

ORDINANCE NO. 11-2024

AN ORDINANCE OF THE CITY OF DEBARY, FLORIDA, ADOPTING THE 2024 LAND DEVELOPMENT CODE FOR THE CITY OF DEBARY, FLORIDA AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DEBARY FLORIDA TO IMPLEMENT NEW OVERLAY DISTRICTS AND THE 2024 LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTS, SEVERABILITY, AN EFFECTIVE DATE, AND CODIFICATION.

WHEREAS, F.S. § 163.3194 mandates that all land development regulations enacted or amended shall be consistent with the adopted City of DeBary Comprehensive Plan; and

WHEREAS, the intent of F.S. § 163.3201 is that the adopted Comprehensive Plan shall be implemented in part by the adoption and enforcement of appropriate local regulations on the development of lands and waters within the City of DeBary; and

WHEREAS, the City of DeBary, Florida adopted a Land Development Code as required by Chapter 163, Florida Statutes through Ordinance No. 01-99, Ordinance No. 21-07, and Ordinance No. 02-12, as amended; and

WHEREAS, the City Council is the governing body of the City of DeBary and serves as the City's Local Planning Agency; and

WHEREAS, The City Council desires to adopt a new Land Development Code and amend the Official Zoning Map of the City of DeBary as set forth in this Ordinance; and

WHEREAS, the City Council, sitting as the Local Planning Agency and the local governing body, hereby determines that the 2024 Land Development Code and the Official Zoning Map as set forth in this Ordinance are consistent with the City of DeBary Comprehensive Plan and are in the best interest of the health, safety, and welfare of the citizens of DeBary; and

WHEREAS, this Ordinance has been advertised as required by Chapters 163 and 166, Florida Statutes, the required public hearings have been held by the City Council sitting as the Local Planning Agency and as the local governing body for the City of DeBary; and

WHEREAS, this Ordinance has been adopted in accordance with general law and the Charter and Land Development Code of the City of DeBary.

IT IS HEREBY ORDAINED BY THE CITY OF DEBARY AS FOLLOWS:

SECTION 1. RECITALS. The above recitals are true and correct and incorporated herein as legislative findings of the City Council.

SECTION 2. ADOPTION. The 2024 City of DeBary Land Development Code is hereby adopted as set forth in **Exhibit “A”** attached hereto and incorporated herein by this reference.

SECTION 3. ZONING MAP AMENDMENT. The Official Zoning Map of the City of DeBary is hereby amended to add the Form-Based Code Overlay Districts, Corridors and Highbanks Node as set forth in **Exhibit “B”** attached hereto.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. CONFLICTS. This Ordinance shall control over any Ordinances or parts of Ordinances in conflict herewith to the extent that such conflicts exists.

SECTION 6. CODIFICATION. Section 2 of this Ordinance is to be codified and made a part of the City of DeBary Land Development Code. Section 3 of this Ordinance is to be incorporated into the Official Zoning Map. The City Clerk is given liberal authority to correct typographical errors and to renumber the sections and subsections as may be necessary to codify the ordinance into the existing codes. Grammatical, typographical and similar like errors may be corrected, including additions, alterations, and omissions that do not otherwise affect the construction, intent, or meaning of this Ordinance.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption.

APPROVED on first reading on ____ day of _____ 2024.

ADOPTED at the second reading on ____ day of _____ 2024.

**CITY COUNCIL
City of DeBary**

Karen Chasez, Mayor

Attest:

Annette Hatch, CMC, City Clerk

Date: _____

SEAL:

EXHIBIT “A” – 2024 LAND DEVELOPMENT CODE

LAND DEVELOPMENT CODE FOR THE CITY OF DEBARY, FLORIDA

FIRST PUBLIC HEARING
SECOND PUBLIC HEARING



Municipal Code Corporation | P.O. Box 2235 Tallahassee, FL 32316
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2024

City of Debary
City Council

Karen Chasez, Mayor
Phyllis Butlien, Vice-Mayor
Jim Pappalardo
William Sell
Patricia Stevenson

2024
City Staff

Carmen Rosamonda, City Manager
Steven Bapp, AICP, Growth Management Director
Richard Villasenor, PE
Joseph Barker, AICP, Senior Planner
Merylene Thomas, CNU-A, Senior Planner
Kayla Burney, Senior Planning Technician
Patti Monhollen, CEP, Neighborhood Improvement Officer

PREFACE

This volume constitutes a republication of the Land Development Code for the City of DeBary, Florida, as amended through, adopted. The original "articles" of the Land Development Code have been converted to "chapters," a uniform system of section and subsection numbering has been imposed, and documents adopted by reference in the Land Development Code (portions of the Volusia County Land Development Code and the Volusia County Zoning Ordinance) have been included.

Source materials used in the preparation of this volume were the City of DeBary, Florida, Land Development Code, adopted on, being, and ordinances subsequently adopted by the City Council. The source of each section is indicated in the history note appearing in parentheses at the end thereof. By use of the comparative table appearing in the back of this Code, the reader can locate any section of and any subsequent ordinance included herein.

A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 4 is 4-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 4-1 and 4-2 is desired to be added, such new section would be numbered 4-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

| | |
|------------------------|-------|
| CODE | CD1:1 |
| CODE COMPARATIVE TABLE | CCT:1 |
| CODE INDEX | CDi:1 |

Index

The index appearing in the back of this book is an extremely useful tool for locating information. Each particular item has been placed under several headings, some of which are couched in lay phraseology and others in legal terminology. There are cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of, Code Attorney, and, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Carmen Rosamonda, City Manager, and Steven Bapp, Growth Management Director, for their cooperation and assistance during the progress of the work on this republication. It is hoped that their efforts and those of the publisher have resulted in a Code which will make the active law of the city readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the city's affairs.

Copyright

All editorial enhancements of this Code are copyrighted by Municipal Code Corporation and the City of DeBary, Florida. Editorial enhancements include, but are not limited to: organization; table of contents; section catchlines; prechapter section analyses; editor's notes; cross references; state law references; numbering system; code comparative table; state law reference table; and index. Such material may not be used or reproduced for commercial purposes without the express written consent of Municipal Code Corporation and the City of DeBary, Florida.

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SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omitted."

By adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

| Ord. No. | Date Adopted | Included/ Omitted | Supp. No. |
|-----------------------|--------------|----------------------|-----------|
| 12-10 | 10-20-2010 | Included | 4 |
| 13-10 | 12-29-2010 | Included | 4 |
| 04-11 | 9- 7-2011 | Included | 4 |
| 10-11 | 10- 5-2011 | Included | 5 |
| 02-12 | 9- 5-2012 | Included | 5 |
| 02-13 | 6- 5-2013 | Included | 6 |
| 07-13 | 8- 7-2013 | Included | 6 |
| 10-13 | 11- 6-2013 | Included | 6 |
| 11-13 | 11- 6-2013 | Included | 6 |
| 01-14 | 2- 5-2014 | Included | 7 |
| 06-14 | 9- 3-2014 | Included | 7 |
| 09-14 | 3- 4-2015 | Omitted | 7 |
| 11-14 | 1- 7-2015 | Omitted | 7 |
| 12-14 | 2- 4-2015 | Omitted | 7 |
| 01-15 | 8-26-2015 | Omitted | 7 |
| 02-15 | 8-26-2015 | Included | 7 |
| 04-15 | 12- 2-2015 | Included | 7 |
| 06-15 | 1- 6-2016 | Omitted | 7 |
| 01-16 | 3- 2-2016 | Omitted | 7 |
| 02-16 | 2- 3-2016 | Omitted | 7 |
| 03-16 | 1-20-2016 | Included | 7 |
| 04-16 | 3- 2-2016 | Omitted | 7 |
| 09-16 | 9- 7-2016 | Omitted | 7 |
| 13-16 | 1- 4-2017 | Included | 8 |
| 02-17 | 3- 1-2017 | Omitted | 8 |
| 03-17 | 3- 1-2017 | Included | 8 |
| 05-17 | 6- 7-2017 | Omitted | 8 |
| 06-17 | 7-19-2017 | Included | 8 |
| 07-17 | 8- 2-2017 | Included | 8 |

| | | | |
|-------------------------|------------|----------|----|
| 09-17 | 11- 1-2017 | Omitted | 8 |
| 10-17 | 11- 1-2017 | Omitted | 8 |
| 11-17 | 10- 4-2017 | Omitted | 8 |
| 12-17 | 10- 4-2017 | Included | 8 |
| 01-18 | 3- 7-2018 | Omitted | 8 |
| 02-18 | 3- 7-2018 | Included | 8 |
| 03-18 | 3- 7-2018 | Omitted | 8 |
| 04-18 | 4- 4-2018 | Omitted | 8 |
| 05-18 | 5- 2-2018 | Omitted | 8 |
| 09-18 | 9- 5-2018 | Included | 8 |
| 10-18 | 10- 3-2018 | Omitted | 8 |
| 11-18 | 10- 3-2018 | Omitted | 8 |
| 12-18 | 10- 3-2018 | Omitted | 8 |
| 13-18 | 12- 5-2018 | Omitted | 8 |
| 01-19 | 3- 6-2019 | Omitted | 8 |
| 02-19 | 3- 6-2019 | Omitted | 8 |
| 03-19 | 10- 2-2019 | Omitted | 8 |
| 05-19 | 8- 7-2019 | Included | 8 |
| 09-19 | 11- 6-2019 | Omitted | 8 |
| 10-19 | 11- 6-2019 | Omitted | 8 |
| 11-19 | 11- 6-2019 | Omitted | 8 |
| 13-19 | 2-19-2020 | Omitted | 8 |
| 02-20 | 2-19-2020 | Omitted | 8 |
| 06-20 | 9-23-2020 | Included | 8 |
| 05-2021 | 4-21-2021 | Included | 9 |
| 06-2021 | 7-21-2021 | Included | 9 |
| 11-2021 | 9- 1-2021 | Included | 9 |
| 02-2022 | 2-16-2022 | Included | 9 |
| 11-2022 | 9-21-2022 | Included | 9 |
| 09-2022 | 1-18-2023 | Omitted | 10 |
| 12-2022 | 10-19-2022 | Omitted | 10 |
| 14-2022 | 1-18-2023 | Omitted | 10 |
| 01-2023 | 3-15-2023 | Omitted | 10 |
| 02-2023 | 3-15-2023 | Omitted | 10 |
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|-------------------------|-----------|----------|----|
| 04-2023 | 5-17-2023 | Included | 10 |
| 05-2023 | 7-19-2023 | Omitted | 10 |
| 06-2023 | 7- 5-2023 | Included | 10 |
| 07-2023 | 8- 2-2023 | Omitted | 10 |
| 08-2023 | 8- 2-2023 | Omitted | 10 |
| 09-2023 | 8-23-2023 | Omitted | 10 |
| 12-2023 | 1- 3-2024 | Omitted | 10 |
| 13-2023 | 1- 3-2024 | Included | 10 |
| 03-2024 | 2- 7-2024 | Omitted | 10 |

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CHAPTER 1 - GENERAL PROVISIONS

Sec. 1.1. - Short title.

This Code shall be known as the "Land Development Code for the City of DeBary, Florida" and may be referred to as the "Land Development Code," "this Code," or the "LDC."

(Ord. No. 01-99, § 1(101), 11-3-1999)

Sec. 1.2. - Authority and purpose.

- (a) *Authority.* This Code is enacted pursuant to F.S. § 163.3202, and F.S. § 166, and the Charter and ordinances of the City.
- (b) *Purpose.*
 - (1) In accordance with F.S. § 163.3202, this Code is adopted to implement the Comprehensive Plan of the City by ensuring that all development orders issued by the City are consistent with the City's adopted Comprehensive Plan.
 - (2) This Code establishes regulations for the use of land and water, redevelopment, subdivision of land, site design, stormwater management, floodplain management, protection of environmentally sensitive lands, protection of potable water well fields, prevention of blight and deterioration of property, preservation of historic resources, prevention of the overcrowding of land and undue concentration of population; and provides for transportation, public utilities, schools, parks, and other public infrastructure, the maintenance of levels of service for infrastructure, and other regulations necessary to prevent urban sprawl and promote the general health, safety, and welfare of the people.
 - (3) Land owned by the City of DeBary and developed or used for public parks or any City governmental function that promotes or benefits the comfort, convenience, safety, general welfare and happiness of citizens may not be regulated by this Code as such use of lands is considered to be for the best interest of the citizens of DeBary.
- (c) *Conflict.* In the event of a conflict between any regulations of this Code, or between these regulations and any other regulations governing the same activity, the most restrictive regulation shall apply, except when this language is in conflict with State Statutes and is preempted to the State. Where there is a conflict between this Code and the adopted Comprehensive Plan of the City, the provision of the Comprehensive Plan shall prevail.

(Ord. No. 01-99, § 1(102), 11-3-1999; Ord. No. 02-12, § 2(Exh. A), 9-5-2012)

Sec. 1.3. - Enforcement and penalties.

The provisions of this Code may be enforced and violations punished by any of the following methods:

- (a) The Code Enforcement Special Magistrate shall have jurisdiction to enforce these regulations by a fine not exceeding \$250.00 per day or as established by State Statutes. Each day any violation shall continue shall constitute a separate offense.
- (b) The Code Enforcement Officer or their designee shall have jurisdiction to enforce these provisions, and any person, firm, corporation, or agent determined to be in violation shall be subject to all penalties and remedies available to the Special Magistrate as provided by law.
- (c) The City may institute any appropriate action or procedure to bring about compliance or remedy. The City may order discontinuance of the use of any land, water, or building, the removal of any building,

addition, or other structure, the discontinuance of any work being done, or any other act when such use or act is in violation of this Code.

- (d) The City may institute a citation process pursuant to state law and may enforce this Code under applicable procedures.
- (e) Specific provisions of this Code may provide for additional remedies.

Sec. 1.4. - Authority to enter property in performance of duties.

Any person acting under the direction of the City Manager in the performance of functions and duties pursuant to this Code shall be authorized to enter upon any land and make inspections, examinations, and surveys as necessary in its administration and enforcement, subject to the limitations set forth in state statutes.

Sec. 1.5. - References to Other Laws.

References to applicable laws such as Florida Statutes, the Florida Administrative Code, the Florida Building Code, the United States Code, the Code of Federal Regulations, and to provisions of this Code or the City Code of Ordinances shall include all amendments and successor provisions thereto, unless specifically stated otherwise.

Sec. 1.6. - Nonconforming lots, structures, and uses.

- (a) Purpose and Intent. The purpose of this Section is to limit the continued existence and expansion of lots, structures, and uses established prior to the effective date of this Land Development Code which do not conform to the requirements of this Code. It is the general intent of this Section to reduce nonconformities and eventually bring lots, buildings and uses into conformance.
- (b) Nonconforming lots.
 - (1) A lot or parcel of land is nonconforming if it does not meet the minimum area and dimensional requirements of the zoning classification in which it is located.
 - (2) Any lot or parcel made nonconforming solely as a result of eminent domain proceedings instituted by any governmental agency, or through a voluntary conveyance in lieu thereof, shall be deemed to be a conforming lot or parcel for all purposes. However, all development activity on such a lot or parcel shall be in accordance with the zoning classification yard requirements at the time of development.
 - (3) Where two or more existing nonconforming lots with continuous frontage are under the same ownership, or where a nonconforming lot has continuous frontage with a large tract under the same ownership, nonconforming lots shall be combined to form one or more building sites meeting the lot requirements of the zoning classification.
 - (4) Except as provided herein, development of a single-family dwelling shall be permitted on a nonconforming lot of at least 5,000 square feet and 50 feet or more in width at the front building line in any zoning classification in which the use is permitted, if remedy of the nonconformity by combination with other lots under the same owner is not available. This subsection does not apply to or authorize single-family dwelling development upon nonconforming lots in the Resource Corridor (RC) zoning classification.
 - (5) The City Council shall have jurisdiction to authorize variances from the requirements of this subsection as provided for in Sec. 3.11.
- (c) Nonconforming buildings and structures.
 - (1) A building or structure is nonconforming if it does not meet the building setback, height, or bulk limitations of this Code.

- (2) An existing nonconforming building or structure may be maintained and repaired, but shall not be structurally added onto or altered to further the nonconformance.
 - (3) Full compliance with the Land Development Code shall be required if a nonconforming building or structure has suffered Substantial Damage, Substantial Structural Damage, proposes Substantial Improvement, or Substantial Structural Alteration, all as defined by the Florida Building Code, latest edition, or the structure is destroyed.
- (d) Nonconforming uses.
- (1) A use of land or of any building or structure is nonconforming if any of the following conditions apply:
 - a. The use is not currently permitted in the zoning classification in accordance with this Code.
 - b. The density or intensity of the use exceeds the density or intensity currently permitted in the zoning classification in accordance with this Code.
 - c. The site does not meet the applicable site development requirements of this Code or the Comprehensive Plan.
 - (2) An existing nonconforming use of any building or structure shall not be extended, enlarged, or expanded, or changed to another non-conforming use.
 - (3) Full compliance with the Land Development Code shall be required if a building or structure housing a nonconforming use has suffered Substantial Damage, Substantial Structural Damage, proposes Substantial Improvement, Substantial Structural Alteration, all as defined by the Florida Building Code, latest edition, or the structure is destroyed.
 - (4) No modification or waiver shall be permitted from the provisions of this section or dimensional and density restrictions in order to reestablish a nonconforming use.
 - (5) If the operation or use of a lawful nonconforming use on any property (or portion thereof) has been discontinued for a continuous period of six (6) months, such nonconforming use will be deemed abandoned, regardless of whether ownership of the property has changed or not, and may not be reestablished on such property (or portion thereof) without further action by the City. Upon abandonment of a nonconforming use, the use of the land, buildings and accessory structures (or portions thereof) shall be subject to all regulations specified by this Code for the zoning classification in which such property is located. The vacating of premises or a building or non-operative status of the use shall be evidence of a discontinued use. The City Manager shall have the authority to render a decision as to whether there is a discontinuance of a lawful nonconforming use upon a property for the prescribed period. The City Manager's written decision pursuant to this subsection may be appealed to the City Council pursuant to Sec. 3.13.
- (e) *Vested development.* There are within the City, various properties, the development of which was previously declared to be "vested" under the regulations of the County. It is the intent of this Code that such "vested" status shall not be changed solely by virtue of the adoption of this Code.
- (1) For vested developments that are legal non-conforming uses, the City Manager may permit the addition of accessory structures including fences as well as aesthetic site improvements such as landscaping, if such improvements meet the following conditions and are not for the purpose of expanding or enlarging the nonconforming use.
 - a. The non-conforming use shall not be enlarged or increased nor extended to occupy a greater area of land than was originally occupied.

- b. The improvement must comply with all other applicable laws and regulations including overlay district requirements and required setbacks.
 - c. No new non-conformities shall be created.
 - d. The maximum lot coverage must not exceed that required by the site's zoning classification.
- (f) *Nonconforming site improvements (not including structure)*. Where an existing site improvement (landscaping, parking lot layout, etc.) is nonconforming with the current regulations related to such, nothing in this section shall prohibit minor site improvements that result in the reduction of this non-conformity.
- (g) *Illegal uses*. This section does not authorize the continuance of any use or nonconformity which was not lawfully in existence at the time of the adoption of this Code.

(Ord. No. 02-12, § 2(Exh. A), 9-5-2012; Ord. No. 05-2021, § 2, 4-21-2021; Ord. No. 02-2022 § 3, 2-16-2022

Sec. 1.7. - Violations.

- (a) *Violations*. Any development that is not within the scope of the Florida Building Code but is regulated by this Code that is performed without an issued permit, is in conflict with an issued permit, or does not fully comply with this Code, shall be deemed a violation of this Code. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this Code or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.
- (b) *Authority*. For development that is not within the scope of the Florida Building Code but is regulated by this Code and is determined to be a violation, the City Manager or their designee is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- (c) *Unlawful continuance*. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by Section 115 of the Florida Building Code.

(Ord. No. [01-14](#), § 2, 2-5-2014)

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CHAPTER 2 - DEFINITIONS

Sec. 2.1. Rules of construction.

- (a) *Generally.* The words used in this Code shall be construed to effect the intended purposes. Definitions of various words and phrases used throughout the Code are provided in this Chapter. All words or phrases not specifically defined shall be given their common and usual meanings as determined by general usage and standard dictionary references.
- (b) *General rules of construction.* The following general rules of interpretation shall apply:
- (1) The present tense includes the future, and, where appropriate, the past.
 - (2) The singular number includes the plural, and vice versa. The male gender includes the female, and vice versa.
 - (3) The word "shall" and "must" are mandatory; the word "may" is permissive.
 - (4) Reference in one section of this Code to another section of this Code by section number shall include all subsections within that section unless otherwise stated in this Code.
 - (5) Where appropriate to the context, words and terms defined in the Florida Statutes shall apply here.
 - (6) All land development related terms not defined in this Chapter shall be as defined by the State Statutes (F.S.) or the Code of Federal Regulations (C.F.R.), or if not addressed by either, the latest edition of *A Planners Dictionary*. All other common words shall be defined by the latest edition of the Webster's Merriam Collegiate Dictionary.
 - (7) Determinations as to the meaning of a word or term shall be the responsibility of the City Manager, whose decision may be appealed as provided in Sec. 3.13.
 - (8) Where the sections of this chapter identify actions or responsibilities of other officials or boards, the action or responsibility is assigned by this Code to the City Manager, and the provision in question shall be so interpreted. Where there is a question as to whether the provision involves a procedure, or how the standard shall be administered, the City Manager will make the determination, which may be appealed pursuant to Sec. 3.13.

Sec. 2.2. – Definitions.

- (a) *Scope.* Unless otherwise expressly stated, the following words and terms shall, for the purposes of this article, have the meanings shown in this section.
- (b) *Terms defined in the Florida Building Code.* Where terms are not defined in this article and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.
- (c) *Terms not defined.* Where terms are not defined in this Section or the Florida Building Code, such terms shall be as defined by the F.S., the C.F.R., or if not addressed by either, the latest edition of *A Planners Dictionary*. All other common words shall be defined by the latest edition of the Webster's Merriam Collegiate Dictionary, and as the context of the given Code section implies.
- (d) *Words and terms defined.* The following words and phrases, as used in this Code, shall have the following meanings:
- 100-year flood elevation* means the flood elevation that has a one percent chance of being equaled or exceeded each year or as defined by the Federal Emergency Management Agency (FEMA).
- Abandon* shall mean any cessation of an existing use of land or of any structure thereon for a period greater than that specified by this Code, other than a cessation necessarily incident to probate, bankruptcy or mortgage foreclosure proceedings, or to the temporary absences of part-time residents.
- Access easement.* That portion of a lot or parcel used for vehicular ingress or egress as allowed pursuant to the rights granted by a recorded instrument in the Volusia County public records. In no case shall a street or right-of-way be construed to mean an access easement.
- Accessory dwelling unit (ADU)* shall mean a habitable unit ancillary or secondary to an existing single-family dwelling use that has a separate kitchen, bathroom, and sleeping area. The term ADU includes a separate detached dwelling unit on the same lot as the principal single-family dwelling; or a separate dwelling unit within, or attached to, the principal single-

family dwelling, provided that the unit has a distinctly separate entrance from the main entrance of the principal single-family dwelling.

- (1) Interior refers to an accessory dwelling that is using an interior part of the primary dwelling
- (2) Detached refers to a structure on a residential lot that is separate from the primary dwelling yet subordinate to the primary unit.

Accessory structure shall mean a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal investment, may not be used for human habitation with the exception of accessory dwelling units as defined herein, and be designed to have minimal flood damage potential. Examples of accessory structures are swimming pools, detached garages, carports, storage sheds, pole barns, and perimeter fences and walls.

Accessory use shall mean a use customarily incidental and subordinate to the principal use or building and located on the same lot with the principal use or building.

Addition (to an existing building) shall mean any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common loadbearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter loadbearing walls is new construction., or as this term is defined in the Florida Building Code.

Administrative approval, as used in F.S. 166.04151, shall mean approved by administrative official after input from the Development Review Committee in accordance with this Code and Comprehensive Plan.

Administrative rezoning shall mean and refer to a rezoning initiated by the City as permitted by this Code and State Statutes.

Administrative variance shall mean a variance that may be approved by the City Manager pursuant to Sec. 3.11 of this Code

Adult bookstore shall mean any corporation, partnership, or business of any kind which restricts or purports to restrict admission only to adults, which has as part of its stock books, magazines, other periodicals, videos, discs, or other graphic media, and which offers, sells, provides, or rents for a fee, any sexually oriented material, as defined by F.S. 847.001.

Adult theater shall mean an enclosed building or an enclosed space within a building used for presenting either films, live plays, dances, or other performances that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specific sexual activities for observation by patrons, and which restricts or purports to restrict admission only to adults, or any business that features a person who engages in specific sexual activities for observation by a patron, and which restricts or purports to restrict admission to only adults, as defined by F.S. 847.001.

Affordable housing shall mean housing that meets the criteria for being affordable as prescribed in F.S. 420.0004.

Agricultural use shall mean the use of land in horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, beekeeping, pisciculture and all forms of farm products and farm production.

Alteration of a watercourse shall mean alterations made to the channels of rivers, stream, or drainage ways, usually to improve drainage, relocate the channel, or to increase its flood carrying capacity.

Alteration shall mean any construction or renovation to an existing structure other than repair or addition, as defined by the Florida Building Code.

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

Alternative support structure shall mean structures other than communication towers, which may include, but are not limited to, buildings, water towers, light poles, power poles, telephone poles, and other essential public utility structures.

Animals shall mean and include, but is not limited to, both household pets and farm animals.

Antenna shall mean any exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of electromagnetic waves.

Apiary shall mean, as defined by F.S. 586.02, a bee yard or site where honeybee hives, honeybees, or honeybee equipment is located.

Appeal shall mean a request for a review of the City Manager or their designated agent's interpretation of any provision of this Code or decision made pursuant to Sec. 3.13 of this Code.

Appeal (Floodplain). A request for a review of the Floodplain Administrator's interpretation of any provision of this article or a request for a variance.

Applicant shall mean any person applying for or who has been granted a development order and/or permit to proceed with a project, or an owner or owner's authorized agent who submits an application or project to the City.

Application shall mean and refer to an application or petition or proposal submitted to the City for review or approval of any permit required by this Code, the Code of Ordinances, State Statutes, or Federal regulations

Aquaculture shall mean cultivation of animal and plant life in a water environment.

Arcade shall mean a row of arches supported by columns or piers which is covered.

Area of special flood hazard shall mean the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This term is synonymous with the phrase "special flood hazard area." Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

Architectural embellishments. Ornamentation, adornment with decorative elements, i.e., towers, turrets and rosettes.

Artificial drainage system shall mean any canal, ditch, culvert, dike, storm sewer or other manmade facility which tends to control the surface flow of water.

Artificial lighting shall mean any source of temporary, fixed or movable light emanating from a manmade device, including, but not limited to, incandescent mercury vapor, metal halide, or sodium lamps, spotlights, streetlights, construction security lights or lights which illuminate signs. This definition shall not include handheld or vehicular lighting.

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

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

Assisted living facility shall mean any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, regardless of whether operated for profit, which through its ownership or management provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator, as defined by F.S. 429.02.

Automobile service station.

- (1) *Type A* shall mean any premises used for the servicing of motor vehicles, including engine tune-ups and repair; wheel balancing, alignment, brake service; the retail sale of fuel, lubricants and other products necessary to the operation and maintenance of motor vehicles, and the installation of such products, plus the sale of refreshments, but excluding the rebuilding or reconditioning of engines, and body repair. Automobile, boat, motorcycle, mobile home and recreational vehicles sales not included.
- (2) *Type B* shall mean in addition to Type A uses, any repair, rebuilding or reconditioning of any motor vehicle. Automobile, boat, motorcycle, mobile home and recreational vehicle sales not included.

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

Base flood shall mean the flood having a 1-percent chance of being equaled or exceeded in any given year, as defined in the Florida Building Code.

Base flood elevation (BFE), as defined in the Florida Building Code, means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM).

Basement shall mean a story that is not a story above grade plane, as defined by the Florida Building Code. This definition of "basement" does not apply to the provisions of Chapter 1612 for flood loads.

Basement (for flood loads) shall mean that portion of a building having its floor subgrade (below ground level) on all sides, as defined by the Florida Building Code. This definition of “basement” is limited in application to the provisions of Section 1612 of the Florida Building Code.

Bay shall mean a part of a structure, as a building, that is marked off by vertical elements A bay window; a recess or opening in a wall; an extension of a building-wing.

Bed and breakfast inn shall mean a family home structure, with no more than 15 sleeping rooms, which has been modified to serve as a transient public lodging establishing, which provides the accommodation and meal services generally offered by a bed and breakfast inn, and which is recognized as a bed and breakfast inn in the community in which it is situated or by the hospitality industry, as defined by F.S. 509.242.

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

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

Blight shall mean an area, condition, or situation in which there is a deteriorated or deteriorating structure(s) which endanger life or property or may lead to economic distress.

Blood banks and laboratories are premises that offer cash or any other form of compensation for drawing blood or plasma.

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

Boarding House shall mean a building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit, as defined by the Florida Building Code.

Boathouse shall mean an accessory structure designed solely for the protection or storage of watercraft.

Bottle club shall mean an establishment in which patrons consume alcoholic beverages they bring onto the premises, as defined in F.S. Chapter 561. This use is expressly prohibited in the City.

Bracket. A projection from a vertical surface providing support under cornices, balconies, window frames, etc. (Sometimes used to describe a metal fastener.)

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

Breezeway shall mean a roofed, open-air passageway connecting two structures.

Buffer. A designated area between two uses deemed incompatible with each other, or along the perimeter of a natural feature to be protected from an incompatible use, or along the perimeter of that use, which will absorb or otherwise preclude such incompatibility by some combination of construction design, vegetation plantings, fences and/or maintenance practices which shall be permanently maintained.

Buildable area shall mean that portion of a lot excluding the front, rear, side or waterfront yards.

Building shall mean any structure used or intended for supporting or sheltering any use or occupancy, as defined by the Florida Building Code. Also see "Structure."

Building frontage shall mean each lineal foot, or major portion thereof, measured along the main entry side of a building. Where buildings form an "L" or "U," all main entry sides are measured.

Building height shall mean the vertical distance from the finished grade, along the front of the structure, to the highest point of a flat roof, or to the deck line of a mansard roof; or to the average distance between eaves and ridge for gable, hip and gambrel roofs; or, if no roof, to the highest point of any structure, or communication tower. For developments within the Nodes and Corridors and the SEMUA/TOD overlay districts, building height is measured to the bottom of the eave or the base of the parapet.

Building permit shall mean the permit required by section 105 of the State building code, as adopted by the City.

Building, principal, shall mean the building in which the principal use conducted on the lot is located.

Building setback line shall mean that line parallel to and of the same configuration as the lot line, and which is located behind the respective lot lines, the minimum distance required by the yard requirements of this Code, inside of which no structure shall be permitted, erected or placed. See “Yard” definition.

Bulkhead shall mean, as defined by F.A.C. 62B-41.002, a structure or vertical partition designed primarily to retain or prevent slumping of the upland soil mass. A bulkhead may also provide a level of protection against erosion by wave or current action.

Bulkhead line shall mean a governmentally ordered, legally described line, established pursuant to F.S. 253.1221, at the line of mean high water or ordinary high water.

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

Camper. See "Mobile recreational shelters and vehicles."

Campground. See "Recreational vehicle park."

Canopy, permanent, shall mean a permanent structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity or decoration. A canopy is permitted to be structurally independent or supported by attachment to a building on one or more sides, as defined by the Florida Building Code.

Capacity enhancement agreement shall mean and refer to an agreement between the school board and an applicant providing for sufficient capacity to accommodate the additional students that will be generated by a development permit or Comprehensive Plan amendment that may also certify to the City that the school board will have sufficient capacity to accommodate the additional students generated by approval of the development permit or Comprehensive Plan amendment.

Cargo container shall mean a reusable vessel that is originally, specifically or formerly designed for or used in the packing, shipping, movement, or transportation of freight, articles, goods, or commodities and is also designed for or capable of being mounted or moved on a rail car, truck trailer or loaded on a ship.

Carport shall mean an unenclosed structure or portion of a principal building, consisting of a roof and designed or used for the storage of motor vehicles owned or used by the occupants of the premises and/or their guest.

Carwash shall mean a structure containing specialized mechanical apparatus and facilities for washing motor vehicles.

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

Cemetery shall mean, as defined by F.S. 497.005, a place dedicated to and used or intended to be used for the permanent interment of human remains or cremated remains. A cemetery may contain land or earth interment; mausoleum, vault, or crypt interment; a columbarium, ossuary, scattering garden, or other structure or place used or intended to be used for the interment or disposition of cremated remains; or any combination of one or more of such structures or places.

Church. See "House of worship."

City shall mean the City of DeBary, Florida.

City Council shall mean the elected members of the City Council.

City Arborist shall mean a person trained in the management and care of trees and forests designated by the City to administer the applicable provisions of this Code.

City Manager shall mean the chief administrative officer for the City.

City property shall mean land and appurtenances owned by the City.

City staff shall mean and refer to City employees, City consultants, those companies, governments, individuals and other entities under contract with the City to provide services to or for the City.

Classified shall mean a zoning classification of the zoning regulations.

Clearing shall mean the removal of any trees or brush from the land, including the removal of any wetland vegetation, vegetation in its natural state, brush and trees of any size, except as provided in chapter 8.

Clinics:

- (1) *Medical* shall mean outpatient premises where patients are admitted for examination and treatment by one or more persons practicing any form of the human healing arts, whether they are medical doctors, chiropractors, osteopaths, chiropractors, optometrists, or any similar professional licensed by the State. The term does not include a veterinarian clinic.
- (2) *Dental* shall mean outpatient premises where patients are admitted for examination and treatment by one or more persons practicing dentistry and licensed by the State.
- (3) *Veterinary* shall mean premises for the medical and surgical care of sick or injured animals, with limited overnight facilities.

Closure shall mean the termination of any regulated or prohibited nonresidential land use or activity covered by this Code.

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

Club, private, shall mean nonprofit associations and organizations of a fraternal, social, leisure or recreational character.

Cluster subdivision shall mean a development in which building lots may be reduced in size and buildings sited closer together, usually in groups or clusters; provided that the total development density does not exceed that which could be constructed on the site under the future land use category. The additional land that remains undeveloped is then preserved as common open space.

Colonnade. A roofed structure supported by columns.

Commercial. As used in F.S. 166.04151(7), any use involving in part or in whole the sale of merchandise, materials or services, excluding properties that are used for medical or institutional purposes such as hospitals and clinics, and general offices.

Common area (homeowners' association) shall mean, as defined by F.S. 720.301, all real property within a community which is owned or leased by an association or dedicated for use or maintenance by the association or its members, including, regardless of whether title has been conveyed to the association:

- (1) Real property the use of which is dedicated to the association or its members by a recorded plat; or
- (2) Real property committed by a declaration of covenants to be leased or conveyed to the association.

Common open space shall mean a commonly owned area of land reserved and designed for the leisure or recreational use of the owners of a residential development and may include recreational facilities. Common open space can be referred to as public space when including recreation facilities, or in nonresidential uses, such features as plazas or courtyards.

Community meeting shall mean a meeting hosted and arranged by an applicant for a Zoning Map amendment, pursuant to Sec. 3.8 of this Code.

Community residential home shall mean a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families or licensed by the Agency for Health Care Administration which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents, as defined by F.S. 419.001. Pursuant to F.S. 419.001(2), homes of six or fewer residents which otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be allowed in single-family or multi-family zoning without approval by the local government, provided that such homes are not located within a radius of 1,000 feet of another existing such home with six or fewer residents or within a radius of 1,200 feet of another existing community residential home.

Comprehensive Plan shall mean the plan for growth and development of the City adopted by the City Council (Ordinance No. 02-10, adopted October 6, 2010, and effective December 8, 2010) pursuant to the requirements of chapter 163, part II, Florida Statutes (F.S. § 163.2511 et seq.).

Concept plan (PUD pre-application meeting) shall mean a plan depicting the information required by Sec. 3.9 of this Code.

Conceptual site plan shall mean a site plan submitted for feedback from Staff and the Development Review Committee prior to the submittal of a final site plan or preliminary plat and construction plan.

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

Connectivity. The ability for pedestrians to flow between developments; the relationship of different building functions; the relationship of buildings to site amenities.

Consistency, Comprehensive Plan, shall mean this Code, or any provision thereof, is consistent with the Comprehensive Plan if it is not in conflict with and takes action in the direction of realizing the Comprehensive Plan's goals, objectives, or policies.

Construction and demolition debris shall mean discarded materials generally considered to be not water soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, including such debris from construction of structures at a site remote from the construction or demolition project site. The term includes rocks, soils, tree remains, trees, and other vegetative matter which normally results from land clearing or land development operations for a construction project; clean cardboard, paper, plastic, wood, and metal scraps from a construction project; except as provided in F.S. § 403.707(13), unpainted, non-treated wood scraps from facilities manufacturing materials used for construction of structures or their components and unpainted, non-treated wood pallets, provided the wood scraps and pallets are separated from other solid waste where generated and the generator of such wood scraps or pallets implements reasonable practices of the generating industry to minimize the commingling of wood scraps or pallets with other solid waste; and de minimis amounts of other nonhazardous wastes that are generated at construction or demolition projects, provided such amounts are consistent with best management practices of the construction and demolition industries. Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris.

Construction plans shall mean drawings, prepared by a State registered engineer or architect, showing how a specific structure, building or other improvement is to be constructed.

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

Context. Surroundings made up of the particular combination of elements that create specific habitat.

Convenience stores with gas sales, limited shall include convenience stores (excluding the sale of distilled spirits with a higher alcoholic content than malt beverages or fermented wines) with no more than eight (4) vehicular service positions per fuel dispenser island. Maximum of four (4) fuel dispenser islands.

Convenience stores with gas sales, are stores that have more than four (4) vehicular service positions per fuel dispenser island.

Cornice. An ornamental molding at the meeting of the roof and wall; usually consists of bed molding, soffit, fascia and crown molding.

Corridor. A lineal geographic system incorporating transportation and/or greenway trajectories.

County shall mean the County of Volusia, Florida.

Damage shall mean harm or loss resulting from injury to property that causes a loss of value or impairment of its usefulness.

Dark-sky compliance shall mean a place where the darkness of the night sky is relatively free of interference from artificial light.

Datum shall mean a reference surface used to ensure that all elevation records are properly related. Many communities have their own datum that was developed before there was a national standard. The current national datum is the National Geodetic Vertical Datum (NGVD) of 1929, which is expressed in relation to mean sea level, or the North American Vertical Datum (NAVD) of 1988.

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

Day labor services are employment agencies offering day labor services and where workers congregate at the business location to receive daily assignments.

De minimis impact shall mean and refer to a development permit or Comprehensive Plan amendment that would, if approved, ultimately result in the equivalent of the net increase of less than ten (10) residential dwelling units. However, a development permit or Comprehensive Plan amendment for a property shall not be deemed to have a de minimis impact if, when the impact from a development permit or Comprehensive Plan amendment for such property is aggregated with a development permit or Comprehensive Plan amendment for adjacent property or other properties with a common or related development plan or common or related owner, the increase in the number of residential dwelling units equals or exceeds ten residential dwelling units.

Declaration of covenants shall mean, as defined by F.S. 720.301, a recorded written instrument or instruments in the nature of covenants running with the land which subject the land comprising the community to the jurisdiction and control of an association or associations in which the owners of the parcels, or their association representatives, must be members.

Density shall mean the measure of the quantity of development activity in relation to the size of the site area within which the development occurs. Residential density is measured by the number of dwelling units per gross site area (in acres), not including dedicated rights-of-way, transmission and power line easements, lakes and areas defined as wetlands, and floodprone and preservation areas, and is also regulated by establishing a minimum lot size. In the determination of the number of residential dwelling units to be permitted on a specific parcel, a fractional unit shall not entitle the applicant to an additional unit. Nonresidential density (also referred to as intensity) is measured by floor area ratio (FAR), which is the ratio of the total gross floor area of buildings on a site to the gross area of the site itself.

For purposes of calculating residential density for development within the Southeast Mixed-Use Area (SEMUA) and the Southwest Mixed-Use Area (SWMUA) Future Land Use designations, land used for publicly dedicated or privately owned rights-of-way is not removed out of the gross site area. Up to 75 percent of a Southeast Mixed-Use Area (SEMUA) and the Southwest Mixed-Use Area (SWMUA) Future Land Use development site's wetlands, lakes, flood-prone and preservation areas may be counted toward developable land (thus, not removed out of the gross site area for density calculation) when the Development Review Committee determines that such areas are to be preserved, and adequately amenitized by making these natural features accessible for passive recreational use and commitments concerning such are identified in either a Planned Unit Development or a Preliminary Plat and Construction Plan.

Design flood. The flood associated with the greater of the following two areas, as defined in the Florida Building Code:

- (1) Area with a flood plain subject to a 1-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on a community's flood hazard map, or otherwise legally designated.

Design flood elevation shall mean, as defined in the Florida Building Code, the elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where a depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet (610 mm).

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

Development shall mean any man-made change to improved or unimproved real estate, construction, installation, reconstruction, addition, renovation, demolition, or removal of a structure, impervious surface, or drainage facility; clearing, scraping, grubbing, killing, or otherwise removing vegetation from a site; adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, drilling operations, mining, dredging, paving, filling or otherwise significantly

disturbing the soil, mud, sand, or rock of a site; or any other change to real property; or storage of materials, tanks, temporary structures, or equipment.

Development agreement shall mean an agreement between the City and one or more parties directly involved in a development project, and which may articulate special provisions or limitations applicable to the subject development. See section 3.9 of this Code.

Development order shall mean any order granting, denying, or granting with conditions an application for a development permit, as defined by F.S. 163.3164.

Development permit shall mean any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance or any other official action of the City having the effect of permitting the development of land, as defined by F.S. 163.3164.

Development plan shall mean a document, including all attachments and explanatory and supporting materials, largely presented in the form of maps and diagrams, describing the character and extent of a proposed development project.

Development Review Committee shall mean the group of staff members responsible for reviewing development applications and making findings of consistency between the submittals and City development regulations.

Development review fee shall mean and refer to the combination of the flat fee and the review deposit to be paid by an applicant.

Discharge and *discharge point* shall mean the outflow of water from a project, site aquifer, drainage basin or facility.

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

Drainage system and *natural drainage* shall mean surface streams or swamps which convey water to natural points of discharge.

Dredging shall mean excavation, by any means, in surface water or wetlands, as delineated in F.S. 373.421(1). It also means the excavation, or creation, of a water body which is, or is to be, connected to surface waters or wetlands, as delineated in F.S. 373.421(1), directly or via an excavated water body or a series of water bodies, as defined by F.S. 373.403.

Driveway shall mean an area of land which provides vehicular access from a street to the off-street parking space of a premises.

Driveway apron shall mean a portion of a driveway which immediately abuts the public or private right-of-way.

Due public notice or *public notice* shall mean notice given prior to a public hearing as required by this Code or by applicable provisions of State law, including, but not limited to, F.S. 166.041.

Dwelling shall mean one or more rooms in a building forming a separate and independent housekeeping establishment, arranged, designed or intended to be used or occupied by one household, and having no enclosed space or cooking or sanitary facilities in common with any other dwelling unit with no ingress or egress through any other dwelling unit, and containing permanent provisions for sleeping facilities, sanitary facilities and not more than one kitchen.

Dwelling, attached, shall mean a dwelling attached to another dwelling's foundation, wall or roof.

Dwelling, detached, shall mean a dwelling entirely surrounded by open space and not attached to another dwelling's foundation, wall or roof.

Dwelling, mobile home, shall mean a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred (300) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such terms shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act, provided by Congress in the original 1974 Manufactured Housing Act. In 1979 the term "mobile home" was changed to "manufactured home." For purposes of this Code, the terms mobile home and manufactured home are synonymous. When assembled, manufactured homes built after 1976 contain no less than 320 square feet. They may be single or multi-sectioned units when installed. Their designation as personalty or realty will be determined by State law. When determined to be realty, most are eligible for conventional mortgage financing.

Dwelling, model, shall mean any new dwelling temporarily used by the building/developer for the purpose of on-site sales, construction or security of the type of dwelling he is constructing only in the development in which it is located.

Dwelling, modular, shall mean a dwelling fabricated in a manufacturing facility and bearing a seal certifying it is constructed to standards as adopted under the authority of F.S. § 553.355 et seq., and rules adopted by the State Department of Business and Professional Regulation under F.A.C. 61-41 et seq. A modular dwelling unit shall be deemed a Single Family dwelling and shall not be deemed a Mobile Home Dwelling.

Dwelling, multifamily, shall mean a building containing four or more dwelling units, attached by a common wall, with the number of families in residence not exceeding the number of dwelling units provided. The term includes apartments and condominiums and does not include duplexes, triplexes, or townhomes,

Dwelling, single-family, shall mean a detached dwelling unit, other than a mobile home, sharing no walls with another dwelling unit.

Dwelling, two-family, shall mean a building containing two dwelling units attached by a common party wall or firewall. The term "duplex" is synonymous.

Dwelling, three-family, shall mean a building containing three dwellings units attached by a common party wall or firewall. The term "triplex" is synonymous.

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

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

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

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

Encroachment shall mean the advance or infringement of uses.

Engineer shall mean a professional engineer registered by the State and qualified to provide engineering services applicable to land development and construction.

Environmentally sensitive lands shall mean lands and/or associated waters which provide ecologically important or vital resources, particularly those ecological communities which are locally or regionally rare or threatened, or which provide habitat for wildlife species which are officially listed as endangered, threatened, or of special concern (also referred to as "critical habitat"). Examples of environmentally sensitive lands include, but are not limited to: wetlands; upland fringes of wetlands and shorelines; hardwood hammocks; and areas designated for the purpose of conserving or protecting natural resources of environmental quality.

EPA shall mean the United States Environmental Protection Agency.

Erected. See "Construction, start of."

Erosion shall mean:

- (1) The wearing away of the land by running water, wind or other geological agents, including such processes as gravitational creep;
- (2) Detachment and movement of soil or rock fragments by water, wind or gravity.

Erosion and sedimentation control plan shall mean a plan for the control of erosion and sedimentation resulting from a land disturbing activity.

Essential utility services shall mean publicly owned or regulated utility distribution systems for gas, water, sewer, telephone, television, radio or electricity of 230 kilovolts or less, including poles, wires, mains, drains, sewers, pipes, lift stations, conduits, cable towers, digital loop carriers, and antennas 70 feet or less in height, and other similar equipment and accessories which are necessary for furnishing of service by such public utilities, but not including electric power plants, substations, water tanks, gas transfer stations, and water and sewage treatment plants, buildings, and municipal water supply wells.

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

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before November 23, 1973. [Also defined in FBC, B, Section 1612.2.]

Existing construction shall mean for the purposes of floodplain management, structures for which "the start of construction" commenced before the date of the initial Flood Insurance Rate Map (FIRM). Existing construction means for the purposes of determining rates structures for which the "start of construction" commenced before the effective date of the first FIRM or before January 1, 1975, for FIRMs effective before that date. This term may also be referred to as "existing structures."

Existing manufactured home park or subdivision shall mean a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the effective date, (November 23, 1973, of the floodplain management regulations adopted by the community.

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

Expression line shall mean a horizontal line the full length of a façade expressed by material change or by a continuous projection such as molding or cornice not less than 2 inches or greater than 1-foot depth. Expression lines delineate the transition between the floor levels, creating a clear visual division between upper and lower floors.

FAA shall mean The Federal Aviation Administration.

F.A.C. shall mean The Florida Administrative Code.

Facade shall mean that portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

Family shall mean a household composed of one or more persons, as defined by F.A.C. 67-48.002

Family day care home shall mean, in accordance with F.S. § 402.302, an occupied residence in which childcare is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. Household children under 13 years of age, when on the premises of the family day care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include household children under 13 years of age:

- (1) A maximum of four children from birth to 12 months of age.
- (2) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.
- (3) A maximum of six preschool children if all are older than 12 months of age.
- (4) A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age.

Farm animal, animal raised for subsistence or profit or kept for use such as cattle, sheep, pigs, ducks, goats and poultry.

FCC shall mean The Federal Communications Commission.

FEMA shall mean the Federal Emergency Management Agency. The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

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

Fenestration shall mean the arrangement of windows and doors on a facade.

Filling shall mean the deposition, by any means, of materials in surface waters or wetlands as delineated in F.S. 373.421(1), as defined by F.S. 373.403.

Final site plan shall mean the plan required by Sec. 3.23, in order to obtain a development order or permit which demonstrates the manner in which the developer shall conform with the requirements of this Code.

Final site plan, minor, shall mean the plan required by Sec. 3.24 which meets the definition of "Minor site improvement", in order to obtain a development order or permit which demonstrates the manner in which the developer shall conform with the requirements of this Code.

Final Plat shall mean the final tracing, map, or site plan presented by an applicant for final approval by the City Council, and is submitted to the Volusia County Clerk of the Circuit Court for recording.

Financial institutions shall mean an establishment for the custody, loan, exchange or issue of money for extension of credit and for facilitating the transmission of funds. The terms "bank," "savings and loan," "loan company" and "credit union" are synonymous.

Findings of fact shall mean a determination by the City Council or Special Magistrate supported by competent substantial evidence in the record.

Finished grade shall mean the complete surface of lawns, walks or driveways brought to the grade shown on any approved building plans.

Fireworks sales shall mean the on-site wholesale or retail sale of any combustible or explosive composition or substance or combination of substances or, except as provided by State Statutes, any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation. The term includes blank cartridges and toy cannons in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, roman candles, dago bombs, and any fireworks containing any explosives or flammable compound or any tablets or other device containing any explosive substance, as defined by F.S. 791.01(4)(a).

Pursuant to F.S. 791.01(4)(b), the term does not include sparklers approved by the Division of the State Fire Marshal of the Department of Financial Services pursuant to F.S. 791.013; toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper caps which contain less than twenty hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times.

Pursuant to F.S. 791.01(4)(c), the term also does not include the following novelties and trick noisemakers:

- (1) A snake or glow worm, which is a pressed pellet of not more than 10 grams of pyrotechnic composition that produces a large, snakelike ash which expands in length as the pellet burns and that does not contain mercuric thiocyanate;
- (2) A smoke device, which is a tube or sphere containing not more than 10 grams of pyrotechnic composition that, upon burning, produces white or colored smoke as the primary effect; and
- (3) A trick noisemaker, which is a device that produces a small report intended to surprise the user and which includes:
 - a. A party popper, which is a small plastic or paper device containing not more than 16 milligrams of explosive composition that is friction sensitive, which is ignited by pulling a string protruding from the device, and which expels a paper streamer and produces a small report;
 - b. A booby trap, which is a small tube with a string protruding from both ends containing not more than 16 milligrams of explosive compound, which is ignited by pulling the ends of the string, and which produces a small report;
 - c. A snapper, which is a small, paper-wrapped device containing not more than 4 milligrams of explosive composition coated on small bits of sand, and which, when dropped, explodes, producing a small report; A snapper may not contain more than 250 milligrams of total sand and explosive composition;
 - d. A trick match, which is a kitchen or book match which is coated with not more than 16 milligrams of explosive or pyrotechnic composition and which, upon ignition, produces a small report or shower of sparks;

- e. A cigarette load, which is a small wooden peg that has been coated with not more than 16 milligrams of explosive composition and which produces, upon ignition of a cigarette containing one of the pegs, a small report; and
- f. An auto burglar alarm, which is a tube which contains not more than 10 grams of pyrotechnic composition that produces a loud whistle or smoke when ignited and which is ignited by use of a squib. A small quantity of explosive, not exceeding 50 milligrams, may also be used to produce a small report.

Fixture shall mean the device that holds, protects, and provides the optical system and power connections for a lamp.

Flag shall mean a piece of fabric of distinctive design, color or pattern that is used as a symbol of some country, state, county, city, political party, organization or other entity.

Flood or *flooding* shall mean a general and temporary condition of partial or complete inundation of normally dry land from, as defined by the Florida Building Code:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation of surface water runoff from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair, as defined by the Florida Building Code.

Flood hazard area. The greater of the following two areas, as defined by the Florida Building Code:

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

Flood hazard boundary map (FHBM) shall mean the map issued by Federal Insurance Administrator of FEMA, delineating Zones A, M, and E within a community, as per C.F.R. Title 44, Part 64.

Flood insurance rate map (FIRM) shall mean an official map of a community on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the community, as defined by the Florida Building Code.

Flood insurance study (FIS) shall mean the official report provided by FEMA containing the Flood Insurance Rate Map (FIRM), the Flood Boundary and Floodway Map (FBFM), the water surface elevation of the base flood and supporting technical data, as defined by the Florida Building Code.

Flood plain or flood-prone area shall mean any land area susceptible to being inundated by water from any source, as defined by C.F.R. Title 44, Part 59. See definition of "Flooding."

Floodplain administrator shall mean the individual appointed to administer and enforce the floodplain management regulations of the community.

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

Floodplain management shall mean the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations shall mean this Code and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power which control development in floodprone areas. This term describes Federal, State, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing shall mean the modification of individual structures and facilities, their sites, and their contents to protect against structural failure, to keep water out, or to reduce effects of water entry, as per C.F.R. Title 44, Part 9.

Floodway shall mean the channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height, as defined by the Florida Building Code.

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

Floor shall mean the top surface of an enclosed area in a building (including basement, garage), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

Floor area, gross shall mean, as defined by the Florida Building Code, the floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns, or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

Floor area, net shall mean, as defined by the Florida Building Code the actual occupied area not including unoccupied accessory areas such as corridors, stairways, ramps, toilet rooms, mechanical rooms and closets

Floor area ratio (FAR) shall mean the floor area of a building or buildings on a lot divided by the lot area.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Florida friendly landscaping. Describes landscaping practices, which includes nine guiding principles that help to preserve Florida's natural resources and protect the environment as defined by F.S. 373.185 (www.swfwmd.state.fl.us/yards/ or www.floridayards.org/), as well as being maintained in accordance with this Code and the City's Code of Ordinances.

Frontage see "Frontage, Street" definition.

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

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

Frontage street facade shall mean that portion of the facade which is visible from any street. Only one street facade shall be designated as frontage street facade.

Full circulation parking lot shall mean a parking lot design which permits a car entering a parking lot to circulate in front of all parking stalls and restart the same movement again without using the public right-of-way.

Full cutoff. A luminaire light distribution where zero candela intensity occurs at or above an angle of 90 above nadir. Additionally, the candela per 1,000 lamp lumens does not numerically exceed 10 (ten percent) at or above a vertical angle of 80 above nadir. This applies to all lateral angles around the luminaire.

Fully-shielded light fixture. A lighting fixture constructed in such a manner that the light source is not visible when viewed from the side and all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

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

Gallery shall mean a covered and pedestrian oriented space often along the ground-floor of a building or surrounding an open space.

Garage sales shall mean the sale of household goods and personal property of the occupant of the premises; providing that no more than two such sales are held during any calendar year and that such sales are limited to a duration of three days.

General office shall mean a premises on which the administrative, managerial services of a business, person, government, an architect, engineer, attorney, accountant and consultant services are carried out in a room, a series of rooms or in a building solely devoted to such use.

General retail uses include art galleries, art, dance, modeling and music schools and gymnastics, retail paints and wallpaper stores, retail sales and services, florist and gift shops, luggage shop, retail sales and services, pet grooming, pet stores, book and stationery stores, hardware stores, hobby and craft stores, jewelry stores, outdoor display of retail merchandise (refer to Chapter 4, confectioners, and ice cream shops (including preparation of products for sale on the premises), bakeries (including preparation of products for sale on the premises) - excluding sales or rental of automobiles, motorcycles, trucks, motor homes, or travel trailers, automobile driving schools, boat or mobile home sales and services.

Glazing. The panes or sheets of glass or other non-glass material made to be set in frames, as in windows or doors.

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

Grade (of a building) shall mean when the curb level has been established, grade is the main elevation of the curb level opposite walls located on or parallel with and within 15 feet of the right-of-way line. When the curb level has not been established or all walls of a building are more than 15 feet from street lines, grade means the average of the finished ground level at the center of all walls of a building.

Green space. A naturalistic, open space that is small and civic in nature and is surrounded by buildings. Greens feature informal planting, often around a sunny central lawn.

Green building. The practice of increasing the efficiency with which buildings and their sites use and harvest energy, water and materials through better siting, design, construction, operation, maintenance and removal, therefore reducing building impacts on human health and the environment.

Groundwater shall mean water beneath the surface of the ground, whether or not flowing through known and definite channels, as defined by F.S. 373.019.

Group home facility shall mean, as defined by F.S. 393.063, a residential facility licensed under F.S. Chapter 393 which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such a facility shall be at least 4 but not more than 15 residents.

Half street shall mean a street bordering one or more property lines of a tract of land in which the developer has dedicated part (or half) of the ultimate right-of-way width.

Hardscape shall mean any permanent nonliving site improvements, including but not limited to pavement, curbing, wheel stops, steps, walls, fences, fountains, sculpture, railings, lighting, irrigation fixtures, and other similar fixtures usually consisting of poured concrete, concrete pavers and/or brick.

Hardship shall mean, as related to variances from this Code, the exceptional hardship associated with the land that would result from a failure to grant the requested variance. The community requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Hatracking shall mean the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove more than approximately one-third of the normal canopy and disfigure the tree.

Hazardous substances shall mean those materials specified in section 9.40 of this Code.

Hazardous waste transporter facility shall mean a premises used by a person engaged in the offsite transportation of hazardous waste by air, rail, highway, or water. Said facility means any transportation-related complex, including loading docks, parking areas, or storage areas where shipments of hazardous waste are held during the normal course of transportation.

Height within one (1) mile, as used in F.S. 166.04151, shall mean one (1) mile as can be traveled by human beings along the public streets of the City within the normal permitted lanes of travel from the center point of the proposed development site and shall not mean a straight line distance as a bird might be able to travel.

Helipads shall mean a designated landing area used primarily for the operation and basing of rotorcraft.

Highest adjacent grade shall mean the highest natural elevation of the ground surface, prior to start of construction, next to the proposed walls of a structure.

Historic structure shall mean any structure that is:

- (1) Listed individually in the National Register of Historic Places, a listing maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on the State inventory of historic places, which has been approved by the Secretary of the Interior.
- (4) Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings.

Hobby breeder shall mean a use allowing for the shelter, breeding or training of dogs or cats belonging to the resident of the premises and which has been licensed as a hobby breeder by the County animal control board.

Homeowners' association shall mean, as defined by F.S. 720.301, a Florida corporation responsible for the operation of a community or a mobile home subdivision in which the voting membership is made up of parcel owners or their agents, or a combination thereof, and in which membership is a mandatory condition of parcel ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on the parcel. This term does not include a community development district or other similar special taxing district.

Hospital shall mean premises with overnight facilities providing medical or surgical care of sick or injured persons.

Hospital, animal, shall mean premises with overnight facilities for the medical or surgical care of sick or injured animals. It may also include a crematory and/or pet cemetery.

Hotel/motel shall mean premises in which sleeping accommodations are offered for rental primarily to transients. It is synonymous with "motel," "boatel," and "tourist homes or cabins."

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

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

Hydrograph shall mean a graph of discharge versus time for a selected outfall point.

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

Hydroperiod shall mean a measure of the time (usually in days per year) that water is at or above the solid surface under normal hydrologic conditions.

Impervious surface area shall mean an area covered by a material which limits or impedes infiltration or percolation of water into the ground, such as concrete pavers and asphalt, etc. It is calculated by dividing the total area of all impervious surfaces by the total lot area.

Impervious surface ratio (ISR) shall mean the total area of all impervious surfaces divided by the total lot area.

Indirectly illuminating shall mean illumination as a result of the glowing elements, lamps, globes, or reflectors of an artificial light source which is not visible to a person who is in a standing position on the ground.

Industrial, medium shall mean an establishment whose principal purpose is the manufacturing, assembling, compounding, processing, packing, baling, repairing, storing or distribution of products made from previously prepared basic materials. Typical uses include bottling and distribution plants, cold storage and frozen food lockers, feed and seed processing and storage, and machinery and machine shops. Other uses include blood and/or plasma banks which offer compensation, industrial vocational schools, and outdoor storage (including vehicle storage) as a principal use.

Industrial, light shall mean an establishment whose principal purpose is the assembling, repairing, storing or distribution of products made from previously prepared basic materials. Typical activities include woodworking, welding and soldering, small engine repair, sign manufacturing, printing and publishing, and testing materials, equipment or products. Other facilities covered under this category may include building materials or equipment sales and storage, contractors' offices that include equipment storage, wholesale retail nurseries, plumbing supply, wholesale and distribution, and warehouses.

Intervisible shall mean mutually visible, or in sight, the one from the other, as stations.

Isolated wetlands shall mean wetlands that have no hydrological or vegetative connections with "waters of the state," as defined in F.S. § 403.031.

Joint use driveway. A driveway connecting two or more contiguous sites to the public/private street systems.

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

kennel shall mean premises other than hobby breeders, where five or more domesticated house pets over 180 days of age or five or more class II wildlife over 180 days of age, as listed in F.A.C. 68A-6.002, are harbored, whether for profit or for personal use.

Kitchen shall mean any room in a building which is used, intended, or designed to be used for cooking or preparation of food, containing an oven, stove, refrigerator, and sink.

