

# **City of DeBary, Florida Comprehensive Plan**

## **Volume II Goals, Objectives, and Policies**

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### 1. FUTURE LAND USE MAP (FLUM)

Amendment DB 2000-1-01 – Amending 21.15 acres from Industrial Service to Commercial Retail located 800 feet south from its intersection with Benson Junction Road - Ordinance No. 10-00

Amendment DB 2000-1-ADM-01 – Administrative Amendment on approximately 278 acres from the Mixed Use Area to Environmental Systems Corridor, 11.38 acres from Low Density Residential to Environmental Systems Corridor, .22 acres and maintain the remaining 730 areas as Environmental System Corridor on three parcels totaling 1, 019.6 acres for SJRWMD property located south of Gemini Springs and East of Highway 17-92.

Small Scale Amendment DB-2000-SS-01 – Amending 6.28 acres from Industrial General to Commercial Retail located at the northwest corner of the intersection of Benson Junction Road and Highway 17-92.

Small Scale Amendment DB-2001-SS-01 – Amending 2.68 acres from Industrial General to Commercial Retail located at the southeast corner of the intersection of Pond Court and Enterprise Road.

Small Scale Amendment DB-2001-SS-01 – Amending 3.86 acres from Industrial General to Commercial Retail located on the east side of Enterprise Road approximately 450 feet south of the intersection with Pond Court.

### 2. FUTURE TRANSPORTATION MAP (FTM)

Maps may be found in the pocket at the end of the document.

**"Make no little plans; they have no magic to stir men's blood and probably will not be realized. Make big plans; aim high in hope and work, remembering that a noble, logical diagram once recorded will never die, but long after we are gone will be a living thing, asserting itself with ever-growing insistency. Remember that our sons and grandsons are going to do things that would stagger us. Let your watchword be order and your beacon beauty."**

- Daniel Burnham

Burnham is one of the recognized Pioneers of modern city planning and was chief architect for the Columbian Exposition in Chicago in 1893. Burnham was the author of the Chicago Plan, which was the principle guide for the City's growth and development from 1909 until the late 1960's. Burnham also wrote plans for San Francisco and Manila.

# **1. GENERAL PROVISIONS**

## **1.1 BACKGROUND**

Cities undertake Comprehensive Planning for a variety of reasons. A city is a complex business organization, responsible for financing and managing many activities and services, and utilizing funds from a variety of sources. The City's goal is the efficient and effective management of these resources to best produce the results desired by its Citizens.

To produce the desired results, the City depends not only on tax money, but on its physical infrastructure, on the City's own staff, and on the participation of the public. Use of any of these resources can have a lasting affect on the quality of the services delivered - poor use can produce less effective or more costly results, while good use of resources can cut costs and improve performance. Good management of resources requires good advance planning. Because many of the services of the City depend on expensive fixed facilities, it is particularly important to carefully plan the improvement of these facilities.

The City's management of financial, human, and physical resources is carried out in a goldfish bowl - closely watched by the Citizens who elect those responsible for management and who pay the bill. These residents and businesses are also the ones who will be most affected - both positively and negatively - by the City's management decisions.

For these reasons, it is important to be careful in making choices about the future and in clearly articulating them. This becomes the function of the planning process and the resulting Comprehensive Plan.

The Plan, therefore, is a statement which can clarify the City's priorities and expectations for someone who is otherwise generally unfamiliar with the community. The Plan is also the official guideline for making many important decisions, including small decisions which become significant as part of a pattern.

Finally, it should be noted that the Plan is a dream, but not a dream of outsiders or technicians. The Plan is the community's collective dream, and as such, must be carefully nurtured and adjusted to best fit the dream held by the people themselves.

## **1.2 THE PLANNING PROCESS**

Generally, planning involves an understanding of where we are, where we want to

be, and what we should do in order to get there. It is no different with city planning. The City conducts an evaluation of the state of its physical, human, and financial resources, and projects significant trends. The City examines the choices which are available for the future, and selects the most desirable alternative. The City articulates its choices as "goals" and "objectives", and spells out the specific actions ("policies") which it will take to achieve these goals. After adopting this "Plan", the City continues to monitor its efforts to determine if the desired results are being achieved. Finally, the City periodically revisits its Plan to make adjustments and changes it sees as appropriate.

State laws and rules direct the City to make a Comprehensive Plan, and spell out minimum contents for the Plan and minimum steps to be taken in the Plan's preparation and adoption. In addition, the City's Plan addresses issues which are important to the City, even if they are not required by law.

The Plan, once adopted, is an articulation of what the Citizens of the City, acting through their duly elected representatives, desire for the future. In making specific decisions about detailed issues, the Plan acts as the general guideline and frame of reference. This applies to many kinds of decisions, including not only land use changes and development approvals, but decisions setting budget priorities and making intergovernmental agreements.

The Plan is to be implemented through a number of means, including the specific development rules included in the Land Development Code (LDC), the funding of important facilities through the capital budget, and the methods for carrying out specified programs on a day-to-day basis.

### 1.3 PUBLIC PARTICIPATION

As part of the process of creating and adopting the Comprehensive Plan, the City adopted a public participation program. This program, adopted by resolution on January 4, 1995, called for the formation of a Citizen Advisory Committee (CAC) to assist the City Council in soliciting input from the community and in disseminating information about the Plan to the affected residents and businesses. To assist in this effort, the City Council, the CAC, and interested citizens received orientation on the planning process and the general requirements of law. In addition, the orientation reviewed some of the data regarding current conditions in the community and projections for the future.

The Council and the CAC continued, joined by a special committee, and conducted a Vision DeBary workshop which produced the Vision, which is

incorporated in this Plan (see Section 2). The Vision constitutes the formal statement of priorities which form the basis for selecting from among alternatives.

The Council and the CAC reviewed each element of the Plan and discussed alternative futures as a means of "fleshing out" the broad concepts in the Vision. The Goals, Objectives, and Policies were fine-tuned to reflect this process.

Finally, the Council and the CAC worked together to conduct formal workshops and hearings to make sure no citizen of the community was unsure as to the choices being discussed. The formal hearings culminated in the adoption of the Plan, as provided in State Law.

#### 1.4 MONITORING AND EVALUATION

Following the adoption of the Plan, the process of monitoring will begin and will continue thereafter. Part of the process will come in the form of requests for specific amendments which will be received from landowners and community groups, as well as ones which will be initiated by the City Council, many at the recommendation of the City Manager. These amendments will be reviewed for consistency with the goals, objectives, and policies of the Plan, and will be subjected to public scrutiny at formal hearings. During the process of considering these amendments, other issues may come to light and may require complementary revisions. This process will help keep the Plan current with the desires of the community. Note that State Law limits the number of times the Plan can be amended to two per year.

Part of the process will involve the evaluation process required by State Law. The first Evaluation and Appraisal Report (EAR) will be due within approximately seven years after the initial adoption of the Plan, and subsequent reports will be due at five year intervals. The purpose of the EAR will be to take a thorough look at any changes in the community from now until the EAR is prepared, to determine if the objectives are being met and if the goals are still valid, and to determine what, if any, changes need to be made to the policies in the Plan.

To make the EAR efficient, and to facilitate the semi-annual review of specific amendments, the Local Planning Agency (LPA) should conduct its own review of the Plan on an annual basis, reporting to the City Council any changes or corrections it sees as being required. If any are identified, they should be processed as part of one of the semi-annual amendment cycles.

## 2. VISION

### 2.1 VISION STATEMENT

The City Council has adopted the following statement representing the Vision of the City of DeBary:

**"The City of DeBary is a safe and active community that provides cultural, educational and recreational opportunities for all. DeBary=s progressive and proactive government continuously strives to be responsive to the needs and aspirations of its people and business community for future generations."**

In preparing the Vision statement, participants in the Vision workshop expressed a number of themes, including:

- a. the importance of maintaining the character of a small community of friendly people, while taking advantage of the amenities offered by proximity to the big city (Orlando metropolitan area);
- b. the importance of maintaining a low crime community;
- c. the importance of maintaining extensive recreational and leisure activities, and the role of cultural resources in the community;
- d. the need to utilize human resources at all age levels; and
- e. the importance of economic development to the future of the community.

### **3. ECONOMIC DEVELOPMENT**

GOAL: To facilitate the stable, on-going development of the economy of the City and of the community within which it lies, making wise use of resources, including man-made resources, natural resources, and human resources.

- 3.1 OBJECTIVE: The City will carry out a program of economic development activities which will facilitate the creation of "value-added" job opportunities for residents of the City, improve the economic and tax bases of the City, improve opportunities for existing businesses, and establish a climate conducive to economic activity.
  - 3.101 POLICY: In attracting new businesses and expansion of existing businesses, the City will stress the availability of current residents in the labor market, including semi-retired residents. Where practical, the City will assist in advising residents of job opportunities, including opportunities for "job sharing" by semi-retired residents.
  - 3.102 POLICY: The City will facilitate efforts to use job training, job creation, and economic solutions to address a portion of the affordable housing concerns. Activities may include: assisting with advising residents of job opportunities, holding job fairs, and matching job opportunities with low and moderate income residents.
  - 3.103 POLICY: Because the needs of new businesses differ from the needs of developers creating space for businesses, the City will maintain contacts separately with new businesses and will carry out activities to assist new businesses in addition to programs for facilitating non-residential development generally. The City may maintain its own "opportunity fund" to assist with costs of new and start-up businesses. To the maximum extent feasible, this fund will be used to offset costs associated with fees and charges by the City and other government units. In addition, the City may participate with private developers in the development of building space and/or sites for business development.
- 3.2 OBJECTIVE: By 1997, the City will prepare and maintain an inventory of good land (including finished sites) appropriate for development of employment uses, as well as an inventory of finished building space.
  - 3.201 POLICY: The City will periodically review the Future Land Use Map of the Comprehensive Plan, along with the land development regulations, to ensure that there is a sufficient supply of vacant land

available for various types of employment oriented land uses, and that such land is reasonably capable of being developed in a timely manner.

- 3.202 POLICY: The City will coordinate with property owners and developers to prepare and pre-approve development plans and permits for sites so as to reduce implementation time. The City will provide in its land development regulations special rules allowing review fees and other development charges to be deferred on such sites until permits are actually issued. The City will also provide for extended expiration of such reviews and permits.
- 3.203 POLICY: The City will continue to monitor and participate in discussions regarding the extension of transportation facilities and services to the community, including rail transit services, and will maintain this Plan to support the development of such facilities and services.
- 3.204 POLICY: The City will continue to provide for the development of a tourist and travel oriented business area adjacent to the I-4 interchange at Dirksen Drive.
- 3.205 POLICY: The City will facilitate the preparation and implementation of a development plan for the Benson Junction industrial area, and will seek appropriate funding to support planning, design, infrastructure, and development costs.
- 3.206 POLICY: The City will facilitate the preparation and implementation of a redevelopment plan for the US 17/92 area south of Dirksen Drive, addressing land uses, infrastructure, financing, and other issues.
- 3.207 POLICY: The City will facilitate the preparation and implementation of a redevelopment plan for the downtown area (i.e.: along Charles Richard Beall Boulevard (US 17/92) generally between Plantation Road and Highbanks Road). This plan will address land uses, transportation (including transit), parking, infrastructure, aesthetics, financing, and other issues.
- 3.3 OBJECTIVE: The City will carry out the following policies to help achieve its development and redevelopment objectives by directing community facility

improvements to serve employment areas and uses.

- 3.301 POLICY: In developing the annual update of the Capital Improvement Program (CIP) and the adoption of the capital budget, the City will consider proposed and developing employment centers and other non-residential uses. Where physically and financially feasible, capital facility improvements will be planned and constructed to support the development of employment uses, and to remove potential regulatory level of service deficiencies.
- 3.302 POLICY: The City will ensure that streets and roads serving employment areas are constructed to standards sufficient to safely serve trucks. Where necessary, consideration will be given to adequate pavement thickness and width, curves, setbacks to pedestrian areas and landscaping, accessibility to parking and loading areas, and similar issues.
- 3.303 POLICY: The City will coordinate with utility providers, including communications utilities, to ensure that the most modern technologies are available to areas designated for development of employment uses.
- 3.304 POLICY: Where service is available or likely to be available in a short time, the City will facilitate the extension of treated wastewater for irrigation and other appropriate uses within non-residential areas.
- 3.4 OBJECTIVE: The City will carry out a program of activities to facilitate the efficient and effective review of land development proposals for economically beneficial land uses.
- 3.401 POLICY: The City will continue to review and monitor the Plan, the Land Development Code, and the development review process to identify specific regulations and/or specific regulatory procedures which are detrimental to rapid review and approval of commercial and industrial development proposals, and will revise these regulations and procedures as indicated.
- 3.402 POLICY: The City will identify differences in development practices between residential and non-residential projects, and will apply the procedures most appropriate to the type of development proposed.

- 3.403 POLICY: The City will consider methods for allowing short-cut procedures for review of new development or modifications to existing development in already established non-residential areas, and will consider methods for modification and/or waiver of development standards where necessary to accommodate appropriate development of employment uses.
- 3.404 POLICY: The City will facilitate off-site mitigation required for environmental permitting for development of appropriate employment uses through pre-permitting of development, through participation in mitigation parks, and through coordination with permitting agencies.
- 3.5 OBJECTIVE: The City will carry out a program of activities to improve the recognition of DeBary throughout the state, the region, and the world as a community which is actively interested in development of appropriate economic development.
- 3.501 POLICY: The City will encourage advertising by businesses and organizations within the City to include references to their location in the City and the qualities of the City for economic development purposes.
- 3.502 POLICY: The City will give special consideration to economic development projects which create a positive high visibility for the City in a large market area.
- 3.503 POLICY: The City will facilitate community identification and community spirit through sponsorship and cooperation in festivals, such as "Gatorfest".
- 3.504 POLICY: The City will coordinate with FDOT and the Volusia County Sheriff to maintain Charles Richard Beall Boulevard (US 17/92) to accommodate parades. In the design of the downtown development area, the City will ensure the opportunity for festivals and community events promoting (in part) the values and benefits of economic development within the City.
- 3.505 POLICY: The City will use advanced information technology (such as the Internet) to ensure that information about the City and opportunities therein reach a worldwide audience in a cost effective

manner.

- 3.6 OBJECTIVE: The City will carry out a program to facilitate interaction between businesses and citizens of the community designed to enhance the sense of community, and to create an appreciation of the need for cooperation between businesses and residents.
- 3.601 POLICY: The City will facilitate the coordination of volunteer efforts among social and civic clubs within the community, and between these groups and businesses. The City will assist in the development of methods for communicating between civic clubs and businesses to make each group aware of the needs and resources of the other.
- 3.602 POLICY: The City will facilitate in the development of an "adopt a neighborhood" program for businesses and in an "adopt a business" program for civic and neighborhood groups.
- 3.7 OBJECTIVE: The City will seek to actively participate in and coordinate its activities with existing economic development organizations in the area.
- 3.701 POLICY: Where available and cost-effective, the City will maintain active participation (or affiliate participation) in those groups established to promote economic and tourism development within the region, and will seek to ensure that DeBary is prominently mentioned in materials.
- 3.702 POLICY: The City will prepare and/or assist in the preparation of informational materials regarding the attributes of the City and of the benefits for development of employment uses.

