the thoroughfare map in the Deltona Comprehensive Plan, as amended: 25 feet.

2. All other streets: 15 feet.

b. *Multifamily development.* Multifamily Development shall provide a landscape buffer of at least 20 feet on all streets, except where a greater buffer width is required by section(7)(a).

c. *Neighborhood and transitional commercial and transitional office.* Neighborhood and transitional commercial and transitional office development, when lot frontages face one- or two-family residential development, shall provide a minimum landscape buffer of 30 feet along all streets.

d. *Minimum length.* Landscape buffers shall extend along the entire length of the property boundary abutting a street right-of-way or adjacent property, and may only be altered for the following purposes:

1. Construction of accessways as necessary and in compliance with an approved development plan. Accessways shall traverse the required buffer yards at angles between 80 and 90 degrees.

2. Installation of stormwater, drainage or utility improvements as necessary and in compliance with an approved development plan. Such improvements and their associated easements shall traverse the required landscaped buffer yards by the shortest

routes possible, and shall not have a length within the required buffer yard that exceeds 115 percent of the minimum required width of the buffer yard.

3. Selective clearing for visibility of freestanding signs in accordance with an approved site or sign plan.

4. The regular pruning of trees to provide clear trunk and visibility between three feet and eight feet above grade. Pruning to 15 feet above grade shall be required within the vision triangle at road and accessway intersections. Such pruning shall only be permitted for trees with height and maturity necessary to reasonably accommodate such activity. Such pruning shall be permitted only to provide a view of approved freestanding signs and traffic control devices, and to maintain drivers' visibility within required vision triangles at intersections and driveways, and to maintain the health of understory trees and shrubs. Other unnecessary excessive pruning shall be prohibited.

5. The regular removal of dead material and debris.

6. Installation of additional landscape materials required by this Code, including walls and fences.

7. Construction of loading/unloading zones as required by this chapter for commercial lots adjacent to a platted alleyway, in which the loading zones are located in the rear of the commercial building, to be accessed through the alleyway, and to be shielded from view of the street. Additional screening of the loading zone is required in this situation to protect the view of residential zoning districts also adjacent to the alleyway. Such screening requirements shall include the use of fences, walls, landscaped berms and/or hedges to the height of eight feet at 100 percent opacity along the sides of the loading zone that face a residential zoning district.

No public or private right-of-way, stormwater retention or detention area, building, impervious surface, or easement other than those listed above shall be located in any required buffer yard.

(6) *Minimum planting requirements.* Minimum planting requirements within landscape buffers along rights-of-way shall be determined based upon the required buffer width.

Table 110-5 Minimum Planting Requirements

	Per 100 lineal feet of property line at the right-of-way		
Buffer Width (feet)	**Shade Trees**	**Understory Trees**	**Shrubs**
10	2	2	30
15	3	3	30
20	4	4	30
25	4	4	35
30	6	6	45
50	8	8	60
55	8	8	65

65	9	9	70

When possible, placement of shrubs shall not be linear, and in clusters containing no less than seven shrubs each.

(7) *Perimeter landscape buffers.*

a. *Minimum width.* A minimum landscaped area shall be established along the entire length of all internal property lines, as described below.

1. Five feet measured perpendicular to the property line for all land uses and major subdivisions, except multifamily and individual single-family lots. The landscaping for major subdivisions shall be around the subdivision perimeter, shall not be included within individual lots, and shall be maintained by a homeowners association.

2. Fifteen feet measured perpendicular to the property line for multifamily.

b. *Minimum planting requirements.* One shade tree, two understory trees shall be planted per 50 lineal feet of property frontage at the right-of-way line and at adjacent property lines. A row of shrubs shall be planted within the buffer areas that will reach three feet in height within one year after planting, and provide as nearly as possible 100 percent opacity.

(8) *Landscape buffers for double frontage residential lots.*

a. *Minimum width.* Landscape buffers for all double frontage residential lots shall be 25 feet measured from the property line parallel to the abutting the rights-of-way.

b. *Required vegetation.* A minimum of one shade tree and two flowering evergreen understory trees shall be planted in each bufferyard, and arranged to create maximum screening of the building or building site at maturity. Alternatively, the bufferyards may be left in natural vegetation, but must be supplemented with additional plants if the desired screening effect is not achieved. Shrubs shall be planted within the buffer to provide additional 100 percent opaque screening to a height of four feet at maturity.

c. *Fences or walls.* Fences or walls may be installed within the required buffers in accordance with the requirements for fences and walls in the front yards of the zoning district in which the double frontage residential lot is located. If a 100 percent opaque fence or wall is installed to a height of four feet on a double frontage residential lot, shrubs are not required to be planted behind it, or in front of it. The finished side of such fences and walls shall face the exterior property line. Masonry and concrete fences shall be finished with false brick facades, or with stucco or split face block in earth tones or pastel colors.

(9) *Buffer design guidelines.*

a. *Landscape material selection.* Landscape materials within buffers along rights-of-way shall be designed to display variety and color by utilizing flowering and variegated species. Such variety and color may be accomplished by using a combination of shrubs and ornamentals from the approved plant lists provided herein. Ornamentals may be substituted for required shrubs on a two ornamentals for one shrub basis. In no case shall more than 50 percent of the required shrubs be replaced by ornamentals.

b. *Location of landscaping.*

1. The placement of landscape materials within landscape buffers shall have a rational relationship to the existing patterns and densities of adjoining areas that have been preserved. Arrangements shall be organic or curvilinear, and shall not be linear unless dimensional limitations necessitate such an arrangement.

2. Landscape materials shall be clustered into groupings, which simulate a natural, rather than man-made, appearance.

c. *Maximum vegetation removal.*

1. A minimum of 65 percent of any landscape buffer over ten feet in width shall be set aside for preservation of existing trees, except Sand Pines and exotic species. Removal of understory trees and shrubs may be permitted to provide for shallow swales without removal or damage to any existing shade trees in order to create retention areas. In no instance shall more than 50 percent of the preserved understory tree canopy be removed.

(f) Landscaping adjacent to structures.

(1) *Minimum planting requirements.* The interior of any site, including those areas directly adjacent to structures shall be landscaped in accordance with the following provisions. Landscape materials required in this subsection are in addition to any landscape materials that may otherwise be required in this chapter, unless stated herein. The measurement of any exterior building to determine the required number of plantings shall not include overhead or loading area doors, openings for motor vehicle bays or entrances, or the perimeter of attached or detached canopies.

a. *Professional business, commercial, medical, or industrial uses.*

1. One foundation plant shall be required for every one foot of the front of building, and for every one foot of the building exterior that is faces a street, parking area, or is exposed to view from adjacent residential property.

2. One understory tree shall be required for every 20 feet of the front of building, and for every 20 feet of the building exterior walls that are exposed to view from an adjacent street or parking area. One understory tree shall be required for every 15 linear feet of exterior building wall that is exposed to view from adjacent residential areas.

b. *Multifamily.*

1. One foundation plants shall be required for every one foot of the front of building and for every exterior wall that is exposed to view from an adjacent street. Two foundation plants shall be required for every one foot of every exterior wall of the building that is exposed to view from an adjacent single-family or two-family residential area.

2. One understory tree shall be required for every 20 feet of the front of building and for every exterior wall of the building that is exposed to view from an adjacent street. One understory tree shall be required for every 15 feet of the building that is exposed to view from an adjacent two-family or single-family residential area.

3. Landscaped berms, appropriately scaled, shall be provided adjacent to single-family and two-family development and on road frontages. Landscaped berms shall use topsoil that is clean and free of construction debris, weeds, rocks, noxious pests and diseases. Berms shall be stabilized to prevent subsidence and erosion. Berms shall not cause water runoff to adjacent properties or streets that is in excess of pre-development conditions or that otherwise poses a nuisance. Landscaped berms shall be at the maximum height possible for the width of the required buffer and the soil, topography, and drainage conditions on and adjacent to the site. All berms shall be planted with groundcover or sod, and shall be planted with a continuous hedge. In cases where more than 65 percent of the existing trees that are categorized as protected trees by the city's land development code (excluding Sand Pines) must be removed to create the required

landscaped berms, at least 15 percent of the developed site must be set aside in a natural vegetation retention area to preserve existing trees.

(2) *Planting.* Foundation plants required by this subsection may be comprised of shrubs and/or ground covers in any arrangement or combination provided that no less than 50 percent of the total required materials are shrubs.

(3) *Function of landscape materials.* Landscape materials required by this subsection should be located to achieve the following in order of priority:

a. Provide transition between the building and the ground;

b. Provide visual breaks along the front of monotonous building facades;

c. Enhance walkways, entrances, seating areas, bus stops or any other pedestrian areas;

d. Separate and buffer pedestrian and public areas from cruise lanes, drives and parking areas;

e. Provide direction to focal areas and main entrances;

f. Screen mechanical equipment, air conditioning units, or any other visible outdoor equipment; and

g. Screen service areas.

(4) *Location of landscape materials.* Generally, landscape materials required by this subsection should be located within five to 25 feet of the building foundation. Emphasis should be afforded to those areas, which are visible from any public or private street or from any public area internal to the site.

(g).*Landscaping of off-street parking areas.* Required off-street parking areas constructed after April 13, 1989, and having off-street parking spaces for more than eight vehicles, shall have interior landscaped areas covering a minimum of 15 percent of the total off-street parking area, excluding any required landscaped buffer areas. Landscaped islands shall be required at the ends of each row of interior parking spaces not abutting the perimeter of the parking area. A landscaped island shall be provided for every ten parking spaces. Interior landscaped areas shall be dispersed so as to define aisles.

Landscaped row ends shall have a minimum area of 175 square feet with no width less than ten feet and no length less than 17.5 feet if it abuts one parking space, or 35 feet if it abuts two parking spaces. Islands in parking bays, other than row ends, shall have a minimum landscaped area of nine feet width and 16 feet length. Every landscaped island, including row ends, shall include at least one tree. Row end islands abutting parking facility entry and exit accessways, and in front of principal buildings shall have at least one overstory tree. Interior landscaped areas, other than required landscaped islands, shall have a minimum area of 100 square feet with no dimension less than ten feet. Two feet of these landscaped areas may be part of the required depth of each abutting parking space, provided wheel stops or curbs are used to protect them.

Each landscaped area less than 400 sq. ft. shall include at least one understory tree. A canopy tree may be used in lieu of the understory tree if recommended by the director of development services or his or her designee. In landscaped areas of 400 sq. ft. or more any canopy tree may be used in lieu of an understory tree. A minimum of 35 percent of each landscaped area shall have a combination of shrubs less than four feet high, and ground covers. The remaining area shall be landscaped with shrubs, grass, ground cover, or other materials, such as stone, gravel or mulch.

Accessways longer than 100 feet that provide direct access to entry or exiting driveways classified as intermediate or major driveways by the city's land development code, as it may be amended from time to time, shall have landscaped buffers on each side. These landscaped buffers shall be planted with groundcover, a continuous shrub hedge broken only by traversing sidewalks, and two understory trees

and one overstory tree for every 50 lineal feet of buffer. Perpendicular interior vehicular accessways shall not traverse the landscaped buffer strip at intervals of less than 100 feet.

Where the strict application of this subsection will seriously limit the function of the parking area, as determined by the zoning enforcement official or his or her designee, the required landscaping may be located near the perimeter of the paved area.

(h) Wheel stops/curbing. All landscaped areas shall be protected from vehicle encroachment by wheel stops or curbing. If curbing is raised above abutting landscaped areas, it shall be perforated to permit drainage from the paved ground surface area onto the landscaped areas. Curbing used to protect landscaped areas shall not be inverted, or Miami, curbing. Where a wheelstop or curb is utilized, no more than two feet of the paved area between the curb and the end of the parking spaces may be omitted if the area is landscaped in addition to the required landscaping herein with a material such as ground cover, rock, or gravel, requiring minimal maintenance.

(i) Landscape materials. All plant materials shall be Florida No. 1 grade, or better; according to the current "Grades and Standards for Nursery Plants", State of Florida, Department of Agriculture, Tallahassee, except where in the discretion of the enforcement official natural vegetation is adequate to provide the necessary visual screening. Existing trees situated in the required buffer may be used to satisfy the buffer tree requirement. Existing upland native vegetation shall be incorporated, where appropriate, into off-street parking areas and landscape buffers of a proposed development.

(1) *Tree planting standards.* Canopy trees shall have a minimum caliper at DBH of one and one half inches and a minimum height of six feet, and understory trees shall have a minimum height of six feet and minimum caliper at DBH of three-fourths inch at installation. Trees shall not be planted where they interfere with site drainage.

Where utility lines are present, trees shall be placed at the edge of the required buffer area farthest from the utility lines. The requirements for canopy trees may be waived by the enforcement official if they interfere with above ground utility lines. Trees planted under, or close to, utility lines shall be selected to ensure that their crowns at maturity will not interfere with the utility lines. This does not change the number of trees required.

a. *Required mix of tree species.* When eight or more trees are required to be planted to meet the requirements of this section, a mix of tree species shall be provided, at least one of which shall be native to the Central Florida region. The minimum number of species to be planted are indicated below.

Table 110-6 Required Mix of Tree Species

Required Mix of Tree Species	
Required Number of Trees Planted	**Minimum Number of Species**
8--14	2
14--20	3
21--30	4
30+	5

(2) *Shrubs.* Shrubs and hedges shall be a minimum of two feet in height, at installation. Plants shall be spaced no less than three feet apart measured from center to center. Hedges, where required,

shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen within a maximum of one year after the time of planting.

(3) *Ground cover.* Ground cover plants include plant materials which reach a maximum height of not more than 24 inches and may be used in lieu of grass. Ground cover plants must present a reasonably complete coverage at time of planting. Ground cover plants shall be a minimum of one-gallon size when planted and spaced a maximum of two feet on center. Ground covers must present a finished appearance and provide reasonably complete coverage at the time of planting.

(4) *Turfgrass.* Grass areas shall be planted in species normally grown as permanent lawns in the City of Deltona. Grass areas may be sodded, plugged, sprigged or seeded; provided, however, that solid sod shall be used in swales or other areas that are found to be subject to erosion. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases. Turfgrass areas should be consolidated and limited to those areas on the site that receive occasional pedestrian traffic, provide for recreational uses, provide soil erosion control such as on slopes or in swales; or where turfgrass is used as a design unifier, or other similar practical use. Unless sod or grass seed is used, nursegrass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.

(5) *Use of drought-resistant plant material.* All new or replacement plantings required for any off-street parking area or landscape buffer shall use, to the maximum extent possible, native plant material or other species with equivalent drought-resistant properties. The intent of this requirement is to promote and conserve the water resources of the City of Deltona and Volusia County.

(6) *Preservation of existing native plants and material.* Every reasonable effort shall be made in the design and construction of all site improvements and alterations to save existing healthy trees and native vegetation and maintain the existing topography. The enforcement official may require alternate designs and construction techniques to better achieve tree and native vegetation preservation while still allowing the permitted use of the property. Existing native vegetation specified to remain shall be preserved in its entirety, with all trees, understory, ground cover and duff left intact. Areas of existing natural vegetation should not be irrigated.

(7) *Mulch.* In order to preserve soil moisture, all planting areas not left in the natural state shall be mulched with no less than two inches of organic mulch. Wood chips, pine needles or oak leaves are preferred. Mulch shall be placed directly on the soil or landscaping fabric and planting areas shall be properly edged to retain mulch.

(j) Solid waste containers. All solid waste containers shall be enclosed on at least three sides with a six-foot high screen. The screen shall consist of a masonry wall. A hedge consisting of shrubs of a species selected from Figure 1, planted one-foot apart within three feet of the solid waste container enclosure, and groundcover selected from Figure 1 shall abut the enclosure walls. The landscaping around the solid waste container enclosure shall be maintained in accordance with the requirements for maintenance of landscaping in this section, and shall be planted in a strip of soil wide and deep enough to ensure its survival.

The container shall be enclosed in such a manner so that said container will be screened from public streets and adjoining properties. A concrete or asphalt pad of appropriate size and construction shall be provided as a base for the container. The container pad shall be at the approximate level of the service vehicle approach areas so that the truck's loading mechanism can align with the container's sleeves.

The screened enclosure shall not be located within any street right-of-way or required yard area. Containers and enclosures shall be located so as to allow ease of access for collection trucks and direct

access to drive areas. Straight-in or circular drives are encouraged to reduce truck-maneuvering problems. No parking or other obstructions shall be permitted in the access area for enclosures.

(k) *Enforcement official.* The enforcement official may, in his or her discretion, waive or modify certain requirements in this section by an amount not to exceed 15 percent, if literal interpretation of this section will seriously hamper the use to which the property is intended.

(l) *Maintenance requirements.* The property owner will be responsible for maintenance of all required landscape and irrigation improvements as originally approved. Therefore, these maintenance requirements shall carry with the land and shall be the responsibility of any subsequent owners of the property.

Landscape areas and site improvements shall be maintained in good condition for a healthy, neat, and orderly appearance and shall be kept free from weeds and debris. All plant materials shall be maintained in a healthy and vigorous condition through proper irrigation, fertilization, pruning, weeding, mowing, and other standard horticultural practices. Plant material should grow to their normal shape, color, and height, to fulfill the required functions of screening, shading, buffering, and aesthetic appeal set forth by the City of Deltona. The hat racking of trees is prohibited. All dead plants shall be replaced. This requirement includes, but is not limited to, the replacement of plants damaged by insects, diseases, vehicular traffic, acts of God, and vandalism. Mulch shall be maintained at the proper coverage and depth.

The irrigation system shall be fully operational and shall be operated on a regular basis to provide the appropriate amount of water to the plant materials to maintain adequate plant health and growth. In situations where drought tolerant plant materials have not been properly maintained primarily due to lack of sufficient watering, the enforcement official may require the installation of a permanent irrigation system meeting the specifications of this chapter.

The city shall notify the property owner in writing of any maintenance violations. Upon notification of a maintenance violation, the property owner, tenant, or authorized agent shall correct the violation within 30 days.

If an existing site that is nonconforming with regard to landscape or buffer requirements, number of trees or other landscape standards is made more so by the removal, destruction or death of the plant material, then the owner shall be required to replace what was removed or destroyed in that area and to provide additional materials to the extent that it would be practically and economically feasible to do so, to meet minimum current standards.

Table 110-7 Approved Plant Species List

Table 110-7A Canopy Trees

CANOPY TREES (Mature Size 40' or more in Height)			
Common Name	Botanical Name	Water Zone	Native (Y/N)
American Holly*	Ilex opaca (or X attenuata)	L	Y
Bald Cypress	Taxodium distichum	L	Y
Black Cherry	Prunus serotina	M	Y
Black Gum/Swamp Tupelo*	Nyssa sylvatica	H	Y
Cabbage Palm*	Sabal palmetto	L	Y

Chinese Elm*	Ulmus parvifolia	L	N
Florida Elm*	Ulmus americana var. floridana	M	Y
Florida Scrub Hickory*	Carya floridana	L	Y
Formosan Gum	Liquidambar formosana	L	N
Date Palm*	Phoenix dactylifera	L	N
Desert Fan Palm*	Washington filifera	L	N
Green Ash	Fraxinus pennsylvanica	M	N
Laurel Oak	Quercus laurifolia	L	Y
Live Oak	Quercus virginiana	L	Y
Loblolly Pine	Pinus taeda	L	Y
Longleaf Pine	Pinus palustris	L	Y
Nagi Podocarpus*	Podocarpus nagi	M	N
Oriental Sycamore	Platanus orientalis	M	N
Pecan	Carya illinoinensis	M	N
Pignut Hickory	Carya glabra	L	Y
Pond Cypress	Taxodium ascendens	H	Y
Red Maple	Acer rubrum	H	Y
Redbud*	Cercis Canadensis	M	Y
Sand Pine	Pinus clausa	L	Y
Shumard Oak	Quercus shumardii	L	Y
Slash Pine	Pinus elliotti	L	Y
Southern Basswood*	Tilia floridana	M	Y
Southern Magnolia	Magnolia grandiflora	L	Y
Sugarberry	Celtis laevigata	L	Y
Sweetgum	Liquidambar styraciflua	L	Y
Sycamore	Plantanus occidentalis	H	Y
Tulip Tree	Liriodendron tulipifera	H	Y
Tupelo Gum	Nyssa aquatica	H	Y
Turkey Oak*	Quercus laevis	L	Y
Washington Palm*	Washingtonia robusta	L	N

Water Oak	Quercus nigra	M, L	Y
Weeping Willow	Salix babylonica	H	N
Winged Elm	Ulmus alata	L	Y

*Canopy trees that may be used in lieu of understory trees in landscaping with the parking areas if recommended by the director of development services or his or her designee.