Lamp shall mean the source of light within a luminaire.

Land shall mean the earth, water, air above, below or on the surface, and includes any vegetation, improvements or structures customarily regarded as land. Land is intended to refer to water, marsh or swamp as well as to the solid surface of the earth. Land may also be referred to as "gross land area" or "gross acre of land."

Landfill shall mean a solid waste land disposal area for which a permit, other than a general permit, is required by F.S. § 403.707 and which receives solid waste for disposal in or upon land. The term does not include a land-spreading site, an injection well, a surface impoundment, or a facility for the disposal of construction and demolition debris

Landscape and landscape area shall mean a planting area permanently devoted for non-vehicular use and maintained to the growing of shrubbery, grass, and other plant material or by the use of such materials as crushed stone, lava rock, or similar materials.

Landscape architect shall mean a professional landscape architect registered by the State and qualified to provide landscape design services applicable to land development.

Laundry and dry cleaning establishment shall mean a business where dry cleaning, laundering, cleaning or pressing of articles or goods of fabric is undertaken.

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

- *Letter of Map Amendment (LOMA).* An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area, as prescribed by C.F.R. Title 44, Part 70. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- *Letter of Map Revision (LOMR).* As defined by C.F.R. Title 44, Part 72, FEMA's modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM or FBFM, and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.
- *Letter of Map Revision Based on Fill (LOMR-F).* As defined by C.F.R. Title 44, Part 72, FEMA's comment on a proposed project that would, upon construction, result in a modification of the SFHA through the placement of fill outside the existing regulatory floodway
- *Conditional Letter of Map Revision (CLOMR).* As defined by C.F.R. Title 44, Part 72, FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the Special Flood Hazard Area (SFHA).

Level of service shall mean an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility, as defined by F.S. 163.3164. Level of service shall indicate the capacity per unit of demand for each public facility.

Light fixture. The complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket); a light fixture.

Liner building. A liner building is a specialized building, parallel to the street, which is designed to conceal an area such as a parking lot or loading dock. Liner buildings may include commercial, office or residential uses.

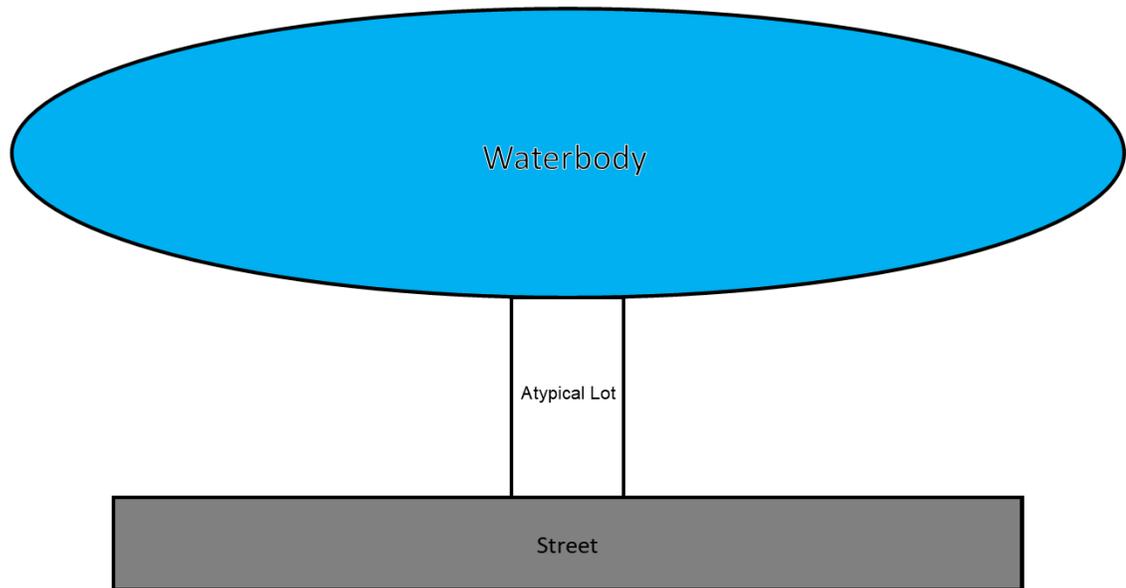
Live/work unit shall mean a dwelling unit used for both residential and non-residential use permitted in the zoning classification in which the unit is located.

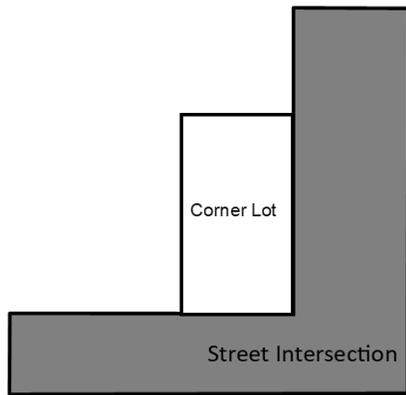
Livestock shall mean grazing animals such as cattle, horses, sheep, swine, goats, other hooved animals, ostriches, emus, and rheas which are raised for private use or commercial purposes, as defined by F.S. 585.01.

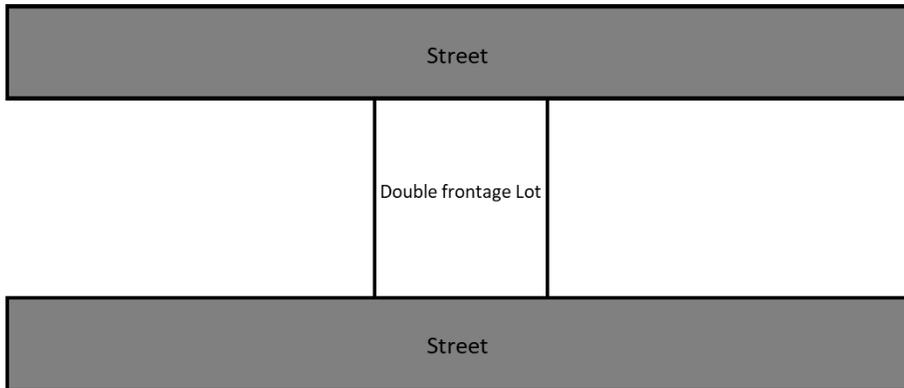
Lot shall mean a tract or parcel and means the least fractional part of subdivided lands having limited fixed boundaries and an assigned number, letter, or other name through which it may be identified, as defined by F.S. 177.031.

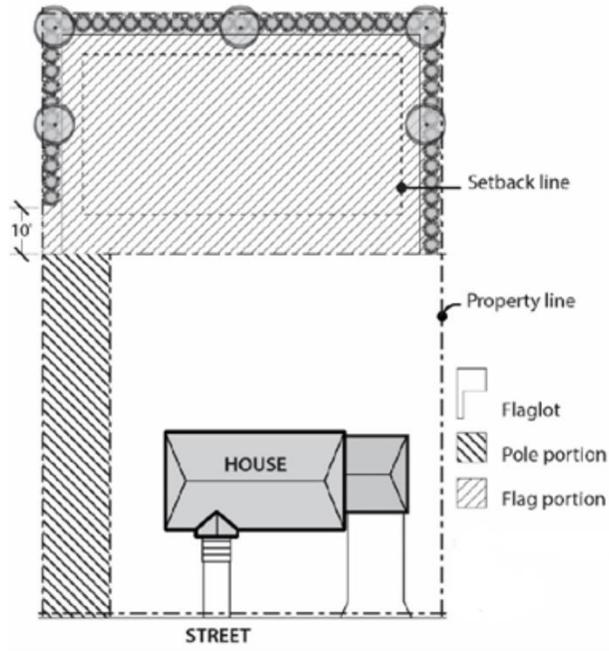
- (1) *Atypical lot* shall mean a lot within a subdivision where, as a result of subdivision design, the lot abuts a street at one end and any of the following at the opposite end: a waterway or body of water, either of which is 100 feet or more in width; a golf course fairway or green; or an open space which by itself, or when combined with other open space areas within the same subdivision, comprises at least 15 percent of the total land area in the subdivision, and in which an undivided interest is conveyed with each lot.
- (2) *Corner lot* shall mean a lot located at the intersection of two or more streets, or curved street, at an angle of less than 135 degrees.
- (3) *Flag lot* shall mean a lot that has access to the road provided along a long narrow strip of land which resembles a flag on a pole and does not meet the minimum lot width along a right-of-way.
- (4) *Interior lot* shall mean a lot bounded on at least two sides by other lots and which is not a corner lot. Interior lots are defined as lots with only one frontage on a street.
- (5) *Through lot or double frontage lot* shall mean an interior lot which has lot lines along two substantially parallel streets. Through lots are defined as lots other than corner lots with frontage on more than one street. Through lots abutting two streets may also be referred to as double-frontage lots.

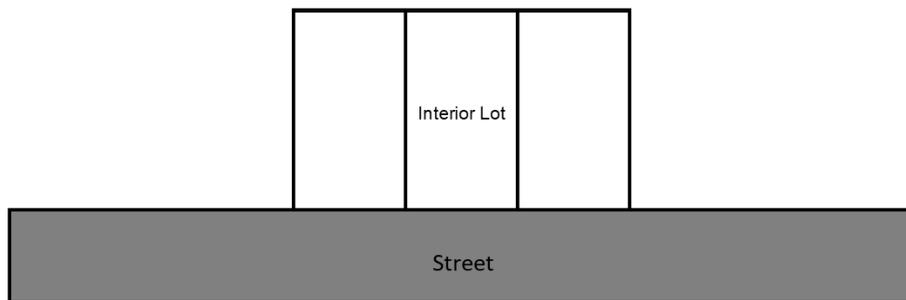
Please see below illustration:











Lot coverage shall mean the percentage of the lot that may be covered by principal and accessory roofed/canopied structures and is calculated by dividing the total of building footprint area by the total lot area. Does not include parking or other paved surfaces.

Lot depth shall mean the horizontal distance for the midpoint of the front-lot line to the midpoint of the rear-lot line, or to the rear most point of the lot where there is no rear-lot line.

Lot line, front, shall mean the property line abutting any street right-of-way.

Lot line, rear, shall mean the property line most distant from and most nearly parallel to the front lot line, with the exception that, on corner lots, the property line most distant from and parallel to the front lot lines shall be considered side lot lines.

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

Lot lines shall mean the perimeter property lines around the lot.

Lot width shall mean the horizontal distance between the side lot lines measured along the front building setback line.

Lowest floor, as defined by the Florida Building Code, shall mean the lowest floor of the lowest enclosed area, including basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access or limited storage, provided that such enclosure is not built so as to render the structure in violation of Section 1612 of the Florida Building Code.

Luminaire shall mean a complete unit that artificially produces and distributes light. An artificial light source, including fixture, ballast, mounting, and lamp.

Manufactured home, as defined by F.S. 679.1021, shall mean a structure, transportable in one or more sections, which is in the traveling mode, is eight (8) body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of F.S. 679.1021(1)(aaa) except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code. "Manufactured home" does not include a "recreational vehicle" or "park trailer."

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

Manufacturing shall mean the mechanical, physical, or chemical transformation of materials, substances, or components into new products, as defined in the North American Industry Classification System (NAICS).

Marina shall mean a licensed commercial facility that provides secured public moorings or dry storage for vessels on a leased basis, as defined by F.S. 327.02. A commercial establishment authorized by a licensed vessel manufacturer as a dealership is considered a marina for non-judicial purposes.

Market value shall mean the price at which a property between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value can be established by a qualified independent appraisal (other than a limited or curbside appraisal, or one based on income approach), actual cash value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Volusia County Property Appraiser.

Marquee shall mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building.

Mean high water shall mean the average height of the high waters over a 19-year period. For shorter periods of observation, "mean high water" means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value, as defined by F.S. 177.27.

Mean sea level shall mean a tidal datum constituting the arithmetic mean of the hourly water elevations observed over a 19-year cycle (the National Tidal Datum Epoch), as defined by F.A.C. 18-20.003.

Medical office shall mean outpatient premises where patients are admitted for examination and treatment by one or more persons practicing any form of the human healing arts, whether they are medical doctors, dentists, chiropractors, osteopaths, chiropodists, optometrists, or any similar professional licensed by the State. Does not include pain management clinics as defined herein.

Mezzanine shall mean a floor that is built between two main floors, but covering a specific area rather than extending over the entire floor space.

Micro-irrigation systems shall mean irrigation systems that efficiently irrigate plant materials with maximum distribution of water to the plant root zone at a rate consistent with the water requirements of the plants being irrigated and with minimal loss of water by evaporation by using specialized underground emitters or pipes and low trajectory spray heads.

Micro wireless facility. A small wireless facility having dimensions no larger than 24 inches in length, 15 inches in width, and 12 inches in height and an exterior antenna, if any, no longer than 11 inches.

Minor site improvement shall mean an improvement to an existing developed site that:

- (1) Increases the existing FAR by no more than 10% or 1,000 square feet, whichever is greater;
- (2) Increases the existing ISR by no more 10% or 1,000 square feet, whichever is greater;
- (3) Does not increase the height of the existing structure(s);
- (4) May replace, add, or remove landscaping;
- (5) May replace, add, or remove signage;
- (6) May replace, add, or remove fencing; or

(7) May modify up to 10% of the building façade.

Mitigation (wetlands) shall mean actions including, but not limited to, restoration, enhancement, or creation of wetlands, required to offset environmental impacts of permitted activities.

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

Mixed-use building. Multiple functions within the same building through superimposition or adjacency, or in multiple buildings within the same area by adjacency. This may include, but is not limited to, a combination of residential, commercial, light manufacturing, office, and/or civic land uses.

Mixed-use residential. As used in F.S. 166.04151(7)(a) and (f), shall mean a residential use combined with a permitted B-2 or B-4 use as set forth in this Code with no more than 65% of the total square footage of the structure for residential purposes. A mixed use residential building located within the B-2 zoning classification shall only permit B-2 uses, as set forth in Chapter 4, to be located on the ground floor of each building. A mixed-use residential building located within the B-4, B-5, B-6, B-7, or I-1 zoning classifications shall only permit B-4 commercial retail uses as set forth in Sec. 4.7, excluding drive-through uses or facilities to be located on ground floor.

Mobile food dispensing vehicle means any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal, or as such vehicle may be from time to time defined in F.S. 509.102.

Mobile home dwelling shall mean a residential structure, transportable in one or more sections, which is 8 body feet or more in width, over 35 body feet in length with the hitch, built on an integral chassis, designed to be used as a dwelling when connected to the required utilities, and not originally sold as a recreational vehicle, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

Mobile home park shall mean a use of land in which lots or spaces are offered for rent or lease for the placement of mobile homes and in which the primary use of the park is residential.

Mobile home space or lot shall mean a lot described by a park owner pursuant to the requirements of s. 723.012, or in a disclosure statement pursuant to F.S. 723.013, as a lot intended for the placement of a mobile home

Mobile home subdivision shall mean a subdivision of mobile homes where individual lots are owned by owners and where a portion of the subdivision or the amenities exclusively serving the subdivision are retained by the subdivision developer.

Mobile recreational shelters and vehicles shall mean portable shelters and vehicles, designed for travel or recreational purposes, which are not more than 8½ feet wide. The term includes the following:

- (1) *Tent, tent camper or camping trailer* shall mean a portable shelter usually fabricated of canvas or other water-repellant and fire-resistant material. The shelter may be designed to collapse for independent storage or may be designed to fold out from a special trailer body towed behind a motor vehicle.
- (2) *Truck camper* shall mean a portable unit designed to be loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping, or travel use.
- (3) *Travel trailer* shall mean a vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use. It has a body width of no more than 8½ feet and an overall body length of no more than 40 feet when factory-equipped for the road.
- (4) *Motor home* shall mean a vehicular unit which does not exceed 40 feet in length and the height and the width limitations provided in F.S. 316.515, is a self-propelled motor vehicle and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.
- (5) *Pickup cover* shall mean a portable enclosure placed on the bed of a pickup truck, usually lacking any self-containment features, and primarily providing simple sleeping arrangements.

- (6) *Private motor coach* shall mean a vehicular unit which does not exceed the length, width, and height limitations provided in F.S. 316.515(9), is built on a self-propelled bus type chassis having no fewer than three load-bearing axles, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.
- (7) *Fifth-wheel trailer* shall mean a vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require a special highway movement permit, of gross trailer area not to exceed 400 square feet in the setup mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.
- (8) *Recreational vehicle* shall mean a vehicle which is:
- a. Built on a single chassis;
 - b. Four hundred square feet or less when measured at the largest horizontal projection;
 - c. Designated to be self-propelled or permanently towable by a light-duty truck; and
 - d. Designated primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Mowing shall mean to cut grass, weeds, and other non-protected vegetation which falls below a two-inch caliper with a machine designed to remove such material without disturbing the soil and plant roots.

National Geodetic Vertical Datum (NGVD) shall mean as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

NAVD88 shall mean North American Vertical Datum of 1988.

New construction shall mean, for floodplain management purposes, any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management code, ordinance, or standard, based upon specific technical base flood elevation data that establishes the area of special flood hazard, December 31, 1974, per FEMA. The term also includes any subsequent improvements to such structures. For flood insurance rates, the term "new construction" shall mean structures for which the start of construction commenced on or after December 31, 1974 or after November 23, 1973, and includes any subsequent improvements to such structures, per FEMA.

New manufactured home park or subdivision shall mean a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management code, ordinance or standard (on or after November 23, 1973.).

Nightclubs. See "Club, night."

Nonconforming Building or Structure shall mean any structure lawfully established prior to and existing on the effective date of this Code, or any amendment hereto, which does not conform to the requirements of this Code for the zoning classification in which it is located, including any applicable overlay districts.

Nonconforming lots shall mean an area of land which either complied with or was exempt from the City subdivision regulations on the effective date of the ordinance from which this Code is derived, but which does not meet the minimum area, depth and/or width requirements of its zoning classifications.

Nonconforming Use shall mean any use lawfully existing at the time of adoption of this Code, or any subsequent amendment thereto, which does not conform to one or more provisions of this Code, including an existing use permissible as a special exception use but which has not been so specifically authorized.

Nursing home facility shall mean, as defined by F.S. 400.021, any facility which provides nursing services as defined in Part I of Chapter 464 of the Florida Statutes and which is licensed according to Part II of Chapter 400 of the same.

Off-street loading area or space shall mean an off-street loading area provided off the public right-of-way for the temporary parking of vehicles which pick up, deliver, load or unload goods, supplies and merchandise.

Off-street parking area or space shall mean a permanently located off-street space for the temporary parking of vehicles.

On-site internet or computer access. Establishments offering on-site internet or computer access, or phone card sales, the primary activity or business of which is the sale of internet, computer or phone access or time for compensation or value whether for profit or not.

Opaque wall. A wall that is not see-through, non-transparent.

Open space shall mean that portion of a project not used for buildings, street rights-of-way or off-street parking and loading areas or other impervious surfaces (not including recreational facilities). Open space is intended to perform one or all of the following purposes:

- (1) Protection of natural resources (uplands, wildlife habitats and groundwater recharge areas) and areas unsuitable for development due to natural conditions (wetlands, floodplain and poor soils);
- (2) Recreation; and
- (3) Enhancement of the urban environment (buffer areas, landscaped areas, plazas and courtyards).

Outdoor display of retail merchandise shall mean the display of merchandise or goods available for purchase consisting of a small sample of merchandise or decorative items placed outdoors adjacent to the responsible business. The outdoor display is intended to allow retailers to attract the public by offering a sample of the products available inside.

Outdoor sales shall mean retail sales from other than an approved store, shop, or similar building. The term "outdoor sales" shall not include garage sales, as defined in this section.

Outdoor storage shall mean the use of any lot for the outdoor storage of vehicles, goods, inventory, commodities or equipment. This term shall not include salvage or junk yards and does not include "Outdoor display."

Outside TOD Core. Properties between approximately one-fourth mile and one-half mile of the DeBary Commuter Rail Station.

Out-parcel shall mean a parcel of land or lot separated or separable from a development.

Outstanding Florida Waters (OFW) shall mean waters designated by the Environmental Regulation Commission as worthy of special protection because of their natural attributes as defined in F.A.C. 62-302.200.

Overlay District shall mean an area where certain additional requirements are superimposed upon a base zoning classification or underlying district and where the requirements of the base or underlying district may or may not be altered.

Owner shall mean any person, group of persons, firm or firms, joint venture, corporation or corporations, or any other legal entity having legal title to the land sought to be developed under this Code. It also refers to an owner or group of owners of fee simple title to a particular lot, tract, or parcel of real property.

Owner occupied shall mean a dwelling occupied by the owner of record, holding a valid certificate of occupancy.

Owner's authorized agent shall mean and refer to an agent of the owner duly authorized to submit and process an application. If the applicant is not the property owner, a written authorization must accompany the application.

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

Pain management clinic shall mean, as defined by F.S. 458.3265, any publicly or privately owned facility that advertises in any medium for any type of pain-management services; or where in any month a majority of patients are prescribed opioids, benzodiazepines, barbiturates, or carisoprodol for the treatment of chronic nonmalignant pain and is required to register with the Florida Department of Health.

Parapet shall mean that portion of the facade which extends above the roofline.

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

Park trailer shall mean, as defined by F.S. 320.01, a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when

measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior to the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions.

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

Parking stall shall mean the space that is necessary to park a vehicle, excluding aisles and driveways.

Partial circulation parking lot shall mean a parking lot design which permits a vehicle entering a parking lot to circulate in front of all parking stalls without using the public right-of-way.

Pawnshop shall mean the location at which a pawnbroker, as defined by F.S. 539.001, conducts business.

Pedestrian-oriented business or use. A business or use which is commonly accessed by pedestrians from the street sidewalk and has a high customer use rate.

Penthouse shall mean an enclosed, unoccupied rooftop structure used for sheltering mechanical and electrical equipment, tanks, elevators, and related machinery, and vertical shaft openings, as defined by the Florida Building Code.

Person shall mean any individual, group of persons, firm, corporation, association, or entity.

Person, aggrieved, shall mean one whose legal right is invaded by a decision complained of, or whose pecuniary interest is directly affected by a decision. The person's interest must be specific and personal, not common to all members of the community. When the decision affects any public recreation area, however, the phrase shall include any user of that area.

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

Pet shall mean an animal that is kept by humans for companionship and enjoyment such as dogs, cats, fish, hamsters and birds but does not include horses, ponies, chickens, roosters, pigs or other livestock and farm animals.

Planned unit development (PUD) shall mean a special zoning classification for a specific tract of land under unified ownership, to be planned and developed according to the development agreement and/or master development plan specified in this Code, as agreed upon between the City and the property owner.

Plant list shall mean the City's list of trees and vegetation identifying species and specifications approved for planting to comply with the City landscape requirements

Plat shall mean a map or delineated representation of the subdivision of lands in accordance with the requirements of F.S. Chapter 177.

Platted land shall mean any land which can be referenced to a plat.

Pollarding. See "hatracking".

Portable shelter shall mean a temporary movable device with no solid roof, consisting of a rigid plastic, fiberglass or metal frame supporting an attached tarpaulin weather barrier, which is capable of being easily assembled from a commercially available kit or bundle of prefabricated parts.

Potable water or potable water facilities shall mean water that is satisfactory for human consumption, dermal contact, culinary purposes, or dishwashing as approved by the Department of Health, including the County health department, as defined by F.S. 381.0062. The water meets the criteria of F.A.C. 62-550.

Potable water supply well shall mean a well that is used as a source of water for drinking, culinary, or domestic purposes, as defined by F.A.C. 62-610.200.

Pre-application meeting shall mean a meeting held prior to the submittal of an application, pursuant to the submittal of a formal request for a pre-application meeting on a City supplied pre-application form, which must be signed by the City Manager, Growth Management Director, or City Engineer. The purpose of this meeting shall be to provide an opportunity for exchange of information between prospective applicants and/or their authorized representative(s). The applicant shall be advised of the standards operating procedures and requirements.

Preliminary plat and construction plan shall mean a map or delineated representation of the subdivision of lands that is a complete and exact representation of the subdivision or planned community and contains any additional information as required by this Code.

Premises shall mean a distinct unit or parcel of land and all buildings, structures, or other appurtenances thereof including the appurtenances thereon.

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

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

Principal building/structure. A building in which the principal use of the lot is conducted.

Principal entrance. The place of ingress and egress facing the principal street.

Principal street. In this document, the principal street of a lot or site is the street with the highest priority/level of transit service that is adjacent to the lot or site.

Principal use shall mean the primary purpose or function served or provided.

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

Professional office shall mean an office where professional services are provided, excluding medical offices.

Project shall mean the particular structures and improvements proposed by the applicant on a particular land area which are part of a common plan of development and may include the subdivision of land. Any area of land that is planned, designed and developed in an integral and unified arrangement. It includes all structures, improvements and equipment of every kind, nature or description incident to the development.

Protective barrier shall mean conspicuously colored fences or like structures, constructed of sturdy materials that are at least four feet in height, which prevent or obstruct passage.

Prune shall mean to cut away, remove, cut off or cut back parts of a tree or plant for the purpose of promoting healthy growth and shape without damaging the plant.

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

Public property shall mean all real and personal property, including leasehold rights owned by the federal, State or local governments, including all political subdivisions, authorities, or other entities to which the rights, powers and privileges of the federal, State and local government have been delegated.

Public safety and nuisance shall mean anything which is injurious to safety or health of the entire community or a neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Public schools Interlocal agreement shall mean and refer to an agreement entered into by the school board and the City that recognizes the school board's process for determining the availability of school capacity and the roles and responsibilities of the respective parties in determining and resolving school capacity issues and the process for creating capacity enhancement agreements, pursuant to F.S. 163.31777.

Public space. The area between the curb of the vehicular lanes and the front lot line. Elements of the public frontage include the type of curb, walk, planter, street tree and streetlight

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

Public utility shall mean, as defined by F.S. 366.02, every person, corporation, partnership, association, or other legal entity and their lessees, trustees, or receivers supplying electricity or gas (natural, manufactured, or similar gaseous substance) to or for the public within this State; but the term "public utility" does not include either a cooperative now or hereafter organized and existing under the Rural Electric Cooperative Law of the State; a municipality or any agency thereof; any dependent or independent special natural gas district; any natural gas transmission pipeline company making only

sales or transportation delivery of natural gas at wholesale and to direct industrial consumers; any entity selling or arranging for sales of natural gas which neither owns nor operates natural gas transmission or distribution facilities within the State; or a person supplying liquefied petroleum gas, in either liquid or gaseous form, irrespective of the method of distribution or delivery, or owning or operating facilities beyond the outlet of a meter through which natural gas is supplied for compression and delivery into motor vehicle fuel tanks or other transportation containers, unless such person also supplies electricity or manufactured or natural gas.

Public utility uses and structures shall mean publicly owned or regulated electric power plants, substations, water tanks, gas transfer stations, water and sewage treatment plants and other buildings and uses not defined as "essential utility services."

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

Quasi-judicial action shall mean a public hearing by the City Council, in accordance with City Resolution # 2015-21 where due public notice of the hearing has been performed and an opportunity to be heard and to present evidence is afforded to affected parties, and the decision of the City Council is based on competent substantial evidence present in the record.

Rebuttable presumption shall mean a presumption which may be rebutted by evidence.

Recharge shall mean a process, natural or artificial, by which water is added to the saturated zone of an aquifer, as defined by C.F.R. Title 40, Sec. 149.2.

Recovered wastewater (reclaimed water) shall mean water that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility, as defined by F.S. 373.019.

Recreation, active/outdoor shall include private recreation areas designed for vigorous activities conducted outdoors such as, but not limited to, amusement parks, sports and athletic facilities (e.g. tennis, basketball, racquetball, driving ranges), miniature golf, go-cart tracks, water slides, and similar activities. The term shall not include golf courses or outdoor shooting ranges.

Recreation facilities, indoor shall include enclosed public or private facilities containing amusement, entertainment, and/or recreational activities, such as theaters, bowling alleys, coin operated amusement, pool halls, dance halls, exercise studios, physical fitness studios (gym), health spa, martial arts schools, and indoor sports facilities, such as tennis courts, handball courts, and swimming pools. The term shall not include indoor shooting ranges.

Recreation, passive A public or private recreation area designed for and suitable for light activity and relaxation, including, but not limited to, sitting areas, walking trails, picnic pavilions, bicycle trails, playgrounds, botanical gardens, bird sanctuaries, nature trails and similar activities.

Recreational facilities, private shall mean privately owned and operated facilities providing recreation and sport uses such as golf courses, country clubs, swim clubs, tennis clubs, and the like. Private recreational facilities are generally sustained through the sales of memberships, but may be open to the general public for a fee.

Recreational facilities, public shall mean publicly owned improvements or artificially installed accessories which facilitate the use of an area or a resource for recreation. Facilities are divided into two categories:

- (1) *Primary facilities* are those that are essential or extremely desirable for conducting a particular recreational activity, such as launching ramps for boating, trails for cycling, roads for access to areas, etc.;
- (2) *Secondary facilities* are those that are desirable as a further enhancement of the recreational experience but are still dispensable, such as outdoor grills for picnicking and camping, docks for boating, etc.

Redevelopment shall mean substantial alterations or additions to an existing structure or otherwise developed property affecting 50 percent or more of the market value.

Regulatory floodway shall mean the area regulated by federal, state or local requirements to provide for the discharge of the base flood so the cumulative increase in water surface elevation is no more than a designated amount (not to exceed 1 foot as set by the National Flood Insurance Program), as defined by C.F.R. Title 44, Sec. 9.4.

Remedy a deficiency or violation shall mean to bring the regulation, procedure, structure or other development into compliance with State, Federal or local floodplain management regulations; or if this is not possible, to reduce the impacts

of its noncompliance. Ways the impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Rent shall mean the periodic payments due the landlord from the tenant for occupancy under a rental agreement and any other payments due the landlord from the tenant as may be designated as rent in a written rental agreement, as defined by F.S. 83.43

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

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

Residential construction shall mean construction of a single-family or two-family housing unit on an individual lot classified (zoned) pursuant to Chapter 4 of the City Land Development Code as amended, for single-family, two-family, or three-family, or more.

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

- (1) *Type A* shall mean buildings where the customers normally order from individual menus while seated at a table. The order is then normally served by a restaurant employee to the same table and there consumed by the customer. This group also includes cafeterias.
- (2) *Type A with outside service of alcoholic beverages* are restaurants that shall operate under a 4COPSRX license or shall meet similar limitations. Outside service and consumption of alcohol shall be limited to the same hours of operation as interior service and consumption. The establishment's license from Division of Alcoholic Beverages and Tobacco and Bureau of Licensing must include the outside area as part of the licensed premises.
- (3) *Type B* shall mean any building containing a restaurant other than Type A, including but not limited to fast food, drive-in, and drive-through restaurants.

Review fee shall mean and refer to the application review fee, as established by this Code and as established from time to time by resolution of the City Council, to be paid by an applicant at the time of the filing of an application in those circumstances where review costs are paid by the applicant under the provision of this Code.

Rezoning. See "Zoning Map Amendment".

Riding stables. Commercial and private equine boarding stables with riding arenas and equestrian facilities.

Right-of-way shall mean land in which the State, the Florida Department of Transportation, County, City owns the fee or has an easement devoted to or required for use as a transportation facility, as defined by F.S. 334.03, or is specifically dedicated to the public or private entity use.

Right-of-way line shall mean the line which bounds the right-of-way set aside for use as a street.

Riverine shall mean relating to, formed by, or resembling a river (including tributaries), stream, brook, etc., as defined by C.F.R. Title 44, Sec. 59.1.

Roofline shall mean the intersecting lines of a roof, formed at the junction of the roof with the walls of a building.

School board shall mean and refer to the School Board of Volusia County, Florida, the governing body of County public schools.

Seasonal high ground water table (SHGWT) shall mean the zone of water saturated soil at the highest average depth during the wettest season of the year.

Seasonal high water level (SHWL) shall mean the elevation to which ground or surface water can be expected to rise during a normal wet season.

Seawall shall mean a manmade wall or encroachment, except, riprap, which is made to break the force of waves and to protect the shore from erosion, as defined by F.S. 373.403.

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

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

Sediment shall mean solid material, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by air, water or gravity as a product of erosion.

Sediment basin shall mean a depression formed by the construction of a barrier or dam built at a suitable location to retain sediment and debris.

Self-storage facility shall mean an enclosed storage area containing individually rented or owned compartments or stalls for storage only.

Service, Personal shall mean uses such as barbershops, beauty shops, travel agencies, shoe repair shops, tailor shops, photographic studios, laundry and dry-cleaning establishments where non-flammable solvents are or can be used, locksmiths, and employment agencies.

Setback shall mean the minimum distance which must be maintained around the boundary of a lot and any structures; required yard area between the lot and the building line.

Shipping container. See “Cargo container”.

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

Shoulder shall mean the portion of a roadway contiguous with the traveled way for accommodation of stopped vehicles, emergency use, and lateral support of base and surface courses.

Sidewalk shall mean the improved portion of a right-of-way intended for pedestrian use.

Sidewalk clear zone. That portion of the sidewalk that is maintained free of any obstructions to allow for the passage of pedestrians

Sign shall mean any device or display consisting of lights, letters, numbers, symbols, pictures, illustrations, announcements, cut-outs, insignia, trade marks, or demonstrations, including all trim and borders, which is designed to advertise, inform, identify, or attract the attention of persons not on the premises on which the device or display is located, and which is visible from a public street.

- (1) Any person or animal stationed at or close to a business site for the purpose of attracting attention to the business by actions or attire is a sign.
- (2) Sign structure is that material which supports or is capable of supporting a sign, including decorative cover.
- (3) Advertising message is any copy, logos, or graphic elements of a sign which convey a message, identify a business, or describe products or services offered to the public.

Sign, abandoned shall mean any sign face or sign structure which advertises a business no longer conducted on the premises for over 60 days. In making the determination that a sign advertises a business no longer being conducted, the City Manager shall consider any or all of the following: the existence or absence of a current local business tax receipt, use of the premises, and relocation of the business.

Sign, add-on shall mean any additional sign added to a previously permitted and/or conforming sign.

Sign, advertising structure shall mean any structure installed for advertising purposes, with or without any advertisement display thereon, situated upon or attached to real property upon which any poster, bill, printing, painting, device or other advertisement of any kind whatsoever may be placed, posted, painted, tacked, nailed or otherwise fastened, affixed or displayed; provided, however, that said term shall not include buildings.

Sign, A-frame shall mean a movable sign not secure or attached to the ground as required by this Code.

Sign, animated shall mean a sign with physical or light action or motion or the appearance thereof, including lenticulation, wind actuated elements, rotating, oscillating, fluttering, flashing, or swinging signs, or banners (see “Sign, wind”).

Sign, awning shall mean a structure supported entirely from exterior wall of a building and composed of non-rigid materials (except for the supporting framework) upon which a sign is indelibly drawn, painted, applied or printed.

Sign, background area shall mean the entire background area of a sign upon which copy could be placed. In computing the area of a sign background, only that face or faces which can be seen from any one direction at one time shall be counted (see "Copy area of sign").

Sign, banner shall mean a temporary on-site sign made of canvas or other flexible materials with or without a structural frame and attached to a building, canopy, pole or other structure placed for the purpose of attracting attention.

Sign, billboard shall mean any sign over 200 square feet in area, including any ground sign or sign mounted on a building or other structure.

Sign, blade shall mean a sign frame with a mounting bracket that is typically maintained perpendicular to the wall.

Sign, canopy shall mean a sign which is suspended from, attached to, printed on, supported from or forming a part of a canopy.

Sign, changeable copy shall mean a sign which has message characters that are not permanently attached to the sign, but which are attached to permit numerous changes of the message at the sign site without the repainting of any part of the sign or removal of any parts of the sign except the characters to be changed; also called a readerboard.

Sign copy shall mean the area of a sign that consists of letters, numbers, symbols, pictures, illustrations, announcements, insignia, trademarks or the like.

Sign copy area shall mean the surface area of a sign upon which its copy is displayed. (Refer to Sec. 11.8(a) to determine the method of calculating the copy area square footage.) (See "Background area of a sign".)

Sign, double-faced shall mean a sign with two copy areas which are parallel to each other and back to back with the maximum distance between the copy areas not to exceed two feet.

Sign, electric. See "Illuminated sign."

Sign, electronic message center shall mean a sign capable of displaying words and symbols that can be electronically or mechanically changed by remote or automatic means.

Sign, entrance shall mean an identification structure located at the main entrance to a City approved subdivision or development.

Sign, flashing. See "Animated sign."

Sign, frame effect shall mean a visual effect on an electronic message center applied to a single frame to transition from one message to the next.

Sign, freestanding. See "Ground sign."

Sign, governmental shall mean signs owned by any governmental entity.

Sign, ground shall mean a sign which is supported by one or more columns, uprights, or braces in or upon the ground and independent of any support from buildings or other structures.

Sign, illuminated shall mean a sign in which a source of light is used in order to make the message readable, including internally and externally lighted signs.

Sign, instructional shall mean a sign that provides directions or instructions for the use of a facility or equipment (e.g., "Emergency Exit," "No Parking," "Restroom," etc.)

Sign, marquee shall mean any sign attached to the side or front or hung under a marquee, which sign shall not extend above the top of a marquee or shall not be mounted upon the top of the marquee.

Sign, monument shall mean a ground sign with an enclosed base equal to at least two-thirds of the horizontal width of the sign surface and not exceeding eight feet in overall height. The base of the sign must come in complete contact with the ground and there shall be no gaps between the base and the ground cover or sod.

Sign, nonconforming shall mean any sign which does not comply with the regulations of this Code, or subsequent amendments.

Sign, off-premises shall mean a third-party sign. It is a sign that advertises goods, products, services or facilities or directs persons to a different location from where the sign is installed.

Sign, on-premises, shall mean a sign erected by the owner or lessee of a premises that is incidental, subordinate and accessory to the permitted principal use or structure and located on the same premises of such principal use or structure. It is a sign identifying a business, person, activity, goods or services located on the premises where the sign is installed and maintained.

Sign, projecting, shall mean a sign erected or designed as an integral part of a building or structure that extends more than 12 inches and less than four feet beyond such building or structure.

Sign, revolving. See "Animated sign."

Sign, roof shall mean any outdoor advertising display sign, installed, constructed or maintained above the roofline of any building.

Sign, rotating. See "Animated sign."

Sign, sandwich. See "A-frame sign."

Sign, sidewalk. See "A-frame sign."

Sign, snipe shall mean any sign, placed within the right-of-way, of any size, made of any material, including paper, cardboard, wood and metal, when such sign is tacked, nailed, posted, pasted, glued or otherwise installed on the ground, attached to a tree, utility pole, fence or similar objects. Also includes any sign installed without permission of the owner of the property upon which the sign is located.

Sign, swinging. See "Animated sign."

Sign, temporary, is a sign erected for a short duration. Refer to Sec. 11.7.

Sign, time and temperature shall mean a sign containing illuminated numerals flashing alternately to show the time and/or temperature.

Sign, vee-shaped shall mean any sign which has two faces which are not parallel, and which form an angle of 60 degrees or more.

Sign, vehicular shall mean advertising copy painted or affixed to lawfully parked and operable vehicles or trailers.

Sign, wall shall mean any sign erected parallel to the facade or on the outside wall of any building and supported throughout its length by the wall of the building.

Sign, warning shall mean a sign conveying instructions, safety precautions, or indicate the dangers of trespassing, swimming, animals, or similar hazards (e.g., "Danger—Bad Dog," "Keep Off").

Sign, wayfinding, shall mean a sign used to guide a reader to a specific location.

Sign, wind shall mean any sign, pennant, ribbon, spinner, streamer, flag, feather, captive balloon, or other objects or materials fastened in such a manner as to move upon being subjected to pressure by wind and/or acting to draw attention to a business, product, service or activity.

Sign, window shall mean any sign installed upon the window of any building or structure, visible from the exterior of the building.

Skirting shall mean a type of wall constructed of approved fire- and weather-resistant material enclosing the area between the ground and floor of a mobile home dwelling.

Special exception shall mean a use requiring City Council approval and expressly so designated that would not be appropriate generally or without restriction throughout a particular zoning classification but that would not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals or general welfare, if controlled in number, area, location, relation to the neighborhood, or in other appropriate respects. The term "conditional use" is synonymous.

Special flood hazard area shall mean the same as "area of special flood hazard."

Spill shall mean the spilling, leaking, pumping, pouring, emitting, or dumping of any hazardous waste or material which creates an emergency hazardous situation or is expected to create an emergency hazardous situation, as defined by F.S. 768.128.

Spot zoning shall mean a rezoning of a lot or parcel of land area smaller than 10 acres, to benefit an owner for a use incompatible with surrounding uses within a 300-foot radius. The rezoning is not for the purpose or effect of furthering the Comprehensive Plan.

Start of construction shall mean, for other than new construction or substantial improvements under the Coastal Barrier Resources Act P.L. 97-348, and includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building.

State shall mean the State of Florida.

Storage system, as defined by F.S. 376.301, shall mean a stationary tank not covered under the provisions of Chapter 377 of the Florida Statutes, together with any onsite integral piping or dispensing system associated therewith, which is or has been used for the storage or supply of any petroleum product, pollutant, or hazardous substance as defined in F.S. 376.301, and which is registered with the Department of Environmental Protection under Chapter 376 of the Florida Statutes or any rule adopted pursuant to that Chapter.

Storefront zone. Portion of the front yard setback to allow for seating areas, planters/planting areas, bicycle racks, temporary sale/display of merchandise, moveable sandwich boards, postal/freight collection boxes, public art, etc.

Stormwater management system shall mean a system designed and constructed or implemented to control discharges that are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use, or reuse water to prevent or reduce flooding, overdrainage, environmental degradation and water pollution or otherwise affect the quantity and quality of discharges from the system, as defined by F.S. 403.031.

Stormwater retention facility shall mean a structure designed to collect and prevent the release of a given volume of stormwater by complete on-site storage for a given storm event.

Story shall mean, as defined by the Florida Building Code, that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A story is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

Street shall mean, as defined by F.S. 177.031 any access way such as a street, road, lane, highway, avenue, boulevard, alley, parkway, viaduct, circle, court, terrace, place, or cul-de-sac, and also includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved, but shall not include those access ways such as easements and rights-of-way intended solely for limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines, drainage and sanitary sewers, and easements of ingress and egress.

- (1) Arterial road shall mean a route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. In addition, every United States numbered highway is an arterial road, as defined by F.S. 334.03.
- (2) Urban *principal arterial street* shall mean, as defined by F.S. 334.03 a route which generally serves the major centers of activity of an urban area, the highest traffic volume corridors, and the longest trip purpose and carries a high proportion of the total urban area travel on a minimum of mileage. Such roads are integrated, both internally and between major rural connections.
- (3) Urban *minor arterial street* shall mean a route that generally interconnects with and augments an urban principal arterial road and provides service to trips of shorter length and a lower level of travel mobility. The term includes all arterials not classified as "principal" and contain facilities that place more emphasis on land access than the higher system, as defined by F.S. 334.03.
- (4) Collector road shall mean a route providing service which is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Such a route also collects and

distributes traffic between local roads or arterial roads and serve as a linkage between land access and mobility needs, as defined by F.S. 334.03.

- (5) *Local street* shall mean a route providing service which is of relatively low average traffic volume, short average trip length or minimal through-traffic movements, and high land access for abutting property, as defined by F.S. 334.03.

Street, private shall mean, except as other provided in F.S. 316.003(64)(b), any privately owned and maintained way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Streetscape. The urban element that establishes the major part of the public realm. The streetscape is composed of thoroughfares (travel lanes for vehicles and bicycles, parking lanes for cars, and sidewalks or paths for pedestrians) as well as the visible private frontages (building facades and elevations, porches, yards, fences, awnings, etc.) and the amenities of the public frontages (street trees and plantings, benches, streetlights, etc.).

Street tree/furniture zone. That portion of the sidewalk located between the curb line and the sidewalk clear in which the following elements may be located.

- Street trees/grates, planting strips, raised planters;
- Street light standards;
- Street signs/pedestrian wayfinding signs;
- Transit stops;
- Postal/freight collection boxes;
- Parking meters;
- Utility boxes/public phones/fire protection;
- Seating;
- Trash receptacles;
- Bicycle racks.

Structure shall mean any object constructed or installed, the use of which requires a permanent location on the ground. The term includes, but is not limited to, buildings, gazebos, sheds, kiosks, pergolas, perimeter fences and walls, swimming pools, and signs, but does not include tents, vehicles or facilities associated with the provision of utilities such as drains, wells, transformers or light poles. For floodplain management purposes, the term "structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Subdivision shall mean, as defined by F.S. 177.031 the division of land in accordance with the requirements of F.S. 177, into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

Subdivision record shall mean an index card, computer file or other historic record under the maintenance and supervision of the GMD which indicates the status of recorded or unrecorded subdivisions based on reviews performed pursuant to previous exemptions or other criteria.

Substantial damage shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the value of the structure before the damage occurred, as determined by FEMA.

Substantial improvement, as defined by the Florida Building Code, shall mean any repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that is the minimum necessary to assure safe living conditions.

- (2) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Substantial structural damage, as defined by the Florida Building Code, shall mean a condition where one or both of the following apply:

- (1) The vertical elements of the lateral force-resisting system have suffered damage such that the lateral load-carrying capacity of any story in any horizontal direction has been reduced by more than 33 percent from its predamage condition.
- (2) The capacity of any vertical component carrying gravity load, or any group of such components, that has a tributary area more than 30 percent of the total area of the structure's floors and roofs has been reduced more than 20 percent from its predamage condition and the remaining capacity of such affected elements, with respect to all dead and live loads, is less than 75 percent of that required by this code for new buildings of similar structure, purpose and location.

Surveyor shall mean a professional surveyor and mapper authorized to practice surveying and mapping under the provisions of Chapter 472 of the Florida Statutes, as defined by F.S. 177.503.

Telecommunication tower shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, amateur operator radio towers, cellular telephone towers, alternative tower structures, associated equipment structures, micro wireless facilities and the like.

- (1) *Monopole tower* shall mean a single, self-supporting communication tower of spin-cast concrete, concrete, steel or other similar materials containing no guy wires.
- (2) *Self-supporting lattice tower* shall mean a communication tower which is self-supporting and has three or more sides of open-framed supports.
- (3) *Guyed tower* shall mean a communication tower which is anchored with guy wires.

Tenant frontage shall mean each lineal foot, major portion thereof, measured along the main entry of a tenant space.

Terra-cotta. A hard, fired clay, reddish-brown in color when unglazed, used for architectural facings and ornaments, tile units and pottery.

The traveled way, as defined by FDOT, shall mean the portion of the roadway for the movement of vehicles, exclusive of shoulders and bicycle lanes. The traveled way includes travel lanes and auxiliary lanes.

Tinted glass shall mean any glass treated to achieve an industry-approved, inside-to-outside light transmittance value of 45 percent or less. Such transmittance is limited to the visible spectrum (400 to 700 nanometers) and is measured as the percentage of light that is transmitted through the glass.

To plat shall mean to divide or subdivide land into lots, blocks, parcels, tracts, sites or other divisions, however the same may be designated, and the recording of a plat in the office of the clerk of the circuit court of the County. The term "to plat" shall include replat.

Toe shall mean the lowest part of an embankment.

Townhouse shall mean a single-family dwelling unit not exceeding three stories in height constructed in a group of two or more attached units in which each unit extends from the foundation to roof and with a yard or public way on not less than two sides, as defined by the Florida Building Code.

Traffic impact analysis shall mean a study prepared by a qualified professional engineer, licensed to practice within the state, to determine the vehicular impact of the development upon the major road network system. This study includes: determination of trip generation; trip distribution; traffic assignment; capacity analysis; and improvements to the roadway system necessitated by the development, such as required new roads, additional lanes and signalization.

Trailer shall mean any vehicle without automotive power designed to be coupled to or drawn by a motor vehicle and constructed so that some parts of its weight and that of its load rests upon or is carried by another vehicle.

Transit oriented development. Land use planning concept that promotes mix of residential, commercial, office and public uses, all within a comfortable walking distance to maximize access to public transportation, and incorporates features to encourage transit ridership. Examples of transit-supportive land uses include, but are not limited to the

following: apartments; live-work units; townhouses; single-family houses; lodging; retail stores; restaurants; banks; private offices/professional businesses; government offices; medical centers; high schools and post-secondary institutions; child-care centers; libraries; recreational and cultural facilities; theatres; public spaces; and other facilities.

Transition line shall mean a horizontal line spanning the full width of a facade, expressed by a material change or by a continuous horizontal articulation such as a cornice or a balcony.

Trash shall mean the combination of yard trash and construction and demolition debris along with other debris such as paper, cardboard, cloth, glass, street sweepings, and other like matter.

Tree shall mean any woody self-supporting plant characterized by having a single trunk of at least six inches DBH or multi-stem trunk system with a well-developed crown at least 15 feet high as measured from its base.

Tree, caliper shall mean trunk diameter measurement of trees. The trunk caliper (trunk diameter) is measured 12 inches above the ground for trees. Since trunks are seldom round, the average of the largest diameter and that perpendicular to it is referred to as caliper. Any accurate device including a diameter tape may be used to measure caliper.

Tree, canopy shall mean the branches, leaves, or other foliage from woody vegetation exceeding five (5) feet in height. The area of tree canopy may be measured by determining the area surrounding a tree located within the dripline.

Tree, canopy tree shall mean a species of tree which normally grows to a mature height of forty (40) feet or more.

Tree, clear trunk shall mean height measurement of the base portion of a tree trunk which is void of any foliage or branching measured from the natural soil line to the base of the lowest branches or fronds.

Tree, cross sectional area shall mean the area of the trunk of a tree taken 4½ feet above the base of the tree measured perpendicular to the axis of the trunk.

Tree, deteriorated shall mean a deceased tree, or degenerated or damaged to the point where death of the tree is imminent or to the point where the tree poses a significant hazard.

Tree, diameter at breast height (DBH) shall mean the trunk diameter of a tree measured 4½ feet above the average ground level at the base of the tree; provided, however, if the tree forks above 4½ feet above ground level, it is measured below the swell resulting from the double stem. Stems that fork below 4½ feet above ground level shall be considered separate trees.

Tree, drip line shall mean the peripheral limits of the horizontal crown of a tree spread vertically to the ground; provided, however, that the same shall not be less than a circle with a ten-foot radius measured from the center of the tree.

Tree, effectively destroy shall mean to cause, suffer, allow or permit any act which will cause a tree to die or go into a period of unnatural decline within a period of two years from the date of the act. Acts which may effectively destroy a tree include, but are not limited to, damage inflicted upon the root system by heavy machinery, excessive trimming, changing the natural grade above the root system or around the trunk, damage inflicted on the tree permitting infection or pest infestation, application of herbicides or other chemical agents or intentional fire damage to the tree permitting infection or pest infestation, the infliction of a trunk wound that is 50 percent or greater of the circumference of the trunk, or the removal of sufficient canopy to cause the unnatural decline of the tree.

Trees, historic shall mean a healthy cypress with a trunk DBH of 36 inches, a healthy live oak tree with a trunk DBH of 30 inches or a healthy magnolia tree with a trunk DBH of 24 inches.

Tree, protected shall mean any tree that is at least six (6) inches DBH and not identified as prohibited trees in this code.

Tree, prohibited shall mean any trees that are not listed in the Florida Friendly Plant List in “Florida Yards & Neighborhoods” edited by the University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS), or one of the following tree species:

| Common Name | Botanical Name |
|------------------|--------------------------|
| Australian Pine | Casuarina litorea |
| Australian Pine | Casuarina glauca |
| Brazilian Pepper | Schinus terebinthefolius |
| Camphor Tree | Cinnamomum camphora |

| | |
|----------------------|---------------------------|
| Chinaberry | Melia azedarach |
| Citrus | Citrus species |
| Ear Pod Tree | Enterolobium cyclocarpa |
| Eucalyptus | Eucalyptus species |
| Punk Tree or Cajeput | Melaleuca quinquenervia |
| Silk Oak | Grevillea robusta |
| Woman's Tongue | Albizia lebeck |
| Chinese Tallow Tree | Sapium Sebiferum |
| Carrot Wood | Cupanoipsis anacardioides |
| Ear Leaf Acacia | Acacia auriculiformis |
| Melaleuca | Melaleuca quinquenervia |

Tree, removal shall mean to cut down, dig up, destroy, effectively destroy, or the unlicensed relocation of any tree.

Tree, replacement stock shall mean any immature tree having an overall height of at least six feet but does not include any prohibited tree. In addition, replacement stock shall have a minimum caliper of two inches.

Tree, shade shall mean tree species that customarily grow over 30 feet in height and have a minimum crown spread of 35 feet.

Tree, small shall mean tree species that customarily grow no more than 30 feet in height and have a maximum crown spread of 25 feet.

Tree, specimen shall mean the following species of trees with the minimum specified DBH are determined to be specimen trees in the City:

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

Tree, understory shall mean a species of tree which normally grows to a mature height of fifteen (15) to thirty-nine (39) feet.

Trip shall mean a one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end).

Trip generation shall mean the attraction or production of trips caused by a given type of land development.

Urban sprawl shall mean a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.

USGS shall mean United States Geological Survey.

Utilities shall include, but is not limited to, water systems, electrical power, sanitary sewer systems, gas distribution systems, storm drainage systems, telephone systems, and cable television systems.

Variance shall mean a grant of relief from the requirements of this Code, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this article or the Florida Building Code.

VCPS shall mean and refer to the Volusia County Public Schools, the County school district.

Vehicle shall mean any device used for transporting persons or property over streets or waterways, including, but not limited to, any automobile, motorcycle, truck, trailer, van, semi-trailer, tractor-trailer, commercial vehicle or trailer, recreational vehicle or trailer, and boat or boat trailer. drive

Vehicular use area shall mean any area of a development site used for circulation, parking, or display of any type of vehicle.

Vending operations shall mean, for purposes of this Code, any person, persons, firms, business association or corporation engaging in the sale, trade or other exchange of any materials or goods, including but not limited to fruits, vegetables, or other food stuffs, souvenirs, trinkets, art objects, etc., from a vehicle or temporary structure.

Vested right shall mean the right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan or an approved phased development plan

Violation shall mean the failure of a structure or other development to be fully compliant with the requirements of this Code.

Visual light transmission (VLT) shall mean the amount of visible light, expressed as a percentage, that passes through a window.

Warehouse shall mean any premises where the principal use is the storage of merchandise, products, or materials in bulk, for a fee or charge, or for distribution to other establishments operated by the same business enterprise or establishment. A warehouse may include accessory wholesale sales, but shall not be deemed to include retail sales establishments, motor freight terminals, or the bulk storage of flammable, explosive, toxic, or noxious materials as a principal use.

Water body shall mean a lake, pond or other natural body of water of any type.

Water surface elevation shall mean the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse shall mean a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water dependent uses include bait and tackle sales, bars (ancillary to principal water-dependent use), boat and marine engine sales, service, and rentals, boat docks and moorings, boat fuel sales, boat storage, commercial fishing, pleasure or excursion boat dockage, marinas (refer to Sec. 6.36 for additional regulations), marine-oriented research facilities, retail sales or rental of boating, fishing, diving, water skiing, bathing supplies, equipment, and accessories.

Well shall mean, as defined by F.S. 373.303, any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, development, or artificial recharge of groundwater but such term does not include any well for the purpose of obtaining or prospecting for oil, natural

gas, minerals, or products of mining or quarrying; for inserting media to dispose of oil brines or to repressure oil-bearing or natural gas-bearing formation; for storing petroleum, natural gas, or other products; or for temporary dewatering or subsurface formations for mining, quarrying, or construction purposes.

Well field shall mean an area of land which contains one or more potable water supply wells.

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

Wetlands shall mean, as defined by F.S. 373.019, that are inundated or saturated by surface water or groundwater at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto.

Xeriscape shall mean a landscaping method that maximizes the conservation of water by the use of site-appropriate plants and an efficient watering system. The principles of xeriscape include planning and design, appropriate choice of plants, soil analysis, the use of solid waste compost, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance.

Yard shall mean the area between the property line and the building line. Yards are referred to by their location on the lot:

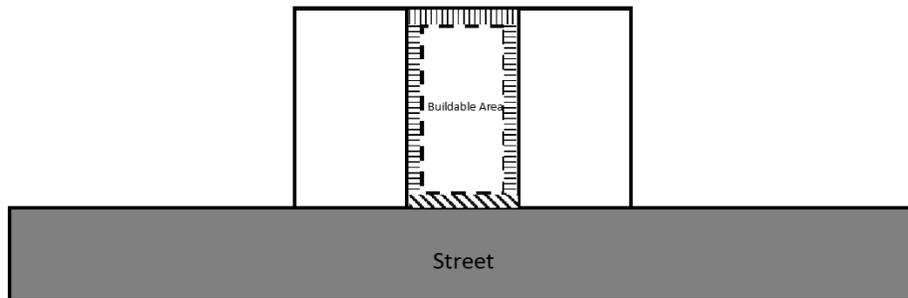
- (1) *Front yard* shall mean the entire width of the yard abutting the street. On through lots abutting more than one public street, all yards abutting streets are front yards. On corner lots, both yards abutting streets shall be considered to be front yards.
- (2) *Side yard* shall mean the yard or yards bounded by the front and rear yards, or by the front yards on a through lot.
- (3) *Rear yard* shall mean the entire width of the yard abutting that lot line farthest from and generally parallel to the front yard. On corner lots, other yards which are not front yards shall be side yards.
- (4) *Waterfront yard* shall mean the yard abutting a natural or artificial water body (lake or pond) larger than 5,000 square feet, or a watercourse (stream or creek) greater than ten feet in width.

Please see below illustration:

LEGEND:

-  Buildable Area
-  Front Yard
-  Side Yard
-  Rear Yard
-  Waterfront Yard

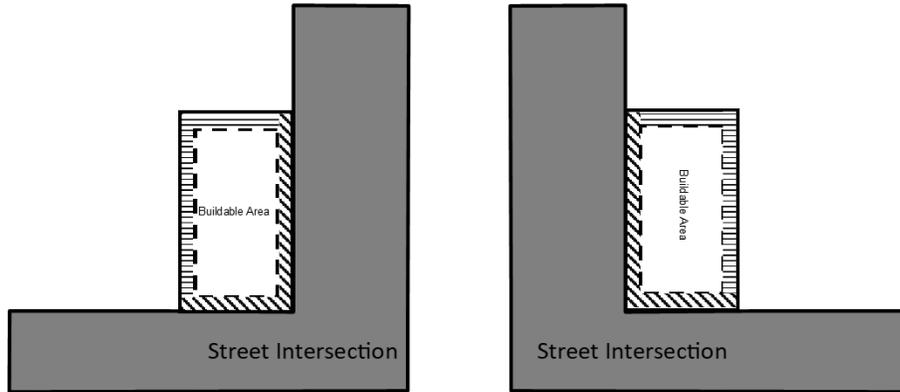
Typical Lot



LEGEND:

-  Buildable Area
-  Front Yard
-  Side Yard
-  Rear Yard
-  Waterfront Yard

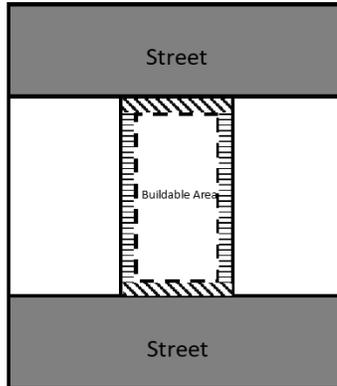
Corner Lots



LEGEND:

-  Buildable Area
-  Front Yard
-  Side Yard
-  Rear Yard
-  Waterfront Yard

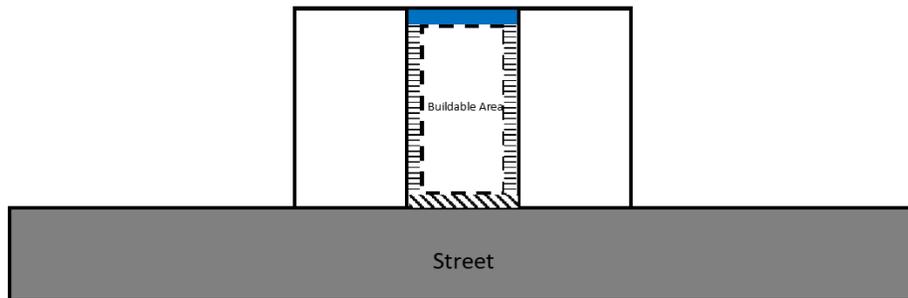
Double-frontage Lot



LEGEND:

-  Buildable Area
-  Front Yard
-  Side Yard
-  Rear Yard
-  Waterfront Yard

Waterfront Lot



Yard trash shall mean vegetative matter resulting from landscaping maintenance or land clearing operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and stumps.

Zoning Map (Official) shall mean a graphic illustration of zoning boundaries and classifications drawn and approved as part of the records of the City.

Zoning Map Amendment shall mean an application to amend (i.e., rezone) an area on the Zoning Map from one zoning classification (including overlay districts) to another classification.