#### **4. MANAGEMENT OF NATURAL RESOURCES**

GOAL: To facilitate the proper management of natural resources through their appropriate conservation, protection, and use, consistent with the desired growth and development of the community.

4.1 OBJECTIVE: The City will carry out a program of activities to identify and monitor environmentally sensitive areas and open space reservations.

4.101 POLICY: The Future Land Use Map series includes a general identification of environmentally sensitive lands, based on locally developed criteria. These lands generally include:

- a. Wetlands (see OBJECTIVE 4.2)
- b. Water bodies and shorelines (see OBJECTIVE 4.3)
- c. Well field protection areas (see OBJECTIVE 4.3)
- d. Unique vegetative communities (see OBJECTIVE 4.4)
- e. Habitats for threatened and endangered species and species of special concern (see OBJECTIVE 4.4)
- f. Areas generally reserved for permanent open space, primarily including areas reserved under the categories identified above

4.102 POLICY: Each category of environmentally sensitive lands is governed by specific policies set forth in the sections referenced in the list above. In addition, the following general strategies will be used to minimize adverse impacts of land development activities on these environmentally sensitive areas:

- a. Where feasible, land development activities adjacent to environmentally sensitive areas will be arranged so that the more intense activities and/or activities with the highest potential for adverse impacts will be clustered on the portions of the site which are most distant from the environmentally sensitive area. In doing this, consideration will be given to the nature and distribution of activities planned for the site, the nature of the environmentally sensitive area, and the types of

adverse impacts which might be expected.

- b. Where feasible, land development activities adjacent to environmentally sensitive areas will be buffered from the environmentally sensitive area. Depending on the nature of potential adverse impacts, buffering may consist of open space and/or landscaped strips, storm water management facilities, and or physical barriers.
- c. Where an environmentally sensitive area can be protected from adverse impacts by design techniques, these techniques will be included in the development of adjacent areas. For example, where the operation of the development involves handling of hazardous or toxic materials, design features will be included to ensure that there will be no spilling of such materials into the environmentally sensitive areas.
- d. Where the nature and/or importance of an environmentally sensitive area is such as to indicate that it should be in public or controlled ownership, the City will consider purchase of the land and/or support the purchase of such lands by others to ensure their preservation.

4.103 POLICY: When adopted, the City will incorporate provisions in the land development regulations to implement the policies contained in this section, and reflecting the delineation of environmentally sensitive areas identified in the Future Land Use Map series.

4.104 POLICY: The City will cooperate with adjacent local governments to manage unique vegetative communities located within more than one jurisdiction, where such communities are identified as environmentally sensitive areas on the Future land Use Map series. These regulations will also include provisions for refining the actual boundaries of environmentally sensitive areas through field verification as part of the development review process. Where such field verification establishes a more specific boundary, or where boundaries are adjusted as part of the development process, the new boundaries will subsequently be incorporated in the Future Land Use Map series as an amendment.

4.105 POLICY: The City will cooperate with adjacent local governments and

with appropriate regional and state agencies to refine information about environmentally sensitive areas and will coordinate with adjacent local jurisdictions to ensure joint efforts to properly manage sensitive areas lying within more than one jurisdiction.

- 4.2 OBJECTIVE: The City will carry out a program of activities to properly manage wetlands so as to maintain the natural functions of wetlands while ensuring the appropriate growth and development of the community.
- 4.201 POLICY: Wetlands are generally incorporated in the environmentally sensitive lands classification identified on the Future Land Use Map series. Actual wetland delineation will be based on the wetland definitions developed by the Florida Department of Environmental Protection (FDEP), as administered by the St. Johns River Water Management District (SJRWMD), and will be consistent with the Volusia County minimum environmental regulations. During the development review process, the actual boundaries of existing wetlands will be identified based on field analysis.
- 4.202 POLICY: Standards for management of wetland areas will be established in the land development regulations so as to be consistent with the regulations of FDEP, as administered by the SJRWMD, and will be consistent with the Volusia County minimum environmental standards.
- 4.203 POLICY: Where the regulations of the SJRWMD and/or Volusia County conflict with appropriate development activities, the City will assist in developing proper mitigation techniques to facilitate the development. These techniques may include adjustment of wetland boundaries so as to ensure no net loss of wetland area, and (where feasible) may include expansion of wetland areas and relocation so as to improve their natural function over time.
- 4.204 POLICY: Consistent with SJRWMD and/or Volusia County standards, wetland areas will be buffered from new development and storm water management facilities will be designed in such a way as to maintain the natural (pre-development) flow of surface water to the wetland. Wetland areas may be used in the design of storm water management systems to help improve runoff water quality, provided that this will not adversely affect threatened or endangered species or species of special concern which might be located within

the wetland.

- 4.205 POLICY: Where feasible and where consistent with other objectives and policies in this Plan, the design of new development activities will direct incompatible land uses away from wetlands. Wetland boundaries may be adjusted to ensure the long term viability (including natural function) of the wetland areas after the completion of development. Where mitigation to protect wetlands (such as buffers, realignment of boundaries, and expansion of wetland areas) cannot be accomplished on site, the City will first attempt to coordinate with owners of adjacent property to achieve mitigation off-site on adjoining areas or will seek mitigation through regional mitigation banks.
- 4.3 OBJECTIVE: The City will carry out a program of activities to appropriately manage water resources (including groundwater resources and surface water resources such as lakes, ponds, streams, and rivers) consistent with the need for the growth of the community and the needs of the environment.
- 4.301 POLICY: In the land development regulations, the City will establish buffer zones adjacent to surface water bodies and will adopt regulations to minimize any adverse impacts from development directly abutting such water bodies. Where feasible, a buffer area will be maintained adjacent to a surface water body. Where the adjoining land development includes activities which might discharge pollutants to the water body, the buffer will be sufficient to include a swale or retention area to capture and treat pollutants. Buffers will also be sufficient to minimize siltation of surface water bodies.
- 4.302 POLICY: The City will cooperate with the Volusia County Public Health Unit, the FDEP, and/or other agencies to monitor water quality in surface water bodies. Where trends indicate a reduction of water quality, steps will be taken to identify the sources of pollution and to help mitigate the adverse impacts.
- 4.303 POLICY: While there is not a present indication of the need to provide sewer service to older residential areas, the City will cooperate with Volusia County Utilities and/or other sewer providers to establish the feasibility, the potential cost, and possible methods for extension of sewer service.

- 4.304 POLICY: The City will identify well field protection areas surrounding potable water wells consistent with Volusia County minimum environmental standards. Uses and activities within these areas, as well as in areas adjacent to surface water bodies, will be required to provide methods for prevention of contamination resulting from improper handling of hazardous or toxic materials, including accidental spills.
- 4.305 POLICY: The City will establish and enforce water use and conservation regulations both for regular circumstances and for water emergencies, consistent with SJRWMD requirements.
- 4.306 POLICY: The City will regulate development in such a manner as to ensure the maintenance of the natural functions of rivers, bays, lakes, and harbors. Generally, this will be done by restricting changes in water flow into and through such water bodies, and by restricting uses on adjoining lands which would adversely affect water quality. The City will also regulate land uses which would restrict existing access to and use of such water bodies. Where feasible, the City will assist in developing additional access points for public use.
- 4.307 POLICY: The City will establish regulations applicable to development within the one-hundred year flood plain consistent with the requirements of the Federal Flood Insurance Program and the regulations of the SJRWMD. Density of development within flood plain areas will be reduced as needed to ensure the maintenance of flood storage at least equivalent to the pre-development conditions.

***NOTE: See also Section 7E. Natural Groundwater Aquifer Recharge.***

- 4.4 OBJECTIVE: The City will carry out a program of activities to properly manage habitats and vegetative communities so as to maintain these resources and their natural functions while ensuring the appropriate growth and development of the community.
- 4.401 POLICY: Significant habitat areas for threatened and endangered species and species of special concern (TES/SSC) are included in the "Environmentally Sensitive Lands" classification shown on the Future Land Use Map series. Actual detailed delineation of habitat

areas will be based on the definitions developed by the Florida Game and Fresh Water Fish Commission (FGFWFC). During the development review process, the actual boundaries of such habitat areas will be identified based on field analysis.

4.402 POLICY: In reviewing land development activities and managing habitat areas for TES/SSC, the City will consider special measures which may be necessary to prevent adverse impacts. Specific actions may include requiring clustering of development away from the most sensitive habitat areas and/or requiring buffers and design treatments to reduce adverse impacts. The City may also require development patterns to preserve corridors for the migration of wildlife.

4.403 POLICY: The City will protect native vegetative communities from destruction by development activities, where such communities are identified as environmentally sensitive areas on the Future Land Use Map series. Protection will be accomplished by coordinating the development design and review process to cluster land uses and activities away from the sensitive portions of the site, and by providing adequate buffers between developed areas and areas identified as environmentally sensitive.

The land development regulations will establish buffer zones between proposed development and areas identified as environmentally sensitive. These buffer areas will be designed to filter surface water flowing directly into wetlands, and to protect the natural function of wetlands and vegetative communities. Unless indicated by the unique quality of the area being buffered, such areas will generally consist of a minimum of twenty-five feet of undisturbed natural area. *(Amended by Ordinance 03-97, March 5, 1997)*

4.5 OBJECTIVE: The City will carry out a program of activities to manage soil and mineral resources, consistent with the future development needs of the community.

4.501 POLICY: Where commercially available minerals are in locations which conflict with future industrial development, and where the continued extraction of these minerals is not inconsistent with the long or short term plans for industrial development, the City will consider permitting the extraction of such materials prior to or

during development, provided that such extraction does not result in a landform which is inconsistent with eventual appropriate development of the area.

- 4.502 POLICY: Where permitted, mineral extraction will be regulated to minimize adverse impacts on surrounding areas, particularly residential areas. Such regulations will be directed at minimizing dust, odor, noise, damage to streets, traffic congestion caused by heavy use of trucks, and limiting operations to reasonable hours.
- 4.503 POLICY: The City will establish regulations to minimize soil erosion and siltation during construction. Such regulations will require establishment of temporary cover if the permanent cover is removed for an extended period, and will require the establishment of a permanent cover upon completion of the development. The regulations will also require the use of soil erosion barriers and temporary siltation ponds where appropriate during development. These regulations may make appropriate distinctions between developments based on the erodability of soils and the degree of slope in the areas which are disturbed.
- 4.504 POLICY: In connection with the development of plans for industrial development in the Benson Junction area, the City will assist landowners in developing a plan for the restoration of existing and/or abandoned mineral extraction operations.
- 4.6 OBJECTIVE: The City will carry out a program of activities to facilitate protection of air quality.
- 4.601 POLICY: The City will coordinate with the Florida Department of Environmental Protection (FDEP) and Volusia County to monitor air quality in the area and to identify sources of air pollution.
- 4.602 POLICY: The City will coordinate with the FDEP to evaluate potential air quality problems which might be caused by new uses and to require appropriate measures to mitigate projected problems.

## 5. FUTURE LAND USE

GOAL: To facilitate the development and use of land, including permanent open space, in an organized arrangement which supports the appropriate development of the overall community, including its businesses and services, and the activities of its people.

- 5.1 OBJECTIVE: The City will carry out a program of activities to provide for its future growth by designating adequate land for the development of necessary land uses (including open space and public facility land uses), consistent both with the availability of needed public facilities and with the efficient use of such facilities.
- 5.101 POLICY: The future land use pattern (depicted in the Future Land Use Map - see Objective 5.4) will be based on the projected need for different future land uses. The City will monitor its growth and development and will adjust these projections as needed. To the extent feasible, the quantity of vacant land available at any given time will be a multiple (as determined by the City) of the current estimated need in order to accommodate market choices. (See POLICY 5.102)
- 5.102 POLICY: Areas which are appropriate for development are shown for individual land uses on the Future Land Use Map. Some areas (indicated as Alternate Use Areas and described individually under Policy 5.406) may be available for development subject to provision of adequate facilities and services. Plans for public facility expansion will be developed and reviewed annually so as to adequately provide for projected development. Areas contained within the Mixed Use Land use classification will also be reviewed at least annually. *(Amended by Ordinance No. 03-97, March 5, 1997)*
- 5.103 POLICY: The pattern of land designated as currently available for development will be arranged so as to be compact and contiguous and to prevent urban sprawl.
- 5.104 POLICY: The City will designate areas for permanent open space on the Future Land Use Map. Open space areas so designated will be preserved through acquisition, through establishment as open space within developments, or through other appropriate means.

- 5.105 POLICY: In making decisions about specific land use designations, consideration will be given to the arrangement of existing land uses, compatibility of new and existing land uses and the need for buffers, traffic patterns, access to the area, and the need for development of different types to serve the future growth of the community.
- 5.106 POLICY: The City will ensure that adequate land is available for public facilities and utilities. During the annual preparation of the capital improvement program (CIP), consideration will be given to the need for advance acquisition of sites for future development of facilities. In addition, during the development review process, plans for development of utilities and public facilities will be examined and any land necessary which may be provided in connection with the subject development will be reserved or acquired, as appropriate. The City may also allocate funds during the capital improvement programming process for advance acquisition of sites and right-of-way of a regular basis. *(Added by Ordinance No. 03-97, March 5, 1997)*
- 5.2 OBJECTIVE: The City will carry out a program of activities to ensure that the future land use pattern reflects the appropriate management of natural resources, physical features, and historic resources.
- 5.201 POLICY: Areas designated "environmentally sensitive" on the Future Land Use Map series will be subject to the appropriate policies included in Section 4, as well as the implementing land development regulations. In and near these areas, the density or intensity of development, land uses, and land development patterns will be determined with consideration of the nature and extent of the nearby environmentally sensitive areas.
- 5.202 POLICY: Historically significant resources (DeBary Hall and other sites identified on the Florida Master Site File) are shown on the Future Land Use Map. Development in the area of DeBary Hall will be limited in terms of scale, density, and intensity consistent with the use and development of the resource. Appropriate development in the vicinity will have the character of and be consistent with single-family residential development. For other sites, planning for public improvements and redevelopment activities (specifically for the village center area) will consider opportunities to incorporate these sites into the overall design and redevelopment. *(Amended by*

*Ordinance No. 03-97, March 5, 1997)*

- 5.203 POLICY: Archaeologically significant resources are not specifically identified. Review of any development of previously undeveloped areas will include a review of the presence, location, and extent of any archeological resources as identified by the Florida Department of State. Where such resources are present, provisions will be made in the development approval to ensure protection of such resources.
- 5.3 OBJECTIVE: The City will carry out a program of activities to eliminate or reduce land uses and activities which are inconsistent with this Plan, and to encourage the redevelopment of areas which offer opportunity for renewal consistent with the Plan. This program will include efforts to reduce land uses which are inconsistent with hazard mitigation recommendations of the Regional Planning Council. *(Amended by Ordinance No. 03-97, March 5, 1997)*
- 5.301 POLICY: The City will conduct a study of the downtown area and will prepare and maintain a specific plan for its redevelopment. Prior to the completion of this plan, the provisions in Policy 5.403 a. will apply as the interim development standard.
- 5.302 POLICY: The City will conduct a study of the Benson Junction industrial area and will prepare and maintain a specific plan for its redevelopment. The following provisions will apply as an interim development standard:
- a. When a specific plan is prepared for any individual development, the plan will consider the need for and the development's relationship to necessary infrastructure for the larger Benson Junction area. To the extent feasible, the plans for the individual development will coordinate with and help provide for the overall area. Particular infrastructure needs shall include, but are not limited to: potable water, sanitary sewer, drainage, and access from both Shell Road and Benson Junction Road.
  - b. Lower intensity uses and uses having smaller impacts will be located in areas adjacent to the residential areas to the north, as well as in areas closest to US 17/92. Heavier industrial uses, and uses which have a more significant impact on

surrounding areas will be clustered together within the larger industrial area and will be located closer to the railroad and farther from either the residential areas and US 17/92.