Table 110-7B Understory Trees

UNDERSTORY TREES (Mature Size 12' to 35' Height) AND PALMS			
Common Name	Botanical Name	Water Zone	Native (Y/N)
American Hornbeam	Carpinus caroliniana	H	Y
Australian Fan Palm	Livistonia australis	L	N
Bluejack Oak	Quercus incana	L	Y
Bradford Pear	Pyrus calleryana "Bradfordi"	M	N
Canary Island Date Palm	Phoenix canariensis	L	N
Carolina Ash	Fraxinus caroliniana	M	Y
Chapman Oak	Quercus chapmanii	L	Y
Cherry Laurel	Prunus caroliniana	M	Y
Chickasaw Plum	Prunus angustifolia	L	Y
Chinese Fan Palm	Livistonia chinensis	L	N
Coastal Plain Willow	Salix caroliniana	H	Y
Common Persimmon	Diospyros virginiana	L	Y
Crape Myrtle	Lagerstroemia indica	L	N
Dahoon Holly	Ilex cassine	M	Y
Decidous Holly	Ilex decidua	M	Y
Drake Elm	Ulmus parviofolia "Drake"	L	N
Dwarf Siberian Elm	Ulmus pumila	L	N
Eastern Red Cedar	Juniperus virginiana	L	Y
European Fan Palm	Chamaerops humulis	M	N
Firethorn Pyracantha Tree	Pyrancantha coccinea	L	N
Flowering Dogwood	Cornus florida	L	Y
Fraser's Photinia	Photinia x Fraseri	M	N

Fringetree	Chionanthus virginicus	M	Y
Glossy Tree Privet	Ligustrum lucidum	M	N
Japanese Persimmon	Diosypros kaki	L	N
Jerusalem Thorn	Parkinsonia aculeata	L	N
Kawakami Pear	Pyrus calleryana "Kawakami"	M	N
Leyland Cypress	Cupressocyparis leylandii	M	N
Loblolly Bay	Gordonia lasianthus	H	Y
Loquat	Eriobotry a japonica	M	N
Mayhaw	Crataegus opaca	M	Y
Myrtle Oak	Quercus myrtifolia	L	Y
Parsley Hawthorn	Crataegus marshalli	L	Y
Paw Paw	Asimina triloba	M	Y
Pindo Palm	Butia capitata	L	N
Podocarpus	Podocarpus macrophyllys "maki"	L	N
Queen Palm	Arecastrum romanzoffianum	L	N
Red Bay	Persia borbonia	L	Y
Ribbon Fan Palm	Livistonia decipiens	L	N
Sand Post Oak	Quercus stellata	L	Y
Saucer Magnolia	Magnolia soulangeana	M	N
Senegal Date Palm	Phoenix reclinata	L	N
Southern Juniper/Red Cedar	Juniperus silicicola	L	Y
Spiny Fiber Palm	Trithrinax acanthocoma	L	N
Star Magnolia	Magnolia stellata	M	N
Sweet Viburnum	Viburnum odoratissimum	M	N
Sweetbay	Magnolia virginiana	M	Y
Taiwan Flowering Cherry	Prunus campanulata	M	N
Waxleaf Privet	Ligustrum japonicum	M	N
Wax Myrtle	Myrica cerifera	L	Y
Wild Date Palm	Phoenix sylvestris	L	N
Windmill Palm	Trachycarpus fortunei	L	N

Yaupon Holly	Ilex vomitoria	L	Y

Table 110-7C Shrubs, Small Palms and Cycads

SHRUBS, SMALL PALMS AND CYCADS			
Common Name	Botanical Name	Water Zone	Native (Y/N)
Abelia	Abelia grandiflora	M	N
American Arborvitae	Thuja occidentalis	M	N
Asian Butterfly Bush	Buddleia asiatica	M	N
Banana Shrub	Michelia figo	M	N
Bear Grass	Yucca smalliana	L	Y
Beautyberry	Callicarpa americana	L	Y
Boxthorn	Severinia buxifolia	N	N
Brook Euonymus	Euonymus americana	M	Y
Burford Holly	Ilex cornuta "Burfordi"	M	N
Camellia	Camellia japonica	M	N
Cardboard Plant	Zamia furfuracea	L	N
Cassia	Cassia spp.	M	N
Century Plant	Agave americana	L	N
Chapman Rhododendron	Rhododendron chapmannii	H	Y
Christmasberry	Lycium carolinianum	L	Y
Chinese Holly	Ilex cornuta	M	N
Chinese Witch Hazel	Loropetalum chinese	M	N
Chinese Juniper	Juniperus chinensis	L	N
Chinese Mahonia	Mahonia fortunei	M	N
Cleyera	Cleyera japonica	M	N
Common Buttonbush	Cephalanthus occidentalis	H	Y
Coontie	Zamia floridana	L	Y
Coralberry Ardisia	Ardisia crispa (or crenata)	M	N
Crinum Lily	Crinum asiaticum	M	N
Croton	Codiaeum variegatum	L	N

Dwarf Azaleas	Rhododendron obtusum	H	N
Dwarf Yaupon Holly	Ilex vomitoria "nana"	L	Y
Dwarf Palmetto	Sabal minor	L	Y
English Boxwood	Buxus sempervirens	M	N
Fatsia	Fatsia japonica	M	N
Feijoa	Feijoa sellowiana	M	N
Fetterbush	Lyonia spp.	L	Y
Firebush	Hamelia patens	L	Y
Firethorn Pyracantha	Pyracantha coccinea	M	N
Florida Flame Azalea	Rhododendron austrinum	H	Y
Florida Elderberry	Sambucus simpsonii	M	Y
Florida Anise	Illicium floridanum	M	Y
Florida Privet	Forestiera segregata	M	Y
Fragrant Honeysuckle	Lonicera fragrantissima	M	N
Fraser's Photinia	Photinia fraseri	M	N
Gallberry	Ilex glabra	L	Y
Garden Hydrangea	Hydrangea macrophylla	H	N
Gardenia	Gardenia jasminoides	M	N
Golden-Dewdrop	Duranta repens	M	N
Groundsel Tree	Baccharis halimifolia	L	Y
Hardy Bamboo Palm	Chamaedorea microspadix	L	N
Heavenly Bamboo	Nandina domestica	L	N
Holly Malpighia	Malpighia coccigera	M	N
Indian Hawthorn	Raphiolepis indica	L	N
Indica Azaleas	Rhododendron indica	H	N
Japanese Boxwood	Buxus microphylla	M	N
Japanese Privet	Ligustrum japonicum	L	N
Japanese Holly	Ilex crenata	M	N
Junipers	Juniperus spp.	L	N
King Sago	Cycas revoluta	L	N

Kumquat	Fortunella japonica	L	N
Kurume Azaleas	Rhododendron obtusum	H	N
Lady Palm	Rhapis excelsa	M	N
Lantana	Lantana camara	L	N
Laurustius Viburnum	Viburnum tinus	H	N
Leatherleaf Mahonia	Mahonia bealei	M	N
Leucothoe	Leucothoe axillaris	H	Y
Mazari Palm	Nannorrhops ritchiana	L	N
Nagi Podocarpus	Podocarpus nagi	M	N
Needle Palm	Rhapidohyllum hystrix	M	Y
Oakleaf Hydrangea	Hydrangea quercifolia	M	Y
Oleander	Nerium oleander	L	N
Pittosporum	Pittosporum tobira	M	N
Plumbago	Plumbago auriculata	L	N
Podocarpus	Podocarpus macrophyllus	L	N
Pygmy Date Palm	Phoenix roebelinii	M	N
Radicalis Palm	Chamaedorea radicalis	L	N
Red Buckeye	Aesculus pavia	L	Y
Rosemary	Ceratiola ericoides	L	Y
Sandankwa Viburnum	Viburnum suspensum	H	N
Sasanqua Camellia	Camellia sasanqua	H	N
Saw Palmetto	Serenoa repens	L	Y
Scarlet Hibiscus	Hibiscus coccineus	M	Y
Scrub Palmetto	Sabal etonia	L	Y
Serrissa	Serissa foetida	M	N
Shiny Blueberry	Vaccinium myrsinites	L	Y
Shrimp Plant	Beloperone guttata	M	N
Silverthorn	Elaeagnus pungens	L	N
Slender Buckthorn	Bumelia reclinata	M	Y
Snowbell	Styrax americana	H	Y

Spanish Bayonet	Yucca aloifolia	L	Y
Spanish Dagger	Yucca gloriosa	L	Y
Sparkleberry	Vaccinium arboreum	L	Y
Spice-Bush	Lindera benzoin	M	Y
St. John's Wort	Hypericum spp.	M	Y
Star Anise	Illicium anisatum	M	N
Surinam Cherry	Eugenia uniflora	M	N
Swamp Honeysuckle Azalea	Rhododendron viscosum	H	Y
Sweet Pepperbush	Clethra alnifolia	M	Y
Sweet Pinxter Azalea	Rhododendron canescens	H	Y
Sweet Viburnum	Viburnum odoratissimum	M	N
Sweetshrub	Calycanthus floridus	M	Y
Tar-Flower	Befaria racemosa	L	Y
Thryallis	Galphima (or Thryallis) glauca	L	N
Tough Bumelia	Bumelia tenax	M	Y
Walter Viburnum	Viburnum obovatum	M	Y
Witch Hazel	Hamamelis virginiana	M	Y
Yellow Anise	Illicium parviflorum	M	Y
Yellow Pineland Lantana	Lantana depressa	L	Y

Table 110-7D Groundcovers

GROUNDCOVERS			
Common Name	Botanical Name	Water Zone	Native (Y/N)
Algerian Ivy	Hedera canariensis	M	N
Asparagus Fern	Asparagus spp. (Sprengeri)	L	N
Beach Sunflower	Helianthus debilis	L	Y
Beach Morning Glory	Ipomoea stolonifera	L	Y
Bigleaf Periwinkle	Vinca major	M	N
Black Eyed Susan	Rudbeckia hirta	L	Y
Blue Daze	Convolvulus 'Blue Daze'	M	N

Blue Flag	Iris virginica	H	Y
Blue Lily of the Nile	Agapanthus africanus	M	N
Bugleweed	Ajuga reptans	H	N
Butterfly Iris	Dietes bicolor	H	N
Carolina Jessamine	Gelsemium sempervirens	M	Y
Cast Iron Plant	Aspidistra elatior	L	N
Cinnamon Fern	Osmunda cinnamomea	H	Y
Confederate Jasmine	Trachelospermum asiaticum	M	N
Coontie	Zamia pumila	L	Y
Cordgrass	Spartina spp.	L	Y
Coreopsis	Coreopsis gladiata (or tinctoria)	H	Y
Creeping Fig	Ficus pumila	L	N
Creeping Juniper	Juniperus horizontalis	l	n
Creeping Phlox	Phlox nivalis	L	Y
Daylilly	Hemerocallis spp.	L	N
Dwarf Coreopsis	Coreopsis auriculata 'Nana'	H	N
Dwarf Heavenly Bamboo	Nandina domestica 'nana'	M	N
Dwarf Oyster Plant	Rhoeo spathacea 'nana'	L	N
Dwarf Pittosporum	Pittosporum tobira 'Wheeleri'	M	N
English Ivy	Hedera spp.	M	N
Fancyleaved Caladium	Caladium x Nortulanum	M	N
Gaillardia	Gaillardia pulchella	L	Y
Gerbera Daisy	Gerbera jamesonnii	M	N
Hall's Honeysuckle	Lonicera japonica 'Halliana'	L	N
Holly Fern	Cyrtomium falcatum	M	N
Japanese Garden Juniper	Juniperus procumbens	L	N
Leatherleaf Fern	Rumohra adiantiformis	M	N
Lilly Turf	Liriope spp.	M	N
Mondo Grass	Ophiopogon japonicus	M	N
Moss Pink	Phlox subulata	M	N

Nick's Compact Juniper	Juniperus c.p. 'Nick's Compacta'	L	N
Parson's Juniper	Juniperus squamata "Parsonii'	L	N
Periwinkle, Vinca	Catharanthus roseus	M	N
Prairie Iris	Iris hexagona	H	Y
Red Muhly Grass	Muhlenbergia spp.	L	Y
Royal Fern	Osmunda regalis	H	Y
Sedum	Sedum spp.	L	N
Shield Fern	Thelypteris spp.	M	Y
Shore Juniper	Juniperus conferta	L	N
Society Garlic	Tulbaghia violacea	L	N
Star Jasmine	Trachelospermum jasminoides	M	N
Swamp Lily	Crinum americanum	H	Y
Sword or Boston Fern	Nephrolepis spp.	H	Y
Trailing Fig	Ficus sagittata	L	N
Virginia Creeper	Parthenocissus quinquefolia	H	Y
Wedelia	Wedelia trilobata	L	N
Weeping Lantana	Lantana montevidensis	L	N
Wintercreeper	Euonymus fortueri 'coloratus'	M	N
Yellow Pineland Lantana	Lantana depressa	L	Y

Table 110-7E Non-Native Vines

NON-NATIVE VINES		
Common Name	Botanical Name	Water Zone
Algerian Ivy	Hedera canariensis	M
Allamanda	Allamanda cathartica	M
Chinese Wisteria	Wisteria sinensis	L
Clematis	Clematis spp.	M
Confederate Jasmine	Trachelospermum asiaticum	M
Coral Vine	Antigonon leptopus	L
Downy Jasmine	Jasminum multiflorum	M

English Ivy	Hedera spp.	M
Hall's Honeysuckle	Lonicera japonica 'halliana'	L
Mexican Flame Vine	Senecio confusus	L
Star Jasmine	Trachelospermum jasminoides	M

Table 110-7F Turfgrasses

TURFGRASSES		
Common Name	Botanical Name	Water Zone
Bahia Grass		M
Bermuda Grass		M
Centipede Grass		H
St. Augustine FX-10		M
St. Augustine Grass		H
Zoysia Grass		M

Water Zone Key:

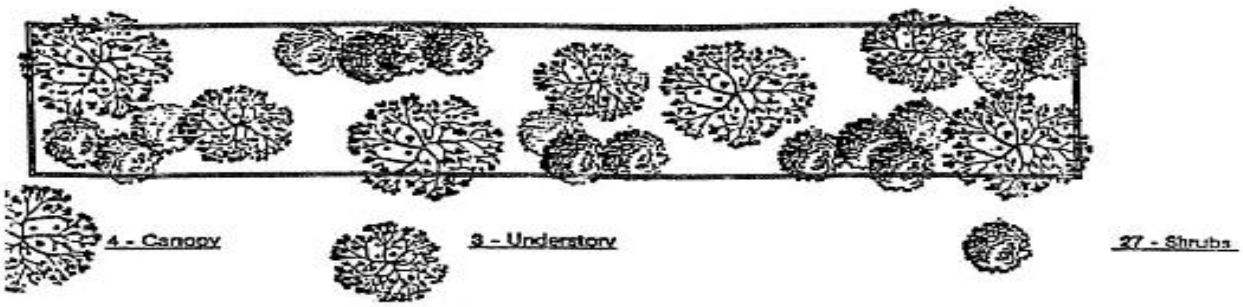
H = High Water Use Zone - Plants which are associated with moist soils and require supplemental water in addition to natural rainfall to survive. This zone includes shallow rooted turfgrass varieties.

M = Moderate Water Use Zone - Plants which survive on natural rainfall with supplemental water during seasonable dry periods. This zone includes deep rooted turfgrass varieties.

L = Low Water Use Zone - Plants which, once established, survive on natural rainfall without supplemental water. Because of the relatively high water requirements of turfgrass, no presently available varieties are included in this category.

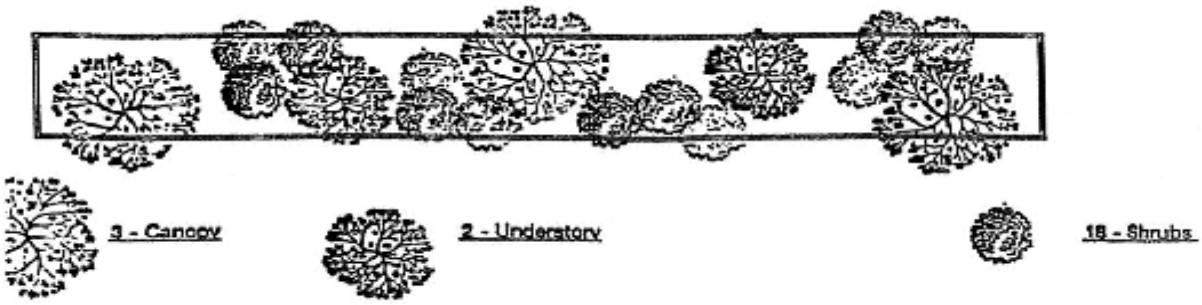
Sources: St. Johns River Water Management District Xeriscape Plant Guide South Florida Water Management District Xeriscape Plant Guide II Cooperative Extension Service

Figure I
Plant Material / 100'



4--Canopy 3--Understory 27--Shrub

Figure II
Plant Material / 100'



3--Canopy 2--Understory 18--Shrubs

Placement of plant material shall be in an irregular pattern, where possible, shrubs should be in clusters containing no less than three plants each.

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

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

(2) The enforcement official may approve a maximum reduction of up to 20 percent of the required minimum yard setbacks for principal and accessory buildings and/or the number of required parking spaces upon making a finding that the adjustment will protect and encourage the preservation of large canopy, specimen, or historic trees.

(3) Modification of the development standards listed above of less than one foot shall be deemed to be non-substantial. The enforcement official shall be authorized to approve the modification at the time of request based upon the requirements of this chapter. Non-substantial modifications shall be deemed to have no effect on adjacent properties.

(4) Nothing in this section shall supersede the planning and zoning board review process or deny access by the applicant to relief through the zoning variance review procedures.

(5) Application for modification of standards may be reviewed prior to application for final site plan review or may be made in conjunction with final site plan review. Application shall be made to the Planning and Development Services Department in conformance with the submittal requirements of this section.

(6) Upon acceptance of the application, the enforcement official shall review it and render his decision approving, approving with conditions, or denying the request. A modification of standards report shall be issued and be attached to the final site plan.

(7) When the enforcement official approves the modification of standards, he may prescribe appropriate conditions and safeguards in conformity with the intent and provisions of this section.

(n) Appeals. Any person aggrieved by this decision of the enforcement official or any of the conditions imposed as part of the terms under which the modification of standards is approved, may elect to

appeal the decision to the city commission. The appeal shall be filed under section 110-1002 City of Deltona Zoning Ordinance No. 30-98, as amended. The appeal shall be taken within ten working days after the decision is rendered by filing with the enforcement official and with the city attorney, a written notice of notice of appeal specifying it's grounds, together with the appropriate fee.

(o) Except as provided herein, the requirements of Section 110-808 do not apply to properties that meet the following criteria:

(1) The property is currently used for, was used for, and is zoned for commercial or industrial use.

(2) The change in use will not require a rezoning.

(3) The proposed use is a permitted or conditional use in the current zoning district.

(4) No expansion will occur to the buildings gross square footage.

Development proposals that meet these criteria shall provide at least 15% of landscape coverage to include a variety of trees, shrubs and other plant materials. The development plan shall integrate such green spaces within parking areas, along building foundations and provide buffers that may include attractive fences where appropriate along the perimeter of the property to mitigate visual impacts and enhance the aesthetic value of the property.

Sec. 110-809. Mobile home.

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

(1) *Recreation area.* There shall be at least one recreation area. The recreation area shall be easily accessible to all residents of the project.

(2) *Internal streets width.* Required paving for two-way streets with no parking on street: 20 feet. An additional seven feet of right-of-way shall be provided if parking on one side of street is permitted only. An additional 14 feet of right-of-way shall be provided if parking on both sides of street is permitted.

Required paving for one-way streets: 18 feet if serving less than 50 spaces, and if parking is allowed on one side of street only.

The additional right-of-way for parking purposes as herein provided is not required to be paved.

Streets shall be constructed of materials which meet the specifications of the land development code.

Dead-end streets or streets ending in cul-de-sac shall be limited in length to 600 feet and shall be provided with a turnaround, having a minimum paving width diameter of 86 feet.

(3) *Entrances and exits.* Entrances and exits shall be limited in number and when combined, shall be separated with a landscaped median strip not less than five-feet wide. There shall be no direct vehicle access from any space to any exterior street.

(4) *Water supply, sewage disposal and garage and refuse handling.* All mobile home parks shall comply with the land development code, Ordinance No. 96-25, as it may be amended from time to time, regarding water supply and sewage disposal and the applicable provisions of the Florida Administrative Code regarding garbage and refuse handling.

(5) *Landscape buffer requirements.* Landscaped buffer areas meeting the requirements of section 110-808 shall be constructed.

(6) *Project perimeter setback.* No structure shall be located within 30 feet of the project's perimeter.

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

(b) Existing mobile home parks--Compliance. Any subsequent construction or alteration that extends an existing mobile home park shall comply with the provisions of these regulations, including those provisions requiring a permit. No changes shall be made to the existing design of spaces or streets which increase their nonconformity. Subsequent changes to the basic design of existing spaces or streets which do not increase their nonconformity shall be permitted.

Sec. 110-810. Reserved

Sec. 110-811. Parking and storage of vehicles or watercraft.

(a) Vehicles in agricultural and residential areas.

(1) No vehicles greater than 10,000 lbs. manufacturer's gross weight or designed to carry 16 or more passengers, or requiring a commercial drivers license (CDL) of any endorsement to operate will be parked or stored in any residential or agricultural zoning district except in agriculture areas on lots of five acres or more. Vehicles that are inoperable or do not have a current and valid license plate and validation sticker affixed to the license plate are prohibited.

(2) No vehicle with external refrigeration units may operate within these zoning districts.

(3) No back-up noise alarms may operate between the hours of 10:00 p.m. and 7:00 a.m.

(4) No vehicles or utility trailers may be parked or stored in the front yard forward of the edge of the principal dwelling that meet any of the following criteria.

Vehicles prohibited above, or

Greater than 21 feet in length, or

Greater than ten feet in height, including accessories with fully inflated tires.

(5) Vehicles greater than 21 feet in length and/or greater than ten feet in height may be stored in the side or rear yard.

(6) All vehicles parked in side or rear yards must be stored in a site plan approved parking area Screening exceeding the height limitations for the zoning district in which it is located may only consist of vegetative screening for that portion exceeding said height limitations. All vegetative screening must be designed as three year to maturity from the approved plant list provided by the Planning and Development Services Department. All site plan approved parking shall meet the standards for minimum required parking in subsection 110-828(b) through 110-828(e). For parking the excess of minimum required parking spaces, the enforcement official may allow semi-impervious materials similar to those permitted by subsection 110-828(b)(1).

(7) All vehicles parked or stored on property must be registered or assigned to the resident or their temporary guest.

(8) Repairs other than normal maintenance and washing of vehicles or any repairs causing the vehicle to become inoperable are prohibited outside of an enclosed garage.

(9) No vehicle or equipment shall be parked or stored in a manner which obstructs access to any door, window, or other entrance to or exit from the dwelling.