(Ord. No. 11-99, § 2, 11-3-1999; Ord. No. 11-00, § 2, 9-6-2000; Ord. No. 08-07, 3-7-2007; Ord. No. 06-08, § 1, 5-7-2008; Ord. No. 02-12, § 2(Exh. A), 9-5-2012; [Ord. No. 07-13, § 2\(Exh. A\), 8-7-2013.](#)) (Ord. No. [01-14](#), § 2, 2-5-2014) (Ord. No. 13-10, § 2(Exh. A), 12-29-2010)

Sec. 2.3. - Abbreviations.

| | |
|--------|---|
| AASHTO | The American Association of State Highway and Transportation Officials. |
| ANSI | American National Standards Institute |
| ASTM | American Society for Testing and Materials |
| C.F.R. | Code of Federal Regulations |
| CPS | Conceptual Site Plan |

| | |
|--------|---|
| CDE | City Engineer |
| DRC | Development Review Committee |
| EMD | Environmental Management District |
| F.A.C. | Florida Administrative Code |
| FBC | Florida Building Code |
| FDOT | Florida Department of Transportation |
| FPR | Final Plat |
| F.S. | Florida Statutes |
| FSP | Final Site Plan |
| GMD | Growth Management Director |
| LDC | City of DeBary Land Development Code. |
| PPR | Preliminary Plat and Construction Plan |
| PUD | Planned Unit Development |
| SJRWMD | St. Johns River Water Management District |
| TOD | Transit Oriented Development |
| | |

Sec. 2.4. - List of reference publications, latest editions.

Following is a list of the latest editions of reference publications:

- (1) "Highway Capacity Manual" Transportation Research Board.
- (2) "County of Volusia Soil Survey" - Soil survey of Volusia County, Florida, United States Department of Agriculture, Soil Conservation Service.
- (3) "ITE Trip Generation Manual. "
- (4) "FDOT Minimum Standards for Streets and Highways" - Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, State of Florida, Developed by the state department of transportation in accordance with F.S. § 335.075, (herein referred to as the "Green Book").
- (5) "AASHTO Geometric Design of Highways and Streets" - A Policy of Geometric Design of Highways and Streets, by the American Association of State Highway and Transportation Officials.
- (6) "FDOT Standard Specifications for Road and Bridge Construction" - Florida Department of Transportation Standard Specifications for Road and Bridge Construction.
- (7) "USDOT Manual on Uniform Traffic Control Devices" - Manual on Uniform Traffic Control Devices for Streets and Highways, United States Department of Transportation.
- (8) "FDOT Utility Accommodation Guide" - Utility Accommodation Guide, State of Florida Department of Transportation.
- (9) "FDOT Roadway and Traffic Design Standards" - State of Florida Department of Transportation.
(Ord. No. 96-32, § I, 12-19-1996)

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CHAPTER 3 - ADMINISTRATION AND PROCEDURES

ARTICLE I. DEVELOPMENT PROCEDURES AND REQUIREMENTS

Sec. 3.1. General provisions.

- (a) *Purpose.* The purpose of this Code is to establish standards, procedures and minimum requirements for the issuance of all development orders and development permits as required by this Code and to regulate and control the platting and development of land within the City limits, except as otherwise specifically set forth herein; provided, however, it is not the purpose of this Code to regulate any bona fide agricultural production as defined by F.S. § 193.461, including, but not limited to, horticulture, citrus, dairy, livestock, poultry, forestry or vegetables.
- (b) *Violations and penalties.* If it is determined by the City Manager that any person is violating any provision of this Code, the City Manager shall notify that person, in writing, indicating the nature of the violation and ordering any action necessary to correct it. The order may include, but not be limited to, a stop work order. Any violation of this Code may be referred to the City Special Magistrate. Any person found guilty of a violation of any of the provisions of this Code, or any lawful order of the City Council, or City Manager, shall be punished in accordance with F.S. § 162.22, or any amendments thereto, with a fine not to exceed \$250. Notwithstanding any other provisions of this Code, a violation of this Code may be abated by any manner as provided by law. Each day the violation continues shall be deemed a separate offense.
- (c) *Injunctive relief.* In addition to any penalty provided by law for the violation of any of the provisions of this Code, the City Council may bring suit in the appropriate circuit court to enjoin, restrain or otherwise prevent the violation of any of the provisions of this Code in any manner, as provided by law.
- (d) *Fee requirements.* Reasonable fees to offset the costs of administration of this Code shall be set by resolution of the City Council. All fees must be paid at the time set out in said resolution.
- (e)—(n) Reserved.

(Ord. No. 21-07, § 3, 9-5-2007)

Sec. 3.2. Administration.

- (a) *City Council.* The City Council is the governing body of the City, established and operating in accordance with law. The City Council shall have the following duties and responsibilities under this Code:
 - (1) The City Council shall serve as the Local Planning Agency (LPA) for all purposes and as provided in F.S. 163, pt. II (F.S. § 163.2511 et seq.), and shall perform all duties and comply with the requirements established therein, including responsibility for review of the Land Development Code for consistency with the adopted Comprehensive Plan. The LPA shall include a nonvoting school board representative member for certain comprehensive plan amendments and rezonings as provided by and in accordance with Florida law.
 - (2) The City Council shall review the Land Development Code and shall review applications for land development orders where such review is required by this Code.
 - (3) The City Council shall hear and consider requests for variances from and shall hear appeals concerning the standards of this Code. All decisions of the City Council shall be consistent with the Comprehensive Plan.
 - (4) The City Council shall make all interpretations of the Comprehensive Plan, including determinations that development orders are consistent with the adopted plan. The City Council may provide for delegation of such interpretations to the City Manager and by the City Manager to another party, subject to appeal of interpretation to the City Council.
 - (5) The City Council shall hear and consider requests for special exceptions, as provided herein.
 - (6) The City Council shall hear and consider requests for change in zoning and approval of development agreements (including development agreements under PUD regulations).
 - (7) Action of the City Council shall be by vote of the majority of members present.

- (b) *City Manager.* The City Manager is the official employed by the City Council to be responsible for the day-to-day operation of the City. The City Manager shall have the following duties and responsibilities under this Code:
- (1) The City Manager shall be responsible for the administration and enforcement of this Code. The City Manager may designate other City officers, employees, or agents to perform administrative functions, make determinations, and enforce various provisions. Designation need not be in writing and may be inferred.
 - (2) The City Manager shall prepare and present to the City Council reports on actions to be taken by the City Council, including appeals and requests for rezoning or development plan approval, and may present information items and request direction from the City Council for items where City Council approval is not otherwise required.
 - (3) The City Manager may adopt procedures, and forms for the implementation and enforcement of this Code. Where adopted, such procedures shall be used by City staff, landowners, and developers in the application for, review, and issuance of development orders and development permits, but deviations from such policies or procedures shall not be a basis for invalidation of any development order, development permit, or determination, provided all requirements of this Code have been met.

(Ord. No. 01-99, § 1(104), 11-3-1999; Ord. No. [04-15](#), § II, 12-2-2015)

Sec. 3.3. Development Review Committee.

- (a) *Purpose.* The purpose of this Section is to set out the various administrative procedures of this Code and to provide for the establishment of the Development Review Committee.
- (b) *Development Review Committee.*
- (1) *Established.* There is hereby established a Development Review Committee (DRC).
 - (2) *Membership.* Membership of the Development Review Committee shall include the following, or their designated representative:
 - a. The Growth Management Director (GMD), who shall act as chairman;
 - b. Four additional members who shall be appointed by the City Manager.
 - c. County, local, state or federal agencies may be consulted by the Development Review Committee for advice or recommendations on any matter or application being considered by the Development Review Committee.
 - (3) *Duties and responsibilities.* The duties and responsibilities of the Development Review Committee shall include:
 - a. Reviewing all applications under this Code to:
 - i. Delineate areas of noncompliance with City development requirements; and
 - ii. Define steps necessary to bring applications into compliance with City development requirements.
 - b. Reviewing applications for development orders, or providing recommendations for development orders when such matters are decided by the City Council pursuant to this Code.
 - c. Providing a recommendation to the City Council for amendments to the Zoning Map.
 - d. Providing a recommendation to the City Council for amendments to the Comprehensive Plan's Future Land Use Map.
 - e. Providing a recommendation to the City Council for the approval of subdivision plats.
 - f. All DRC applications shall have a ten-day (10) review period.
 - g. Performing such additional duties as the City Manager may, from time to time, assign.
 - (4) *Meetings.* The Development Review Committee shall meet at least twice per calendar month at such place as determined by the Development Review Committee. A schedule of the meeting times and places shall be adopted

annually by the Development Review Committee. An agenda shall be prepared and distributed to each member and to the applicant at least five working days prior to each meeting. All applicants having requests to be reviewed by the Development Review Committee shall be invited to attend and participate in the meeting. Such records of the proceedings of the Development Review Committee meetings as required by law shall be kept.

(5) *Responsibilities of the Growth Management Department:*

- a. Being a central intake point for applications;
- b. Reviewing applications for completeness;
- c. Providing liaisons between applicants and the DRC;
- d. Preparing and distributing agendas and reports for meetings of the DRC and the City Council;
- e. Taking and preparing the minutes of all DRC meetings;
- f. Comparing final construction plans and final plats with the approved development order to ensure consistency with one another;
- g. Ensuring all issued development orders and development permits follow the goals, objectives, and policies of the City's Comprehensive Plan; and
- h. Performing such other functions as the City Manager may, from time to time, assign.

(6) *Duties and responsibilities of the GMD.* Duties and responsibilities of the GMD shall include:

- a. Coordinating application review procedures;
- b. Issuing concurrency certificates of capacity;
- c. Administration and management of the department;
- d. Issuing development orders and development permits in compliance with the requirements and procedures of this ordinance; and
- e. Ensuring that final construction plans and final plats are consistent with the approved development order.

Sec. 3.4. Development Review Procedures

All applications and supporting information required by this Code shall be filed with the GMD. All required application fees, as set by resolution of the City Council, shall be paid prior to acceptance of the application. Except as otherwise provided in this Code, the following procedures shall govern the review of such applications:

- (a) *Completeness of application.* The GMD shall review the application to determine its completeness. Within three (3) working days after receipt, he or she shall either accept the application if it is complete and forward to the applicant a notice of acceptance, or reject the application if it is incomplete and forward to the applicant a notice of incompleteness specifying the data missing from the application received.
- (1) If neither a notice of acceptance nor incompleteness is sent, the application shall be deemed accepted for purposes of beginning the time limits of this Article on the fourth working day after the filing of the application.
 - (2) If a notice of incompleteness is sent, the applicant shall resubmit the application with the additional data required. Upon receipt, the GMD shall review the resubmittal application in the manner provided in this subsection for the original application.

- (b) *Distribution of accepted application.* Following acceptance of an application, the GMD shall forward a copy of the application to all review agencies and to any state or federal agency deemed by the GMD to be a concerned agency for the review process.
- (c) *Review responsibilities.* Each member of the City review agency shall prepare a report which sets out, in writing, their comments specifying the exact references to the Code or other regulation being commented on and recommendations regarding the application and shall forward such report to the GMD at or before the meeting of the Development Review Committee held in accordance with this Article. The GMD may waive one or more agency reviews, in whole or in part, under this Section upon his or her determination that such a review has already been made regarding the same land and no change in standards or circumstances has occurred which necessitates further review.
- (d) *Review.* Applications shall be reviewed by the Development Review Committee and shall be discussed at a meeting held in accordance with the requirements of Sec. 3.3.
- (e) *Application revision.* An application may be revised by the applicant after it has been reviewed by the Development Review Committee. Any application so revised must include a revision date on the plans. If any portion of the review process must be repeated to accommodate the revised application, the time limits prescribed in this Article shall be extended but not to exceed 20 working days from the date that the revision has been received.
- (f) *Development order review and final action.*
 - (1) Within 60 working days from the acceptance of an application or revised application, the Development Review Committee shall make one of the following determinations:
 - a. That the application or revised application is in compliance with the requirements of this Code, and shall approve, or recommend approval of the application;
 - b. That the application or revised application is not fully in compliance with the requirements of this Code, stating those conditions which they find are necessary to ensure compliance with this Code, and shall approve, or recommend approval of the application subject to those conditions being met; or
 - c. That the application or revised application is not in compliance with the requirements of this Code, and shall deny, or recommend denial of the application, stating the basis for such denial, or may continue consideration of and final action on the application pending submittal of a revised application.
 - d. This 60-day period shall be tolled upon submittal of comments to the applicant until the applicant has resubmitted and a notice of acceptance issued pursuant to subsection (a) under this Section.
 - (2) An applicant may appeal the Development Review Committee's denial pursuant to Sec. 3.13 and request to have the application considered by City Council.
 - (3) Valid period and issuance of development orders.
 - a. The valid period of any development order shall begin on the date of issuance by the City Manager and shall remain valid for a period of 720 days from the date of issuance.
 - b. Development orders shall be issued by the City Manager within five working days after being notified of the actions of the City Council, the Development Review Committee, provided all applicable outstanding conditions have been met; provided all conditions of approval, if any, have been resolved and that the approved concurrency certificate of capacity, if required, can be or has been issued.
 - (4) Effect of development order.
 - a. If construction of a site development has commenced pursuant to a valid building permit during the valid period of a final site plan development order, construction may be completed in accordance with the approved development order as long as the building permit remains valid.
 - b. If construction of the required improvements in a subdivision development has commenced during the valid period of a preliminary plat development order, the improvements may be completed in accordance with the

approved development order beyond the valid period of that development order only if the subdivision final plat development order has been approved by the City Council. Construction of the required improvements in a subdivision shall be completed or shall be guaranteed for completion pursuant to Article V of this article prior to recording the final plat.

- c. A final plat shall be deemed approved only after the final plat is recorded and upon issuance shall remain valid until the subdivision or any part thereof is abandoned in accordance with the laws of the City and the State.
- d. During the period of 90 days before and 90 days after the expiration of any development order, the developer may request an extension of that valid period from the City Council. Such request shall be submitted to the GMD. The City Council may approve an extension of that valid period for a period of time not to exceed 720 days and may attach such conditions as they determine appropriate.

(Ord. No. 02-12, § 2(Exh. A), 9-5-2012; Ord. No. [03-16](#), Exh. A, 1-20-2016)

Sec. 3.5. Development and use of land.

- (a) *Development permit and development order.* No development shall be undertaken within the City without approval and issuance of a development permit or development order pursuant to the provisions of this Code and of other relevant codes and regulations (such as the Building Code). Where indicated by these regulations, a development order approved by the City Manager or City Council shall be required prior to issuance of a development permit.
- (b) *Development plan.* For developments requiring a development plan or site plan under this Land Development Code, and for development situations specifically identified in this Code, a development plan shall be approved before a development permit may be issued.
- (c) *Certificate of occupancy.*
 - (1) No land, water, or building, or any part thereof, shall be occupied or used until a certificate of occupancy is issued finding the use in conformity with this Code. A certificate of occupancy must comply with the terms and provisions of the approved development order and development permit, as well as with the provisions of these regulations.
 - (2) No existing use of land, water, or building, or any part thereof, shall be changed to a different use classification as established in the State building code, until a certificate of occupancy is issued finding that the use as changed is in conformity with this Code.
 - (3) Following a written request, a final inspection shall be made and a certificate of occupancy issued if it is found that the requirements have been met. If the certificate of occupancy is denied, a written statement shall be provided to the applicant with the reasons for refusal, citing the applicable regulations and remedy which may achieve compliance.
 - (4) Where no health or safety hazard is created, a conditional certificate of occupancy may be issued prior to completion of all improvements, pursuant to Section 111 of the Florida Building Code. The conditions may include the submittal of plans and specifications for the required improvements and posting of security to ensure completion. The period for completion shall be provided in the certificate of occupancy, and shall be no more than 60 days. If the improvements are not completed within the time provided, the certificate of occupancy shall be void, and appropriate enforcement action shall be taken by the City Manager.
- (d) *Issuance of development permits while amendment pending.* No development permit or development order shall be issued where an amendment to this Code or the Comprehensive Plan is pending before the City Council, which amendment, if adopted, would make nonconforming the development authorized by the development order or permit.
- (e) *Agreement to specific provisions.* The City may enter into an agreement with a developer to establish specific provisions governing the use and development of a particular piece of land. Such agreement shall be subject to applicable provisions of law and shall comply with the following:
 - (1) No provision may be included which is contrary to the adopted Comprehensive Plan or which would be tantamount to a rezoning of land.

- (2) Except where expressly provided in the agreement, no agreement shall have a term of more than five years. Agreements may individually provide for extensions to be approved by the City Council.
 - (3) All Planned Unit Developments (PUDs) shall require an agreement.
 - (4) Agreements may modify or limit the use and/or density provisions; may provide for extra or oversized buffers, setbacks, architecture, or landscaping; may restrict the location or design of buildings and other site features; may establish provisions for infrastructure improvements; and may establish operational restrictions on the uses within the planned development.
- (f) *Sewer connection.* A sewer connection for new development shall be provided when a sewerage system is capable of being connected to the plumbing of an establishment or residence, is not under a Department of Environmental Protection moratorium, and has adequate permitted capacity to accept the sewage to be generated by the establishment or residence; and:
- (1) For a residential subdivision lot, a single-family residence, or an establishment, any of which has an estimated sewage flow of 1,000 gallons per day or less, a gravity sewer line to maintain gravity flow from the property's drain to the sewer line, or a low pressure or vacuum sewage collection line in those areas approved for low pressure or vacuum sewage collection, exists in a public easement or right-of-way that abuts the property line of the lot, residence, or establishment.
 - (2) For an establishment with an estimated sewage flow exceeding 1,000 gallons per day, a sewer line, force main, or lift station exists in a public easement or right-of-way that abuts the property of the establishment or is within 50 feet of the property line of the establishment as accessed via existing rights-of-way or easements.
 - (3) For proposed residential subdivisions with more than 50 lots, for proposed commercial subdivisions with more than 5 lots, and for areas zoned or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within one-fourth mile of the development as measured and accessed via existing easements or rights-of-way.
 - (4) For repairs or modifications within areas zoned or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within 500 feet of an establishment's or residence's sewer stub-out as measured and accessed via existing rights-of-way or easements

(Ord. No. 01-99, §§ 1(103), 1(207), 11-3-1999)

Sec. 3.6. Notice requirements.

- (a) For amendments to the text of this Code, or amendments to the city's official zoning map (rezonings) initiated by the city, notice shall include newspaper advertising and other notice required by F.S. § 166.041.
- (b) For amendments to the city's official Zoning Map (rezonings) including major amendments to a planned unit development initiated by persons or entities other than the city, the following notice shall be provided:
 - (1) Newspaper advertising and other notice required by F.S. § 166.041;
 - (2) At least ten (10) days prior to each public hearing on the proposed rezoning, notice shall be sent by the applicant via certified mail to the owners of all property, and any Home Owner Associations that are within 500 feet from the boundaries of the property subject to proposed rezoning; and
 - (3) At least ten (10) days prior to each public hearing on the proposed rezoning, a sign notice shall be posted by the applicant conspicuously on the property abutting the right-of-way. For corner lots, the sign notice shall be posted conspicuously on the property abutting the principal street subject to the proposed rezoning.
- (c) For approval or for consideration by the City Council of a special exception, variance, minor amendment to Planned Unit Development or appeal, the following notice shall be provided at least ten (10) days prior to the public hearing on the request:
 - (1) A notice shall be sent by the applicant via certified mail to the owners of all property that is within 300 feet of the property subject to the request;

- (2) A sign notice shall also be posted by the applicant conspicuously on the property abutting the right-of-way. For corner lots, the sign notice shall be posted conspicuously on the property abutting the principal street subject to the request; and
 - (3) A notice in a newspaper of general circulation. At a minimum the newspaper notice shall contain the nature of the request, the date, time and location of the public hearing(s) on the request, and the tax parcel identification number(s) for the property subject to the request, as required by F.S. § 166.041 as amended.
 - (d) Where certified mailed notice or posting is required, notice shall at a minimum contain the nature of the request, the date, time and location of the public hearing(s) on the request and the tax parcel identification number(s) for the property subject to the request.
 - (e) For the purposes of notice under this Section, the names and addresses of owners of property shall be determined by the latest ad valorem tax rolls.
 - (f) For Comprehensive Plan amendments, due public notice shall be provided in accordance with F.S. § 166.041 and F.S. § 163.3184.
- (Ord. No. 01-99, § 1(114), 11-3-1999; Ord. No. 04-05, § 1, 2-2-2005; Ord. No. 05-09, § I, 5-6-2009; Ord. No. 02-12, § 2(Exh. A), 9-5-2012)

Sec. 3.7. Owners' association.

No development order shall be issued for any development where there is any property within the development, which is not to be conveyed to an individual, to a condominium or cooperative, or to a government agency. Where property is to be conveyed to an owners' association, the following standards shall apply.

- (a) The organization or legal entity established for the purpose of owning and maintaining common land shall be created by covenants running with the land. The documents creating such an association shall be reviewed and approved by the City Attorney prior to issuance of the development order.
- (b) No such organization shall be dissolved nor shall it dispose of any common area or facilities by sale or otherwise except to an organization conceived and organized to own and maintain such common land or facilities. The organization may offer to dedicate all such land and facilities to the City. The City may make acceptance subject to improvements which will be made before the land or facilities are transferred. If the City agrees to accept the land and facilities, the organization may be disbanded, but not before the improvements are made and the property is transferred.

(Ord. No. 01-99, § 1(210), 11-3-1999)

ARTICLE II. – APPLICATIONS

Sec. 3.8. Rezoning.

(a) Procedure.

- (1) Land may be rezoned at the initiative of the property owner or other person with beneficial interest in the land as agent of the property owner. Rezoning may also be initiated by the City Council.
- (2) Any request for rezoning shall be made on forms provided by the City Manager accompanied by a letter of authorization from the property owner (if applicable), and a survey and legal description of the property to be rezoned. The City Manager will review the request (or have it reviewed) and will make a recommendation to the City Council for action.
- (3) A community meeting hosted and arranged by the applicant is required after a final recommendation has been issued by the DRC and which must be made prior to the meeting and the application shall be presented in its final form for all rezoning applications including Planned Unit Developments (PUD). The community meeting shall afford citizens and other affected parties an opportunity to discuss the applicant's proposal and express concerns, issues or problems they may have with the proposal in advance of the public hearing. Following the community

meeting, the applicant shall submit a report documenting the results of the meeting. Notification of the community meeting shall be in accordance with the following.

- a. The community meeting shall be held at least ten (10) days prior, but no more than thirty (30) days prior to the first public hearing for the proposed ordinance.
 - b. The level of citizen interest and area involvement will vary depending on the nature of the application and the project's location. The City will determine the target area for notification after consultation with the GMD and approval by the City Manager. But in no case shall the notification area for the community meeting be less than required by Sec. 3.6, Notice requirements.
 - c. The applicant shall notify neighborhood and homeowner's associations within the public notice area.
 - d. The applicant shall provide a list to the City of all those notified by the applicant of the community meeting.
- (4) The City Council will review the request at two (2) public hearings as a quasi-judicial proceeding pursuant to City Resolution # 2015-21 and following public notice as required by F.S. § 166.041 and by this Code, and will approve, deny, continue, or approve with modifications.
- (5) If a request for a variance, rezoning, or special exception is denied, no substantially similar request may be considered within 180 days, unless this restriction is waived by the City Council.
- (b) *Criteria for rezoning.* All applications for rezoning shall be reviewed in accordance with the following criteria:
- (1) The proposal shall be consistent with the Comprehensive Plan, including proposed uses and intensity or density of use.
 - (2) The establishment, maintenance, or operation of the uses permitted by the proposed rezoning shall not be detrimental to or endanger the public health, safety, or general welfare.
 - (3) The uses permitted by the proposed rezoning shall not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the respective zoning classifications and shall be consistent with the character of the immediate neighborhood.
 - (4) The establishment, maintenance, or operation of the uses permitted by the proposed rezoning shall be supported by adequate infrastructure or provisions shall be made to ensure that infrastructure is adequate when needed to serve the development.
 - (5) The proposed amendment shall not qualify as spot zoning, as defined in this Code, except when necessary to initiate a rezone pursuant to Sec. 4.3.
- (c) *City initiated rezoning.* The City may initiate rezoning of land as provided by F.S. § 166.041.
- (1) The community meeting shall be held at least ten (10) days prior to the first public hearing for the proposed ordinance.
 - (2) The City shall notify all property owner subject to the rezoning as required by Sec. 3.6.
 - (3) Due public notice shall be provided in accordance with F.S. § 166.041.

(Ord. No. 01-99, § 1(105), 11-3-1999; Ord. No. 02-12, § 2(Exh. A), 9-5-2012; Ord. No. [04-15](#), § III, 12-2-2015)

Sec. 3.9. Rezoning to PUD.

- (a) *Preapplication stage.* A preapplication meeting is required before a PUD rezoning application can be accepted. After the preapplication meeting, a concept plan may be submitted for review and comment prior to filing the application for rezoning.
- (1) *Preapplication meeting.* The preapplication meeting is intended to provide an opportunity for an informational exchange between the applicant and the administrative staff. No fee shall be charged. The applicant need not submit any plans or other information; however, the more information, such as concept plans, proposed land

uses, site information, adjacent land uses, and proposed density, that the applicant does submit, the more complete the responsive comment can be. As a minimum, the applicant will be advised of the usual procedures and requirements. Forms, application materials, guidelines, checklists, and copies of the Comprehensive Plan, and of the zoning and subdivision regulations, will be made available at a reasonable cost. The applicant must formerly request a preapplication meeting on the City supplied preapplication form. The form must be signed by the City Manager, the Growth Management Director, or the City Engineer. Any casual or informative communication with staff shall not be deemed as a preapplication meeting.

(2) *Concept plan.* After the preapplication meeting, a concept plan may be submitted to the GMD. If submitted, written comments on the concept plan shall be made by the GMD and any interested departments within 30 days. The GMD shall coordinate this review. If submitted, a concept plan shall indicate general land use categories and the approximate height, location, architectural character and density of dwellings, and other structures. The concept plan shall also show the tentative major street layout, approximate street widths, sites of schools, open space areas and parks, existing structures, waterways, wooded areas, wetlands, floodplain areas (if applicable), total acreage and existing zoning. Finally, it shall include a vicinity map, and any other information deemed appropriate by the applicant. Written comments on the concept plan are informational only and are subject to change after a more detailed review of the rezoning application.

(b) *RPUD application stage.* An application for rezoning to RPUD, together with a master development plan (MDP) and such application fees as are set at the preapplication meeting, shall be submitted to the City Manager or his/her designee. The master development plan shall consist of a preliminary plan and a written development agreement. Those documents shall include the following information:

(1) Preliminary plan exhibits. The preliminary plan shall consist of the following:

- a. Name of project and name, address, telephone number of the developer and the professional project engineers, architects and planners.
- b. The date the plan was drawn, its scale, and a north arrow.
- c. Names and location of adjoining streets and names of abutting property owners.
- d. Legal description of property, boundary survey and the location of all existing streets, buildings, railroads, bulkhead lines, easements, and other important features in or adjoining the property.
- e. The general topography and physical conditions of the site, including natural areas of vegetation and type, general soil types, wetland areas, 100-year floodplain areas, watercourses, water bodies, and natural drainage patterns.
- f. Conceptual configuration of proposed streets, which depict access into and traffic flow within the development, with particular reference to the separation of vehicular traffic from pedestrian or other types of traffic.
- g. General feasibility plans for potable water, sewage disposal, and stormwater drainage.
- h. Approximate location and area encompassed for each proposed land use within the development.
- i. Approximate location and size of common open space.
- j. Such additional material, maps, studies, or reports subsequently deemed necessary by any reviewing department or agency.

(2) *Written development agreement.* In addition to a preliminary plan, a written development agreement shall be prepared, following a general format supplied by the GMD at the preapplication meeting. The development agreement, along with the preliminary plan, shall govern the development of the PUD and shall regulate the future use of the land. The development agreement shall include the following:

- a. Evidence of unified ownership and control.

- b. Statement agreeing to:
 - c. Proceed with the proposed development according to all regulations;
 - d. Provide appropriate performance and maintenance guarantees;
 - e. Follow all other provisions of this Code to the extent not expressly inconsistent with the written development agreement, and bind the applicant's successors in title to his or her commitments.
 - f. The acreage and percentage of the total land area devoted to each of the proposed land uses.
 - g. Maximum density for each type of dwelling.
 - h. Maximum building heights.
 - i. Minimum building spacing and floor areas.
 - j. Lot sizes, yard areas and buffer areas, including perimeter buffers.
 - k. Statement regarding the disposition of sewage and stormwater, and arrangements for potable water.
 - l. When the PUD is planned for phase development, a schedule of the phases.
 - m. The proposed language of any covenants, easements or other restrictions.
 - n. Maximum number of dwelling units by type.
 - o. Any additional information or statements subsequently deemed necessary by any reviewing department or agency.
 - p. Conditions that all provisions of the development agreement shall expire 720 days following execution of the development agreement by the City, if a subsequent development order has not been secured in writing by the applicant. Upon expiration of the agreement the zoning designation will revert to its previous designation and the PUD entitlements become null and void.
 - q. Design guidelines, when the proposed BPUD, MPUD, or IPUD is located in the Form-Based Code Corridors and Nodes Overlay District and the Transit Oriented Development (TOD) Overlay District.
- (c) *BPUD, IPUD or MPUD application stage.* An application for rezoning to BPUD, IPUD or MPUD, together with a master development plan (MDP) and such application fees as are set at the preapplication meeting, shall be submitted to the City Manager or his/her designee. The master development plan shall consist of a preliminary plan and a written development agreement. Those documents shall include the following information:
- (1) Preliminary plan exhibits. The preliminary plan shall be drawn to an appropriate engineer's scale to include the location and boundary of the site referenced by the legal description and boundary survey; the date the plan was drawn, its scale, and a north arrow; and the name, address and telephone number of the developer and their professional project engineers, architects and planners. In addition, the preliminary plan shall include all of the following, if applicable. The PUD establishes the zoning/permitted use of property; items (a), (f), (h), (j) below if not known or applicable at the time of the zoning request will be provided on the preliminary plat or final site plan as appropriate.
 - a. The approximate size and location of all proposed buildings and other structures, if known, and the specified use of buildings and structures may be indicated, if known.
 - b. Generalized off-street parking area and loading plans, including circulation plans for vehicular movement.
 - c. Driveway and access controls, including number and approximate location of driveways.
 - d. Approximate location, size and description of open spaces, landscaped areas, or buffers.

- e. Approximate location and size of all easements, rights-of-way, or drainage facilities and structures.
 - f. Approximate boundary lines and dimensions of parcels proposed to be subdivided, if applicable.
 - g. The general topography and physical conditions of the site, including features such as water bodies, wooded areas, wetland areas, vegetation types, soils, 100-year floodplain areas, and steep grades or depressions on the site.
 - h. General location of signs, if known.
 - i. Approximate location of dumpsters, solid waste receptacle enclosures, etc., if known.
 - j. Any other conditions of development, specifications, limitations, constraints, standards or proposed physical features not specifically included in subparagraphs a. through j. of this paragraph.
- (2) *Written development agreement.* In addition to a preliminary plan, a written development agreement shall be prepared, following a general format supplied by the City Manager at the preapplication meeting. The development agreement, along with the preliminary plan, shall govern the development of the BPUD, MPUD or IPUD and shall regulate the future use of the land. The development agreement shall include the following information:
- a. Evidence of unified ownership and/or control.
 - b. Statement agreeing to:
 - c. Proceed with the proposed development according to all regulations;
 - d. Provide appropriate performance and maintenance guarantees;
 - e. Following all other provisions of this Code to the extent not expressly inconsistent with the written development agreement, and bind the applicant's successors in title to their commitments.
 - f. A listing of the land uses agreed upon in each component of the BPUD, MPUD or IPUD.
 - g. Maximum building heights.
 - h. Minimum building spacing and floor areas.
 - i. Lot sizes, if known, yard areas, and buffer areas, including perimeter buffers.
 - j. Statement regarding ingress/egress controls to the site.
 - k. Statement regarding any road improvements to be made and the thresholds for the traffic impact analysis.
 - l. Statement regarding the disposition of sewage and stormwater, and arrangements for potable water.
 - m. When the BPUD, MPUD or IPUD is planned for phased development, a schedule of the phases.
 - n. The proposed language of any covenants, easements or other restrictions.
 - o. Maximum amount of square footage by use.
 - p. Any additional information or statements subsequently deemed necessary by any reviewing department or agency.
 - q. Condition that all provisions of the development agreement shall expire 720 days following execution of the development agreement by the City, if a subsequent development order has not been secured in writing by the applicant. Upon expiration of the agreement the zoning designation will revert to its previous designation and the PUD entitlements become null and void.

- r. Design guidelines, when the proposed BPUD, MPUD, or IPUD is located in the Form-Based Code Corridors and Nodes Overlay District and the Transit Oriented Development (TOD) Overlay District.
- (d) Post-approval stage.
 - (1) *Recording MDP.* After City Council approval of the rezoning application to PUD, the preliminary plan, and the written development agreement, both signed by the Mayor, and attested by the City Manager, shall be recorded in the public records of the County at the expense of the applicant.
 - (2) *Final site plan approval.* After the MDP is recorded, a final site plan shall be prepared and submitted in the manner required by this Code. If the PUD includes a subdivision required to comply with this Code, preliminary and final plats of the subdivision portion may be submitted in lieu of the final site plan, for review and approval as governed under this Code.
 - (3) *Construction.* During construction, the City Manager shall enforce compliance with the approved final site plan or the final plat.
 - (4) Legally existing PUDs. Residential Planned Unit Developments (RPUDs), Business Planned Unit Developments (BPUDs), and Industrial Planned Unit Developments (IPUDs) which were in existence prior to October 27, 1990, shall continue in the manner approved by the County Council. To the extent of any specific amendment to these aforesaid PUDs, said amendment must comply with the requirements of this Chapter. Terms previously used in said PUDs may continue to be employed.

Sec. 3.10. PUD Amendments.

- (a) After approval of a Planned Unit Development and its corresponding development agreement and master development plan, the city may issue development permits which are consistent with the approved Planned Unit Development until its expiration specified in the development agreement. The City Council may grant extensions to a Planned Unit Development and its corresponding development agreement and master development plan.
- (b) Subsequent to the approval of the planned unit development, the City Council may approve minor modifications of the Planned Unit Development as long as the modification requested is not contrary to the specific provisions of the PUD ordinance. Minor modifications are those for which:
 - (1) The proposed site alterations must not increase the building size more than ten percent of the gross floor area of all buildings within the development.
 - (2) The proposed site alteration must not adversely affect traffic circulation on- or off-site.
 - (3) The proposed site alterations must not have a significant impact upon the utility system.
 - (4) The proposed site alterations must comply with all codes, rules, and regulations of the City, County, State and federal governments, and must not require variances.
 - (5) The proposed modification must not increase the maximum density of development.
 - (6) The proposed modification does not change permitted uses or special exception uses.
- (c) Requests for modifications to a planned unit development which meet the standards of subsection (b) may be adopted by resolution of the City Council after one public hearing and notice as provided in accordance with Sec. 3.6. After City Council approval of a minor amendment, the adopted resolution along with its corresponding revisions to the development agreement and master development plan shall be recorded in the public records of Volusia County, Florida, at the expense of the applicant.
- (d) Requests for modifications which do not meet the standards in subsection (b) shall be reviewed and processed in the manner provided for new planned unit development applications, as provided for in Sec. 3.8 and 3.9 of this Code.

Sec. 3.11. Variances.

The City Council may grant a variance from the strict application of a provision of this Code if the effect of the variance is in harmony with the general purpose and intent of the Comprehensive Plan and with these regulations and standards and

where the City Council, pursuant to City Resolution # 2015-21, makes findings of fact, based on the standards hereinafter described, that there are practical difficulties or particular hardships in carrying out the strict letter of the regulation or regulations.

- (a) *Procedure.* Any person desiring to make improvements to property or to erect any structure not in conformance with the regulations or standards in this Code shall apply for a variance. Consideration of a request for a variance by the City Council shall be a quasi-judicial action and shall be considered after due public notice. Public notice shall include newspaper advertising as required by State law and Sec. 3.6.
- (b) *Limitations on granting variances.* The City Council shall not vary the provisions of this Code unless it includes within the record of its action findings based upon the evidence presented to it in each specific case that all of the following conditions are met:
 - (1) The particular physical surroundings, shape, topographical conditions, or other physical or environmental condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
 - (2) The conditions upon which the request for a variance is based are unique to the parcel and would not be applicable, generally, to other property within the vicinity.
 - (3) The plight of the landowner is due to unique circumstances and not the result of his or her own action or failure to act.
 - (4) The variance, if granted, will be the minimum variance necessary to accomplish the objectives and will not alter the essential character of the area.
 - (5) The purpose of the variance request is not based exclusively upon an economic hardship.
 - (6) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity.
 - (7) The proposed variance will be consistent with the provisions of the Comprehensive Plan and the purposes of this Code.
- (c) *Conditions.* In giving development order approval of a variance, the City Council may impose such conditions and restrictions as may be necessary to comply with the standards of this Code to reduce or minimize the injurious effects of such variance upon other property in the vicinity and so as to carry out the intent and purposes of this Code and the Comprehensive Plan. Such conditions shall conform to the limitations set out in this Code and shall be enforceable as are any other provisions of this Code.
- (d) *Expiration.* The activity permitted by a variance shall be commenced within the valid period of the issued development order.
- (e) *Administrative variances.* The City Manager shall have the power to grant approval of an application for an administrative variance. An administrative variance may only modify setbacks, buffer widths, yard dimensions, height or floor area when the variance requested is equal to or less than 10 percent of the required setback, buffer width, yard dimensions, height or floor area requirement. If the City Manager denies an application for an administrative variance, an appeal may be submitted to City Council in accordance with Sec. 3.13 of this Code.

(Ord. No. 01-99, § 1(107), 11-3-1999; Ord. No. 02-12, § 2(Exh. A), 9-5-2012)

Sec. 3.12. Special exceptions.

Certain uses or development situations are "special exceptions." These uses or development situations are generally permitted in the zoning classification indicated, but may involve consideration of special circumstances or factors to determine that they are appropriate to the specific location and property. These uses may also require additional conditions to be imposed to ensure compatibility with the surrounding area and consistency with the overall objectives of this Code and the Comprehensive Plan. Uses permitted by special exception shall be reviewed by the City Council pursuant to City Resolution # 2015-21

- (a) Procedure for review of special exception.
- (1) A request for approval of a special exception shall be filed with the City Manager or his or her designee. The request may be filed and processed in conjunction with any other request, such as a request for a change of zoning. The request shall be accompanied by a development plan for the project, unless it is determined by the City Manager that the nature of the request and the issues involved are not appropriate for development plan review.
 - (2) In considering a request for a special exception, the City Council shall evaluate the criteria as they relate to the specific use requested and the specific location of the proposed special exception.
- (b) *Criteria for special exceptions.* All applications for special exceptions shall be reviewed and approved in accordance with the following criteria:
- (1) The proposal shall be consistent with the Comprehensive Plan.
 - (2) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.
 - (3) The proposed use shall not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the respective zoning classifications and shall be consistent with the character of the immediate neighborhood.
 - (4) Adequate measures shall be taken for ingress, egress and parking in a manner consistent with traffic operations and safety.
 - (5) The proposal shall not have a substantial adverse effect on any known archaeological, historical, or cultural resource located on or off the site.
 - (6) The proposed design shall minimize adverse effects of the use on adjacent property, including visual impacts.
 - (7) Adequate provision shall be made for buffers, landscaping, public open space, and other improvements necessitated by the proposal.
 - (8) The use shall meet the lot and building requirements of the zoning classification in which it is located. A special exception shall meet any specific requirements identified in this Code and no variance shall be granted from these requirements.
 - (9) The use shall comply at all times with the approved development plan, and any conditions imposed for establishment and operation of the use.
- (c) *Imposition of conditions.* In approving a special exception, the City Council may impose such additional reasonable conditions for establishment and operation of the use, including but not limited to:
- (1) Hours of operation of the use.
 - (2) Restraints to minimize environmental effects such as noise, vibration, air pollution, glare, and odor.
 - (3) Special yard or other open space, lot area, or dimension requirements exceeding the requirements of the applicable zoning classification.
 - (4) Height, size, or location limitations on buildings or other structures.
 - (5) Increase of the required amount of street dedication, roadway width, or improvements within the street right-of-way.
 - (6) Regulation of the size, location, screening, drainage, surfacing, or other improvement of a parking or truck loading area, and control of traffic generation or circulation.
 - (7) Regulation of the number, size, location, height, or lighting of signs.

- (8) Regulation of the location, intensity, and shielding of outdoor lighting.
 - (9) Berming, screening, landscaping, or other measures to protect adjacent or nearby property, including standards for installation and maintenance.
 - (10) Regulation of the size, height, location, or materials for a fence or wall.
 - (11) Regulations to protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.
 - (12) Consideration of the size, style, history, and appearance of a structure to ensure architectural compatibility with other structures in the district except for single and two-family dwelling units.
- (d) *Previously approved special exceptions.* It is the intent of this Code that any use or situation approved as a special exception prior to the effective date of this Code shall continue to be valid unless the use or situation is abandoned for more than 180 days based on utility records and/or occupancy or a change is requested. Any change shall be processed as a new request for a special exception under the provisions of this Code. The use or activity permitted under a special exception shall be commenced within the valid period of the issued development order.

(Ord. No. 01-99, § 1(108), 11-3-1999)

Sec. 3.13. Appeals

(a) Purpose of Planning and Zoning Appeals Requirements

- (1) This Section is established to provide a procedure for the hearing and decision of appeals to certain determinations made under this Chapter by the City Manager or the GMD and their designees.

(b) Authorization

- (1) An appeal may be brought by an applicant or owner of property or their designated agent subject to the action being appealed, the City Council acting as a body, and/or an aggrieved or adversely affected person.
- (2) *Matters subject to appeal.* Any decision or interpretation of the provisions or requirements of this Code made by the City Manager or the GMD may be appealed. Such appeal shall describe the decision or interpretation being appealed and the nature of the proposed correct decision or interpretation. Where the City Manager or GMD has delegated or assigned a responsibility or duty to another employee or another party (including an assignment under a contract to provide administrative services), an appeal may be taken from an action of that other party to the City Manager and, subsequently, to the City Council under this Section.
- (3) An action by the City Manager or GMD approving, approving with conditions, or denying an application for a development order may be appealed. Such appeal shall state the basis for the appeal, including reference to specific provisions of the Comprehensive Plan, applicable laws, or this Code, with which the action is alleged to be inconsistent.

(c) Matters which may/may not be appealed. The validity of language of any Section or provision of this Code may not be appealed—only the application of that language to a specific situation or circumstance. No requirement which is a requirement of or is directly based on and/or made directly pursuant to a requirement of the County, the State, or any federal or regional agency may be appealed. No provision or requirement of the Comprehensive Plan may be appealed; however, an interpretation of the meaning of a plan provision may be appealed to the extent that it affects a decision or action under this Code.

(d) The Appeal Review Process

- (1) **Initiation.** An appeal may be brought by an applicant or owner of property subject to the action being appealed and/or an aggrieved or adversely affected person.
- (2) **Time Limit for Filing.** The appeal shall be taken within ten (10) business days after rendering in writing of the order, requirement, decision, or determination appealed from by filing with the administrative official from whom the appeal is taken, a written notice of appeal specifying the grounds thereof. Where the provisions of this Code

do not require a written statement or action as part of the decision process, and in order to establish a basis for appeal, the person making the appeal may request a written statement from the City Manager making a formal decision or interpretation as it applies to the property or situation involved in the appeal, in which case the appeal shall be filed within ten (10) business days after the issuance of such written statement.

- (3) Stay of Work and Proceedings on Appeal. When an appeal has been filed with the administrative official, all proceedings and work on the premises concerning which the decision was made shall be stayed unless the official from whom the appeal was taken shall certify to the reviewing authority that by reasons of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order which may be granted by the reviewing authority, or by a court of record.
- (4) *Transmittal of the Record*. The administrative official from whom the appeal is taken shall transmit to the appropriate reviewing authority all papers, documents and maps constituting the record of the action from which the appeal is taken.
- (5) Appeal of Authority's Decision (Administrative). Any action by the City Manager, GMD, or other administrative official in approving, approving with conditions, or denying an application for development approval may be appealed to City Council. Any action of the City Manager, GMD, or other administrative official in approving or denying an action prescribed by this Code or in taking or failing to take an action under the provisions of this Code may be appealed to City Council.
 - a. The appeal shall be considered by the City Council at a regular or special meeting within 60 days of the City Manager's receipt of a timely filed petition.
 - b. In considering an appeal, the City Council will conduct a public hearing with public notice. The Mayor or presiding officer may administer oaths and compel the attendance of witnesses. The City Council may reverse or affirm, wholly or partly, or modify any order, requirement, decision, or determination within its jurisdiction and may make such order, requirement, decision, or determination as ought to be made. Consideration of an appeal by the City Council shall be a quasi-judicial action.
 - c. Action to reverse or modify any order, requirement, decision, or determination under this Code, or to decide in favor of the applicant on any matter upon which it is required to act, or to effect any variation from these regulations, shall require the concurring vote of the majority of the entire Council.
- (6) Appeal of Authority's Decision (Quasi-Judicial Hearing). Any action by the City Council in approving, approving with conditions, or denying an application for development approval may be appealed to court under the applicable provisions of State law. Any action of the City Council in approving or denying an action prescribed by this Code or in taking or failing to take an action under the provisions of this Code may be appealed to court under the applicable provisions of State law.

It is the intent of the City, however, that reasonable effort will be taken to resolve disputes through the dispute resolution processes established by State law and by the City's adopted Comprehensive Plan.

(e) Effect of decision on an appeal.

- (1) All decisions of the City Council are expressly conditioned upon the appellant or applicant obtaining the permit requested, or complying with such other order, and beginning construction within one year from the date of the decision. If compliance with all requirements has not been made and the permit has not been issued within one year, then the permit shall expire. Extensions may be granted by the City Council, provided that extensions shall not exceed one year.
- (2) Upon denial of a request, an applicant may not apply for the same relief or relief of the same condition until 180 days after the date of final action.

ARTICLE III. CONCURRENCY

Sec. 3.14. Concurrency management system.

- (a) General provisions.
- (1) The purpose of the concurrency management system is to meet the legal requirement that no development be permitted unless the public facilities necessary to support the development are in place with adequate capacity to serve the development or will be in place when needed by the development.
 - (2) It is the intent of this Code that the provisions of this Section will not be applied in such a way as to deprive the owner of property from the reasonable beneficial use thereof.
- (b) Determination and offsetting of impact on public services and facilities of the City.
- (1) *Procedure.* During the review of an application for a development order or development permit, a determination will be made by the City according to policies set out in the Comprehensive Plan and this Code as to the environmental, physical and fiscal impact of the development on the public services and facilities of the City as set forth in this Section and the Comprehensive Plan and the measures necessary to offset said impacts.
 - a. The determination of impact will use the best available information and will be based upon the maximum impact of the proposed development as generated from the submitted application for a development order or development permit. The applicant is encouraged to provide any information in addition to required submittals that will assist in more accurately determining impact.
 - b. The measures necessary to offset the impact of the proposed development shall be as set out in this Section.
 - (2) *Availability of the stormwater management system.* The proposed development shall be designed to provide for the construction and maintenance of a stormwater management system, which conforms to the standards of Chapter 10 of the Comprehensive Plan, and any other governmental agency having jurisdiction over the area.
 - (3) *Availability of the potable water system.* The availability and capacity of the potable water system shall be as provided in this Code and the Comprehensive Plan.
 - (4) *Availability of the sanitary sewer system.* The availability and capacity of the sanitary sewer system shall be as provided in this Code and the Comprehensive Plan.
 - (5) *School system sites in new residential development.* In order to provide for lands to be used to meet the need for school sites created by new residential development, a developer may dedicate land to the County school board of suitable size, dimension, soil type, topography and general character to meet the need for school sites created by the development or as required by the Comprehensive Plan or Volusia County Public Schools (VCPS).
 - (6) *Availability of solid waste facilities.* The availability and capacity of solid waste facilities shall be as provided in this Code and the Comprehensive Plan.
 - (7) *Traffic impact analysis methodology and requirements.* A traffic impact analysis (TIA), preceded by a written methodology statement for review and approval by the City Traffic Engineer, shall be provided with all development applications subject to concurrency review. Please also see the City's Mobility areas and requirements for applicability. The TIA shall follow the report requirements of the document entitled *Transportation Impact Analysis (TIA) Guidelines – For Development Applications Requiring a TIA Within the River to Sea TPO Metropolitan Planning Area, Dated June 22, 2016* as approved by the River to Sea Transportation Planning Organization (R2CTPO) as amended from time-to-time, and adopted here by reference as an administrative requirement.
 - a. Thresholds for traffic impact analysis report. A transportation impact analysis report shall be required, unless waived by the City Traffic Engineer, for any use which, according to the Institute of Transportation Engineers Trip Generation Manual, latest edition, rates published by the Florida Department of Transportation or rates documented by study and agreed to prior to use by the City Traffic Engineer, will generate the following:

1,000 or more two-way daily external trips on a weekday; or,
100 or more peak hour two-way external trips.

Developments generating less than 1,000 two-way daily external trips or 100 peak hour two-way external trips may also be required to submit a TIA if determined necessary by the Development Review Committee and/or the City Traffic Engineer.

- b. The applicant submitting the TIA for City approval shall adhere to and be responsible for the provision of all notification requirements, and those associated costs, as specified within the adopted TIA and city development and level of service standards.

(8) *Recreation LOS.* The availability and capacity of parks and recreation system shall be as provided in this Code and the Comprehensive Plan.

(Ord. No. 01-99, § 1(209), 11-3-1999)

Sec. 3.15. Public school capacity.

(a) Adequate school capacity required for permit approval. The City shall coordinate with VCPS to determine if adequate school capacity exists and to determine if mitigation strategies are needed to accommodate an increase in residential density. In making such determination, the City is entitled to rely on VCPS's certification of adequate or inadequate capacity as competent, substantial evidence that the affected public school or schools can or cannot accommodate the additional students resulting from the increase in residential density. However, the following exceptions to this Section apply:

- (1) This Section shall not apply to a development permit or Comprehensive Plan amendment with a de minimis impact. Such a development permit, its functional equivalent, or Comprehensive Plan amendment shall be presumed not to create an adverse impact on any affected public school.
- (2) This Section shall not apply to a development permit, Comprehensive Plan amendment, or administrative rezoning that does not increase actual residential density, but merely makes the zoning classification or category representative of the preexisting development and preexisting residential density in the area.
- (3) The City may, with written approval of VCPS and the consent of the applicant, elect to defer consideration of school capacity from adoption of Comprehensive Plan amendment for a property until such time as the City considers a development permit for the property.
- (4) If permitted by applicable law, if no interlocal agreement is yet in place between the City and the school board as provided for in this Section, or VCPS otherwise fails to provide the City with school capacity reports or other information, then the City may base its determination of the adequacy of school capacity on the best available information and data as procured from and provided by the school board, applicant, and/or other credible sources.

(b) *Interlocal agreement; minimum requirements.* The City shall negotiate with the school board to reach an interlocal agreement regarding school capacity, which shall include, at a minimum, the following:

- (1) All the elements of an interlocal agreement required by F.S. § 163.3177(6)(h)1. and 2., 163.31777(2), and 163.3180(6).
- (2) The school board shall respond to the City's request for a school capacity report within an agreed-upon time period.
- (3) If the school capacity report indicates that there is insufficient capacity, and the applicant requesting the development permit or Comprehensive Plan amendment proposes a capacity enhancement agreement, the school board shall approve or deny the capacity enhancement agreement within an agreed-upon time period. Approval by the school board of a capacity enhancement agreement shall constitute its certification that sufficient school capacity will exist to handle the additional students generated by the proposed development permit or Comprehensive Plan amendment and that such capacity is based on an educationally sound plan.

- (4) The capacity enhancement agreement shall take into account the time at which school capacity will be available.
 - (5) The school board shall use funds collected pursuant to a capacity enhancement agreement to provide school capacity to serve the students of the City.
 - (6) A school board certification of insufficient school capacity when an applicant has made a capacity enhancement proposal shall require the school board to demonstrate that it has considered options to mitigate the impacts created by issuance of a development permit or approval of a Comprehensive Plan amendment.
 - (7) That any provisions within the agreement for certification of school capacity will be superseded by any valid, future, countywide interlocal agreement for school concurrency which is also applicable within the City and adopted pursuant to general law, but only superseded to the extent of direct conflicts between the agreements.
- (c) *Multijurisdictional participation.* The County, along with the City and the school board, may be a party to the interlocal agreement regarding school capacity. Any other municipality within the County may request to be a party to the interlocal agreement regarding school capacity. To the extent that negotiations with individual cities are successful, they may be parties to the interlocal agreement regarding school capacity. To the extent that negotiations with individual municipalities, as well as the County, are unsuccessful, they will not be parties to the interlocal agreement regarding school capacity.
 - (d) *Effect of failure to join; optional parties.* The failure of any other municipality or local government, including the County, to enter into the interlocal agreement regarding school capacity will not prevent the execution and implementation of the interlocal agreement regarding school capacity between the City and the school board.
 - (e) *Effect of school board's failure to join or provide timely certification.* This Section recognizes the autonomy of the County school board as a sovereign entity. The provisions of this Section shall be effective immediately upon the City's adoption of the ordinance creating said Section. In the event the County school board and the City do not approve the interlocal agreement referenced in subsection (c) of this Section, or the County school board fails to timely provide the City with school capacity reports or other information contemplated by this Section, the City shall make the determination on school capacity required by this Section based on information the City deems sufficient.
 - (f) *Effect of implementation of countywide school concurrency.* This Section will be superseded by any valid, countywide, interlocal agreement for school concurrency adopted by this City as required by general law, but only to the extent that said school concurrency agreement conflicts with this Section.
 - (g) *Effect of maximum densities under the Comprehensive Plan.* The maximum density established by the Comprehensive Plan Future Land Use Map, or an amendment thereto does not absolve a development permit applicant from meeting this Section. For the issuance of development permits, the City may require and approve less density than the maximum density established by the Comprehensive Plan Future Land Use Map on the basis of lack of public school capacity.

(Ord. No. 28-06, § I, 12-6-2006)

Sec. 3.16. Proportionate fair-share program.

- (a) *Purpose.* The purpose of this Section is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the proportionate fair-share program, as required by and in a manner consistent with F.S. § 163.3180(5) and the Transportation Impact Analysis (TIA) Guidelines established by the River to Sea Transportation Planning Organization adopted on June 22, 2016, as amended.
- (b) *Applicability.* The proportionate fair-share program shall apply to any development project in the city where the project's traffic impact study or the city's traffic engineer determines that there is insufficient capacity on one or more roadway segments to satisfy the development project's transportation concurrency requirements including transportation facilities maintained by the Florida Department of Transportation (FDOT) or Volusia County that are relied upon for transportation concurrency determinations, except those developments subject to the Mobility Fee Area. The proportionate fair-share program does not apply to developments of regional impact (DRIs) using

proportionate fair share under F.S. § 163.3180(5), or to developments exempted from concurrency under F.S. § 163.3180.

(c) *General requirements.*

- (1) An applicant whose project meets the criteria of subsection (b) of this Section may choose to satisfy transportation concurrency requirements by making a proportionate fair-share contribution, pursuant to the following requirements:
 - a. The proposed development is consistent with the Comprehensive Plan, applicable land development regulations, and the adopted Long-Range Transportation Plan (LRTP) of the River to Sea Transportation Planning Organization, as amended.
 - b. The five-year schedule of capital roadway improvements in the city's Capital Improvements Element (CIE) of the City's Comprehensive Plan includes one or more transportation improvements that, upon completion, will provide sufficient capacity for the deficient segments to accommodate the traffic generated by the proposed development.
- (2) The City may choose to allow an applicant to satisfy transportation concurrency for a deficient roadway segment as identified by the City through the proportionate fair-share program by the developer contributing to an improvement that, upon completion, will create additional capacity on the deficient segment sufficient to accommodate the additional traffic generated by the applicant's proposed development even if the improvement project for the deficient segment is not contained in the five-year schedule of capital improvements in the CIE where:
 - a. The DeBary City Council holds an advertised public hearing to consider the proportionate share agreement and corresponding future changes to the five-year CIE;
 - b. The City adopts, by ordinance, an amendment adding the improvement to the five-year schedule of capital improvements in the CIE. To qualify for consideration under this Section, the proposed improvement must be reviewed by the DeBary City Council, and determined to be consistent with the Comprehensive Plan, and in compliance with the provisions of this Section.
 - c. Any improvement project proposed to meet a developer's fair-share obligation must meet design standards of the City and County for arterials and those of the Florida Department of Transportation (FDOT) for the State highway system.

(d) *Agreement process.*

- (1) Upon identification of a lack of capacity to satisfy transportation concurrency, a development application entity (applicant) may choose to satisfy transportation concurrency through the proportionate fair-share program by entering into a proportionate fair-share agreement with the city.
- (2) Prior to submitting a proportionate fair-share agreement, the applicant shall attend a preapplication meeting with city planning and traffic engineering staff to discuss eligibility, submittal requirements, potential mitigation options, and related issues. Volusia County and the Florida Department of Transportation (FDOT) will be notified and invited to participate in the preapplication meeting.
- (3) Proportionate fair-share agreements shall include the following exhibits:
 - a. Name, address, and phone number of owner(s), developer and agent;
 - b. Property location, including parcel identification numbers;
 - c. Legal description and survey of property;
 - d. Project description, including type, intensity, and amount of development;
 - e. Phasing schedule, if applicable;

- f. Description of requested proportionate fair-share mitigation method(s);
 - g. Copy of concurrency application;
 - h. Copy of the project's traffic impact statement (TIS) or traffic impact analysis (TIA); and
 - i. Location map depicting the site and affected road network.
- (4) Within ten (10) business days, city planning staff shall review the submission and certify that the submission is sufficient and complete. If a submission is determined to be insufficient, incomplete, or inconsistent with the general requirements of the proportionate fair-share program as indicated in subsection (c) of this Section, then the applicant shall be notified in writing of the reasons for such deficiencies within ten (10) business days of submittal of the submission. If the applicant does not remedy such deficiencies within 30 days of receipt of the written notification, then the submission shall be deemed abandoned. The City Manager may, in his/her discretion, grant an extension of time not to exceed 60 days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to affect a cure.
- (5) Pursuant to F.S. § 163.3180(5), proposed proportionate fair-share mitigation for development impacts to facilities on the strategic intermodal system (SIS) requires the concurrence of the FDOT. If an SIS facility is proposed for proportionate share mitigation, the applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.
- (6) When a submission is deemed sufficient, complete, and eligible, a proposed proportionate fair-share obligation and binding agreement will be prepared by the city, or the applicant with direction from the city, and delivered to the appropriate parties for review. Copies of the agreement shall be provided to FDOT and Volusia County for any fair-share mitigation related to their respective thoroughfare facilities.
- (7) The city shall notify the applicant regarding the date of the DeBary City Council meeting at which the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the DeBary City Council.
- (e) Determining proportionate fair-share obligation.
- (1) Proportionate fair-share mitigation for concurrency impacts may include, separately or collectively, private funds, contributions of land, and construction and contribution of facilities as provided in F.S. § 163.3180(5).
- (2) A development shall not be required to pay more than its proportionate fair share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ based on the form of mitigation as provided in F.S. § 163.3180(5).
- (3) The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in F.S. § 163.3180(5)(h)2.a..
- (4) For purposes of determining proportionate fair-share obligations, the city shall determine improvement costs based upon the actual and/or anticipated costs of the improvement in the year that construction will occur. The City Engineer will determine these costs.
- (5) If the city has accepted an improvement project proposed by the applicant, then the value of the improvement shall be based on an engineer's certified cost estimate provided by the applicant and approved by the City Engineer or other method approved by the City Manager.
- (6) If the city has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the nonsite-related right-of-way shall be valued on the date of the dedication at 120 percent of the most recent assessed value by the Volusia County Property Appraiser or, at the option of the applicant, by fair market value established by an independent appraisal approved by the city and at no expense to the city. Said appraisal shall assume no approved development plan for the site. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the city at no expense to the city. If the estimated

value of the right-of-way dedication proposed by the applicant (based on a city-approved appraisal) is less than the city estimated total proportionate fair-share obligation for that development, then the applicant must also pay the difference. If the estimated value of the right-of-way dedication proposed by the applicant (based on a city-approved appraisal) is more than the city estimated total proportionate fair-share obligation for the development, then the city must pay the difference.

(f) Proportionate fair-share agreements.

- (1) Upon executing a proportionate fair-share agreement (agreement) and satisfying other concurrency requirements, an applicant shall receive a certificate of concurrency (or its successor upon amendment of initial concurrency regulations). Should the applicant fail to apply for building permits or final plat within the timeframe provided for in the city's concurrency certificate, then the project's concurrency vesting shall expire, and the applicant shall be required to reapply. Once a proportionate share payment for a project is made and other impact fees for the project are paid, no refunds shall be given. All payments, however, shall run with the land.
- (2) Payment of private funds, contributions of land, and construction and contribution of facilities as provided in F.S. § 163.3180(5) of proportionate fair-share requirements for a project and shall be due and must be paid or completed prior to the issuance of a building permit or recording of a final plat. If payment is submitted more than 12 months from the date of issuance of the certificate of concurrency, then the proportionate fair-share mitigation shall be recalculated at the time of payment and shall be subject to approval of the City Engineer.
- (3) All developer improvements accepted as proportionate fair share contributions must be completed within three years of the issuance of the first building permit for the project which is the subject of the proportionate fair share agreement and be accompanied by a performance bond that is sufficient to ensure the completion of all required improvements. It is the intent of this Section that any required improvements be completed within three years of the issuance of the first building permit for the project which is the subject of the proportionate fair share agreement.
- (4) Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must occur prior to the issuance of a building permit or approval of a final plat.
- (5) Any requested change to a development project subsequent to issuance of a development order shall be subject to additional proportionate fair-share contributions to the extent the change would increase project costs or generate additional traffic that would require mitigation.
- (6) Applicants may withdraw from a proportionate fair-share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs to the city are nonrefundable.
- (7) The city may enter into proportionate fair-share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.