5.303 POLICY: The City will encourage the reclamation of abandoned mining areas, including abandoned open sand pits. This will be done primarily through the development review process involving sites which include such features. Open pits will be filled and established with a permanent cover, or will be incorporated into the design of the development with a finished appearance. *(Added by Ordinance No. 03-97, March 5, 1997)*

5.304 POLICY: The City will continue to coordinate with the Regional Planning Council and other agencies to assess potential hazards and to prepare hazard mitigation and post disaster recovery plans. Where specific land uses and activities appear to be inconsistent with the recommendations of hazard mitigation plans, the City will evaluate the Future Land Use Map and the land development regulations and will consider making such uses non-conforming. The City will also consider opportunities to remove existing uses in connection with redevelopment activities and public facility projects. *(Added by Ordinance No. 03-97, March 5, 1997)*

5.4 OBJECTIVE: The City will base land use and development decisions on a Future Land Use Map, which is incorporated herein by reference, and which designates areas for the following land use classifications:

5.401 POLICY: The following CONSERVATION AND RURAL LAND USE CLASSIFICATIONS are hereby established:

a. Environmentally Sensitive Lands (ESL) - This classification generally provides for the reservation and protection of natural open space and for very low densities of development for those activities which are permitted. Areas included in this classification are generally identified in Section 4. "Management of Natural Resources" and are specifically referenced through Policy 4.101. These areas constitute the bulk of the natural open space within the City, including land in both public and private ownership. *(Amended by Ordinance No. 03-97, March 5, 1997)*

- (1) Uses within this classification shall include resource management, forestry and agriculture, cemeteries, and recreation. Residential uses shall be discouraged except as accessory to permitted uses (ranger's or caretaker's residence, etc.) or where no other reasonable use of land is permitted. Where permitted, or for purposes of transfer of development rights, densities shall be limited to one unit per ten acres. *(Amended by Ordinance No. 03-97, March 5, 1997)*
- (2) Land in this classification is unlikely to be used for conventional development due to the presence of significant natural features (such as wetlands) and/or severe development constraints (such as major flood plains, wet and very poorly drained soils, etc.). *(Amended by Ordinance No. 03-97, March 5, 1997)*
- (3) Normally, these areas would be in public or institutional ownership. Where this land is in private ownership, limited development would be considered if there is not an opportunity to cluster development on another part of the property. Such development should normally be restricted to recreational uses and water oriented development which have minimal adverse impacts on natural systems, or development for which impacts can be adequately mitigated. Transfer of development rights away from this land would be permitted and encouraged. *(Amended by Ordinance No. 03-97, March 5, 1997)*
- (4) While it is unlikely that extensive conventional development will occur within this classification, peripheral portions of larger mixed use developments may occur. An example of such use might include the recreation area (such as a golf course) associated with a large planned unit development, where the design and management of the recreation area is consistent with the applicable standards. Such activity should be permitted only through the Planned Development process in order to establish appropriate specific conditions. *(Amended by Ordinance No. 03-97, March 5,*

1997)

(5) When land in this classification is developed, care will be taken to protect wetlands, habitats for threatened or endangered species or species of special concern, and other features referenced in Section 4, Management of Natural Resources. Specific strategies for protecting these areas include:

- \* avoiding the location of development directly in the areas of concern
- \* maintaining natural buffers between these areas and new development to ensure protection of the natural functions of the protected areas
- \* selecting land uses and an arrangement of land uses designed to keep more objectionable uses (i.e.: those uses which produce the highest potential level of adverse impact on the protected areas) away from the protected areas.

b. Agriculture/Rural (A/R) - Areas within this classification are expected to remain largely open and undeveloped and/or in agricultural uses during the early part of the planning period, although the area will develop in conventional urban and suburban uses and densities once adequate infrastructure is provided.

(1) Uses permitted within this classification include agriculture and agriculture related businesses, such as feed lots, pasture and grazing, cropland, forestry, etc. In addition, uses include operations accessory to agriculture and silviculture (such as processing of farm and forestry products), as well as farm supply and support operations. Where they occur, agricultural and forestry activities should be managed so as to prevent adverse impacts from storm water runoff.

(2) Residential development will be permitted as accessory to other permitted uses (agriculture, etc.) and as a

principal use, but at very low overall densities (not exceeding 1 du./5 ac.). Where feasible, residential density should be clustered on maximum two acre lots so that a significant portion of the land would be preserved for agriculture and future urban development. Mobile home development is not included in this classification.

- (3) As a designated Alternate Use Area (see Policy 5.406), consideration may be given to development of conventional suburban uses and densities, as well as supporting commercial, recreational, and public uses. Such a change will be accomplished through the planned development process and will include a firm schedule for providing adequate infrastructure. *(Amended by Ordinance No. 03-97, March 5, 1997)*

5.402 POLICY: The following RESIDENTIAL LAND USE CLASSIFICATIONS are hereby established:

- a. Residential/Low Density (R/LD) - This classification provides for conventional suburban residential development, primarily consisting of single family detached units. In addition, clustering options will be available so that the same number of units can occupy a smaller portion of a site. Mobile home development is not included in this classification
  - (1) Generally, densities will be limited to four (4) du./ac., however, limited bonus densities (not more than a twenty-five (25) percent increase) will be allowed in connection with cluster developments and planned unit developments. Provisions to implement clustering shall be included within the land development regulations. Residential development should meet the policies for low and medium density housing set out in Section 9, Housing.
  - (2) Convenience commercial uses may be permitted and shall be located in well defined and carefully spaced convenience commercial centers. Specific uses include convenience stores, self service laundries, dry cleaners,

small restaurants and sandwich shops, gasoline sales without any automobile sales or servicing, branch banks, personal service establishments (such as barber shops and beauty parlors), and small (under 1,500 square feet) retail shops. These uses should be grouped into a single center at each location, preferably on a single parcel of land or on abutting parcels under a single master plan. The perimeter of the center should be well defined, and substantial landscaping and buffering should be provided to protect nearby residential areas from encroachment. The layout of uses within the center should consider traffic and pedestrian circulation, visual and noise impacts on neighboring residential areas, and the mitigation of adverse impacts generally. Specific site design issues will be addressed through the development review process. Where commercial development is proposed within one quarter mile of a city boundary, the adjoining jurisdiction(s) shall be notified and given an opportunity to comment on the proposal prior to or at any public hearing. *(Amended by Ordinance No. 19-98, September 1, 1998)*

- (3) In addition to small commercial areas, other non-residential uses may be appropriate in certain situations. Higher density residential uses may be permitted in areas adjacent to commercial or high density residential areas to help maintain a logical transition. Similarly, office employment uses may be permitted in areas adjacent to retail commercial uses. This may be done through the planned unit development process or a specific site plan review process. Higher density residential development shall conform to the policies for higher density housing included in the Housing Element.
- (4) Other special uses may be appropriate as part of a larger development. These include institutional uses, employment centers, office parks, and larger retail areas. These uses should only be considered as part of a (primarily residential) planned unit development process where specific criteria for the development can be

established.

- (5) Schools may be permitted in this classification as provided in Policy 5.405 (*Added per Stipulated Settlement Agreement by Ordinance No. 15-97, September 3, 1997*)

b. Residential/Low-Medium Density (R/LMD) - This classification provides for medium density housing, such as two and three family units and small apartments, but not including mobile homes.

- (1) Densities shall generally be limited to eight (8) du./ac. Higher densities may be permitted through the planned unit development process, with overall density increases not exceeding fifty (50) percent. There shall be no "minimum density". Residential development should meet the policies for higher density housing set out in Section 9, Housing.

- (2) In addition to higher density residential uses, office employment uses and limited convenience commercial uses may be permitted in this classification. In smaller developments, such uses should be located at the entrance of residential areas, adjacent to arterial roadways, rather than in the interior. These uses should be restricted to interior locations within (primarily residential) planned unit developments consistent with an overall plan. Where commercial development is proposed within one-quarter mile of a city boundary, the adjoining jurisdiction(s) shall be notified and given an opportunity to comment on the proposal prior to or at any public hearing. (*Amended by Ordinance No. 19-98, September 1, 1998*)

- (3) Schools may be permitted in this classification as provided in Policy 5.405 (*Added per Stipulated Settlement Agreement by Ordinance No. 15-97, September 3, 1997*)

c. Residential/Medium Density (R/MD) - This classification provides for higher density housing in locations well suited for this type of development.

- (1) Permitted uses shall include all types of housing (except mobile homes). The maximum density in this classification is fourteen (14) du./ac., and there is no minimum. Future development at densities higher than 14 du./ac. (up to 20 du./ac.) may be permitted, but should only be reviewed as planned unit developments so that specific impacts can be identified and mitigated.
- (2) Proposed residential developments in this classification shall be reviewed under the criteria for higher density housing contained in Section 9, Housing. Sites for development should have adequate access to an arterial road (direct access through a major intersection or indirect access by a major street internal to the development), should be adequately served by water and sewer utilities, should be close to retail and facilities (including recreational facilities), and should be located, arranged, and designed to minimize adverse impacts from nearby uses on the residents of the development as well as minimizing adverse impacts on the residents of lower density developments in the vicinity.
- (3) This classification may permit office employment and limited retail uses, including neighborhood shopping centers and specialty retail centers. These uses are appropriate where they are integrated in a predominantly residential mixed use development and where the site meets the general criteria for higher density housing. Where commercial development is proposed within one-quarter mile of a city boundary, the adjoining jurisdiction(s) shall be notified and given an opportunity to comment on the proposal prior to or at any public hearing. *(Amended by Ordinance No. 19-98, September 1, 1998)*
- (4) The City will avoid locating individual higher density housing projects in areas where they are isolated from other housing. Residential projects should be located in areas where they are located near other like projects or where they are in a transitional area between residential and non-residential uses.

- (5) Schools may be permitted in this classification as provided in Policy 5.405 (*Added per Stipulated Settlement Agreement by Ordinance No. 15-97, September 3, 1997*)

d. Residential/Mobile Home (R/MH) - This classification provides for mobile homes.

- (1) Mobile homes will be permitted within planned developments with special amenities and facilities exclusively designated for residents. The maximum density for such developments is eight (8) du./ac., similar to that of the Residential/Low-Medium Density classification.
- (2) Development in this classification will be subject to the criteria for higher density housing as set forth in Section 9, Housing.
- (3) Because of the unique nature of mobile homes, mixed developments (including both mobile home and conventional construction) Shall not be permitted.
- (5) All new mobile homes brought into the City or relocated within the City shall meet the US/HUD standards in effect on June 16, 1976, or on the date of construction, whichever is later.
- (6) Schools may be permitted in this classification as provided in Policy 5.405 (*Added per Stipulated Settlement Agreement by Ordinance No. 15-97, September 3, 1997*)

5.403 POLICY: The following COMMERCIAL LAND USE CLASSIFICATIONS are hereby established:

- a. Commercial Village Overlay (CV) - This classification provides for development of the downtown commercial area along Charles Beall Boulevard (US 17/92) between Highbanks Road and Plantation Road. This area is recommended for a specific redevelopment plan (see Policy 5.301 and Policy 5.406 e.) Once a plan for the future development and redevelopment of

the downtown area is prepared, this classification may be converted (through a plan amendment) to a conventional classification rather than an overlay. In the meantime, the overlay will be used in combination with conventional land use classifications.

The Village Center area shown on the proposed Future Land Use Map includes an expansion of the overlay into nearby areas. This does not, however, imply that these areas will be converted from their existing use to commercial or other non-residential uses. Initially, the purpose for designating the overlay is to define the study area for the redevelopment/development planning process. While some of this area will be eventually shown for redevelopment, some portions of the area will be part of the transition from the higher intensity uses along US 17/92 to the existing residential areas lying east and west of the road.

While the long term development pattern for the Village Center area will be determined through the redevelopment planning process, individual development and redevelopment proposals may be received and considered in advance. Where these proposals vary from the arrangement of conventional land use classifications shown within the overlay, they should be reviewed under the planned unit development procedures.

Generally, the arrangement of land uses will be based on the following interim policies:

- (1) Conventional retail uses will be concentrated into smaller individual nodes rather than along the entire corridor. These nodes are at Highbanks Road and US 17/92 where there is an existing neighborhood shopping center, as well as at the US 17/92 intersection with DeBary Plantation Boulevard (specifically within the DeBary Golf and Country Club commercial area).
- (2) Existing retail commercial uses along US 17/92 and outside of these nodes will become non-conforming. These uses may remain as they currently exist and may be converted to other uses in the same general category,

but cannot be expanded or re-established if they are discontinued. In addition, vacant uses cannot be converted to retail and non-retail uses cannot be converted to retail. (However, see also (4), below).

- (3) Office and non-retail service uses may be permitted within the corridor both inside and outside of the retail nodes. These uses include banks and financial institutions, offices (insurance, real estate, travel agency, etc.), medical offices and clinics. In addition, limited specialty retail uses may be permitted as accessory to the principal uses, such as a pharmacy within a medical complex.
- (4) Limited specialty retail uses may be permitted as part of the corridor redevelopment in advance of the adoption of the redevelopment plan. The following principles and standards will apply:
  - (a) Retail uses will only be allowed as part of an integrated development involving several uses, but not as individual freestanding units. Generally, individual retail establishments will be small, ranging up to 5,000 square feet and averaging 3,000 square feet.
  - (b) A development may consist of several retail uses within one or more buildings or a mix of retail and other uses. Other uses may include restaurants (not freestanding, drive through restaurants), bars and taverns, personal services establishments (barber and beauty shops).
  - (c) Individual buildings within the same project must adhere to a common architectural design theme and share common landscaping and buffers. Individual uses must share a common parking area\* and driveways, and be designed as a unit. Projects must provide an internal network for pedestrian circulation, linked to the larger network.

\*Note: an attempt should be made through the development review process to eliminate individual parking areas and meet parking needs on an areawide basis.

- (5) Higher density residential uses may also be permitted within the corridor outside of the designated retail nodes. In the interim, pending adoption of the redevelopment plan, the following standards will apply to such development:
  - (a) Housing developments must be in an area of similar housing or be of sufficient size to create a sense of community within the project or the larger area. In other words, a small project surrounded by non-residential uses results in a sense of isolation which is not supportive of a desirable living environment. No specific minimum is articulated here, but approval will only be given if there is evidence that this issue has been addressed.
  - (b) The individual design of housing projects must reflect consideration of the functional environment within which the project is located. This includes the provision of landscaping and buffers to protect adjacent lower density areas as well as to protect the residents of the project from the consequences of nearby non-residential development.
  - (c) The design of the project should include consideration of pedestrian circulation, access to the transit system, and vehicular circulation and parking. Where possible, parking needs should be fulfilled in coordination with nearby uses.