Exclusions:

Conversion vans with a handicapped sticker whose corresponding licensed driver is a resident of the principal dwelling are specifically excluded from these standards. Sport utility vehicles (SUV's) or pick-up trucks for personal use that have no commercial advertising may be parked in the driveway.

(b) Mobile recreational shelters. Mobile recreational shelters and vehicles, other camping type vehicles excluding pickup covers when appropriately mounted on a vehicle, boats, boat trailers, utility trailers, and other trailers are permitted as an accessory use on any lot within the A, RE-1, RE-5,, R-1, R-2, R-3, R-4, R1-B,, the single- and two-family residential areas of RPUD, and the MPUD classifications provided the following conditions are met:

(1) They shall have a current license plate or validation sticker, and shall be parked or stored in full compliance with all yard requirements for accessory structures. The ground area beneath such vehicles shall be kept free from debris, including excessive weed growth.

(2) They may be temporarily parked in the driveway of the principal structure for trip preparation, loading, unloading and cleanup, for a maximum of 36 hours per week.

(3) They shall not be parked or stored either within a public right-of-way, or within that portion of the lot lying across the full width of the lot between the front lot line and front most part of the principal structure, except as provided for by paragraph (2) above and paragraph (6) below.

(4) No sewage shall be permitted to escape from such vehicles onto a lot or street.

(5) They shall not be connected to water, sewer or electric lines or be used for residential purposes.

(6) Motor vehicles commonly referred to as vans that have been converted to a recreational vehicle by a licensed recreational vehicle manufacturer by installation of 110-volt electrical wiring, LP gas piping, or a plumbing system consisting of a permanently attached water using toilet facility may be parked in the driveway of the principal structure when the occupant of the principal structure has a disability which may require the above facilities to be incorporated in a motor vehicle, and if the occupants have received a handicapped parking decal from the State of Florida for the vehicle.

(c) Residential parking. In the R, PB, and MF districts when used only for single- or two-family residential uses, motor vehicles shall not be parked anywhere within that portion of the lot lying across the full width of the lot between the front lot line and the front most part of the principal structure, except on driveways. Automobiles are to be parked in designated off-street parking areas for all other uses within these districts.

(d) Commercial vehicle storage and parking

(1) Commercial vehicles which are used daily by residents of the household for transportation but which do not exceed the manufacturer's standard three-quarter size pick-up truck may be parked outdoors in a residential district provided that only one such commercial vehicle may be located at any one dwelling unit.

(2) Commercial vehicles prohibited from outdoor parking in all residential areas:

a. Any commercial vehicles not meeting the standards described in paragraph (1);

b. Step vans;

c. Flatbed and stakebed trucks;

d. Wreckers, except when authorized by the City of Deltona, the Volusia County Sheriff's Office, or the Florida Highway Patrol for on-call emergency service.

e. Tractor, including truck tractors and their associated vans or trailers (see section 110-811(a), above).

(e) Long term storage. Recreational vehicles shall be parked or stored within a side or rear yard, on site plan approved parking, but not within a side street yard, provided:

(1) No portion of the vehicle or equipment shall extend into any part of the front yard.

(2) No vehicle or equipment shall be parked or stored in a manner which obstructs access to any door, window, or other entrance to or exit from the dwelling.

(3) No vehicle or equipment shall be parked or stored in any part of the required rear yard of a double frontage lot.

(4) On corner lots, no vehicles or equipment shall be parked or stored in any part of the required side yard abutting any street and provide that no vehicle or equipment shall be parked or stored within 20 feet from any street right-of-way.

(f) Special Event Parking. During such events, grass areas may be permitted to be used for parking provided the Authority Having Jurisdiction (AHJ) from the Fire Department, consistent with Section 10.15.2 as amended of the Fire Code, shall be permitted to regulate all outdoor events pertaining to access for emergency vehicle; access to fire protection equipment; placement of stands, concession booths, and exhibits; and the control of hazardous conditions dangerous to life and property.

Sec. 110-812. Environmental standards.

These environmental standards shall apply in all classifications:

(a) Air pollution. There shall be no emission of fumes, odors, vapors, gases, chemicals, smoke, dust, dirt, fly ash, or any particulate matter in violation of applicable state standards.

(b) Water pollution and sewage control. There shall be no discharge of liquid or solid wastes into any public or private sewage disposal system, or into or on the ground, or into any stream, waterway, water body or drainage canal, nor any accumulation of any liquid or solid wastes, in violation of the applicable provisions of the comprehensive plan, land development code, Ordinance No. 96-25 as it may be amended from time to time, or applicable state standards.

Sec. 110-813. Reserved.

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

The following additional regulations shall apply to specific permitted principal uses in all classifications where so permitted.

(a) Adult entertainment establishments. Adult entertainment establishments shall be permitted only in accordance with the requirements of the adult entertainment code, chapter 78, Code of Ordinances.

(b) Automobile service stations. The following regulations shall apply to automobile service stations, Types A, B and C.

(1) Location of principal and accessory structures. No accessory structures shall be erected closer than ten feet to a street or within the landscape buffer area, whichever is wider. If accessory structures are erected within any front yard, they shall be removed before the property is converted to a use other than an automobile service station.

(2) Points of access. The number of points of access for one automobile service station shall be governed by the land development code Ordinance No. 96-25, as it may be amended from time to time.

(3) Landscape buffer requirements. Where lots to be used for service stations abut any property zoned for residential use, a landscaped buffer area meeting the requirements of section 110-808 shall be constructed.

(4) Permanent storage of materials, merchandise and equipment. All materials, merchandise and equipment, other than motor vehicle fuels, shall be stored within the principal building.

(5) Trash facilities. Adequate, enclosed trash storage facilities shall be provided on the site.

(6) Parking of vehicles or vehicles offered for sale or rent at Types A and B stations only.

Wreckers, service or customer vehicles, or vehicles offered for sale or rent, may be parked on the premises but shall be parked in a manner that will not create a traffic hazard or interfere with any vehicular maneuvering area necessary for gasoline pump areas, service bays, or with any required off-street parking spaces. No more than two motor vehicles may be offered for sale on the premises at any one time unless otherwise authorized by the provisions of this chapter, and in conformity with all applicable state regulations.

A truck or trailer rental service, established primarily for the transporting of household goods, shall be permitted, subject to the following:

The required minimum lot area shall be increased by 480 square feet for the parking of each rental truck proposed, and 50 square feet for each rental trailer proposed.

On corner lots, no vehicles offered for sale or rent shall be parked within a yard abutting a street.

(c) Community residential homes. Dwellings of six or fewer residents which otherwise meet the definition of a community residential home are permitted principal uses and structures in all single-family and multiple-family zoning classifications and residential areas of PUD, provided that such homes comply with all appropriate requirements of this chapter and are not located within a radius of 1,000 feet of another existing such home with six or fewer residents. The sponsoring agency shall notify, in writing, the city manager at the time of occupancy that the home is licensed by the Department of Children and Family Services (DCFS).

When a premises that is classified is within a multiple-family residential use area of a PUD has been selected by a sponsoring agency as a site for a community residential home of seven to 14 residents, then said agency shall provide notice to the city consistent with the requirements of F.S. ch. 419.

(d) Package sewage treatment plants and/or package water treatment plants.

All package sewage treatment plants and/or package water treatment plants shall conform to the conditional use application procedures.

(e) Publicly owned parks and recreation areas.

(1) *Location of principal and accessory structures.* No buildings, bleachers, dugouts, restrooms, concession stands, off-street parking areas or other structures shall be located less than 20 feet from any property line. Edges of playing fields and courts shall be located no closer than 20 feet from any property line.

(f) Publicly owned or regulated water supply wells. All publicly owned or regulated water supply wells must be permitted by the Saint Johns River Water Management District, and meet the requirements of the land development code, Ordinance No. 96-25, as it may be amended from time to time.

(g) Bars, lounges and package stores. The definition of the term "place of business" as set forth in Rule 7A-1.006, Florida Administrative Code, as it may be amended from time to time, is hereby adopted for the purposes of this section and incorporated herein by reference. Places of business within hotels or motels having 100 or more rooms with access limited to the hotel or motel lobby and where parking is provided on the basis of one additional space per six seats, and places of business within restaurants where the sales of food and non-alcoholic beverages account for at least 51 percent of gross monthly sales are exempt from the limitations of this section.

(1) Proximity to various land uses. No place of business holding any of the following licenses issued by the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business Regulation: (a) 1-COP (beer consumption); (b) 2-COP (beer and wine consumption); (c) COP (liquor consumption) shall be permitted within 500 feet of any of the following land uses permitted by this chapter:

a. House of Worship;

b. Public park;

c. Public recreation area; or

d. School.

(2) No place of business holding a 1-COP; 2-COP; or COP license shall be located within 1,000 feet of an existing or approved bar, lounge, nightclub, or package store, except when it is part of a hotel or motel having 100 or more rooms with access limited to the hotel or motel lobby and where parking is provided on the basis of one additional space per six seats, or except when it is part of a restaurant in which has at least 51 percent of its sales consist of food and non-alcoholic beverages.

(3) If located adjacent to a residential zoning district or a conforming residential use, screening and buffering shall be provided to minimize noise and glare impact as follows:

a. No loud noises shall be permitted after 10:00 p.m. which have the effect of creating a nuisance to adjacent property, or which exceed 60 db at the property line of the adjacent residential land use;

b. Screening in the form of a six-foot high masonry wall and landscaping shall be provided at all property lines adjoining residential land uses or zoning. Masonry walls shall include landscaping on both sides with a minimum distance of three feet between the exterior wall landscaping and the property line. Required landscaping shall be selected from the list of permitted groundcover, shrubs and understory trees in section 110-808 of this chapter, and shall otherwise comply with the sprinkler systems and maintenance requirements of section 110-808.

c. Fencing shall be provided which impairs pedestrian access to nearby residential properties.

(h) Mini-warehouses. Mini-warehouse developments shall be designed and constructed to comply with the following minimum requirements.

(1) *Use limitations.* Mini-warehouses are intended exclusively for the storage of personal property and goods by the general public and for incidental storage of goods by small commercial users. Each user shall have direct access to his or her rented space during all hours of operation. For each cubicle, no utility service, other than lighting and one electrical outlet shall be permitted, except for air conditioning, dehumidifying, or similar equipment. Multiple storage cubicles collected into a single building for the purpose of air conditioning or dehumidification may be distinguished from commercial warehouses by the provision of direct access to a secured storage space by the renter. Mini-warehouse developments shall be limited to storage use only. No

business activities, such as sales or service, shall be conducted on the premises. The operation of such a facility shall not be deemed to include a transfer and storage business where the use of vehicles is part of the business. Signs advertising individual businesses shall be prohibited. A mini-warehouse shall not be used as a business address for purposes of obtaining an occupational license, except for the mini-warehouse development itself. Manufacture, auto repair, or other similar activities are expressly prohibited. No garage sales shall be conducted on the premises. No servicing or repair of motor vehicles, watercraft, trailers, lawn mowers and other similar equipment shall be conducted on the premises.

(2) *Storage.* All storage on the property shall be kept within an enclosed building. No unattended vehicles shall be permitted on the premises unless stored within an enclosed building. Alternatively, vehicles may be stored behind masonry screen walls high enough to completely obscure the vehicles from view from any street or road, and from any property within 500 feet of the mini-warehouse facility's property line. Such screen walls shall be set back in accordance with the minimum front, rear and side yard requirements of the applicable zoning district for the location of principal buildings on a lot or parcel of land.

(3) *On-site circulation and driveway widths.*

a. All single-loaded driveways shall be a minimum of 20 feet in width;

b. All double-loaded driveways shall be a minimum of 30 feet in width;

c. Traffic direction shall be designated by signing and/or painting on driveway surfaces;

d. Access to storage cubicles shall only be provided from the interior of the site;

e. Alleys shall not be used as part of the internal circulation system of mini-warehouse developments, and access from alleys shall be restricted to vehicles that service the development itself (such as solid waste collection vehicles). Alleys shall not be permitted to have a direct connection to the internal circulation system of a mini-warehouse development. Alleys shall not be used as parking or storage areas, except that employee parking may be provided in accordance with the requirements of section 110-828 of this chapter and the applicable requirements of the land development code, as they may be amended from time to time.

(4) *Landscaping.* Mini-warehouse developments shall be landscaped in accordance with the requirements of section 110-808 of this chapter. In addition, in order to reduce the visual impact of driveways, storage buildings and security fences common to mini-warehouse developments, a combination of landscape screen and decorative masonry wall ranging from three feet to six feet in height shall be required along a diagonal line in the front yard, along the front yard setback, and six feet in height along any other property line that abuts a residential district or public right-of-way. The required decorative masonry wall shall be set back from the property line at least five feet. A landscape buffer area meeting the requirements of section 110-808 of this chapter shall be placed between the required wall and the property line. The required wall shall be constructed with its finished side facing the adjacent lot or lots. Any part of the opposite side of the wall that is visible to the public shall also be finished.

Required interior landscaping adjacent to buildings shall give priority to softening end walls visible from a public right-of-way through foundation plantings, shrubs, and understory trees, and to landscaping perimeter buildings, entryway and management office areas.

(5) *Lighting.* All lights shall be shielded to direct light onto the mini-warehouse development and away from adjacent property, but it may be of sufficient intensity and of a type to discourage vandalism and theft pursuant to the principles of Crime Prevention Through Environmental Design (CPTED). Lighting shall not increase illumination levels at the edge of pavement of

adjacent streets, roads, and residential property lines by more than one lumen above the nighttime level of illumination existing at the time of development of the project. Exterior site lighting of parking and loading areas, and similar site lighting, on lots or parcels of land that are adjacent to residential zoning or development shall be provided with low pressure sodium light fixtures. These light fixtures will be fitted with full cutoff shields when located within 30 feet of the residential property lines and when mounted on lighting standards (poles) that are higher than 15 feet.

(6) *Building treatment.*

a. Only muted earth-tone colored buildings and doors shall be permitted. Color selection shall be subject to the approval of the enforcement official.

b. Metal buildings' shall be designed and constructed in accordance with the requirements of subsection 110-814(i), "metal buildings".

c. Except where completely obscured from view by a perimeter wall, garage doors or simulated garage doors shall not be permitted on the sides of a storage building facing a public right-of-way, public park, school, or residentially used or zoned area.

(7) *Hours of operation.* Access to storage facilities shall not be allowed except during approved hours of operation. Hours of operation shall be noted on-site plan submittals and designed to provide maximum safety for users, while not interfering with existing or potential users of adjoining properties.

(8) *Maximum height of mini-warehouses.* One story, not to exceed 15 feet.

(9) *Caretaker's or manager's residence.* A caretaker's or manager's residence is permitted as an accessory use in a mini-warehouse development of over 100 units. The accessory residence shall not exceed 1,500 sq. ft. in habitable floor area. If a caretaker's or manager's residence is provided, at least two parking spaces shall be required in a location adjacent to, or within 20 feet of the residence's main entrance, in addition to all other minimum parking requirements for the mini-warehouse development.

(i) Metal buildings. Metal buildings shall be permitted only in accordance with the following requirements:

(1) That portion of a metal building visible from a street or residentially or commercially used or zoned property, public right-of-way, public park or building, school, office used or zoned area, or other area of similar use shall adhere to the design principles outlined in the City of Deltona Urban Design Pattern Book and Urban Design Master Plan or employ at least one of the following techniques to achieve an opaque, attractive and durable visual screen between such metal building and properties described herein;

a. Use of landscaping, hedges, berms, fences or a combination of these materials, or

b. Construction of building walls using either wood, brick, split-face masonry, stucco or other synthetic materials of similar appearance and durability.

(2) Notwithstanding any definition of accessory structure to the contrary, any metal building greater than 240 square feet that meets the locational criteria cited in section 110-814(i)(1) shall be considered a principal use for the purposes of this section and shall be required to meet the provisions of section 110-814(i)(1).

(3) The roof of a metal building designated as a principal structure shall either have the same pitch and appearance of the roofs of neighboring buildings, or shall be obscured from view by parapets having the appearance of wood, brick, or masonry construction;

(4) Only muted earth tone colors shall be permitted for any building designated as a principal structure.

(5) No facade, roof or parapet materials or color on buildings designated as principal structures shall be used unless approved by the enforcement official as conforming to the requirements of this section. The applicant for a permit for the construction of a such metal building shall include the necessary information to make this determination both with the conceptual and final site plan applications and with the building permit application. The information supplied shall be as required by the enforcement official. The materials approved by the Planning and Development Services Department shall become a requirement of the building permit as the materials to be used in the construction of the building.

(6) In those cases where façade design improvements are required for metal buildings, such design improvements shall complement the predominant physical character of surrounding development in terms of the building's scale, proportion, massing and orientation.

(j) Garage sales or yard sales.

(1) Garage sales or yard sales shall have the same meaning given to the term garage sales in article II of this chapter.

(2) Homeowners' garage sales are permitted in the A, RE-5, RE-1, , and R-1 through R1-B zoning districts provided that no more than two such sales are held during any calendar year and that such sales are limited to a duration of one week.

(3) Garage or yard sales may be conducted at any single-family or two-family residential premises subject to the following conditions:

a. No such sale shall be conducted unless a permit therefor has been obtained from the city. The permit shall be issued upon written application in accordance with these requirements and upon payment of the prescribed fee. A fee schedule shall be adopted by resolution of the city commission. Fees shall be periodically updated.

b. Prior to issuance of any garage sale permit the person conducting such sale shall file a statement with the enforcement official setting forth the following information:

1. Person's interest in the residential property--ownership, current lessee or such other control as the person may have;

2. Ownership of the property or goods to be sold;

3. An affirmative statement that the property to be sold was neither acquired or consigned for the purpose of resale.

(4) A permit shall be issued along with, or in the form of, a sign which shall be posted on the property where the sale will occur to identify and advertise the garage or yard sale. No other sign shall be authorized or used.

(5) All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. The permittee shall be responsible for enforcing such additional temporary controls as are needed to alleviate any special hazards and/or congestion created by the garage or yard sale.

(6) No property offered for sale shall be displayed outdoors except on the driveway or other private property at least 15 feet from any road or sidewalk.

(7) None of the items offered for sale during any permitted garage or yard sale shall be displayed or allowed to remain outside in any driveway or yard area prior to sunrise of the first permitted date of the sale or after sundown of the last permitted date of the sale.

(8) In the event of a garage or yard sale held by a nonprofit organization or by more than one family or household, the permit shall be issued to the person owning, leasing, or otherwise having control of the premises at which the sale is held.

(k) Temporary outdoor automobile and arts and crafts sales events and shows.

(1) Temporary outdoor automobile and arts and crafts sales events and shows are permitted at shopping centers (as defined in this chapter) of 50,000 sq. ft. or more of gross floor area in the C-1 and C-2 zoning districts.

(2) The temporary events permitted by this section shall not exceed seven consecutive days in duration, and shall not be held more than three times in any calendar year at any permitted location.

(3) The display, or event, area shall be located on the same lot or parcel as the principal use for which the temporary outdoor event permit is issued.

(4) The display, or event, area shall not be located so as to diminish the utility of any required parking space unless an alternative temporary parking plan is approved by the development review committee. The display, or event, area shall be located in the part of the parking facility that is farthest removed from the principal buildings, consistent with the maintenance of safe and efficient internal vehicular circulation and vehicular ingress and egress.

(5) No temporary outdoor event permitted by this section shall occur during the continuous time period starting on November 15th and ending on January 2nd of the following year.

(6) The flow of traffic on designated on-site traffic lanes on or off the lot or parcel shall not be obstructed in a manner that would create an unsafe condition.

(7) Adequate area for safe and efficient pedestrian movement shall be maintained.

(8) A permit for a temporary outdoor display shall be obtained from the Planning and Development Services Department following submittal of a scale drawing showing the display or event area and its relationship to pedestrian and vehicular movement areas and parking bays.

(9) It shall be unlawful for any person to display or place any vehicles, goods, wares or merchandise upon any public street or sidewalk in the city, except as permitted under this section, or other related ordinance or codes.

(10) Signs for temporary outdoor events shall comply with the Deltona Sign Ordinance, Ordinance 12-97 [chapter 102, Code of Ordinances], as it may be amended from time to time. No offsite signs are permitted except as provided for special events in the Deltona Sign Ordinance.

Sec. 110-815. Reserved.

Sec. 110-816. Reserved

Sec. 110-817. Conditional uses.

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

(a) Public utility uses and structures.

(1) A landscape buffer meeting the requirements of section 110-808 is required.

(2) A Final Site Plan meeting the requirements of Chapter 75, Code of Ordinances, as it may be amended from time to time, is required.

(3) Package sewage treatment plants may be permitted provided that they are consistent with the comprehensive plan and meet all applicable state requirements and the following additional requirements:

a. Package sewage treatment plant structures shall not be located closer than 50 feet to adjoining lot lines.

b. Evaporation/percolation ponds shall not be located within 100 feet of adjoining lot lines, streets rights-of-way, the mean high-water mark or water bodies, or bulkhead lines.

c. Subsurface drainfields shall not be located within 50 feet of bulkhead lines or mean high-water mark of the water bodies.

d. When spray irrigation fields are used, the minimum distance between said fields and adjoining lot lines, street rights-of-way, the mean high-water mark of water bodies, or bulkhead lines shall be determined on a case-by-case basis after due consideration of prevailing wind direction, average wind velocity, or other conditions that might carry sprayed effluent onto adjoining premises.

e. The package plant structures shall, in the absence of an appropriate natural vegetation screen, be visually screened from adjoining properties or street rights-of-way with an appropriate fence, decorative masonry wall, or plant materials.

f. Plants shall be designed to be transformed into a pump station when public central wastewater facilities are constructed to serve the area, provided that said availability is to be not more than ten years distant from the issuance of the development order/permit, except as provided for in item g. below.

g. Notwithstanding the provisions of paragraph f. above, a package plant intended to correct any existing problem of public health, safety or welfare, may be permitted.