(g) Appropriation of fair-share revenues.

- (1) Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the city's Capital Improvements Element, or as otherwise established in the terms of the proportionate fair-share agreement. Proportionate fair-share revenues may also be used as the 50-percent local match for funding under the FDOT Transportation Regional Incentive Program (TRIP).
- (2) In the event a scheduled facility improvement is removed from the CIE, then the proportionate fair-share revenues collected for its construction may be applied toward the construction of alternative improvements within that same corridor or sector where the alternative improvement will mitigate the impacts of the development project on the congested roadway(s) for which the original proportionate fair share contribution was made.

(Ord. No. 27-06, § 1, 12-6-2006)

ARTICLE IV. DEVELOPMENT ORDERS, PLATTING & SITE PLANS

Sec. 3.17. Development orders, development permits, approval authority, installation of improvements, public services and facilities agreements, and appeals.

- (a) *Purpose.* The purpose of this Section is to:
- (1) Provide for the applicability, approval and issuance of development orders and development permits to ensure that all of the provisions of this Code are complied with, to ensure the installation of required improvements;
 - (2) Provide for public services, road maintenance agreements and facilities agreements; and
 - (3) Provide an appeal process.
- (b) *Applicability.* No person shall undertake the development of land in the City except pursuant to a valid development order or development permit issued under this Code unless specifically exempted as provided by this Code. All development shall meet the requirements of this Code prior to the approval and issuance of any development order or development permit, unless specifically exempted from the requirements of this Code by provisions set forth herein, or one or more such requirements are waived in accordance with provisions set forth herein.
- (c) *Approving authority.* The Development Review Committee shall make a recommendation to City Council for approval, approval with conditions or denial of all applications for which the City Council makes a final decision. The Development Review Committee shall have authority to approve, approve with conditions or deny a development order for a final site plan and a preliminary plat and construction plan meeting the definition of this Code except as otherwise provided herein. All development order approvals and approvals with conditions for final site plans and preliminary plats and construction plans by the Development Review Committee must have a final signature of approval by the City Manager or the GMD before such are deemed issued. Final site plans and preliminary plat and construction plans shall not require City Council approval if a development order on such is issued after approval or approval with conditions by the Development Review Committee unless an appeal of a Development Review Committee decision is brought in accordance with the appeal provisions in this Code. The Development Review Committee, on their own motion and for cause, may continue consideration of an application to a subsequent meeting.
- (d) *Issuance of development orders and development permits.* A development order, upon issuance, shall authorize continuation to the next step in a development review process. A development order, upon issuance, shall authorize issuance of appropriate development permits. A development permit, upon issuance, shall authorize commencement of construction of the work covered by the scope of the permit. No development or construction shall commence unless a valid development order or development permit has been issued as provided by this Code. All development or construction commenced pursuant to a valid development order or development permit shall be completed in a manner which is consistent with the approved development order or development permit.
- (e) *Installation of improvements.* All improvements required to be installed, constructed or provided by the developer as a condition to the approval of a development order shall be installed and completed or guaranteed as specified in Sec. 3.33.
- (f) *Public services, road maintenance agreements and facilities agreements.* In order to further the purposes of this Code regarding the provision of public services, road maintenance and facilities to a proposed development, the City shall enter into an agreement with the developer of the proposed development which will provide a means to:
- (1) Ensure the certainty of providing public services and facilities for the proposed project;
 - (2) Ensure the provision of public services and facilities to other developments in the vicinity of the proposed development;
 - (3) Allocate the costs of providing public services and facilities;
 - (4) Allocate the capacities of the public services and facilities;
 - (5) Determine the responsibilities for construction and maintenance of the public services and facilities.

- (6) Provide a road maintenance agreement applicable to the development roadways, both public and private, for all new development projects clarifying pertinent elements, limits, operation, and maintenance responsibilities. The agreement shall be provided at the respective preliminary plat and construction plan or final site plan process and may be part of a Developer's Agreement or stand-alone document. The agreement shall be approved by the City Council when the development order is approved.

(Ord. No. 02-12, § 2(Exh. A), 9-5-2012; Ord. No. [03-16](#), Exh. A, 1-20-2016)

Sec. 3.18. Application review requirements.

An application for a development order shall be reviewed by the Development Review Committee in accordance with Sec. 3.4. No application for a development order shall be approved which does not comply with the following:

- (a) The City Comprehensive Plan;
- (b) The City Land Development Code.

Sec. 3.19. Criteria for review of a development plan.

In order to meet the purpose of development plan review and the provisions of this Code, the following factors will be considered by the City Council in the review and approval of a development plan:

- (a) Plans must meet all Land Development Code requirements. Any variances or waivers necessary must be identified and approved prior to or in conjunction with the approval of the development plan.
- (b) The relationship the proposed development would have to adjacent properties, the impact the development would have on the immediate neighborhood, and the compatibility of the proposed development with the City's adopted Comprehensive Plan, including any development standards contained therein.
- (c) Ingress and egress to the site, compatibility with road improvement plans, vehicular and pedestrian safety, traffic flow and traffic control on public streets, maneuverability of vehicles, conflict points, provisions for service drives, adequacy of parking and loading areas (including number of parking spaces), servicing of utility areas by vehicles, access by emergency vehicles, and cross visibility.
- (d) The method of storm drainage on the property and the effect of proposed site alterations on drainage of adjacent properties, public drainage systems, the retention of stormwater, drainage to landscaped areas, the water table, flood hazard areas, and protection of water bodies from pollution.
- (e) Preservation of exceptional tree specimens and as many healthy trees as possible, the location and quality of landscaped and open areas, and the preservation or installation of buffer and screening areas.
- (f) Siting of and efforts to provide open spaces as well as recreational facilities for residents of the development where appropriate.
- (g) Utility tie-in locations, existing water and sewer facilities, offsite utility improvements, impact on water and sewer treatment capacities, supply capabilities, and pressure, and the necessity for and location of fire hydrants on- or off-site.
- (h) Internal circulation and parking with reference to pedestrian and vehicular safety, maneuverability of vehicles, prevention of points of vehicular conflict, wheel chair ramps, marking of drives and parking bays, cross visibility, drop-off points, adequacy of parking count, parking spaces for the handicapped, and accessibility of firefighting equipment and personnel, applying the infrastructure, public improvement, and utility requirements of this Code.
- (i) General site arrangement, amenities, and convenience with particular reference to insuring that appearance and general layout of the proposed development will be compatible and harmonious with properties in the general area and will not be so at variance with other development so as to cause substantial depreciation of property values.
- (j) The use and development depicted in the development plan shall meet all City minimum environmental standards as set forth in this Code.
- (k) Other standards appropriate to the use and scale of the development proposed.

(Ord. No. 01-99, § 1(203), 11-3-1999)

Sec. 3.20. Platting.

It is the intent of this Code that the subdivision plat review process and platting process shall meet the requirements of F.S. Chapter 177, Part 1.

- (1) *Applicability.* These provisions shall apply to the review of any plat of subdivisions of any land within the City, which plat is to be recorded in the public records of the County. Submission, review, and approval of a plat shall be required for the division of any lot or parcel of land. Previously recorded and unrecorded subdivisions are hereby approved except as determined not exempt or vested by the procedures set forth in these regulations. Approval for the realignment or change of any lot or boundary shall be as set forth by these regulations.
- (2) *Submittal requirements.* Submittal and review of preliminary and final subdivision plats shall be as provided in this Code.
- (3) *Procedure.* Prior to recording of any final subdivision plat, such plat shall be submitted to the City Council for approval. The plat shall be reviewed and approved by the Development Review Committee as meeting all applicable requirements of this Code and other regulations. The Mayor shall then sign the plat to indicate that it has been approved.

(Ord. No. 01-99, § 1(206), 11-3-1999)

Sec. 3.21. Reserved.

Sec. 3.22. Conceptual site plan review.

(a) Filing.

- (1) All applicants for an FSP may first submit a conceptual site plan application (CPS) to the GMD.
- (2) The GMD shall, within three working days of acceptance of the application, review the application for conformity with this Code and other development regulations and notify the applicant in writing of the results of the review.

(b) *Procedures.* An application for a CPS may be filed and processed pursuant to Sec. 3.4 and 3.18

(c) *Required submittals.* A CPS application shall include the following:

- (1) Conceptual site plan application.
 - a. Statement of ownership of the proposed development, and the names, addresses and telephone numbers of the developer and any project engineers, architects or planners;
 - b. Legal description;
 - c. Current zoning classification;
 - d. Schematic representation of proposed use, including building size, shape and location on the site;
 - e. Schematic representation of vehicular circulation within the site, including driveways, parking areas and loading areas;
 - f. Schematic representation of points of connection to the public rights-of-way;
 - g. Location of landscaping;
 - h. Location of floodplains and wetlands;
 - i. Location of signage, if applicable;
 - j. Data on density/intensity; and
 - k. Number of dwelling units for multi-family residential projects.

(Ord. No. 02-12, § 2(Exh. A), 9-5-2012)

Sec. 3.23. Final site plan review.

- (a) *Approval required.* Unless otherwise stated in this Code, granting of a final site plan (FSP) development order is required prior to the issuance of any development permit allowing the commencement of site construction of commercial, industrial, other non-residential developments except as exempt herein, and multi-family development in the City.
- (b) *Procedures.* An application for an FSP shall be filed and processed pursuant to Sec. 3.4 and 3.18.
- (c) *Exempt development.* The following activities shall not require compliance with this Article, but may be subject to other Articles of this Chapter:
- (1) Construction of a single-family home and customary accessory structures on an existing single-family zoned lot.
 - (2) Construction of a single duplex or triplex and customary accessory structures on an existing duplex or triplex zoned lot.
 - (3) The installation of those improvements which are required to develop a subdivision and for which development permits have been issued pursuant to Article V of this Chapter.
 - (4) Agricultural production practices, which include fencing, drainage, irrigation, and other agricultural uses and structures, including portable structures which do not conflict with existing City ordinances.
 - (5) Minor site plans pursuant to Sec. 3.24
 - (6) Minor or de minimis projects as determined by the GMD.
- (d) *On- and off-site development.* The provisions of this Article shall be applied to all development which is the subject of an FSP, whether that development is on or off the subject site.
- (e) *Final site plan application.* An FSP application for final site plans may be submitted pursuant to Sec. 3.4 and 3.18 and shall include the following information and exhibits drawn to a scale deemed appropriate by the City Engineer:
- (1) Statement of ownership of the parcel, and the names, addresses and telephone numbers of the developer and any project engineers, architects or planners;
 - (2) Legal description;
 - (3) Current zoning classification;
 - (4) Vicinity map at a scale deemed appropriate by the City Engineer with sufficient information to locate the property in the field;
 - (5) A survey of the subject property, prepared by a registered surveyor, showing the boundaries of the project, and any existing streets, buildings, watercourses, easements and section lines. The survey shall be no older than two years;
 - (6) Floodprone areas;
 - (7) Water bodies or courses;
 - (8) Swamp or wetland areas;
 - (9) Tree survey, including a table depicting existing trees, tree retention, and applicable mitigation.
 - (10) A plan, signed and sealed by a State registered professional engineer, containing the title of the project, its date, scale and a north arrow, and illustrating the location of all proposed buildings and structures, access and traffic flow, off-street parking and off-street loading areas, recreational facilities, landscaped and buffer areas, refuse collection areas, proposed utilities, and existing and proposed topography at one-foot contour intervals;
 - (11) Total acreage, project density/intensity, and the percentages of total acreage for each permitted use, for building coverage and for impervious surface coverage;

- (12) Architectural plans when required by other provisions of this Code.
- (13) Number of dwelling units for multi-family residential projects.
- (14) Statement of the proposed number of off-street parking and loading spaces and how that number was calculated;
- (15) Statement of the proposed arrangements for the maintenance of common open space areas and facilities;
- (16) Location and height of all structures and total floor area with dimensions to lot lines, and designation of use;
- (17) Building separations;
- (18) Vehicular circulation system for bicycles, cars and other required vehicle types, with indication of connection to adjacent streets;
- (19) All adjacent rights-of-way, with indication of centerline and width, paving width, existing median cuts, driveways and intersections, street light poles and power company facilities;
- (20) Pedestrian circulation system;
- (21) Provider of water and sewerage facilities;
- (22) Existing and proposed fire hydrant locations and water main sizes;
- (23) Direction of drainage flows and nature of retention facilities;
- (24) Indication of existing native vegetation that will be preserved;
- (25) Identify known wildlife corridors for federal and state endangered species, threatened species or species of special concern;
- (26) Identify known plants and animals which inhabit the site that are listed as federal and state endangered species, threatened species or species of special concern;
- (27) Identify known historic and archaeological sites;
- (28) Location of solid waste disposal system and provisions for accessibility to refuse collection and recycling trucks;
- (29) Off-street parking, loading, bicycle parking and mass transit loading (bus stop) areas and provisions for accessibility to vehicles of the required type;
- (30) Areas for emergency vehicles and fire engines, and provisions for accessibility to vehicles of the required type;
- (31) Design of all paved areas, including dimensions, radii and elevations, as well as plans for traffic control signs and pavement markings;
- (32) Location of all drainage features, and retention areas; lowest floor elevation of proposed buildings;
- (33) Plans and specifications required pursuant to all other applicable provisions of this Code;
- (34) Computation of pervious and impervious area, in square footage and percentage;
- (35) Building floor areas, elevations, sizes, types and typical floor plans;
- (36) Plans for signs, which at a minimum shall include location, size and setbacks;
- (37) A landscaping plan signed and sealed by a landscape architect meeting the requirements of this Code;
- (38) Location and plans for any outside storage areas;
- (39) Any additional information deemed necessary by any reviewing department or agency, or deemed appropriate by the developer;

- (40) If the FSP was prepared on a geographic information system or CAD system, the applicant shall provide electronic copies to the GMD;
- (41) Solid waste container and enclosure. Trash storage facilities in all commercial and industrial districts shall be screened by the owner so as to completely conceal such facilities from the view of persons in adjacent public rights-of-way normally reserved for vehicular traffic. This screening shall conform generally to the aesthetics and architectural characteristics of the adjoining principal structure or structures, and the use of natural materials and landscaping is encouraged. A dumpster pad detail and location plan shall be submitted to the zoning department for approval and permitting before any dumpster is located within the City limits.
- (42) Any other exhibits as may be required by a City reviewing agency.

One or more of the above items of information may be waived by the GMD at the time of application if deemed unnecessary in a particular case. The waived item may still be subsequently required by any reviewing department or agency if they deem it necessary.

(Ord. No. 02-12, § 2(Exh. A), 9-5-2012)

Sec. 3.24. Minor final site plan review

- (a) *Approval required.* A minor site plan development permit is required prior to the commencement of site construction of a minor site improvement as defined in this Code.
- (b) *Exemption from requirement for development order.* An application for a minor FSP is exempt from the requirement for a final site plan development order and shall be issued a development permit consistent with the requirements of this Code and the City's Code of Ordinances.
- (c) *Minor final site plan application.* An application for a minor FSP may be submitted pursuant to the City's procedures for the issuance of development permits and shall include the following information and exhibits drawn to a scale deemed appropriate by the City Engineer, as deemed applicable to the project:
- (1) Statement of ownership of the parcel, and the names, addresses and telephone numbers of the developer and any project engineers, architects or planners;
 - (2) Legal description;
 - (3) Current zoning classification;
 - (4) Vicinity map at a scale deemed appropriate by the City Engineer with sufficient information to locate the property in the field;
 - (5) A survey of the subject property, prepared by a registered surveyor, showing the boundaries of the project, and any existing streets, buildings, watercourses, easements and section lines. The survey shall be no older than two years;
 - (6) Floodprone areas;
 - (7) Water bodies or courses;
 - (8) Swamp or wetland areas;
 - (9) Tree survey, including a table depicting existing trees, tree retention, and applicable mitigation.
 - (10) A plan, signed and sealed by a State registered professional engineer, containing the title of the project, its date, scale and a north arrow, and illustrating the location of all proposed improvements;
 - (11) Total acreage, project density/intensity, and the percentages of total acreage for each permitted use, for building coverage and for impervious surface coverage;
 - (12) Architectural plans when required by other provisions of this Code.

- (13) Number of dwelling units for multi-family residential projects.
- (14) Statement of the proposed number of off-street parking and loading spaces and how that number was calculated;
- (15) Statement of the proposed arrangements for the maintenance of common open space areas and facilities;
- (16) Location and height of all structures and total floor area with dimensions to lot lines, and designation of use;
- (17) Building separations;
- (18) Vehicular circulation system for bicycles, cars and other required vehicle types, with indication of connection to adjacent streets;
- (19) All adjacent rights-of-way, with indication of centerline and width, paving width, existing median cuts, driveways and intersections, street light poles and power company facilities;
- (20) Pedestrian circulation system;
- (21) Provider of water and sewerage facilities;
- (22) Existing and proposed fire hydrant locations and water main sizes;
- (23) Direction of drainage flows and nature of retention facilities;
- (24) Indication of existing native vegetation that will be preserved;
- (25) Identify known wildlife corridors for federal and state endangered species, threatened species or species of special concern;
- (26) Identify known plants and animals which inhabit the site that are listed as federal and state endangered species, threatened species or species of special concern;
- (27) Identify known historic and archaeological sites;
- (28) Location of solid waste disposal system and provisions for accessibility to refuse collection and recycling trucks;
- (29) Off-street parking, loading, bicycle parking and mass transit loading (bus stop) areas and provisions for accessibility to vehicles of the required type;
- (30) Areas for emergency vehicles and fire engines, and provisions for accessibility to vehicles of the required type;
- (31) Design of all paved areas, including dimensions, radii and elevations, as well as plans for traffic control signs and pavement markings;
- (32) Location of all drainage features, and retention areas; lowest floor elevation of proposed buildings;
- (33) Plans and specifications required pursuant to all other applicable provisions of this Code;
- (34) Computation of pervious and impervious area, in square footage and percentage;
- (35) Building floor areas, elevations, sizes, types and typical floor plans;
- (36) Plans for signs, which at a minimum shall include location, size and setbacks;
- (37) A landscaping plan signed and sealed by a landscape architect meeting the requirements of this Code;
- (38) Location and plans for any outside storage areas;
- (39) Any additional information deemed necessary by any reviewing department or agency, or deemed appropriate by the developer;

(40) If the FSP was prepared on a geographic information system or CAD system, the applicant shall provide electronic copies to the GMD;

(41) Solid waste container and enclosure. Trash storage facilities in all commercial and industrial districts shall be screened by the owner so as to completely conceal such facilities from the view of persons in adjacent public rights-of-way normally reserved for vehicular traffic. This screening shall conform generally to the aesthetics and architectural characteristics of the adjoining principal structure or structures, and the use of natural materials and landscaping is encouraged. A dumpster pad detail and location plan shall be submitted to the zoning department for approval and permitting before any dumpster is located within the City limits.

(42) Any other exhibits as may be required by a City reviewing agency.

One or more of the above items of information may be waived by the GMD at the time of application if deemed unnecessary in a particular case. The waived item may still be subsequently required by any reviewing department or agency if they deem it necessary.

Sec. 3.25. Conformity to recorded plat and zoning regulations.

- (a) *Conformity to recorded plat.* If a FSP includes land previously platted, it shall conform to such plat.
- (b) *Conformity to zoning regulations.* Development depicted in a FSP shall conform to all applicable zoning regulations.
- (c) *Conformity to Comprehensive Plan.* Development depicted in a FSP shall conform to all provisions of the City's Comprehensive Plan.

ARTICLE V. SUBDIVISION REGULATIONS

Sec. 3.26. Purpose.

- (a) *Generally.* The purpose of this Article is to establish procedures for the subdivision of land in the City.
- (b) *Prohibitions on transfer of lots and issuance of development orders and development permits for lots not in compliance with this Code.* It shall be a violation of this Code for anyone who is the owner, or agent of the owner, of any land to transfer, sell, agree to sell, or negotiate to sell such land by reference to, exhibition of, or other use of a plat of a subdivision of such land without having the plat approved as required by this Code. In addition, no development order or development permit shall be issued on any lot unless that lot is in compliance with this Code.
- (c) *Exemptions.*
 - (1) Acquisition for public use.
 - (2) Condominiums.

Sec. 3.27. Lot splits; lot line adjustments; lot combinations.

- (a) The City Manager or his/her designee, may waive the requirement for preliminary plat and final subdivision plat approval when a lot split, lot adjustment or lot combination results in the creation of one or two lots either from the division of one existing lot, the combination of two more lots, or by the adjustment of two existing adjacent lots and the following conditions are satisfied:
 - (1) Each parcel meets the zoning standards of the property's zoning classification without the necessity of a variance.
 - (2) Parcels have frontage on a road right-of-way.
 - (3) The addition of impervious area will not impact the stormwater system of the area.
 - (4) Where property abuts an existing standard street and no new improvements for water, sewer or drainage improvements are required.
 - (5) Legal access to and from the lots and a public right-of-way is provided.
 - (6) Easements and access for public services and utilities are provided, if necessary.

- (7) Executed joinder and consent to the proposed lot split or adjustment from all owners of the property and mortgage holders, if applicable.
- (8) Any lots created shall be buildable.
- (9) No lots shall be created pursuant to this Section that would result in new necessary public facilities and infrastructure

(b) *Procedures.* An application shall be filed and processed on a form provided by the City;

(c) *Required submittals.* The completed application shall include the following information and exhibits:

- (1) A completed application with all required contracts and notarized forms completed;
- (2) Verification of ownership of the parcel(s), such as a warranty deed;
- (3) Survey(s) of each existing lot and a separate survey for each proposed lot. The surveys shall be no older than two years, prepared by a registered surveyor, and shall provide the following information:
 - a. Legal description of the property(s);
 - b. North point;
 - c. Existing lot dimensions;
 - d. Existing easements;
 - e. Names and dimensions of all streets within or abutting the property, and whether the streets are dedicated County, City, or private roads, and whether they are unopened, paved, or unpaved;
 - f. Flood plains;
 - g. Wetlands;
 - h. Existing septic tanks;
 - i. Existing wellfields;
 - j. Ingress and egress; and
 - k. Any other information required by the State Statutes, as amended.

(d) *Recordation.* If the application is approved by the City, the applicant must have the approved application reviewed by the Volusia County Property Appraiser's Office and recorded, as required by Volusia County regulations.

(Ord. No. 02-12, § 2(Exh. A), 9-5-2012; Ord. No. [03-16](#), Exh. A, 1-20-2016)

Sec. 3.28. Concept subdivision plan review.

The intent of this review is to give the developer an opportunity to introduce a proposed subdivision to the Development Review Committee for the purpose of familiarizing the developer with a broad range of Development Review Committee considerations prior to the preparation of detailed plan documents. These considerations include, but are not limited to, such items as the Comprehensive Plan, City development policies and regulations, other development in the vicinity of the proposed subdivision, soil types, area drainage patterns, floodplain and floodprone areas, and the capability of the land to support the proposed development. One specific purpose of this procedure is to provide the applicant with staff comments concerning floodprone areas in the proposed subdivision and to provide staff recommendations concerning those floodprone areas and the level of development considered to be acceptable by the City Council.

(a) *Procedures.*

- (1) An application for concept plan review may be filed and processed pursuant to Sec. 3.4, except subsection (f) of that Section.

(2) A developer may elect to omit the concept plan review and proceed directly to the preliminary plat and construction plan review at Sec. 3.29..

(b) *Required submittals.* A concept plan shall be drawn at a scale no smaller than deemed appropriate by the City Engineer and shall illustrate clearly:

- (1) Total acreage.
- (2) Floodprone areas (if applicable).
- (3) Water bodies or courses.
- (4) Wetland areas as defined herein.
- (5) Parcel number according to the County property appraiser.
- (6) Tentative layout of street system, lot patterns, and approximate subdivision boundaries.
- (7) Areas that may be reserved for parks or recreation sites, conservation easements, or natural open space areas.
- (8) Streets adjacent to the tract, including rights-of-way and driveways.
- (9) Current zoning and existing uses of subject property and of adjacent and surrounding properties.
- (10) All existing on-site or adjacent easements, including drainage, electricity, gas, water, wastewater, or other pipeline or utility easements.
- (11) Boundary survey with 5-foot interval contours and legal description.

(c) *Development Review Committee review.* The Development Review Committee shall review the application and informally discuss with the applicant any steps necessary to bring the application into compliance with the requirements of this Code. Thereafter, the applicant may submit a preliminary plat and construction plan application pursuant to Sec. 3.29.

Sec. 3.29. Reserved.

Sec. 3.30. Preliminary plat and construction plan review.

A preliminary plat and construction plan review (PPR) shall be filed, processed and approved pursuant to Sec. 3.4 and 3.18.

(a) *Procedure and required submittals.* An application for preliminary plat and construction plan review, the proper fee, and sufficient copies of the exhibits, as determined by the GMD, shall be filed with the GMD. Exhibits shall include:

- (1) General information.
 - a. Name of subdivision; name, address, telephone number of the subdivider, subdivision designer, professional engineer and registered surveyor;
 - b. Scale, date, and north arrow;
 - c. Legal description of the subject property;
 - d. Total acreage in tract, acreage in public or other land usage, total number of lots, linear feet in streets;
 - e. Names and location of adjoining subdivisions and streets;
 - f. Other supplemental materials or any deed restrictions or protective covenants for the subdivision and any other information considered by either the applicant or the Development Review Committee to be pertinent to the review of the preliminary plat and construction plan;
 - g. Parcel ID of the subject property;

- h. Construction plans shall be submitted in a format and scale approved by the City Engineer;
- i. A preliminary plat shall be submitted in the same format as required for final plats by F.S. 177, and by the applicable provisions of this Code; and
- j. A signed and sealed survey of the subject property, prepared by a surveyor having a valid State professional surveyor and mapper license, showing the boundaries of the project must be submitted. Said survey must include the width of the right-of-way of the street on which the property is situated and those of the closest streets in both directions together with dimension ties to the centerline of the rights-of-way. It must also include any buildings on the property, any existing streets or roads (whether by plat, deed, easement or physically on-site), watercourses and section lines abutting the property or included in the legal description and any known easement. When any public corner, required by F.S. 177, part III, as amended, to be reported, is used in the boundary survey, the certified corner report number must be depicted on the survey drawing. If a new report is required by the statute or in a case where the corner has not previously been reported, a copy of the new report must be attached to the survey if the survey is submitted before the certified corner report number is available. Said survey must be certified as meeting the requirements of F.A.C. 5J-17, pursuant to F.S. § 472.027, as amended.

(2) Existing site data.

- a. Property lines, rights-of-way, pavement widths, easements, streets, driveways, railroads, utility transmission lines, storm sewers, ditches and culverts, sanitary sewers, water mains, bridges, buildings, bulkhead and bulkhead lines, and adjacent rights-of-way;
- b. Wooded, wetland, and 100-year floodplain areas, marshes, watercourses, ponds, and other similar conditions affecting the site;
- c. Topography of the site at not more than two-foot vertical contour intervals based on mean sea level data furnished by a professional engineer or surveyor;

(3) Proposed site data and construction details.

- a. Typical lot dimensions;
- b. Site data table, including gross square footage of the site and project, total impervious coverage, and principal setbacks;
- c. Uses of adjacent parcels;
- d. Parks, school sites, conservation areas, open spaces, and other public uses, if any;
- e. Areas to be used for purposes other than residential and public; and with the purposes, location and dimensions of each indicated;
- f. Street centerline dimensions, scalar block and lot layouts, lot and block numbers;
- g. Street rights-of-way, pavement widths, grades and elevations, street names, plans, profiles, and, cross sections;
- h. Other rights-of-way or easements, including locations, dimensions and purposes;
- i. Plans for all underground utilities, including but not limited to sanitary sewers; storm sewers; water lines; and electric lines showing connections to existing systems, or proposals for developing new water supply; storm drainage; erosion; and sewage disposal systems; storm and sanitary profiles; and, cross sections; and inverts and top elevations of structures;
- j. Landscaping plan, including details on the location, dimension, and method of buffering from adjacent uses;
- k. Stormwater calculations;

- l. Tree preservation plan and calculations;
 - m. Architectural elevations, when applicable;
 - n. Biological report, when applicable;
 - o. Traffic impact analysis, when applicable;
 - p. Approximate spot elevations sufficient to indicate proposed grading of the streets and landscapes;
 - q. Contour changes, dikes or any created water bodies or changed watercourses;
 - r. Bulkheads and bridges; engineering plans, and cross sections;
 - s. Information on essential services, including electric or gas services, including a commitment from the provider that adequate electric or gas service, where appropriate, will be available prior to issuance of the development order;
 - t. Location and method of screening of refuse stations, storage areas; and
 - u. Plans and information required pursuant to all other applicable provisions of this Code.
- (b) *Developer's option to commence construction.* The developer may elect to commence construction of the subdivision after the preliminary plat development order has been issued and may at the same time apply for a final plat or may apply for a final plat prior to commencement of construction.
- (c) *Development permits required prior to commencement of construction.* No construction shall commence nor shall an application for a final plat be accepted unless a preliminary plat development order has been issued. If the developer elects to commence construction prior to or concurrently with final plat approval, the developer shall notify the City Manager or GMD of that intention. The City Manager shall then issue a development permit authorizing the commencement of construction pursuant to the approved construction plans; provided all other permits from federal, state or regional agencies have been issued.

Sec. 3.31. Final plat review.

After the preliminary plat development order has been issued pursuant to Sec. 3.30, the developer may submit an application for a final plat. No improvements, including streets, shall be accepted and maintained by the City unless and until the final plat has been approved by the City Council, and has been duly recorded by the Clerk of the Circuit Court in the County. The Clerk shall record only those final plats which have been submitted for recording by the City Manager.

- (a) *Procedures.* An application for a final plat shall be filed, processed and approved pursuant to Sec. 3.4 The submittals shall be consistent with the issued preliminary plat development order and shall include any conditions.
- (1) The developer shall submit as the final plat only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time. Such portion shall conform to all requirements of this Code.
 - (2) The final plat shall be prepared by a currently registered land surveyor at a deemed appropriate by the City Surveyor. All final plats shall be prepared on standard sheet sizes as required by F.S. 177, as amended, and shall be 22 inches x 28 inches, including a three-inch binding margin on the left side and a one-inch margin on the other three sides. To ensure legibility, all lettering upon the plat shall have a minimum height of 0.10 inches.
- (b) Required submittals.
- (1) The following information shall be shown on the submittals:
 - a. Name of subdivision, date of survey, north point and graphic scale.
 - b. A vicinity map drawn at scale of one inch equals 400 feet, or other scale deemed appropriate by the City Engineer.
 - c. Names and locations of all adjoining or interior subdivisions, City limit lines, bulkhead lines, property lines, rights-of-way and easements.

- d. Accurate location and legal description of all monuments, markers and control points. The legal description of the property being platted shall appear on sheet one of the final plat.
- e. Sufficient survey data to readily determine and reproduce on the ground every straight or curved boundary line, lot line, right-of-way line, easement line, bulkhead line and setback line, including, but not limited to, linear dimensions, bearings or deflection angles, radii, arcs and central angles. All dimensions shall be measured to the nearest 1/100 of a foot and all angles to the nearest second of a degree.
- f. All proposed rights-of-way, easements and areas to be dedicated to public use with the purpose of each stated.
- g. Areas to be used for purposes other than residential and public, if any, with the purpose, location and dimensions of each indicated.
- h. Lot and block numbers, street names and all right-of-way or easement widths.
- i. Signed certificates shall appear on sheet 1 of all final plats. Such certificates shall be in accordance with the format and specific language set forth in this Code. The following signed certificates shall be completed on the final plat prior to submission: dedication, joinder and consent to dedication, all required acknowledgements, certificate of surveyor, certificate of approval by a City registered land surveyor, certificate of approval by the City Council, certificate of approval by the City Manager, and Volusia County Clerk of Court.
- j. The final plat shall include such additional information as may be required by F.S. 177, as amended.

(2) The following information shall be provided on sheets separate from the final plat:

- a. Name, address and telephone number of the subdivider, subdivision designer, professional engineer, registered surveyor, abutting property owners, and mortgagees of the property.
- b. A title opinion which meets the requirements of F.S. 177, as amended, and includes other encumbrances which affect the property.
- c. Any deed restrictions or protective covenants, with the appropriate filing fees.
- d. Such engineering plans, cross sections, plan and profile drawings of streets, bulkheads, bridges, sidewalks, water distribution systems, water treatment plants, sewerage collection systems, sewage treatment plants, and storm sewer systems as required by the City.

(3) If the developer elects to construct the improvements after the issuance of the final plat, the following information shall be provided in addition to paragraphs (1) and (2) of this subsection:

- a. A copy of an executed construction contract or signed and sealed professional engineer's estimate of the total construction cost which encompasses all required improvements.
- b. A performance guarantee in accordance with Sec. 3.33.
- c. All items required in subsections (b)(4)a. – d. of this Section must be provided after subdivision improvements have been completed.

(4) Upon completion of construction of the required improvements, the information provided for in Sec. 3.34(c) shall be provided in addition to paragraphs (1) and (2) of this subsection.

(c) Recording requirements.

(1) *Recording period.* No plat may be recorded except during the effective period of a final plat.

(2) *Platted dedications.* All streets, alleys, easements, rights-of-way, parks, school sites and public areas shown on an accepted and recorded plat, unless otherwise stated, shall be deemed to have been dedicated or granted, as

appropriate, to the public for the uses of the public. The recorded plat shall constitute, unless otherwise stated, an acceptance of said offer to dedicate, grant or reserve. Reservations must be clearly indicated as such, and must include the word "reservations."

- (3) *Necessary documents.* Prior to recording, an applicant shall furnish the City with those documents necessary to evidence and ensure compliance with such requirements, standards, restrictions or conditions of this Code as requested by the City. Such documents may include, but are not limited to, bonds or other security, agreements, restrictive covenants, deeds and easements, if evidence of compliance with such requirements, standards, restrictions or conditions is not appropriately contained in the preliminary plat development order or on the final plat to be recorded. The final plat and declaration of covenants, conditions and restrictions shall contain the language required by and comply with Chapter 10 concerning stormwater maintenance. The declaration of covenants, conditions and restrictions shall give the city enforcement rights as an intended third party beneficiary to enforce any provision required by this code and any provision required as a condition of development approval.
- (4) *Recordation of plats.* Plats shall be recorded in the following manner:
- a. All recording fees, documents and the original plat shall be submitted to the GMD. The applicant shall then transmit the required fees and documents to the Clerk of the Circuit Court, hereinafter referred to as the Clerk. The Clerk shall, after recording the plat, make three Mylar copies and a number of as determined by the GMD. Also, if the application was prepared on an appropriate CAD/GIS system, the applicant shall provide electronic copies to the GMD.
 - b. The original plat and one Mylar copy of the plat will be retained by the Clerk. One Mylar copy will be returned to the applicant.
 - c. No plat of lands in the City subject to these regulations shall be recorded, whether as an independent instrument or by attachment to another instrument entitled to record, unless and until such plat has been approved by the City Council.
 - d. The City Manager shall obtain a statement that all current and previous taxes have been paid in accordance with F.S. § 197.192, as amended.

([Ord. No. 11-13, § 3, 11-6-2013](#))

Sec. 3.32. Plat certification and dedications.

Following are the plat certifications and dedications of the city:

USE OF DEDICATIONS

A dedication does not transfer ownership of property but is only a perpetual permission to enter upon and to use such areas, by the general public, government personnel (as representative of the public), and utility company personnel (authorized by the government) for the placement, maintenance and use of facilities within each area in accordance with its purpose as described on the plat.

In using the following dedication forms, delete any of the named facilities not involved on the plat and add any other desired to be dedicated to the use of the public, such as retention areas, bike or riding easements, etc.

In cases of multiple ownership, use the form for two persons and add the additional names in the second line and add spaces for appropriate signatures.

The exact name of the subdivision should be placed in the blank following the word "entitled."

(Single Owner)
DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That, I, _____, being the owner in fee simple of the lands described in the attached plat, entitled _____, located in the City of DeBary, Florida, do hereby dedicate said lands and plat for the uses and purposes therein expressed, including as set forth in the plat notes and dedicate all Streets, Avenues, Roads,

DEBARY LAND DEVELOPMENT CODE
CHAPTER 3 – ADMINISTRATION AND PROCEDURES

Alleys, Arterials, Parks, Canals, Utility Easements, Utility Rights-of-Way, and Drainage Easements shown or described thereon to the perpetual use of the Public, for proper purposes, and IN WITNESS WHEREOF, I, _____, hereunto set my hand and my seal on this _____ day of _____ / _____ / _____ A.D. 20 _____.

| | |
|--|--------|
| Signed _____ | (Seal) |
| Signed, sealed and delivered in the presence of: | |
| _____ | |
| _____ | |

STATE _____ OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this (date) by (name of person acknowledging), who is personally known to me or who has produced (type of identification) as identification.

| | |
|--|--|
| | _____ (Signature of person taking acknowledgment) |
| | _____ (Name typed, printed or stamped) |
| | _____ (Title or rank) |
| | _____ (Serial number, if any) |

(Two Persons)
DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That we, _____ and _____, being the fee simple owners of the lands described in the attached plat, entitled _____ located in the City of DeBary, Florida, do hereby dedicate said lands and plats for the uses and purposes therein expressed, including as set forth in the plat notes and dedicate all Streets, Avenues, Roads, Alleys, Arterials, Parks, Canals, Utility Easements, Utility Rights-of-Way, and Drainage Easements shown or described thereon to the perpetual use of the Public, for proper purposes, and

IN WITNESS WHEREOF, We set our hands and seals on this _____ day of _____ / _____ / _____, A.D. 20 _____.

| | | |
|--|-------|--------|
| Signed | _____ | (Seal) |
| | _____ | (Seal) |
| Signed, sealed and delivered in the presence of: | | |
| _____ | | |
| _____ | | |

STATE _____ OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this (date) by (name of person acknowledging), who is personally known to me or who has produced (type of identification) as identification.

| | |
|--|--|
| | _____ (Signature of person taking acknowledgment) |
| | _____ (Name typed, printed or stamped) |
| | _____ (Title or rank) |

(Serial number, if any)

(Corporation)
DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That _____ incorporated under the laws of the State of _____ being the owner in fee simple of the lands described in the attached plat, entitled _____, located in the City of DeBary, Florida, hereby dedicates said lands and plat for the uses and purposes therein expressed, including as set forth in the plat notes and dedicates all Streets, Avenues, Roads, Alleys, Arterials, Parks, Canals, Utility Easements, Utility Rights-of-Way, and Drainage Easements shown or described thereon to the perpetual use of the Public, for proper purposes, and

IN WITNESS WHEREOF, has caused these presents to be signed and attested to by the officers named below and its corporate seal to be affixed hereto on this _____ day of _____ / _____ / _____ A.D. 20 _____.

(Name of Corporation) _____

By _____ (Corporate Seal)

Attest:

| |
|--|
| _____ |
| Title |
| Signed, sealed and delivered in the presence of: |
| _____ |
| _____ |

STATE _____ OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this (date) by (name of officer or agent, title of officer or agent) of (name of corporation acknowledging), a (state or place of incorporation) corporation, on behalf of the corporation. He/she is personally known to me or has produced (type of identification) as identification.

| | |
|--|--|
| | _____ (Signature of person taking acknowledgment) |
| | _____ (Name typed, printed or stamped) |
| | _____ (Title or rank) |
| | _____ (Serial number, if any) |

(Individual)
JOINDER AND CONSENT TO DEDICATION

I, _____, hereby certify that I am the holder of a Mortgage, Lien, or other encumbrance upon the property shown and described in the attached plat, entitled _____ located in the City of DeBary, Florida, and that I hereby join in, and consent to, the dedication, shown on the plat, of the lands therein, and described by the owner thereof, and agree that my Mortgage, Lien, or other encumbrance, which is recorded in Official Records Book _____, at Page _____, of the Public Records of Volusia County, Florida, shall be subordinate to the said dedication.

Signed and Sealed on this _____ day of _____ / _____ / _____, A.D. 20 _____.

| | |
|--|--------|
| By _____ | (Seal) |
| Signed, sealed and delivered in the presence of: | |

| | |
|-------|--|
| _____ | |
| _____ | |

STATE _____ OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this (date) by (name of person acknowledging), who is personally known to me or who has produced (type of identification) as identification.

| | |
|---|--|
| _____ | |
| (Signature of person taking acknowledgment) | |
| _____ | |
| (Name typed, printed or stamped) | |
| _____ | |
| (Title or rank) | |
| _____ | |
| (Serial number, if any) | |

(Two Persons)
JOINDER AND CONSENT TO DEDICATION

WE, _____, and _____, hereby certify that we are the holders of a Mortgage, Lien or other encumbrance upon the property shown and described in the attached plat, entitled _____ located in the City of DeBary, Florida, and that I hereby join in, and consent to, the dedication, shown on the plat, of the lands therein, and described by the owner thereof, and agree that our Mortgage, Lien, or other encumbrance, which is recorded in Official Records Book _____, at Page _____, of the Public Records of Volusia County, Florida, shall be subordinated to the said dedication.

Signed and Sealed on this _____ day of _____ / _____ / _____ A.D. 20 _____

| | |
|--|--------|
| By _____ | (Seal) |
| By _____ | (Seal) |
| Signed, sealed and delivered in the presence of: | |
| _____ | |
| _____ | |

STATE _____ OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this (date) by (name of person acknowledging), who is personally known to me or who has produced (type of identification) as identification.

| | |
|---|--|
| _____ | |
| (Signature of person taking acknowledgment) | |
| _____ | |
| (Name typed, printed or stamped) | |
| _____ | |
| (Title or rank) | |
| _____ | |
| (Serial number, if any) | |

(Corporation)
JOINDER AND CONSENT TO DEDICATION

_____ incorporated under the laws of the State of _____ hereby certifies that it is the holder of a Mortgage, Lien, or other encumbrance upon the property shown, and described in the attached plat, entitled _____, located in the City of DeBary, Florida, does hereby join in, and consent to, the dedication, shown on the plat, of the lands therein,

and described by the owner thereof, and agrees that its Mortgage, Lien, or other encumbrance, which is recorded in Official Records Book _____, at Page _____, of the Public Records of Volusia County, Florida, shall be subordinated to the said dedication.

IN WITNESS WHEREOF: _____ Has caused these presents to be signed in its Corporate Name by its _____, its Corporate Seal to be hereunto affixed and attested by its _____ this _____ day of _____ / _____ / _____ A.D. 20 _____.

Name of Corporation

| | |
|--|------|
| By _____ (Title) _____ | SEAL |
| Attest _____ (Title) _____ | |
| Signed, sealed and delivered in the presence of: | |
| _____ | |
| _____ | |

STATE _____ OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this (date) by (name of officer or agent, title of officer or agent) of (name of corporation acknowledging), a (state or place of incorporation) corporation, on behalf of the corporation. He/she is personally known to me or has produced (type of identification) as identification.

| | |
|--|--|
| | _____ (Signature of person taking acknowledgment) |
| | _____ (Name typed, printed or stamped) |
| | _____ (Title or rank) |
| | _____ (Serial number, if any) |

CERTIFICATE OF PROFESSIONAL SURVEYOR AND MAPPER

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a professional land surveyor and mapper licensed in the State of Florida, does hereby certify that this plat was prepared under my direction and it complies with all of the survey requirements of F.S. ch. 177.

| | |
|-------------|-----------|
| | Seal |
| Dated _____ | By _____ |
| | LS# _____ |

CERTIFICATES OF APPROVAL

Certificate of Approval by Growth Management Director

THIS IS TO CERTIFY, THAT ON _____ / _____ / _____ This plat was approved.

| | |
|--|--|
| | By _____ Land Development Manager or Authorized Representative |
|--|--|

Certificate of Approval by County Registered Surveyor

THIS IS TO CERTIFY, THAT ON _____ / _____ / _____ This plat was approved.

| | |
|--|--|
| | By _____ County Registered Surveyor |
|--|--|

Certificate of Approval by City Council of the City of DeBary, Florida

THIS IS TO CERTIFY, THAT ON _____ / _____ / _____ the foregoing plat was approved by the City Council of the City of DeBary, Florida.

| | |
|---|--------------|
| _____ Mayor of the City of DeBary | CITY SEAL |
| Attest: _____ City Clerk of the City of DeBary | |

Certificate of Clerk

I HEREBY CERTIFY, That I have examined the foregoing plat and find that it complies in form with all the requirements of chapter 177, Florida Statutes, and was filed for record on _____ / _____ / _____ at _____ File No. _____ .

| |
|--|
| _____ Clerk of the Circuit Court in and for Volusia County, Florida |
|--|

ARTICLE VI. INSTALLATION, GUARANTEE AND INSPECTION OF REQUIRED IMPROVEMENTS

Sec. 3.33. Developer's guarantee (or surety).

- (a) *Required or guaranteed improvements.* Neither a final plat nor a certificate of occupancy for building development shall be issued until the developer has installed the improvements required by this Code or has guaranteed that such improvements will be installed.
- (1) The developer's guarantee (or surety), in lieu of installation of improvements, shall be in an amount that is 115 percent of the construction costs of all improvements, including landfill, based per an executed construction contract, calculated, signed & sealed by the developer's professional engineer or architect and verified by the City Engineer or City Manager as appropriate. Such guarantee shall be in the form of one or more of the following: certified check; bond; cash deposited in an escrow account; a first mortgage on their property; letter of credit; or such other guarantee approved by the City Attorney. Such guarantee may be reduced from the original guarantee on a pro rata basis according to the value of any improvements installed as verified by the City Engineer or City Manager, as appropriate.
 - (2) In the case of building development pursuant to a granted development order, only landscaping and/or tree replacement improvements may be guaranteed by the developer prior to the issuance of a certificate of occupancy. All other required improvements shall be installed and approved prior to the issuance of a certificate of occupancy.
- (b) *Installation of improvements.* A State registered professional engineer or architect, as appropriate, shall be employed by the developer to design all required improvements and to inspect and certify that the installation of all required improvements is in conformity with the requirements and standards set forth in this Code and all other specifications or requirements of the City.
- (c) *Required improvements.* The following improvements are considered required for the purposes of this Article:
- (1) Survey reference markers and monuments;

- (2) Streets, driveways and off-street parking and loading areas;
- (3) Storm drainage system;
- (4) Sidewalks, walkways and bicycle facilities;
- (5) Sanitary sewage disposal system;
- (6) Water supply systems;
- (7) Street name signs, pavement markings, regulatory signs, and other traffic control devices;
- (8) Bridges;
- (9) Bulkheads;
- (10) Erosion control;
- (11) Utility lines;
- (12) Curb and gutter;
- (13) Landscaping, screening, buffers;
- (14) Tree removal, relocation and replanting; and
- (15) Any other required improvements.

Sec. 3.34. Inspections and tests.

- (a) *General.* Appropriately staged inspections during construction shall be called for. It shall be the responsibility of the developer or the developer's contractor to notify the City Engineer or City Manager and arrange for these inspections. Tests called for under this Section shall be performed by the City or by a competent engineering testing firm, which shall have an engineer registered in the State as one of the responsible officials of the firm.
- (b) *Inspections.*
 - (1) The developer shall provide written authorization which will enable City staff personnel to enter upon the property to be developed and make periodic inspections at each stage of construction. During construction the developer shall notify the City Engineer or City Manager, where appropriate, that a City inspector can be sent to make an inspection. The City shall furnish an inspector at the site within a reasonable length of time, during normal working days and hours.
 - (2) The purpose of these inspections is to ensure that construction is in compliance with the granted development order. The City accepts no responsibility or liability for the work, or for any contractual conditions involving acceptance, payment or guarantees between any contractor and the developer, by virtue of these inspections. The City assumes no responsibility or commitment guaranteeing acceptance of the work, or for subsequent failure, by virtue of these inspections.
 - (3) Upon completion of the improvements and receipt by the City Engineer of the documents required in subsection (c) of this Section, the developer may request, and the City Manager will schedule, a final on-site inspection of the improvements by all applicable department representatives collectively on a date specified by the developer. The documents required in subsection (c) of this Section shall be submitted by the developer at least five (5) days prior to the inspection date. The developer shall be represented at the inspection as well as the developer's engineer and contractor.
 - (4) However, if any aspect of the work being performed does not comply with acceptable standards, corrections shall be required by the City inspector as a condition for City acceptance. All improvements shall be installed, and have the approval of the City Engineer and/or other City agencies prior to acceptance by the City Council, where required, or issuance of a certificate of occupancy.

- (c) *Completion of installation of required improvements.* Upon completion of the above inspections or prior thereto, the following, where required, shall be provided to the City Engineer and/or other appropriate City agencies:
- (1) Test results;
 - (2) Maintenance guarantees, in accordance with provisions of this Code, for facilities to be dedicated or conveyed to the City or a property owners' association;
 - (3) As-built drawings for utilities, drainage, pedestrian systems, both on and off site;
 - (4) Certification by the developer's engineers that all improvements were installed in accordance with the granted development order, review of as-builts for compliance with Americans with Disabilities Act as applicable; and
 - (5) Electronic as-built construction plans signed and sealed by the professional surveyor which encompass all required improvements, and as-built digital CAD files shall be provided to the GMD.
- (d) Responsibility during maintenance period for improvements to be dedicated or conveyed to the City or to a property owners' association.
- (1) Following approval by the City of the construction of improvements to be dedicated or conveyed to the City or a property owners' association, the developer shall be required to maintain the improvements within the development in first-class condition until the City Council accepts the improvements for City maintenance, or they are turned over to a property owners' association for maintenance. Such association shall have all duties and powers necessary to provide for the perpetual maintenance of the improvements. The developer's maintenance period shall be a minimum of one year. During that maintenance period, the developer will be expected to provide any maintenance required, including, but not limited to:
 - a. Repair and replacement of any system component, or failed section of pavement, etc.
 - b. Correction of design faults.
 - c. Control of erosion, replacement of sod, removal of soil washed onto pavement or into drainage system.
 - d. Lost, destroyed or disturbed survey improvements.
 - (2) The developer may request the City Council to accept the improvements for maintenance at the time of or after the acceptance of the construction, or during the developer's one-year maintenance period. When this occurs, it shall be the responsibility of the developer to sod all areas of the constructed improvements, where the potential for erosion exists. Such areas which may require sodding shall include but not be limited to shoulders, swales, drainage systems and retention areas. When such sodding is completed in a manner which is satisfactory to the City Engineer, the City Council may accept the improvements for City maintenance; provided that all other improvements are in a first-class condition. However, the cash guarantee required by subsection (d)(3) of this Section will be retained for the balance of the developer's one-year maintenance period to guarantee all improvements against defects in design, materials and workmanship. The City Council shall not accept the improvements for City maintenance nor release the cash guarantee until it has determined that all improvements are in a first-class and acceptable condition.
 - (3) All improvements to be dedicated or conveyed to the City or a property owners' association shall be covered by a cash maintenance guarantee which shall be provided by the developer, and shall be in the amount of 15 percent of the construction costs of all improvements, including landfill. The form of the guarantee shall be as prescribed in Sec. 3.33(a)(1) and approved by the City Attorney. The developer shall guarantee all improvements against defects in design, material and workmanship, in addition to guaranteeing maintenance for the required period of time.
 - (4) Approximately 60 days prior to the expiration of the maintenance period, the developer shall request the City Manager to schedule an inspection by the City Engineer and/or other appropriate City personnel. All deficiencies of design, materials, workmanship and/or maintenance identified during the final inspection shall be corrected by the developer.

- (5) Upon evidence of correction of all deficiencies by the City Engineer and other appropriate City agencies, the City Manager shall recommend, and the City Council may accept those improvements dedicated or conveyed to the City for City maintenance. Those improvements to be conveyed to a property owners' association shall be accepted by the property owners' association pursuant to agreements between the developer and the property owners' association.
- (6) Upon acceptance of the improvements by the City Council or property owners' association, the maintenance guarantee shall be released to the developer, less any charges for maintenance or corrections incurred by the City during the maintenance period.
- (e) *Responsibility for maintenance of privately owned improvements.* Any improvements made to private property pursuant to a development permit issued under this Code shall thereafter be maintained by the private property owner and/or lessee or renter to the minimum standards of this Code and the improved plans at their expense. Failure to maintain such improvements shall constitute a violation of this Code.

ARTICLE VII. RIGHT OF WAY UTILIZATIONS PERMIT

Sec. 3.35. Regulations.

- (a) *Purpose.* The purpose of this Article is to regulate the location, installation or adjustment of any facility on or under City rights-of-way (ROW), traveled ways or easements or other City-owned property (City property), including canals and drainage easements or ditches, by any person.
- (b) *Permit required.* Any person placing, installing or adjusting any facility on City property shall have been issued a use permit prior to the commencement of construction. A facility includes driveway connection to a City road, and overhead, on and underground utilities.
- (c) *Jurisdiction.* This Article shall apply to and be enforced on all City property.
- (d) *Application procedure.* Notwithstanding any other provisions of this Code, an application for a use permit shall be filed, processed and approved as follows:
 - (1) An application for a ROW utilization permit shall be filed with the Growth Management Department and the required filing fee paid.
 - (2) Required submittals shall be submitted with the application. The submittals shall meet the requirements of this Code and contain the following information:
 - a. A vicinity map showing the work area location at a scale deemed appropriate by the City Engineer;
 - b. The offset from the centerline of the right-of-way or road to the proposed facility;
 - c. The road right-of-way and pavement width;
 - d. The distance from the edge of the travelled way to the facility and the location of all other utilities within the work area;
 - e. One or more typical cross sections as required by the City Engineer to adequately reflect the location and construction details of the proposed facility;
 - f. The minimum vertical clearance above or below the road, ground or pavement;
 - g. All proposed fire hydrants; and
 - h. Any other information required by the City Engineer.
 - (3) The GMD shall determine the completeness of the application within three (3) days of filing. If the application is determined to be incomplete, it shall be returned to the applicant. If the application is determined to be complete, the GMD shall transmit it to the City Engineer.

- (4) Upon receipt, the City Engineer shall review the application. If the application meets all of the requirements of this Code, it shall be approved within seven (7) working days of receipt. Upon such approval, the City Engineer shall return the application to the GMD with approval noted by the City Engineer or their authorized representative. If the application is denied it shall be returned to the GMD, with the reasons for denial noted thereon, within seven (7) working days of receipt.
- (5) If the application has been approved, the GMD shall issue the use permit immediately. If the application has been denied, the GMD shall immediately notify the applicant. If denied, the applicant or any aggrieved person may refile in accordance with the provisions of this subsection, as for a new application, or the applicant or any aggrieved person may appeal the denial to the City Council, as provided in Sec. 3.13.
- (6) A guarantee of completion of the permitted construction may be required by the City Engineer if in their opinion the proposed construction would constitute a significant traffic hazard if not completed as proposed. Such guarantee shall be the same as established in Sec. 3.33 and shall be returned to the permittee upon satisfactory completion of construction or shall be used to ensure completion of construction by the City where construction is not satisfactorily completed.
- (7) The use permit may be revoked by the City Engineer for reasons of public safety.

Sec. 3.36. Stipulations.

- (a) *Permissive use.* A use permit is a license for a permissive use only, and the placing of facilities upon City property pursuant to the permit shall not operate to create or to vest any property right in the holder thereof, and the issuance of a use permit does not relieve the permittee of the need for obtaining any other permits that may be required by the appropriate authorities. The permittee shall be responsible for maintenance of all such facilities permitted except for those conveyed to the public and accepted for maintenance by the City.
- (b) *Assumption of risk.* The rights and privileges herein set out are granted only to the extent of the City's right, title and interest in the land to be entered upon and used by the applicant; and the applicant shall at all times assume all risk of and defend the City from and against any and all loss, damage, cost or expense arising in any manner on account of the exercise or attempted exercise by the applicant of the aforesaid rights and privileges.
- (c) *Encroachment or interference.* The construction and/or maintenance of a utility or facility shall not interfere or encroach upon the property and rights of a prior occupant.
- (d) *Relocation or protection of facilities.* In the event of widening, repair, reconstruction or improvement of City property, including but not limited to installation of pavement, drainage structures or sidewalks, the permittee shall, upon notice by the City Engineer, relocate or protect existing facilities to clear such construction at no cost to the City.
- (e) *Other.*
 - (1) Directional Bores shall not be performed within the right of way on Friday, Saturday, Sunday, or Holidays including any day prior to a Holiday without written County Engineering/Inspector approval.
 - (2) No Staging/Unloading/Parking of any vehicle(s) is allowed in the right of way or on sidewalks. Any damages to the right of way will be regraded/sodded and sidewalks to be repaired/replaced with 6-inch concrete by the contractor, per ADA Standards.
 - (3) No trench/excavations shall be left open or unattended overnight within the right of way.
 - (4) Only Directional bores methods can and must be performed. Pneumatic, Push-Pull, Mole or Missile bores are not permitted under roadways.
 - (5) Directional bores, Under Roads:
 - a. From diameters 1-3 inches must be a minimum of 36 inches below edge of pavement.
 - b. Directional bores 4 inches or greater must be 10 times the diameter of the bore/back reamer, which-ever is greater, below edge of pavement and to extend to the right of way on either side.

- (6) Installation shall be at 36" minimum cover from top of new utility to existing ground (typical for all installations), or as marked up otherwise by City.
- (7) All directional drill mud/slurry must be cleaned/reclaimed from the right of way/bore pits and dis-posed of on an approved private offsite /off right of way location.
- (8) Bore logs are to be made available at installation completion upon request
- (9) Other applicable Construction Standards as included in the City code.

Sec. 3.37. Supporting regulations.

- (a) *City, County, State and federal regulations and specifications.* When applicable, the provisions of the latest editions of the following references shall apply:
 - (1) City of DeBary Land Development Code;
 - (2) FDOT Standard Specifications for Road and Bridge Construction;
 - (3) Regulations for the Transportation of Natural and Other Gas by Pipelines (Parts 191 and 192, Title 49 of the Code of Federal Regulations);
 - (4) USDOT Manual on Uniform Traffic Control Devices;
 - (5) FDOT Utility Accommodation Guide;
 - (6) FDOT Florida Greenbook;
 - (7) FDOT Roadway and Traffic Design Standards; and
 - (8) Volusia County Use Permitting as the City's Utility provider and as may affect any County operated and maintained facility.
- (b) *Conflict of regulations.* In the event of a conflict between the regulations and specifications referred to in subsection (a) of this Section, and the provisions of this Code, the most restrictive shall apply.

Sec. 3.38. Qualifications of permittee.

Subject to satisfaction of and compliance with requirements contained herein, a use permit may be issued to the following:

- (a) *Utility companies.* Utility corporations or companies (including County and municipal utilities) that will be servicing the installed facility.
- (b) *Contractors.* Contractors responsible for the installation of any utility facility or structure subject to these regulations.
- (c) *Private citizens.* Private citizens, corporations or organizations with a reasonable and legitimate purpose in using the right-of-way, which purpose poses no threat or danger to the public health, safety or welfare.
- (d) *Underground utility contractors.* Underground utility contractors must hold a current County or State general contractor's certificate, or a current County or State plumbing contractor's certificate. The City may require prequalification of the contractor for the type of work to be performed.

Sec. 3.39. Exceptions.

- (a) *Service connections without pavement cuts.* Scheduled short side service connections, including but not limited to water and sewer hookups with no pavement cut or road crossings and all scheduled maintenance repair (i.e., pole replacement with no change in location or alignment, splice pits, etc.) in the right-of-way where limits of excavation are not in or within six feet of the edge of the traveled way, will not require a use permit; however, prior notification of the commencement of such work shall be given to the City Engineer before starting work. Failure to notify may result in a penalty fee as determined by resolution of the City Council.
- (b) *Relocations requested by the City.* On any City construction project where facilities on City property are requested by the City to be relocated, a use permit may be required. An application shall be submitted by the person responsible for

the relocation as required by Sec. 3.35(b), but no fee will be charged, providing there is no expansion of the facilities involved.

(c) *Emergency repair.*

(1) Emergency repairs may be performed without obtaining a use permit prior to such repair. Emergency repair work shall be completed in accordance with applicable directives from the City or other authority as expeditiously as possible. During normal City working times, verbal approval for the emergency work shall be obtained from the City Engineer. If emergency work is required at night, on weekends or holidays, the City Engineer shall be notified of all emergency repair work by 10:00 a.m. the first workday following beginning of such repair work. An application for a use permit shall be submitted within two working days following commencement of emergency repair work. The person, company or utility performing the emergency repair work shall be exempt from the requirements of Sec. 3.40 for prior notification to other agencies, with exception of gas utility companies, but shall notify those agencies by 10:00 a.m. the day following the commencement of the emergency repair work.

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

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

(e) *City Council approved construction projects.* City construction projects on City property which have been approved by the City Council may comply with the permitting provisions of this Code.