In addition, the eventual development/redevelopment plan may encourage higher density housing as part of the infill mix, and may allow for an expansion of the

area into existing residential areas.

- (6) Intensity of non-residential use shall be limited to a floor-area ratio (FAR) of 0.5 to 1. Residential density shall be limited to 20 du./ac. Where development is carried out through the planned development process, net floor-area ratio (FAR) may be increased to 2:1 provided that the overall FAR of the entire development does not exceed 0.5:1 and the increase is supported by a traffic analysis indicating that the increased demand will not exceed the capacity on nearby roadways. *(Amended by Ordinance No. 19-98, September 1, 1998)*
- (7) Schools may be permitted in this classification as provided in Policy 5.405 *(Added per Stipulated Settlement Agreement by Ordinance No. 15-97, September 3, 1997)*

b. Commercial/Office (CO) - This classification provides for commercial areas which do not include extensive retail or service uses and reserves areas for the expansion of office employment and service uses without the adverse impacts of traffic and congestion commonly associated with retail development.

- (1) Permitted uses include offices, financial institutions, and business service establishments (such as printing and copy centers, mailing centers, etc.). In addition, some uses that would normally not be permitted as freestanding uses or principal uses would be allowed as limited accessory activities within a larger development. These would include uses permitted in conjunction with an office complex, such as personal services uses (such as barber and beauty shops), restaurants and snack bars, and retail primarily addressing the needs of the businesses and workers within the larger complex. These accessory uses would be located in the interior of the buildings and/or developments they serve so as to be primarily arranged to serve the needs of the development first.
- (2) Higher density residential development is permitted

within this classification, subject to the basic location, design, and density criteria of the Residential/Medium Density (R/MD) classification. Such development should be addressed only through the planned unity development process.

- (3) Intensity of non-residential use shall be limited to a floor-area ratio (FAR) of 0.5 to 1. Residential density shall be limited to 12 du./ac. Where development is carried out through the planned development process, net floor-area ratio (FAR) may be increased to 2:1 provided that the overall FAR of the entire development does not exceed 0.5:1 and the increase is supported by a traffic analysis indicating that the increased demand will not exceed the capacity on nearby roadways. (*Amended by Ordinance No. 19-98, September 1, 1998*)
- (4) Schools may be permitted in this classification as provided in Policy 5.405 (*Added per Stipulated Settlement Agreement by Ordinance No. 15-97, September 3, 1997*)

c. Commercial/Retail (CR) - This classification provides for commercial retail and service uses, as well as the uses and activities permitted in the CO classification.

- (1) Uses permitted include retail sales and retail services (such as personal care services), as well as all of the uses permitted in the Commercial/Office classification. Outside storage and display of goods will not be permitted except on a limited basis, such as for special sales events (such as sidewalk sales, seasonal sales, or tent sales). Otherwise, outside storage (such as garden products) must be in a permanently designated enclosed area and screened from the street and neighboring properties.
- (2) Areas in this classification will be applied in well defined centers or "nodes", rather than in strips along major roads. Where strips already exist, the areas between the newly defined nodes are to be used for other uses, such as offices, selected services, and higher density

residential.

- (3) Development should be in well integrated commercial centers which function efficiently. These areas will be served by coordinated (in some cases common) parking areas and traffic circulation systems, will be well designed from the perspective of pedestrians and bicyclists, and will be easily accessible by transit.
- (4) Where these developments are in close proximity to residential areas and non-retail commercial, they will be buffered from them so as to reduce the adverse impacts of noise and unsightliness. Internal areas will also be well landscaped and signage will be maintained in a modest and coordinated manner.
- (5) This classification also permits higher density housing on the edge of a retail area as a transition to residential uses. Residential uses should not be permitted in isolation, however, and should be permitted through the planned unit development procedures.
- (6) Intensity of non-residential use shall be limited to a floor-area ratio (FAR) of 0.5 to 1. Residential density shall be limited to 12 du./ac. (*Amended by Ordinance No. 19-98, September 1, 1998*)
- (7) Schools may be permitted in this classification as provided in Policy 5.405 (*Added per Stipulated Settlement Agreement by Ordinance No. 15-97, September 3, 1997*)

5.404 POLICY: The following INDUSTRIAL LAND USE CLASSIFICATIONS are hereby established:

- a. Industrial/General (IG) - This classification provides for "clean" industrial and employment uses.
  - (1) Uses include research and development, light manufacturing, and office uses, generally in industrial park setting. In selected areas, this may also include warehousing and distribution and heavier

manufacturing, but not activities involving extensive outdoor storage or processing.

- (2) Permitted development within this classification will be restricted so as to produce little noise, smoke, odors, or other adverse impacts associated with heavy industry. In addition, these activities will involve minimal truck traffic, and will generally be enclosed in buildings which are well landscaped and buffered from adjoining uses. Many of these activities will occur in parks or other planned developments. Retail uses and business services will not occur here except strictly to serve the needs of the industrial park.
  - (3) In some cases, developments may include an increased incidence of uses with outdoor activities or involving truck traffic. These uses will be located and designed so as to avoid adverse impacts on the integrity and desirability of the larger development. These developments will be more remote from residential areas or other development which would be adversely impacted by the noise and traffic associated with this type of development. Such developments will be subject to the planned development review process.
  - (4) Intensity of non-residential use shall be limited to a floor-area ratio (FAR) of 0.5 to 1. (*Amended by Ordinance No. 19-98, September 1, 1998*)
  - (5) Schools may be permitted in this classification as provided in Policy 5.405 (*Added per Stipulated Settlement Agreement by Ordinance No. 15-97, September 3, 1997*)
- b. Industrial/Utility (IU) - This classification specifically provides for the major electric power generation and distribution facilities within the City.
- (1) Uses permitted include power production, as well as accessory activities, including power generating plants, industrial buildings, open space used as buffers, Lake Konomac (which is used for plant cooling), and similar

uses and accessory uses, as well as major features of the power distribution system (but not transmission lines).

Transmission lines are intended to be permitted in any land use classification as a public utility use, subject to City Council review. (See Public/Institutional Land Use Classification.)

Portions of this area, specifically including Lake Konomac and the immediate surrounding area and the low-lying areas west of the Florida Power facility, constitute part of the permanent natural open space of the City. *(Amended by Ordinance No. 03-97, March 5, 1997)*

- (2) The development standards should be designed to reflect the existing character of uses and structures within this classification, including the preservation of the natural open space identified under (1), above. *(Amended by Ordinance No. 03-97, March 5, 1997)*
- (3) In addition to power production uses, limited development of uses not directly associated with the production and distribution of electric power may be permitted. These uses will be developed with adequate landscaping and buffers from nearby uses. Such uses include office and employment uses, and conference and training centers, including accessory housing, recreation, and meeting facilities.
- (4) Intensity of non-residential use shall be limited to a floor-area ratio (FAR) of 0.5. to 1. *(Amended by Ordinance No. 19-98, September 1, 1998)*
- (5) Schools may be permitted in this classification as provided in Policy 5.405. *(Added per Stipulated Settlement Agreement by Ordinance No. 15-97, September 3, 1997)*

c. Industrial/Service (IS) - This classification provides for heavier

industrial and commercial activities.

- (1) Permitted uses include manufacturing, warehouse and distribution, and other industrial activities which occur outdoors to a major extent. Commercial uses include auto and truck sales, building materials sales, and contractors yards, and other outdoor sales and service activities.
- (2) Where these uses occur, they will be grouped with similar uses (as opposed to occurring in isolation among dissimilar uses). Where activities are permitted outdoors, they will be screened from nearby residential and commercial development.
- (3) Because of the limited areas assigned to this classification, other uses should not be considered. In areas on the periphery of lands in this classification, however, IG type uses can be considered to help ease the transition to non-industrial areas.
- (4) Intensity of non-residential use shall be limited to a floor-area ratio (FAR) of 0.5 to 1. *(Amended by Ordinance No. 19-98, September 1, 1998)*
- (5) Schools may be permitted in this classification as provided in Policy 5.405. *(Added per Stipulated Settlement Agreement by Ordinance No. 15-97, September 3, 1997)*

5.405 POLICY: The PUBLIC/INSTITUTIONAL LAND USE CLASSIFICATION is hereby established:

- (a) The City will seek every opportunity to co-locate public facilities such as parks, community centers and libraries with educational facilities in coordination with the Volusia County School Board. *(Added by Ordinance No.12-01, August 1, 2001)*

Public/Institutional (PI) - This classification provides for uses which are owned and/or operated by government agencies or non-profit institutions, and which do not lend themselves

easily to the other classifications. Such uses may also be permitted within most of the other classifications. It is the intent of the City that elementary and high schools (public or private, and including charter schools) may be permitted in any classification subject to approval of the City Council, and that private or trade schools may be permitted in any commercial or industrial classification subject to City Council approval. Public schools other than elementary and high schools should be restricted to this classification. This classification is designed to be used primarily where a public or institutional use is large enough to be separately identified on the Future Land Use Map.

Other public, institutional, and utility uses and facilities may be permitted in any land use classification, subject to approval of the City Council. This includes uses which are too small to be individually identified on the Future Land Use Map or the location of which must be established as part of the development review process. These uses include, but are not limited to, sewage lift stations, recycling facilities, power transmission facilities (including transformer stations), and broadcasting facilities, (including towers used for cellular telephone and other PCS services.) Authorization for one type of use shall not allow another use, which will require a separate authorization.

Specific uses and criteria for development shall be included in the Land Development Code (LDC). *(Amended by Ordinance No. 03-97, March 5, 1997; Amended per Stipulated Settlement Agreement by Ordinance No. 15-97, September 3, 1997)*

5.406 POLICY: In addition to the conventional future land use classifications, the following MIXED USE CLASSIFICATIONS are hereby established and are subject to the use and development policies described: *(Amended per Stipulated Settlement Agreement by Ordinance No. 15-97, September 3, 1997)*

- a. Southeast Mixed Use Area (SE) - This area is located along US 17/92 south of Dirksen Drive, and includes the extensive undeveloped land and open space area to the east of the US 17/92 strip. This area is now characterized by a mix of heavy

commercial, heavy and service industrial, commercial, with limited residential uses sparsely arranged throughout. The appropriate uses and development standards for this area include: *(Amended per Stipulated Settlement Agreement by Ordinance No. 15-97, September 3, 1997)*

- (1) Permitted uses include office commercial, light industrial, and medium density residential along US 17/92, with medium density residential to the east. Hotel and conference center uses, with associated residential and commercial development may also be permitted. Light industrial and office development may be permitted to the east of the US 17/92 strip if part of a larger development including hotel and conference center uses.
- (2) Retail development may be permitted as an accessory part of a larger development, but not as a freestanding use catering to customers outside of the development. Notwithstanding this, a neighborhood commercial center may be located in the vicinity of the Benson Junction Road/US 17/92 intersection provided that it follows (in time) the development of a single major development or several smaller developments along US 17/92 or to the east of US 17/92.
- (3) Any development will be approved through the planned development process, and shall either require necessary infrastructure (particularly water and sewer) to be in place or will include a condition requiring adequate infrastructure before construction of any phase. Unless proposed pursuant to a comprehensive plan amendment, any development in this classification shall be reviewed by the Volusia Growth Management (VGMC) using standards for review of plan amendments. *(Amended by Ordinance No. 19-98, September 1, 1998)*
- (4) Intensity of non-residential use shall be limited to a floor-area ratio (FAR) of 2 to 1. Residential density shall be limited to 8 du./ac. Overall development within the area shall consist of a minimum of 40 percent and a

maximum of 80 percent residential, and shall consist of a minimum of 20 percent and a maximum of 50 percent of employment uses along with hotel and conference center. Retail commercial uses shall be limited to 10 percent. Prior to meeting the conditions for approval of development (items (1) through (3) above) the area shall comply with the provisions (including density) of the Agriculture/Rural (A/R) future land use classification. Prior to meeting the conditions for approval of mixed use developments, agricultural development will be protected from the encroachment of development which is not consistent with the AR classification. *(Amended per Stipulated Settlement Agreement by Ordinance No. 15-97, September 3, 1997)*

- b. Southwest Mixed Use Area (SW) - This area is located along Fort Florida Road west of the FP&L plant and south of Highbanks Road, and is characterized by a mix of agriculture and open space uses, along with limited residential uses. The appropriate uses and development standards for this area include: *(Amended per Stipulated Settlement Agreement by Ordinance No. 15-97, September 3, 1997)*
- (1) Permitted uses include suburban residential uses with associated commercial retail and services. Retail uses above the level of convenience commercial should be introduced after the total number of residential units in the area exceeds 250.
  - (2) Any development will be approved through the planned development process, and shall either require necessary infrastructure (particularly water, sewer, and storm water management facilities) or will include a condition requiring adequate infrastructure before construction of any phase of development. Unless proposed pursuant to a comprehensive plan amendment, any development in this classification shall be reviewed by the Volusia Growth Management (VGMC) using standards for review of plan amendments. *(Amended by Ordinance No. 19-98, September 1, 1998)*

- (3) No significant development (ten units or more in any particular project) will be permitted until plans (including a construction program) are developed for the improvement of Ft. Florida Road.
- (4) Intensity of non-residential use shall be limited to a floor-area ratio (FAR) of 1 to 1. Residential density shall be limited to 4 du./ac. Overall development within the area shall consist of a minimum of 80 percent and a maximum of 100 percent residential. Retail commercial uses shall be limited to 10 percent. Prior to meeting the conditions for approval of development (items (1) through (3), above) the area shall comply with the provisions (including density) of the Agriculture/Rural (A/R) future land use classification. Prior to meeting the conditions for approval of mixed use developments, agricultural development will be protected from the encroachment of development which is not consistent with the A/R classification. *(Amended per Stipulated Settlement Agreement by Ordinance No. 15-97, September 3, 1997)*

5.407 POLICY: The boundaries of individual land use classifications shown on the Future Land use Map are intended to be general graphic representations of where land uses should occur, and are not intended to be precise surveyed lines. For interpretation purposes and where appropriate, the boundary line(s) may be interpreted as being located within 600 feet of the actual scaled location in order to ensure that such line follows a logical boundary, such as a road, railroad, water course, property line, etc. Where there is a question as to the actual location of a boundary, the City Council will make the final determination. *(Amended by Ordinance No. 03-97, March 5, 1997)*

Policy 5.408 - Country Estates at River Bend.

The future land use designation for the Country Estates at River Bend property shall be Residential/Low Density and Environmentally Sensitive Lands.