(4) Package water treatment plants may be permitted providing they are consistent with the comprehensive plan and meet all applicable state requirements and the following additional requirements:

a. Package water treatment plant structures shall not be located less than 50 feet to adjoining lot lines.

b. Package water treatment plant structures shall, in the absence of an appropriate natural vegetation screen, be visually screened from adjoining properties or street rights-of-way with an appropriate fence, decorative masonry wall or plant material.

(b) Professional or trade schools related to the permitted principal uses. Landscaped buffer areas meeting the requirements of section 110-808 and off-street parking and loading spaces, meeting the requirements of section 110-828, shall be constructed.

(c) Golf courses, country clubs, swim clubs, tennis clubs, and similar uses are permitted, provided:

(1) The total lot area covered with principal and accessory buildings shall not exceed 15 percent.

(2) No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman or caretaker. Those living quarters, if any, shall be constructed as part of the principal building.

(3) No principal or accessory building, swimming pool or tennis court shall be located less than 50 feet from any lot line.

(4) No outdoor loudspeaker or call system shall be audible on adjoining property.

(5) All artificial lights shall be directed away from adjoining properties.

(6) Off-street parking areas meeting the requirements of section 110-828 and landscaped buffer areas meeting the requirements of section 110-808 shall be constructed.

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

(1) No principal or accessory building shall be located less than 50 feet from any property line.

(2) Off-street parking areas meeting the requirements of section 110-828 and landscaped buffer areas meeting the requirements of section 110-808 shall be constructed. Notwithstanding the provisions of section 110-828(b)(2), off-street parking and loading areas shall be surfaced with brick, asphalt, bituminous, concrete or packed shell or marl material and shall be maintained in a smooth, well-graded condition.

(3) Cemeteries shall comply with F.S. ch. 559 and any other applicable governmental regulations.

(4) All 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 75, Code of Ordinances, as it may be amended from time to time.

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

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

2. Proposed side slopes and depths, which meet these minimums All sides of the excavated area shall, at a minimum, comply with the following:

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

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

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

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

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

a) The right-of-way of any public street, road, or highway.

b) Abutting residential or mobile home classified property.

c) Any other abutting property.

d) Any natural or man-made surface water body, watercourse, or wetland.

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

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

7. The proposed method of dewatering.

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

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

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

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

   c) Landscape plan for the portion of the property disturbed by excavation and associated activities, including an inventory of plant/tree species to be used. The reclamation plan must be approved by the Development Review Committee.

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

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

    a) A detailed description of subsurface conditions.

    b) A groundwater contour map.

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

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

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

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

12. Proposed plans for fencing and signs.

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

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

c. Whenever the City of Deltona of Public Works Department determines that the use of any City or County right-of-way designated by the applicant for ingress and egress to and from the excavation-site will be subject to excessive deterioration resulting in the breakdown of the subsurface and base of that right-of-way, the applicant may be required to agree to provide the City funds in the amount necessary to mitigate the adverse impact upon the right-of-way that is caused by the excavation operation and to ensure that the roadway is maintained in a satisfactory condition. In the case of roads maintained by the County, the applicant may be required to execute an agreement with the County to mitigate adverse impacts. The agreement with either the City or the County, or both, the excavator may be required by the City Commission to post an acceptable performance bond, irrevocable letter of credit, or funds in escrow in the amount up to 100 percent of the estimated reconditioning costs, as estimated by the City's Public Works Department.

d. All excavations, as applicable, shall be reclaimed in accordance with the rules of the State of Florida, as found in the Florida Administrative Code. The requirements of this chapter shall not relieve a person from complying with the above said state rules, as applicable. Should the requirements of this Chapter conflict with said State rules, the stricter reclamation and restoration requirements shall govern.

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

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

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

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

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

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

k. The excavation shall comply with the tree protection requirements specified by Chapter 98, Article II, Code of Ordinances, as it may be amended from time to time, and the City noise

ordinance, Ordinance No. 96-15 [Chapter 38, Article III, Code of Ordinances], as it may be amended from time to time.

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

m. Off-site discharge is prohibited.

(3) Any excavator shall be responsible for notifying the City of Deltona, Department of Planning and Development Services, Volusia County and the Florida Department of State, Bureau of Historical Resources when human remains and/or artifactual materials are discovered. The county reserves the right to monitor the excavation activity and to prohibit such activity if artifactual materials and/or human remains are encountered.

(4) All excavations shall use the most current best management practices (BMP) so as to control erosion and limit the amount of sediment reaching surface waters. The city reserves the right to monitor the excavation activity and prohibit said activity if it is determined that said activity is responsible for off-premises erosion.

(p) Exempt landfills. No conditional use for the deposition of material is required by this chapter for the following activities provided that the activity does not violate any federal or state laws, rules, regulations or orders:

(1) Normal farming operations/agricultural use.

(2) Grading, filling and moving of earth in conjunction with commercial, industrial or subdivision construction provided a development order or permit has been obtained.

(3) Foundations and building pads for any building or structure, provided that a valid building permit has been issued by the building and zoning services department.

(4) Minor landscaping projects provided they do not encroach in floodprone areas as depicted on the flood insurance rate maps, promulgated by the Federal Emergency Management Agency, or change the natural drainage pattern of the ground surface at the property line.

(5) Disposal by persons of solid waste resulting from their own activities on their own, same or contiguous property, providing that said disposal is exempted under Florida Administrative Code rule 17-701.030(3).

(6) On-site disposal of construction and demolition debris, provided that disposal conforms to rule 17-701.061(3), Florida Administrative Code.

(q) Bed and breakfast homestay.

(1) Maximum number of guest rooms for bed and breakfast use in the home: Five.

(2) Owner must reside in the building.

(3) Separate cooking facilities are not permitted in the guest room.

(4) Each guest room shall have private toilet and shower facilities, except where the building is designated as historically significant by the city or the county or is listed on the National Register of Historic Places, in which cases a minimum of one bathroom shall be provided exclusively for use by the guests.

(5) Minimum bedroom area shall be 150 square feet.

(Ord. No. 09-2009, § 2, 4-20-2009)

Sec. 110-818. Waterfront yards.

Such a yard shall be measured from the ordinary high-water mark on non-tidal waters whenever ordinary high-water mark falls within the lot lines. For the purposes of determining the maximum lot coverage and density for lots with waterfront yards, the ordinary high-water mark shall be substituted for lot lines wherever the ordinary high-water mark falls within the lot lines. Provided, however, on lots with seawalls the yard shall be measured from the seawall.

Sec. 110-819. Temporary uses and structures.

(a) Dwelling unit, model.

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

(2) Signs for model homes shall comply with the Deltona Sign Ordinance, chapter 102, Code of Ordinances, as it may be amended from time to time. Signs for model homes in areas zoned residential shall comply with the sign ordinance requirements regarding signs permitted for single-family homes within the zoning districts in which the model homes are located. Except that one lighted freestanding sign per model home or model home site shall be permitted. Lighting from model home signs shall not cause glare onto the adjacent streets which interferes with the night vision of drivers. Lighted signs shall not glare into the windows of nearby residences, nor increase the light level above one foot-candle at the property lines of adjacent residential lots (including lots across the street from the model home). All model home signs in residential districts shall use internal indirect lighting, floodlights are not permitted.

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

(4) Parking facilities for model homes shall be provided in accordance with section 110-828, Ordinance No. 30-98, as it may be amended from time to time. No more than two additional parking spaces may be provided on the site of a model home in a residentially zoned area, beyond the minimum number of parking spaces required by section 110-828 of Ordinance No. 30-98, as it may be amended from time to time. Parking on non-site plan approved parking spaces, including other units under construction, is prohibited. The parking requirement for model homes in model home centers shall be based on the minimum required parking for the most intensive permitted use in the zoning district in which the model homes are located. A vacant lot adjacent to a model home may be developed as a parking facility in accordance with the driveway design and parking facility design and surfacing requirements of section 110-828 of Ordinance No. 30-98 and Ordinance No. 96-25 [land development code], as they may be amended from time to time. A ten-foot wide landscaped buffer shall be provided around such parking facilities that at minimum meets the planting standards for landscaped buffers adjacent to residential zoning in Ordinance No. 30-98, section 110-808(e)(4), as it may be amended from time to time. Use of such additional parking facilities after 7:00 p.m., or storage of vehicles, materials, or equipment therein is prohibited.

(5) Model homes located in residential zones shall be located only on streets identified as arterials, collectors or thoroughfares on the most recently adopted Deltona Comprehensive Plan. No more than two model homes may be permitted on a single block face. Model home centers are prohibited within residential zoning districts. Model home permits shall expire in three years. A one-year extension may be granted. Subdivision home sales centers are regulated by paragraph (12), below.

(6) Lighting at the sites of model homes in residential zones shall be limited to the interior and exterior lighting normally associated with single-family residences in the immediate vicinity of the model home sites. Lighted signs are prohibited. No lights shall glare directly onto adjacent properties, or onto the street. Lighting shall not increase the average background nighttime illumination at the edge of pavement of the nearest street, or at the adjacent residential property lines, by more than one foot-candle.

(7) The only non-residential use of model homes in residential zones is as a sales office for not more than two salespersons and one receptionist/secretary. There shall be no principal or accessory promotional activities at model homes in residential zoning districts including radio and television promotions, bands, our outdoor displays or events of any kind. A zoning permit issued by the Planning and Development Services Department shall be required for all open houses at homes built for speculative sale. No home built for speculative sale may have more than 12 open houses of not more than three consecutive days duration each in any 12-month time period. Except that homes built for speculative sale that are within the same block face as approved model homes shall be limited to no more than six open houses of no more than three consecutive days duration each per twelve month time period.

(8) Model home centers consisting of one or more model homes are permitted only in the PB, C-1, C-2, and C-3 zoning districts. Model home centers shall be submitted to the Planning and Development Services Department for final site plan approval in accordance with the procedures and requirements of the land development code, Ordinance No. 96-25, as it may be amended from time to time.

(9) The electrical, mechanical, plumbing and structural work in model homes in model home centers shall comply with the standards for commercial occupancy, as determined by the building official. Model homes in model home centers shall meet at least one of the following criteria: 1) they shall be built in compliance with the standards for commercial occupancy, as determined by the building official; or 2) they shall be subject to a developer's agreement requiring the walls, wiring, mechanical devices and interior plumbing to be removed to facilitate their conversion to commercial use, or requiring them to be removed, upon discontinuation of their use as model homes. Access to front entrances shall comply with the requirements of the Americans with Disabilities Act (ADA). At least one restroom facility shall be provided in the model home center that complies with ADA requirements for single-family homes structures by installing standard handicapped design options in the model.

(10) Access to model home centers shall be designed in accordance with section 110-828 of this chapter and in accordance with Ordinance No. 96-25 [land development code], as they may be amended from time to time.

(11) Model home centers shall not receive a development order without a developer's agreement first being signed by the developer and approved by the city commission. Model home centers shall be designed to facilitate conversion to non-residential use, or shall be removed, upon discontinuation of their use as model homes.

(12) Model homes and subdivision home sales centers for residential development projects, including subdivisions, shall be located within the property lines shown for the project they serve on the development plans approved by the city pursuant to the land development code, Ordinance No. 96-25, as it may be amended from time to time.

Individual model homes in phased subdivisions for which any phase is approved after the effective date of this chapter [November 16, 1998], additional or replacement model homes may not be built in any phase after 80 percent of the single-family residential lots in the phase not containing model homes are built upon or have construction in progress. Furthermore, the

model homes in any phase shall be discontinued not later than the time that 90 percent of the lots not containing model homes are sold, and 80 percent of all single-family residential lots contain homes, model homes, or homes under construction. Individual model homes may only be located at a density not to exceed two per block face on any streets within the subdivision until the preceding criteria are met.

Subdivision home sales centers may only be located on a cul-de-sac street or a site with direct access to a residential collector street within the subdivision. Subdivision home sales centers shall be discontinued and converted to residential use no later than the date that 100 percent of the residential lots in the subdivision are sold and either have homes built on them or have pending home construction contracts. Subdivision home sales centers may have parking facilities located within their approved sites, but these parking facilities shall be removed and either landscaped or converted to residential use in accordance with applicable city requirements upon the discontinuation of the subdivision home sales centers. Individuals purchasing property adjacent to, or separated by a right-of-way from, subdivision home sales centers shall be notified in writing through a recorded statement that the centers may remain until the subdivision is sold out. Lighting, signage and landscaping requirements for subdivision home sales centers shall be the same as those for individual model homes. However, subdivision home sales centers may have an identifying entry monument sign of no more than 32 square feet in area, and enter and exit parking facility signs. The permitted entry monument sign and enter and exit parking facility signs shall be subject to the same lighting requirements as signs for individual model homes. Final site plans for subdivision model home sales centers shall be submitted to the city for approval pursuant to the procedures in Ordinance No. 96-25 [land development code], as it may be amended from time to time. However, subdivision home sales centers shall not require consideration at a formal meeting of the development review committee.

(b) Mobile offices. Mobile offices or mobile units designed as offices shall be permitted for only the initial builder/developer as temporary on-site contractor construction offices, on-site sales offices or as on-site security offices, providing:

(1) Such mobile offices may only be used in conjunction with the development of approved subdivisions, mobile home parks, mobile recreational vehicle shelter parks, or in conjunction with the construction of commercial, multifamily or industrial buildings.

(2) A mobile office may be used in conjunction with the rental or sale of mobile homes from licensed mobile home sales lots.

(3) Such mobile office shall not be used as a residence. The use shall be limited to on-site construction, sales or security purposes in connection with the project on which the structure is located. Mobile offices shall not be located outside of the boundaries of the projects that they serve. The boundaries of the project are the site property lines shown on the plan of development approved pursuant to Ordinance No. 96-25 [land development code], as it may be amended from time to time.

(4) The person responsible for the development on which the mobile office is to be located shall obtain the proper permits from all applicable governmental agencies, including but not limited to electrical, plumbing and building permits.

(5) Permits for mobile offices shall be issued as follows:

a. For the construction of approved subdivisions, only after preliminary plat approval.

b. For the development of mobile home parks, and mobile recreation vehicle shelter parks, only at the same time or after any applicable building permits for the installation of improvements are issued.

c. For commercial, industrial or multifamily projects, only after final site plan approval.

d. For the sale or rental of mobile homes, only at the same time or after the occupational license has been issued.

(6) Permits for mobile offices shall expire and such mobile offices shall be removed as follows:

a. For the development of approved subdivisions, after 80 percent of the lots have been sold.

b. For the development of mobile home parks, and mobile recreation vehicle shelter parks, immediately after the park is abandoned.

c. For commercial, industrial or multifamily projects, immediately after the certificate of occupancy is issued.

d. For the rental or sale of mobile homes from mobile home sales lots, immediately after the rental or sales lot is abandoned.

(Ord. No. 20-00, § 2, 9-6-2000)

Sec. 110-820. Airport hazards.

(a) Application of certain federal and state standards. Notwithstanding any other maximum height provisions of this chapter or any PUD order and resolution adopted pursuant to this chapter, unless a variance is granted by the planning and land development regulation commission pursuant to F.S. ch. 333, and section 110-1103 of this chapter, no structure or tree shall exceed the maximum heights as set out in the Federal Obstruction Standards as contained in 14 C.F.R. sections 77.21, 77.23, 77.28 and 77.29, which are adopted by reference as part of this chapter.

Sec. 110-821. Deed restrictions.

Within the platted areas where deed restrictions have been or will be recorded by the property owner, which are not consistent with the requirements established herewith, then the more restrictive shall govern. Provided, however, that the enforcement official shall only be responsible for administering or enforcing this chapter.

Sec. 110-822. Temporary residence.

No trailer, mobile home, basement, tent, shack, garage, barn or other similar building erected on any lot shall at any time be used as a residence, temporarily or permanently, nor shall any residence of a temporary character be permitted.

Sec. 110-823. Mining.

No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon any lot or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

Sec. 110-824. Commercial animals.

Dogs, cats and other household pets may be raised, bred or kept on residential lots except when said animals comply with the definition of kennels as provided herein. Except for the above, it is specifically prohibited to keep livestock, poultry or other animals on residential lots, except as specifically permitted by the district regulations in article VII, or by the city's animal control ordinance, as they may be

amended from time to time. In the case of conflicts between ordinance provisions, the most restrictive provision shall apply.

Sec. 110-825. Dumping.

No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be allowed to accumulate and shall not be kept except in sanitary containers, which shall be maintained in a clean and sanitary condition.

Sec. 110-826. Wells.

No individual well will be permitted on any lot or tract within the city, except for irrigation, sprinkler systems, swimming pools, or air conditioning. This restriction shall be enforceable so long as a water utility system is operated to the satisfaction of the state department of health and the Florida Department of Environmental Protection.

Sec. 110-827. Accessory Uses and Structures

This article shall be known and may be cited as "Accessory Uses and Structures."

(a) Purpose. This section establishes requirements and restrictions for particular accessory uses and structures. Any accessory use or structure shall be required to obtain the same type of approval under these regulations as the principal use would have to obtain. Any accessory use or structure may be approved in conjunction with the approval of the principal use. However, no construction of an accessory use or structure shall commence before the principal use is approved and construction on the principal use has commenced in accordance with these regulations.

(b) Residential accessory buildings and structures, generally.

(1) Accessory buildings and structures customarily associated with single-family residences shall be permitted in all single-family residential districts, subject to the following limitations:

a. Private garages shall be permitted as accessory buildings in all residential districts in accordance with the standards set forth in this section;

b. Children's playhouses, patios, gazebos, etc. shall be permitted as accessory buildings and structures in all residential districts;

c. Noncommercial greenhouses and plant nurseries, tool houses and garden sheds, garden work centers, children's play areas and equipment, private barbecue pits and similar accessory structures shall be permitted as accessory buildings and structures in all residential districts;

d. Private swimming pools shall be permitted as accessory buildings and structures in all residential districts; and

e. Private docks, on waterfront properties, shall be permitted in accordance with article VIII, section 110-802.

(2) In the zoning districts RE-1, RE-5, and A, detached second-story garage apartments and mother-in-law apartments may be used as accessory dwelling units solely for the use of immediate family members or as servant quarters of the principal dwelling in accordance with the design standards and other requirements of this section.

(c) Design standards.

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

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

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

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

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

e. Accessory structures including pools and screened pool enclosures, shall not be located in any platted easements.

f. Accessory buildings and structures 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.

l. Accessory buildings and structures may be permitted up to the maximum permitted lot coverage for buildings and impervious surfaces, as appropriate.

m. Of accessory buildings and structures, only sheds shall have a maximum height limitation of fifteen (15) feet from average finished grade to ridgeline, or fifteen (15) feet from finished grade to peak on the front of the structure. An accessory shed shall not be taller than the primary structure.

(2) Private garages and carports shall be permitted as accessory buildings in all residential districts in accordance with the standards set forth in this subsection:

a. Private garages and carports shall be used solely by the occupants of the dwellings to which they are accessory and only for noncommercial purposes. Private garages shall not be used as accessory structures to support activity or store equipment or material of an off-site business.

b. Private garages and carports shall be constructed of materials similar in appearance, texture, and color to those used in the construction of the principal dwelling. Carports shall not extend forward of the most forward line of the closest other part of the main building to the front lot line.

(3) Drain fields and septic tanks shall be installed in accordance with the requirements of state law, and Section 96-27 and Chapter 110, Zoning, of the Code of Ordinances of the City of Deltona.

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

a. Can only be used as a dwelling unit by immediate family members or domestic help/caregiver quarters of the principal dwelling pursuant to the zoning district requirements;

b. shall be a minimum of 400 square feet of living area, but shall not be greater than 35 percent of the gross floor area of the principal dwelling unit;

c. shall have all utility services provided by a common meter with the principal dwelling;

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

e. shall not be assigned a separate address; and

f. all granny flats shall be subject to a declaration of use agreement between the owner and the City stipulating, at minimum, the nature of the occupancy and granting the City the right to inspect the premises in a reasonable manner.

(d) Specific prohibitions.

(1) No accessory building shall be constructed, erected, or otherwise placed on a single-family residential zoning lot that is not occupied by a principal building, except that when the single-family residential zoning lot of the proposed accessory structure is contiguous to the zoning lot of the principal building and both lots are under single ownership. When an accessory building is permitted to be placed on one of two adjoining single-family residential zoning lots, the two lots shall be joined together by a covenant recorded in the Volusia County property records. The covenant shall provide that the two lots are joined together and shall not be separated without the consent of the city. The covenant shall be in a form approved by the city and provided by the Planning and Development Services Department. All lien holders shall be notified of the joiner. Proof of title shall be provided in a form acceptable to the city.

(2) Accessory buildings and structures shall not be located so as to restrict access to buildings by emergency equipment, to impair work in platted easements, or to restrict access to rear yard septic tanks by maintenance or construction equipment.

(3) No accessory building or structure in any residential district except the A, RE-5, and RE-1 or approved as a conditional use within the R1-AAA, AA, A and R1 Single-Family classification shall be permitted to be used as a dwelling, dwelling unit, or other place of residence, or for housekeeping purposes.

(4) No driveways may connect to streets by crossing both front lot lines of through lots. Driveways connecting to the rear lot line or additional front lot lines of atypical lots are prohibited. No driveway may connect to a thoroughfare, arterial or collector street from a corner residential lot, unless all lot lines front on one of these types of streets. When all lot lines of a corner lot abut a

thoroughfare, arterial or collector street, the driveway connection shall be made to the street with the lowest traffic volume whenever corner distance separation requirements of the land development code, Chapter 96, can be met. One accessory driveway may connect across a side street yard on a single family residential corner lot to a low volume (0-1000 ADT) local street if all corner distance separation requirements of the Land Development Code, Chapter 96, can be met, there are no adverse stormwater impacts, no horizontal or vertical vision clearance issues, and a right-of-way use permit is obtained authorizing the connections in accordance with all applicable codes.