Sec. 3.40. Notification to other agencies.

(a) *Notification required by City Engineer.* Notification to gas, power, communications, potable water, reclaim water, and sanitary sewer utility companies shall be accomplished prior to commencement of the permitted work. Required by the City Engineer, the applicant shall notify in writing all other users of City property in the immediate vicinity of the permitted work, stating the work proposed by the applicant and enclosing a plan of the permitted work in order to determine if there are any objections to it. Any objections to the permitted work by affected right-of-way users or municipalities must be forwarded in writing to the applicant and to the City Engineer within seven (7) days of said letter. Except as herein provided, the City Engineer may hold a permit application for a period not to exceed seven (7) days, to allow time for the receipt of objections to the permitted work. The seven-day period may be waived if the applicant includes proof that other affected right-of-way users have been notified and that said users have no objections to the issuance of the use permit.

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

Sec. 3.41. Responsibility for compliance.

The applicant assumes full and total responsibility for compliance with this Code, supporting regulations, additional requirements of the City Council, and any municipal, County, State or federal laws, ordinances or other directives which may apply to the proposed work.

Sec. 3.42. Permits and inspections.

(a) *Copy to applicant.* Upon approval of the application, one copy of the approved plans and the use permit will be returned to the applicant.

(b) *Permit available on site.* The use permit must be available at all times at the work site while work is being performed. Any work in progress on, or use of, City property without a valid use permit available at the site shall be suspended until such time as a valid use permit is produced on the site.

(c) *Permit valid for one year.* The permit is valid for a period not to exceed one year. The expiration date will appear on the permit. No work will be performed under an expired permit. Prior to expiration, a request for an extension may be

submitted to the City Manager. Extension requests shall be submitted a minimum of 30 days prior to the expiration date of the permit. Only one 90-day extension may be granted.

- (d) *Modification of permits.* Letter requests for modification of permits will be processed in accordance with provisions of Sec. 3.40-3.41 and the utility location standards of Chapter 10. The letter requesting modification must contain the appropriate gas company name, the gas notification identification number, and to expedite processing, a statement that the other right-of-way users have no objection to the requested modification.
- (e) *Inspection and approval of materials and work.* The City Engineer shall have the right to inspect and approve materials and/or phases of permitted work at any time. Final inspection and acceptance of the permitted work by the City Engineer must be obtained prior to completion of the work. Work will be considered incomplete until that portion of the permit indicating final inspection and approval has been signed and dated by the City Engineer.
- (f) *Notice to City for subterranean road crossing.* The permittee shall notify the City Manager at least 24 hours prior to beginning work, and prior to commencing any subterranean road crossing, whether by open cutting, boring, jacking, pushing, pulling, driving, or some combination of these. The date, time and location regarding these scheduled subterranean crossings must be given at the time of this notification.
- (g) *Underground facilities.* Underground facilities (buried cable, water lines, etc.) will not be covered until approved by the City Engineer, either through on-site inspection or prior authorization.
- (h) *Failure to obtain inspections.* Failure of the permittee to obtain the appropriate inspections prior to proceeding with work shall not relieve the permittee from reexcavation or other measures necessary for the inspection of the work.
- (i) *Correction of noncompliance.* Any and/or all items found not to be in compliance with these regulations will be immediately corrected by the permittee.
- (j) *Permit termination.* The City Engineer's signature on the completion line on the permit terminates that permit, and no further work may be done under the permit except repairs as directed by the City Manager.

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CHAPTER 4 - ZONING

ARTICLE I. – IN GENERAL

Sec. 4.1. Zoning map.

The map entitled "Zoning Map of The City of DeBary, Florida," is hereby made a part of this Code by reference and shall be referred to as the "Zoning Map."

(Ord. No. 01-99, § 1(301.1), 11-3-1999; Ord. No. 02-12, § 3(Exh. B), 9-5-2012)

Sec. 4.2. Zoning/future land use compatibility matrix.

The following matrix illustrates which City zoning classifications are consistent with the corresponding Comprehensive Plan Future Land Use Map classification of the City's Comprehensive Plan.

| Land Use Classifications | Future Land Use | Net Density and FAR | Allowable Zoning Classifications |
|---|--|----------------------|--|
| Conservation and Rural Land Use Classifications | Environmentally Sensitive Lands (ESL) | Max 1 DU/10 acres | C (Conservation), RC (Resource Corridor) |
| | Agricultural Rural (A/R) | Max 1 DU/5 acres | A-2 (Rural Agriculture), A-3 (Transitional Agriculture), RR (Rural Residential), RA (Rural Estate), Planned Unit Development |
| Residential Land Use Classifications | Residential Low Density (R/LD) | Max 4 DU/acre | R-1, R-3, R-4, (Urban Single Family Residential), Planned Unit Development |
| | Residential Low-Medium Density (R/LMD) | Max 8 DU/acre | R-5 (Urban Single Family), R-6 (Urban Two Family Residential), R-7 (Urban Multi-Family Residential), Planned Unit Development |
| | Residential Medium Density (R/MD) | Max 14 DU/acre | R-5, R-6, R-7, R-8 (Urban Multi-Family Residential), Planned Unit Development |
| | Residential/Mobile Home (R/MH) | Max 8 DU/acre | MH-1 (Mobile Home Park), MH-5 (Urban Mobile Home) |
| Commercial Classifications | Commercial Office (C/O) | 12 DU/Acre Max FAR 1 | B-9 (General Office) and Planned Unit Development |
| | Commercial Retail (C/R) | 12 DU/Acre Max FAR 1 | B-9 (General Office), B-2 (Neighborhood Commercial), B-3 (Shopping Center), B-4 (General Commercial), B-5 (Heavy Commercial), B-6 (Highway Interchange Commercial), B-7 (Commercial Marina) and Planned Unit Development |
| Industrial Classifications | Industrial/General (I/G) | Max FAR 1 | I-1 (Light Industrial), Planned Unit Development |

| Land Use Classifications | Future Land Use | Net Density and FAR | Allowable Zoning Classifications |
|---------------------------|---|-----------------------------|--|
| | Industrial Service (I/S) | Max FAR 1 | I-1 (Light Industrial), Planned Unit Development, B-5 (Heavy Commercial) |
| Public Classifications | Public/ Institutional (P/I) | | P (Public Use) |
| | Public/Utility (P/U) | Max FAR 1 | I-1 (Light Industrial), P (Public Use), Planned Unit Development |
| Mixed Use Classifications | Southeast Mixed Use (SEMUA) | 8 DU/Acre Max FAR 2 | Planned Unit Development |
| | Southeast Mixed Use /Transit Oriented Overlay (SEMUA/TOD) | 14 to 32 DU/Acre Max FAR 2* | Planned Unit Development, Transit Oriented Development |
| | Southwest Mixed Use | 4DU/Acre Max FAR 1 | Planned Unit Development |

*Refer to Chapter 5 for TOD Sub-area requirements/ Minimum of 14 du/acre and Maximum of 32 du/acre

DU/Acre = Dwelling units per net buildable acre

FAR = Floor Area Ratio

(Ord. No. 02-12, § 2(Exh. A), 9-5-2012; Ord. No. 13-2023, § 2, 1/3/2024)

Sec. 4.3. Interpretation of classification boundaries.

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

- (a) *Boundaries following streets.* Boundaries following, or approximately following, the centerlines of streets shall be construed to follow those centerlines. If a street is vacated, the classification boundary shall be construed to remain in its location, except when ownership of the vacated street is divided other than at the center, in which case, the boundary shall be construed to move with the ownership.
- (b) *Boundaries following lot lines.* Boundaries following, or approximately following, lot lines shall be construed to follow those lot lines.
- (c) *Boundaries following County and City limits.* Boundaries following, or approximately following, County and City limits shall be construed to follow those County and City limits.
- (d) *Boundaries following railroad lines.* Boundaries following, or approximately following, railroad lines shall be construed to follow the centerline of the railroad right-of-way. If a railroad right-of-way is vacated, the classification boundary shall be construed to remain in its location; except when ownership of the vacated railroad right-of-way is divided other than at the center, in which case, the boundary shall be construed to move with the ownership.
- (e) *Boundaries following water bodies.* Boundaries following, or approximately following, the shorelines of water bodies shall be construed to follow and move with those shorelines. Boundaries following, or approximately following, the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow and move with those centerlines.
- (f) *Boundaries entering any body of water.* Boundaries entering any body of water, but not continuing to intersect with other zoning boundaries, shall be construed to extend in the same direction in which they entered the body of water, until they intersect with other zoning boundaries.
- (g) *Reduction of unincorporated area by municipal annexation.* If City limits change through annexation, classification boundaries shall be construed to move with the City limits.
- (h) *Boundaries parallel to or extensions of above features.* Boundaries apparently parallel to or extensions of the features indicated in subsections (a)—(h) of this Section shall be construed to be parallel to or extensions of those features, as the case may be.
- (i) *Other cases.*

- (1) Boundaries splitting existing lots and any other boundaries not determined by the above rules shall be determined by reference to the expressed distances on or the scale of the official Zoning Map.
- (2) In instances where boundaries, other than Resource Corridor boundaries, split existing lots, parcels or other tracts of land, the minimum requirements of the respective zoning classifications shall be measured from the classification boundary. If the existing lot will not accommodate any of the uses permitted in the multiple classification indicated thereon, a rezoning to an appropriate classification shall be required.
- (3) In instances where Resource Corridor (RC) boundaries split lots, parcels or other tracts of land, principal and accessory structures shall be located on the area not classified as Resource Corridor utilizing the dimensional requirements, except lot coverage of that zoning classification. In instances where the structure must be located in the area classified as Resource Corridor, the structure and lot shall meet the requirements of the RC zoning classification.

(Ord. No. 01-99, § 1(301.2(400.00)), 11-3-1999)

Sec. 4.4. Zoning affects all premises.

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

(Ord. No. 01-99, § 1(301.2(500.00)), 11-3-1999)

ARTICLE II. – STANDARD ZONING CLASSIFICATIONS

Sec. 4.5. Established.

The following classifications and their included regulations are established:

| | | | |
|-----|---------------------------------|------|--------------------------------|
| C | Conservation | R-8 | Urban Multifamily Residential |
| P | Public Use | MH-1 | Mobile Home Park |
| RC | Resource Corridor | MH-5 | Urban Mobile Home |
| A-2 | Rural Agriculture | B-2 | Neighborhood Commercial |
| A-3 | Transitional Agriculture | B-3 | Shopping Center |
| RR | Rural Residential | B-4 | General Commercial |
| RA | Rural Estate | B-5 | Heavy Commercial |
| R-1 | Urban Single-Family Residential | B-6 | Highway Interchange Commercial |
| R-3 | Urban Single-Family Residential | B-7 | Commercial Marina |
| R-4 | Urban Single-Family Residential | B-9 | General Office |
| R-5 | Urban Single-Family Residential | I-1 | Light Industrial |
| R-6 | Urban Two-Family Residential | PUD | Planned Unit Development |
| R-7 | Urban Multifamily Residential | | |

(Ord. No. 01-99, § 1(301.3, 11-3-1999))

Sec. 4.6. Purpose of standard zoning classifications

- (a) Conservation Classification (C). It is intended that the C, Conservation Classification be applied to certain lands which are either owned or controlled by a governmental agency, but it may be applied to privately owned lands upon request of the owner. It is the purpose of this classification to protect and preserve:
 - (1) Historic or archaeological sites;
 - (2) Fishing, wildlife, or forest management areas;
 - (3) The natural environment of other selected public lands such as well fields; and
 - (4) Any other unusual or unique feature or areas such as governmentally designated canoe trails, wild or scenic watercourses.

(Ord. No. 01-99, § 1(301.3), 11-3-1999; Ord. No. 02-12, § 2(Exh. A), 9-5-2012)

(b) Public Use Classification (P). The purpose and intent of the P, Public Use Classification is to provide for development of governmentally owned or used lands in a manner which is consistent with the Comprehensive Plan. This classification is a specialized one, designed to be applied to areas that are not intended for public use special exceptions.

(Ord. No. 01-99, § 1(301.3), 11-3-1999; Ord. No. 02-12, § 2(Exh. A), 9-5-2012)

(c) Resource Corridor Classification (RC). The purpose and intent of the RC, Resource Corridor Classification is to provide protected, natural corridors consisting of environmentally sensitive and ecologically significant lands which connect to other protected areas such as parks and water bodies. The corridor shall provide a contiguous hydro ecological pathway, where the wetlands and uplands are integrated and conducive to the maintenance and perpetuation of the system. The RC boundaries are based on the general location of environmentally sensitive areas. The lines, however, may be adjusted based on wetland delineation surveys.

(Ord. No. 01-99, § 1(301.3), 11-3-1999; Ord. No. 02-12, § 2(Exh. A), 9-5-2012)

(d) Rural Agriculture Classification (A-2). The purpose and intent of the A-2, Rural Agriculture Classification is to preserve and protect rural areas of the City that have some agricultural value, but which are also suitable for rural estate living. In order to ensure the long term vitality of agricultural uses and natural resources, all agricultural uses are encouraged to utilize the Natural Resource Conservation Service (formerly the Soil Conservation Service) best management techniques and other agricultural best management practices.

(Ord. No. 01-99, § 1(301.3), 11-3-1999; Ord. No. 02-12, § 2(Exh. A), 9-5-2012; Ord. No. 02-13, § 2(Exh. A), 6-5-2013; Ord. No. 07-13, § 2(Exh. A), 8-7-2013)

(e) Transitional Agriculture Classification (A-3). The purpose and intent of the A-3, Transitional Agriculture Classification is to preserve and protect small farms for personal and limited agricultural production or to provide a transitional agricultural zone between more intensive agricultural use areas and residential areas. In order to ensure the long term vitality of agricultural uses and natural resources, all agricultural uses are encouraged to utilize the Natural Resource Conservation Service (formerly the Soil Conservation Service) best management techniques and other agricultural best management practices.

(Ord. No. 01-99, § 1(301.3), 11-3-1999; Ord. No. 02-12, § 2(Exh. A), 9-5-2012; Ord. No. 02-13, § 2(Exh. A), 6-5-2013; Ord. No. 07-13, § 2(Exh. A), 8-7-2013)

(f) Rural Residential Classification (RR). The purpose and intent of the RR, Rural Residential Classification is to provide for low density development and certain rural activities.

(Ord. No. 01-99, § 1(301.3), 11-3-1999; Ord. No. 02-12, § 2(Exh. A), 9-5-2012; Ord. No. 02-13, § 2(Exh. A), 6-5-2013; Ord. No. 07-13, § 2(Exh. A), 8-7-2013)

(g) Rural Estate Classification (RA). The purpose and intent of the RA, Rural Estate Classification is to provide for very low density residential estate development and certain rural activities.

(Ord. No. 01-99, § 1(301.3), 11-3-1999; Ord. No. 02-12, § 2(Exh. A), 9-5-2012; Ord. No. 02-13, § 2(Exh. A), 6-5-2013; Ord. No. 07-13, § 2(Exh. A), 8-7-2013)

(h) Urban Single-Family Residential Classifications (R-1, R-3, R-4, R-5). The purpose and intent of the Urban Single-Family Residential Classifications is to provide for low to medium-density residential developments, preserving the character of existing or proposed residential neighborhoods.

(Ord. No. 01-99, § 1(301.3), 11-3-1999; Ord. No. 10-08, § 2, 9-17-2008; Ord. No. 02-12, § 2(Exh. A), 9-5-2012); Ord. No. 07-13, § 2(Exh. A), 8-7-2013)

(i) Urban Two-Family Residential Classification (R-6). The purpose and intent of the R-6, Urban Two-Family Residential Classification is to provide for a mixture of one- and two-unit dwellings where that mixture of land use exists or is proposed.

(Ord. No. 01-99, § 1(301.3), 11-3-1999; Ord. No. 02-12, § 2(Exh. A), 9-5-2012)

(j) Urban Multifamily Residential Classifications (R-7 and R-8). The purpose and intent of the Urban Multifamily Residential Classifications is to provide for multifamily residential living where medium-density residential developments exist or are proposed.

(Ord. No. 01-99, § 1(301.3), 11-3-1999; Ord. No. 02-04, § 1, 5-5-2004; Ord. No. 02-12, § 2(Exh. A), 9-5-2012)

(k) Mobile Home Park Classification (MH-1). The purpose and intent of the MH-1, Mobile Home Park Classification is to provide areas for the use and development of mobile home parks.

(Ord. No. 01-99, § 1(301.3), 11-3-1999; Ord. No. 02-12, § 2(Exh. A), 9-5-2012)

(l) Urban Mobile Home Classification (MH-5). The purpose and intent of the MH-5, Urban Mobile Home Subdivision Classification is to provide medium-density areas for mobile home subdivisions.

(Ord. No. 01-99, § 1(301.3), 11-3-1999; Ord. No. 02-12, § 2(Exh. A), 9-5-2012)

(m) Neighborhood Commercial Classification (B-2). The purpose and intent of the B-2, Neighborhood Commercial Classification is to provide a limited commercial convenience facility, servicing nearby residential neighborhoods, planned and developed as an integral unit.

(Ord. No. 01-99, § 1(301.3), 11-3-1999; Ord. No. 02-12, § 2(Exh. A), 9-5-2012)

(n) Shopping Center Classification (B-3). The purpose and intent of the B-3, Shopping Center Classification is to provide shopping centers where compatible business establishments will be planned, organized and grouped in a unified arrangement. Such centers should be designed of sufficient dimension to satisfy all off-street parking needs, and be located along major arterial streets, where the traffic generated can be accommodated in a manner consistent with the public health, welfare and safety.

(Ord. No. 01-99, § 1(301.3), 11-3-1999; Ord. No. 22-02, 12-11-2002; Ord. No. 02-04, § 2, 5-5-2004; Ord. No. 02-12, § 2(Exh. A), 9-5-2012; Ord. No. 06-14, § 2(Exh. A), 9-3-2014)

(o) General Commercial Classification (B-4). The purpose and intent of the B-4, General Commercial Classification is to encourage the development of commercial areas providing a wide range of goods and services, and located adjoining at least one major collector or arterial road. The B-4 classification is intended to be applied to existing or developing strip retail areas which, because of the nature of existing development, are not appropriate for inclusion in the B-3 Shopping Center Classification.

(Ord. No. 01-99, § 1(301.3), 11-3-1999; Ord. No. 22-02, 12-11-2002; Ord. No. 02-04, § 2, 5-5-2004; Ord. No. 02-12, § 2(Exh. A), 9-5-2012; Ord. No. 06-14, § 2(Exh. A), 9-3-2014)

(p) Heavy Commercial Classification (B-5). The purpose and intent of the B-5, Heavy Commercial Classification is to provide areas for commercial uses and structures that are not generally compatible with B-4 uses and structures.

(Ord. No. 01-99, § 1(301.3), 11-3-1999; Ord. No. 22-02, 12-11-2002; Ord. No. 02-04, § 2, 5-5-2004; Ord. No. 02-12, § 2(Exh. A), 9-5-2012; Ord. No. 06-14, § 2(Exh. A), 9-3-2014)

(q) Highway Interchange Commercial Classification (B-6). The purpose and intent of the B-6 Highway Interchange Commercial Classification is to provide a specialized classification for hotels, motels and tourist-related retail facilities near major highway interchanges.

(Ord. No. 01-99, § 1(301.3), 11-3-1999; Ord. No. 22-02, 12-11-2002; Ord. No. 02-04, § 2, 5-5-2004; Ord. No. 02-12, § 2(Exh. A), 9-5-2012)

(r) Commercial Marina Classification (B-7). The purpose and intent of the B-7, Commercial Marina Classification is to provide appropriate locations for pleasure or commercial boats and other water-oriented facilities. Its application is primarily intended along the St. Johns River and other water bodies or watercourses.

(Ord. No. 01-99, § 1(301.3), 11-3-1999; Ord. No. 02-04, § 2, 5-5-2004; Ord. No. 02-12, § 2(Exh. A), 9-5-2012)

(s) General Office Classification (B-9). The purpose and intent of the B-9, General Office classification is to provide areas for general office use. It is intended that this classification apply to suitable properties which are situated in urban areas to provide a transitional area between residential development and more intensive land uses.

(Ord. No. 01-99, § 1(301.3), 11-3-1999; Ord. No. 02-12, § 2(Exh. A), 9-5-2012)

(t) Light Industrial Classification (I-1). The purpose and intent of the I-1, Light Industrial Classification is to provide sufficient space in appropriate locations for industrial operations engaged in the fabricating, repair or storage of manufactured goods of such a nature that objectionable by-products of the activity (such as odors, smoke, dust,

refuse, electro-magnetic interference, noise in excess of that customary to loading, unloading and handling of goods and materials) are not nuisances beyond the lot on which the facility is located.

(Ord. No. 01-99, § 1(301.3), 11-3-1999; Ord. No. 05-10, § 2, 6-16-2010; Ord. No. 02-12, § 2(Exh. A), 9-5-2012)

Sec. 4.7. Schedule of uses.

Except as specifically provided otherwise in this Code, the permitted uses in each zoning classification shall be as shown in Table 4-1 for conservation and rural classifications, Table 4-2 for residential classifications, and Table 4-3 for non-residential classifications.

Uses of land or structures not expressly listed in the schedule of uses as Permitted (P) or Special Exception (S) uses are prohibited. The uses listed may only be established in that district only after approval of an application in accordance with the procedures and requirements listed in Chapter 3.

Mixed-use developments may only include uses that are specifically allowed in the applicable zoning classification. If any use in a proposed mixed-use development requires special exception approval, the entire mixed-use site must be reviewed under the special exception process.

(Ord. No. 01-99, § 1(301.2(501.00)), 11-3-1999)

Table 4 - 1: Schedule of Uses – Conservation and Rural Zoning Classifications

| | See Section | C | RC | A-2 | A-3 | RR | RA |
|---|-------------|---|----|-----|-----|----|----|
| AGRICULTURE | | | | | | | |
| Agriculture, including processing, packaging, storage and sale of agriculture products raised on the premises. | | | | P | P | | |
| Apiaries | | | P | P | P | | |
| Aquaculture operations -no excavations | | | | P | P | | |
| Aquaculture operations - nonexempt excavations | 6.31 | | | S | S | | |
| Aquatic Preserves | | P | P | | | | |
| Aviaries | | | P* | P | P | | |
| Coops (chicken and ducks) | Ord 11-22 | | | P | P | P | P |
| Hobby breeder | | | | P | P | P | S |
| Horses and ponies as an accessory use to residential dwelling | | | | P | P | P | P |
| Processing, packaging, storage, retail or wholesale sales of agricultural products not raised on the premises. | | | | S | S | | |
| Riding stables | | | | S | S | | |
| Silviculture | | | | P | P | | |
| NON-RESIDENTIAL | | | | | | | |
| Assisted living facility | | | | | S | | |
| Bed and breakfast homestay | 6.25 | | | S | S | S | S |
| Boat dock | 6.3 | | | P | P | P | P |
| Cemeteries | 6.34 | | | S | S | | |
| Community Residential Homes of more than six residents | | | | S | S | S | S |
| Exempt excavations | 6.31 | S | | S | S | | |
| Farmer's Market | | | | | | | |
| Feed stores | | | | P | | | |
| Group Home | | | | | | S | |
| Home occupations, Class A | 6.6 | | P | P | P | P | P |
| Home occupations, Class B | 6.6 | | | S | S | S | S |
| Houses of worship | 6.34 | | | P | P | S | S |
| Kennels | | | | P | P | | S |
| RECREATION | | | | | | | |
| Fish, hunting or nonprofit organization camps | | | S | S | | | |
| Fishing, hunting, forest and wildlife management areas | | P | S | | | | |
| Recreation, active - outdoor | 6.32& 6.48 | | | | | | |
| Recreation, passive | 6.48 | P | P | P | P | P | P |
| Recreation, golf course | 6.32 | | | S | S | S | S |
| RESIDENTIAL | | | | | | | |
| Accessory dwelling unit | 6.2 | | | P | P | P | P |
| Mobile Home- temp. use during construction of principal structure | | | | S | | | |
| Single-family dwelling | | | P | P | P | P | P |
| RESIDENTIAL SUPPORT | | | | | | | |
| Family day care home -defined in F.S. §402.313 | | | | P | P | P | P |
| Public schools | | | | S | S | | |
| UTILITIES AND PUBLIC USES | | | | | | | |
| Communication towers exceeding 70 feet in height | | S | S | S | S | S | S |
| Communication towers 70 feet or less in height | | | | P | P | P | P |
| Essential utility services | | P | P | P | P | P | P |
| Public uses | | P | P | S | S | S | S |
| Public utility uses and structures | 6.47 | S | S | S | S | S | S |

P=Permitted; S=Special Exception

*Provided, however, that the RC classified area does not comprise part of a lot classified for residential, commercial, or industrial use.

Table 4 - 2: Schedule of Uses – Residential Zoning Classifications

| | See Section | R-1 | R-3 | R-4 | R-5 | R-6 - | R-7 | R-8 | MH-1 | MH-5 |
|--|-------------|-----|-----|-----|-----|-------|-----|-----|------|------|
| NON-RESIDENTIAL | | | | | | | | | | |
| Boat docks | 6.3 | P | P | P | P | P | P | P | P | P |
| Bed and breakfast homestay | 6.25 | S | S | S | S | S | S | S | S | S |
| Home occupations, Class A | 6.6 | P | P | P | P | P | P | P | P | P |
| Houses of worship (refer to section) | 6.34 | S | S | S | S | | | | | |
| RESIDENTIAL SUPPORT | | | | | | | | | | |
| Family day care home | | P | P | P | P | P | P | P | P | P |
| Schools, Private, Elementary and Middle | | S | S | S | S | S | S | S | | |
| Schools, Private, High | | S | S | S | S | S | S | S | | |
| RECREATION | | | | | | | | | | |
| Recreation, active - outdoor | 6.32 & 6.48 | S | S | S | S | S | S | S | S | S |
| Recreation, passive | 6.48 | P | P | P | P | P | P | P | P | P |
| Recreation, golf course, country club, swimming pool, tennis clubs, and similar uses | 6.32 | S | S | S | S | S | S | S | S | S |
| RESIDENTIAL | | | | | | | | | | |
| Accessory dwelling unit | 6.2 | P | P | P | P | | | | | |
| Assisted living facility (ALF) | 6.23 | | | | | | S | S | | |
| Cluster and Zero Lot Line Subdivisions | 6.27 | P | P | P | P | P | P | P | P | P |
| Community residential homes (7-12 residents) | | S | S | S | S | S | S | S | | |
| Group home | 6.23 | S | S | S | S | S | S | S | | |
| Nursing homes | 6.23 | | | | | | S | S | | |
| Mobile home dwelling | 6.40 | | | | | | | | P | P |
| Mobile home parks | 6.40 | | | | | | | | P | |
| Multifamily residences | | | | | | | P | P | | |
| Single-family dwelling | | P | P | P | P | S | | | | |
| Townhouses | | | | | | P | P | P | | |
| Two-family dwellings | | | | | | P | | | | |
| UTILITIES AND PUBLIC USES | | | | | | | | | | |
| Communication towers exceeding 70 feet in height | | S | S | S | S | S | S | S | S | S |
| Communication towers 70 feet or less in height | | P | P | P | P | P | P | P | P | P |
| Essential utility services | | P | P | P | P | P | P | P | P | P |
| Parks and recreation areas, publicly owned | | P | P | P | P | P | P | P | P | P |
| Parks and recreation areas, accessory to residential development | | P | P | P | P | P | P | P | P | P |
| Public owned water supply well | | P | P | P | P | P | P | P | P | P |
| Public uses | | S | S | S | S | S | S | S | S | S |
| Public utility uses and structures | 6.47 | S | S | S | S | S | S | S | S | S |

P=Permitted; S=Special Exception

Table 4 - 3: Schedule of Uses – Non-Residential Zoning Classifications

| | See Section | P | B-2 | B-3 | B-4 | B-5 | B-6 | B-7 | B-9 | I-1 |
|--|-------------|---|-----|-----|-----|-----|-----|-----|-----|-----|
| COMMERCIAL/RETAIL USES | | | | | | | | | | |
| Auction parlors (excluding motor vehicles & heavy equipment) | | | | P | P | P | | | | P |
| Automobile driving schools | | | | | P | P | | | | P |
| Automobile service station, Type A | 6.24 | | | | P | P | P | | | P |
| Automobile service station, Type B | 6.24 | | | | | P | P | | | P |
| Automobile and motorcycle vehicle sales | | | | | | P | | | | P |
| Automotive, bicycle, boat, motorcycle, mobile home and recreational vehicle, trailer, truck sales, rental storage (not including salvage or junkyards) or service establishments | | | | | | | P | S | | P |
| Bars and liquor stores | | | | P | P | P | | | | P |
| Bars as accessory to hotels and restaurants | | | | | | | P | | | |
| Bars as accessory uses to principal use | | | | P | P | P | P | P | | P |
| Bars with outside service and consumption of alcoholic beverages | 6.44 | | | P | P | P | P | P | | P |
| Brewery | | | | | | P | | | | P |
| Cafeterias | | | | P | P | P | | | | P |
| Convenience stores with or without gas sales, limited number of pumps* | | | P | P | P | P | P | P | | P |
| Convenience stores with gas sales | | | | S | S | S | S | | | |
| Drive-through facilities | 6.30 | | | | P | P | P | | | |
| Hotel/motel | | | | | S | S | P | S | | |
| Dental laboratories | | | | | P | P | | | | P |
| Farmer's Market | | P | | | | | | | | |
| Fireworks sales | | | | S | S | S | S | | | |

| | See Section | P | B-2 | B-3 | B-4 | B-5 | B-6 | B-7 | B-9 | I-1 |
|--|-------------|---|-----|-----|-----|-----|-----|-----|-----|-----|
| Moving and storage companies | | | | | | S | | | | P |
| Nightclubs | | | | | S | S | S | | | |
| Nightclubs (ancillary to principal water-dependent use). | | | | | | | | S | | |
| Pawnshops | | | | | | P | | | | P |
| Pest exterminators | | | | | P | P | | | | P |
| Pharmacies, medical marijuana dispensary, sundries | | | P | P | P | P | | | | P |
| Physical fitness center | | | P | P | P | P | | | | P |
| Restaurants, Types A and B. | | | | P | P | P | P | P | | |
| Types A and B, contained within an industrial structure | | | | | | | | | | P |
| Type B, accessory to a convenience store | | | P | P | P | P | P | | | |
| Type A and bars with outside entertainment | 6.41 | | | S | S | S | | | | |
| Type A with outside service of alcoholic beverages | 6.44 | | | P | P | P | | P | | |
| Retail Uses, General | | | P | P | P | P | P | P | | S |
| Rug cleaning establishments | | | | | | P | | | | P |
| Self-storage facilities | | | | | S | P | | | | P |
| Tire sales | | | | | | P | P | | | P |
| Warehouses | | | | | | S | | | | P |
| Wholesale retail plant nursery | | | | | P | P | | | | P |
| SERVICE USES | | | | | | | | | | |
| Animal hospitals | | | | | S | S | | | | S |
| Car washes | | | | | S | P | P | | | P |
| Catering Services | | | | | P | P | | | | P |
| Day care center | 6.29 | | S | S | S | | | | S | |
| Financial institutions | | | S | P | P | P | | S | P | P |
| Funeral home with crematory as an accessory use. | | | | | S | P | | | | P |
| General offices | | | P | P | P | P | | | P | P |
| GENERAL USES | | | | | | | | | | |

| | See Section | P | B-2 | B-3 | B-4 | B-5 | B-6 | B-7 | B-9 | I-1 |
|---|-------------|---|-----|-----|-----|-----|-----|-----|-----|-----|
| Laundry and dry-cleaning establishments | | | P | P | P | P | P | | | |
| Medical offices | | | | | P | P | | | P | P |
| Personal Service Uses | | | P | P | P | P | P | P | S | S |
| Printing and publishing establishments | | | | P | P | P | | | | P |
| Veterinary clinics | | | | | P | P | | | | P |
| INDUSTRIAL USES | | | | | | | | | | |
| Blood bank and laboratory | | | | | | | | | | P |
| Industrial, light – see section for definition | | | | | | | | | | P |
| Industrial, medium-see section for definition | | | | | | | | | | P |
| Outdoor storage as principal use | 6.42 | | | | | | | | | P |
| Outdoor display and storage of vehicles | 6.7 | | | | | P | | | | P |
| Outdoor display as accessory to principal use | | | P | P | P | P | | | | P |
| INSTITUTIONAL USES | | | | | | | | | | |
| Art, dance, music schools/ studios | | | | P | P | P | | | | P |
| Assisted living facilities (ALF) | 6.23 | | | | P | S | | | | |
| Government Buildings | | P | P | P | P | P | P | P | P | P |
| Government owned public safety facilities | | P | P | P | P | P | P | P | P | P |
| Group homes | 6.23 | | | | S | | | | | |
| Hospitals | | | | | S | S | | | | |
| Houses of worship | 6.34 | | S | S | S | S | S | S | S | |
| Libraries | | P | P | P | P | P | P | P | P | P |
| Museums | | P | | | P | | | | | |
| Nursing homes | 6.23 | | | | S | P | | | | |
| Public schools | | P | P | P | P | P | | | | |
| Public Uses | | P | P | P | P | P | P | | P | P |
| Schools, parochial or private | 6.34 | | | | S | S | S | | | |
| Private clubs and lodges | 6.46 | | | | P | P | | | | P |
| Professional or trade schools related to permitted uses | | | | | S | S | S | | | S |

| | See Section | P | B-2 | B-3 | B-4 | B-5 | B-6 | B-7 | B-9 | I-1 |
|--|-------------|---|-----|-----|-----|-----|-----|-----|-----|-----|
| MISCELLANEOUS USES | | | | | | | | | | |
| Adult bookstores | 6.21 | | | | | | | | | P |
| Adult theaters | 6.21 | | | | | | | | | P |
| Bus stations | | S | S | S | S | S | S | S | S | S |
| Employment agency for day services | | | P | P | P | P | | | P | P |
| Exempt excavations requiring a permit | 6.31 | S | | | | | | | | |
| Game rooms or arcades for pool, billiards, pinball machines, jukeboxes or other coin-operated amusements | | | | P | P | P | P | P | | P |
| Marina and all associated marina uses as described in B-7 | 6.38 | | | | | | | P | | |
| Mobile recreational vehicle and shelter parks | 6.40 | | | | | | | S | | |
| On-site internet or computer access | | | P | P | P | P | P | | | P |
| Pain management clinics registered with the Florida Department of Health | | | | | | | | | | P |
| Radio and television broadcasting stations | | | | | | P | | | | P |
| Riding Stables | | P | | | | | | | | |
| Pole/pylon signs within 1,000 linear feet of Interstate 4 (I-4) | 6.35 | | | | | | S | | | |
| Tattoo and body piercing parlors | | | | | | S | | | | P |
| Water Dependent Uses | | | | | | | | P | | |
| RECREATIONAL USES | | | | | | | | | | |
| Publicly owned parks and recreational areas | 6.48 | P | P | P | P | P | P | P | P | P |
| Recreation facilities, indoor | | | | P | P | P | | | | P |
| Recreation facilities, active/outdoor | 6.32 | | | | P | P | | | | P |
| RESIDENTIAL USES | | | | | | | | | | |

| | See Section | P | B-2 | B-3 | B-4 | B-5 | B-6 | B-7 | B-9 | I-1 |
|---|-------------|---|-----|-----|-----|-----|-----|-----|-----|-----|
| Live work unit | | | P | P | P | P | | | | |
| UTILITY USES | | | | | | | | | | |
| Communication towers 70' or less in height | 6.28 | P | P | P | P | P | P | P | P | P |
| Communication towers exceeding 70' in height | 6.28 | S | S | S | S | S | S | S | S | S |
| Public uses not specifically allowed as a permitted use | | S | S | S | S | S | S | S | S | S |
| Public utility uses and structures | 6.47 | P | S | S | S | S | S | S | S | S |
| Publicly owned or regulated water supply wells. | 6.49 | P | P | P | P | P | P | P | P | P |
| Essential utility services. | | P | P | P | P | P | P | P | P | P |
| Plant facilities for essential utility services | | P | P | P | P | P | P | P | P | P |
| Potable water treatment plant | | P | P | P | P | P | P | P | P | P |
| Wastewater treatment plants | | P | | | | | | | | |

P=Permitted; S=Special Exception

Sec. 4.8. Dimensional requirements.

(a) General rules

(1) *Multiple use of required space prohibited.* No part of a yard, or other required open space, or of the off-street parking or loading spaces for one structure, shall be included as part of a yard, open space or off-street parking or loading space requirements for any other structure, unless otherwise expressly permitted by this Code.

(Ord. No. 01-99, § 1(301.2(503.00)), 11-3-1999)

(2) *Exceptions to minimum yard requirements.* Every part of every yard shall be open and unobstructed from the ground up, except as follows:

- a. In all zoning classifications, accessory structures may be located in yards to the extent permitted by Chapter 6.
- b. In all zoning classifications, off-street parking lots may be in yards to the extent permitted by Chapter 7, but not within buffers.
- c. Moveable awnings, chimneys, pilasters, roof overhangs, unenclosed balconies and unenclosed stairways may project into any yard for 3½ feet or half of the yard, whichever is less.
- d. In all residential classifications, where a lot is situated between two lots, each having a principal building which projects beyond the minimum front yard requirements for its classification, its minimum front yard requirement shall be the average of the distance between the front lines and the fronts of the principal buildings on the adjacent properties.
- e. If, because of prior zoning regulations, or because of a unified plan of development, or for any other reason, a majority of the houses already constructed in a particular residential neighborhood observe a setback greater

than that which is required by these regulations, the average setback actually observed shall apply to all new construction in that neighborhood, anything in these regulations to the contrary notwithstanding.

(Ord. No. 01-99, § 1(301.2(801.00)), 11-3-1999; Ord. No. [06-14](#), § 2(Exh. A), 9-3-2014)

- (3) *Erection of more than one principal structure on a lot.* In the RC, A-2, and A-3 classifications, more than one principal structure may be erected on a lot, but only one principal standard or manufactured single-family or mobile home dwelling may be erected. In the R-7, R-8 and MH-1 classifications, more than one principal structure may be erected on a lot. In commercial, industrial, conservation, and public use classifications, more than one principal structure may be erected on a lot, provided that the requirements of this Code shall be met for each principal structure as though it were on an individual lot, except hotels. In all other classifications, only one principal structure may be erected on a lot.

(Ord. No. 01-99, § 1(301.2(804.00)), 11-3-1999)

- (4) *Exceptions to height regulations.* Spires, belfries, cupolas, clerestory windows, antennas, water tanks, ventilators, solar panels, windmills, chimneys, or other similar accessory structures customarily required to extend above the roof level may extend for an additional 10 feet above the maximum building height prescribed for the classification in which they are located.

(Ord. No. 01-99, § 1(301.2(805.00)), 11-3-1999)

- (5) *Waterfront yards.* Such a yard shall be measured from the ordinary high-water mark on non-tidal waters whenever the ordinary high-water mark falls within the lot lines. For the purposes of determining the maximum lot coverage and density for lots with waterfront yards, the ordinary high-water mark shall be substituted for lot lines wherever said lines fall within the lot lines; provided, however, the yard on lots with seawalls shall be measured from the seawall or top of revetment.

- (6) *Flag Lots.* Flag lots, as defined by Chapter 2, shall be prohibited in all zoning classifications.

- (7) *Shipping containers and metal buildings.* Shipping containers and other metal buildings shall not be used for dwelling units, unless the structure is completely improved and there is no metal exposed. The structure shall have windows, siding or similar material for concealment as well as meet all Florida Building Code standards for a residential dwelling unit.

(Ord. No. 03-10, § I, 3-3-2010)

- (b) Schedule of dimensional regulations for standard zoning classifications. Every principal or accessory structure to be erected upon a lot shall meet all yard, lot coverage, floor area and building height requirements of its classification as noted in Table 4-4, 4-5, and 4-6 unless otherwise expressly permitted by this Code.

(Ord. No. 01-99, § 1(301.2(502.00)), 11-3-1999)

Table 4 - 4: Dimensional Standards – Conservation and Rural Districts

| | C | P | RC¹ | A-2 | A-3 | RR | RA |
|--------------------------------|----------|----------|-----------------------|------------|------------|-----------|-----------|
| Minimum lot area (acres) | NA | | 25 | 5 | 1 | 1 | 2.5 |
| Minimum lot width (feet) | | | 150 | 150 | 100 | 100 | 150 |
| Minimum yard size (feet) | | | | | | | |
| • Front | | | 50 | 50 | 40 | 40 | 45 |
| • Rear | | | 50 | 50 | 40 | 40 | 45 |
| • Side | | | 50 | 25 | 25 | 15 | 25 |
| • Waterfront | | | 75 | 50 | 40 | 40 | 45 |
| Maximum building height (feet) | | | 45 | 45 | 45 | 35 | 35 |
| Maximum lot coverage (percent) | | | 10% ³ | 35 | 35 | 35 | 35 |
| Minimum Floor Area (sq. ft.) | | | 750 | 750 | 1,000 | 1,000 | 1,000 |

¹ See Section 4.8(c) for dimensional requirements for lots, parcels or other tracts of land which are zoned a mixture of RC and another zoning classification.

² Lot clearance shall not exceed 20 percent. The total cleared lot area covered with principal and accessory buildings shall not exceed 10 percent.

Table 4 - 5: Dimensional Standards – Residential Zoning Classifications

| | R-1 | R-3 | R-4 | R-5 | R-6 | | | R-7 | | R-8 | MH-1 ¹ | MH-5 ² |
|--|--------|------------------|-------------------|-------------------------|-------------------------|----------------------|---------------------------|-------|-----|-----------------------------------|-------------------|-------------------|
| | | | | | SF | DUP | TH | TH | MF | | | |
| Project Area (Acres) | | | | | | | | 1 | 1 | | 10 | |
| Min. lot area (sq. ft.) | 20,000 | 10,000 | 7,500 | 5,000 | 5000 | 10,000 (5,000 ea) | 2,000 | 2,000 | | 10,000 | 5,000 | 5,000 |
| Min. lot width (feet) | 100 | 85 | 75 | 50 | 50 | 75 (37.5 ea) | 20 | 20 | | 100 | 50 | 50 |
| Min. Depth (feet) | | | | | | | | | | | 50 | |
| Perimeter setback (feet) | | | | | | | 45 | 45 | 45' | | | |
| Min. yard size (feet): | | | | | | | | | | | | |
| • Front | 30 | 30 | 25 | 25 (15 secondary front) | 25 (15 secondary front) | 25 | 10 | 10 | | 25 (20 secondary front) | 10 | 20 |
| • Side | 20 | 20 combined 8 ea | 20 combined 8' ea | 5 | 5 | 10 | N/A | NA | | 25 ³ | 7.5 | 5 |
| • Rear | 20 | 20 | 20 | 20 | 20 | 20 | 10 | 10 | | 12 | 7.5 | 10 |
| • Waterfront | 25 | 25 | 25 | 25 | 25 | 25 | 20% of lot depth, 20' min | 25 | | 25 | 25 | 25 |
| • From interior streets, drives, parking areas | | | | | | | 10 | | 10 | 10 (5 if lot width or depth <135) | | |
| Max. building height (feet) | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 | | 20 |

¹ Yard setbacks for mobile homes parks with no individual lots must be applied as distance from the mobile home park street (front and corner) and separation between mobile home spaces (side and rear).

² See Section 6.37 (Mobile Homes and Mobile Home Recreational Vehicle Park Requirements) for alternative setbacks.

³ Buildings over 25 feet in height shall provide additional interior side yards and rear yards at a ratio of one foot of yard for every foot of building height over 25 feet

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| | R-1 | R-3 | R-4 | R-5 | R-6 | | | R-7 | | R-8 | MH-1 1 | MH-5 2 |
|----------------------------------|-------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----------|-----------|
| | | | | | SF | DUP | TH | TH | MF | | | |
| Max. lot coverage (percent) | 35 | 35 | 35 | 35 | 35 | 35 | | | | | | 35 |
| Min. Floor Area (sq. ft.): | 1,500 | 1,000 | 850 | 750 | 600 | 600 | | 575 | | | 480 | 720 |
| • Studio or efficiency | | | | | | | | | 480 | 480 | | |
| • 1 Bedroom | | | | | | | | | 575 | 575 | | |
| • Each Additional Bedroom | | | | | | | | | 150 | 150 | | |
| Building length/width (feet) | | | | | | | 200 | 200 | 200 | 200 | | |
| Min. Building Separation (feet): | | | | | | | | | | | | |
| • Front/rear | | | | | | | 50 | 50 | 50 | 50 | | |
| • All other combinations | | | | | | | 25 | 25 | 25 | 25 | | |

Table 4 – 6: Dimensional Standards – Non-Residential Zoning Classifications

| | B-2 | B-3 | B-4 | B-5 | B-6 | B-7 | B-9 | I-1 |
|---|-----------------|---------------------------|--------|------|--------|------|--------|--|
| Minimum project/lot size (sq. ft./acres) | 10,000 | 5 ac; 1 ac for outparcels | 20,000 | 1 ac | 20,000 | 1 ac | 20,000 | 1 ac |
| Minimum lot width (feet) | 50 | 150; 50 for outparcels | 50 | 100 | 100 | 100 | 50 | 100 |
| Minimum yard size (feet): | | | | | | | | |
| • Front | 30 | 100 35 for outparcels | 35 | 35 | 40 | 35 | 35 | 30 |
| • Rear: | | | | | | | | |
| - abutting residential or MH zoned property | 35 | 100 | 35 | 35 | 35 | 35 | 35 | 35 ¹ |
| - Other | 20 | 50 | 10 | 25 | 25 | 10 | 20 | 20 ¹ |
| • Side/Side, corner lot: | | | | | | | | |
| - abutting res or MH zoned property | 35 | 100 | 35 | 35 | 35 | 35 | 35 | 35 ¹ |
| - Other | 10 | 50 (10 if abutting B-3) | 10 | 10 | 10 | 10 | 10 | 10 ¹ |
| • Waterfront | 25 | 50 | 25 | 25 | 25 | 25 | 25 | 25 ² |
| Maximum building height (feet) | 35 | 40 | 40 | 40 | 40 | 40 | 35 | 35 (45 if abutting a res classification) |
| Maximum lot coverage (percent) | 35 ³ | 35 | 35 | 35 | 35 | 35 | 35 | 35 |

¹ For buildings over 35' in height, the side and rear yards shall be increased by one foot of yard for each foot of building over 35'

² For buildings over 35 feet in height, the waterfront yard shall be increased one foot for each foot of height over 35'

³ Developments in the B-2 zoning classification shall be restricted to 5,000 square feet for each use.

(c) *Dimensional requirements for sites zoned a mixture of RC and another zone classification.*

In instances where Resource Corridor boundaries split existing lots, parcels or tracts of land, the subject property may be subdivided into lots meeting the minimum lot area and width requirements of the zoning classification of the property not classified as Resource Corridor; providing that Resource Corridor classified lands are not counted as meeting part of the minimum lot area or lot width requirements of such zoning classification. In such instances, there shall be no minimum area or width requirements for the portion of the lot classified as RC.

- (1) Minimum lot area and width: No minimum for the portion of the lot classified as RC; providing that the minimum area requirement for the portion of the lot classified other than RC is met.
- (2) Minimum yard sizes: As provided for under section 4.3(i).
- (3) Maximum building height: 35 feet.
- (4) Maximum lot coverage: Lot clearance on the portion of the lot classified as RC cannot exceed 20 percent, and no more than 10 percent of the portion of the lot classified as RC may be covered with principal and accessory buildings. The portion of the lot classified other than RC shall be subject to the maximum lot coverage requirements of that zoning classification.
- (5) Minimum floor area: As required for the portion of the lot not classified as RC.

ARTICLE III. – Planned Unit Development Zoning Classification.

Sec. 4.9. Purpose and intent.

- (a) The purpose and intent of the PUD, Planned Unit Development classification is to provide for integrated developments, which are consistent with the Comprehensive Plan, so as to promote a mixture of land use types and economical and orderly development consisting of a single or of a mixture of compatible land uses. Further, it is intended that a proposed development be sensitive to existing adjacent and future land uses as depicted by the Future Land Use Map of the Comprehensive Plan, the natural environment and the impact upon supporting public infrastructure through such mechanisms as, but not limited to, the establishment of appropriate buffer areas between land uses, and limitations upon the types of permissible uses and structures which are to be permitted in the development.
- (b) The PUD classification has been divided into four sub-classifications. These sub-classifications are Residential, Business, Industrial, and Mixed Use.
- (c) The procedure for review and approval of a PUD shall be as set forth in this Section and Sec. 3.8 and 3.9. Subsequent to approval, major modifications shall be reviewed pursuant to Sec. 3.10.

Sec. 4.10. PUD regulations.

The following regulations apply to all PUDs unless the specific type (i.e., RPUD, BPUD, IPUD, MPUD) is otherwise referenced.

- (a) *Unified ownership.* All land within the PUD shall be under the ownership of one person, either by deed, agreement for deed or contract for purchase or lease. PUD applicants shall present either an opinion of title by an attorney licensed in the State or a certification by an abstractor or a title company, authorized to do business in the State, that, at the time of initial application, unified ownership of the entire area within the proposed PUD is in the applicant, or contract

seller's possession. Unified ownership shall thereafter be maintained until after the recording of the master development plan or final plat.

- (b) *Commercial uses in an MPUD.* Commercial areas shall be located in an area accessible from the highest priority streets within or adjacent to the MPUD.
- (c) *Utility distribution lines.* All utility distribution lines within the PUD shall be located underground; however, those appurtenances requiring aboveground installations may be exempted by the City Council.
- (d) *Open space requirements.* 20 percent of an RPUD project or the residential portion of an MPUD containing residential uses shall be common open space. Common open space shall meet the following standards:
 - (1) It shall be dedicated by plat, deed or other suitable instrument to and usable by all residents of the RPUD/MPUD. Useable space may be in the form of active or passive recreational areas with residents having physical access to the space. Passive facilities such as picnic tables and nature trails shall be placed in a manner that functions with the site's natural amenities or recreational needs of future residents. Examples of active recreational useable space are playgrounds, free play areas, golf courses, nature trails, swimming pools, and tennis courts.
 - (2) To further the City's efforts of tree protection, 15 percent of the site shall be preserved in a natural state (passive recreational uses may be permitted).
 - (3) Common open or public space should have the following qualities: accessibility, visibility, security, and interconnection (either physical or visual).
 - (4) Its location, shape, size and character shall be illustrated on the master development plan.
 - (5) Provisions for maintenance of the common open space may be provided in the development agreement.
 - (6) No more than 20% of the provided common open space shall be surface water.

Sec. 4.11. Permitted principal uses and structures.

The permitted principal uses and structures shall be those agreed upon by the City Council and are dependent upon which sub-classification is requested.

- (a) A Residential Planned Unit Development shall be indicated by an R. The permitted uses within a RPUD may be those found in any of the residential zoning classifications of this chapter, provided that said uses are listed in the development agreement and have been approved by the City Council.
- (b) A Business Planned Unit Development shall be indicated by a B. The permitted uses within a BPUD may be those found in any of the commercial zoning classifications of this chapter, provided that said uses are listed in the development agreement and have been approved by the City Council.
- (c) An Industrial Planned Unit Development shall be indicated by an I. The permitted uses within an IPUD may be those found in the industrial zoning classifications of this chapter, provided that said uses are listed in the development agreement and have been approved by the City Council.
- (d) A Mixed Use Planned Unit Development shall be indicated by an M. The permitted uses within an MPUD must consist of a combination of uses allowed from at least two of the above three PUD sub-classifications as approved by the City Council. No MPUD shall permit both residential and industrial.
- (e) Other uses and structures of a similar nature to those listed, after determination by the City Council at the time of master development plan approval that such uses and structures are compatible with the PUD development and the surrounding area.

Sec. 4.12. PUD dimensional requirements.

- (a) Minimum parcel size:
 - Residential only: 5 acres.
 - Business only: 1 acre.
 - Industrial only: 1 acre.

- Mixed Use: 5 acres

- (b) *Minimum lot area and yard requirements.* Minimum lot sizes, width, and yard areas shall be described in the development agreement. In determining yard sizes, the City Council shall consider whether or not the proposed PUD will have adverse effects upon adjoining properties. Factors which may be considered in determining yard sizes include, but are not limited to, existing and future land uses, lot size, and buffer requirements.
- (c) *Density.* The total number of dwelling units per acre of land shall be calculated and described in the development agreement and comply with the Future Land Use Element's density limitations within the Comprehensive Plan.

Sec. 4.13. Landscape buffer requirements.

A landscape buffer area meeting the requirements of Chapter 5 when applicable and Chapter 8 shall be constructed unless otherwise negotiated and approved by City Council as part of the master development plan and written development agreement.

Sec. 4.14. Off-street parking and loading requirements.

- (a) Off-street parking and loading areas meeting the requirements of Chapter 7 shall be constructed.
- (b) The City Council may modify the off-street parking requirements for the number of the individual spaces.
- (c) Any modifications to said requirements which may be granted by the City Council shall be described in the development agreement.

(Ord. No. 01-99, §§ 1(204), 1(205), 1(301), 1(301.3), 2(813.00)), 11-3-1999; Ord. No. 05-09, § II, 5-6-2009; Ord. No. 02-12, § 2(Exh. A), 9-5-2012)

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CHAPTER 5 - OVERLAY DISTRICT STANDARDS

ARTICLE I. – APPLICABILITY

Sec. 5.1. Applicability

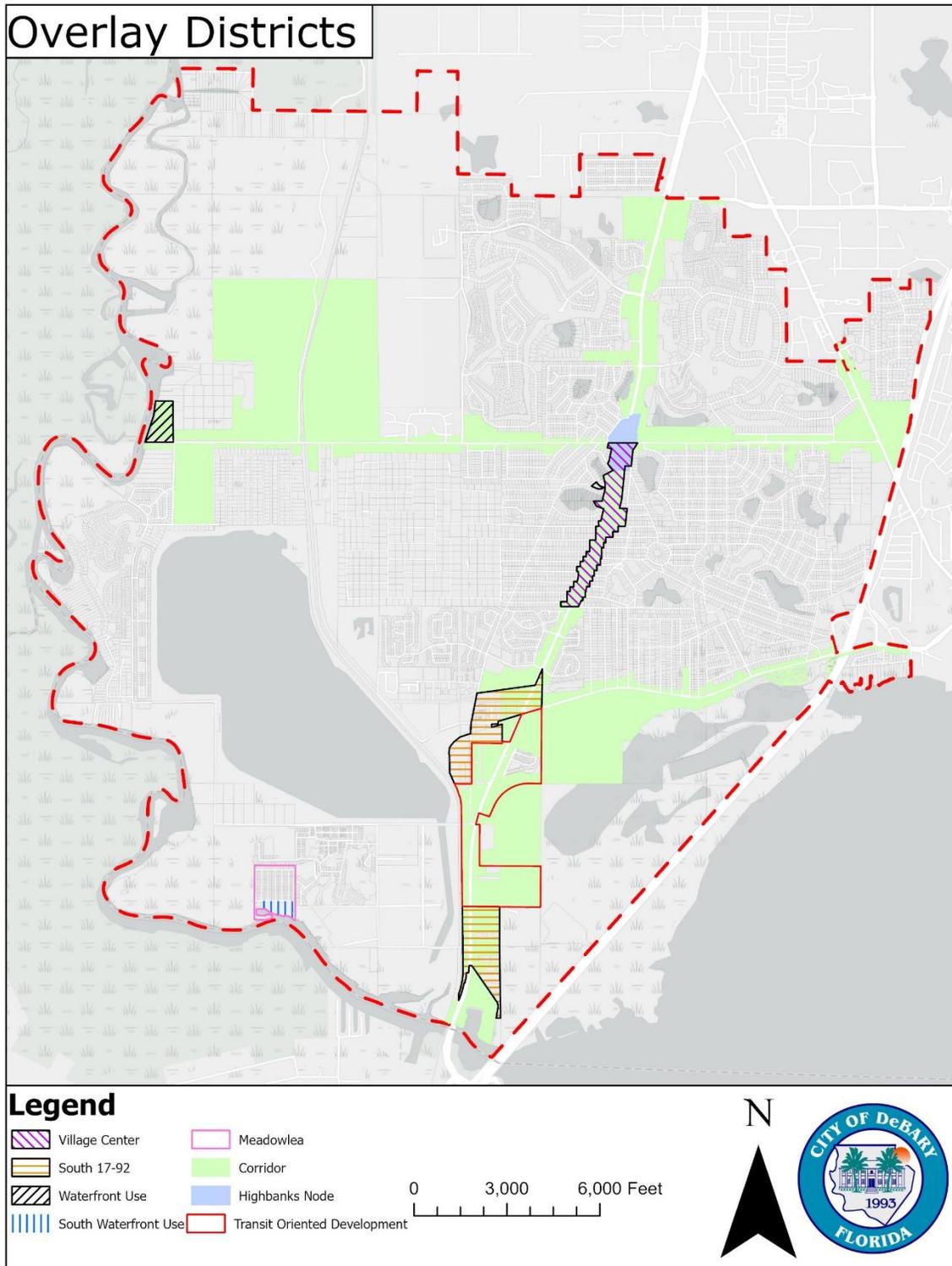
In addition to the regulations and standards set forth by this Chapter, certain additional regulations and standards shall apply within areas identified as overlay districts on the Zoning Map. Provisions not specifically mentioned in this Chapter but addressed in the City's LDC shall apply to properties within the Overlay Districts. In the event of any conflicts between the provisions of this Chapter and other provisions of this Code, the provisions of this Chapter shall prevail.

(Ord. No. 01-99, § 1(302), 11-3-1999)

Sec. 5.2. Overlay Districts Map Established

The map entitled “Overlay Districts” is hereby made a part of this Chapter as depicted by Figure 5-1.

Figure 5 - 1: Overlay Districts



ARTICLE II. – WATERFRONT USE OVERLAY DISTRICT

Sec. 5.3. Purpose and intent.

The purpose of the Waterfront Use Overlay District is to provide additional development restrictions and opportunities for areas used for privately owned public water access consistent with the adopted Comprehensive Plan. The Comprehensive Plan provides for management of areas adjacent to surface water bodies and preservation of the public's ability to access water bodies. It is the intent of this Section that adequate flexibility be provided to accommodate the purposes and style of development described in the Comprehensive Plan.

Sec. 5.4. Applicability.

The provisions of this Section shall apply within the area identified on Figure 5-1: Overlay Districts Map as the "Waterfront Use Overlay District"

Sec. 5.5. Regulations applicable to use and development.

- (a) Uses and development practices not permitted shall include any use or development which restricts public access to surface water bodies utilizing public facilities. This provision does not prevent management of private lands, including private access facilities, by the owner of such land or facilities.
- (b) Additional uses and development practices may be permitted by special exception, including campgrounds and recreational vehicle facilities operated in conjunction with a marina, provided that such facilities shall be served by central sewerage facilities (public or private).

(Ord. No. 01-99, § 1(302.3), 11-3-1999)

ARTICLE III. – MEADOWLEA OVERLAY DISTRICT

Sec. 5.6. Purpose and intent

The purpose of the Meadowlea Overlay District is to provide alternative setback requirements to facilitate the installation of newer mobile home dwellings on lots within this district. Due to the average lot size within this district and changes in the size and configuration of modern mobile homes, such installations, as proposed, often do not meet the setback requirements imposed by the MH-5 (Urban Mobile Home) Classification. This overlay district seeks to provide relief to accommodate the installation of newer mobile home units on the lots located within the subdivision.

Sec. 5.7. Applicability

The provisions of this Article will apply within the area identified on Figure 5-1: Overlay Districts Map as the "Meadowlea Overlay District"

Sec. 5.8. Regulations applicable to use and development.

- (a) Minimum yard requirements. The following setback requirements will apply in lieu of those prescribed by the MH-5 (Urban Mobile Home) Classification.

Front yard: 20 feet.

Rear yard: 10 feet.

Side yard: 5 feet.

Street side yard: 10 feet.

Waterfront yard: 25 feet.

- (b) All other zoning requirements, including any additional dimensional or setback requirements that are not modified by this Article, will remain in effect as set forth in the MH-5 (Urban Mobile Home Classification).

(Ord. No. 06-2021, §§ 2, 3 (Exh. A), 7-21-2021)

ARTICLE IV. – SOUTH 17-92 OVERLAY DISTRICT

Sec. 5.9. Purpose and Intent.

The purpose of the South 17-92 Overlay District is to provide additional development restrictions and opportunities within the area along South U.S. 17-92 consistent with the adopted Comprehensive Plan. The Comprehensive Plan provides for mixed-use and commercial development to support the overall growth and development of the City. It is the intent of this Article that adequate flexibility be provided to accommodate the purposes and style of development described in the Comprehensive Plan.

Sec. 5.10. Applicability

The provisions of this Article shall apply within the area identified on Figure 5-1: Overlay Districts Map as the "South 17-92 Overlay District."

Sec. 5.11. Use and Development standards

- (a) Shared driveways between adjacent parcels are required for developments where driveway separations per this Code cannot be provided. Shared driveways will be encouraged in all other developments in consideration of driveway separations, median openings, and distance to street intersections. Coordinated development on a single parcel or coordination of developments on adjacent parcels under a unified development plan is encouraged. Where parcels are combined for development purposes, a unity of title agreement must be recorded ensuring that multiple parcels remain under a common ownership or control. The City Council may allow a reduction in the lot area and/or frontage requirements where adjacent developments are coordinated so as to meet the intent of this provision.