A. The following conditions apply to the Country Estates at River Bend property:

(1) The maximum number of residential units permitted is 250 dwelling units. Throughout the development the uses within the Residential/Low Density designation will be limited to the residential dwelling units, parks, playgrounds, gatehouse, gazebos, boardwalks, a clubhouse not to exceed 15,000 square feet, including kitchen facilities, and other ancillary clubhouse uses and structures such as pools, workout room, tennis courts, parking lot, and other traditional amenities associated with a residential community. The clubhouse and other ancillary clubhouse uses and structures will be for the exclusive use of the residents of Country Estates at River Bend; provided, however, that nothing in this policy prohibits the residents from allowing their guests the occasional use of the community amenities when accompanied by residents. The kitchen facilities shall not be used as or converted into a restaurant; provided, however, that nothing in this policy shall prevent the clubhouse and kitchen facilities from being used to prepare, serve and sell food and beverages to residents of Country Estates at River Bend..

(2) Commercial and retail uses, including, but not limited to, commercial docking facilities, are prohibited. Wet and dry boat slips are prohibited except as set forth in the following subsections.

(3) A maximum of forty-five (45) waterfront lots shall be allowed. A maximum of forty-five (45) docks with a maximum of sixty (60) wet slips distributed among such docks shall be allowed along the waterfront lots of the St. Johns River, which may be allocated as private residential single-family docks or private residential multi-slip docks, or any combination thereof. Subject to permitting requirements, the docks may cross the Environmentally Sensitive Lands located adjacent to the 117 +/- acres designated Residential/Low Density. A restrictive covenant, to be recorded in the public records of Volusia County, Florida at the time of recordation of subdivision plat, shall be placed on the entire 330 +/- acre property to restrict such property to the number of residential units, the size and use of the clubhouse, and the number of waterfront lots, docks, and wet slips, mentioned in subsections A(1), (2), and (3) above and also including the

restrictions and limitations set forth in subsections A(4) and (5) below, and such covenant shall be enforceable by the City of DeBary and Save the Manatee Club, Inc..

(4) A single lane boat ramp not exceeding sixteen (16) feet in width may be located on the portion of the property adjacent to the Residential/Low Density area at a location where it can be permitted by appropriate local, regional and state agencies. The boat ramp shall be for the exclusive use of the residents of the residential development. Trailer parking for the boat ramp facility shall be limited to 10 spaces.

(5) In addition to the docks and slips provided in subsection A(3), two (2) launch and recovery slips shall be allowed to assist in loading and unloading of watercraft at the boat ramp provided in subsection A.(4) and such shall be used for temporary mooring purposes for the exclusive use of residents of the residential development, and shall not be used for the long-term mooring of any watercraft.

(6) At the time of rezoning the property, the City of DeBary shall be granted a conservation easement over all lands designated with the Environmentally Sensitive Lands future land use classification (approximately 213 +/- acres), subject to the allowance of impacts for the boat ramp, the two launching and recovery slips, the private residential single family docks and the private residential multi-slip docks, and passive recreational uses such as pedestrian trails, boardwalks and gazebos.

(7) The applicant for the permit for the boat ramp, the two launching and recovery slips, and the 10 parking spaces shall be the developer, and not individual property owners, residents, or the homeowners association. If the boat ramp above is permitted by the appropriate local, regional, and state agencies, then a conservation easement over all lands designated with the Environmentally Sensitive Lands future land use classification (approximately 213 +/- acres), subject to the allowance of impacts for the boat ramp, the two launching and recovery slips, the private residential single family docks and the private residential multi-slip docks and passive recreational uses such as pedestrian trails, boardwalks, and gazebos, shall be granted to the St. Johns River Water Management District and Save the Manatee Club, Inc.

B. The rezoning of the property shall be processed as a Planned Unit Development and require a development agreement between the property owner/developer and the City of DeBary governing the uses and development of the property and the public infrastructure improvements required by the development.

5.5 OBJECTIVE: The City will establish a set of land development regulations (the Land Development Code) to implement the provisions of this Plan.

5.501 POLICY: Not later than 1997, the City will adopt a Land Development Code (LDC). It is the intent of the City that this Plan (in conjunction with Chapter 163 and Chapter 166, F.S., and the City Charter) will act as the "enabling legislation" for the LDC. The LDC and this Plan are to be used together in collaboration to determine the appropriate location, character, extent, and timing for any particular development. While this Plan establishes the broad principles under which development occurs, the LDC determines the details of the development. The City Council, as the legislative body of the City, will use the Plan to determine the general standards applicable to development, and will use the LDC to determine the procedures for review and the applicable detailed standards. The City Council will ultimately make the determination as to whether or not the proposed development meets the requirements of both the Plan and the LDC.

5.502 POLICY: The LDC will contain provisions addressing:

- a. The use of land, including compatibility of adjacent land uses;
- b. The density or intensity of development, including standards for open space within developments;
- c. Standards for parking and on-site traffic circulation;
- d. Standards for tree protection, landscaping, and buffers;
- e. Standards for management of environmental resources, including wetlands, well fields, flood plain, habitats for threatened and endangered species and species of special concern;

- f. Standards for location and construction of streets, roads, and utilities;
- g. Standards for storm water management, both to prevent flooding and to ensure water quality;
- h. Standards for signage;
- i. Procedures for relief from hardships which result from the application of the regulations to specific properties, and where (owing to an unusual physical feature, or unusual characteristic of the site or its development, and NOT to an act of the owner or solely for the convenience or financial benefit of the owner) the strict application of the regulations would deprive the owner of a reasonable beneficial use of the property; and
- j. Provisions to ensure that no development will be carried out unless the public facilities necessary to serve the development will exist and will have sufficient capacity when needed by the development.

5.503 POLICY: The LDC will provide for implementation of mixed use land use categories as identified on the Future Land Use Map, including provisions addressing: types of land uses permitted, the percentage distribution among different types of land use, and density or intensity for each type.

5.504 POLICY: The LDC will constitute the minimum requirements necessary: to promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, prosperity, and the general welfare; to conserve the value of land, buildings, and resources; to protect the character and maintain the stability of the various areas within the City; and to promote its orderly development. It is the intent of the City that the LDC will be maintained and implemented in a manner which preserves all rights protected by the Constitution, while providing a vehicle for the overall protection of the general public and the enhancement of the community. Toward that end, the LDC will be designed and implemented to maintain due process and equal protection principles, while providing for expeditious action.

- 5.505 POLICY: In making any decision regarding the approval of a development (including any decision to approve an amendment to the Comprehensive Plan, to approve an amendment to the zoning map, and/or to approve any other development permit), the City will consider at a minimum the following:
- a. Whether the proposed development is consistent with all of the applicable provisions of the adopted Comprehensive Plan, including its intent and purpose;
  - b. The impact of the proposed development on the natural environment and the capability to adequately mitigate any adverse impacts;
  - c. The impact of the proposed development on existing and future development in the vicinity, including impacts on public facility capacity, environmental impacts, the resulting appearance of the overall community, and the subsequent ability to properly develop or redevelop other nearby land;
  - d. The reasonableness of the development vis-a-vis good design, orderly pattern of development, compatibility with the development of nearby areas, safety and convenience of occupants and the general public, and the presence or absence of unusual features which are favorable to successful or unsuccessful development;
  - e. The availability of other suitable land (properly located and with the necessary characteristics) to serve the needs represented by the proposed development; and
  - f. Whether there are mitigating or unusual circumstances (such as the potential for a taking to exist if no development is approved) which might be addressed through the approval of the development, with or without amendments or conditions.
- 5.506 POLICY: The LDC will provide for development agreements which contain the criteria set forth in Sections 163.3220 through 163.3243, F.S. (*Amended by Ordinance No. 03-97, March 5, 1997*)

- 5.507 POLICY: The LDC will provide that the City may impose conditions on the approval of a development where such conditions are necessary to ensure consistency with the provisions of this Plan, to ensure compliance any applicable development regulation or standard (including those established in the LDC), and/or to reduce or mitigate any specific adverse impact caused by the unusual character or an unusual feature of the site, the proposed development, or the surrounding area. Conditions may include, but are not limited to, reduction or expansion of the uses, densities or intensities of use, rearrangement of the site layout, provisions for buffers or other features, restrictions on operating conditions or procedures, and timing of development.
- 5.508 POLICY: The LDC will incorporate those standards established as "minimum environmental standards" pursuant to special provisions of the Volusia County Charter. These include: wetlands protection, well field protection, storm water management, and tree protection. It will be the intent of this Plan and the LDC that these standards will be duplicated as closely as possible in the City of DeBary.
- 5.509 POLICY: Where practical, the LDC will incorporate by reference those standards imposed by other agencies and not under the direct control of the City. These include such standards as those imposed by St. Johns River Water Management District (SJRWMD), the US Army Corps of Engineers (USACOE), the Florida Department of Environmental Regulations (FDER), and the Florida Game and Freshwater Fish Commission (FGFWFC). The City will not pursue contractual arrangements to implement standards imposed by these agencies unless such arrangements allow for streamlined procedures and local interpretation of requirements.
- 5.510 POLICY: For standards not addressed in POLICIES 5.501 through 5.509, the LDC will be based primarily on the existing standards of the Volusia County Zoning Ordinance and the Volusia County Land Development Code in effect prior to the adoption of this Plan. The intent of the City is to limit challenges to Anew@ regulations under the Bert J. Harris Private Property Act. However, the following specific deviations from previously existing standards shall be included in the LDC:
- a. Standards for signage shall be reviewed and modified to reduce

the number and height of signs in commercial areas. In the Central Village area, the size of signs shall be reduced to reflect the increased density of signs and the lower vehicle operating speeds.

- b. Standards for landscaping shall be reviewed and modified as follows:
  - (1) standards for buffers between dissimilar uses shall be enhanced, and a range of choices shall be offered amount effective buffer designs;
  - (2) standards for landscaping around storm water retention facilities shall be increased; and
  - (3) standards for landscaping around parking lots and for tree planting within parking lots shall be increased.
- c. Standards for urban design and community appearance shall be established.

## 6. TRANSPORTATION

GOAL: To facilitate the development of a cost-effective, coordinated, multi-modal transportation system for the movement of people and goods so as to benefit the social, economic, and physical development of the City.

6.1 OBJECTIVE: The City will carry out a program of activities to facilitate the provision of a cost-effective, safe, convenient, and energy efficient multi-modal transportation system.

6.101 POLICY: The Future Transportation Map (2015) is hereby incorporated as a part of this Plan, and depicts the character and extent of transportation facilities to be provided by the target year (2015). The Map specifically shows the general or approximate location and character of:

- a. The street and highway network, including the Florida Intrastate Highway System (FIHS), the County road system, and local streets. The Map also shows the number of lanes, the maintenance responsibility, and the functional classification for each facility.
- b. Those parking facilities deemed necessary to support the City's transportation goals.
- c. The public transportation system, including specific trip generators and areas to be served, stations and terminals, and public transportation rights-of-way.
- d. Bicycle and pedestrian facilities deemed necessary to support the City's transportation goals.
- e. Railroads and railroad facilities.
- f. Terminals and other facilities specifically designed to support the interchange between different transportation modes.

6.102 POLICY: The City may, from time to time, establish level of service standards in connection with the planning, design, and/or operation of a transportation facility. Such standards do not constitute level of service standards for the purpose of implementing the regulatory "concurrency" requirements of state law. When such planning standards are developed, they should be compared with regulatory

standards to determine if the latter standards should be revised.

6.103 POLICY: Pursuant to "concurrency" requirements, the following regulatory level of service (LOS) standards will be used to determine whether facilities are adequate to serve new development:

a. Road facilities:

- (1) Florida Intrastate Highway System (FIHS): as established by FDOT
- (2) Balance of State Road System: as established by FDOT
- (3) County Road System: D
- (4) Local Street System: D (*Amended by Ordinance No. 03-97, March 5, 1997*)

b. Public Transportation facilities:

- (1) Votran/Lynx Systems: no adopted standard
- (2) Rail Transit System: no adopted standard

**See also Section 10 Capital Improvements**

6.104 POLICY: In order to meet regulatory level of service standards and to meet the objectives of this Plan, the following improvements shall be made to the transportation network during the planning period (1995-2015):

- a. US 17/92, from Highbanks Road to Plantation Road - improve to four-lane urban cross section with bi-directional center left turn lane (FDOT responsibility).
- b. US 17/92, from Plantation Road south to St. Johns River bridge - improve to four-lane divided rural cross section with controlled left turns (FDOT responsibility).
- c. US 17/92, from Highbanks Road north to Enterprise Road (north of City boundary) - improve to four-lane divided rural cross section with controlled left turns (FDOT responsibility).

- d. I-4 - improve interchanges, add lanes, and consider additional capacity through "high occupancy vehicle" (HOV) lanes and/or transit facilities (FDOT responsibility).
- e. CSX Railroad - provide rail transit service connecting DeLand, Orange City, DeBary, Sanford, and points south with downtown Orlando, continuing south to Haines City (FDOT responsibility).
- f. Dirksen Drive, Highbanks Road, Enterprise Road, DeBary Avenue - add lanes and/or make traffic operations improvements (City and County responsibility).
- g. Ft. Florida Road - widen and pave between Highbanks Road and US 17/92 - project to include alignment and storm water management improvements (see Future Land Use Policy 5.406 b. - City and County responsibility).
- h. New north/south road between Benson Junction and west side of Orange City and DeLand (City and County responsibility).
- i. Commercial access road west of I-4 (see Future Land Use Policy 5.406 d. - City responsibility)

6.105 POLICY: Funds for transportation improvements may come from transportation related revenues (such as the gas tax), the General Fund, special assessments, and/or other legally available sources. In addition to improvements which increase facility capacity, the City will include adequate funds in its annual budget to ensure adequate maintenance of its existing transportation infrastructure and to make necessary traffic operations improvements. *(Amended by Ordinance No. 03-97, March 5, 1997)*

6.106 POLICY: The City will not provide funding for improvement or maintenance of private streets or roads. Where the City Council finds a City interest in paving private roads, it may authorize the City to facilitate improvements. Such improvements will not be made, however, unless the City is able to acquire all necessary right-of-way (including right-of-way needed for storm water management

improvements). A major portion of the cost of designing and constructing such improvements will be provided by the owners of land being served.

6.107 POLICY: Not later than 1997, the City will adopt land development regulations to implement the following standards for construction or modification of transportation facilities:

- a. Improvements made to highways in the state system will meet FDOT standards. Where access to a development is through a highway on the state system, the connection will conform to the applicable access management standards established by FDOT.
- b. Improvements made to roads or highways in the Volusia County road system will meet Volusia County standards. Where access to a development is through the highway on the County system, the connection will conform to the applicable standards established by Volusia County.
- c. Where access to a development is through a street or road in the City street system, the access will be designed to reduce the overall number of entrances by emphasizing side street and/or joint entrances, and by discouraging entrances to major roads in close proximity to major street interchanges.
- d. On-site parking will be provided adequate to serve the needs of the uses and activities on the property. Where special conditions exist (such as in a redevelopment area, in a transit station area, or in an area of intensive mixed uses) parking will be provided on an overall basis, rather than on a site by site basis, and provisions will be required to assure legal access for joint use.
- e. Provisions will be made to facilitate pedestrian circulation and use of bicycles and transit. Such provisions will include a comprehensive system of sidewalks, separate secure bicycle parking areas, transit bus shelters and bus pullouts, and (where appropriate) design of the on-site circulation to facilitate through movement by bus traffic.