(e) Location of structures and buildings in residential areas for principal residential structures on lots which abut or include public utility easements which equal or exceed 30 feet in width.

The side and rear yard setback requirements for a principal residential structure may be reduced to provide a minimum seven and one-half feet side yard setback and minimum ten feet rear yard setback from residential lot line(s) that directly abut or include public utility easements or public drainage easements which equal or exceed 30 feet in width. This exception shall not apply to any property line, which abuts an existing or proposed street right-of-way or alley. No structure shall be placed in a public utility or drainage easement without the prior approval of the city commission.

(f) Non-residential accessory buildings and structures

(1) Review and approval of non-residential accessory uses and structures to ensure compliance with applicable provisions of the Land Development Code may be performed by the Director of Planning and Development Services or his/her designee.

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

(a) Off-street parking and loading regulations. Where required by this chapter, every use or structure shall have an adequate number of off-street parking and loading spaces for the use of occupants, employees, visitors, customers, patrons or suppliers. Except as noted in this section, chapter 96, article II, Code of Ordinances shall apply to the design and construction of all required off-street parking and loading areas.

(b) Surfacing, drainage, lighting, and access.

(1) For single-family and two-family (duplex) residential dwellings, for model homes and model home parking lots located in residential zoning categories, and for city-owned facilities and Volusia County, or State of Florida, park and recreation facilities, offstreet parking areas and driveways that connect to paved streets or roads shall be surfaced with either concrete, brick, or asphalt, and maintained in a good condition for a minimum distance of 35 feet, or the distance to the house from the front or street side lot line, whichever is less. Additional driveways, driveways that connect to unpaved streets or roads, and parking spaces on these sites may be surfaced with crushed rock, shell, or stone, , and maintained in a smooth well-graded condition. Material used at grades exceeding five percent (20'h.:1'v) must be attached to the ground, and may include paving brick or stone. Borders shall include provisions to ensure stormwater runoff is allowed to flow into the yard area adjacent to the driveway. Stormwater shall not be directed down the driveway into the public or private right-of-way or access easement except to the minimum extent necessary to effect a connection to the driveway apron at the property line, or onto adjacent property. The design storm event shall be as specified in the Deltona Land Development Code as it may be amended from time to time.

(2) Any required off-street parking and loading areas, including overflow areas, for land uses other than single-family or two-family (duplex) dwellings shall be surfaced with brick, asphalt, bituminous, or concrete material and maintained in a smooth condition. All areas shall be designed for the safety and convenient access of pedestrians and vehicles. An illumination plan

prepared by a licensed professional engineer with expertise in the field of illumination, including the latest illumination technology available, shall be submitted for each parking facility that is proposed to be illuminated. Lights, used to illuminate any off-street parking facility, shall be designed and installed to prevent a related hazard or nuisance to vehicular or air traffic and to prevent glare, annoyance or discomfort by directing light away from adjacent residential properties and adjoining streets. In no case shall illumination from a parking facility (including illuminated canopies) increase the level of illumination at the edge of pavement on adjacent streets or at the property lines of adjoining properties by more than one foot candle. The maximum height of the light fixture, including pole and lamphead, shall not exceed 35 feet and be erected such that any series of light poles and lampheads are equal in height, as measured from ground level.

(3) To promote the safety of vehicular traffic and pedestrians and to minimize traffic congestion and conflict, access to any project or development, including single-family homes and duplexes, shall comply with the requirements of the Land Development Code, chapter 96, article II, as it may be amended from time to time, and shall require a hard surface driveway apron meeting city engineering standards connecting the driveway to a public street.

(c) Location.

(1) The minimum number of parking spaces required in Section 110-828(f) for all single-family and two-family dwellings shall be located on the same lot as the main building. If additional parking spaces are required for any single-family or two-family dwelling, the additional parking spaces may be located either on the same lot as the main building, or on an adjacent vacant lot of an expanded residential building site. If the required off-street parking spaces for all other uses cannot reasonably be provided on the same lot on which the principal building or use is located, such required off-street parking spaces may be located on another lot, owned or leased by the owner of the lot on which the principal structure or use is located, provided that such spaces are located within 200 feet of the premises to be served, and, are located only in one or more of the following classifications: RM-1, RM-2, OR, C-1, C-2, C-3, I, PUD or PB. Such spaces may be located in any single-family residential zoning district only as a conditional use. Heavy equipment and vehicles requiring a commercial drivers' license of any class shall not be parked or stored on an off-premises parking lot permitted by this paragraph within any residential zoning district, or within the Professional Business zoning classification.

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

(d) Plan requirement. An off-street parking or loading space plan shall be submitted as follows:

(1) For single-family and duplex uses off-street parking plans shall be shown on the plot plans submitted with an application for a building or zoning permit. The plot plan shall accurately illustrate the number and location of parking spaces and driveways. The addition of parking spaces to an existing single-family or duplex residential building site shall require an application for a zoning permit, which shall include a plot plan and sealed survey of the expanded residential building site. All required landscaping and screening, areas proposed to be cleared, trees proposed to be removed, existing and proposed vehicle accessways, parking areas, and structures shall be shown on the plot plan. In addition, building permit applications shall be submitted for any proposed construction that is regulated by the city's adopted building code.

(2) For all other uses, an off-street parking and loading space plan meeting the requirements of chapter 96, article II, Code of Ordinances shall be submitted and approved during the site plan review process of the land development code.

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

(1) For single-family and duplex uses, except as otherwise provided in this article for expanded residential building sites, each off-street parking space shall be located on the premises which it serves; have minimum dimensions of nine feet in width by 19 feet in depth; not be located in any front yard except on a driveway but may be located within any garage or carport on the premises; and/or, may be located within any side or rear yard but not closer than five feet to any side or rear lot line, but not in any platted easements unless an authorized use permit is issued by the City of Deltona. Each such space must be accessible from a driveway connected to the street providing primary access to the premises. The design requirements for parking on the vacant lot of an expanded residential building site are set forth in paragraph (2) of this section.

(2) When additional parking is installed on the vacant lot of an expanded residential building site, the parking area shall be designed and built in accordance with the requirements of this paragraph, as follows:

a. *Surfacing, drainage and access.* Surfacing, drainage and access for any parking area on the adjacent vacant lot of an expanded residential building site shall meet the requirements of subsection 828(b).

b. *Driveway spacing.* Driveway spacing shall meet the minimum standards of the Deltona Land Development Code, Ordinance 96-25, as it may be amended from time to time. No driveway connection to a street may be made to the vacant portion of a residential building site for the purpose of providing additional parking. Access shall be provided across the adjacent lot on which a one- or two-family dwelling exists. The driveway or accessway serving the parking facility on the vacant lot of an expanded residential building site shall be built using one of the types of surfacing required for parking areas in subsection 810(b), as it may be amended from time to time.

c. *Driveways, accessways, and parking areas.* These facilities shall not be built in a manner that impairs any easement.

d. *Setbacks.* Any additional parking area on the vacant portion of an expanded residential building site shall be no closer to the front or rear lot lines than 30 feet, and no closer to the exterior side lot line of the vacant lot than 20 feet. The exterior side lot line shall be the lot line directly opposite the common lot line that lies between the two lots comprising an expanded residential building site.

e. *Natural vegetation.* Existing natural vegetation shall not be cleared from the area within the minimum setbacks required in paragraph "d." of this subsection, except to remove hazards or nuisance vegetation limited to exotic species, vines, poisonous plants, and dead or diseased plants, and in accordance with the tree protection requirements of Chapter 98, article II of the Deltona Land Development Code as it may be amended from time to time.

f. *Lot clearing.* Lot clearing shall be limited to an area beyond the setbacks specified in paragraph "e." of this subsection that shall not exceed 55 feet in depth measured from the common lot line of the expanded residential building site toward the opposite side lot line, and 50 feet in width. However, clearing to the maximum allowable width and depth shall not be permitted in every instance, but shall be limited to those instances where that is the minimum amount of clearing required to accommodate the types of vehicles being parked on the vacant lot of the expanded residential building site. In each case, clearing shall be limited in width to the minimum needed to accommodate one parking space of nine feet in width for each vehicle proposed to be parked plus a maximum of ten feet on each side to accommodate any visual screening required by paragraph "g." of this section. In each case

clearing shall be limited in depth to a depth that equals the length of the vehicle proposed to be parked plus a maximum of an additional ten feet to accommodate any visual screening required by paragraph "g." of this section.

g. *Visual screening.* If any portion of the parking area provided on the vacant portion of an expanded residential building site is visible from any adjacent street or lot, except the portion facing the common lot line of the site, that portion of the parking area must be screened from view. Minimum screening required shall be either a 100 percent opaque hedge, fence or wall at least four feet, but not more than six feet in height, and a row of understory trees high enough that their crowns obscure the parked vehicles from view. Chain link fences with cover materials or inserts shall not be permitted to meet this screening requirement. The required understory trees shall be planted so that their crown spreads at maturity shall completely cover the area within which any parked vehicle is visible. The required shrubs and understory trees shall reach maturity and achieve the required minimum screening within two years from the date of planting. All required landscaping materials shall be of the species specified in the approved plant species list in section 110-808 of the Land Development Code of the City of Deltona, as it may be amended from time to time. Except that deciduous species that drop their all or most of their leaves at any time of year are prohibited to be used as screening materials meeting the requirements of this section.

(3) For all other uses, off-site parking and loading areas shall be designed and located according to the requirements of this ordinance and the applicable articles of the Land Development Code, Ordinance No. 96-25, as it may be amended from time to time.

(f) Minimum off-street parking spaces. Minimum off-street parking spaces shall be provided with adequate means for vehicle ingress and egress from a public street or alley by an automobile of standard size, in accordance with the following table. Fractional spaces shall be rounded to the closest whole number. In stadiums, houses of worship, sports arenas, or other places of assembly where occupants sit on seats without dividing arms, each 18 linear inches of such seat shall be counted as one seat.

The minimum and maximum number of parking spaces required for any use not specifically mentioned, shall be determined by the zoning enforcement official or his or her designee based upon data from the Institute of Transportation Engineers Parking Generation Manual, from publications and data from the American Planning Association or the Urban Land Institute, from studies using ITE recommended methodology and other professionally acceptable sources. Information that other land uses, which are the same as, or similar to, the land use for which a parking determination is sought, have been provided a given number of parking spaces in other jurisdictions shall not be controlling in determining parking requirements, unless such requirements in other jurisdictions are supported by publications, data and information available, or presented in writing, to the zoning enforcement official.

Table 110-9 Minimum Off-Street Parking Spaces

Land Use	Number of Parking Spaces
Parks:	
Open "free play area"	8 spaces per acre
Equipped playground	10 spaces per site
Multipurpose Court	5 spaces per court

Picnic Area	1 space per table
Baseball/Softball	38 spaces per field
Handball/Racquetball Court	2 spaces per court
Tennis Court	2 spaces per court
Soccer/Football	34 spaces per field
Shuffleboard Court	2 spaces per court
Basketball Court	5 spaces per court
Jogging/Fitness Trail	2 spaces per trail
Multipurpose Field	8 spaces per acre
Primitive Camping	1 space per site
Fishing Pier	4 spaces per 50 lineal feet
Boat Ramp	36 spaces per boat lane
Volleyball	6 spaces per court
Concession Building	1 space per concessionaire or employee
Community Center	1 space per 200 sq. ft. GFA*
Community Pool--50 meter (164' × 75')	91 spaces
Neighborhood Pool--25 yards (75' × 45')	25 spaces
Transportation Centers	1 space for each 4 estimated average daily passengers To be addressed in the future--Multi-modal.
Recycling Collection Center	1 space per employee
Solid Waste Transfer Station	1 space per employee
Banks	4 spaces/1,000 sq. ft. of GFA with 5 reservoir spaces per drive thru window and drive thru ATM
One and Two Family Homes	1BR and more: 2 spaces/d.u., in addition to garage parking, if any.
Multi-Family	Studio and 1 BR: 1.5 spaces/d.u. + 1 space per 10 d.u. for guest parking
	2BR: 2 BR or more: 2.0 spaces/d.u. + 1 space per 10 d.u. for guest parking
	No recreational vehicles, boats, or trailers are permitted except within an additional visually screened and secured parking area that may be provided specifically for recreational vehicle, boat, and/or trailer storage.
Hardware Store	2.86 spaces /1,000 sq. ft. GFA

Home Improvement Superstore	3.5 spaces/1,000 sq. ft. GFA** applicant may increase to 5 spaces/1000 GFA provided additional spaces may be classified as alternative surface spaces when located greater than 300 ft. from the front door.*Garden Center area shall be included.
Hotels, Motels	1 space/rental unit 1 space/guest room, plus an additional 10% for employees, plus additional parking required for any other land uses on the site, such as restaurants or bars.
Hospitals	1 space per bed
Colleges, Community Colleges, or Other Places of Higher Learning	1.25 spaces per student and a minimum of 1 space per 250 sq. ft. GFA of office area up to 1,000 office spaces, and 1 space per 500 GFA of office area for offices over a campus total of 250,000 sq. ft. of GFA office area and 1 space per 200 sq. ft. GFA devoted to classrooms, plus minimum parking required for other areas of assembly, sports arenas, and stadiums.
Nursing and Convalescent Facilities	1 space/2 patient beds, based on the maximum designed capacity of the facility.
Live Theater or Auditorium	1 space/3 persons permitted at fire code maximum occupancy plus 10% for employee parking.
Movie Theater	1 Screen - 1 space/3 seats permitted at maximum fire code occupancy, plus 10% for employee parking.
	2 Screens - 1 space/4 seats permitted at maximum fire code occupancy, plus 10% for employee parking.
	>2 Screens - 1 space/5 seats permitted at maximum fire code occupancy, plus 10% for employee parking.
Church	1 space/3 seats in main assembly area, or 33.3 spaces/1,000 sq. ft. GFA in main assembly area if no fixed seating is provided. Seating shall be based on maximum fire code occupancy. Plus parking required for other uses on the site that operate during hours when the main assembly area may be in use.
Mortuary or Funeral Home	1 space/3 seats in main assembly area, or 33.3 spaces/1,000 sq. ft. GFA in main assembly area if no fixed seating is provided. Seating shall be based on maximum fire code occupancy.
Other Places of Assembly	1 space/3 seats in main assembly area, or 33.3 spaces/1,000 sq. ft. GFA in main assembly area if no fixed seating is provided.
	Seating shall be based on maximum fire code occupancy.
Restaurants	*Type A:* Indoor service, low turnover: 12 spaces/1,000 sq. ft. GFA indoor service; High turnover: 14 spaces per 1,000 sq. ft. GFA, plus 6 reservoir spaces/service lane, with a minimum of 3 spaces behind the order station or menu. *Type B:* Fast Food: 6 reservoir spaces/ service lane with a minimum of 3 spaces behind the order station or menu, plus 10 spaces/1,000 sq. ft. GFA. Restaurant without customer seating 1 space/100 sq. ft. GFA

Bars and Night Clubs	1 space/100 sq. ft. GFA
Office Buildings less than 25,000 sq. ft.	3.25 spaces/1,000 sq. ft. GFA
Office Buildings between 25,000 sq. ft and 500,000 sq. ft.	3.0 spaces/1,000 sq. ft. GFA
Office Buildings over 500,000 sq. ft.	Determined by parking demand study using professionally acceptable parking demand methodology approved by the zoning enforcement official, with results to be reviewed and approved by the city, but not less than 3 spaces/1,000 sq. ft. GFA.
Medical Offices, Clinics, and Laboratories	Min: 5 spaces/1,000 sq. ft. GFA Max: 6 spaces/1,000 sq. ft. GFA
Retail Sales and Services, General	Less than 150,000: 4.44 space/1,000 sq. ft. GFA 150,000 sq. ft. or greater: 4.0 space/1,000 sq. ft. GFA Garden Center area shall be included.
Shopping Centers	4.0 spaces/1,000 sq. ft. GFA Garden Center area shall be included.
Library	5.0 spaces/1,000 sq. ft. GFA
Automated Service Station Retail Sales (Types A and B)	1 space/gas pump, plus 3 spaces/service bay (not including service bays as parking areas)
Automobile Service Station with Retail Sales (Type C)	1 space/gas pump, plus 5 spaces/1,000 sq. ft. GFA,.
Government Office Building	4 spaces/1,000 sq. ft. GFA plus required seating auditorium when an assembly area is included.
Manufacturing	1.54 spaces/1,000 sq. ft. GFA for manufacturing, plus and Industrial Required parking for other uses on the site.
Commercial and Industrial Dead Storage	4 spaces/1,000 sq. ft.
Contractors Storage Yards	1 space/1,000 sq. ft.
General Warehouses	1.54 spaces/1,000 sq. ft. GFA, plus 3.5 spaces/1,000 sq. ft. of office or retail area.
Self-Service and Mini-warehouses	1 space/10 cubicles or units, plus continuous Loading spaces clear of through traffic access, plus 3.5 spaces/1,000 sq. ft. of office area.
Bowling Alleys	4 spaces/alley, plus required parking for other uses on the site, plus 10% for employees.
Private Clubs and Lodges	1 space/3 persons permitted at the maximum fire code capacity of the main assembly area.
Day Care Center	1 space/state required staff, plus 1 space/5 children at maximum permitted capacity, plus 1 passenger loading space/ea. 10 children

	under care, minimum 4 spaces. In lieu of the above requirement, a two lane loading and access area may be provided in accordance with the design standards for such loading and access areas in the Deltona Zoning Ordinance, as it may be amended from time to time. When such loading and access area is provided, the minimum parking requirement shall be reduced to 1 space/10 children at maximum licensed occupancy, plus 1 space/state required staff person.
Group Home	1 space/5 resident clients, plus 1 space/state Required employee on the largest shift
Bed & Breakfast	1 space/guest room, plus 10% for employee/guest parking, plus 2 spaces/permanent resident dwelling unit.
Ball Park or Stadium, not including Little League and similar children's Recreational programs	1 space/ea. 3 seats or 1/300 sq. ft. GFA, whichever is greater.
Recovery Homes	1 space/2 patient beds, plus 10% for staff. If visitation is allowed, add another 10% for visitors.
Pool Halls and Billiard Parlors	2 spaces/pool and billiard table, plus required parking for all other uses on the site, including restaurants or bars.
Golf or Country Club	6 spaces/golf hole, plus required parking for any other uses on the site.
Swim Club	1 space/250 sq. ft. member use area in principal building, plus 1 space/50 sq. ft. of pool and deck area, 1 space per three (3) seats in any spectator area, and required parking for any other uses on the site.
Rooming or Boarding Houses and Dormitories	1.5 spaces/rented room or unit, or 1 space/400 sq. ft. Boarding Houses GFA when dormitory style facilities are provided.
Fraternities or Sororities or Student Cooperatives	1 space/2 occupants based on fire rated capacity of the building.
Mobile Home Parks	2 spaces/d.u. plus any additional spaces required to service accessory buildings or structures, plus required parking for all other uses on the site.
Car Wash	Full Service: 1 space per employee on maximum shift plus sufficient area for stacking spaces. Self Service: 1 stacking space per washing bay.
Veterinary Clinics	4.44 space/1,000 sq. ft. GFA
Telemarketers	10 space/1,000 sq. ft. GFA
Furniture Stores	2 spaces/1,000 sq. ft. GFA
Health Club and Spas	5.71 space/1,000 sq. ft. GFA
All Land Uses, maximum	Maximum permitted number of parking spaces shall not exceed

permitted parking	1.15 times the minimum parking required by this section, unless otherwise stated herein, or unless a waiver of the maximum parking limitation is obtained from the zoning enforcement official pursuant to this section.

(g) *Minimum requirements for off-street handicapped parking.* Except for standard and manufactured single-family dwellings, and two-family standard or manufactured dwellings, where off-street parking spaces are required by this chapter, the number to be reserved for the handicapped shall be determined from the following table.

Table 110-10 Minimum Requirements for Off-Street Handicapped Parking

Total No. of Off-Street Parking Spaces	No. of Spaces Required to be Reserved for Handicapped
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
Over 1,000	20 plus 1 for each 100 over 1,000

(h) *Off-street loading and unloading regulations.* At the time of construction of one of the following categories of buildings, or at the time of structural alteration for an increase in size or capacity, there shall be provided minimum off-street loading or unloading spaces with adequate means of ingress and egress from a public street or alley, without interfering with the public use of streets, or off-street parking spaces. Off-street parking spaces may not be used to meet off-street loading requirements.

The dimensions, design, and location of all off-street loading spaces shall meet the requirements of article IV of the land development code.

The minimum numbers of off-street loading spaces shall be determined from the following table:

Table 110-11 Off-Street Loading Spaces

USE CATEGORY	FLOOR AREA IN SQ. FT.	LOADING SPACE REQUIRED
Retail Sales and Service, Restaurants or Similar Uses	3,000--10,000	1
	10,001--20,000	2
	Each additional 20,000 sq. ft. or fraction	1
Offices, Hotels, Hospitals, Nursing Homes, Assisted Living Facility, Multi-Family Dwellings or Similar Uses	30,000--100,000	1
	Each additional 100,000 sq. ft. or fraction	1
Arenas, Auditoriums, Stadiums, Convention Centers, Exhibition Halls, Museums or Similar Uses	10,000--50,000	1
	50,001--100,000	2
	Over 100,000	4
Any industrial use and any wholesale, retail and commercial storage facility	15,000--40,000	1
	40,001--100,000	2
	100,000--160,000	3
	Each additional 80,000 sq. ft. or fractions	1

(i) Bicycle parking regulations. Each of the following uses shall be required to provide parking spaces for bicycles: parks and recreation areas; convenience stores; restaurants (Types A and B); game rooms; pharmacies; shopping centers (regional, community, and neighborhood); and any employment facility (i.e., office, industrial) with at least 50 employees.