- (b) Permitted uses in the South 17-92 Overlay District shall be as regulated by Table 5-1 in Section 5.18.

(Ord. No. 01-99, § 1(302.2), 11-3-1999; Ord. No. 16-04, § 2, 11-3-2004; Ord. No. 02-12, § 2(Exh. A), 9-5-2012)

ARTICLE V. – VILLAGE CENTER OVERLAY DISTRICT

Sec. 5.12. Purpose and intent.

The purpose of the Village Center Overlay District is to introduce both development restrictions and opportunities within its boundaries, aiming to fortify and guide development toward existing communities while fostering walkable neighborhoods. This overlay district promotes the creation of a compact, multiuse, and mixed-use development area encompassing retail, office, and service spaces, contributing to the overall growth and development of the City. Located just south of the Highbanks Road Node along the US 17-92 corridor as described in Article VI of this Chapter, the Village Center Overlay District is strategically positioned as a regional roadway segment connecting multiple communities. Designed to accommodate a diverse range of uses, this overlay district serves the adjoining neighborhoods and passing motorists. The vision for this section of US 17-92 includes a commitment to high-quality development, portraying the City's arrival with an image of a pedestrian and bicycle-friendly environment.

Sec. 5.13. Applicability.

The provisions of this section shall apply within the area identified on Figure 5-1: Overlay Districts Map as the "Village Center Overlay District."

Sec. 5.14. Permitted Uses

Permitted uses in the Village Center Overlay District shall be as regulated by Table 5-1 in Sec. 5.18.

(Ord. No. 01-99, § 1(302.1), 11-3-1999; Ord. No. 16-04 § 1, 11-3-2004; Ord. No. 22-02, § 3, 12-11-2002; Ord. No. 10-11 § 2, 10-5-2011; Ord. No. 02-12, § 2 (Exh. A), 9-5-2012)

ARTICLE VI. FORM-BASED CODE OVERLAY DISTRICTS: NODES AND CORRIDORS

Healthy cities have a mixture of activity centers and mixed-use corridors. The activity centers typically contain the most intensive commercial activity, and the corridors feature a variety of building types along streets designed for all

modes of transportation. While the city zoning classifications address the types and intensity of uses within these nodes and corridors, this Article addresses more specific site, building, and public realm standards, also known as Form-Based Code (FBC). It will take a combination of quality private development and public realm improvements to achieve the vision.

Division 1. General

Sec. 5.15. Purpose and Intent

The purpose of the standards contained in this Article is to ensure that future developments at nodes and corridors:

- (a) Enhance the appearance and quality of development;
- (b) Provide for well landscaped, scenic gateways to the City;
- (c) Minimize visual pollution which may result from uncoordinated uses, structures and buildings;
- (d) Provide for traffic circulation patterns and complete streets that enhance public safety, walkability, and connectivity;
- (e) Maintain and enhance property values;
- (f) Create an active place that is visually, environmentally, and financially sustainable; and
- (g) Increase housing opportunities.

Sec. 5.16. Nodes & Corridors Established

The following overlay districts are established to regulate development within the City's nodes and corridors. These standards for nodes and corridors shall apply regardless of the zoning designation.

- (a) Major Corridors. Representing the main gateways into the City, these corridors welcome motorists entering the City and project a distinctive character unique to the City of DeBary. The district includes all properties fronting on US 17-92, Highbanks Road, Enterprise Road, Saxon Boulevard, and Dirksen Drive.
- (b) Highbanks Road Node. This zone is the busiest and most central node in the City. It extends north-south from Shell Road North to Poinsettia Drive, and east-west from Naranja Road to Shell Road North. While fully developed at present time, there is potential for future redevelopment at this node.





Sec. 5.17. Applicability.

The regulations contained in this Article apply to all properties which, at the time of development approval, are located within a major node or corridor as depicted on **Figure 5-1** as follows:

- (a) **New Development.** All new development shall fully comply with all the regulations contained in this Chapter. Properties within the Overlay Districts which, as of July 17, 2024, have an active, effective, and unexpired development order (DO) from the City shall not be required to comply with these regulations. Any DO or DA that expires for any reason, shall be required to meet all of the regulations of this Chapter, as such requirements exist at the time of permitting of development for such properties
- (b) **Redevelopment.** The following provisions address the degree of compliance required for redevelopment projects.
 - (1) **Substantial redevelopment.** The entire development site shall be brought into compliance with this Section if one or more of the following conditions are met:
 - a. The building floor area is being increased by more than fifty (50) percent; or
 - b. More than fifty (50) percent of the existing building floor area is being replaced; or
 - c. There is a combination of floor area increase and existing floor area replacement exceeding fifty (50) percent of the original building floor area.
 - (2) **Non-substantial redevelopment.** For redevelopment not meeting the criteria of Paragraph (1), only the building addition or exterior modifications visible from major corridor right-of-way shall comply with the regulations contained in this Article.
 - (3) **Cumulative Improvements.** To avoid a situation where incremental improvements result in a substantial redevelopment subject to full code compliance, the improvements listed in Paragraph (1) shall include all such improvements made within a 5-year period.
 - (4) **Compliance with parking requirements.** Division 5 of this Article and Chapter 7 of the LDC shall apply for parking design standards applicable to redevelopment, additions and change of use, with accommodation for adjacent property shared parking requirements
 - (5) **Exceptions.**
 - a. **Building setback.** All new buildings and additions within the redevelopment site shall be required to meet the building setback provisions. However, existing buildings will not be required to be moved or expanded to meet the setback requirements.
 - b. **Building height.** Existing buildings undergoing redevelopment shall not be required to meet the minimum building height. Any new buildings within the redevelopment site, however, shall meet the requirement.
 - c. **Building frontage.** Existing buildings shall not be required to meet the minimum building frontage requirement. However, new buildings and additions shall be required to comply with the frontage requirements.

- d. Parking requirement. Existing buildings shall not be required to meet the parking requirements of this Chapter.
- (c) Single-Family Homes and Duplex Units. The provisions of this Chapter do not apply to single family homes/developments or duplex units.
- (d) Change in Use. A change in use without any modification to the site does not require compliance with this Section as long as the new use is permitted in the overlay district, and the new use does not require additional parking, loading zone, or buffering.
- (e) Agricultural exemption. All land with an underlying agricultural zoning designation shall have the right to utilize the property for agricultural purposes until such time that the property owner chooses to develop under these overlay standards.
- (f) Images. This article was created with images and figures as important visual aids to enhance understanding and comprehension of plan-making and development, however, in the event there is a conflict or inconsistency between the text of this document and any figure or illustration, the text shall prevail.
- (g) Non-conforming lots, structures and uses. All non-conforming properties, uses and structures shall be subject to Section 1.6, Nonconforming lots, structures and uses, of the city Land Development Code.
- (h) Approval for change of exterior design required. Any exterior change of any nonresidential structure or multifamily structure in a Planned Unit Development, overlay district or conventional zoning classification shall require review and approval by the Growth Management Director. Such changes shall include, but not be limited to, materials, roof finishes and signage. The purpose of such approval shall be to ensure that any exterior change is consistent with the intent and requirements of this article. Routine maintenance and replacement of materials which do not affect the approved exterior design shall be exempt from this subsection.

Division 2. Land Use and Site Design

Sec. 5.18. Permitted Uses.

Refer to the tables of uses in Chapter 4 (Zoning) for a list of permitted uses in the underlying zoning classification. Certain uses are regulated as per the table below. Accessory and temporary uses and structures shall meet the requirements of Chapter 6, unless otherwise specifically addressed in this chapter. While the list of allowable uses in Chapter 4 is expansive the following uses may be listed as permitted in the zoning classifications but shall be permitted (P), permitted by special exception (S), or prohibited (N) within the Overlay Districts as noted below.

Table 5-1 Land Use Table

| USES | Corridors | Highbanks Node | Village Center | South US 17-92 |
|--|-----------|----------------|----------------|----------------|
| ALF | P | N | N | P |
| Auction Parlors | P | N | N | P |
| Automotive, boat, motorcycle, mobile home and recreational vehicle sales or rentals. | N | N | N | N |
| Automobile driving schools | P | N | N | N |
| Automotive Service | S | N | N | P |
| Bars and liquor stores as principal use or freestanding use | S | S | N | N |

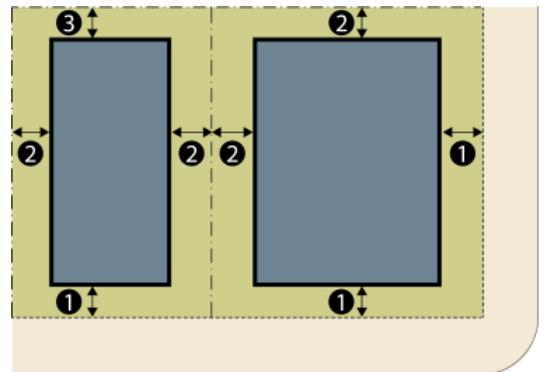
| | | | | |
|--|---|---|---|---|
| Bars and liquor stores less than 5000 gross sq ft or located in shopping center with minimum 100000 sq ft. | P | P | P | P |
| Carwashes | S | N | N | S |
| Club, Bottle | N | N | N | N |
| Daycare | P | N | N | N |
| Firework Sales | S | S | N | N |
| Funeral Home | N | N | N | S |
| Household Moving Center | N | N | N | N |
| Kennel | S | S | S | S |
| Movie theater above 10000 sq.ft. | P | N | N | P |
| Night Clubs more than 5000 sq.ft. | N | N | N | N |
| Outdoor Display (Sec 6.8) | P | P | P | P |
| Outdoor Storage | N | N | N | N |
| Outdoor service for restaurant | P | P | P | P |
| Outdoor service of alcohol with/ without entertainment | P | P | P | P |
| Pawn Shops | N | N | N | N |
| Retail more than 10000 sq. ft. | P | P | N | P |
| Recreation, indoor | P | P | P | P |
| Self-Storage | S | N | N | S |
| Tattoo excluding permanent makeup | N | N | N | N |

Sec. 5.19. Building Setbacks.

The intent of the building setback standards is to shape the public realm and to strengthen the physical and functional character of the area. Buildings in the Overlay Districts must meet the following setbacks. Figure 5-2 depicts the location of setbacks.

- (a) Minimum Front: Refer to Table 5-2
- (b) Maximum Front (Build-to-line): Refer to Table 5-2.
- (c) Side: 5' minimum.
- (d) Rear: 10' minimum; 20' minimum if adjacent to a single-family residential zoning classification.
- (e) Maximum impervious surface: Refer to Table 5-2.
- (f) Parking shall not be allowed between the building and the primary street's Right-of-Way (ROW).

Figure 5 - 2: Building Setbacks



① Front; ② Side; ③ Rear

Figure 5-3: Street Segment Map

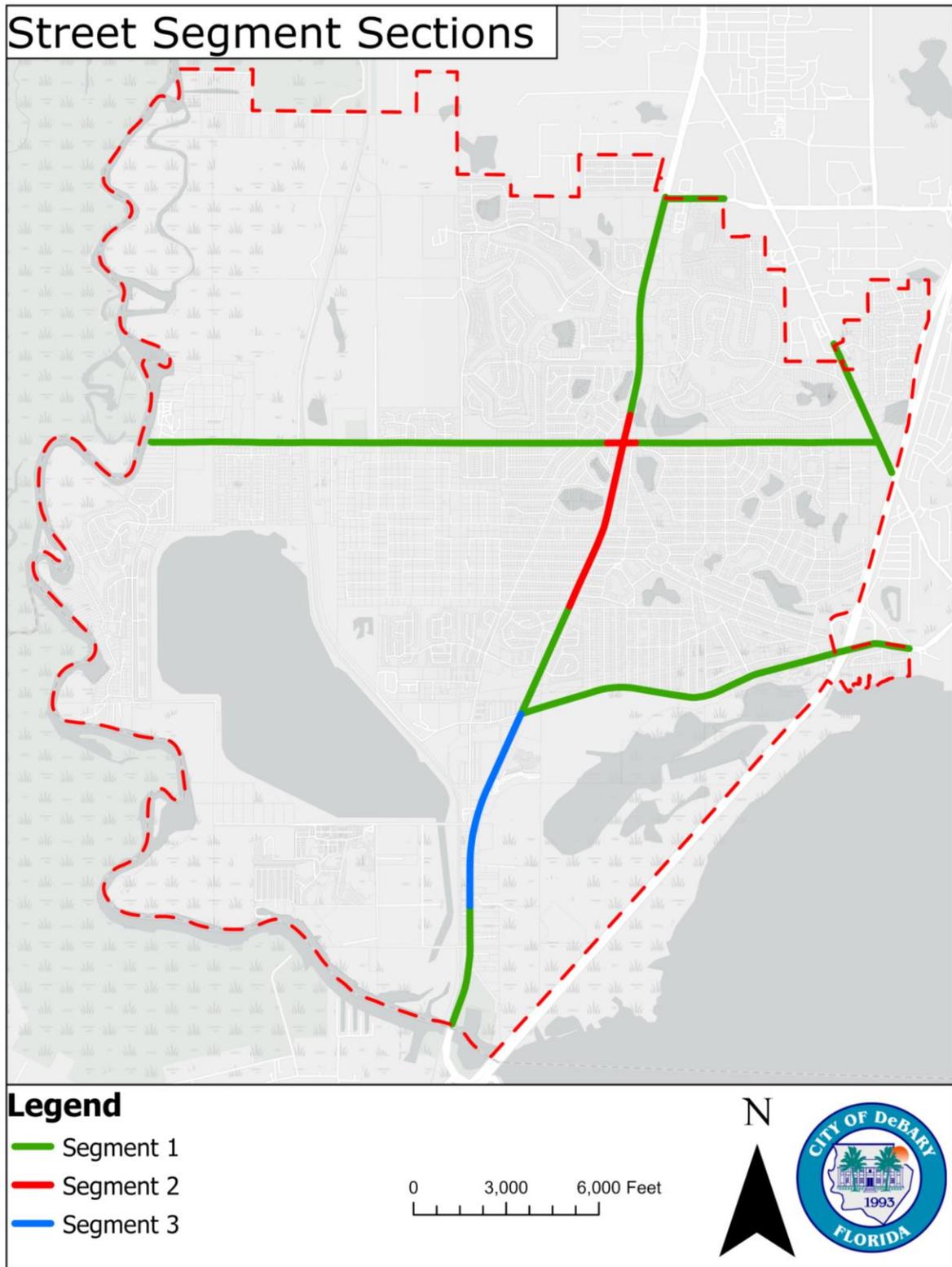


Table 5-2 Development Standards

| Street segment (SS) | Minimum front Setback | Maximum Front setback/Build-to-Zone (BTZ) | Impervious Surface % |
|---------------------|-------------------------|---|-------------------------|
| SS-1 | 10' | 20' | 75 |
| SS-2 | 5' | 10' | 80 |
| SS-3 | Refer to sec 5.63(b)(2) | Refer to sec 5.63(b)(2) | Refer to sec 5.63(b)(2) |

Sec. 5.20. Streetscape Zone.

The space between the back of the curb to the ROW line or the back of the sidewalk, whichever is more, is known as the streetscape zone and is intended to accommodate a public sidewalk and the furnishing zone (see Figure 5-4). Due to the lack of right-of-way to accommodate adequate streetscape zones along certain streets, some development applicants will be required to dedicate an easement to the city to accommodate such zone. The reconstruction of the streetscape zone shall be the responsibility of the development applicant. If the requirements cannot be met due to existing conditions or site constraints, the Growth Management Director has the ability to adjust or waive the requirement to construct the improvements required by this Section.

The design of the streetscape zone shall be coordinated with city staff, and shall comply with the requirements of Sec. 7.2(t), Appendix 2-Technical Standards Manual, Florida Greenbook, and Chapter 10 of this Code. Provisions shall be made to connect existing and new sidewalks that have different alignments (see Figure 5-5).

Figure 5 - 4: Streetscape Zone and BTZ

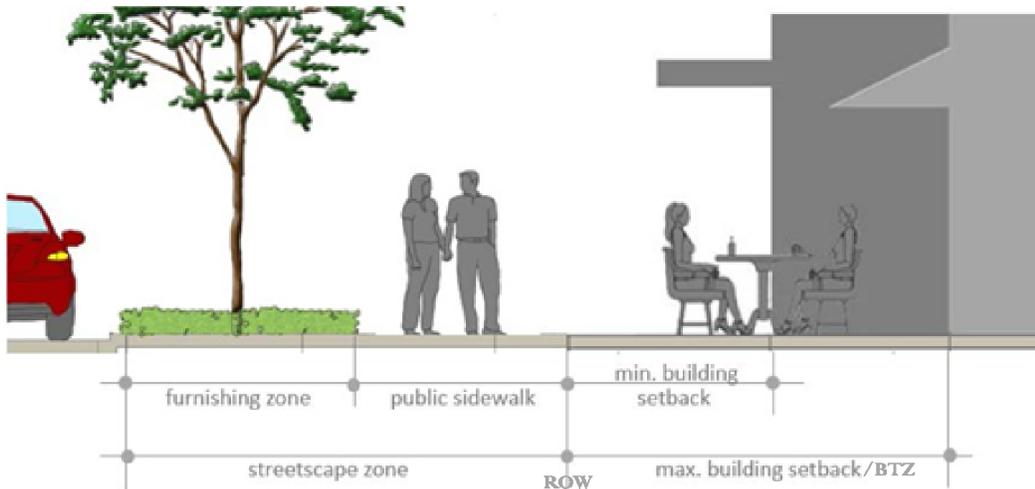


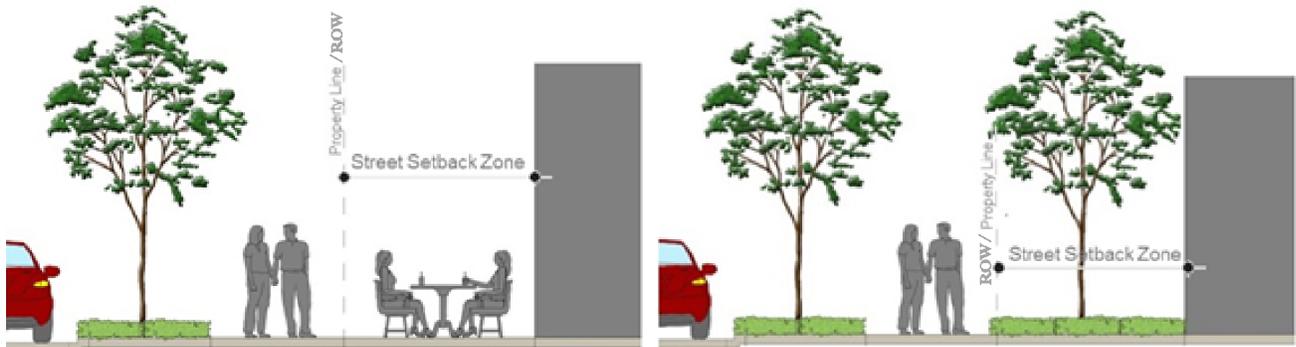
Figure 5 - 5: Connecting Existing and New Sidewalks



Sec. 5.21. Street Setback Zone Design.

The intent of the street setback is to provide a transition, both physical and visual, from the street to the building. The zone created by the setback should vary in design depending on the level of privacy desired along the building façade. Commercial buildings usually have a setback zone designed to attract customers into the building, while residential and office buildings often have a setback zone designed to provide privacy to the ground floor rooms, as shown on Figure 5-6.

Figure 5 - 6: Examples of Street Setback Zone Activity



Examples of Street Setback Zone design: outdoor seating (left) and buffer for residential uses (right).

- (a) Street setback zones in front of uses that benefit from pedestrian interaction along the front façade shall include urban landscaping such as containers and/or planter boxes that complement the building mass and architecture.
- (b) Street setback zones in front of uses that do not require pedestrian interaction along the façade (e.g., offices, hotels, multifamily) may be landscaped with a combination of intermediate (understory) trees, palms, shrubs, vines and/or ground covers. Refer to Chapter 8 for Landscaping standards.
- (c) Street furniture such as benches, trash receptacles, and/or bicycle racks may be installed within the street setback zone.
- (d) Outdoor dining is permitted within street setback zones as long as restaurants are a permitted use in the zoning classification.
- (e) Elements within the street setback zone (landscaping and architectural features) shall comply with the sight triangle requirements established using City and standards of the American Association of State Highway and Transportation Officials (AASHTO).

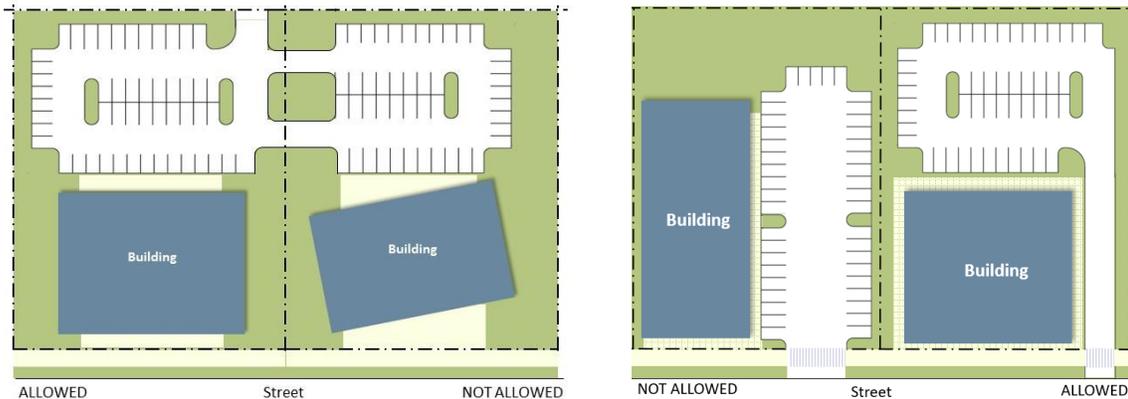
- (f) The proposed building ground floor along the street setback zone shall contain active uses oriented to the street. Active uses may include display or floor areas for retail uses, waiting and seating areas for restaurants, atriums or lobbies for offices, and lobbies or dining areas for hotels or multi-family residential buildings.

Sec. 5.22. Building Orientation.

Buildings shall be oriented to enhance the appearance of the corridor. This requirement shall be met by incorporating the following techniques into project design.

- (a) The building's entrance shall be visible from the public road.
- (b) The building's primary facade shall be built parallel to the public road from which driveway access is provided, as shown in Figure 5-7. Where, because of site constraints or other factors, the building's primary facade is unable to be oriented parallel to the major road providing driveway access, each facade which is clearly visible from a public right-of-way or public area of adjoining properties shall be designed with full architectural treatment.
- (c) Building orientation shall be such that service areas are placed out of view from public rights-of-way, parking areas and adjacent properties. Buildings shall be proportioned in a manner that allows the wider façade to face the street, as shown in Figure 5-7.

Figure 5 - 7: Building Alignment and Orientation



Sec. 5.23. Building Frontage Buildout.

The purpose of the building frontage buildout requirement is to ensure façade continuity and activity along the street. The building frontage buildout standards are stated as a proportion of the building width (within the required building setback) relative to the width of the development site. Portions of the building façade outside the required building setbacks do not count as building frontage (see Figure 5-8). See Section 5.33 for Building Frontage Design.

- (a) The minimum building frontage shall be sixty (60) percent.
- (b) In the event the proposed building width is too narrow to meet the minimum building frontage buildout requirement (Figure 5-9, left graphic), the applicant shall have the option to separate the development site into smaller lots that meet the dimensional requirements through the lot split process provided for in Chapter 3, as shown on Figure 5-9, right graphic. The site plan shall show the unused portion of the site as available for future development and may not include any improvements other than an optional street wall delineating the site. Cross-access easement must be provided before construction plan approval.

Figure 5 - 8: Building Frontage Calculation

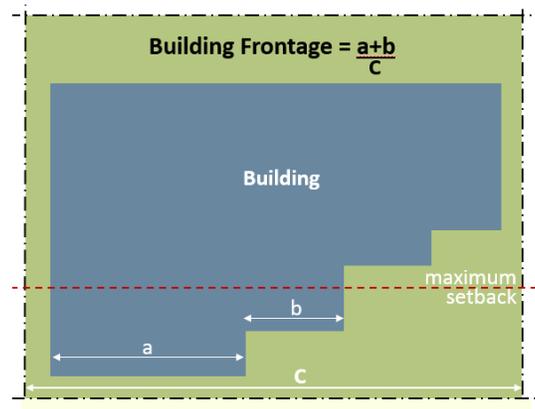
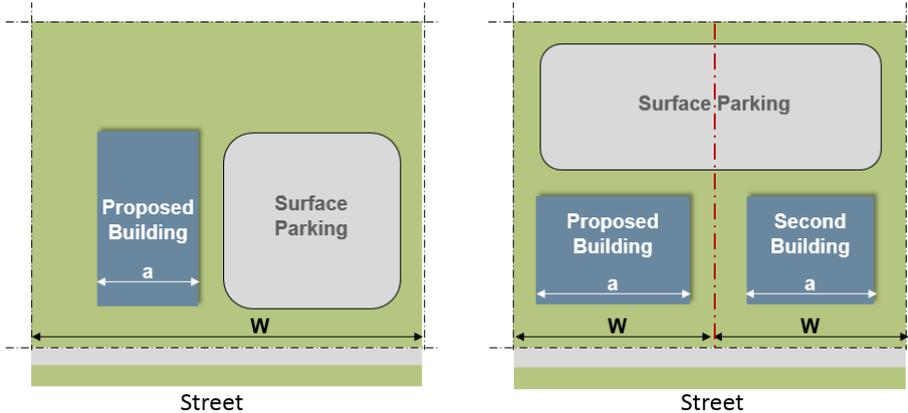


Figure 5 - 9: Exceptions to the Building Frontage



- (c) In the case where the required building frontage cannot be met due to the need to provide vehicular access from the street, a gateway, arch, or similar feature shall be provided to preserve the block continuity and may be counted toward meeting the building frontage requirement, as shown on Figure 5-10.

Figure 5 - 10: Gateway Feature



Gateway feature designed to meet minimum building frontage. Notes: Not to scale. Floor above the gateway is not required.

Division 3. Building Design Standards

This Division establishes standards for building design. The standards apply to all development subject to the regulations of this Article, except for duplex units and single-family homes/developments. Parking garages are subject to the same building design requirements as all other buildings.

Sec. 5.24. Building Massing.

- (a) Buildings shall be articulated to break down large volumes into smaller volumes grouped together. In no event shall buildings exceed a height to width ratio of 1:3 or a length of 75 feet, whichever is less, without providing a substantial volume break, which may consist of a projection or recess, a tower or bay, and/or an architecturally prominent entrance (see Figures 5-11 and 5-12). Vertical and horizontal projections and recesses shall have a minimum depth of 2 feet.
- (b) Roofs or assemblies of roofs shall also be articulated to reduce building mass. Roof heights shall vary using the parameters listed in subsection (a), above.

Figure 5 - 11: Massing

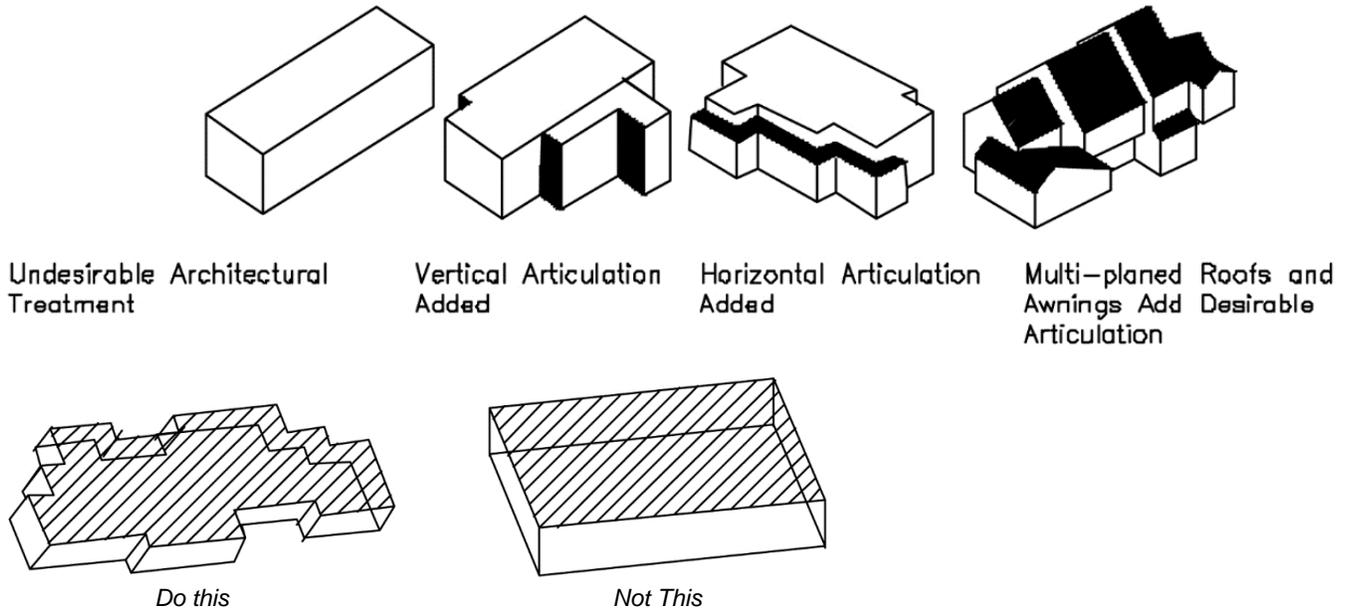


Figure 5 - 12: Example of Building and Roof Articulation



Sec. 5.25. Architecture

Structures within the same development shall reflect similar styles, materials, details, and colors and shall be designed with a recognized architectural style. A recognized architectural style shall be one that is recognized by design professionals as having a basis in classical, historical or academic architectural design philosophies. The use of features deemed by this Code to be "integral features of a recognized architectural style" shall have a rational and aesthetic relationship to the elevation of a structure, and be harmonious with the pattern, proportions, and materials of surrounding structures. The following shall not be considered recognized architectural styles:

- (a) Any architecture having a historical reference that is so unique and different from current design philosophy that such reference is inconsistent and incompatible with surrounding structures. Examples of such include igloos, tepees, medieval castles, caves and the like.
- (b) Any kitsch architecture which does not resemble a typical structure, but resembles an exaggerated plant, animal, fish, edible food or other such item such as giant oranges, ice cream cones, and the like.

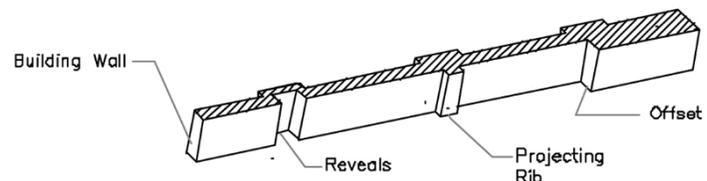
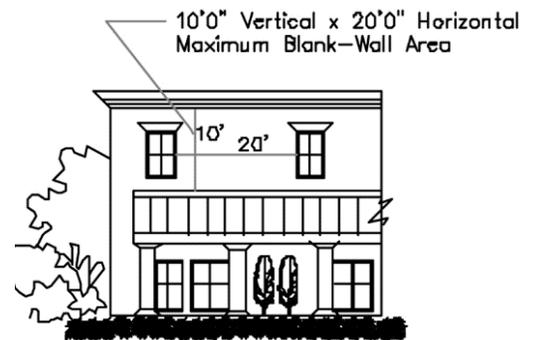
Sec. 5.26. Roof Design

Roof features shall be in scale with the building's mass and complement the character of the structure. Roofs shall incorporate the design elements and materials listed below:

- (a) The design of roof structures shall be flat, hip roof, or gable roof. Mansard roofs are prohibited. Flat roofs shall be hidden behind a parapet and a cornice. The material for sloped roofs shall be metal standing seam or "V" crimp metal, shingle or tile.
- (b) Roofs shall be designed to be of such height, bulk and mass so as to appear structural even when the design is nonstructural.

Sec. 5.27. Façade Articulation

- (a) Facades facing a street or public space shall not exceed 20 horizontal feet and 10 vertical feet without including at least one of the elements listed below.
- (b) Storefront awnings, marquees, galleries/arcades, forecourts, stoops, or porches
- (c) Overhangs of no less than three feet in depth
- (d) Raised cornice/parapets over a door
- (e) Expression line between floors
- (f) An offset, column, reveal, void, projecting rib, band, cornice, or similar element with a minimum depth of six inches
- (g) Peaked roof forms
- (h) Clock or bell towers
- (i) Balconies
- (j) Windows or doors
- (k) Any other treatment that meets the intent of this Section and is approved during the review of the development plan
- (l) Columns and posts shall not be spaced further apart than they are tall.



Sec. 5.28. Doors and Windows

- (a) Entryways shall be designed to provide project focal points. Entryways shall be designed in accordance with the techniques listed below. In the event that the entryway is not oriented toward the major road that, as determined by the City, provides access to the building, the side of the building facing such road should also be designed to comply with this Section.

- (b) The primary entrance of every building must directly face a street. Additional building entrances are permitted. Corner lots shall orient the primary entrance to the named major corridor (e.g., US 17-92, Highbank Road, etc.) or may provide a corner entrance. Where two major corridors intersect, the location of the primary entrance is at the discretion of the Growth Management Director.
- (c) Public entry and exit doors which swing outward shall be recessed into the façade a minimum of three feet where the sidewalk abuts the building.
- (d) Windows and doors shall be vertically proportioned or subdivided to appear vertical.
- (e) Windows and doors shall utilize clear glass with no less than 90 percent Visible Light Transmission (VLT, percentage of light that passes through the window) for retail establishments, and 50 percent for office and residential uses. Glass block is not considered transparent and shall not count toward the minimum fenestration requirement.
- (f) All building façades fronting on a street or public space shall meet the minimum fenestration requirements outlined below.
- (g) Buildings with storefronts (Figure 5-13)
 - (1) Minimum building façade fenestration for ground story: 60%.
 - (2) Minimum building façade fenestration for upper stories: 40%.
- (h) Buildings without Shopfront (Figure 5-13)
 - (1) Minimum building façade fenestration for ground story: 30%.
 - (2) Minimum building façade fenestration for upper stories: 20%.
- (i) Interior shelves or furniture shall not fully or partially block windows used to meet the transparency and fenestration requirements.
- (j) In order to provide clear views of merchandise in stores and enhance the pedestrian shopping experience, the first-floor windows of buildings with frontage on a street shall remain unblocked for at least 60% of the surface of the window (this does not include any signs that may be permitted by Chapter 11). Elements such as curtains, blinds, indoor shutters may be used to provide privacy for non-retail uses.
- (k) Storefronts must remain lit until 10:00 P.M. to provide view of display spaces and security to pedestrians.

Figure 5 - 13: Façade Fenestration



Sec. 5.29. Exterior Materials

Exterior building materials contribute significantly to the visual impact of a building on a community, which, in turn, individually and collectively reflect upon the visual character and quality of a community. In order to project an image of high-quality City aesthetics, building materials shall conform to the following requirements:

- (a) For all structures, the following materials shall be acceptable on all facades that are or will be exposed to the general public:
 - (1) Brick.
 - (2) Exposed aggregate.
 - (3) Stone.

- (4) Cellulose fiber-reinforced cement building boards.
- (5) Stucco, if used, shall be flat finish, "knocked-down," or sand finish only for a maximum of 40% of building façade.
- (6) E.I.F.S. (exterior insulation and finish system).
- (b) Prohibited façade materials include cedar shakes or wood shingles; metal/steel walls; corrugated or reflective metal panels (not intended to prohibit metal roofs or architectural accents); unfinished block, textured plywood, mirrored glass, plastic siding, tile (except as an architectural accent), and polyurethane and polystyrene foam products (except as an architectural accent).
- (c) When materials are combined on any facade horizontally, the visually heavier facade material must be below and can cover up to one third of the overall wall height. Changes from one façade to another shall occur at "inside corner" transitions (Figure 5-14).
- (d) Changes in material along the vertical direction shall occur at a hard-edge "bump- out" transition which gives materials a surface to terminate against.
- (e) Building materials shall be consistent around the entire building.
- (f) Exposed metal building sidings shall not be permitted.

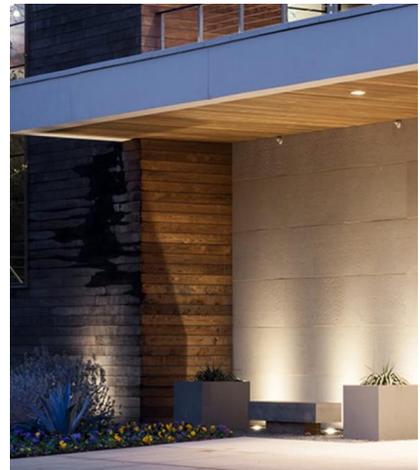
Sec. 5.30. Exterior Building Colors

Exterior building colors also contribute to the visual impact of a building and community as a whole. In order to project an image of high-quality City aesthetics, building colors shall conform to the following requirements:

- (a) Exterior colors shall not be specifically limited, but shall be consistent with earth tones, warm tones and muted hues. The selection of pastels shall be limited to those colors having a minimum white content of 90 percent. Other colors, excluding fluorescents, may be permitted as accent colors, not to exceed 20 percent of the surface area of any one elevation.

The requirement for earth tones and pastels shall not apply to colors commonly found in natural materials such as brick or stone, unless such material has been artificially colored in a manner which would be contrary to the intent of these regulations.

Figure 5 - 14: Material/Color Change



- (g) A color or color scheme which is directly inherent to a unique recognized architectural style or exterior artwork, but not otherwise in compliance with this Section, may be permitted through the development plan approval process.
- (h) Building colors shall be consistent around the entire building.
- (i) Murals are permitted subject to staff review and approval.

Sec. 5.31. Building Height.

- (a) Buildings shall not exceed a total height of 3 stories.
- (b) Towers and cupolas are designed to extend above the roofline and are generally intended to be visual landmarks. Towers/cupolas shall not exceed 30 feet by 30 feet in footprint and shall not exceed 10 feet above the height limit (see Figure 5-15).
- (c) Any building over two stories in height on a site adjacent to a single family home zoning classification shall step back a minimum of ten feet after the second story. Developers may elect to apply the setback to the top floor only or to the entire façade.
- (d) The first 50 feet of the rooftop closest to a single family zoned lot shall not be occupied by active uses that may produce noise and affect the adjacent residential units (open air restaurant, bar, etc.).

Sec. 5.32. Floor Height

- (a) Individual stories shall measure a minimum of 9 feet from finished floor to finished ceiling.
- (b) Ground-floor uses with storefronts or non-residential uses shall have a minimum of 12 feet in Village Center, South 17-92 overlay districts and the Highbanks Node.
- (c) Stories shall not exceed 14 feet in height from finished floor to finished ceiling, except for a ground floor non-residential function, which shall not exceed 25 feet. A single story exceeding 14 feet, or 25 feet for ground floor non-residential, shall be counted as two (2) stories. Mezzanines extending beyond 33% of the floor area shall be counted as an additional story.

Sec. 5.33. Building Frontage Design.

Most buildings have a frontage element that varies depending on the use. For instance, commercial buildings typically have storefronts, and residential buildings have porches. This section contains standards for the various types of frontages that may be used. See Section 5.23 for Building Frontage Buildout.

- (a) Storefronts. The design of new storefronts must follow the compositional principles of historic storefronts (Figure 5-16 and 5-17).
 - (1) Bulkhead height shall be between 1 and 3 feet above the adjacent sidewalk. Bulkhead materials may include masonry, metal, or wood.
 - (2) Shopfront windows shall extend up from the sill at least 8 feet above the adjacent sidewalk.
 - (3) Storefront windows may not be made opaque by window treatments (except operable sunscreen devices within the interior space). See Section 5.28(e) for glass transparency requirements.
 - (4) Storefront doors shall not be recessed more than 5 feet from the front façade. If the doors are recessed more than 3 feet, angled walls leading to the door are recommended to promote the visibility of the entrance.

Figure 5 - 15: Small Footprint Tower (top) and Cupola (bottom)



- (5) Storefront doors shall contain at least 60 percent transparent glass.
- (6) The top frames of the display windows and the entrance door must align.
- (7) Storefront shall have an expression line above, between the first and second story, or a change in materials.
- (8) Galleries, arcades, awnings and marquees shall be used in conjunction with a storefront.
- (9) The design of the upper stories varies depending upon the architectural style of the building. However, the upper floor must have single or paired, vertically oriented windows with clearly defined sills and lintels, and a cornice topping the parapet if a flat roof is used.

Figure 5 - 16: Composition of Storefronts

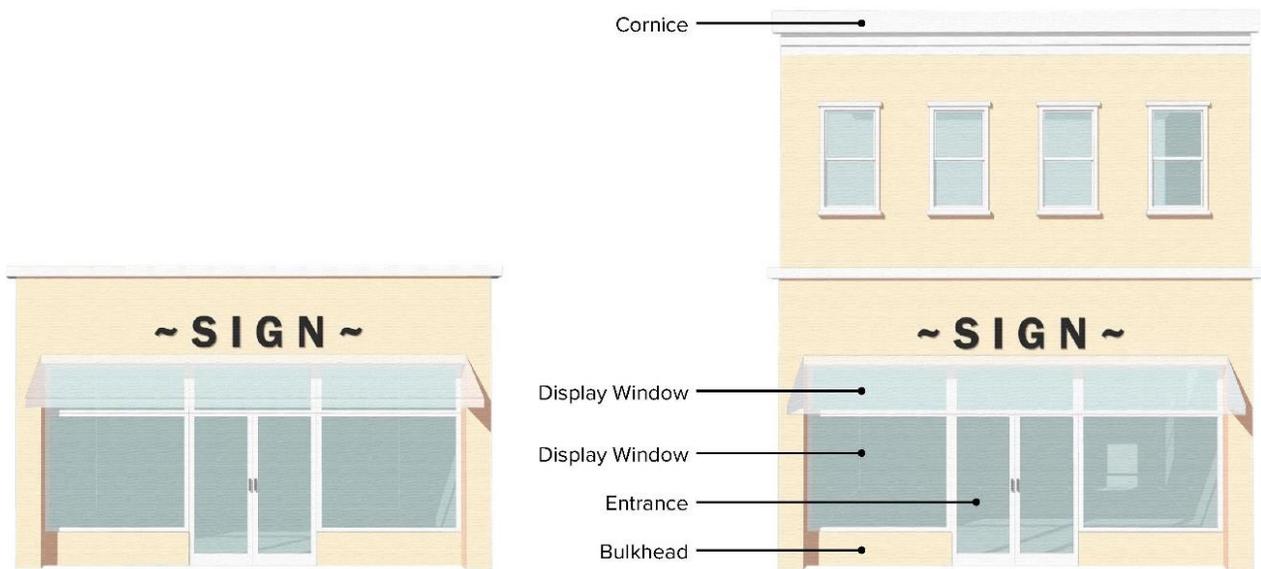


Figure 5 - 17: Examples of Storefronts



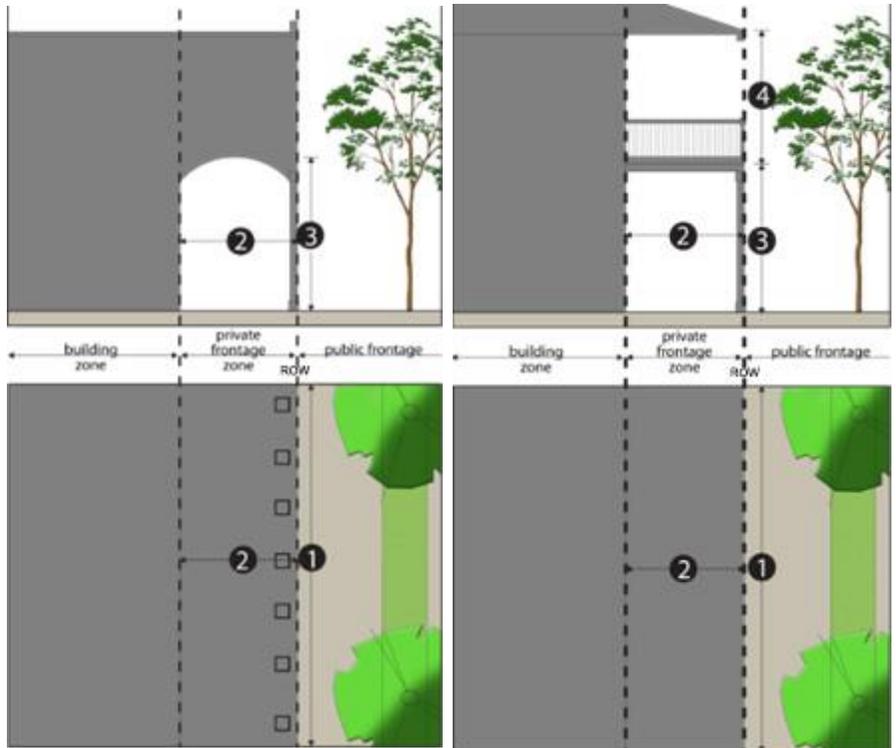


(b) Arcades and Galleries. An arcade is a type of frontage where a cantilevered shed or a colonnade is placed in front of the building to provide protection from sun and inclement weather. Galleries are façades with an attached colonnade that may extend above the ground floor.

Figure 5 – 18: Arcade & Gallery Dimensional Standards

(1) Arcades/galleries shall meet the following dimensional standards:

- 1 Width: May extend for the entire width of the building.
- 2 Depth: 6' min./10' max.
- 3 Clear Height: 8' min. (1st floor)
 - Setback: May encroach into the required building setback but not into the public right-of-way.
 - Column Width: 2' max.



(2) The roof over the arcade/gallery shall be consistent with the material and scale typical in the district.

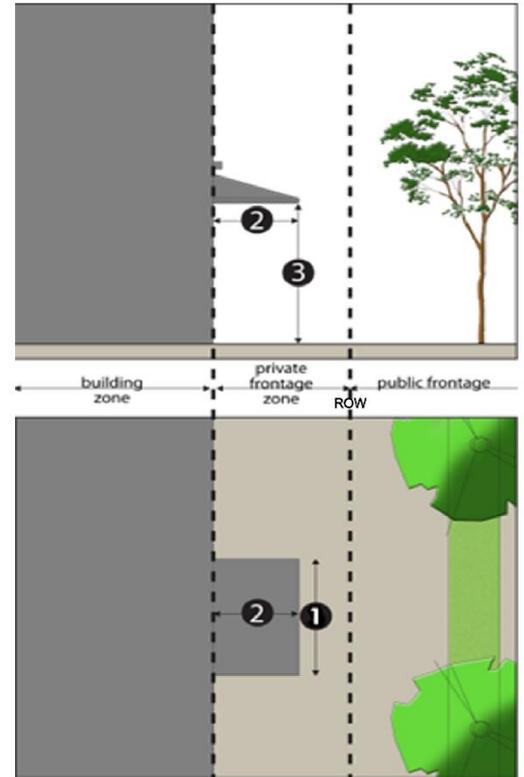
(3) Arcade/gallery openings shall correspond with storefront entrances.

Figure 5 - 19: Examples of Galleries and Arcades



(c) Canopies and Awnings. Canopies and awnings serve similar functions providing shelter as a roof-like structure on the exterior wall. While canopies are constructed in a more permanent manner (made of metal or similarly sturdy material), awnings are often retractable and made of canvas (or similar) material. While some storefronts utilize canopies and awnings, they are not used exclusively on storefronts. Multi-family residential, office and lodging uses may also utilize this type of building frontage.

Figure 5 - 20: Canopy & Awning Dimensional Standards



(1) The installation of canopies and awnings shall meet the following dimensional standards:

1 Width: Shall match the width of:

- the storefront;
- each window or door; or
- paired windows (awnings should not extend over multiple windows if the windows are not paired/grouped)

2 Depth: 4' min./10' max.

3 Clear Height: 8'6" min.

- Setback: May encroach into the required building setback but not into the public right-of-way.

(2) Canopies/awnings that extend the width of the storefront should not cover the side piers of the building, if side piers are proposed.

(3) The lowest part of the awnings shall meet the clearance height noted above but shall be no higher than the top edge of the display window.

(4) The highest portion of the awning shall not be above the expression line between the first and second stories (if one is present) or one (1) foot below the second story window sills. For single story buildings, the highest part of the awning shall be at least one foot below the cornice.

(5) High gloss/plasticized fabrics and aluminum awnings are prohibited.

(6) The color of awnings shall complement facade colors; solid colors or stripes are appropriate.

(7) Lighting of awnings from behind (backlight) is prohibited.

(8) Canopies/awnings shall not cover architectural elements such as cornices or ornamental features.

(9) Canopies may be cantilevered or supported by columns/posts or overhang braces attached to the façade.

(10) Awnings and canopies shall not be used on windows that have shutters.

(11) Pent roofs (see Figure 5-21) are only allowed in conjunction with Spanish Revival style buildings and must include clay tile.

Figure 5 - 21: Pent Roof



Figure 5 - 22: Examples of Appropriate Canopies and Awnings



The canopy is placed between the transom and the display windows

Figure 5 - 23. Examples of Inappropriate Awnings



Left: awning installed too high; Center: Awning not deep enough; Right: Backlit awnings are not allowed

(d) Courtyard (Forecourt). A courtyard is a type of building frontage that has a portion of the façade recessed from the street. They are acceptable frontages in commercial areas and multifamily sites.

(1) Courtyards shall meet the following dimensional standards:

① Width: 10' min. to 50% of façade width max.

② Depth: 10' min./20' max.

- Elevation: 18" max. above grade.
- Setback: Shall be permitted to encroach into the setback with 0' to the property.

(2) Courtyard shall be paved and enhanced with landscaping.

(3) Courtyards are not intended to be covered; however, awnings and umbrellas are allowed and encouraged.

(4) If a streetwall is used along the front of the courtyard, the wall must not exceed three feet in height.

Figure 5 - 24: Courtyard Dimensional Standards

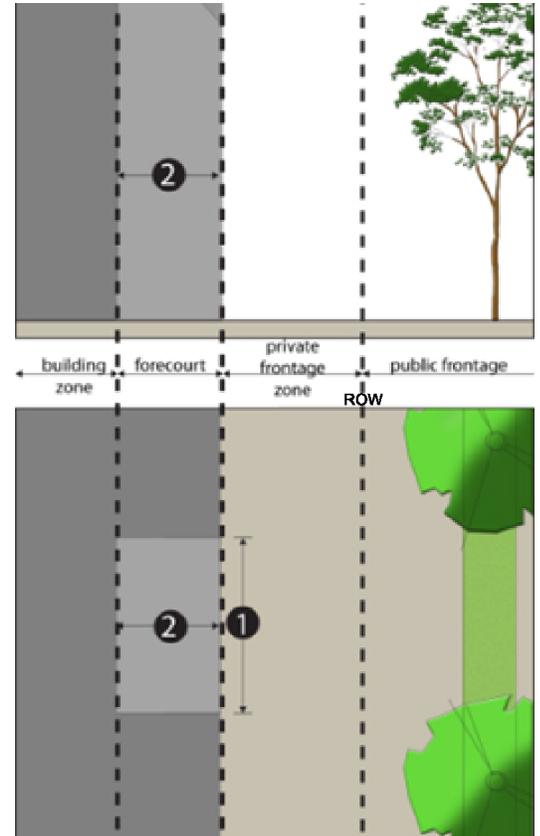


Figure 5 - 25: Examples of Courtyards (Forecourt)



(e) Porch. A covered yet unenclosed projection from the main wall of a building possibly utilizing columns or other ground supports for structural integrity. The intent of the porch is to enhance street activation and human scale, offering adequate space for comfortable use of an outdoor room.

(1) Porches shall meet the following dimensional standards:

- 1 Width: 10' min.
- 2 Depth: 8' min
- 3 Clear Height: 8'
- 4 Elevation: 21" min. above grade.

(2) Porches must correspond directly with the building entry.

(3) A porch may project no more than 8' into the front setback and shall not be placed less than 3' from the front property line.

(4) The porch shall be open on all sides except where it is attached to the principal structure. No permanent screening, lattice work, banister, or other permanent, attached, visual obstruction shall be permitted except for safety purposes, not to exceed the minimum to meet building code safety code standards.

(5) The porch area extending into the private frontage zone may contain a second story balcony.

Figure 5 - 26: Porch Dimensional Standards

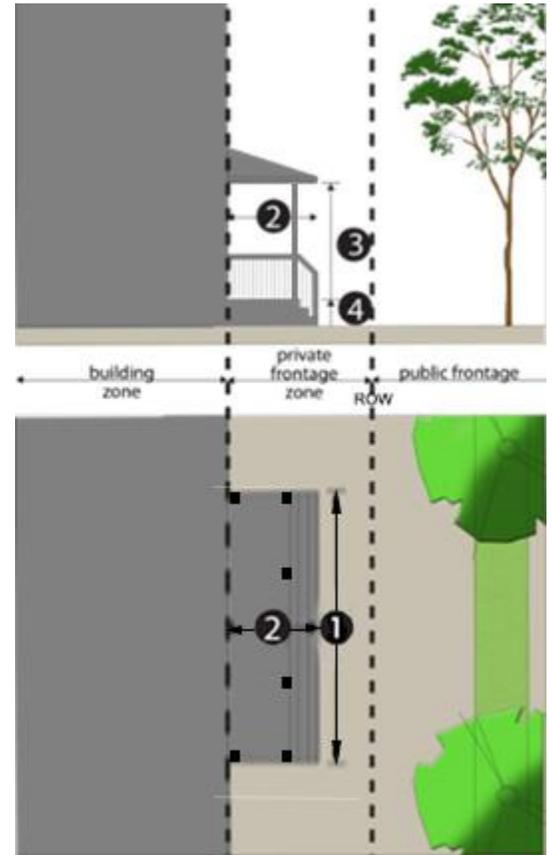


Figure 5 - 27: Examples of Porches



(f) Stoop. A stoop is a small platform and/or entrance stairway at a door, commonly covered by a secondary roof or awning.

(1) Stoops shall meet the following dimensional standards:

- 1 Width: 5' min. to 16' max.
- 2 Depth: 5' to 8'
- 3 Clear Height: 8'
- 4 Elevation: 21" min. above grade.

(2) Stoops must correspond directly with the building entry.

(3) A stoop may project no more than 8' into the front setback and shall not be placed less than 3' from the front property line.

(4) The stoop shall be open on all sides except where it is attached to the principal structure. No permanent screening, lattice work, banister, or other permanent, attached, visual obstruction shall be permitted except for safety purposes, not to exceed the minimum to meet building code safety code standards.

Figure 5 - 28: Stoop Dimensional Standards

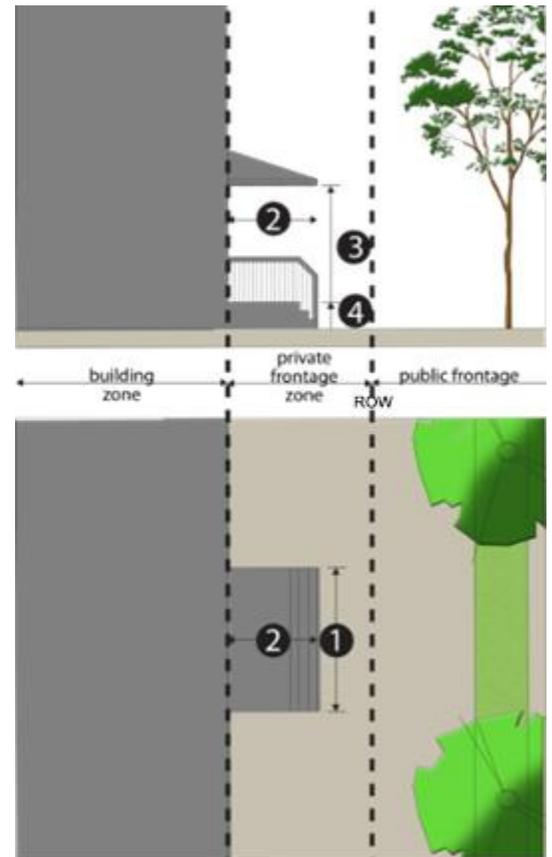
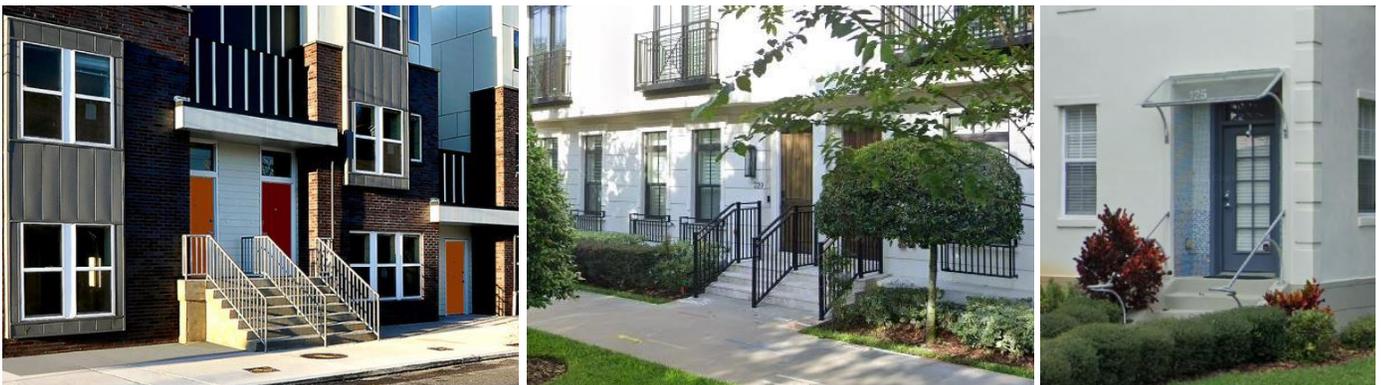


Figure 5 - 29: Examples of Stoops

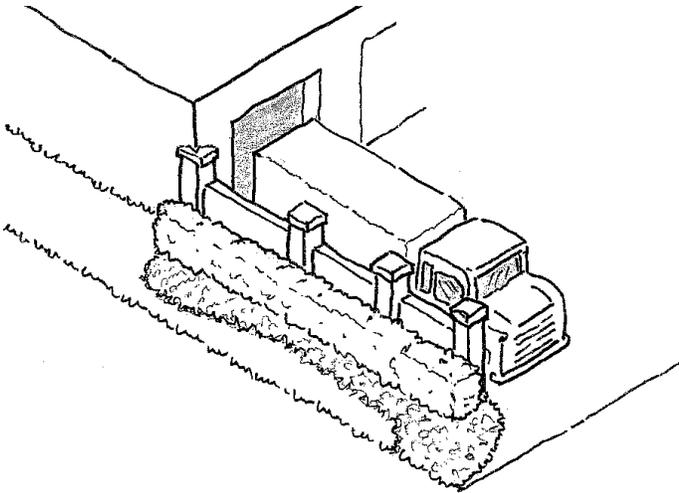


Sec. 5.34. Service Areas and Mechanical Equipment

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

- (a) Service areas and mechanical equipment located on the ground, such as waste disposal containers, loading docks/spaces, air conditioning units, heating units, satellite dishes, irrigation pumps, propane tanks and refilling areas, utilities, lift stations, and the like shall be located in the rear or to the side of buildings and screened from public view (Figure 5-30). Screening shall, at a minimum, be at the same height as the equipment. Structural screening shall be architecturally integrated into the overall project design and shall be compatible, in terms of style, construction materials, colors, and finish, with the principal structure, as per Division 6 of this Article. Landscaping may be substituted for structural screening if plantings are compatible with the landscape plan for the project and are of such size and maturity as to be able to provide a fully opaque screen at time of planting.

Figure 5 - 30: Service Area Screening



- (b) If mechanical equipment is located at-grade, and is visible from an adjacent street or sidewalk, it shall be inset into the building façade and screened with doors, or screened by a fence or street wall (see Figure 5-31). For the purposes of these standards, mechanical equipment shall include any heating, ventilation, and air conditioning (HVAC) or electrical machinery but also includes air compressors, hoods, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, generators, geothermal wells, and similar elements. Electric vehicle (EV) chargers are not deemed mechanical equipment.

Figure 5 - 31: Mechanical Equipment Screening



Not Allowed (utilities facing street)



Not Allowed (not facing the street, but still visible)



Allowed (utilities screened by fence)



Preferred (utilities inset into the building and behind doors)

- (c) Equipment and appurtenances mounted on rooftops shall be kept to a minimum. All rooftop mounted equipment and appurtenances shall be fully screened from view from all public rights-of-way (see Figure 5-32). All screening shall, at a minimum, be at the same height as the equipment and appurtenances. Screening shall be an integral part of the design of the building and shall be architecturally consistent with the style, colors, construction materials and finish of the building.
- (d) Rooftop equipment shall be set back from the edge of the roof by a distance at least equal to the height of the screening in order to minimize visibility from surrounding streets.

Figure 5 - 32: Rooftop Units Screening



- (e) Service areas shall not be located within 50 feet of single family residentially zoned lots.
- (f) See Chapter 10 for solid waste container standards.
- (g) Shopping cart storage shall be located inside the building or shall be screened by a four-foot wall consistent with the building architecture and materials.
- (h) Electrical transformers and other utility equipment shall be screened from public view on all sides.