6.2 OBJECTIVE: The City will carry out a program of activities to coordinate the transportation system with the future land uses policies on this Plan, and to ensure that population densities, housing and employment patterns, land use patterns, and the management of important natural

features are consistent with transportation modes and services proposed to serve these areas.

- 6.201 POLICY: In making zoning changes and plan amendments, the City will consider the need for new transportation facilities necessitated by the potential development, as well as the resources which can be reasonably expected to support new facilities not previously contemplated.
- 6.202 POLICY: In reviewing concepts for new transportation facilities, the City will give consideration to the potential impacts of new facilities on land uses (including future land use patterns) and on natural resources.
- 6.203 POLICY: Where conflicts appear to exist between new transportation facilities and other features (including existing and future land uses and natural resources), consideration will be given to mitigation through design modifications and project features, to the maximum extent feasible. Where such mitigation is insufficient to reduce adverse impacts to an acceptable level, consideration will then be given to overall project modifications and/or off-site mitigation.
- 6.204 POLICY: In designing new transportation projects and transportation improvements, consideration will be given to methods for protecting existing neighborhoods. Such methods may include buffers with heavy vegetation, supplemented by berms and/or walls.
- 6.3 OBJECTIVE: The City will carry out a program of activities to provide for the protection of future rights-of-way for roads and mass transit facilities (including exclusive mass transit corridors)
  - 6.301 POLICY: The City will periodically review plans for new transportation facilities, including plans of the FDOT and other transportation agencies) to identify opportunities for preserving future rights-of-way.
  - 6.302 POLICY: The City will consider the needs for future transportation rights-of-way in reviewing plans for major land developments. Where feasible, the City will seek to obtain future rights-of-way through dedication and/or reservation or future purchase. Where this is accomplished, consideration may be given to density increases,

changes in uses, modification of environmental boundaries, and/or other measures in exchange for contribution of adequate rights-of-way. Such adjustments shall conform to this Plan.

- 6.303 POLICY: Where need for a future right-of-way is identified but the right-of-way cannot be secured through the development review process, the City will withhold approvals for development within the right-of-way to the extent necessary to give the appropriate transportation agency an opportunity to obtain the right-of-way through its own procedures. The City will expect the appropriate transportation agency to pay costs of implementing this Policy.
- 6.304 POLICY: The City should strive to develop and maintain adequate reserve funds for advance acquisition of right-of-way for local street projects and other transportation projects which are in the public interest.
- 6.4 OBJECTIVE: The City will carry out a program of activities to coordinate transportation system with access to ports, airports, and related facilities; ensure that access routes to ports, airports, or related facilities are integrated with other modes of surface or water transportation
- 6.401 POLICY: The City will encourage the private sector to provide services to major regional transportation terminals for passenger and freight traffic, with particular emphasis on services to business areas within the City. These services include limousine passenger service to airports, and ports, and rail terminals, as well as package and express services. This will be done by accommodating appropriate uses and activities within the land development regulations and by coordinating discussions between providers of these services and potential users.
- 6.402 POLICY: The City will encourage the development of facilities for public access to the St. Johns River, particularly in support of public recreation, commercial recreation, and eco-tourism activities. This will be done by accommodating appropriate uses and activities within the land development regulations.
- 6.5 OBJECTIVE: The City will carry out a program of activities to address the provision of efficient public transportation (including paratransit) services based on existing and proposed major trip generators, safe and convenient

public transit terminals, and accommodation of the special needs of the transportation disadvantaged

- 6.501 POLICY: The City will maintain communication with providers of public transportation and providers of services to groups with special needs. This will include providing information on activities (particularly development activities) within the City as well as input on operational issues, such as routing, schedules, and fares. This will be accomplished largely by maintaining an active role in the MPO process.
- 6.502 POLICY: The City will support development of appropriate facilities through the land development review process, as well as through design of City projects. Such facilities might include bus shelters, bus pull-outs, fringe parking facilities, and optimum street layouts.
- 6.6 OBJECTIVE: The City will carry out a program of activities to coordinate with plans and programs of: the MPO, any transportation authority, the FDOT's Transportation Plan and Adopted Work Program, any port or airport provider, USACOE, FAA, any military services, the "Continuing Florida Aviation System Planning Process", and any resource planning and management plan associated with an identified "Area of Critical State Concern" (ACSC).
- 6.601 POLICY: The City will attend and actively participate in the MPO process. The City will seek to review and comment on plans for proposed transportation facilities and to facilitate citizen understanding of and participation in the review of plans.
- 6.602 POLICY: The City will send proposed Plan amendments and copies of major and/or significant development proposals to the appropriate transportation agencies for review, and will actively solicit responses from these agencies.
- 6.603 POLICY: The City will cooperate (through the MPO) with the appropriate agencies to develop and implement strategies for transportation demand management, strategies for transportation system management, coordinating mechanisms to address transportation facilities, and development of measures and systems to monitor achievement toward mobility goals. *(Amended by Ordinance No. 03-97, March 5, 1997)*

## **7. COMMUNITY FACILITIES (INFRASTRUCTURE)**

GOAL: To facilitate the development of adequate public infrastructure to serve the appropriate growth and development of the City, and with appropriate consideration to managing important natural resources.

### 7A. POTABLE WATER FACILITIES

7A.1 OBJECTIVE: The City will carry out a program of activities to correct existing deficiencies in potable water treatment and distribution facilities, to provide adequate potable water facilities and to meet the needs of future growth.

7A.101 POLICY: The City will participate with potable water service providers in extending potable water service to already developed areas which are not currently served. Participation may include, but is not limited to: participating in evaluating the feasibility of making extensions; participating in the financing of extensions; coordinating extensions made to serve new developments with those needed to serve existing developments; and coordinating water extension projects with other public works projects.

7A.102 POLICY: The City will consider use of funds from a variety of sources to help finance extension of the water system. Sources may include, but are not limited to: grants, joint venture arrangements, assessment districts, etc.

7A.103 POLICY: Where available funds for extension of water service are not specifically restricted, the highest priority will be given to providing services in areas where actual water quality and quantity problems chronically exist in individual wells. High priority will also be given to extensions which support economic development activities.

7A.104 POLICY: Extension of water service specifically to serve new development will be financed by the new development except to the extent that the extension also serves other purposes consistent with POLICY 7A.103. The City will coordinate with potable water service providers to ensure that extensions are designed (including sizing) and located so as to best meet future system needs. Where the City, after consultation with the appropriate provider, determines that an extension to serve a development should be relocated or redesigned (including over-sizing) to best meet future system needs, the City will consider methods for assisting in the difference in cost to meet the

future system needs.

7A.105 POLICY: In determining future system needs, consideration will be given to the need for adequate storage, the need to "loop" major lines, the need for interconnections between systems, and the need to maintain adequate water pressure for fire protection.

7A.106 POLICY: The following regulatory level of service (LOS) standards for adequate potable water facilities will be applied to the evaluation of new development through the concurrency management system (see Objective 10.1, below):

- a. Volusia County Utilities: 82 Gallons/ERC\*/Day
- b. Southern States Utilities: 147 Gallons/ERC/Day
- c. Meadowlea on the River: 207 Gallons/ERC/Day
- d. Lake Villa Estates: 47 Gallons/ERC/Day

\*ERC - Equivalent Residential Connection

7A.2 OBJECTIVE: The City will coordinate with all service providers to maximize the use of existing potable water facilities so as to discourage urban sprawl and encourage the establishment of a coordinated potable water system to serve the City.

7A.201 POLICY: The City will help coordinate of the expansion of the various potable water systems serving the City. A specific purpose of this coordination will be to ensure that areas of the City requiring service will obtain such service in a timely and cost effective manner.

7A.202 POLICY: The City will not permit the expansion of new potable water service into any area except in conjunction with the extension of other necessary infrastructure.

7A.3 OBJECTIVE: The City will carry out a program of activities to encourage conservation of potable water resources and to protect the functions of natural groundwater recharge areas and natural drainage features.

7A.301 POLICY: The City will coordinate with the St. Johns River Water

Management District to make information available to the public concerning water use restrictions, water conservation methods, and water resource management efforts generally.

- 7A.302 POLICY: The City will review its standards for plumbing fixtures and will modify these standards (in coordination with Volusia County) to ensure that water conserving equipment and techniques will be used.
- 7A.303 POLICY: The City will establish water use restrictions consistent with standards by the St. Johns River Water Management District, including emergency use restrictions, and will enforce such restrictions using the code enforcement process.
- 7A.304 POLICY: The City will encourage the use of treated effluent in lieu of using primary water sources. This effort will focus on the largest users, such as golf course irrigation and power production.

7B. SANITARY SEWER FACILITIES

- 7B.1 OBJECTIVE: The City will carry out a program of activities to correct existing deficiencies in sanitary sewer collection and treatment facilities and to provide adequate sanitary sewer facilities to meet the needs of future growth.
- 7B.101 POLICY: The City will participate with sanitary sewer service providers in extending sanitary sewer service to already developed areas which are not currently served, and which experience contamination of individual wells. Participation may include, but is not limited to: participating in evaluating the feasibility of making extensions; participating in the financing of extensions; coordinating extensions made to serve new developments with those needed to serve existing developments; and coordinating sewer construction projects with other public works projects.
- 7B.102 POLICY: The City will consider use of funds from a variety of sources to help finance extensions of the sanitary sewer system. Sources may include, but are not limited to: grants, joint venture arrangements, assessment districts, etc.
- 7B.103 POLICY: Where available funds for extension of sewer facilities are

not specifically restricted, the highest priority will be given to providing services in areas where actual water quality problems chronically exist in individual wells. High priority will also be given to extensions which support economic development activities.

- 7B.104 POLICY: Extension of sanitary sewer service specifically to serve new development will be financed by the new development except to the extent that the extension also serves other purposes consistent with POLICY 7B.103. The City will coordinate with sanitary sewer service providers to ensure that extensions are designed (including sizing) and located so as to best meet future system needs. Where the City, after consultation with the appropriate provider, determines that an extension to serve a development should be relocated or redesigned (including over-sizing) to best meet future system needs, the City will consider methods for assisting in the difference in cost to meet the future system needs.
- 7B.105 POLICY: In determining future system needs, consideration will be given to the need for adequate line sizes and for adequate lift station capacity.
- 7B.106 POLICY: The following regulatory level of service (LOS) standard for adequate sanitary sewer facilities will be applied to the evaluation of new development through the concurrency management system (see Objective 10.1, below):
- a. Volusia County Utilities: 44 Gallons/ERC/Day
  - b. Southern States Utilities: 30 Gallons/ERC/Day
  - c. Traders Cove: 40 Gallons/ERC/Day
  - d. Meadowlea on the River: 60 Gallons/ERC/Day
- 7B.2 OBJECTIVE: The City will coordinate with all service providers to maximize the use of existing sanitary sewer facilities so as to discourage urban sprawl and encourage the establishment of a single, coordinated sanitary sewer system to serve the City.
- 7B.201 POLICY: The City will help coordinate of the expansion of the various sanitary sewer systems serving the City. A specific purpose of this

coordination will be to ensure that areas of the City requiring service will obtain such service in a timely and cost effective manner.

7B.202 POLICY: The City will not permit the expansion of new sanitary sewer service into any area except in conjunction with the extension of other necessary infrastructure.

7B.3 OBJECTIVE: The City will carry out a program of activities to help ensure the proper operation of sanitary sewer systems.

7B.301 POLICY: The City will coordinate with all service providers to ensure that new non-residential developments meet appropriate standards for separation of domestic and process wastes, and to require industrial pre-treatment where appropriate.

7B.302 POLICY: The City will cooperate with all service providers to monitor non-residential land uses to help prevent improper use of the sewer system.

#### 7C. STORM WATER MANAGEMENT (DRAINAGE) FACILITIES

7C.1 OBJECTIVE: The City will carry out a program of activities to correct existing deficiencies in the storm water management system and to provide adequate facilities to meet the needs of future growth.

7C.101 POLICY: The City will participate in improving storm water management facilities to serve developed areas. Participation may include, but is not limited to: participating in evaluating the feasibility of making improvements; participating in the financing of improvements; coordinating improvements made to serve new developments with those needed to serve existing developments; and coordinating storm water management projects with other public works projects.

7C.102 POLICY: The City will consider using funds from a variety of sources to help finance improvements to the storm water management system. Sources may include, but are not limited to: grants, joint venture arrangements, assessment districts, etc.

7C.103 POLICY: Where available funds for improvement to storm water management facilities are not specifically restricted, the highest

priority will be given to providing services in developed areas experiencing flooding. High priority will also be given to improvements which support economic development activities. This specifically includes the design and construction of master storm water management facilities to support the development of employment uses and downtown redevelopment.

- 7C.104 POLICY: Improvement of storm water management facilities specifically to serve new development will be financed by the new development except to the extent that the improvement also serves other purposes consistent with POLICY 7C.103. The City will coordinate with appropriate parties to ensure that improvements are designed (including sizing) and located so as to best meet future system needs. Where the City determines that an improvement to serve a development should be relocated or redesigned (including over-sizing) to best meet future system needs, the City may consider assisting with the difference in cost to meet the future system needs.
- 7C.105 POLICY: In determining future system needs, consideration will be given to the need for adequate drainage capacity to serve existing and future development.
- 7C.106 POLICY: The regulatory level of service (LOS) standards for adequate storm water management facilities will be based on the applicable requirements of the St. Johns River Water Management District and the Volusia County minimum environmental standards, and will be applied to the evaluation of new development through the concurrency management system (see Objective 10.1, below):
- 7C.2 OBJECTIVE: The City will carry out a program of activities to help protect the functions of natural drainage features and natural groundwater recharge areas, and to maintain water quality in these natural systems.
- 7C.201 POLICY: The City will coordinate with the St. Johns River Water Management District and with Volusia County to ensure that new developments meet applicable standards for design and construction of storm water management facilities. Where applicable (including applicable exceptions), the standards of Rule 40C-42 and/or 40C-4, FAC, will be incorporated by reference and will be applied to the design of new storm water management systems and to the

significant expansion of existing systems. *(Amended by Ordinance No. 03-97, March 5, 1997)*

As applied through the City's land development regulations, provisions of Rule 17-25 and Rule 17-40 will not be interpreted to require that existing facilities to be retrofitted to meet higher standards except to the extent that an existing system is enlarged or extended. Any system which meets the design and performance criteria (specifically as established by FDEP, SJRWMD, and/or Volusia County) will be presumed to also satisfy applicable discharge water quality standards.

7C.202 POLICY: The City will cooperate with the St. Johns River Water Management District and with Volusia County to monitor existing facilities and to enforce standards for adequate maintenance. This will not be interpreted to require the City to perform or be responsible for any sampling or water quality testing except as may otherwise be required for City facilities.

7C.203 POLICY: The City will incorporate standards for drainage channels and for retention and detention areas in its land development regulations. Such standards will include provisions for safety, maintenance, and buffering of storm water management facilities. The preferred solution for development of such facilities will be to incorporate them into the overall site design (including aesthetic design) of the project. Except where necessitated by public safety considerations, storm water management facilities will not be fenced. Where fencing is required, landscaped buffers will be provided to improve the visual quality of the site. The City will coordinate with FDOT and other public agencies to encourage compliance with this standard.