The minimum number of bicycle spaces to be provided shall be determined from the following table:

Table 110-12 Minimum Number of Bicycle Spaces

Required No. of Automobile Parking Spaces	Minimum Number of Required Bicycle Parking Spaces
1--40	2
41--60	3
61--80	4
81--100	5

Over 100	6 plus 1 for each 20 automobile parking spaces over 100, provided that the maximum number of required bicycle spaces shall not exceed 20.

All bicycle parking shall be located so as to not conflict with automobile or pedestrian traffic flow.

(j) Mass transit parking requirements. Community and regional shopping centers shall be designed to accommodate buses for convenient and safe boarding and unloading of passengers as well as maintaining a safe traffic pattern. Shopping centers of greater than 100,000 square feet of gross leasable floor area shall provide a passenger shelter or covered benches to accommodate the mass transit system riders. Bus stops, shelters, and benches shall be designed so as to avoid interference with automobile and pedestrian traffic from mass transit operations and facilities.

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

(a) *General design requirements.* Internal site circulation shall follow a functional classification and hierarchical design criteria to assure that the movements between the public right-of-way, which is the high-speed movement facility, and the parking stall, which is the terminal facility, are conducted in an efficient and orderly form. All streams of departing traffic from the parking stalls in a parking lot shall be assembled and delivered to an internal collector facility that combines them into a few concentrated streams which will then be connected to the public right-of-way at a few properly spaced access locations.

(b) *Functional elements of off-street circulation system.* Parking spaces, drive aisles, driveways and reservoir areas are the basic functional elements of the off-street circulation system. Additional elements, including but not limited to service roads, loading areas, bicycle parking areas, and mass transit loading (bus stop) areas within the proposed development, and left-turn lanes, right-turn lanes, traffic signals and marginal-access roads immediately adjacent to the proposed development, may also be required.

(1) Parking stalls and aisles.

a. The minimum size (in feet) of a parking space shall be as follows:

Nine' × 19' standard space

10' × 22' parallel space

12' × 20' with a five-foot wide adjacent ingress/egress aisle handicap space

Parking and maneuvering areas shall be designed in accordance with the diagram and table contained in section 70-60 of this Code.

A maximum of two feet of the length of any parking space may be grassed with use of appropriate curb stops.

b. All required parking stalls shall have direct and unobstructed access from a parking aisle.

c. No parking stall shall directly abut a driveway.

d. No parking aisle or system of parking aisles in a parking lot shall connect more than 60 parking stalls.

e. Access for emergency fire vehicles shall be in accordance with NFPA standards.

f. All off-street parking areas shall be so arranged and marked as to provide for orderly safe loading, unloading, parking and storage of vehicles with individual parking stalls clearly defined, and with directional arrows and traffic signs provided as necessary for traffic control. All signs and pavement markings shall be in accordance with the "USDOT Manual on Uniform Traffic Control Devices."

g. Acceptable plans must illustrate that proper consideration has been given to the surrounding street plan, traffic volumes, proposed street improvements, vehicular street capacities, pedestrian movements and safety.

(2) Driveways.

a. All parking aisles shall connect to a driveway.

b. A parking lot which exceeds 60 parking stalls shall be designed with at least one two-way directional driveway loop system connecting the point of entry of the parking lot to the parking stalls and the principal building.

c. The minimum distance from a driveway to a structure or property line shall be five feet.

d. Single-lane driveways shall be a minimum of 14 feet wide. Two-lane driveways shall be a minimum of 24 feet wide. Required widths shall be increased according to vehicle type or if the number of parking stalls connected or the number of trips generated justifies such increase.

e. Any off-street parking facility shall have either driveway approaches of sufficient width to allow for two-way traffic, or one-way driveways connected to aisles, parking areas or maneuvering areas in such a manner as to permit traffic to simultaneously enter and leave the property, facing forward at the same time. A driveway which is only wide enough for one-way traffic shall be signed for one-way operation.

(3) Circulation design. A parking lot abutting a thoroughfare shall be designed for full circulation. A parking lot abutting a non-thoroughfare may be designed for partial circulation.

(4) Parking and loading areas to be curbed. Except for one- and two-family dwellings, all parking and loading areas shall be constructed with a six-inch raised curb or bumper blocks located a minimum distance of seven feet behind the street right-of-way line and other property lines along sidewalks, safety islands, driveways, sight distance triangles, and other places as determined by the city traffic engineer or city traffic engineer consultant. The raised curb shall be constructed in such a manner as to prevent vehicles from crossing sidewalks or other pedestrian walkways, other than by means of an approved driveway approach.

(c) *Additional functional elements.*

(1) Off-street loading spaces.

a. Off-street loading spaces shall be designed to accommodate both the parking of and maneuvering of the design vehicle exclusive of those areas designated for aisles, driveways or parking stalls. Backing from or onto public right-of-way shall not be permitted. Off-street loading spaces shall be directly accessible from a street without crossing or entering any other loading space and may not extend into any street.

b. Off-street loading space dimensional requirements. Each required off-street loading space shall have a minimum dimension of 12 feet by 40 feet and a minimum overhead clearance of 14 feet above the paving grade.

(2) Handicapped parking spaces.

a. All handicapped parking spaces shall be accessible by a curb cut or curb ramp. Handicapped spaces shall be located at the closest practical point to the use or structure on the premises

and so that it will not be necessary for individuals to access the space from behind other non-handicapped spaces.

b. Each handicapped parking space, regardless of the angle of design, shall have a minimum width of 12 feet and shall comply with the standards specified in the Accessibility Requirements Manual, latest edition, published by the Florida Department of Community Affairs.

c. Each handicapped space shall be prominently posted with a permanent sign of a design specified in "Roadway and Traffic Design Standards," latest edition, published by the Florida Department of Transportation.

(d) *Vehicular reservoir areas.* Adequate reservoir capacity shall be required for both inbound and outbound vehicles to facilitate the safe and efficient movement between the public right-of-way and the development. An inbound reservoir shall be of sufficient size to ensure that vehicles will not obstruct the adjacent roadway, the sidewalk, and the circulation within the facility. An outbound reservoir shall be required to eliminate backup and delay of vehicles within the development.

(1) Design. A reservoir area shall be designed to include a space of 12 feet wide by 25 feet long for each vehicle to be accommodated within the reservoir area and so that vehicles within the reservoir area do not block parking stalls, parking aisles or driveways of off-street parking facilities.

(2) Adjacent to thoroughfare. The minimum number of vehicles required to be accommodated within a reservoir area of a parking lot adjacent to a thoroughfare shall be in conformance with table 110-13.

(3) Adjacent to non-thoroughfare street. The minimum number of vehicles required to be accommodated within a reservoir area adjacent to a non-thoroughfare shall accommodate at least one percent of the number of parking stalls served by the driveway. For parking lots with fewer than ten cars, the reservoir area shall be able to accommodate at least one car.

Table 110-13. Vehicle Reservoir Area Requirements
Adjacent to Thoroughfare

		Reservoir Area	
Type of Facility		Inbound Vehicles	Outbound Vehicles
Vehicle-oriented services:			
	Drive-in bank	6 spaces per service position	1 space per service position
	Drive-in beverage, food sales, and laundry pickup	3 spaces per service position	1 space per service position
	Drive-through restaurant service	8 spaces per service position	1 space per service position
	Automatic car wash	10 spaces on approach to wash line	6 spaces between end of wash line and right-of-way of street

	Self-service car wash	3 spaces on approach to wash line	1 space between end of wash line and right-of-way of street
	Drive-in theater	15% of the total parking capacity of the theater	1 space per service position
	Hospital	5 spaces or 1% of the total parking capacity (use the greater figure)	None
	Service station	4 spaces per service position	1 space per service position
Residential:			
	Attendant parking	10% of the total parking capacity of the facility	None
	Self-parking	5 spaces or 1% of the total parking capacity (use the greater figure)	None
	Gatehouse	5 spaces	1 space
Nonresidential:			
	Attendant parking	10% of the total parking capacity of the facility	None
	Self-parking	5 spaces or 1% of the total parking capacity (use the greater figure)	None
	Ticket gate (ticket-dispensing machine)	4 spaces minimum	1 space
	Cashier booth (tickets dispensed manually)	6 spaces minimum	1 space
	Gatehouse (commercial)	5 spaces or 1% of the total parking capacity (use the greater figure)	2 spaces

Note: One reservoir space is 12 ft. × 25 ft.

(e) *Accessibility to structures for vehicles other than automobiles.*

(1) Structures intended for principal uses shall be made accessible to the following type of vehicles:

Residential uses, other than single-family or duplex: single-unit truck (SU);

Commercial and institutional uses: single-unit truck and semitrailer (WB-40) combination, intermediate;

Industrial use: single-unit truck (SU) and semitrailer-full trailer combination (WB-60).

Definitions of, as well as, required specifications for the above vehicle types shall be those found in the "AASHTO Geometric Design of Highways and Streets."

(2) All buildings other than single-family or duplex residences shall be accessible to fire apparatus from two sides. Fire engines shall be considered as a WB-40 as defined by the "AASHTO Geometric Design of Highways and Streets." The area required to meet the AASHTO design standards shall be paved or treated to ensure support to a 16-ton weight vehicle. This area shall be maintained free of trees and bushes and shall be clearly designated for this purpose. Access from one side may be accepted by the DRC where access from two sides is not possible.

(3) Fire lanes shall be provided for all buildings which are set back more than 150 feet from a public road, or which exceed 30 feet in height and are set back more than 50 feet from a public road, and may be required for other buildings. Fire lanes shall be at least 20 feet in width with a minimum of five feet provided between the fire lane and any adjacent building. No parking shall be permitted between the fire lane and the building.

(4) Required parking spaces, parking aisles and driveways shall not be used as loading or parking areas for any type of vehicle including emergency vehicles other than automobiles.

(f) *Driveway entrance from a non-thoroughfare street.* The following requirements apply to driveways connecting development to a non-thoroughfare street:

(1) Design requirements.

a. The driveway entrance shall be sufficient to allow access to the parking area without interference among vehicles entering and/or leaving and vehicles circulating in the parking lot.

b. The minimum distance from the street right-of-way line at any driveway to any interior service drive or parking aisle with direct access to such driveway shall be 25 feet.

c. In the case of a main driveway of a development subject to major review, such as a shopping center, multiple-family development, or business or industrial park, the minimum distance from the street right-of-way line of the driveway to any interior service drive or parking aisle having direct access to such driveway shall be 100 feet.

(2) Number and location of driveway entrances. In order to provide the maximum safety with the least interference to the traffic flow on public streets, and to provide ease and convenience in ingress and egress to private property, the number and location of driveways shall be regulated relative to the intensity of use or size of the property served and the amount of frontage which that property has on a given street, as follows:

a. One driveway shall be permitted for ingress and egress purposes to a single property or development.

b. Two driveways entering on a particular street from a single property or development may be permitted if all other requirements of this section are met and if the minimum distance between the two driveways equals or exceeds 100 feet.

c. Three driveways entering on a particular street from a single property or development may be permitted if all other requirements of this section are met and if the minimum distance between adjacent driveways equals or exceeds 150 feet.

d. Not more than three driveways will be permitted from a single property or development. However, in the case of extensive property development (property exceeding ten acres in total land area and/or containing more than 1,000 parking stalls, additional driveways may be permitted provided all other requirements of this section are met and the minimum distance between adjacent driveways equals or exceeds 300 feet.

(3) Driveway entrance width according to type.

a. Ramp-type or swale-type driveway entrance. Except as provided in subsection 110-829(f)(3)b. below, all one- and two-family residential driveways shall be constructed with the standard ramp-type or swale-type driveway entrance and shall conform to the following width requirements.

Table 110-14 Driveway Entrance Width According to Type

	Minimum (feet)	**Maximum (feet)**
Residential	12	24

(widths to be measured at the street right-of-way line)

The width of a curb opening shall not exceed the driveway width by more than five feet on each side.

b. Street-type driveway entrance. Construction of a street-type driveway shall be required for entrances of any development except for one- and two-family residential development. Such driveway shall be a minimum width of 24 feet and a maximum width of 60 feet.

(4) Limitations on driveway entrance improvements.

a. No driveway shall be constructed in the radius return of an intersection.

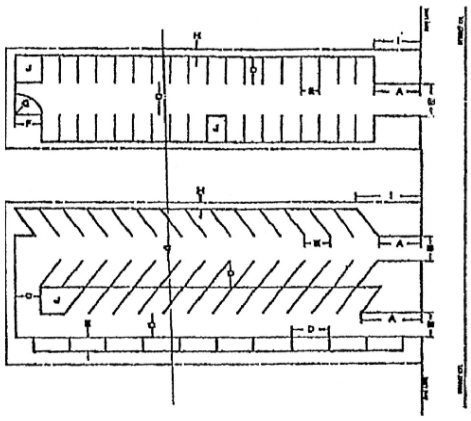
b. No driveway shall be constructed with a corner clearance of less than 50 feet, measured along the edge of the traveled way between the return radius and the nearest point of the driveway.

c. No driveway entrance shall include any public facility such as traffic signal standards, catch basins, crosswalks, loading zones, utility poles, fire alarm supports, meter boxes, sewer cleanouts, or other similar type structures.

d. Within the right-of-way limits, the maximum recommended driveway grade is approximately three percent. The maximum allowable grade is four and two-tenths percent or one-half inch per foot. The maximum slope immediately beyond the right-of-way line shall not change in excess of five percent for either angle of approach or breakover angle.

e. Existing driveway approaches shall not be relocated, altered or reconstructed without prior approval. When the use of any driveway approach is changed, making any portion or all of the driveway approach unnecessary, the developer of the abutting property shall obtain a permit to abandon the driveway approach and shall, at his/her expense, replace all necessary curbs, gutters and sidewalks.

(g) *Parking Space Dimensions:*



All dimensions set out in C through H below are minimum dimensions.
Dimensions of aisles and spaces for the following parking space angles are as follows:

Table 110-15 Parking Space Dimensions

Parking Space Angles (DEGREES)	45	50	55	60	90	180
A. Drive aisle.	13'	15'	16'	18'	24'	15'
B. Parking space depth	18'	18'	18'	19'	19'	22'
C. Parking space width (Measured perpendicularly to the striping)	9'	9'	9'	9'	9'	9'

D. Row end backup area depth--15'
E. Row end backup area radius--15'
F. Distance to property line or building--5' or as required.
G. Landscaped buffer area--As required.
H. Landscaped island/row end--As required.

(h) *Reserved*

(i) *Design of thoroughfare corridors.* A site connected to a street at any point within a thoroughfare corridor shall meet the design criteria, requirements and standards of section 96-37.

(j) *Design of non-thoroughfare corridors.* A site connected to a street which is not within a thoroughfare corridor shall meet the design criteria, requirements and standards of section 96-38 of this article.

(k) *Impervious area and storm water runoff.*

(1) The area covered by structures and impervious surface shall not exceed 70 percent for industrial and commercial lots and 60 percent for residential lots.

a. Pervious areas may be used to satisfy requirements for landscaping and setbacks, buffer strips, drain fields, passive recreation areas, or any other purpose that does not require covering with a material that prevents infiltration of water into the ground.

b. In the case of the use of an impervious material which does not cover all the surface to which it is applied, credit towards the computation of the pervious area shall be given according to the amount of percolation that is permitted.

c. Parking areas, whether paved with impervious material or not, shall be considered impervious.

(2) Each proposed development shall include provisions for the application of best management practices to minimize retention areas; such as grass ponds, grass swales, french drains, or combinations thereof, and shall meet all the recommendations of the "208" Areawide Water Quality Management Plan.

(l) *Functional landscaping and tree preservation.* Compliance with the provisions of the zoning ordinance [chapter 110], as amended, and chapter 98, article II of this Code is required.

Sec. 110-830. Reserved

Sec. 110-831. Temporary Portable Storage Unit: Intent, purpose and jurisdiction.

It is the intent and purpose of this ordinance to allow temporary portable storage units on residential property within the City of Deltona so as to meet the temporary portable storage needs of the public while deterring adverse impacts on the city's permanent uses.

(a) Temporary portable storage units allowed. A temporary portable storage unit is allowed on property solely for the loading, unloading and temporary storage of goods. A temporary portable storage unit shall be allowed in any residential zoning district within the City provided it meets the criteria set forth in this division. This section shall not override or substitute any other permit, certification or approval required by any other section of this chapter.

(b) Criteria for temporary portable storage units.

(1) *Notice*. Vendors of temporary portable storage units, to include lessors, are required to notify the City of Deltona's enforcement services director in writing, by letter, fax or e-mail, prior to placement of a temporary portable storage unit within the city limits. Such notice shall contain the residential address of the placement, the name of the occupant at such residential address and the anticipated duration of the placement

(2) *Placement.* Temporary portable storage unit may be allowed in any residential zoning district subject to the following provisions:

a. Vendors of temporary portable storage units, to include lessors, are required to notify the City in writing by letter, fax or e-mail of the placement of a temporary portable storage unit within the City limits. Such notice shall contain the residential address of the placement, the name of the occupant at such residential address and the anticipated duration of the placement;

b. Temporary portable storage units may be placed on any driveway area, but must be a minimum of five feet from the edge of any right *of way and six feet from any side* lot line;

c. The unit shall not be located in any right-of-way;

d. Temporary portable storage units shall not be modified by adding windows, electrical, plumbing or mechanical improvements and/or used as habitable space;

e. The temporary portable storage unit must be placed on a paved surface.

f. A maximum of two temporary portable storage units are allowed per lot at a time.

(3) Time limit.

a. The maximum time for the temporary portable storage unit to remain on the property shall be 30 consecutive days with a maximum of two occurrences per year per lot, not to run consecutively, with the following exception:

1. The time period set forth in this subsection may be extended by the enforcement services director or his/her designee for up to 30 days, provided the applicant can show good cause. Good cause shall mean emergencies and situations where there exists a reasonable risk or threat to life and/or property damage if the extension is not granted.

(4) Maintenance and prohibition of hazardous materials.

a. The temporary portable storage unit shall be maintained in good condition, free from evidence of deterioration, rust, holes or breaks. When not in use the temporary portable storage unit shall be kept locked.

b. Temporary portable storage units shall not be used to store solid waste, perishable foods, debris, recyclable materials, or used to store materials or goods for property other than at the site where the unit is located.

c. A temporary/portable storage unit shall have the name and current telephone number and address of the company providing the temporary portable storage unit.

d. No hazardous material as defined by the NFPA codes shall be allowed.

(5) Liability. Notwithstanding any provision to the contrary, the property owner shall be liable for any violation under this section.

(6) Penalties. A violation of this section may be enforced by issuance of a citation, summons, notice to appear in front of the special magistrate or by filing an action in civil court for injunctive relief or any other lawful means.

Sec. 110-832. Sidewalk Cafés

(a) Purpose and Intent. Within non-residentially zoned areas and added as part of an existing or proposed restaurants, an establishment may provide a designated space that includes sidewalk café seating areas consistent with the provisions of this subsection. Any such area shall have direct access to the building containing the restaurant or to a sidewalk network and be placed in a visible location that is convenient for use by the general public.

(1) Sidewalk cafés shall only be allowed following approval of a site plan by the Director of Development Services.

(2) The sidewalk café site plan shall meet all relevant provisions of the Land Development Code.

(3) The sidewalk café shall meet all minimum requirements of the Fire Code.

(4) The Fire Marshal or designee may cause the immediate removal, relocation, redesign, and/or storage of all or part of a sidewalk café in emergency situations or for public safety considerations at the expense of the business owner.

(5) The Fire Marshal or designee may require the temporary removal and/or relocation of all or part of a sidewalk café when street, sidewalk, or utility repairs, or other public construction, necessitates such action.

(6) The owner of a sidewalk café shall maintain a current business tax license issued by the City of Deltona, Finance Department (refer to City of Deltona, Code of Ordinance, Chapter 22-Businesses).

(7) The clear width of adjacent sidewalks shall be a minimum of 36 inches to provide for adequate pedestrian access , and such sidewalk shall not bisect and shall be located outside the sidewalk café sitting area. Consistent with Section 403.5.1 of the Florida Building Code, as may be amended, such width may be reduced to a minimum of 32 inches for a length of 24 inches

maximum, provided that reduced width segments are separated by segments that are a minimum of 48 inches long and a minimum of 36 inches wide.

(b) *Indemnification and insurance.*

(1) Sidewalk cafés which serve alcoholic beverages shall carry liquor liability insurance at its own expense and liability.

(2) Workers' compensation and employers' liability as required by the state.

Sec. 110-833 – Sec. 110-834. Reserved

Sec. 110-835. Prescribing and dispensing controlled substances from same site prohibited.

Notwithstanding any other provision of this code to the contrary, it shall be unlawful to dispense any controlled substance listed in subsections 893.03 (1) and (2), Florida Statutes, from the same site or location from which the prescription was issued. This prohibition shall not apply to the administration of a controlled substance by a duly licensed practitioner, nor to the dispensing of a starter sample of a controlled substance, at no cost, in conjunction with the issuance of a prescription. Further, this prohibition shall not apply to the prescribing and dispensing of controlled substances by veterinarians in conjunction with their practice or by pharmacies in conjunction with a retail clinic operated by the pharmacy so long as the pharmacy is owned by a publicly held corporation whose shares are publically traded on a national exchange or on the over-the-counter market and whose total assets at the end of the most recent fiscal quarter exceeded $50 million (Or. No. 01-2011)

Sec. 110-840. Establishments using slot machines or slot machine-like equipment prohibited.

(a) A person may not design, promote, or operate a simulated gambling device to:

(1) Conduct a game promotion, sweepstakes, drawing, raffle, or any game of chance, including the entry process or the revealing of a prize or outcome; or

(2) Promote a game promotion, sweepstakes, drawing, raffle, or any game of chance that is conducted through the use of a simulated gambling display, including the entry process or the revealing of a prize or outcome.