Sec. 5.35. Utilities

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

- (a) All utility lines, whether new or relocated, shall be installed underground. Any new lines within the corridor right-of-way that are required to serve the development shall be installed underground.
- (b) Utility conduit and utility panels/boxes shall be painted to match the color of the building on which they are placed. Additionally, panels/boxes shall be located on the same facade considered the service side.
- (c) Water and sewer lift stations, pump houses and similar features shall, be located, to the extent possible, at the rear of the project site and shall be fully screened from view by structural or vegetative means. Where screening is accomplished by structural means, such screening shall be compatible in design and color with the main building.

Division 4. Supplemental Site and Building Standards

Sec. 5.36. Gasoline Service Stations.

If permitted in the district, service stations shall meet the standards of this Chapter and the following provisions:

- (a) A ground-floor shopfront (convenience store or service building) shall be located in the front of the site (see Figure 5-33) meeting the required setbacks. All pumps, parking and service bays shall be located to the side (interior only) or rear of the main building.
- (b) A street wall meeting the standards of Sec. 5.48 shall be provided to screen vehicular use areas.
- (c) Accessory car wash structures shall not exceed 20 feet in height, unless they have a hip or gable roof.
- (d) Accessory car wash openings, service and storage areas, and refuse enclosures shall be oriented away from public view.

- (e) Lighted bands or tubes or applied bands of color (other than permitted as signage) are prohibited.
- (f) Site lighting shall minimize direct and reflected glare and excess brightness. Therefore, only cut-off fixtures shall be allowed

Figure 5 - 33: Service Station Examples



Sec. 5.37. Drive-through Facilities.

Drive through facilities, if allowed, must meet the following:

- (a) Drive-through lanes and windows shall be located along the rear of buildings, away from view from the street (see Figures 5-34 and 5-35). If the use is located within a building that has a parking garage, the drive through windows/bays shall be located within the garage (see Figure 5-36).
- (b) Drive-through facilities on a separate site than the principal use shall not be allowed.
- (c) Vehicular use areas visible from the street shall be screened with a street wall (see Sec. 5.48)

Figure 5 - 34: Appropriately-sited drive-through facilities



Figure 5 - 35: Exterior Drive-Through Facilities



Examples of appropriate design for drive-through facilities (building up to the street; drive-through window in the rear)

Figure 5 - 36: Interior Drive-Through Facilities



Sec. 5.38. Self-Storage Facilities.

Self-storage facilities, if allowed, shall be designed to meet the intent to create a pedestrian-friendly urban environment. Self-storage facilities shall be designed and constructed in accordance with the following requirements (Figure 5-37):

- (a) Self-storage facilities shall be a mixed-use development with a portion of the first floor being an additional office, restaurant, or retail and services use(s). The entirety of the frontage facing the major corridor shall only be the additional uses. The entrance of the additional use(s) shall be from the front façade of the principal structure.
- (b) Access to the individual storage units only be provided from interior spaces.
- (c) There shall be no outdoor storage allowed.
- (d) Loading docks shall be located inside the building.
- (e) Privacy fences or walls are not allowed around the property unless they are required by Code.

Figure 5 - 37: Urban Self-Storage Facilities



Division 5. Access, Circulation and Parking Requirements

The intent of the parking standards is to encourage a balance between pedestrian-oriented development and necessary vehicle storage. The goal is to construct neither more nor less parking than is needed.

Sec. 5.39. Access and Circulation.

Access shall be provided in accordance with Chapter 7, Appendix 2-Technical Standards Manual and the following provisions:

- (a) It is the intent of the City to minimize the number of curb cuts and driveways along major corridors. Where possible, sites shall be accessed from rear alleys where they exist or from secondary streets (see Figure 5-38 and Chapter 7 for alley standards). If no rear alley or secondary street exists, access shall be provided across neighboring properties utilizing cross-access easements (see Figure 5-39). Cross-access easements must be provided prior to construction plan approval.
- (b) When connecting to adjacent properties through cross-access easements is not feasible at the time of development, the proposed development shall be designed to allow for future connections (stub outs).
- (c) When vehicular access to the site must be directly from a major corridor, the access driveways shall be designed in a way to ensure the safety of pedestrians crossing on the sidewalk.

Figure 5 - 38: Vehicular Site Access

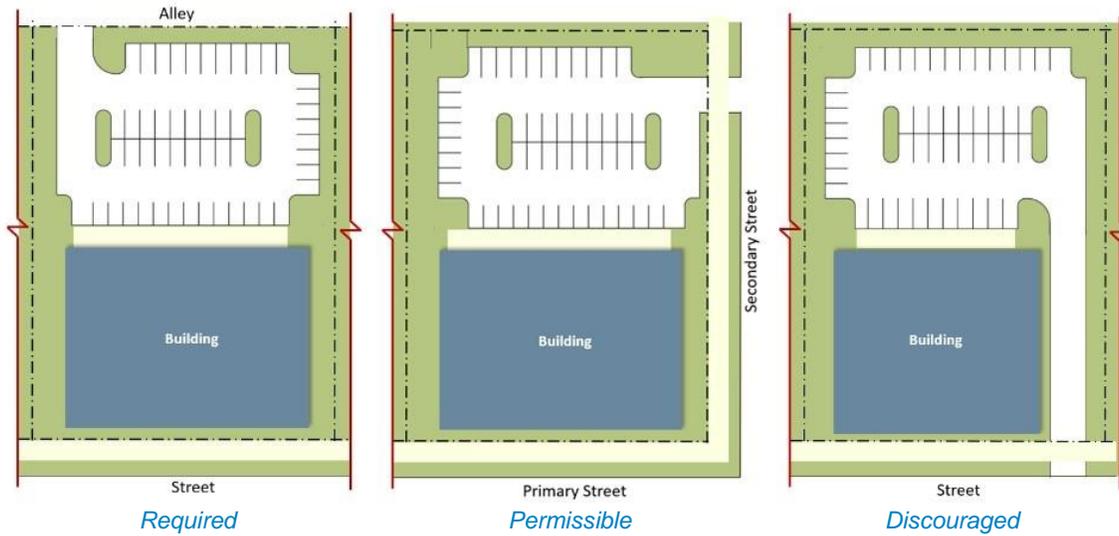
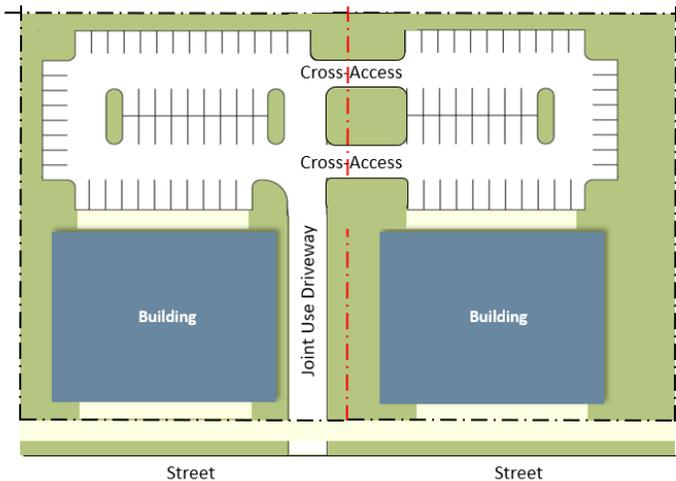


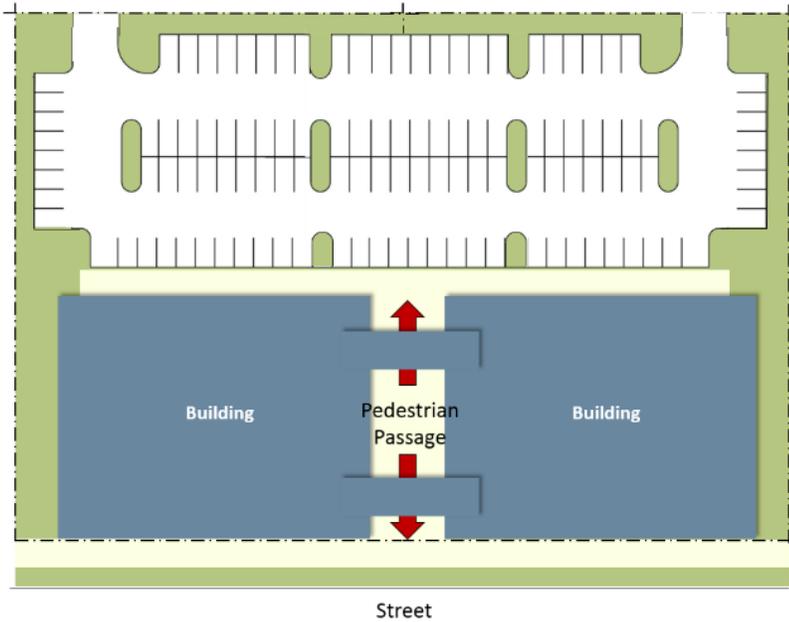
Figure 5 - 39: Joint Use Driveways/Cross-Access.



- (d) Vehicular access to non-residential or mixed-use developments from/through single family residential neighborhoods shall not be allowed.
- (e) A clear, safe and convenient pedestrian path shall be provided from the public sidewalk along the corridor right-of-way to the main entry door of each principal structure. The pedestrian path shall be functionally delineated by using construction materials that are different than the materials used for the construction of the parking area (e.g., use of brick, pavers, or concrete for the pedestrian access when the parking lot is an asphalt surface). Such access shall be at least five-foot-wide paved walkways with at least two feet of landscaping on each side leading to entranceways. Access across driveways and parking aisles shall be delineated by crosswalk striping at locations that accommodate convenient pedestrian access.
- (f) Pedestrian connections between parking areas and the main building entrance shall also be provided. This may be achieved through pedestrian passageways (see Figure 5-40) or sidewalks around the building. The pedestrian walkways shall be a minimum of five (5) feet wide.
- (g) Safe pedestrian connections shall be provided not only along the perimeter of the site but also throughout the interior of the site.

- (h) Pedestrian walkways within the development shall be differentiated from driving surfaces through a change in materials and/or grade elevation.

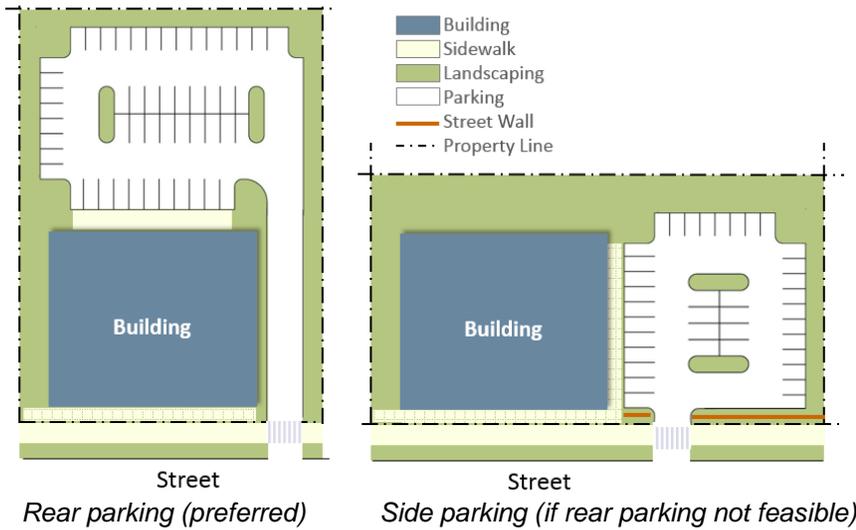
Figure 5 - 40: Pedestrian Linkages



Sec. 5.40. Parking Requirements

- (a) Parking shall be provided for each use in accordance with the minimum requirements outlined by use in Chapter 7 and Appendix 2-Technical Standards Manual.
- (b) On-street parking, if available, may also be counted towards the parking space requirement if the full length of the space is located directly adjacent to the site. On-street parking shall remain open to the public and cannot be reserved or dedicated for private use.
- (c) Parking shall be located behind the primary building or, if rear parking is not feasible, to the side of the building. The location of parking to the side of the building, however, does not exempt the development from meeting the building frontage requirements of Sec. 5.23 (Building Frontage Buildout). Parking lots located on the side shall be masked from the street by a street wall/fence (see Sec. 5.48). See Figure 5-41.

Figure 5 - 41: Parking Location



- (d) Surface parking areas adjacent to a street shall have at least the same setback as the building façade facing the same street. See Sec. 5.48 for street wall/fence requirements.
- (e) Surface parking areas abutting other sites shall be setback the distance necessary to allow for the required perimeter landscaping required in Chapter 8.
- (f) Shared and reduced parking is permitted and encouraged. The amount of parking required is calculated by adding the total number of spaces required by each separate function in Chapter 7 and dividing by the appropriate factor from the Sharing Factor matrix (Figure 5-42). However, the required number of handicap spaces cannot be reduced. For example, the residential function requires ten spaces while the office portion requires twelve spaces. Independently they would require twenty-two spaces, but when divided by the sharing factor of 1.4, they would require only sixteen spaces. When more than two uses share parking, the lowest factor shall be used.

Figure 5 - 42: Sharing Factor

| Function | with | | Function |
|-------------|------|--|-------------|
| RESIDENTIAL | | | RESIDENTIAL |
| LODGING | | | LODGING |
| OFFICE | | | OFFICE |
| RETAIL | | | RETAIL |

| | | | | |
|-----|-----|---|-----|-----|
| | | 1 | | |
| | 1.1 | 1 | 1.1 | |
| 1.4 | 1.7 | 1 | 1.7 | 1.4 |
| 1.3 | 1.2 | 1 | 1.3 | 1.2 |
| | 1.2 | 1 | 1.2 | |
| | | 1 | | |

- (g) Bicycle parking shall be provided per Chapter 7.
- (h) Parking stall standards shall be in compliance with Appendix 2-Technical Standards Manual.

Sec. 5.41. Parking Garages

- (a) The first floor of parking garages that front on a street shall be used for active uses (e.g., commercial, office, residential). The uses may be located within a liner building, or as an integral part of the parking garage building (see Figure 5-43). Additionally, liner buildings may be attached or detached from parking garage.
- (b) Parking garages and liner buildings shall meet the building design standards of this Article.

Figure 5 - 43: Parking Garages and Liner Buildings

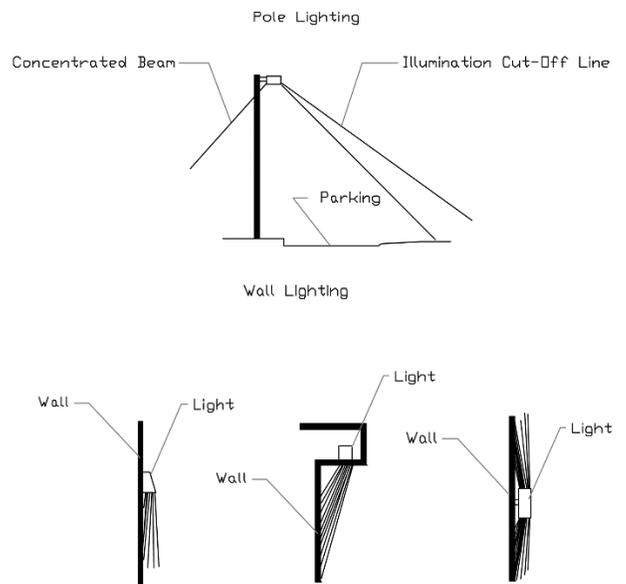


Sec. 5.42. Exterior Lighting

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

- (a) An exterior building and site lighting master plan detailing areas and structures requiring illumination, lighting fixture styles, light source and light levels shall be included as part of a project's submittal for approval. Refer to Appendix 2-Technical Standards Manual
- (b) Recessed lighting fixtures shall be required in order to conceal the actual source of the light so as to reduce glare and direct the light to specific areas while shielding other areas. Lighting shall be uniform in color and intensity.
- (c) Backlit awnings/canopies are not permitted.
- (d) Light poles shall be located only within landscaped strips, interior landscape islands, or terminal landscape islands.
- (e) The maximum height of the light poles shall be 20 feet.
- (f) The maximum height of pedestrian scale lighting fixtures shall be no greater than 15 feet.

Lighting Design



- (g) The minimum setback of the light source from the property line shall be a horizontal distance of ten feet.
- (h) Neon lighting is not permitted.
- (i) Building illumination and architectural lighting shall be indirect and with no visible light source.
- (j) Ground level light fixtures shall be of the burial vault type or shall be fully screened by landscaping materials.
- (k) Parking lot light fixtures shall be designed so that light is directed onto the parking area and away from neighboring residential lots (e.g., house side shields).
- (l) Parking lot fixtures shall be coordinated with the location and spread of trees so that they can still illuminate the parked cars (Figure 5-44).

Figure 5 - 44. Parking Lot Lighting



Left: Trees and light fixtures are in conflict; Right: Lights coordinated with trees

Division 6. Landscape, Buffers and Screening Standards

Landscaping, buffering and screening shall be provided in accordance with the following:

Sec. 5.43. Landscaping Between the Building and the Street

Buildings within the Nodes and Corridors are intended to be actively engaged with the street. Therefore, any provisions in Chapter 8 requiring landscaping or buffering between the building and the street are not applicable.

Sec. 5.44. Parking Lot Landscaping

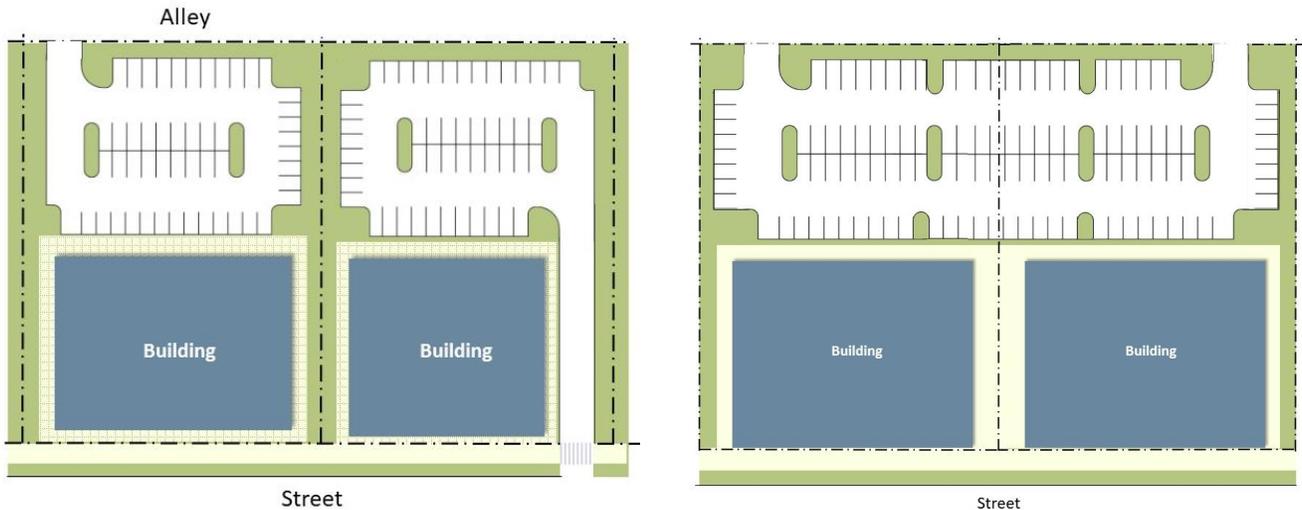
Developments shall be subject to the vehicular use landscaping requirements of Chapter 8 and the following:

- (a) Parking lot layout, landscaping, buffering, and screening shall minimize direct views of parked vehicles from streets and sidewalks; prevent spill-over light, glare, noise, and exhaust fumes from infringing on adjacent properties; and provide the required tree canopy shade.
- (b) Where adjacent surface parking lots are combined into a single, shared parking lot (joint use and cross-access easements will be required), the required perimeter landscaping between the lots shall not be required. See Figure 5-46. All other parking lot landscaping requirements shall be met.

Figure 5 - 45: Planters Adjacent to Buildings



Figure 5 - 46: Adjacent Surface Parking Lots



- (c) The design of the landscape shall maximize the use of green infrastructure stormwater best management practices (BMPs) such as pervious paving, bioretention systems, rain gardens, bioswales, and stormwater planters to slow and treat stormwater runoff while providing multiple additional community benefits. Refer to Appendix 2-Technical Standards Manual.

Sec. 5.45. Street Trees

Street trees shall be provided as required in Chapter 8 and the following provisions.

- (a) Planting strips shall be used strategically to allow for adequate space to plant street trees.
- (b) Coordination will be required to integrate the placement of street trees, signage, and lighting to ensure that each element complements the other.
- (c) Vertical clearance shall comply with Chapter 8 requirements.
- (d) In areas where landscaping cannot be located in the public right-of-way, it shall be located within the street setback zone.
- (e) When street trees are planned for thoroughfares with frequent transit service, the trees shall be placed to be compatible with passenger loading areas and allow maintenance, so branches do not interfere with transit vehicle movements.
- (f) Tree species with tap roots shall be selected to prevent sidewalk and pavement breakage.

Sec. 5.46. Buffers

- (a) No buffers or fences are required between non-residential uses, unless specifically required as part of a Special Exception approval.
- (b) Proposed developments abutting residential zoning classifications shall provide buffers, landscaping and screening as required in Chapter 8.

Sec. 5.47. Perimeter Fence and Wall Design

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

- (a) Fences and walls shall be designed as an integral part of the principal structure. Their design shall include the use of similar materials, colors and finishes as the principal structure.
- (b) Chain link and vinyl fencing is not permitted, unless screened from view from public rights-of-way, parking lots, and adjacent properties. If foliage is used for screening, the foliage must screen the fence from view

within 720 days of installation of the fence. Natural wood fencing shall not be permitted under any circumstances.

- (c) Privacy fences/walls are not allowed to face the roadway corridors.

Sec. 5.48. Street Wall/Fence Design

A freestanding street wall/fence meeting the requirements of this Section and intended to mask parking areas from the street and to strengthen the spatial definition of the Public Realm, is the only type of wall or fence permitted within the required front and street side yard setbacks facing the roadway corridors.

- (a) Street walls/fences shall have a minimum height of 2.5 feet and a maximum height of five (5) feet (measured from the elevation of the public sidewalk). The portion of the street wall/fence above 2.5 feet shall be transparent (e.g., wrought iron or similar). Transparent fences shall have columns (one foot by one foot minimum) spaced at a maximum of 24 feet (see Figure 5-47).

Figure 5 - 47: Street Wall Examples



- (b) Street Walls shall have openings no larger than necessary to allow automobile and pedestrian access.
- (c) Street Walls shall be placed in line with the building façade facing the same street
- (d) Street Walls shall not be permitted in the right-of-way.
- (e) Street Walls shall be constructed of wrought iron, brick, masonry, stone, powder-coated aluminum or other decorative materials that complement the finish on the primary building. Chain link, wood and PVC street walls/fences shall be prohibited.
- (f) The area in front of a street wall shall include a landscaped strip with a minimum width of five (5) feet (with ground cover, hedges, or shrubs). The landscape strip may be waived by the Growth Management Director if the area in front of the wall is needed to expand the public sidewalk (see Figure 5-48).
- (g) The area between the street wall and off-street parking shall include a minimum five-foot wide landscape strip.
- (h) Understory trees shall be planted in front or behind the street wall at a rate of one tree per 25 feet of wall length. If planted behind the street wall, the landscape area shall be at least 5 feet wide to accommodate such trees. The trees may be waived by the Growth Management Director if they conflict with the required or existing street trees.

Figure 5 - 48: Street Wall Landscaping Examples



Division 7. Stormwater Management

Sec. 5.49. General Standards

In order to reduce water quality impacts at receiving waters and enhance community character in support of compact development, the standards of this Section intend to:

- (a) Manage rainfall as close to where it falls as possible, approximating the natural pre-development hydrology (water quality and water quantity) using natural, decentralized stormwater management practices.
- (b) Celebrate stormwater as an integral part of the built environment.
- (c) Establish watershed sensitive planning and design criteria at the neighborhood scale of development to support shared flood control solutions.
- (d) Apply Low Impact Development (LID) best management practices at the block, street, and site level, appropriate to land use context and site conditions. Some examples of best management practices include the use of bioretention/rain gardens, rainwater harvesting/cisterns, downspout disconnection, vegetated filter strips, grassed swales/channels, infiltration trenches, level spreaders, permeable pavers/pervious pavement, and soil reforestation/revegetation.

Figure 5 - 49: LID Examples



Rain gardens

Permeable Pavers

Infiltration Trench

Sec. 5.50. Design Criteria

Development shall meet the Stormwater Management requirements of Chapter 10 and Appendix 2-Technical Standards Manual.

- (a) Pervious paving shall be permitted and is encouraged to reduce stormwater runoff volume.

- (b) Green roofs shall be permitted for all building types.
- (c) Irrigation systems are encouraged to first make use of all available surface stormwater runoff or other retained or detained stormwater as a water supply.
- (d) Bioretention systems, bioswales, tree filters, and other vegetated stormwater BMPs are encouraged for treatment of stormwater runoff from streets, parking lots, plazas, and other impervious surfaces. These vegetated BMPs can include impermeable liners with underdrains to provide water quality treatment where infiltration is not technically feasible due to site contamination concerns.
- (e) For new construction, retention must be placed in the rear, side yard, or underground, but not facing the public right-of-way, unless it is integrated into the design and featured as a site amenity.
- (f) The maintenance berm around privately owned and maintained ponds, if required, may be reduced to a minimum width of ten (10) feet.
- (g) Applicants may propose other LID or green infrastructure concepts.

Figure 5 - 50: Alternative Stormwater Detention/Retention Facilities



- Sec. 5.51. Reserved**
- Sec. 5.52. Reserved.**
- Sec. 5.53. Reserved.**
- Sec. 5.54. Reserved.**
- Sec. 5.55. Reserved.**
- Sec. 5.56. Reserved.**
- Sec. 5.57. Reserved.**
- Sec. 5.58. Reserved.**
- Sec. 5.59. Reserved.**

ARTICLE VII. SOUTHEAST MIXED-USE AREA/TRANSIT ORIENTED DEVELOPMENT (SEMUA/TOD) OVERLAY DISTRICT STANDARDS

Sec. 5.60. Regulating plan.

- (a) **Background.** The Florida Department of Transportation in cooperation with the federal government and local officials from the City of Orlando as well as Orange, Osceola, Seminole and Volusia Counties are managing a commuter rail transit service, named SunRail, linking Volusia County to the north with downtown Orlando and Osceola County to the South. The SunRail station has a park and ride lot with a bus drop off area for the DeBary station. The DeBary station is near some of Central Florida's most scenic parks and significant cultural resources, and is easily accessible to Interstate 4.

Commuter rail improves transportation options for DeBary residents, many of whom work in the Orlando area to the south, as well as potentially creating economic development opportunities through a concentrated mix of uses to include retail commercial, office, institutional, civic uses and medium and high density residential development.

In response to commuter rail service in DeBary, the City Council adopted the City's Evaluation-Based Amendments, which includes a Transit Oriented Development (TOD) Overlay District as well as a TOD Master Plan. Transit Oriented Development is the functional integration of land use and transit. It is a land use planning concept that promotes a mix of residential, commercial, office and public uses, all within a comfortable walking distance to maximize access to public transportation, and incorporates features to encourage transit ridership.

- (b) **Purpose.** To establish the regulatory framework in order to implement the TOD Overlay District and Master Plan adopted by the city through the creation of a regulating plan that will result in the desired built environment. This regulating plan promotes compact land use patterns that support place making, energy efficiency, environmental sensitivity and multi-modal transportation options as well as require street design that creates public space that is safe and welcoming for pedestrians (i.e., complete streets). The general purposes of this document are to:

- (1) Encourage transit use;
- (2) Increase housing opportunities;
- (3) To provide standards to ensure a high quality appearance;
- (4) Provide a functional mix of land uses;
- (5) Promote energy efficient land use patterns;
- (6) Promote walking and bicycling.
- (7) Promote sustainability/resiliency
- (8) Promote healthy lifestyle

- (c) **General applicability.** No premises shall hereafter be used or occupied and no principal building, accessory structure or sign shall be hereafter erected, constructed, moved or altered except in conformity with these regulations.

- (1) The transit-oriented development overlay district is within the Southeast Mixed-Use Area (SEMUA/TOD) as depicted on the city's Future Land Use Map and as described in subsection 5.60(e), TOD Boundaries of this regulating plan.
- (2) Reserved.
- (3) This article applies to all those properties that develop under the TOD Overlay District. Such properties shall comply with the City of DeBary Comprehensive Plan Specifically Future Land Use Policy 5.406(a)(5) and this regulating plan.
- (4) The principles, standards and requirements put forth by this regulating plan (chapter 5, article VII) shall supersede the standards and requirements presently specified in the Land Development Code unless not addressed herein. Failure of this regulating plan to address a particular condition or term of restriction shall not relieve an applicant of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions.

- (5) Agricultural exemption. All land with an underlying agricultural zoning designation shall have the right to utilize the property for agricultural purposes until such time that the property owner chooses to develop under these overlay criteria.
- (6) This article was created with images and figures as important visual aids to enhance understanding and comprehension of plan-making and development, however, in the event there is a conflict or inconsistency between the text of this document and any figure or illustration, the text shall prevail.
- (7) The regulations of this document are organized by development standards with sub-area requirements inter-dispersed through-out each category of development standards. The TOD Overlay District includes three (3) sub-areas. These areas are approximate distances to allow flexibility for desired development to be approved by the DRC. The city may extend these sub-areas if the developments meet the purpose of the TOD Overlay District.
 - a. U.S. Hwy. 17-92 TOD—Developments facing U.S. Hwy. 17-92 involving direct design treatments from back of curb to building;
 - b. TOD Core—Properties within approximately ¼ mile of the DeBary Commuter Rail Station;
 - c. Outside TOD Core—Properties outside of the TOD Core;
- (d) Administrative procedures.
 - (1) A pre-application meeting shall be required prior to submitting any development proposal within the TOD Overlay District. The purpose of this meeting is to review the TOD Overlay District requirements and discuss any deviations from the strict application of the regulation that may be addressed with a development agreement approved by City Council. A conceptual plan for the propose project is required to have a pre-application meeting.
 - (2) A development agreement with the City of DeBary is suggested, but not required. However, if a proposed development is going to utilize any bonuses or incentives or is going to deviate from the strict application of this regulating plan, a development agreement shall be required. If a development agreement is utilized by the developer, this agreement will specify any incentives, bonuses and waivers, as provided by the City of DeBary Land Development Code, that the developer may wish to employ in the design of the proposed site. All incentives and bonuses shall be presented to city staff for review and recommendation prior to the development agreement being presented to the City Council for approval. Appropriate incentives and bonuses may be approved by City Council on a project by project basis. Upon approval by the City Council, the developer of the proposed project will have a clear guide to the rules of development for the project.
 - (3) Those properties which develop under the TOD Overlay District shall not be required to rezone their property. Properties within the TOD Overlay District which properties, as of September 23, 2020, have an active, effective, and unexpired development order (DO) from the city and/or development agreement (DA) with the city, either of which permit commercial or mixed-use development, except as provided below, shall not be required to comply with the changes to the TOD District that are newly created by Ordinance 06-2020. However, all development of any drive-through restaurants shall meet all of the requirements of the TOD District and City Land Development Code as such may exist as of the date of this ordinance and as hereafter may be adopted by the city. Any DO or DA that expires for any reason, shall be required to meet all of the TOD District and Land Development Code requirements, as such requirements exist at the time of permitting of development for such properties.
 - (4) If subdivision is necessary, it shall be in accordance with Chapter 10. The Subdivision Overall Development Plan shall also be reviewed against this regulating plan for code compliance.
 - (5) Platting of property within the TOD Overlay District shall also be in accordance with Chapter 3 of the city's Land Development Code.
 - (6) A final site plan shall be submitted in accordance with Chapter 3 and be reviewed by the Development Review Committee (DRC) against this regulating plan for code compliance in order to obtain a development order.
 - (7) For mixed-use projects, the city shall calculate total allocation of land uses within the TOD Overlay District, based on the proposed mix of uses. Allocation of the proposed uses shall determine allocation of density

and intensity (i.e., a commercial/office/residential mixed-use development on one acre, with 50 percent retail commercial, 25 percent office and 25 percent residential uses constructed uses would attribute ½ acre to retail commercial allocation, ¼ acre of office and ¼ acre of residential allocation to the overall allowance for the TOD Overlay District).

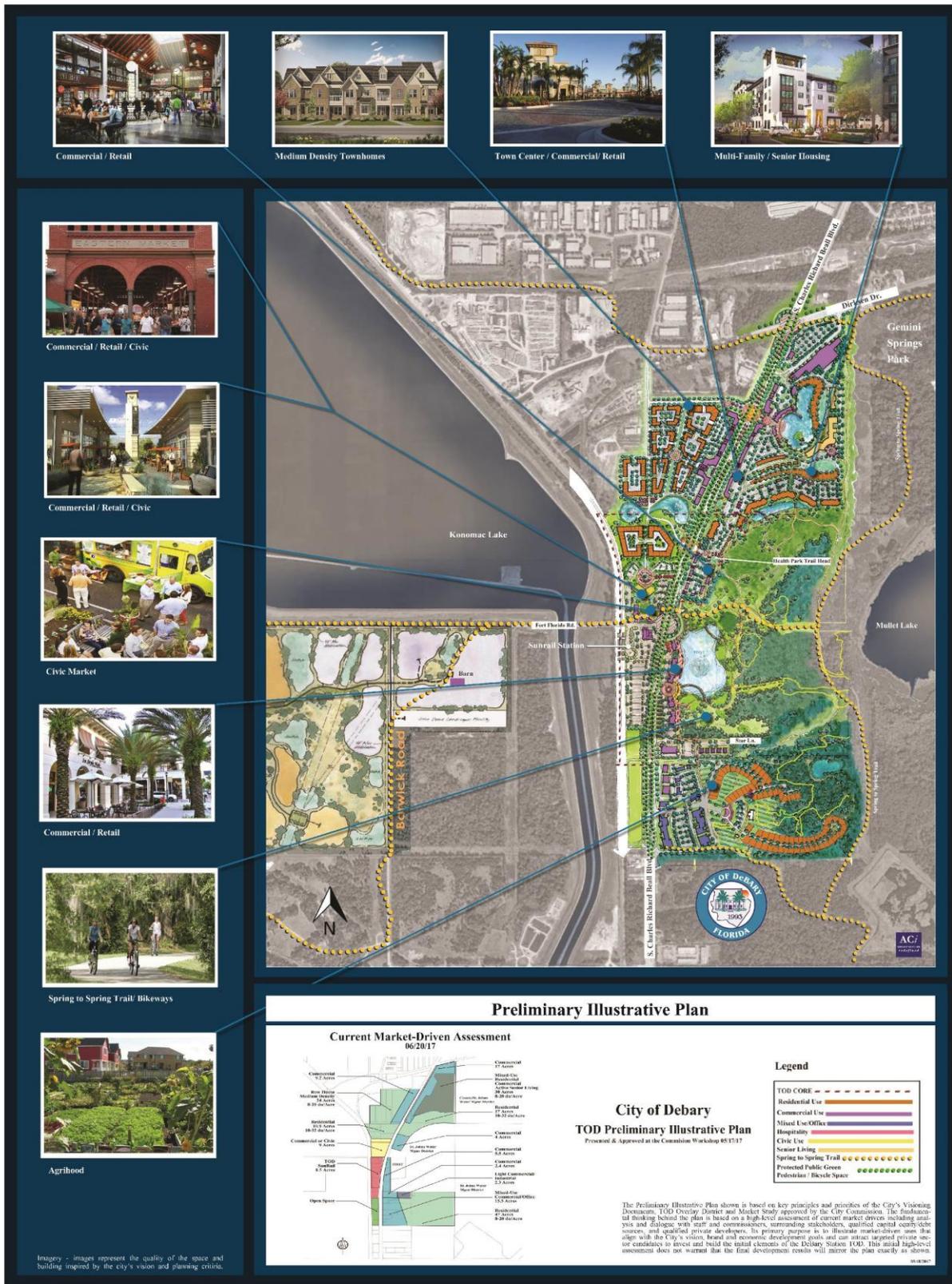
- (8) The Land Development Manager (LDM) shall have the authority to grant minor deviations from final site and subdivision plans where less than 10 percent of the development plan is impacted by proposed revisions from previously approved plans. Such revisions shall include, but not be limited to the following: setbacks, height, density/intensity, parking, buffers, open space and other site design dimensions. However, all deviations from the plan must meet the minimum criteria set within the Comprehensive Plan and Land Development Code, unless a waiver is sought with adequate justification through a development agreement and approved by City Council. All waivers granted shall only be granted when the City Council has been provided evidence that the requested waiver is necessary to meet the purpose and intent of the given section of this Article that said waiver is being requested. Additionally, the purpose of the waiver request shall not be based on economic hardship. Final site plans shall be updated to include all proposed revisions and be resubmitted to the city.
- (9) Density. Chapter 2 of the Land Development Code establishes the density calculation criteria within the TOD boundaries.
- (e) *Transit oriented development boundaries.* The TOD Overlay District is comprised of approximately 261 acres and is located on the south side of Dirksen Road on the east and west sides of U.S. Hwy. 17-92 running approximately 210 feet south of Buckley Drive.

See Figure 5-51: TOD Boundaries and TOD Illustrative Plan

Figure 5 - 51: TOD Overlay District Boundary



Figure 5 - 52: TOD Illustrative Master Plan



- (f) *Incentives.* Incentives for developing within the TOD Overlay District include the elimination of the Planned Unit Development zoning requirement, higher densities, increased building heights, additional permitted land uses, and reduced parking. The city may also consider other incentives for development, including, but not limited to, economic incentives, and development and infrastructure standards to enhance the physical and economic feasibility of transit-oriented and pedestrian-friendly development. Such incentives may include:
- (1) A discount on development application fees;
 - (2) Modification of impact fees such as, but not limited to, mobility, parks, and government buildings;
 - (3) Public/private partnerships to provide infrastructure;
 - (4) Modification of building permit fees;
 - (5) Establishment of a Community Development District or Special Assessment District;
 - (6) Any other financing mechanism deemed appropriate.
- (g) *Non-conforming uses.* All non-conforming properties, uses and structures previously developed under the TOD Overlay District that do not conform to this regulating plan shall be subject to Section 1.6, Nonconforming lots, structures and uses, of the city Land Development Code.
- (h) *TOD master plan.* The DeBary TOD Master Plan, a copy of which is available for review in the city's records, illustrates the city's vision for the TOD Overlay District, and constitutes part of the regulating plan. In addition to the other standards and criteria under this article, proposed development within the TOD Overlay District shall generally be consistent with the intent of the Illustrative TOD Master Plan. The intent of the TOD Master Plan is to effectively ensure an interconnected pedestrian friendly mobility network, public gathering spaces, greenways, an evenly distributed and publicly accessible parks and recreational system, as well as a village center development pattern so that a cohesive and consistent transit oriented environment is established. The city supports flexibility in the plan and will favorably review deviation(s) from the TOD Master Plan to respond to market conditions upon a determination that such deviation(s) is consistent with the intent of this regulating plan and of this article. Such deviations from the master plan may be approved by the City Manager or his/her designee.

(Ord. No. 13-10, § 2(Exh. A), 12-29-2010; Ord. No. [02-15](#), § 2, (Exh. A), 8-26-2015; Ord. No. [06-17](#), § 2, 7-19-2017; Ord. No. [06-20](#), § 2(Exh. A), 9-23-2020)

Sec. 5.61. Land use and building density.

- (a) Purpose and intent.
- (1) The TOD Overlay District is to improve quality of life by creating walkable and livable areas where people are able to reduce vehicle usage without sacrificing access to neighborhood and community amenities. This is accomplished by the following:
 - a. Encourage transit-supportive land uses, which generally have higher densities and intensity within the TOD Core, then stepping down in density, intensity and height to promote neighborhood compatibility.
 - b. Create opportunities for shorter, multi-purpose trips by encouraging a mix of uses within the TOD Overlay District.
 - c. Locate the highest level of activity and mix of uses within the TOD Core and along major streets.
 - d. Provide for and encourage development and redevelopment that contains a compatible mix of residential, commercial services, and employment within close proximity to each other and to the DeBary Commuter Rail Station.
 - e. These areas are approximate distances to allow flexibility for desired development to be approved by the DRC.
 - (2) The provisions of this section shall apply within the area identified on the Future Land Use Map as the "Southeast Mixed-Use Area/Transit Oriented Development Overlay District."
- (b) *Compatible Land Uses.* Each of the properties within the TOD Overlay District maintains their current zoning designations until such time as they are developed or redeveloped. Then an administrative rezoning to PUD will

be processed by the City after approval of the development agreement and/or development order. To further the intent and purpose of the TOD Overlay District, certain specific and incompatible uses shall be prohibited.

- (1) Purpose and intent.
 - a. The purpose of the TOD Overlay District is to provide additional development restrictions and opportunities within the TOD area consistent with the adopted Comprehensive Plan. The plan provides for a compact, pedestrian and transit oriented multi-use and mixed-use development area of retail and service, to support the overall growth and development of the city. It is the intent of this section that adequate flexibility be provided to accommodate the purposes and style of development described in the Plan.
 - b. The provisions of this section shall apply within the area identified on the zoning map as the "TOD Overlay District."
 - c. Proposed developments are encouraged, to the greatest extent practicable, to be presented as an assemblage of smaller properties or parcels to achieve the greatest development potential and provide for more cohesive integration into the overall development framework within the TOD Overlay District.
 - d. Parcels that are located at transition lines between sub-areas of the TOD District Overlay may be allowed to reasonably continue the development densities and intensities from the more intense sub-area into the less intense sub-area, if it is necessary to complete a development project and if approved by City Council.
- (2) *Mixed-use requirements.* The city's intent is to preserve its commercial development viability along U.S. 17-92 frontages, and to ensure that the TOD is developed with a mixture of uses rather than just residential. Single-use, multifamily residential development projects are generally prohibited on properties five (5) acres or larger.
 - a. Multifamily residential development projects on properties from five to 15 acres in size are required to provide a minimum of 5,000 square feet of commercial or office space.
 - b. Multifamily residential development projects on properties from 16 to 25 acres in size are required to provide a minimum of 7,500 square feet of commercial or office space.
 - c. Multifamily residential development projects on properties larger than twenty-six (26) acres shall provide a minimum of 10,000 square feet of commercial or office space.
 - d. All multifamily residential development projects fronting U.S. 17-92 shall maintain ground floor commercial and office space frontage with the exception of entrances into the multifamily residential development.
 - e. No developments within the TOD Main Street Area shall be permitted to construct ground-floor residential developments. Commercial or office space shall be required on the ground floor with residential above,
 - f. All commercial and office space shall be provided to unrelated legal entities, including corporate offices, of the multifamily residential development legal entities of owners. (example: apartment leasing offices, gyms, clubhouses, or other recreation space shall not qualify to meet the mixed-use requirements of this Code section.
 - g. Properties along U.S. 17-92 or Shell Road, subdivided into parcels smaller than five (5) acres, after the adoption of this Code, shall not be permitted to develop single-use multifamily projects.
- (3) Additional regulations are applicable to permitted and prohibited uses within the TOD Overlay District as specified in the following Comprehensive Land Use Table. Please note that residential uses are prohibited on the ground floor within the entire TOD Main Street Area. See Mixed-use requirements in subsection (b)(2) above.

| P (Permitted) — (Prohibited) | | | | |
|---|---------------------------|---------------------|-----------------------------|--|
| | U.S. Hwy 17-92 | TOD Core | Outside TOD Core | Additional Requirements |
| Residential Uses | | | | |
| Assisted/Congregate Living | — | — | — | |
| Condominium Residential | P | P | P | Prohibited at ground-floor within TOD Main Street Area |
| Duplex Residential | — | — | P | Prohibited within TOD Main Street Area |
| Group Residential | — | P | P | Prohibited at ground-floor within TOD Main Street Area |
| Class A Home Occupation | P | P | P | In accordance with Section 6.6 of the City of DeBary Land Development Code Prohibited at ground-floor within TOD Main Street Area |
| Mobile Home Residential | — | — | — | — |
| Multifamily Residential | P | P | P | Apartments allowed above retail/office uses See Mixed-Use requirements in section (b)(2) above |
| Single-Family Residential | — | — | P | Prohibited within TOD Main Street Area |
| Townhouse Residential | P | P | P | Prohibited within TOD Main Street Area |
| | | | | |
| Commercial Uses | | | | |
| Art Gallery | P | P | P | |
| Arts Centers (Galleries, Schools & Workshops) | P | P | P | Includes art, dance, music, culinary, martial arts |
| Auction House | — | — | — | |
| Automobile Body Shops | — | — | — | No outside storage of vehicles All work areas are to be within enclosed building |
| Automobile Driving Schools | — | — | — | |
| Automobile Service Station | — | — | — | |
| Automotive Detail/Washing | — | — | — | Not allowed within 100 feet of corner The use must meet all applicable design requirements in this document |
| Automotive or Vehicular Sales | — | — | — | Includes auto, motorcycle, boat and personal watercraft |
| Automotive Rentals | — | — | — | No outside storage of vehicles |

| P (Permitted) — (Prohibited) | | | | |
|--|---------------------------|---------------------|-----------------------------|---|
| | U.S. Hwy 17-92 | TOD Core | Outside TOD Core | Additional Requirements |
| Automotive Repair Services | — | — | — | No outside storage of vehicles All work areas are to be within enclosed building |
| Bakery/Confectioners/Deli | P | P | P | May include on site preparation of goods Outside service is permitted |
| Back Office Operation Center | — | — | P | |
| Retail-oriented Bars, Pubs, Micro-breweries, and Lounges | P | P | P | Bars and Pubs limited to 5,000 gross square feet unless accessory to a restaurant of space as primary use Micro-breweries limited to 10,000 gross square feet and must have retail provision Outside service is permitted |
| Bed & Breakfast | P | P | P | |
| Bicycle Sales and Rentals | P | P | P | |
| Book and Stationery Stores | P | P | P | |
| Bowling Alleys | — | — | — | |
| Building Material Sales And Storage | — | — | — | |
| Call Center | — | — | P | |
| Campus Employment | — | — | P | |
| Customer Service Centers | — | — | P | |
| Catering Services | | P | P | Limited to 5,000 gross square feet May include on site preparation |
| Civic Clubs | P | P | P | i.e., American Legion, Moose Lodge, Masonic Lodge, etc. |
| Coin-Operated Amusements | — | P** | P | Non-gambling related uses not greater than 2,500 gross square feet ** Permitted as accessory to restaurant or bar |
| Commercial Parking Garage | P | P | P | With City approved Architectural facades that match the "Architecture and Elements of Style" described in this document |
| Communication Towers | — | — | — | |
| Consumer Repair Services | — | — | P | |
| Contractor's Shop, Storage And Equipment Yard | — | — | — | |

| P (Permitted) — (Prohibited) | | | | |
|--|---------------------------|---------------------|-----------------------------|--|
| | U.S. Hwy 17-92 | TOD Core | Outside TOD Core | Additional Requirements |
| Convenience Store Without Fuel Dispensers | P | P | P | |
| Convenience Stores With Fuel Dispensers | — | — | — | |
| Dental Laboratories | — | — | P | |
| Employment Agencies | — | P | P | Excluding Day Labor Agencies |
| Exercise Gym and Health Spas | P | P | P | |
| Financial Services | P | P | P | Drive-through windows only permitted outside of Main Street area |
| Funeral Homes With Crematory As An Accessory Use | — | — | — | |
| Funeral Services | — | — | — | |
| General Retail Sales | P | P | P | |
| General Retail Sales (Convenience) | P | P | P | Maximum size of 2,000 gross square feet No fueling stations No fueling stations except in Transitional Areas |
| Hardware Stores | — | P | P** | No outside storage or display ** Limited to 5,000 gross square feet |
| Hotel-Motel | P | P | P | |
| Indoor Amusements/Arcade | — | P | P | Only as accessory to restaurants or bars, pubs or lounges |
| Kennels | — | — | — | A kennel use must be conducted entirely within an enclosed structure |
| Liquor/Wine Sales | P | P | P | Limited to 2,500 gross square feet Outside service is permitted |
| Off-Site Accessory Parking | — | P | P | Accessory to primary use off-site businesses |
| Office (General) | P | P | P | |
| Office (Professional) | P | P | P | |
| Pawn Shop Services | — | — | — | |
| Personal Care Services (Hair/Beauty Salons/Spas) | P | P | P | |
| Personal Dry Cleaning Services | P | P | P | Drop-off/pick-up only |

| P (Permitted) — (Prohibited) | | | | |
|--|---------------------------|---------------------|-----------------------------|---|
| | U.S. Hwy 17-92 | TOD Core | Outside TOD Core | Additional Requirements |
| Personal Laundry Services | P | P | P | No bulk laundry or cleaning plant, no diaper services or linen supply services allowed in TOD Overlay District ** Drop-off/pick-up only |
| Pest Exterminators | — | — | — | |
| Pet Grooming Services | — | — | P | Maximum size of 2,000 gross square feet All services within enclosed structure |
| Pharmacies | P | P | P | Drive-through windows only permitted along U.S. Hwy 17-92 |
| Plant Nursery (Retail) | — | — | — | |
| Plant Nursery (Wholesale/Retail) | — | — | — | |
| Printing And Publishing | — | P | P | Limited to 2,000 gross square feet within TOD Core, otherwise not greater than 5,000 gross square feet |
| Radio And Television Broadcasting Stations | — | P | P | Limited to 5,000 gross square feet |
| Restaurant (Bakery/Deli) | P | P | P | Maximum size of 5,000 gross square feet Outside service is permitted |
| Restaurant (Catering) | P | P | P | Maximum size of 5,000 gross square feet Outside service is permitted |
| Restaurant (Fast Food) | P | P | P | Drive-through windows not permitted within 2,000 linear feet from any other similar drive-through window use Drive-through window prohibited within Main Street area Outside service is permitted |
| Restaurant (General) | P | P | P | Drive-through windows not permitted within 2,000 feet from any other similar drive-through window use Drive-through window prohibited within Main Street area Outside service is permitted |
| Retail Repair Services | P | P | P | Repair services for personal clothing, jewelry or electronics |
| Rug Cleaning Establishments | — | — | — | |
| Scrap And Salvage | — | — | — | |

| P (Permitted) — (Prohibited) | | | | |
|---|---------------------------|---------------------|-----------------------------|---|
| | U.S. Hwy 17-92 | TOD Core | Outside TOD Core | Additional Requirements |
| Self-Storage/Mini-Warehouse | — | — | — | No outdoor storage |
| Special Event Entertainment | P | P | P | Special events permit required |
| Theaters (Movie And Live) | P | P | P | Theatres less than 5 screens |
| Veterinary Services | — | — | P | A veterinary services use must be conducted entirely within an enclosed structure No outdoor kennels or runs |
| Civic Uses | | | | |
| College and University Facilities | P | — | P | |
| College and University Satellite Facilities | P | P | — | |
| Community Center/Recreation | P | P | P | |
| Common Open Space | P | P | P | |
| Convention Center | P | P | P | |
| Day Care Services | — | P | P | Limited to 5,000 gross square feet |
| Government Postal Facilities | P | P | P | |
| Hospital Services (General) | — | — | — | |
| Museums | P | P | P | |
| Parks and Plazas | P | P | P | |
| Private Primary Educational Facilities | — | — | P | |
| Private Secondary Educational Facilities | — | — | P | |
| Public Primary Educational Facilities | — | — | — | |
| Public Secondary Educational Facilities | — | — | — | |
| Public Safety Services | P | P | P | Police, Fire, Ambulance, EMS |
| Religious Assembly (Churches) | P | P | P | |
| Technical/Trade Schools | — | — | P | |
| Telecommunication Tower | — | — | — | |
| Transportation Terminal | P | P | P | |
| Urgent Care Services | P | P | P | Limited to 5,000 gross square feet |
| Light Industrial Uses | | | | |
| Bakeries | — | P | P | With a minimum 50% food retail provision excluding manufacturing and distribution |

| P (Permitted) — (Prohibited) | | | | |
|--|---------------------------|---------------------|-----------------------------|--|
| | U.S. Hwy 17-92 | TOD Core | Outside TOD Core | Additional Requirements |
| Bottling and distribution plants | — | — | S | |
| Convenience stores without gasoline pumps | | | | |
| Sale (retail or wholesale) of products or parts manufactured or assembled on the premises | — | — | S | |
| Employment agencies offering day labor services and where workers congregate at the business location to receive daily assignments | — | — | S | |
| Essential utility services | — | — | S | |
| Flex-space | — | — | S | |
| Industrial vocational training school | — | — | S | |
| Laundries and linen services | — | — | S | |
| Machinery and machine shops | — | — | S | |
| Manufacturing | — | — | S | |
| Micro-breweries | P | P | P | Limited to 10,000 gross square feet and must have retail provision |
| Printing, publishing and engraving | — | — | S | |
| Publicly owned parks and recreational areas | P | P | P | |
| Restaurants, Types A and B, when contained within the principal industrial structure | — | — | S | |
| Sign and paint shop | — | — | S | |
| Testing of materials, equipment and products | — | — | S | |

- (4) *Continuation of development pattern.* The intent of the TOD regulating plan is to ensure that development patterns are consistent throughout. New developments and development plans shall be consistent with developments and approved development plans within close proximity, that meet the intent of the TOD regulating plan. Newly proposed developments are required to hold a pre-application meeting with city staff. During this meeting, the applicant should work with city staff to determine whether the adjacent development patterns (existing or approved) should be implemented within the newly proposed development project. New development shall follow the TOD Design Principles Appendix 3 to ensure consistency and compatibility. Additionally, new developments shall adopt the following existing components of approved development plans within close proximity. This section does not apply to development patterns that were permitted through a waiver.
- a. Existing block structure—Replicate the dimensions of the block size and layout.
 - b. Existing road design—Replicate the road cross-section including right-of-way widths for similar classified roadways, paving textures, landscape, hardscape, and utility infrastructure

- c. Existing building articulation—Replicate the building articulation on street frontage design elements, both horizontal and vertical, that help create a streetscape of consistent interest. Building materials, special ground-floor design treatments, façade modulation, corner treatments, building setbacks for upper stories, and façade elements such as transparency, building entries, and other architectural details help define the public and shall be consistent across different developments projects.
 - d. Existing way-finding signage—Including street signs oriented for pedestrians, bicycles, and automobiles.
 - e. Existing street lights—Design shall follow the closest available street lamps and poles.
 - f. Existing architectural patterns—While architectural design for each project may be somewhat specific to that project, it should not conflict or disrupt the existing approved developments in close proximity. New development shall follow the TOD Development Principles for architectural design.
 - g. Existing building scale—New developments shall take into consideration the existing scale of adjacent buildings, either approved, or already built.
 - h. Stormwater infrastructure—New developments shall evaluate the existing stormwater infrastructure of adjacent approved or developed projects and determine with city staff, how to best complement and or safely expand the system.
 - i. Public space/open space—New developments shall evaluate the existing stormwater public spaces and open space and replicate this format or improve upon it. This may be done by expanding upon existing spaces adjacent to the project, or repeating logical patterns into the new project that already exist in close proximity.
 - j. Transportation—Transit infrastructure, such as bus or autonomous vehicle stop shelters, bike racks, and micro mobility zones, shall be replicated in similar design.
- (c) Density/Intensity.
- (1) TOD Core—Minimum 10 du/acre; Maximum 32 du/acre;
 - (2) Outside TOD Core—Minimum 8 du/acre; Maximum 20 du/acre;
 - (3) Intensity—Minimum 0.4, Maximum 2.0 FAR;
 - (4) Parcel assemblage of at least 1 acre is required for residential mixed-use developments, 2 acres is recommended for residential mixed-use developments in order to meet minimum residential densities;
 - (5) Residential densities below these minimums may be permitted for sites with physical constraints. This shall be determined on a case-by-case basis through DRC during the development review process.

(Ord. No. 13-10, § 2(Exh. A), 12-29-2010; Ord. No. [02-15](#), § 2, (Exh. A), 8-26-2015; Ord. No. [06-20](#) 20, § 2(Exh. A), 9-23-2020)

Sec. 5.62. Circulation, connection and streetscape standards.

- (a) Purpose and intent.
 - (1) Ensure that site design promotes efficient pedestrian and vehicle circulation patterns.
 - (2) Ensure the creation of a high-quality street and sidewalk environment that is supportive of pedestrian and transit mobility and that is appropriate to the roadway context.
 - (3) Provide a convenient, safe, and pleasant pedestrian system appropriate for people of all ages and abilities.
 - (4) Ensure that trees, sidewalks, and buildings, three of the major elements that make up a streetscape, are arranged in a manner that supports the creation of a safe, human-scaled, and well-defined roadway environment.
 - (5) Ensure that there are multiple travel route options for all transportation modes in and around the TOD Overlay District.

- (6) Ensure that vehicular parking is accommodated in a manner that enriches and supports, rather than diminishes, the pedestrian environment, and that does not create a barrier between the pedestrian environment and the buildings.
 - (7) Ensure that sites are developed in a manner that supports and encourages connectivity for all modes of travel and that new and existing development, pedestrian and bicycle paths, and open spaces complement and link to one another.
 - (8) Connectivity to other areas outside the TOD Overlay District.
- (b) Roadway types.
- (1) The following types of roadways are to ensure a cohesive development pattern along the streets, and to create safe, pleasant and convenient walking environments.
- (c) Streetscape.
- (1) The following streetscape standards specify the typical configuration of the roadway types: U.S. Hwy. 17-92, TOD Corridor Streets, Pedestrian Priority Streets, Local Streets and Main Street.
 - a. *U.S. Hwy. 17-92*—This is a primary state roadway that traverses the center of the TOD Overlay District and carries the highest level of vehicular traffic and transit to the internal mixed-use developments and being most appropriate for non-residential development. A landscaped boulevard can be created along the medians to enhance the pedestrian environment.

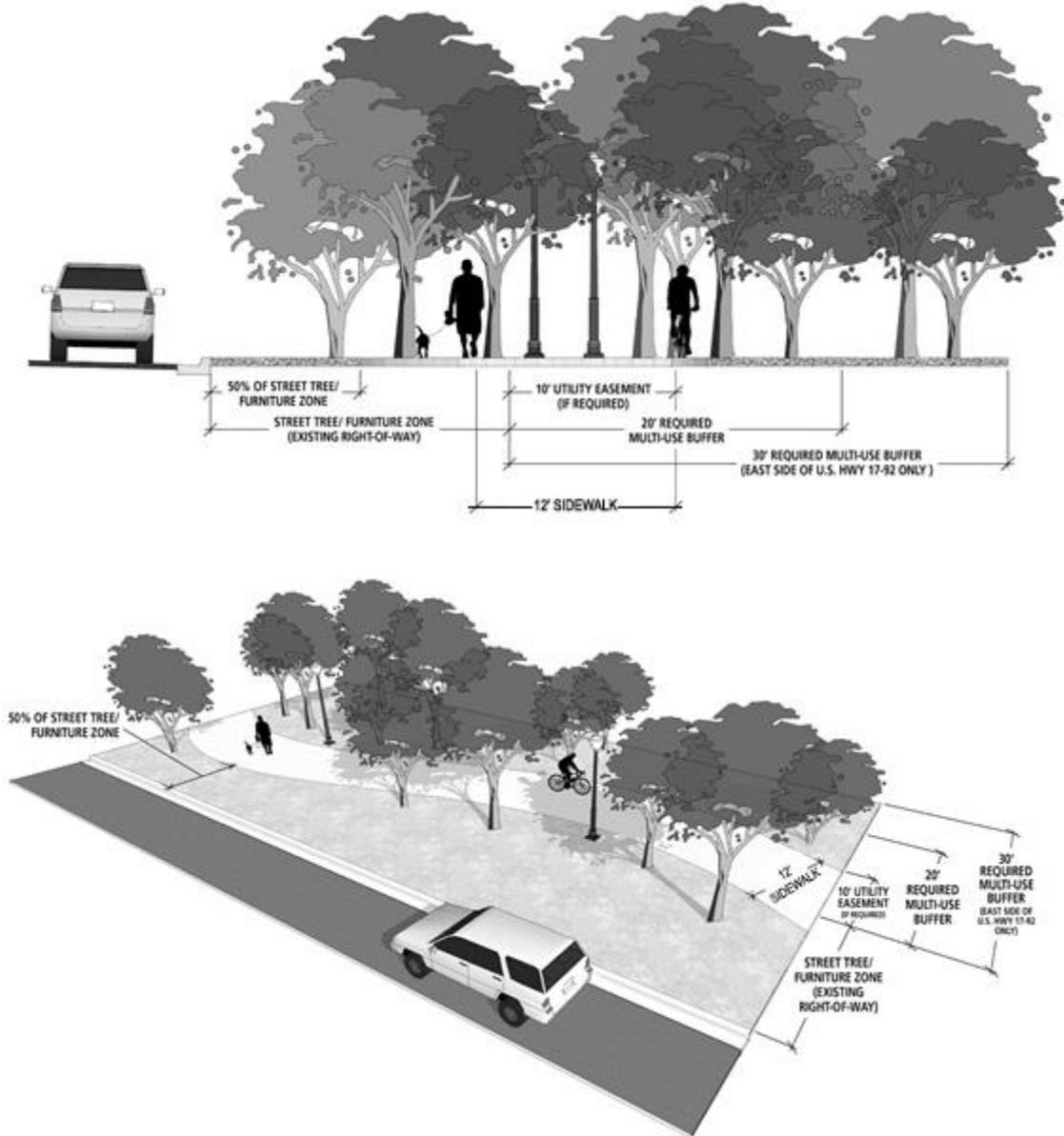


Boulevard
(Source: City of Panama City Beach, 2010)

1. The streetscape shall include the following:
 - i. Street tree/furniture zone shall be the width of the existing unpaved right-of-way, which includes the existing sidewalk width.
 - ii. Required 20-foot multi-use buffer. An additional 10-foot wide utility easement may be required by Volusia County along the east side of U.S. Hwy. 17-92. If the utility easement is necessary, a 30-foot multi-use buffer shall be required.
 - iii. Placement of street trees/planting strips, street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, bus shelters, public utility equipment such as electric transformers and water meters, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility may be permitted within the street tree/furniture zone, utility easement (where applicable) and multi-use buffer. If any of these items are removed or damaged due to maintenance of the utilities within an easement, they must be replaced.
 - iv. Sidewalk easement should be a minimum width to encompass the area from road right-of-way to the back of a 12-foot wide sidewalk. The trail placement may extend into the street tree/furniture zone, including utility easement (where applicable), and multi-use buffer by no more than 50 percent of their respective width, unless otherwise approved as part of the site plan review process.
 - v. The street trees should be planted at an average spacing not greater than 50 feet on center. If landscaping within the utility easement is removed for any work/construction, the landscaping must be replaced with similar plant materials and size specifications.
2. All utility lines shall be underground for all new construction from the building to the property line. Utility lines within the right-of-way shall be placed underground.