#### 7D. SOLID WASTE FACILITIES

7D.1 OBJECTIVE: The City will carry out a program of activities to correct existing deficiencies in the solid waste management system and to provide adequate facilities to meet the needs of future growth.

7D.101 POLICY: The City will participate in improving solid waste management facilities and services (including recycling services) in developed areas, particularly for existing non-residential land uses.

Participation may include, but is not limited to: participating in analysis of the feasibility of making improvements; participating in the financing of improvements; coordinating improvements to serve one new development with those needed to serve existing developments; and coordinating solid waste management projects with other public works projects.

7D.102 POLICY: The City will actively pursue a variety of sources of funds to finance improvements to the solid waste management system. Sources may include, but are not limited to: grants, joint venture arrangements, assessment districts, etc.

7D.103 POLICY: Where available funds for improvement to solid waste management facilities are not specifically restricted, the highest priority will be given to providing services in developed areas experiencing service deficiencies. High priority will also be given to improvements which support economic development activities. This specifically includes coordination with Volusia County in establishing collection programs for hazardous and toxic wastes so as to reduce the cost to individual businesses.

7D.104 POLICY: The regulatory level of service (LOS) standards for adequate solid waste management facilities will be an overall capacity of 5 pounds/person/day, and will be applied to the evaluation of new development through the concurrency management system (see Objective 10.1, below):

7D.2 OBJECTIVE: The City will carry out a program of activities to help improve participation in recycling programs and proper disposal of hazardous and toxic wastes, with particular attention to wastes produced by households and small quantity generators.

7D.201 POLICY: The City will coordinate with Volusia County to conduct "amnesty days" collection programs in locations and at times convenient for the residents and businesses in the City of DeBary. The City will also assist in the distribution of information on these programs to residents and businesses in the City.

7D.202 POLICY: The City will coordinate with Volusia County to monitor existing small quantity generators and to enforce standards for commercial recycling.

7E. NATURAL GROUNDWATER AQUIFER RECHARGE

7E.1 OBJECTIVE: The City will carry out a program of activities to ensure the continued function of natural groundwater aquifer recharge.

7E.101 POLICY: The City will provide in its land development regulations for standards to facilitate the continued function of natural groundwater aquifer recharge systems. These regulations will be applicable to new development and redevelopment activities. These regulations will be consistent with the applicable standards of the St. Johns River Water Management District and of the Volusia County minimum environmental standards.

7E.102 POLICY: The City will coordinate with Volusia County to apply adopted well field protection standards to development and redevelopment activities within one thousand (1000) feet of public water supply well fields.

7E.103 POLICY: The City will coordinate with the St. Johns River Water Management District to adopt and enforce water use restrictions, including emergency water use restrictions.

***Note: See also Section 4. "Management of Natural Resources".***

## 8. RECREATION AND CULTURE

GOAL: To facilitate the availability of recreational and cultural activities and to enhance the overall quality of life of the residents of the community; to facilitate the provisions of adequate facilities and programs through close cooperation between the City, community groups, and businesses.

8.1 OBJECTIVE: The City will coordinate public and private resources in a program of activities to ensure the efficient provision of adequate recreational and cultural facilities for all age groups.

8.101 POLICY: The regulatory level of service (LOS) standard for adequate parks will be applied to the evaluation of new development through the concurrency management system (see Objective 10.1, below). The standard will be 3.0 acres of developed neighborhood and community park land per 1000 population

8.102 POLICY: In addition to the regulatory LOS standard, the City may from time to time establish level of service standards to guide planning, design, and operation of facilities and programs. These standards shall not be construed to be regulatory level of service standards.

8.103 POLICY: The park and recreation system of the City should include neighborhoods and community parks and neighborhood park lots (as described herein) and a central sports facility complex. The sports complex should be developed by 2005, and should serve the entire City. In addition to parks, recreation programs should be carried out at schools, community buildings and other appropriate facilities. *(Added by Ordinance No. 03-97, March 5, 1997)*

8.104 POLICY: Facilities should be designed to be easily accessible to the public being served. In the case of community parks, facilities should be located so as to be easily accessible from all areas of the community and should provide adequate parking. The number of individual parks and their location should also reflect convenience of the public and efficiency in terms of operations and maintenance. Neighborhood park lots should be located so as to be easily accessible on foot from those portions of the neighborhood serviced. *(Amended by Ordinance No. 03-97, March 5, 1997)*

8.105 POLICY: Neighborhood park lots should be included in new developments over ten (10) acres in size, and may be required in

smaller developments where the design of the development yields a site which is adequate. Neighborhood park lots may also be located in non-residential developments where there is adequate room and where the location is convenient to the neighborhood being served. Neighborhood park lots may be located in conjunction with storm water management facilities and/or other open space within the development, provided that the location is suitable for the purpose and is easily accessible to the population served. The land development regulations (Land Development Code) will provide specifications for the design and maintenance of such facilities. *(Amended by Ordinance No. 03-97, March 5, 1997)*

- 8.106 POLICY: The City will coordinate with the School Board and other organizations to secure the use of appropriate facilities for indoor recreation and cultural activities. *(Amended by Ordinance No. 03-97, March 5, 1997)*
- 8.2 OBJECTIVE: The City will carry out a program of activities to ensure public access to recreation sites, including public water bodies.
- 8.201 POLICY: The City will take action as needed to preserve existing public rights of legal access to recreational facilities, including access points on public water bodies. Where appropriate to the type of access and the physical facilities, the City will construct physical access improvements, including parking, sufficient to remove access as a constraint on the usability of the facility.
- 8.202 POLICY: New facilities will be designed to include adequate access and parking, and with particular attention to accessibility from the area being served.
- 8.3 OBJECTIVE: The City will carry out a program to facilitate the provision of opportunities for cultural activities.
- 8.301 POLICY: The City will assist in creating a mechanism for interested groups to make the community aware of their availability and cultural offerings. This may be accomplished through public information poster sites (such as kiosks) and other appropriate means.
- 8.302 POLICY: The City will assist in making sites available for use by cultural organizations.

## 9. HOUSING

GOAL: To cooperate with the public and private sectors to ensure an adequate supply of affordable housing to support the appropriate future development of the City.

9.1 OBJECTIVE: The City will carry out a program of activities to ensure an adequate supply of affordable housing for all current and projected future residents of the City, including households with special needs.

9.101 POLICY: The City will conduct an ongoing monitoring process to determine if a need for affordable housing develops. Any data collected as part of this program will be periodically reviewed for consistency with Census data and data collected by other appropriate agencies.

9.102 POLICY: The City will cooperate with other local governments in the vicinity, including Volusia County, to monitor affordable housing needs within the vicinity and to determine if the City is an appropriate location for meeting any portion of the needs which appear.

9.103 POLICY: The City will cooperate on a continuing basis with the commercial housing industry, private non-profit housing agencies, and public agencies (such as the Volusia County Housing Authority) in evaluating needs and opportunities for affordable housing. At a minimum, the City will sponsor periodic discussions with interested parties to evaluate the opportunities for production of affordable housing and steps which the City might take to facilitate realization of these opportunities. Interested parties will include representatives of the housing construction industry, the housing finance industry, and agencies providing housing services.

9.104 POLICY: Where specific housing development actions are deemed appropriate, the City will consider the use of applicable federal, state, and local subsidy programs.

9.105 POLICY: The City will make efforts to encourage the creation of jobs within the City, as set forth in Section 3. Economic Development. These efforts may include, but are not limited to: redevelopment of the Benson Junction and village center areas to encourage the

location of new and expanded businesses; cooperation with public and private educational facilities to ensure adequate training of potential employees; and coordination of infrastructure to ensure adequate service to areas with potential for employment uses. *(Added by Ordinance No. 03-97, March 5, 1997)*

9.2 OBJECTIVE: The City will carry out a program of activities to ensure that there are adequate sites, properly distributed, for housing for very-low income, low-income, and moderate income housing, and for mobile homes and manufactured homes. The City will carry out a program of activities to ensure that there are adequate sites in residential areas for group homes and foster care facilities licensed or funded by HRS.

9.201 POLICY: The City will provide specific standards in its land development regulations for the location and density of housing of different types. Unless specific policies are adopted to the contrary, these standards will apply equally to the location of market housing and affordable housing units of the same density and general type. The following general principles will apply:

- a. All housing construction will be restricted to areas with adequate supporting infrastructure, including roads, parks, provisions for potable water and sanitary sewer, provisions for drainage, and provisions for solid waste.
- b. Areas used for housing should be conveniently located and accessible to recreation facilities, shopping, schools, and other amenities.
- c. Areas for multi-family housing should be located in close proximity to transit services and within one mile of neighborhood shopping areas.
- d. Housing areas which are in close proximity to environmentally sensitive areas should be clustered or should be developed at a lower overall density in order to increase the amount of open space.
- e. Areas used for housing (particularly single family dwellings) should not be located in close proximity to major roads, or to commercial or industrial areas, without adequate buffering. Of

particular concern should be the effect of noise, odor, smoke, glare, or other similar conditions, on the residential area, as well as the appearance of the non-residential uses to the residents of the adjoining housing.

9.202 POLICY: The following principals and criteria will be used to guide the location of housing for very-low-income, low-income, and moderate-income households, mobile homes, manufactured homes, group homes and foster care facilities, and households with special needs:

- a. Housing provided specifically for very-low-income, low-income, and moderate-income households should be located in close proximity to transit services, shopping, and other community services directly benefiting these households.
- b. Mobile homes and manufactured homes should be located only within planned mobile home developments. Only mobile home and manufactured home units which meet the HUD standards in effect on June 16, 1976, or on the date of construction, whichever is later, may be located or relocated within the City.
- c. Group homes and foster care facilities licensed or funded by HRS and meeting the definitions and other restrictions of Chapter 420, Florida Statutes, will be permitted as provided in that Chapter. Specifically, units permitting occupancy of not more than six residents will be permitted in any area where single family dwellings are permitted; and units permitting occupancy of more than six but not more than fourteen residents will not be permitted in areas restricted to single family units, but will be permitted in any area where multi-family dwellings are permitted. Only units reported to the City by HRS will be permitted. This provision will be implemented through the land development regulations.
- d. Housing units designed to meet special needs of the residents will be permitted on the same basis as are conventional housing of the same type and density. The land development regulations will provide flexibility so that amenities necessary to serve special needs residents will be permitted, even if there are specific conflicts with other standards.

- 9.203 POLICY: To ensure a supply within the City of sufficient sites at sufficient densities to accommodate the need for affordable housing, the land development regulations will show areas for future housing development in excess of the amount required at any given time to meet the immediate need for residential development. Such areas will meet the standards for residential development set out in POLICIES 9.201 and 9.202, as well as other applicable requirements.
- 9.204 POLICY: In preparing the land development regulations, the City will design the permitting process to reduce costs and minimize delays for all types of housing development, including the development of affordable housing. Specific techniques may include, but are not limited to: reducing the number of individual permits required by combining individual permits into a smaller number of more comprehensive permit programs; consolidating public hearing reviews into a minimum number of more comprehensive reviews; permitting additional flexibility to modify the design after approval of a general design; and allowing maximum flexibility to meet general standards through innovative design.
- 9.3 OBJECTIVE: The City will carry out a program of activities to ensure the elimination of substandard housing conditions through the structural and aesthetic improvement of existing housing, and the conservation, rehabilitation, or demolition of housing, and including the provision of relocation housing where appropriate.
- 9.301 POLICY: The City will consider the adoption and enforcement of a housing code applicable to rental housing.
- 9.302 In the land development regulations the City will provide for restrictions on accessory uses and outdoor activities in residential areas. Restrictions will address home occupations and home businesses; storage of boats, trailers, and other items in exterior yards; location and use of accessory buildings; etc.
- 9.303 POLICY: The City will continue its current program of code enforcement, including use of the Code Enforcement Board to ensure a high degree of compliance.

- 9.304 POLICY: The City will monitor neighborhoods with older housing and/or a large number of substandard units. Such areas will be considered as having high priority for maintenance of streets and drainage systems, and for the provision of infrastructure (particularly potable water and sanitary sewer). Programs for maintenance of street rights of way, including maintenance of trees and landscaping, as well as the introduction of new street trees will also recognize these areas as having a high priority.
- 9.305 POLICY: The City will continue to monitor existing neighborhoods to determine if a comprehensive program of conservation, rehabilitation, and/or demolition of existing housing units is required.

## 10. CAPITAL IMPROVEMENTS

GOAL: To facilitate the efficient provision of public facilities through coordination between needs and resources, and through coordination between capital projects plans and the community's objectives as set forth in this Plan. *(Amended by Ordinance No. 03-97, March 5, 1997)*

10.1 OBJECTIVE: The City will carry out a continuing program of activities to plan and construct capital facilities so as to reduce existing deficiencies, so as to provide for replacement of obsolete or worn-out facilities, and so as to provide for the appropriate growth and development of the community. This program will ensure coordination between decisions about capital facility improvements and decisions about land development and redevelopment activities.

10.101 POLICY: The City will establish an annual process for the review, revision, and update of general and specific plans for capital facility improvements. This process will include the annual review of the Capital Improvements Element (CIE) of this Plan, the annual review and re-adoption of a Five-Year Capital Improvement Program (CIP), and the annual adoption of a capital budget as part of the annual operating budget. This process will ensure that the objectives and policies in this element CIE are met.

10.102 POLICY: The annual review of the CIE will address changes which may have occurred in the City's situation with respect to land development, community facilities, and/or its fiscal capacity for constructing capital improvements, and will determine whether changes should be made in the level of service (LOS) standards, sources or amount of revenues allocated to capital facility improvements, and/or other policies contained in this Plan.

10.103 POLICY: The annual review and adoption of the CIP and the annual adoption of the capital budget will take place outside of the comprehensive plan amendment process, and will conform to the following:

- a. The updated CIP and capital budget will be prepared and submitted to the City Council by the City Manager according to the same schedule used for the preparation and submission of the annual operating budget. In addition, the updated CIP and capital budget will be considered by the City Council and adopted according to the same schedule used for the

consideration and adoption of the annual operating budget. The CIP and the capital budget will address all projects for which the City has responsibility for some or all of the funding and for which the City has authority for some or all of the project approval or management. In addition, all projects relating to the maintenance of regulatory LOS standards will be included.

- b. In preparing and recommending the CIP and capital budget, the City Manager will consider the potential for deficiencies to any of the regulatory level of service (LOS) standards (see POLICY 10.104), and will recommend projects or other actions to avoid such deficiencies. Improvements proposed in the annual update of the CIP and in the annual capital budget will at least meet the regulatory LOS standards set out in this element, and will reflect the needs of new development.
- c. The updated CIP and capital budget will be consistent with all provisions of this Plan, particularly including: the level of service standards set out in POLICY 10.105, the policies for setting priorities and funding capital facility improvements, the list of projects required to implement the Plan as set out in POLICY 10.107, and the general policies on land use and development patterns. Consistency will be determined by the City Council at the time of adoption or amendment of the CIP and/or capital budget.
- d. Once the annual update of the CIP and the annual capital budget are adopted, no project will be approved for funding or otherwise authorized except in conformity with both the CIP and the capital budget.