(b) It is unlawful for any organization which, pursuant to the authority granted by Chapter 849, Florida Statutes, promotes, or conduct a drawing by chance:

(1) To design, engage in, promote, or conduct any drawing using a simulated gambling device, as defined herein.

(2) To design, engage in, promote, or conduct any drawing through the use of any mechanically or electronically operated machine, network, system, or device that is:

a. Owned, leased, or otherwise controlled by the organization or a partner, affiliate, subsidiary, or agent of the organization; and

b. Operated, played, or otherwise interacted with by an entrant to the drawing.

(c) It is unlawful for any operator:

(1) To design, engage in, promote, or conduct such a game promotion through a simulated gambling device, as defined herein.

(2) To design, engage in, promote, or conduct such a game promotion through the use of any mechanically or electronically operated machine, network, system, or device that is;

a. Owned, leased, or otherwise controlled by the organization or the organization's partners, affiliates, subsidiaries, contractors, or agents; and

b. Operated, played, or otherwise interacted with by an entrant to the game promotion.

(d) It is the intent of this section to prohibit any mechanism that seeks to avoid application of this section through the use of any subterfuge or pretense whatsoever.

(e) Nothing in this section may be construed to prohibit activity that is lawfully conducted pursuant to Section 849.161, Florida Statutes.

(f) Any establishment in existence on the effective date hereof operating in violation of this section may continue in existence until such time as the establishment ceases to operate for a period of more than six (6) months, but may not be enlarged, expanded, extended, or relocated. Thereafter, such establishment shall be subject to the prohibitions contained herein. Enlargement, expansion or extension shall include, but not be limited to, any increase in the number of machines used for any such establishment when compared to the machines in use on the effective date hereof

ARTICLE IX. ADMINISTRATION AND VIOLATIONS

Sec. 110-900. Administration.

(a) Enforcement. The enforcement official shall interpret, administer and enforce this ordinance. He is authorized to obtain assistance in the performance of his duties from any other department or agency of the federal, state or any local government.

(b) Permits required. No structure, including any sign greater than 16 square feet in copy area unless specifically exempted under section 110-822 of this chapter, shall be erected, moved or altered without first applying for or obtaining a building permit as required by the standard building code and electrical code, if applicable. No building permit shall be issued by the Building and Zoning Department until the building official signs the building permit application attesting to the fact that the proposed use or structure or sign conforms to this chapter, or unless the building official receives a written order from the city commission, whichever is applicable. If the building official does not sign the building permit application, reasons for such action shall be stated in writing, upon request. No building permit shall be required to erect fences on any agriculturally classified lands.

(c) Application for building permit. Building permit applications may be obtained from the department of Building and Zoning, and each application for a building permit shall contain the following information in addition to the information required by any other applicable section of this chapter and the Building and Zoning Department:

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

a. Shape and dimensions of the lot.

b. Any existing structures.

c. Size and location of the proposed structure.

d. Use of any existing structures.

e. Intended use of each proposed structure.

f. Number of dwelling units.

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

(2) Any other information, including a property survey, deemed necessary or appropriate by the zoning enforcement official. If required, a survey shall be made by a registered land surveyor or engineer, licensed in Florida.

(d) Certificate of occupancy. It shall be unlawful to use or occupy, permit the use or occupancy, or change the use of any premises until a certificate of occupancy has been issued by the administration.

(e) Construction and use to remain the same. Building permits issued on the basis of applications signed by the building official authorize only the use, arrangement or construction set forth in them and permit no other use, arrangement or construction. Any use, arrangement or construction varying from an approved application signed by the building official shall be deemed a violation of this chapter, and shall give rise to the remedies provided in section 110-900(f).

(f) Violations. If the building official shall find that any of the provisions of this chapter are being violated, he shall notify the person apparently responsible for such violations, in writing, indicating the nature of the violation and ordering any action necessary to correct it, including but not limited to a stop-work order.

Any person found guilty of a violation of any provisions of this chapter, or any lawful order of the city commission, planning and zoning board or enforcement official, shall be punished in accordance with F.S. ch. 162, Ordinance No. 96-37, or Ordinance No. 02-97, or any amendments thereto. Each day the violation continues shall be deemed a separate offense.

In addition to any other remedies, whether civil or criminal, the violation of this chapter or any lawful order of the city commission, planning and zoning board, or enforcement official may be restrained by injunction, including a mandatory injunction, and otherwise abated in any matter provided by law.

(g) Fee schedules. The city commission may establish by resolution a fee schedule for applications for rezoning requests, conditional uses, variances, and appeals in order to carry out the provisions of this chapter.

(h) Consistency with comprehensive plan. The city's comprehensive plan guides future development and land use within incorporated area of the city. As required by the "Local Government Comprehensive Planning and Land Development Regulation Act" (F.S. ch. 163), all decisions regarding land development, notwithstanding any provisions for vested properties, shall be consistent with the comprehensive plan. Where there are any apparent conflicts between the comprehensive plan and this chapter, the plan shall prevail. Provided, however, said comprehensive plan provides for recognition of vested rights.

(i) Relationship to future land use element. The future land use element represents one component of the comprehensive plan. This element, among other functions, establishes and provides detailed descriptions for a number of land use categories (including range of permissible intensity of use and residential density). The location and extent of each of these categories is depicted by the future land use map which is part of the aforementioned plan element.

All development shall be consistent with the future land use element and map and the applicable provisions of this chapter and the land development code, Ordinance No. 96-25, as it may be amended from time to time. However, this requirement shall not be interpreted as relieving any development from achieving consistency with the balance of the plan as the plan shall be viewed as a whole and no specific element, or portion thereof, shall be construed or applied in isolation.

The following matrix outlines the various zoning classifications which may be permitted within a specific land use category.

Table 110-16 Matrix for Matching Zoning Classifications to Future Land Use CategoriesMATRIX FOR MATCHING ZONING CLASSIFICATIONS TO FUTURE LAND USE CATEGORIES		
FLU CATEGORY	**GROUP A COMPATIBLE ZONING**	**GROUP B COMPATIBLE ZONING WITH CONDITIONS**
Low Density Residential **(LDR)** *0-6 units per acre*	R-1AAA, AA, A	A, RE-5, RE-1, R-1, RPUD/BPUD
Medium Density Residential **(MDR)** *6.1 to 12 units per acre*	R-1, R-1B	R-2, MH, RPUD/BPUD
High Density Residential **(HDR)** *12.1 to 20 units per acre*	RM-1	R-2, RPUD/BPUD
Urban Infill Residential **(UIR)** *6 to 9.9 units per acre*	R-1. R-1B	MH, RPUD
Commercial **(C)** *Max FAR 0.55*	C-1, C-2, OR, PB	C-3, BPUD
Office/Retail/Service **(ORS)** *Max FAR 0.35*	OR, PB, C-1	BPUD
Industrial **(I)** *Max FAR 1.0*	I	C-3, IPUD
Recreational **(R)** *Max FAR 0.10*	P	All zonings
Conservation **(CN)** *Max FAR 0.10*	RP	All zonings
Agriculture **(A)** *One Unit per 5 acres*	A	RPUD
Public/Semi-Public **(P)** *Max FAR 1.0*	P	All zonings
Mixed Use **(MU)** *Minimum parcel size one (1) acre*	MPUD	Existing zoning

A Group	B Group
This column indicates which zoning categories are assumed compatible. They provide the closest approximation to the future land use category. The existing character of the area is one determinant of the appropriate classification to be accorded an individual premise.	This column indicates which zoning categories may be considered compatible under certain circumstances. Stricter consistency requirements may be applied or special criteria may have to be complied with prior to receiving a rezoning. Site conditions in conjunction with the existing character of the surrounding area are the determining factor for rezoning requests.

(j) Determination of vested rights. As required by F.S. § 163.3194(1)(b), consistency between the comprehensive plan and this chapter is required.

In recognition of the aforesaid requirement of the consistency between the comprehensive plan and the land development regulations, including this chapter, and the subsequent adoption of new zoning maps, it is necessary to provide a mechanism for vested rights determinations as provided in F.S. § 163.3167(8). Provided, however, that a vested rights determination does not affect the applicability of article VI of this chapter.

(1) *Application for determination of vested rights.* A property owner may request a determination of vested rights from the zoning enforcement official. Said owner shall submit an application for such determination within two years from said administrative rezoning of said property. Failure of the owner to submit such application within the time provided shall be deemed a waiver of his right to obtain a determination of vested rights and shall constitute an abandonment of any claim to vested rights, equitable estoppel for his property, the proposed development and for the previously existing zoning thereon. Judicial relief shall not be available unless administrative remedies provided herein are exhausted. Applications for determination of vested rights shall be submitted on a form established by the enforcement official. An application fee shall be in the amount to be determined by the city commission in a fee resolution. Said fee shall accompany and be a part of the application. The application shall at a minimum, include name, address, telephone number, owner, and authorized applicant, if other than the owner, street address, legal description, acreage of the property, and all factual information and knowledge reasonably available to the owner, and the applicant to address each of the criteria established in this section. After receiving the application for determination of vested rights, the enforcement official shall determine whether the application submitted is complete. If the application is determined incomplete, the enforcement official shall notify the applicant in writing of its deficiency. The enforcement official shall take no further steps to process the application until the deficiencies have been remedied. After receipt of a complete application for a determination of vested rights, the enforcement official shall review and evaluate the application in light of all the criteria in subsection (2) of this section. Based on the review and the evaluation, the enforcement official shall deny, grant, or grant with conditions applications for a vested rights determination. Appeals under this section shall be as provided in article X, section 110-1002, of this chapter.

(2) *Criteria for evaluating applications.* The criteria herein provided is intended to set forth factors that shall be considered by the enforcement official in rendering a vested rights determination under this section. It is intended that each case be decided on a case-by-case factual analysis. An applicant shall be entitled to a positive determination by the enforcement official of vested rights only if he demonstrates by substantial competent evidence the four-part test and criteria hereinafter outlined.

In determining whether the prior zoning classification of the subject property is vested under the four-part test, the following shall be considered for each part:

a. Criteria for Part One: Part One. "Upon some act or omission of the city." The following shall be considered as acts of the city for the purpose of Part One of the four-part test:

1. A valid, unexpired governmental act the City of Deltona in the form of a final development order which authorized the specific development for which a determination is sought. Notwithstanding anything to the contrary in this chapter, the previous zoning classification of the property shall not be sufficient to be deemed an "act or omission."

b. Criteria for Part Two: Part Two. "A property owner relying in good faith." In determining whether reliance was in good faith, the following shall be considered for the purpose of Part Two of the four-part test:

1. Whether the expenditures or obligations were clearly and directly connected to the authorizing act or omission of the city relied upon.

2. Whether the expenditures or obligations were made or incurred subsequent to the act or omission the city relied upon.

3. Whether the expenditures or obligations were made or incurred in a timely fashion, that is, within a reasonable period of time after the act or omission of the city relied upon.

4. Acts by the person prior to the effective date of the administrative rezoning shall be presumed to have been in good faith. Expenditures or obligations shall be presumed not to have been made or incurred in good faith, if they were made or incurred:

a) When a person has made a mistake or misled the city.

b) When the act of the city on which a person is relying has been invalidated or has expired and the person knew or should have known of such invalidity or expiration.

c) While the act of the city upon which a person is relying was being contested in the courts hearing process, except any court action or hearing process initiated prior to the effective date of any administrative rezoning initiated by the city commission.

d) When the person knew, or should have known, that rezoning of the subject property was under consideration by the planning and zoning board, or the city commission.

c. Criteria for Parts Three and Four.

Part Three. "Has made such a substantial change in position or incurred such extensive obligations and expenses relating to the property that it would be highly inequitable and unjust to destroy the rights acquired."

Part Four. "The development has commenced and is continuing in good faith."

For the purpose of Parts Three and Four of the four-part test, the following shall be considered in determining whether a substantial change in position has been made or extensive obligations and expenses have been incurred relating to the property such that it would be highly inequitable and unjust to destroy the rights acquired:

1. The substantial change in position made or the extensive obligations and expenses incurred shall be clearly and directly connected to the authorizing act or omission of the city and shall be made or incurred subsequent to the act of the city relied upon.

2. Whether actual construction has commenced and is continuing in good faith, and whether the extensive obligations or expenditures made or incurred are unique to any

development previously approved and not reasonably usable for a development consistent with and permitted by the change in zoning classification.

3. Whether the property owner has incurred extensive obligations and expenses for hard costs of development.

4. Whether the property owner has made infrastructure improvements within or to the subject property pursuant to a written agreement or development order with the city.

5. Whether the property owner has constructed oversized infrastructure improvements within or to the property to meet the needs of other properties.

6. Whether a person has incurred extensive obligations and expenses for the following development-related matters that are made or incurred subsequent to the final act or omission relied upon:

   a) Engineering and architectural fees.

   b) Planning fees.

   c) Local, state and federal permit fees.

   d) Attorneys' fees.

   e) Scientific or biological studies, tests or reports.

For the purpose of Parts Three and Four of the four-part test, the cumulative effect of expenses and obligations, as well as all facts and circumstances shall be considered in determining whether a change in position is substantial or whether obligations and expenses incurred are extensive.

If the record indicates that the applicant failed to demonstrate by substantial competent evidence any one of the required parts of the four-part vest rights test set forth above, then it shall not be inequitable to deny the applicant vested rights.

(3) *Limitation on determinations of vested rights.*

a. A determination of vested rights which grants an application for determination of vested rights shall confirm such vested rights only to the extent expressly contained in such determination. Except as expressly stated herein, nothing in this chapter shall relieve the property owner from complying with any and all other city's land development regulations.

b. Notwithstanding anything to the contrary in this section, a determination of vested rights which grants an application for determination of vested rights shall expire and be null and void unless construction is commenced and is continuing in good faith pursuant to a final development order within three years after the issuance of the determination of vested rights under this section.

c. A determination of vested rights shall apply to and run with the land and is therefore transferable from owner to owner of the land subject to the determination of vested rights.

ARTICLE X. POWER DUTIES AND RULES OF PROCEDURES, APPEALS AND WITHDRAWALS

Sec. 110-1000. Reserved.

Sec. 110-1001. Powers, duties and rules of procedure.

The city commission, shall, in addition to its other powers, duties and procedures, hear and decide variance and conditional use applications.

A quorum shall be five members. No variance shall be granted, , in whole or in part, unless five members concur. The commission may limit the number of new variance and conditional use cases it hears each month.

Sec. 110-1002. Appeals.

The city commission has the sole authority to hear and decide appeals from any order, requirement, decision, or determination of the enforcement official in the enforcement of this chapter. Appeals may be taken by any person aggrieved or by any officer, board, department or agency of city government adversely affected by any decision of the enforcement official. An appeal shall be taken within ten working days after rendition of the order, requirement, decision or determination, by filing with the enforcement official and with the city attorney, a written notice of appeal specifying its grounds, together with the appropriate fee. The appeal shall be on a form prescribed by the enforcement official.

Upon receipt of the notice of appeal, the enforcement official shall transmit to the city commission all documents, plans, papers, minutes, applications, recommendations or other materials relating to the appealed decision.

(a) Effect of appeals on proceedings. An appeal to the city commission does not stay any work on the premises unless the enforcement official certifies to the city commission that, by reason of facts stated in that certificate, there is an imminent peril to life or property. Upon the filing of that certificate, all work must be stopped, and an order from the city commission, or a circuit court, as the case may be, must be obtained before it can be recommenced.

(b) Public hearing. The city commission shall hold a hearing on any appeal after publication of notice stating the time, place and purpose of the hearing in a newspaper of general circulation in the city at least ten days before said hearing. The applicant or his duly authorized agent shall also post, at least ten days prior to the date of such hearing, a notice provided by the enforcement official in a conspicuous place or places on or around such lot, parcel or tract of land as may be involved in the hearing. Said posted notice should remain in place until the hearing of the city commission. In the case of an intervening easement or right-of-way, the term "property adjoining" shall mean the property adjoining the property involved in the request. In all cases, affidavit proof of the required publication and posting of the notices shall be present at the hearing. The city commission shall decide the appeal within a reasonable time. It may, upon appeal, reverse, affirm or modify any order requiring a decision, or determination of the enforcement official. At the hearing, any person may appear in person or by attorney. If the city commission finds that the city should pay the costs of an appeal, it may so authorize. No appeal shall be granted in whole or in part unless five members of the city commission concur.

Sec. 110-1003. Reserved.

Sec. 110-1004. Appeals from the city commission.

Any person aggrieved by any decision of the city commission may apply to the circuit court for review by certiorari, within 30 days after the rendition of the decision of the city commission. He shall notify all

interested persons, and all persons entitled by this chapter to receive notice of the original public hearing, by certified mail, return receipt requested, of his taking of such appeal.

Sec. 110-1005. Rehearing and administrative res judicata.

If it is alleged that the city commission, as the case may be, has overlooked or misapprehended some facts or points of law, a rehearing of any decision of the may be granted by the commission either on the motion of any member voting on the prevailing side, or on the motion of any person aggrieved by its decision. The motion shall be in writing, shall be filed with the enforcement official within ten working days after the rendition of the decision, and shall state its grounds. The movant shall serve it by certified mail or hand delivery upon the mayor and the city manager and all adjoining property owners previously notified of the hearing, together with a notice stating the date, time and place it will be orally presented to the commission.

If the city commission grants such a motion, it shall state its reasons for doing so, and set a time, date and place for another public hearing upon due public notice.

The city commission shall not otherwise rehear a petition based upon the same or similar facts, proposals, or issues until at least one year has elapsed from the date of rendition.

Sec. 110-1006. Withdrawal of applications.

Applications for amendment under section 110-1101, including planned unit developments and comprehensive plan amendments, conditional uses under section 110-1102, applications for appeals under section 110-1002 or variances under section 110-1103 may be withdrawn by an applicant in the manner set forth as follows:

(a) An applicant shall withdraw an application by filing a written notice of the withdrawal with the enforcement official and sending a copy of such request for withdrawal by certified mail to all those individuals to whom the applicant was initially required to give notice by mail of his application (see subsection (b) below); provided, however, an applicant may withdraw an application orally only at the time of the commission hearing, and such oral notice of withdrawal shall be sufficient public notice to all persons (see subsection (c) below).

(b) When an application is withdrawn more than three days prior to the scheduled planning and zoning board hearing or city commission hearing excluding Sundays and holidays, only one withdrawal shall be without prejudice to reapply within a one-year period provided for by section 110-1005. All fees shall be forfeited to the city when an application is withdrawn.

(c) When an application is withdrawn at the time of the planning and zoning board hearing or city commission hearing, or within three days prior thereto, excluding Sundays or holidays, or if the withdrawal is a second or a subsequent withdrawal, the withdrawal shall be with prejudice No application that has been withdrawn with prejudice shall be scheduled for a public hearing until staff has determined that the application complies with the Land Development Code requirements or the zoning variances and modification of land development code standards required to approve the application have been obtained through the procedures required by the code, and until after the expiration of the time limits on a rehearing of the application contained in section 110-1005, as it may be amended from time to time. Applications withdrawn with prejudice for the second or subsequent request for withdrawal shall be subject to a one-year waiting period to reapply for any application based upon the same or similar proposals, facts, or issues

(d) The city commission may waive any of the requirements of this section for either rezoning or conditional use applications upon good cause shown by the applicant.

(e) When an application has been withdrawn without prejudice, the application shall be heard by the planning and zoning board, or the city commission, whichever body was scheduled to hear the

application at the time it was withdrawn, with no changes from the original application except as provided herein, at the earliest available meeting following required advertising after the expiration of 90 calendar days following the date of the withdrawal. The 90 calendar day time limit may be extended to allow the processing of any zoning variance or land development code modifications requested by the applicant within 45 days of the date the application was withdrawn. The tolling of the remainder of the 90-calendar day maximum time limit on rehearing an application withdrawn without prejudice shall begin on the approval or denial of the last outstanding variance or modification of code standards.

(f) No changes to the original information submitted by the applicant shall be considered at any planning and zoning board or city commission hearing without a staff report that has been prepared with a minimum of 15 working days time for staff review in advance of the required meeting advertising date, or agenda distribution date should the meeting not require re-advertising. This minimum review time may be reduced to ten working days by the enforcement official, but only if the enforcement official is convinced that the staff report can cover all of the necessary issues within that time period. No applicant may request the enforcement official to make such a reduction in time. The reduction is an administrative option available to the enforcement official to allow the city to expedite the review of applications that do not have issues of sufficient complexity as to require a longer review time.

(g) If, at the time a withdrawn application is brought to a public hearing, the application does not fully conform to the standards contained in the zoning and Land Development Code, or if the application is not consistent with the adopted Deltona Comprehensive Plan, as they may be amended from time to time, and the application has been withdrawn without prejudice in order to deal with such issues, the city staff shall recommend denial of the application.

(h) Applicants who object to staff decisions to move an application withdrawn without prejudice, shall appeal those decisions as required by section 110-1002 of the Deltona Code of Ordinances.

ARTICLE XI. OFFICIAL ZONING MAP AMENDMENTS , CONDITIONAL USE REVIEW AND VARIANCES

Sec. 110-1101. Amendments to official zoning map and comprehensive plan amendments procedure.

(a) An application for amendment of the official zoning map, including planned unit developments, and comprehensive plan amendments, submitted by any person or persons owning 51 percent or more of the subject land, shall be on a form supplied by the department of development services, which shall be filed with said department, together with any applicable fees. The application shall include the following:

(1) Current survey of the property prepared by a registered land surveyor licensed to practice in the State of Florida. The survey shall accurately reflect the current status of the parcel and shall have been completed within the past two years, or in lieu thereof a notarized statement from a title insurance company or attorney that a survey more than two-years old continues to accurately reflect the current boundaries of the parcel.

(2) Legal description of the property.