10.104 POLICY: The following regulatory level of service (LOS) standards set out in the other elements of this Plan will be used to determine concurrency:

- a. roads
  - (1) State roads: as determined by FDOT
  - (2) County roads: D

(3) City streets and roads: D, or lower as determined by the City Council

b. potable water

(1) Volusia County Utilities: 82 Gallons/ERC\*/Day

(2) Southern States Utilities: 47 Gallons/ERC/Day

(3) Meadowlea on the River: 207 Gallons/ERC/Day

(4) Lake Villa Estates: 47 Gallons/ERC/Day

c. sanitary sewer

(1) Volusia County Utilities: 44 Gallons/ERC/Day

(2) Southern States Utilities: 30 Gallons/ERC/Day

(3) Traders Cove: 40 Gallons/ERC/Day

(4) Meadowlea on the River: 60 Gallons/ERC/Day

\*ERC - Equivalent Residential Connection

d. drainage - Applicable requirements of the St. Johns River Water Management District and the Volusia County minimum environmental standards.

e. solid waste - 5 pounds/person/day

f. parks - 3.0 acres of developed neighborhood and community park land per 1000 population

10.105 POLICY: The City will incorporate provisions in its land development regulations to ensure that no development order will be issued unless the level of service (LOS) standards for all facilities necessary to serve the project meet the regulatory LOS standards as set forth in POLICY 10.104. These provisions will take into account the needs for facilities by developments which have been permitted but not yet

constructed, and will at least meet the standards of Rule 9J-5.055(3), FAC. These provisions will include the annual assessment of deficiencies in levels of service (more frequent if monitoring indicates that standards are close to being exceeded), the identification of deficient facilities and the areas served, and procedures to deny development orders to developments in affected areas for development types requiring on the deficient facilities. *(Amended by Ordinance No. 03-97, March 5, 1997)*

10.106 POLICY: In developing the annual update of the CIP and the capital budget, the City will use the following criteria for the establishment of priorities for funding:

- a. Highest priority will be given to those projects necessary to remove an existing or imminent condition which poses a clear and present danger to the public health or safety or to meet a direct requirement of law or of a court order.
- b. Next priority will be given to those projects necessary to prevent the deterioration of an existing facility, including projects for the necessary replacement and renewal of facilities.
- c. Next priority will be given to those projects necessary to reduce or prevent level of service deficiencies for facilities serving existing development, including developments for which development orders were issued prior to the adoption of the Plan.
- d. Next priority will be given to the extension of one or more services or facilities to serve new development where some services and facilities exist and are adequate or where all services will be extended as part of a comprehensive, coordinated program to support new development. These improvements will generally fall within the "urban service boundary" established pursuant to POLICY 10.204.
- e. Lowest priority will be given to the extension of one or more services or facilities to serve new development where none or a few services and facilities exist and are either inadequate or where only one or a few all services will be extended or where

there is no program for the comprehensive, coordinated extension of all facilities and services to support new development. Improvements of this type will generally fall outside the boundary of the developed area.

10.107 POLICY: The initial CIP and capital budget (including the future revisions to the CIP) will consider the inclusion of the improvements shown on the chart on the following page. These improvements are identified in other elements.

<b>Project Description</b>	<b>Due Date</b>	<b>Cost</b>	<b>Funding Responsibility</b>
<u>Transportation Improvements</u>			
US 17/92 widening (Obj. 6.1)	1998		FDOT
Sidewalk Program (Obj. 6.1)	Ongoing	\$256,600	City/County
Shell Road improvement	1996	not yet determined	City
Western Beltway (Obj. 6.1)	not determined	not determined	not determined
Ft. Florida Road (Obj. 6.1)	not determined	not determined	not determined
<u>Potable Water Improvements</u>			
US 17/92 improvements (in conjunction with FDOT work) (Obj.7A.1)	1996		Volusia County Utilities
<u>Sanitary Sewer Improvements</u>			
US 17/92 improvements (in conjunction with FDOT work) (Obj. 7B.1)	1996		Volusia County Utilities
Feasibility Study - Plantation Estates (Obj. 7B.1)	1996	\$50,000	Volusia County/City

Shell Road (Obj. 7B-1)	1996	not yet determined	
West Highbanks Road (to serve new school) (Obj. 7B-1)	1996		Volusia County Utilities
Extension to Monroe Park (Obj. 7B-1)	not yet determined	not yet determined	not yet determined
Extension to Traders Cove (Obj. 7B-1)	not yet determined	not yet determined	not yet determined
<u>Storm Water Improvements</u>			
Storm Water Management Plan (citywide) (Obj. 7C.1)	not yet determined	\$1.2 mil.	FDOT/Volusia County/City SJRWMD/
<u>Park Improvements</u>			
Surrey Road Park (Obj. 8.1)	1997		City
Fire Tower Park (Obj. 8.1)	1997		City/County
DeBary Community Park expansion (Obj. 8.1)	1997		City/County/ Grants
<u>Other Improvements</u>			
Fire Hall Renovations	not yet determined	\$145,000	City
Benson Junction Feasibility Study (Obj. 3.2)	not yet determined	not yet determined	City
Downtown Redevelopment Study (Obj. 3.2)	not yet determined	not yet determined	City

*(Amended by Ordinance No. 03-97, March 5, 1997)*

- 10.108 POLICY: The City will use the annual capital improvement programming process as the principal means for ensuring the implementation of the projects listed in Policy 10.107. In addition, the concurrency management system (pursuant to Policy 10.105) and the development review process will be used to monitor progress on specific projects where new development is dependent on facility capacity tied to such projects.
- 10.2 OBJECTIVE: The City will ensure the provision of capital facilities necessary to meet level of service standards by requiring financial participation by new developments, by requiring the construction of facilities in new developments, and by funding the projects for which the City has funding responsibility.
- 10.201 POLICY: In preparing the annual update of the CIP and in adopting the capital budget, the City will conform to the following policies for financing of capital facility improvements:
- a. The City will not incur debt beyond that which is scheduled to be repaid within three (3) years, as provided in the City Charter. Where necessary, a project requiring borrowing beyond the three year limit will be submitted to the voters for approval, also as provided in the Charter. This provision will apply both to general obligation debt and to revenue bond debt.
  - b. Where debt is used, the total debt service for any given year will not exceed five percent of total revenues for that year, and the maximum total debt will not exceed five percent of the assessed value of the property tax base. *(Amended by Ordinance No. 03-97, March 5, 1997)*
- 10.202 POLICY: The City will require new developments to pay for the cost of improvements necessary to serve the increased demand for services and facilities. Where extensions of service lines or facilities are made to serve a new development, the proportionate cost attributed to the new development will be paid before the extension is made. Where a line or facility is oversized, relocated, or otherwise improved to allow for other future development needs or to meet City objectives for facility improvements, the City or the service provider will pay a

proportionate share of the cost of the improvement. The City will include funds in the annual capital budget for the City's share of such improvements and will encourage other service providers to do so.

10.203 POLICY: The City does not consider it necessary to use impact fees as a means to finance public facility improvements. Those improvements necessitated entirely by an individual development project will be financed by the project unless there is an over-riding public interest. Other improvements which benefit a new development but also benefit a other public interests may be financed from a variety of sources.

10.204 POLICY: The City will use a variety of methods for financing of improvements designed primarily to remove deficiencies in facilities which serve existing development. Methods will include grants, assessment districts, and other legally available resources. Special emphasis will be placed on making improvements which will increase employment and economic activity within the City.

10.206 POLICY: The City projects that the following total revenues will be received by the City over the next five years. A portion of these resources will be available for financing of the City portion of capital facility costs.

<b>Source of Funds</b>	<b>Projection of Revenues (Five Years)</b>
Ad Valorem Property Taxes	\$7,656,388
Municipal Utility Tax	3,141,805
Utility Franchise Fees	125,000
State Revenue Sharing	814,380
Half Cent Sales Tax	2,004,125
Two-Cent Cigarette Tax	156,335
Alcoholic Beverage Licenses	20,000

Mobile Home License Tax	50,000
Fines and Miscellaneous Revenues	1,056,650
Interest on Invested Funds	256,780
TOTAL	\$15,281,463

**11. INTERGOVERNMENTAL COORDINATION**

GOAL: To maintain and improve coordination between the City, other local governments, and other agencies having an interest in and having an influence on the appropriate growth and development of the City.

11.1 OBJECTIVE: The City will carry out a program of activities to coordinate the City's adopted comprehensive plan and development within the City with the plans and activities of the school board, to coordinate the City=s plan and development with the plans and activities of neighboring governments and other units of government which provide services but which do not have land use regulatory authority within the City, to coordinate the City=s plan with the plans for dredge spoil disposal sites, and to coordinate level of service (LOS) standards in the City's plan with other jurisdictions having operational and maintenance responsibility for those services. *(Amended by Ordinance No. 03-97, March 5, 1997)*

11.101 POLICY: The City will maintain formal interlocal communications through established procedures with other jurisdictions and/or agencies. Where appropriate, this will include maintaining membership in the organization. Coordination will also include sending representative(s) to participate in meetings of the organization or its subcommittees. These agencies are:

- a. East Central Florida Regional Planning Council (ECFRPC).
- b. Volusia County Metropolitan Planning Organization (VCMPO).
- c. Volusia County Council of Governments (VCOG).
- d. Volusia County Growth Management Commission (VCGMC) The VGMC was established pursuant to the Volusia County Charter (Section 202.3) for the purposes of determining the consistency of the municipalities' and the county's comprehensive plans and any amendments thereto with each other. The commission may perform such other directly related duties as the commission from time to time deems necessary. *(Amended by Ordinance No. 19-98, September 1, 1998)*

11.102 POLICY: The City will maintain coordination with outside agencies

responsible for the construction, maintenance, and operation of infrastructure systems serving the City. Coordination will include monitoring proposed facility improvement programs and projects to determine impacts of new projects on the City. Coordination will also include monitoring the potential impacts of development on the adequacy and capacity of infrastructure systems. Where there appears to be a potential impact on these facilities, the City will request the appropriate agency or agencies to review proposed new development and to assist the City in determining if there are significant impacts. Where adverse impacts on facility capacity or adequacy are identified, the City will consider appropriate mitigation through the development review process. These agencies include, but are not limited to:

- a. Volusia County Infrastructure Services.
- b. Volusia County Water and Utility Services.
- c. Volusia County Parks and Recreation Services.
- d. Volusia County Land Development Services.
- e. Volusia County Solid Waste Services.
- f. Southern States Utilities, and other appropriate utility providers.
- g. Florida Department of Transportation.

11.103 POLICY: The City will transmit its proposed comprehensive plan and/or plan amendments to other agencies having an interest in the future development of the City. The City will request comments from these agencies. In addition, the City will request that these agencies provide copies of proposed plans or plan implementation programs to the City for review, and will review and comment on such plans and programs. These agencies include, but are not limited to:

- a. Volusia County.
- b. Seminole County.

- c. Lake County.
- d. City of Orange City.
- e. City of Deltona
- f. City of Sanford.
- g. Volusia County School Board.
- h. agencies referred to in Policies 11.101 and 11.102

The City will also comply with the requirements for distribution of proposed plans and plan amendments pursuant to Rule 9J-11, Florida Administrative Code.

- 11.104 POLICY: The City will transmit copies of proposed plan implementation programs, such as the proposed land development regulations and capital improvement program or amendments thereto to the agencies identified in Policy 11.103.
- 11.105 POLICY: The City will request the agencies identified in Policy 11.103 to review and comment on proposed changes in level of service (LOS) standards and will request these agencies to provide the City with any proposed changes affecting the City.
- 11.106 POLICY: The City will review data and monitoring needs and will request appropriate agencies to assist in obtaining current data and projections. The City will provide any available data and/or projections made by the City to any other agency requesting such information. Where data and projections developed by the City differ from those of other agencies, the City will attempt to resolve these differences.
- 11.107 POLICY: The City will request agencies providing services and facilities as well as adjacent local governments to provide analysis and comments on any proposed annexation by the City. The City will request nearby local governments to provide information on annexations proposed by them and to allow the City to make comments thereto. Where there is any conflict resulting from a proposed annexation, the City will recommend submitting unresolved issues to mediation through the dispute resolution

process described under OBJECTIVE 11.2.

11.108 POLICY: The City will use interlocal agreements where appropriate to establish joint provision of services, to provide for services to be provided within the City by another agency, to provide for the City to supply services outside the boundaries of the City, and to establish operational relationships between the City and other agencies. his Policy shall not be interpreted to require the City to enter into an unfavorable agreement, or to enter into an agreement which is not fully consistent with the provisions of this plan. Such interlocal agreements may include, but are not limited to, the following:

- a. agreement(s) with Volusia County or other appropriate agency or organization to provide development review technical services.
- b. agreement(s) with VCOG or other appropriate agency to provide comprehensive planning and plan administration services.
- c. agreement(s) with Volusia County or other appropriate agency or agencies to provide engineering, construction, and/or management services relating to potable water, sanitary sewer, storm water management, roads, or parks and recreation facilities.
- d. agreement(s) with the Volusia County Sheriff, the Fire District, and/or other appropriate agencies to provide public safety (police and fire protection services), including technical review of development plans and development regulations relating to public protection.

11.109 POLICY: The City will coordinate with the school board in planning for school sites and development of school facilities, consistent with Policy 5.405. Coordination may include, but is not limited to sharing of technical information, including information on population growth, and sharing of information about projected development in the vicinity of school sites. Coordination will also include exploring opportunities with the Volusia County School Board to co-locate educational facilities with other public facilities such as parks, libraries and community centers as required by Policy 5.405(a).  
*(Amended by Ordinance No. 12-01, September 1, 2001)*

11.2 OBJECTIVE: The City will recognize and attempt to use an appropriate

process for the resolution of any conflict which arises from a dispute over a growth management issue. Where dispute resolution is indicated by a policy in this plan, the following policies will apply:

- 11.201 POLICY: The City will offer to participate in a meeting with the other party or parties to resolve the dispute, to define the parameters of the dispute, and/or to establish a formal process for resolving the dispute. Where the City is the aggrieved party, this offer will be incorporated in the notification to the other party or parties. Where the City is the responding party, the offer will be included in the initial response. Any notice or response will request a response within 15 days as to the willingness of the other party or parties to use the dispute resolution process provided under this objective. The City's notice or response will include any applicable information as to the current status of any permit(s) issued or action(s) taken by the City, including the expected date(s) of issuance of any permit(s).
- 11.202 POLICY: Where an informal meeting does not resolve the dispute, the City will suggest that one or more of the following entities be used to facilitate in the resolution of the dispute:
- a. Volusia County Growth Management Commission (VGMC) The VGMC shall be used to resolve all area-wide conflicts affecting jurisdictions in Volusia County as they pertain to land use, transportation and infrastructure issues. *(Amended by Ordinance No. 19-98, September 1, 1998)*
  - b. East Central Florida Regional Planning Council (ECFRPC).
  - c. Florida Growth Management Conflict Resolution Consortium.