(3) Notarized authorization of the owner if the applicant is other than the owner or the attorney for owner.

Provided, however, an application for an administrative amendment authorized by the city commission shall be filed by the Planning and Development Services Department. This application shall include a copy of the zoning map page depicting the property involved.

(b) The Planning and Development Services Department shall review the application. The department has seven days from the date the applicant submits the application to determine if it is complete and correct. If the application is found to be lacking any of the requested information or if the data and exhibits are inaccurate, it will not be considered "filed" for the purpose of processing nor placed on the city commission agenda unless a sufficient application is submitted within seven days after the filing deadline date.

(c) The Planning and Development Services Department shall submit a written report containing its recommendations on each application to the commission and to the applicant at least one week prior to the meeting of the commission before which the application is to be heard unless an extension is granted by the city commission.

(d) Reserved.

(e) In its review of each application, the commission shall consider:

(1) Whether it is consistent with all adopted elements of the comprehensive plan.

(2) Its impact upon the environment or natural resources.

(3) Its impact upon the economy of any affected area.

(4) Notwithstanding the provisions of chapter 86, Code of Ordinances, as it may be amended from time to time, its impact upon necessary governmental services such as schools, sewage disposal, potable water, drainage, fire and police protection, solid waste or transportation systems.

(5) Any changes in circumstances or conditions affecting the area.

(6) Any mistakes in the original classification.

(7) Its effect upon the use or value of the affected area.

(8) Its impact upon the public health, welfare, safety or morals.

(f) The city commission shall hold a public hearing after due public notice on all recommendations from the Planning and Development Services Department . The city commission shall consider those standards as contained in section 110-1101(e) (1) through (8) in making its determination. It may accept, reject, modify, return or seek additional information on those recommendations. No approval of an amendment to the official zoning map shall be made unless, upon motion, four members of the city commission concur. Amendments to said map shall be by ordinance.

Sec. 110-1102. Conditional Uses Review.

The commission shall hear applications for such conditional uses as are specifically authorized under this chapter, in the following manner:

(a) Provided, however, an application for a conditional use authorized by the city commission shall include a copy of the zoning map page depicting the property involved in lieu of a current survey. A written application for a special exception shall be submitted to the Planning and Development Services Department, together with all applicable fees. The application shall include:

(1) Current survey of the property prepared by a registered land surveyor licensed to practice in the State of Florida. The survey shall accurately reflect the current status of the parcel and shall have been completed within the past two years, or in lieu thereof a notarized statement from a

title insurance company or attorney that a survey more than two-years old continues to accurately reflect the current boundaries of the parcel.

(2) Legal description of the property.

(3) Notarized authorization of the owner if the applicant is other than the owner or the attorney for owner.

(4) Any information or exhibits necessary to demonstrate that the grant of a conditional use will be in harmony with the general intent and purpose of this chapter. Such information or exhibits shall include site plans to scale showing proposed placement of structures on the property; provisions for ingress and egress, off-street parking and loading areas, including the number and location of spaces, access aisles and driveways, refuse and service areas, required yards and other open spaces; a statement regarding the intended arrangement for central systems of potable water and wastewater service, if required.

(5) The following information, as applicable, may also be required:

a. Landscaping or buffer areas.

b. Proposed signs and lighting.

c. Any additional information deemed necessary by any reviewing department or agency.

(b) The Planning and Development Services Department shall review the application. The department has seven days from the date the applicant submits the application to determine if it is complete and correct. If the application is found to be lacking any of the requested information or if the data and exhibits are inaccurate, it will not be considered "filed" for the purpose of processing, or placed on the commission agenda unless a sufficient application is submitted within seven days after the filing deadline date.

(c) The Planning and Development Services department shall submit a written report containing its recommendations on each application to the commission and to the applicant at least one week prior to the meeting of the commission before which the application is to be heard unless an extension is granted by the commission.

(d) The commission shall hold a public hearing on each application after due public notice. The commission may accept, reject, modify, retain or seek additional information from the Planning and Development Services Department.

(e) No approval of a conditional use shall be made unless, upon motion, five members of the commission concur. The commission will thereafter forward its decision to the applicant.

(f) Conditions and safeguards. The commission may impose on the grant of any conditional use any conditions or safeguards not otherwise required, if deemed necessary or desirable in furthering the purpose of this chapter. Violation of any such condition or safeguard shall be deemed a violation of this chapter and may result in a revocation of any special exception permit, in addition to any other remedy for such violation provided in this chapter or by law.

(g) Reasons for denial. The commission may deny any application for a conditional use for one or more of the following reasons:

(1) It is inconsistent with the purpose or intent of this chapter.

(2) It is inconsistent with any element of the comprehensive plan.

(3) It will adversely affect the public interest.

(4) It does not meet the expressed requirements of the applicable special exception.

(5) The applicant will not be able to meet all requirements imposed by federal, state or local governments, or by the commission.

(6) Notwithstanding the provisions of chapter 86, Code of Ordinances, as it may be amended from time to time, it will generate undue traffic congestion.

(7) It will create a hazard or a public nuisance, or be dangerous to individuals or to the public.

(8) It will materially alter the character of surrounding neighborhoods or adversely affect the value of surrounding land, structures or buildings.

(9) It will adversely affect the natural environment, natural resources or scenic beauty, or cause excessive pollution.

(h) Preservation of conditional uses. Existing permitted uses on a particular premises which have become conditional uses under the terms of this chapter, and which are actually in use, without abandonment, on the effective date of this chapter [November 16, 1998], may be continued after the effective date of this chapter as if a conditional use under this chapter has been expressly granted therefor, provided any owner of such premises files an affidavit with the enforcement official on such forms as he shall prescribe, within one year after the effective date of this chapter, that legally describes the parcel, identifies the use, and establishes its existence on the effective date of this chapter. If no such affidavit is filed within the prescribed period, all other applicable provisions of this chapter shall govern.

(i) Expiration or abandonment of conditional uses. If a conditional use does not begin to serve the purpose for which it was granted within 12 months from the date or rendition, or if its use is abandoned for 12-consecutive months from the date of rendition, it shall expire. Provided, however, that the commission may establish a shorter or longer period of time for a conditional use to commence. In addition, the enforcement official may extend the conditional use for up to an additional 12-month period of time if the applicant can demonstrate that good-faith reliance has been on-going to accomplish the approved conditional use. Good-faith reliance may include, but is not limited to, the securing of any required permits from other governmental agencies/jurisdictions or the expenditure of substantial funds upon reliance of the approved special exception.

(j) Amendments. Minor amendments not altering the intent and purposes of the approved conditional use may be approved by the zoning enforcement official after such departmental comment as he deems appropriate. Amendments to an approved conditional use which the enforcement official deems to be major shall require the submittal of an application and compliance with the review procedures as set forth in this section and as otherwise provided in this chapter.

Sec. 110-1103. Variances.

The commission may authorize, after due public notice upon application on a form prescribed by the enforcement official, such variance or variances from the terms of this chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provision of this chapter would result in unnecessary and undue hardship as a result of conditions on the property that are not self-imposed and is not of such a recurring nature as to warrant an amendment to the provisions in question. Said variance application shall be heard only if it is presented by the person owning 51 percent or more of the specific area of land involved or upon an administrative application by the city commission.

(a) Application.

(1) An application for a variance shall be submitted to the Planning and Development Services Department, together with all applicable fees. The application shall include the following:

a. Current survey of property prepared by a registered land surveyor licensed to practice in the State of Florida. The survey shall accurately reflect the current status of the parcel and shall

have been completed within the past two years or in lieu thereof, a notarized statement from a title insurance company or attorney that a survey more than two-years old continues to accurately reflect the current boundaries of the parcel.

b. Legal description of property.

c. A plan to scale of sufficient detail to illustrate the variance.

d. A written petition demonstrating:

1. Special conditions and circumstances exist which are peculiar to the land, structure, sign or building involved and which are not applicable to other lands, structures, signs or buildings in the same zoning classification.

2. The special conditions and circumstances do not result from the actions of the applicant.

3. Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classifications, under the terms of the chapter, and would work an unnecessary and undue hardship on the applicant.

4. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, structure or sign.

5. The grant of the variance will be in harmony with the general intent and purpose of this chapter and the City of Deltona Comprehensive Plan, as it may be amended from time to time, and that such variance will not be injurious to the area involved.

(2) The Planning and Development Services Department shall review the application. The department has seven days from the date the applicant submits the application to determine if it is complete and correct. If the application is found to be lacking any of the requested information or if the data and exhibits are inaccurate, it will not be considered "filed" for the purpose of processing nor placed on the commission's agenda unless a sufficient application is submitted within seven days after the filing deadline date.

(3) The Planning and Development Services Department shall submit a written report containing its recommendations on each application to the applicant and to the commission at least one week prior to the meeting of the commission before which the application is to be heard, unless an extension is granted by the commission.

(b) Conditions and safeguards. The commission may impose on the grant of any variance any conditions or safeguards not otherwise required if deemed necessary or desirable in furthering the purposes of this chapter. Violation of any such conditions or safeguards may result in a revocation of any variance permit, in addition to any other remedy for such violation provided in this chapter or by law.

(c) Limitation of power to grant variances. A variance may be granted only to modify the height, area, size, open space, or distance separation requirements of this chapter, to separate lots required to be combined under section 110-600(a) of this chapter, or to construct on substandard lots as defined in this chapter. Under no circumstances shall the commission grant a variance to permit or expand a use not generally or by Conditional Use permitted in its zoning classification, nor grant a variance for the number of signs or change in permitted signs on a premise. Further, no variance shall be granted which is not consistent with the comprehensive plan that is in effect at the time the variance is granted. A variance may be granted only if the applicant meets all of the conditions listed in section 110-1103(a).

No nonconforming use of neighboring land, structures, signs or buildings in the same zoning classification; and no permitted use of land, structures, signs or buildings in other zoning classifications shall be considered grounds for the authorization of a variance.

(d) Expiration of variance. If a variance does not begin to serve the purpose for which it was granted within 12 months from the date of rendition, or if its use is abandoned for 12-consecutive months from the date of rendition, it shall expire. A shorter or longer period of time may be set by the commission. Provided, however, that the enforcement official may extend the variance for up to an additional 12-month period of time if the applicant can demonstrate that a good-faith reliance has been on-going to accomplish the approved variance. Good-faith reliance may include, but is not limited to, the securing of any required permits from other governmental agencies/jurisdictions or the expenditure of substantial funds upon reliance of the approved variance.

Sec. 110-1104. Reserved

ARTICLE XII. PLANNING AND ZONING BOARD

Sec. 110-1200. Creation.

A planning and zoning board is hereby created, effective April 1, 1999. It shall be referred to in this article as "the board". The jurisdiction of the board shall be throughout the area of the City of Deltona. It shall have the following membership, powers, duties, responsibilities, and limitations.

(a) Membership, place of residence, terms of office. The board shall have seven members appointed by the city commission. Each member shall serve for a term of three years. Each city commissioner and the mayor shall appoint one member to the board, said appointments to be ratified by a majority vote of the city commission. The initial terms of office shall be staggered. Two members shall serve for one year, two members shall serve for two years, and the remaining members shall serve for terms of three years. The members to serve initial terms of one and two years shall be determined by drawing lots by the city commission after making the initial appointments. Thereafter, all members shall be appointed for terms of three years. No board member shall serve on the board for more than two consecutive three-year terms. No elected official and no employee of the city government shall be appointed to serve on the board.

(b) Removal from office, vacancies. If a member is absent for three consecutive meetings without being excused by the chairperson, said member shall forfeit his or her office and it shall be deemed vacant. Any vacancy occurring during the un-expired term of office of any member shall be filled by the city commission for the remainder of the term. The vacancy shall be filled within 30 days from the time it occurs. Any member of the board may be removed from office for cause by the city commission, upon written charges and after public hearing.

(c) Officers. The board shall elect a chairperson, vice-chairperson and secretary from among its members. The terms of all board officers shall be one year, each having eligibility for re-election. At the first meeting of the board of each calendar year, the secretary shall call the board meeting to order and shall then call for nominations for the chairperson. Upon election of a chairperson, the secretary shall pass the gavel to the chair. The chairperson shall then call for nominations for vice-chairperson. Upon election of a vice-chairperson, the chair shall call for nominations for secretary. The director of development services shall perform the secretary's duties in opening the meeting and calling for nominations for chairperson at the first meeting of the board following its establishment by the city commission.

(d) Employees, administrative services. The board shall have no employees or contract vendors. The Planning and Development Services Department shall provide clerical and staff support by formatting

and packaging board agendas, creating summary minutes of meetings, and maintaining board records. The Planning and Development Services Department shall also provide professional and technical assistance to the board consistent with its staffing and funding as approved by the city commission. The director of development services or his or her designee shall bring board reports and recommendations to the city commission in appropriate communications, the format and medium of which shall be determined by the city manager. Such communications shall include staff reports and recommendations, application materials, correspondence, and other relevant information as determined by the board, the director of development services, the city manager, or the city commission to be necessary to assist the city commission in its deliberations. The board shall not direct the staff to undertake any project, but may request reasonable staff assistance, and may report through the staff and city manager to the city commission any projects which the board deems worthwhile for commission consideration by a majority vote of the board's entire membership.

(e) Compensation, annual budget. Each board member may be reimbursed for reasonable expenses incurred in connection with his or her duties on the board in accordance with reimbursement policies and amounts established by a resolution of the city commission. The city commission shall provide members of the board with professional liability insurance to cover potential claims of personal liability for damages as a result of their formal actions and decisions as members of the board. The city manager shall recommend the amounts of insurance coverage and potential insurance carriers to the city commission. The city commission shall provide an annual budget for training and education of board members; for printing of training materials and decision support materials; and for the purchase of books and publications that increase the board members' understanding of the board's functions and of the issues faced by the board. The amount budgeted for each purpose shall be determined by the city commission upon the receipt of the recommendations of the city manager. The city commission may also budget for public information and participation, and for other items that it deems appropriate to include in the board's budget.

Sec. 110-1201. Rules of procedure.

The board shall meet at regular intervals once each month, and at such other times as it may deem necessary, for the transaction of its business. It shall follow the by-laws adopted by resolution of the city commission. Unless otherwise stated in the by-laws, and until such by-laws are adopted by the city commission, the board shall conduct its affairs in accordance with Robert's Rules of Order. Points of order shall not be raised in board meetings by members of the audience. The sheriff's office or, upon its creation, the city's police department shall provide a sergeant-at-arms to maintain order at board meetings upon the request of either the chairperson, or the director of development services. The board shall keep a properly indexed public record of its resolutions, transactions, findings and recommendations. The board may by resolution limit the number of applications of all types or of any type which it shall hear each month. A quorum shall be four members. No recommendations for approval of any application shall be made unless four members concur.

Sec. 110-1202. Powers and duties.

(a) Designation as local planning agency. The Board is hereby designated as the City's Local Planning Agency (LPA), as required by the Local Government Comprehensive Planning and Land Development Regulation Act, Section 163.3161 et seq., and Section 163.3174, Florida Statutes. The Board shall have the general responsibility for adherence to the Comprehensive Planning program. The Board and the Comprehensive Planning program shall comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulation Act and the Board shall monitor and oversee the effectiveness and status of the Comprehensive Plan, and recommend to the City Commission such changes in the Comprehensive Plan, as may from time to time. The Board shall

perform any other duties assigned by the City Commission, and may prepare and recommend to the City Commission any other proposals to implement the Comprehensive Plan.

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

(c) Applications and proposals requiring public hearings. The Planning and Zoning Board shall review all applications and proposals to be transmitted to the City Commission for a vote on the following items:

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

(2) Zoning map changes;

(3) Changes to the Land Development Code or a proposed new Land Development Code, including subdivision regulations;

(4) Planned unit developments;

(5) Conditional uses;

(6) Zoning variances;

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

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

(9) Changes to proposed architectural design standards;

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

(11) Proposed Developments of Regional Impact (DRI); and

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

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

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

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

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

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

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

(6) Transportation systems.

(d) Advisory recommendations to the City Commission. The Board shall make a recommendation to the City Commission by formal written approved motion of the Board as to the conclusion of the Board's review that an application or proposal should be considered by the City Commission for approval, approval with specific conditions recommended by the Board, or denial. The Board's recommendation

shall be transmitted to the City Commission with all related information through the established City Commission agenda process.

(e) *Applications and proposals exempt from Board review.* Planning and Zoning Board review shall not be required for amendments to City ordinances that are initiated by the staff or the City Commission to correct grammar and spelling errors, change fees as set by the City Commission, change the organization of the ordinances with no content changes, or change processing procedures when mandated by State Statutes.

Sec. 110-1203. Board review procedures.

(a) *Deadline for submission of applications.* Complete applications requiring planning and zoning board review must be submitted to the Planning and Development Services Department at least 20 working days prior to the board meeting at which the applications are to be heard. Complete applications submitted after this deadline shall be processed for consideration at the following board meeting. An application shall be considered complete if it meets all of the submission requirements established by the applicable ordinance, fees are paid, a fully executed city application form is included, and sufficient information is included in the application to enable the staff and the board to evaluate the application.

(b) *Application forms and processing procedures.* Applications shall be submitted on forms and processed in accordance with written administrative procedures created and published by the Planning and Development Services Department. All required attachments shall be included with each application, including, but not limited to, proof of ownership or permission of the owner to make the application, location maps, surveys, and site plans, as required. No application will be deemed complete until the required fees have been paid, including the estimated costs of the services of consultants to the city, if any such consultants are needed.

(c) *Expiration of Planning and Zoning Board Recommendations.* Applicants may postpone city commission review of any application up to a maximum of one year following action by the planning and zoning board. Any applications not heard by the city commission within that period shall require re-submittal of the proposal, including the payment of all applicable fees and processing requirements as required for a new proposal. The review of a re-submitted proposal shall not be shortened in time, or otherwise abridged, in order that the staff and the board shall have adequate opportunity to determine whether or not there are any changes in the proposal or any changed conditions that may alter the review results.

ARTICLE XIII. LEGAL STATUS PROVISIONS

Sec. 110-1300. Conflict with other ordinances.

In case of conflict between this chapter, or any part thereof, and the whole or any part of any other existing ordinance, the other ordinance shall be repealed to the extent of any such inconsistency.

Sec. 110-1301. Severability.

Should any section or provision of this chapter or the application of any provision of this chapter be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the remainder of this chapter.

Sec. 110-1302. Effective date.

This chapter, originally adopted on November 16, 1998, is hereby amended. This chapter shall be published and posted as provided by law and shall take effective date immediately upon adoption by City Commission.

ARTICLE XIV. MEDICAL MARIJUANA DISPENSARIES

Sec. 110-1400. Definition

The term "medical marijuana dispensary" shall mean any location at which medical marijuana (by whatever name) is sold or dispensed, except for licensed pharmacies.

Sec. 110-1401. Zoning districts where allowed

Medical marijuana dispensaries shall be allowed as conditional uses in the C-1 – Retail Commercial District, C-2 – General Commercial District, and C-3 – Heavy Commercial District classifications, upon approval of a conditional use application.

Sec. 110-1402. Requirements for operation and conditional use criteria

(a) The following are requirements as to all medical marijuana dispensaries. Violation of any of the following shall be punishable as a violation of this code.

(1) *Controlled Substances.* The on-site sale, provision, or dispensing of medical marijuana is prohibited except as specifically authorized by applicable law.

(2) *Loitering.* Medical marijuana dispensary shall provide adequate seating for its patients and business invitees. The medical marijuana dispensary shall not direct or encourage any patient or business invitee to stand, sit (including in a parked car), or gather or loiter outside of the building where the dispensary operates, including in any parking areas, sidewalks, rights-of-way, or neighboring properties for any period of time longer than that reasonably required to arrive and depart. The medical marijuana dispensary shall post conspicuous signs on at least three sides of the building that no loitering is allowed on the property.

(3) *Queuing of vehicles.* The medical marijuana dispensary shall ensure that there is no queuing of vehicles in the rights-of-way. The medical marijuana dispensary shall take all necessary and immediate steps to ensure compliance with this paragraph.

(4) *No Drive through service.* No medical marijuana dispensary shall have a drive through or drive in service aisle. All dispensing, payment for and receipt of said medical marijuana shall occur from inside the medical marijuana dispensary.

(5) *Alcoholic Beverages.* No consumption of alcoholic beverages shall be allowed on the premises, including in the parking areas, sidewalks, or rights-of-ways. The medical marijuana dispensary shall take all necessary and immediate steps to ensure compliance with this paragraph.

(6) *Separation Distances.* A medical marijuana dispensary shall not operate within five hundred (500) feet of any school, as that term is defined in Section 1002.01 or 1003.01, Florida Statutes, as it may be amended, or another medical marijuana dispensary. Distance requirements shall be documented by the applicant and submitted to the Planning and Development Services Department with the application. All distance requirements shall be measured by drawing a straight line from the nearest property line of the pre-existing protected use to the nearest property line of the proposed medical marijuana dispensary. The applicant may request a variance from the requirements of this paragraph as provided in the Deltona Land Development Code.

(7) *Operating Hours.* Medical marijuana dispensaries shall only be allowed to operate between 7:00 a.m. and 7:00 p.m., Monday through Saturday. Medical marijuana dispensaries shall not operate on Sundays.

(8) *Growing of Marijuana*. Nothing in this ordinance shall be deemed to allow or permit the growing or cultivating of marijuana in or about a medical marijuana dispensary, or at any other location within the city limits of the City of Deltona.

(b) When considering an application for a medical marijuana dispensary, the Planning and Zoning Board must consider the conditional use criteria listed in Section 110-1402(a)(1) through (8). At a regularly scheduled public meeting, the Planning and Zoning Board shall review the conditional use application and make a recommendation to the City Commission to deny the request, approved the request, or approve with conditions the request. The Planning and Zoning Board may assign additional conditions and safeguards, as deemed necessary.