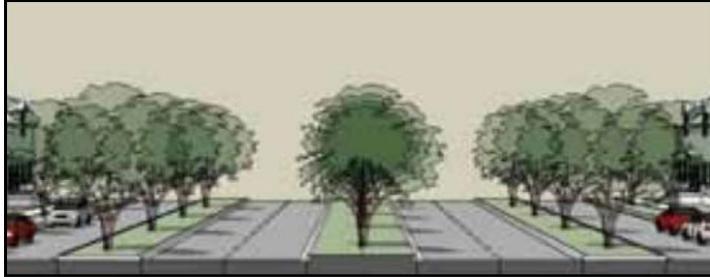
3. Where existing electric utilities remain overhead, the centerline of street trees at their mature size shall be per Right Tree Right Place Standards, unless otherwise approved by the DRC.
4. The DRC may approve a payment of money into the City sidewalk improvement trust fund as specified in sec. 3.20 of the LDC. The city shall establish a U.S. Hwy. 17-92 TOD sub-fund to construct the sidewalk along U.S. Hwy. 17-92. The city shall also adopt a sidewalk master plan to identify circulation, phasing and design criteria for U.S. Hwy. 17-92.

Figure 5 - 53: U.S. Hwy. 17-92 Streetscape

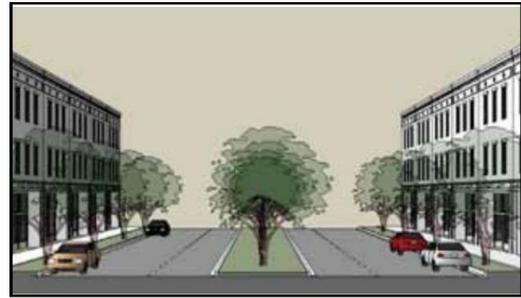


- b. *TOD Core streets*—These streets will be primary interior roadways of mixed-use developments to support a sufficient population density and mix of uses connecting to U.S. Hwy. 17-92 and the Debarry Commuter Rail Station. These streets will carry vehicular, transit and pedestrian flow and being most appropriate for non-residential and mixed-use developments. A median landscaped boulevard and

avenue can be provided to accentuate the entry drive and primary streets with interconnecting alleyways for activities "behind the scene," such as parking, loading areas, trash collection, utility location, etc.



Boulevard

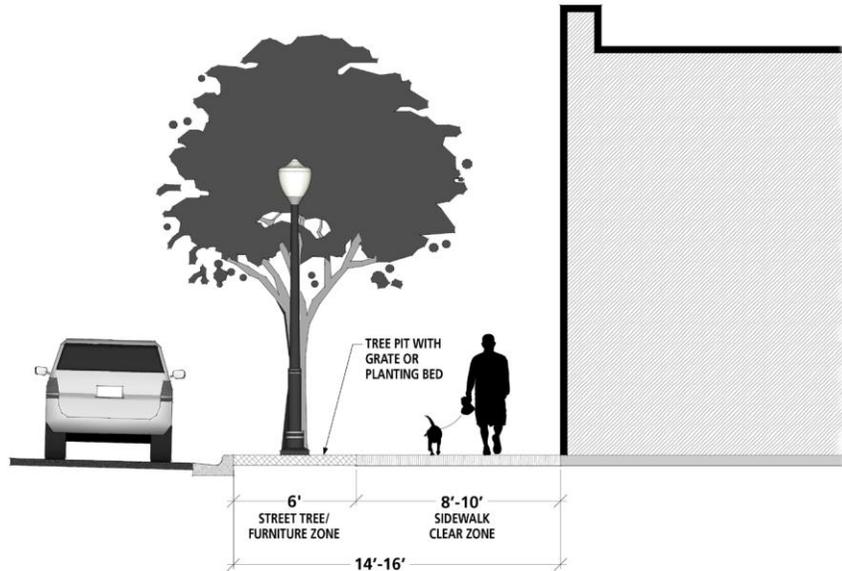


Avenue

(Source: City of Panama City Beach, 2010)

1. Sidewalk should be a minimum width of 14 feet from back of curb, unless otherwise approved as part of the site plan review process. Sidewalks shall consist of two zones: a street tree/furniture zone located adjacent to the curb, and a sidewalk clear zone.
 - i. The street tree/furniture zone shall have a minimum width of 6 feet (from back of curb) and shall be hardscaped and continuous, and located adjacent to the curb.
 - ii. The street tree/furniture zone should be planted with street trees at an average spacing not greater than 40 feet on center.
 - iii. The street tree/furniture zone is intended for the placement of street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment such as electric transformers and water meters, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.
 - iv. The sidewalk clear zone should be a minimum width of eight feet, shall be hardscaped, shall be located adjacent to the street tree/furniture zone, and shall comply with ADA Standards. The sidewalk clear zone shall be unobstructed by any permanent or nonpermanent element.
2. The minimum sidewalk requirement should apply regardless of the available right-of-way, unless otherwise approved as part of the site plan review process.
3. Where required, the sidewalk shall extend onto private property with a sidewalk easement provided.

Figure 5 - 54: TOD Core Streetscape



c. *Pedestrian priority streets*—These streets serve as primary pedestrian routes outside TOD core leading directly to the TOD Core, connecting to neighborhoods, trails, parks and other public facilities, and being most appropriate for neighborhood commercial, and multifamily and single-family residential developments. A landscaped avenue, road and parkway can be provided with interconnecting alleyways for activities "behind the scene," such as parking, loading areas, trash collection, utility location, etc.



Avenue



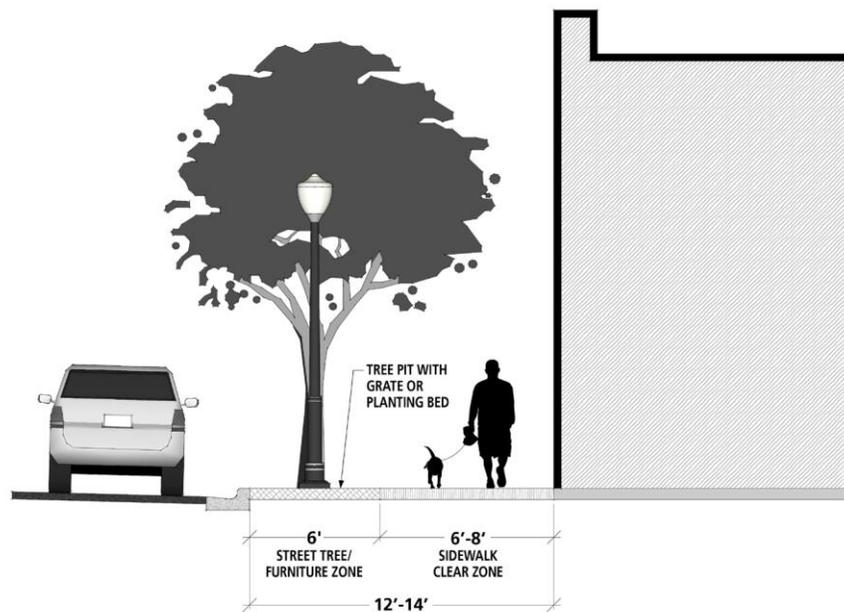
Road



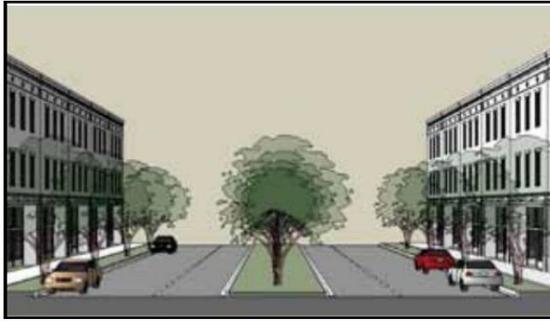
Parkway
(Source: City of Panama City Beach, 2010)

1. Sidewalk should be a minimum width of 14 feet in width from back of curb, unless otherwise approved as part of the site plan review process. Sidewalks shall consist of two zones: a street tree/furniture zone located adjacent to the curb, and a sidewalk clear zone.
 - i. The street tree/furniture zone shall have a minimum width of 8 feet (from back of curb) and shall be continuous and located adjacent to the curb.
 - ii. The street tree/furniture zone should be planted with street trees at an average spacing not greater than 40 feet on center.
 - iii. The street tree/furniture zone is intended for the placement of street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment such as electric transformers and water meters, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.
 - iv. The sidewalk clear zone should be a width of eight feet, shall be hardscaped, shall be located adjacent to the street tree/furniture zone, and shall comply with ADA Standards. The sidewalk clear zone shall be unobstructed by any permanent or nonpermanent element.
2. The minimum sidewalk requirement should apply regardless of the available right-of-way, unless otherwise approved as part of the site plan review process.
3. Where required, the sidewalk shall extend onto private property with a sidewalk easement provided.

Figure 5 - 55: Pedestrian Priority Streetscape



- d. *Local streets*—These streets serve as secondary routes within the transitional area making up the rest of the street network, while pedestrian accommodation is still prioritized and being most appropriate for commercial and business park developments. A landscaped avenue and roadway can be provided with interconnecting alleyways for activities "behind the scene," such as parking, loading areas, trash collection, utility location, etc.



Avenue

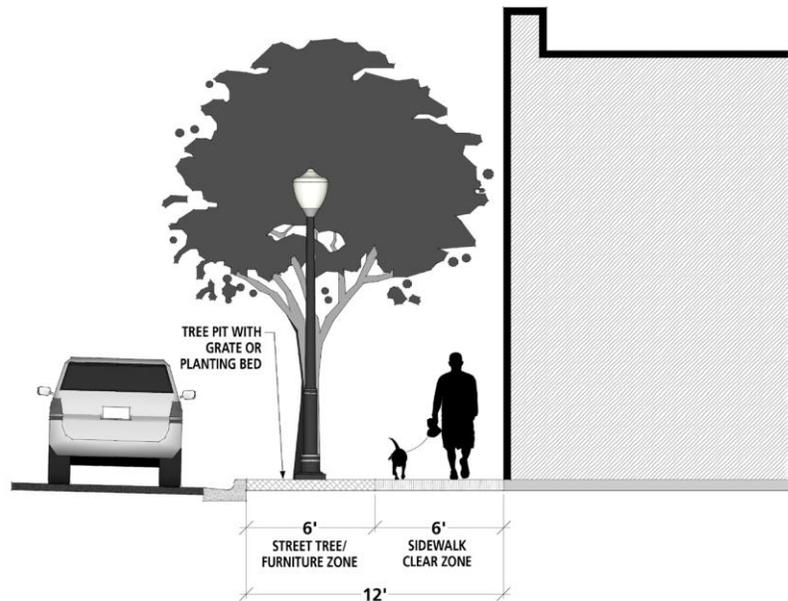


Road

(Source: City of Panama City Beach, 2010)

1. Sidewalk shall be a minimum width of 12 feet in width, unless otherwise approved as part of the site plan review process. Sidewalks shall consist of two zones: a street tree/furniture zone located adjacent to the curb, and a sidewalk clear zone.
 - i. The street tree/furniture zone shall have a minimum width of 6 feet (from back of curb) and shall be continuous and located adjacent to the curb.
 - ii. The street tree/furniture zone should be planted with street trees at an average spacing not greater than 50 feet on center.
 - iii. The street tree/furniture zone is intended for the placement of street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment such as electric transformers and water meters, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.
 - iv. The sidewalk clear zone shall be a minimum width of six feet, shall be hardscaped, shall be located adjacent to the street tree/furniture zone, and shall comply with ADA Standards. The sidewalk clear zone shall be unobstructed by any permanent or nonpermanent element.
2. The minimum sidewalk requirement shall apply regardless of the available right-of-way, unless otherwise approved as part of the site plan review process.
3. Where required, the sidewalk shall extend onto private property with a sidewalk easement provided.

Figure 5 - 56: Local Streetscape

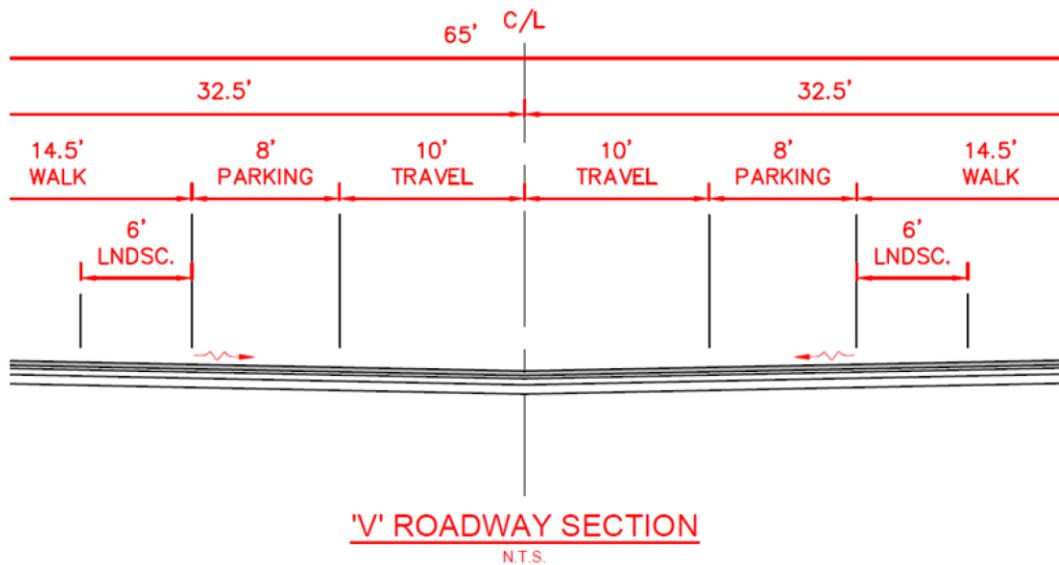


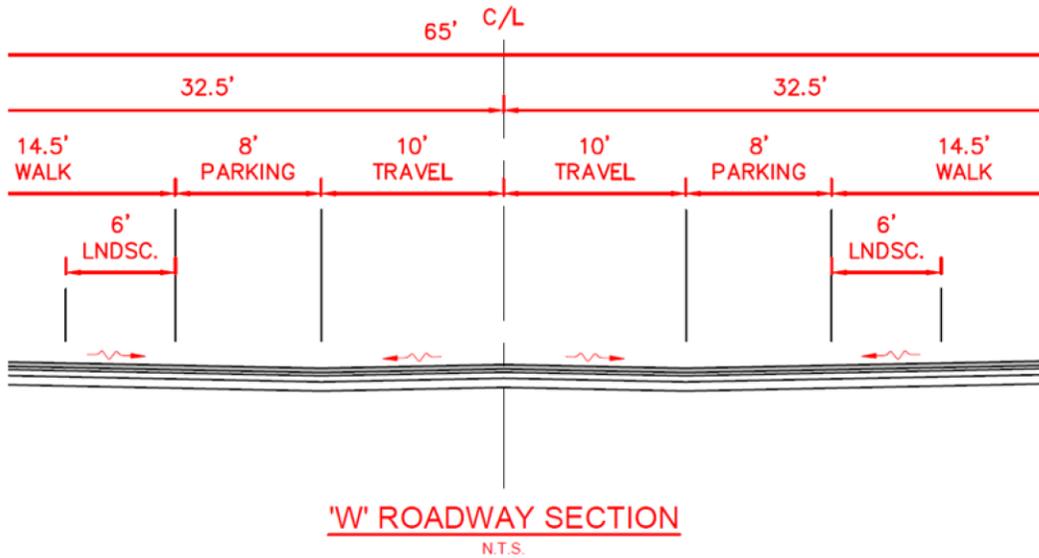
- e. *Main Street*—This is the area generally known as Shell Road from Benson Junction Road at the north to Ft. Florida Road at the South as well as from the rail road tracks to the west and U.S. 17-92 to the east. The Main Street area is only to be considered within the TOD boundaries and transects through the TOD Core and Outside Core designations. Main street will run parallel to U.S. 17-92 and will intersect with lateral local streets that connect the main street with U.S. 17-92. The intent of this corridor is to serve as the city's main street, which shall primarily consist of ground-floor commercial amenities such as restaurant and retail with office and residential located above. It shall serve as the local commercial corridor that is accessible at the pedestrian scale. Main street shall also be collocated with a central park and stormwater pond. This street shall be designed as a "living street" where vehicles, bicycles and pedestrians equally share the space. This corridor may serve as a central gathering space for main street festivals and could be closed to vehicular traffic during special events.



1. The main street cross-section shall be designed as an inverted "V" crown, or "W" with most surfaces in the entire right-of-way being at a single grade from building façade to building façade (or edge of open space).
2. The main street right-of-way shall be a minimum of 65 feet wide. Developments fronting the proposed main street area may be required to dedicate adequate right-of-way to meet the 65 foot width requirement.
3. The travel lane shall be ten feet wide.
4. On-street parking shall be provided and is to be a minimum eight feet in width.

5. Sidewalks shall be a minimum width of 14 feet from edge of on-street parking to building facade.
6. Street tree/furniture zone may be included within the 14-foot sidewalk area, and shall have a minimum width of six feet from edge of vehicular travel lane to sidewalk clear zone. Landscape zones shall be intermittent.
7. The street tree/furniture zone should be planted with street trees at an average spacing not greater than 40 feet on center.
8. The street tree/furniture zone is intended for the placement of street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment such as electric transformers and water meters, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.
9. The sidewalk clear zone should be a minimum width of eight feet, shall be hardscaped, shall be located adjacent to the street tree/furniture zone, and shall comply with ADA Standards. The sidewalk clear zone shall be unobstructed by any permanent.
10. The minimum sidewalk requirement should apply regardless of the available right-of-way, unless otherwise approved as part of the site plan review process.
11. Where required, the sidewalk shall extend onto private property with a sidewalk easement provided.
12. A ribbon curb shall be used as the centerline and edge of pavement at travel lanes.
13. Main street paving surfaces shall utilize brick pavers.
14. The roadway spaces may be differentiated for automobiles and pedestrians by varying textures and colors of the surface area, and can be separated into safe zones by bollards, landscape islands, parked cars, light posts and other hardscapes.
15. The sharp deflection in meandering streetscapes as well as landscape and hardscape obstacles slow traffic down to safe speeds so bicycle and pedestrians can all share the same space.
16. All utility lines shall be underground for all new construction from the building to the property line. Utility lines within the right-of-way shall be placed underground.

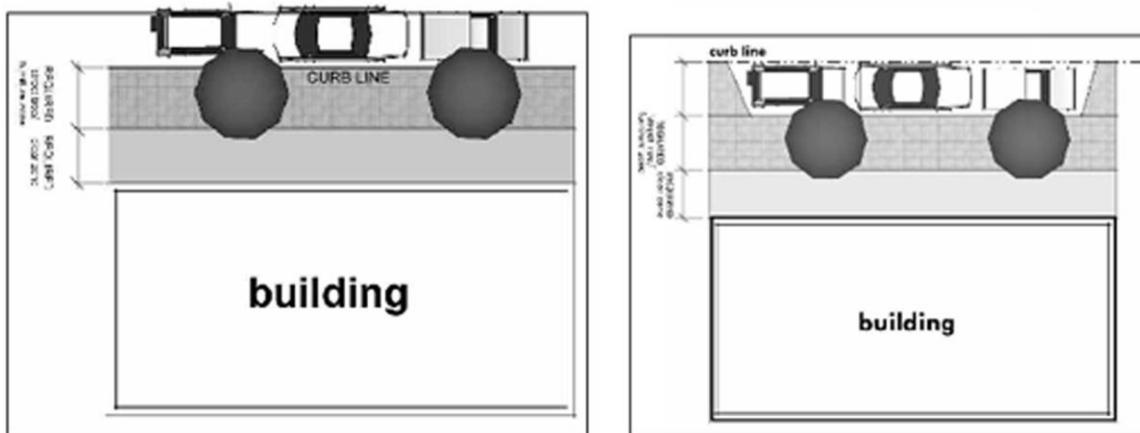




(d) On-street parking.

- (1) On-street parking is required to serve retail, office, and residential parking needs. It is especially important in areas where there are active edge designations to support ground floor businesses and to serve as a buffer for pedestrian activity from the streets.
- (2) On-street parking is required on TOD corridor streets, pedestrian priority streets, local streets, and main street, and located on the same side of the street as the use.
- (3) The parking stall shall be a minimum 22 feet in length and eight feet in width for parallel parking. The design may be accommodated adjacent to the curb line, or travel lane, or by providing parking inside the curb line.
- (4) The streetscape provisions under section 5.62(c) shall continue to apply to on-street parking with both a clear zone and street tree/furniture zone placed adjacent to the curb at the inside of the parking spaces.
- (5) On-street parking spaces may be counted toward the total number of parking spaces.

Figure 5 - 57: On-Street Parking



(e) Connection and circulation.

- (1) All projects that are adding a street(s) must provide a Project Circulation Plan as part of the site plan review process.

- (2) The Project Circulation Plan shall identify the roadway types: U.S. Hwy. 17-92, TOD Corridor Streets, Pedestrian Priority Streets and Local Streets.
 - a. The Project Circulation Plan shall demonstrate: How the on-site circulation system will be integrated with surrounding streets, bicycle facilities, trails, existing or future development, etc.
 - b. That the street and pathway system will contribute to safe and convenient pedestrian connections between primary destinations (i.e., DeBary Commuter Rail Station, mixed-use, commercial, non-commercial, parks, etc.) and surrounding residential neighborhoods and destinations.
 - c. How traffic calming methods have been incorporated into the design of new streets.
- (3) A site shall be generally divided into internal blocks with connecting streets that are interconnected with grid-like transportation system on the site. The block size shall be the following:
 - a. *TOD Core and Outside TOD Core*—Maximum 2.8 acres (300 feet x 400 feet) with intersecting alleyways accessed from the grid pattern streets for parking, loading and service ways.

Figure 5 - 58: Mid-Block Pathway



- (4) Curb cuts for vehicular connections:
 - a. TOD corridor streets and pedestrian priority streets shall not occur more frequently than every 200 feet.
 - b. U.S. Hwy. 17-92 and local streets shall not occur more frequently than every 300 feet.
 - c. For a lot with street frontage less than 50 feet wide abutting TOD Core (U.S. Hwy. 17-92), access to the lot shall be provided from a single joint use driveway.
- (5) Curb-cut widths shall comply with the following standards:
 - a. Maximum residential driveway width for single family, duplex, and townhome residences shall be 18 feet.
 - b. Driveways along street frontages with an active edge designation are discouraged. When they are deemed necessary during site plan review, the maximum driveway width for multifamily residential and commercial uses shall be 30 feet along an active edge.
 - c. Other commercial driveways within the TOD Overlay District shall be no more than 30 feet wide.

- d. The maximum curb return radius for all residential driveways shall be ten feet and all commercial driveways shall be 15 feet.
 - e. Sidewalk clear zones crossing a driveway shall be continuous and as straight and level as possible. Curb cuts shall ramp up and down to the level of the sidewalk rather than require additional curb ramps along the sidewalk.
- (6) Provide cross access easements, where feasible.
 - (7) Alleys are encouraged to focus specific types of activity "behind the scenes" and to potentially allow for another point of access to the site. Alleys may provide space for, but not limited to, the following: loading areas, trash collection, utility location, and access to parking. Alleys shall have a 20-foot right-of-way with a minimum 12-foot paved surface.
 - (8) Provide direct pedestrian access from any street adjacent to the property line to a building entrance (the pedestrian access point must be fully accessible during operating hours).
 - (9) Where public parkland is adjacent to the property line, provide pedestrian and bicycle access from the trail or walkway system on that parkland to the building entrance (the pedestrian and bicycle access points must be fully accessible during operating hours).
 - (10) Minimum five-foot-wide bike lanes along all streets, either demarcated by a symbol or color laneways along U.S. Hwy. 17-92, pedestrian priority streets and local streets.

(Ord. No. 13-10, § 2(Exh. A), 12-29-2010; Ord. No. [02-15](#), § 2, (Exh. A), 8-26-2015; Ord. No. [06-20](#) 20, § 2(Exh. A), 9-23-2020)

Sec. 5.63. Site development standards.

- (a) Purpose and intent.
 - (1) Ensure that buildings relate appropriately to the surrounding area, create a cohesive visual identity and attractive street scene, and frame the pedestrian environment.
 - (2) Ensure that buildings relate appropriately to their roadway context, allowing for easy pedestrian access to buildings and providing well-defined edges to the roadway environment.
 - (3) Ensure that building entryways are convenient and easily accessible from the pedestrian circulation system.
 - (4) Provide opportunities to enhance the roadway and pedestrian environment, such as outdoor dining, porches, patios, and landscape features.
 - (5) Ensure that vehicular parking is accommodated in a manner that enriches and supports, rather than diminishes, the pedestrian environment.
 - (6) Provide adequate, secure, and convenient bicycle parking to meet the needs of the users of a development and to encourage cycling activity.
 - (7) Ensure that utilities and mechanical equipment are obscured and are not prominent features of a development that negatively impact the visual experience.
 - (8) Ensure that exterior lighting creates a safe night-time atmosphere and encourages activity in the evening, but does not overwhelm the environment and intrude onto adjacent properties.
 - (9) Provide both private and public open space amenities to residents, workers and visitors of the TOD Overlay District.
- (b) General development standards.
 - (1) Lot requirements.

| Land Uses | Minimum Lot Area (sq. ft.) | Minimum Lot Width (ft. front bldg. line) | Maximum Impervious Surface ¹ (%) |
|---|----------------------------|--|---|
| Single-Family Residential | None | None | 75 |
| Multifamily (1 to 2 units) | None | None | 75 |
| Multifamily (3 to 4 units) | None | None | 75 |
| Multifamily (5+ units) | None | None | 75 |
| Nonresidential Mixed-Use with maximum 2 live/work units | 11,000 | None | 85 |
| Residential Mixed-Use | 43,560 ² | None | 85 |
| Commercial/Office/Hotel | 5,000 | None | 80 |

¹ Impervious surface includes all buildings, pavements and other impervious surfaces.

² Refer to subsection 5.61(c)(4) for recommended parcel size to meet minimum residential densities.

(2) Setbacks and building heights.

| Land Uses | Maximum Setbacks from Property Lines (in feet) | | | | Maximum Building Height (in number of stories ⁴) |
|----------------------------|--|---|---|---|--|
| | Front | Side | Side Adjacent to Street | Rear | |
| U.S. Hwy. 17-92 | | | | | |
| Commercial/Office | 75 ¹ | 10 | 5— 15—Outside TOD Core & Transitional Area | 10 | 5 |
| TOD Core | | | | | |
| Mixed-Use/Hotel | 6 ² | 5 | 5 ² | 10 | 5 |
| Commercial/Office | 6 ² | 5 | 5 ² | 10 | 5 |
| Outside TOD Core | | | | | |
| Mixed-Use/Hotel | 10 ² | 15—Adjacent to residential 10—Adjacent to all other uses | 15 ² | 15—Adjacent to residential 10—Adjacent to all other uses | 5 |
| Commercial/Office | 10 ² | 20—Adjacent to residential 10—Adjacent to all other uses | 15 ² | 20—Adjacent to residential 10—Adjacent to all other uses | 4 |
| Single-Family Residential | 25 | 20 ³ | 20 | 20 | 4 |
| Multifamily (1 to 2 units) | 20 | 5 | 15 | 25 | 4 |
| Multifamily (3 to 4 units) | 25 | 5 | 15 | 25 | 5 |

| | | | | | |
|---------------------------|----|---|----|----|---|
| Multifamily (5+ units) | 25 | 5 | 15 | 25 | 5 |
|---------------------------|----|---|----|----|---|

Notes:

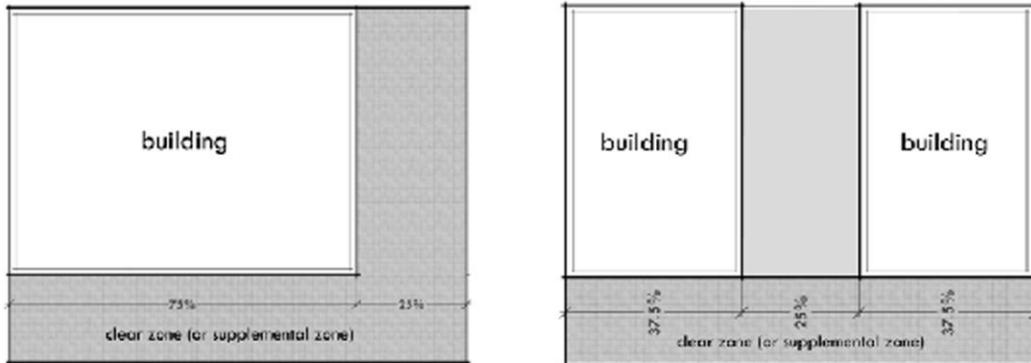
- 1 Includes landscape/multi-use buffer, one 90-degree or angle parking bay, two-way travel lane and walkway.
- 2 Opportunity for a storefront zone to allow for seating areas, planters/planting areas, bicycle racks, temporary sale/display of merchandise, moveable sandwich boards, postal/freight collection boxes, public art, etc.
- 3 Minimum of eight feet on any one side.
- 4 Four stories shall not exceed 50 feet in height: five stories shall not exceed 60 feet in height as defined in Chapter 2.

(3) Building placement.

- a. A minimum percentage of the net frontage length of the property along a site's principal street must consist of continuous building façade built up to the property line or sidewalk clear zone. This will allow the opportunity to create outdoor spaces. Single-family homes shall be exempt from this requirement but must be rear-loaded.

| | U.S. Hwy. 17-92 | TOD Core Streets | Pedestrian Priority Streets | Local Streets | Main Street |
|--------------------------------------|-----------------|------------------|-----------------------------|---------------|-------------|
| Net Frontage (Minimum Percentage) | 75 | 75 | 60 | 60 | 75 |

Figure 5 - 59: Percent Net Frontage Building Lengths



(4) Landscaping.

- a. All landscaping shall use "Florida-Friendly" plants and guiding principles.
- b. All landscaping shall be irrigated and may be installed with moisture sensors beneath the root systems to properly gauge the watering requirements (i.e., Irrrometer).
- c. The plant materials and sizes shall comply with Chapter 8, Article III, of the LDC.
- d. Minimum 6-foot wide planting strips or planters shall be permitted along the building wall to accentuate the entranceway and building façade.
- e. All tree plantings shall require a root barrier or other system that achieves the same intent as a root barrier.

Figure 5 - 60: Landscaping in Front of Building



- f. Landscape/multi-use buffer shall be provided along the street front of U.S. Hwy. 17-92 with a minimum depth of 20 feet. The buffer shall contain one canopy tree or two understory trees for each 40 linear feet of buffer with a continuous 30- to 36-inch screen shrubs and at least 50 percent of the area shall be groundcover. Decorative pedestrian lights may be permitted in the buffer.

Figure 5 - 61: Landscaping along U.S. Hwy. 17-92



- g. Vehicular use areas.
1. A minimum buffer width of ten feet shall be required on the perimeter of vehicular use areas, except for the street fronts along U.S. Hwy. 17-92
 2. The buffer shall contain the following:
 - i. Minimum one canopy tree for each 35 linear feet of buffer;
 - ii. Minimum one understory tree for each 50 linear feet of buffer;
 - iii. Continuous 30- to 36-inch-high screen shrubs.
 3. A three-foot high wall compatible with the architecture of the building may be used with a maximum three-foot-wide landscape strip in front of the wall consisting of the following:
 - i. Minimum one understory tree for each 50 linear feet of streetwall; and/or
 - ii. Minimum 50 percent of the area shall be ground cover.

Figure 5 - 62: Landscape Buffers and Streetwalls



4. Planting areas within vehicular use areas shall equal not less than 20 percent of the gross area devoted to vehicular use. The perimeter landscaping shall not count toward meeting the required interior landscaping.
 5. Interior planting areas may be located in tree islands, at the end of parking bays, or between rows of parking spaces. There shall be not more than ten contiguous parking spaces between planting areas. Such planting areas shall be landscaped with a canopy or understory tree and may be landscaped with other materials. Trees and other landscaping planted in the planter island areas shall be credited toward the landscaping requirements of the vehicular use area. Planting areas may also be located within driveway medians, provided the median is a minimum of ten feet wide.
 6. Interior planting areas may be located to effectively accommodate stormwater runoff, as well as to provide shade in large expanses of paved areas.
 7. Individual planting areas shall be not less than 400 square feet for medium and large trees. Individual planting areas for all other trees shall not be less than 180 square feet.
 8. A continuous curb or other means of protection shall be provided to prevent injury to vegetation within the planting areas.
 9. One shrub shall be installed for each 50 square feet of planting area.
 10. One square foot of groundcover shall be installed for each five square feet of planting area. At the owner's option, grassed areas may be substituted for up to 50 percent of the square footage of groundcover required.
 11. A fractional tree or shrub shall be rounded up to the next highest whole number.
- h. Tree preservation. All development shall comply with Chapter 8 of the City of DeBary Land Development Code, with the exception of the provision that requires 15 percent of the overall development site to be set aside for tree preservation. Instead, a minimum of 2.5 percent of the overall development site shall be provided for tree preservation within the TOD Core and 7.5 percent of the overall development site to be provided for tree preservation outside of the TOD Core. These set asides for tree preservation shall be calculated toward the 5 percent and 15 percent public/open space requirement for the TOD Core and Outside TOD Core areas respectively. Alternative tree preservation and open space requirements may be considered by the Development Review Committee during the site plan approval process on a case-by-case basis when other site enhancements of the development plan are demonstrated.
- i. Industrial land use buffering. All new development shall provide a 30-foot landscape buffer with a masonry wall along industrial zoned frontages that are not incorporated into the TOD Overlay District. Buffering requirements shall conform with industrial/commercial criteria outlined in the Land Development Code.
- (5) Stormwater facilities.
- a. For application for a standard development, the following additional performance standards shall be used in the design of the project:
 1. *Closed basin criteria.* See section 10.9.
 2. *Retention standards.* The discharge hydrograph produced for the developed or redeveloped site shall not exceed, in terms of peak flow and total volume, the hydrograph produced by conditions

existing before development or redevelopment for a 24-hour, 25-year frequency storm, unless the intent of this recharge provision will be met through detention of the difference between said volumes, in which case said volume difference may be released over not less than a 24-hour nor greater than a 72-hour period of time. However, the design standards for wet retention areas, when approved by the City Development Engineer, shall prevail. This requirement may be waived by the City Development Engineer for sites consisting predominately of poorly drained soils having permanently and naturally impaired recharge potentials. In addition, the cumulative impact of the outflow hydrograph on downstream flow shall be considered. Runoff rates and volumes resulting from the project, in excess of existing amounts, shall be accommodated on site. Off-site retention may be permitted if, in the opinion of the City Development Engineer, the recharge requirements of this division are met.

- b. To the greatest extent practicable Green Infrastructure principles shall be employed in the site design to reduce stormwater impacts prior to collection and treatment. (i.e., pervious/semi-pervious pavement, rainwater collection and reuse, etc.)
 - c. The City's intent is that a centralized master stormwater system be created within the TOD Overlay District. The city will seek to create public-private partnerships to achieve these goals. The city may negotiate with a development project to incorporate a master retention element into the design, in return allowing additional development incentives as provided for within the article.
 - d. Within the TOD Overlay District, stormwater management facilities shall be designed to allow for conversion to a centralized master stormwater utility.
 - e. If a centralized master stormwater pond is not developed within the TOD Core, the stormwater management systems for developments along U.S. Hwy. 17-92 shall be located within the rear yard setbacks, unless they include a water feature and/or passive park or approved by the DRC upon hardship determination.
- (6) Green infrastructure.
- a. The purpose is to:
 - 1. Reduce the negative impact of development on the natural environment;
 - 2. Reduce development costs related to construction and the provision of utilities; and
 - 3. Manage stormwater in a way that mimics natural stormwater management.
 - b. The following standards shall apply to the TOD Core and Outside TOD Core (except for single-family, duplex and townhouse developments).
 - 1. Minimum 20 percent within TOD Core and ten percent Outside the TOD Core of the required Water Quality Volume (WQV) must be treated on-site using green infrastructure facilities. To meet the WQV treatment requirement, such facilities may include, but are not limited to the following:
 - i. Reduce impervious surface area by using permeable paving materials.
 - ii. Green vegetated roofs.
 - iii. Roof rainwater collection.
 - iv. Bioretention or infiltration.
 - 2. In cases where site specific circumstances limit the ability to treat the WQV on-site using green infrastructure, the city may allow fee-in-lieu payments. Payment shall be based on an engineer's opinion of cost to install the required WQV on the subject site.
 - 3. A developer or group of developers may propose a regional water quality structure that treats the stormwater from at least ten acres of previously untreated offsite land.
 - c. Tree preservation using drought-tolerant landscaping shall also be provided where feasible. If this cannot be provided, a viable justification shall be provided to the DRC for consideration.

Figure 5 - 63: Green Infrastructure Bioretention—Parking Lot (left) Rooftop Garden (right)



Porous Asphalt (left) Porous Concrete Pavers (right)



- (7) Private/public common open space and pedestrian amenities.
- a. These standards shall apply to all development sites larger than two acres.
 - b. All new developments and redevelopments shall devote a minimum of 5 percent (TOD Core); ten percent (Outside the TOD Core) of the gross site area to one or more of the following types of common open space or pedestrian amenities:
 1. A natural and undisturbed private common open space, for use of the residents, employees, and visitors to the development. Developments with primarily residential uses are encouraged to comply with this requirement.
 2. A landscape area with a minimum depth and width of ten feet and a minimum total area of 200 square feet. The area shall include pedestrian amenities to support these places as gathering areas.
 3. A playground, patio, or plaza with outdoor seating areas, provided the playground, patio, or plaza has a minimum depth and width of ten feet and a minimum total area of 300 square feet. The area shall include pedestrian amenities to support these places as gathering areas.
 4. A combination of the above-listed amenities.
 5. In cases of provable hardship, the DRC may approve a payment of money into a trust fund allocated towards parks and recreational facilities in lieu of construction of private/public common open spaces and pedestrian amenities. The payment shall be equal to the "Just Value" of the area required for the private/public common open space and pedestrian amenities based on the previous year's "Just Value" from the Volusia County property appraiser.
 6. Provable hardship shall comply with the variance criteria pursuant to Section 3.10, Variances of the City of DeBary Land Development Code.
 - c. To the maximum extent feasible, where significant natural and scenic resource assets exist on a property, the developer shall give priority to their preservation as private common open space.
 - d. Lands within the following areas shall not be counted towards private common open space or pedestrian amenities, unless approved by the DRC.
 1. Private yards;
 2. Public or private streets or rights-of-way;

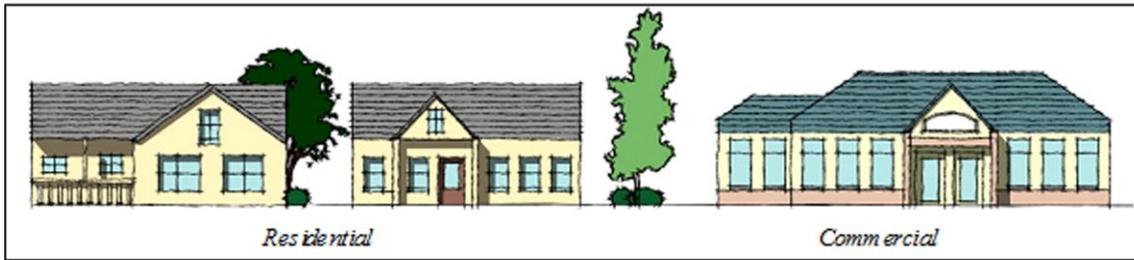
3. Parking areas and driveways for dwellings;
 4. Water quality and stormwater detention ponds; and
 5. A required street tree/furniture zone.
- e. Land set aside for private/public common open space or pedestrian amenities shall meet the following design criteria:
1. Common open space areas shall be located so as to be readily accessible and useable by residents or visitors in various locations of the development, unless the lands are sensitive natural resources and access should be restricted.
 2. The lands shall be compact and contiguous unless the land shall be used as a continuation of an existing trail, or specific topographic features require a different configuration. An example of such topographic features would be the provision of a trail or private open area along a riparian corridor.
 3. Where private/public common open space areas, trails, parks, or other public spaces exist adjacent to the tract to be subdivided or developed, the private common open space or pedestrian amenity shall, to the maximum extent feasible, be located to adjoin, extend, and enlarge the presently existing trail, park, or other open area land.
- f. All common open space or pedestrian amenity areas shall be maintained by the owners of the development.

Figure 5 - 64: Common Open Space



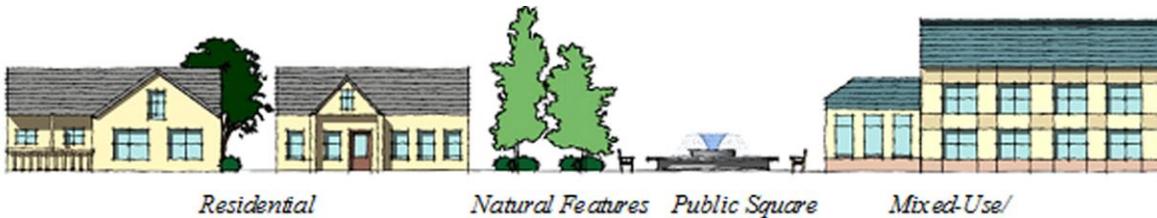
- (8) Transitional areas/compatibility.
- a. Building transitions.
1. Façade and height transitions between buildings are key elements in creating and maintaining an attractive streetscape. Height and scale of new development and redevelopment shall be compatible with that of surrounding development. In order to accomplish appropriate facade transitions, and to maximize city streetscape aesthetics, the following transitional techniques shall be applied to new development and redevelopment when within 600 feet of an existing building.
 - i. Buildings shall be designed to provide transitional elements and architectural features (architectural style, scale, design details, construction materials and the like) that are architecturally compatible with adjacent structures. Buildings that are twice the height, or greater, than an adjacent structure shall also provide transitional elements and features that provide for transitional blending of heights.
 - ii. The pattern of placement, proportions and materials of windows and doors shall be harmonious with surrounding structures.
 - iii. The ratio of wall surface to openings and the ratio of width and height of windows and doors shall be consistent and compatible with surrounding structures.
 - iv. The above-noted requirements may be waived where the city determines that city aesthetics would be enhanced by a change in the pattern of development that has been previously established by adjacent structures. In such a case, the city shall determine the appropriate style and exterior materials for the new development or redevelopment.

Figure 5 - 65: Building Transitions



- b. Green/open space transitions.
 - 1. Public spaces and natural features shall be used to provide a seamless buffer/transition from varying development activities and intensities, and maintaining an attractive streetscape, such as the following:
 - i. Green spaces, courts, squares, parks, plazas, and similar spaces that can also function as community gathering places; or
 - ii. Natural features including natural differences in topography (not retaining walls), water bodies, existing stands of trees and similar features.

Figure 5 - 66: Green/Open Space Transitions



- c. Intensity transitions.
 - 1. Site the less-intensive uses as transitions to lower-intensity, adjacent uses (i.e., neighborhood stores, bed & breakfast inns, community facilities, etc.).

Figure 5 - 67: Intensity Transitions



- d. Landscaping and screening transitions.
 - 1. Use landscape buffering and supplemental fences and walls.

Figure 5 - 68: Landscaping and Screening Transitions



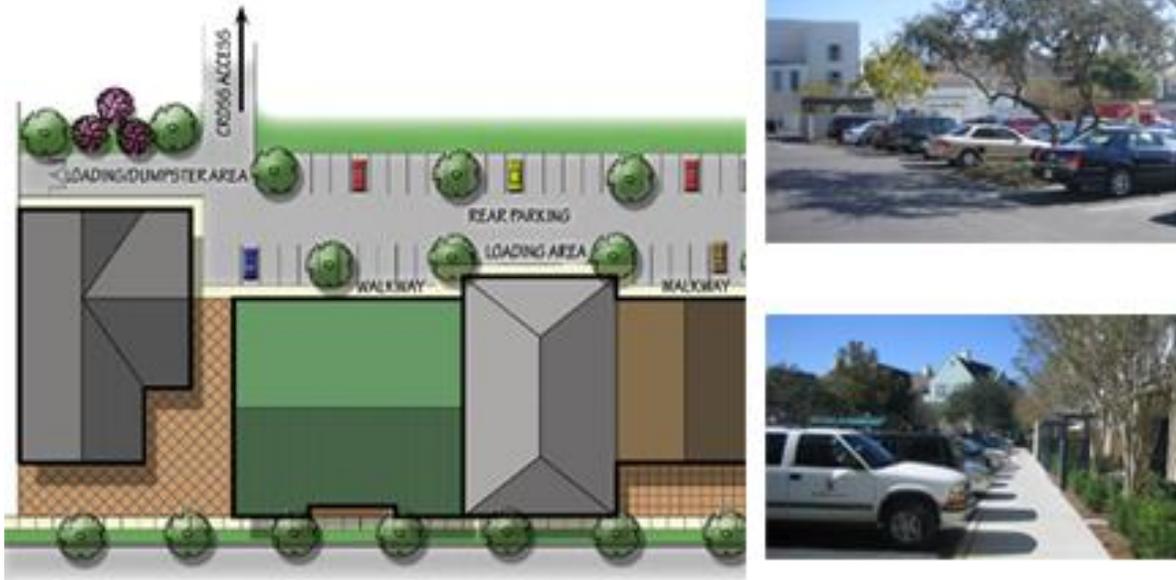
- (9) Off-street parking.
 - a. Parking requirements.
 - 1. Maximum parking requirements shall supersede the minimum parking requirements as outlined in Chapter 7 of the Land Development Code. A minimum of 0.5 parking spaces per residential unit shall apply within the TOD Overlay District.

| Land Uses | Parking Spaces Required (Maximum)* | |
|--|---|--|
| | TOD Core | Outside TOD Core |
| Multifamily Residential | 1.5 parking space per multifamily unit, plus one guest space per 10 units | 2 parking space per multifamily unit, plus one guest space per 8 units |
| Residential Mixed-Use (includes residential parking) | 1 parking space per 1,000 gross floor area | 1 parking space per 800 gross floor area |
| Commercial/Retail | 1 parking space per 350 gross floor area | 1 parking space per 325 gross floor area |
| Restaurant | 1 parking space per 250 gross floor area | 1 parking space per 200 gross floor area |
| Office | 1 parking space per 350 gross floor area | 1 parking space per 300 gross floor area |

Note: Refer to Chapter 7 of the LDC for accessible parking requirements.

- b. Additional parking criteria:
 - 1. In no case may the maximum off-street parking requirements for a project be increased by more than 50 percent and shall receive approval by the Growth Management Director.
 - 2. On-street parking spaces may be counted toward the maximum number of parking spaces.
- c. Off-street parking along U.S. Hwy. 17-92 may be located in the side, and rear yards subject to parking lot landscaping and setback requirements. Maximum one 90-degree or angle parking bay and a two-way travel lane along the street front and street side.
- d. Off-street parking shall be located in the rear yard along TOD Core streets, pedestrian priority streets and local streets, and shall not exceed one acre in size. Where feasible, ingress and egress from parking shall be from side streets or alleyways.
- e. Shared and reduced parking is permitted and encouraged. See Section 5.40.(f) for calculation standards.

Figure 5 - 69: Off-Street Parking along TOD Core Streets, Pedestrian Priority Streets and Local Streets



- e. Shared parking is strongly encouraged. On lots serving more than one use, the total number of spaces may be reduced.
- f. Surface parking lots shall provide a minimum 6-foot-wide pedestrian walkways and connections to building entrance(s) or to the sidewalk system.
- g. Parking structure:
 - 1. Parking structures fronting a public street or public space shall be masked by a liner building a minimum of 30 feet deep.
 - 2. The first 30 feet of depth of the liner building shall be occupied by office, residential or other non-parking commercial uses.
 - 3. Liner buildings shall be at least two stories.
 - 3. Liner buildings may be detached from or incorporated into parking structures.
 - 4. When a liner building is not possible due to unusually shallow lot depth or unique topographical features, provide a landscaped seating area between the structure and the street.
 - 5. The parking structure/liner buildings shall be designed to have similar façade treatments with respect to building materials and articulations to complement the architectural theme of the development.

Figure 5 - 70: Parking Structures



Parking structure behind liner building



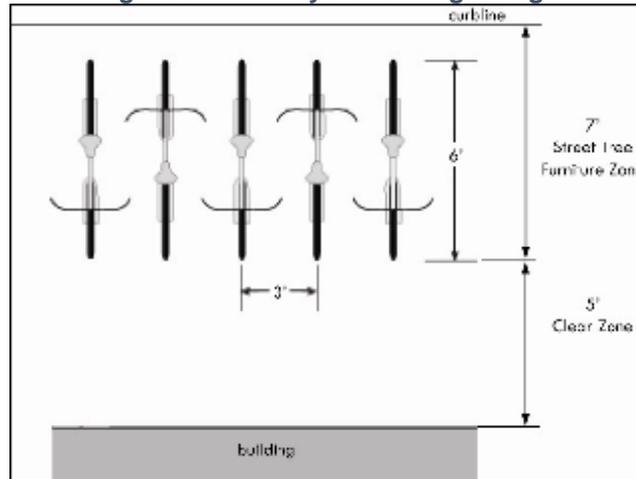
Liner building incorporated into parking structure



Urban Land Institute example-retail liner building in front of parking structure

- h. Bicycle parking.
 1. Bicycle racks shall be provided on site at a ratio of one space for every 10 automobile parking spaces.
 2. Bicycle parking shall not obstruct the sidewalk clear zone and shall be located in a well-lit, secure and visible location:
 - i. Within 50 feet of building entryways; or
 - ii. At employee entrances; or
 - iii. Within a building, or
 - iv. In a covered motor vehicle parking area.
 3. Bicycle parking facilities shall either be lockable enclosures in which the bicycle is stored, or a secure stationary rack, which support the frame so the bicycle cannot easily be pushed or fall to one side.
 4. Racks that require a user-supplied lock should accommodate locking the frame and both wheels using either a cable or U-shaped lock.
 5. Bicycle parking spaces shall be at least six feet long and three feet wide, and overhead clearance in covered spaces shall be a minimum of seven feet.
 6. A 5-foot aisle for bicycle maneuvering, which may be provided with the required sidewalk clear zone, shall be provided and maintained beside or between each row of bicycle parking.
 7. Bicycle racks or lockers shall be securely anchored.

Figure 5 - 71: Bicycle Parking Design



(10) Loading/delivery docks.

- a. Each loading space shall be at least 12 feet wide by 35 feet long.
- b. Loading and service dock areas shall be integrated into the building design; or located to the rear or sides of a building, away from the main building entrance, or related high visibility areas.
- c. No loading docks shall be located between a building and a residential development unless there is a minimum 60 feet setback between the loading dock and the residential development and that the setback includes a landscape buffer and masonry wall.
- d. Loading spaces, their access drives and maneuvering areas shall be located and designed so that their use does not impede the normal use of parking spaces and access drives.
- e. Loading and service docks shall be screened by the following:
 1. Minimum six feet to a maximum eight feet high masonry wall to be architecturally consistent with the style, colors, construction materials and finish of the building; and/or
 2. Landscape consisting of a minimum five feet high evergreen hedge at least four feet in height when planted, to grow to five feet within one year; and minimum eight feet high understory/canopy trees.

Figure 5 - 72: Loading Areas



(11) Exterior lighting.

- a. An exterior building and site lighting master plan detailing areas and structures requiring illumination, lighting fixture styles, light source and light levels shall be included as part of site plan review and meet the standards of Sec. 10.19 and Appendix 2-Technical Standards Manual.
- b. Lighting shall be of the metal halide type, or other lighting that is uniform in color and intensity.
- c. The following outdoor lighting applications shall be illuminated by fixtures that are both fully-shielded and full cut-off:
 1. Street and pedestrian lighting;
 2. Parking lots;
 3. Pathways;
 4. Recreational areas; and
 5. Product display area lighting.

Figure 5 - 73: Outdoor Lighting



- d. Building façade lighting may only be used to highlight specific architectural features such as principal entrances and towers.
 - e. Directional luminaires may be used to illuminate signs and flagpoles. Such luminaires shall be installed and aimed so that they illuminate only the specific object or area and do not shine directly onto neighboring properties, roadways, or distribute excessive light skyward.
 - f. Recessed lighting fixtures shall be required in order to conceal the actual source of the light so as to reduce glare and direct the light to specific areas while shielding other areas.
 - g. Backlighting of awnings/canopies is not permitted.
 - h. Pedestrian scale lighting fixtures no greater than 15 feet in height shall be provided along all sidewalks and walkways to provide ample lighting during nighttime hours.
 - i. Parking lot lighting shall be designed as follows:
 1. Light poles shall be located only within landscaped strips, interior landscape islands, or terminal landscape islands. Light poles are not allowed in corridor buffers.
 2. The maximum height of the light pole shall be 20 feet, including the base.
 3. The minimum setback of the light source from the property line shall be a horizontal distance of ten feet.
 - j. Neon lighting is not permitted.
 - k. Ground level light fixtures shall be of the burial vault type or shall be fully screened by landscaping materials.
- (12) Screening of equipment and utilities.
- a. Mechanical equipment located on the ground, such as air conditioning and heating units, satellite dishes, irrigation pumps, utilities lift stations and the like shall be screened from public view. Screening shall, at a minimum, be at the same height as the equipment. Structural screening shall be architecturally integrated into the overall project design and shall be compatible, in terms of style,

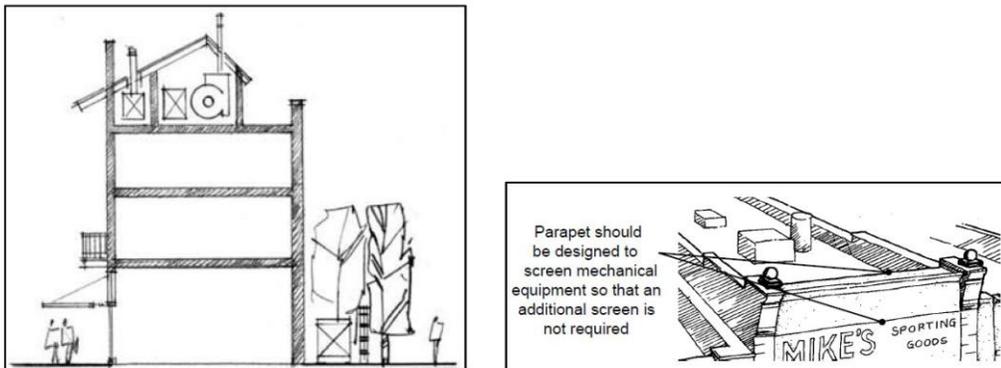
construction materials, colors, and finish, with the principal structure. Landscaping may be substituted for structural screening if plantings are compatible with the landscape plan for the project and are of such size and maturity as to be able to provide a fully opaque screen at time of planting.

Figure 5 - 74: Screening of Equipment/Utilities



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

Figure 5 - 75: Screening of Rooftop Equipment



Source: City of Meridian Design Manual

Source: North Logan City Commercial Guidelines

- c. Trash containers.
 - 1. Trash containers shall be placed at the side or rear of the building and/or centrally located in the parking lot at least 20 feet from any public street/walkway, pedestrian and public spaces and building entrances.
 - 2. Enclosures shall be unobtrusive and conveniently located for trash disposal by tenants and collection by service vehicles.
 - 3. Enclosures shall be located away from adjacent residential uses to minimize nuisances to neighboring properties.
 - 4. Trash enclosures shall consist of a maximum 7-foot high wall with similar finishes, materials, and details as the primary buildings within the project. A decorative door shall also be provided.

Figure 5 - 76: Screening of Trash Containers



(13) *Transit facilities.*

a. *Bus stops.*

1. Bus stop needs and design shall be coordinated with VOTRAN.
2. In addition to VOTRAN requirements individual site plans shall consider the following:
 - i. Bus stops shall be evaluated for need every 660 feet from the final design site of the DeBary Commuter Rail Station.
 - ii. Bus stops may be accommodated via provision of additional property either on street adjacent to the right-of-way or via dedicated area within a off-street parking area.
 - iii. Bus stops shall incorporate a shelter area of no less than 24 square feet including seating.
 - iv. Bus Stops shall comply with any architectural standards as established by the City of DeBary.
 - v. Bus Stops within the TOD Core Area shall include provision for secure bicycle parking in accordance with subsection 5.63(b)(9)h..

(14) *Drive-through facilities.*

- a. Drive-through, walk-up windows, ATMs including as accessory to banks, restaurants, and retail sales and service shall only be permitted provided that:
 1. Drive-through windows shall not be located between the front façade of the principal structure and the street.
 2. Sight visibility shall be designed so as to not interfere with the circulation of pedestrian or vehicular traffic on the site itself, and on the adjoining streets, alleys or sidewalks.
 3. Drive-through lanes and vehicle stacking areas adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by railings or hedges at least 36 inches in height.
 4. Drive through, ATMs and walk-up elements should be architecturally integrated into the building, rather than appearing to be applied or "stuck on" to the building.
 5. Drive-through displays, ordering areas, walk-up windows, ATMs and parking canopies shall not serve as the singularly dominant feature on the site or as a sign or an attention getting device.
 6. Entries and/or exits to drive-through facilities shall be a minimum of 100 feet from any intersection as measured from the edge of the drive closest to the intersection to the property line at the intersection. Shorter distances from road intersections may be approved if the DRC determines that public safety and/or the efficiency of traffic circulation are not being compromised.
 7. Drive-through stacking lanes shall be a minimum of 100 feet from any single-family residential parcel.
 8. All service areas, restrooms and ground mounted equipment associated with the drive through shall be screened from public view.
 9. Landscaping shall screen drive-through aisles from the public right-of-way and adjacent uses and shall be used to minimize the visual impacts of reader board signs and directional signs.

Figure 5 - 77: Drive-Through Facilities



(Ord. No. 13-10, § 2(Exh. A), 12-29-2010; Ord. No. [02-15](#), § 2, (Exh. A), 8-26-2015; Ord. No. [06-20](#) 20, § 2(Exh. A), 9-23-2020)

Sec. 5.64. Building design standards.

- (a) Purpose and intent.
 - (1) Ensure that buildings foster the creation of a human-scale environment.
 - (2) Ensure that trees or man-made shading devices are used alongside roadways and connecting roadside sidewalks to businesses to encourage pedestrian activity by providing a sheltered and comfortable walking environment.
 - (3) Ensure that buildings provide an interesting and engaging visual experience at the pedestrian level.
 - (4) Ensure that the design and construction of ground floor building space near transit, at visible intersections, and along key streets that lead to transit, accommodates for active pedestrian-oriented uses even though these types of uses may not be supported by current market conditions.
- (b) Building entrances.
 - (1) Primary customer and/or resident entrances shall face the principal street and connect directly to the sidewalk clear zone along the principal street. Supplemental customer and/or resident entrances are encouraged on any other building frontage.
 - (2) Building entrances shall be provided for each separate ground floor commercial tenant space along the elevation facing the principal street.
 - (3) Entryways shall be differentiated from the remainder of the facade through at a minimum, the use of color, change in materials, application of architectural features (arches, columns, colonnades, etc.), setbacks, offsets, level changes, and the like.
 - (4) Entryway design shall incorporate landscaping, landscape planters or wing walls with landscaped areas.
 - (5) Entryway areas shall be provided with structural or vegetative shading features and benches or other seating components.
 - (6) The first floor of all multi-story structures within the TOD Core shall be a minimum of 14 feet in height and a minimum of 12 feet in the Outside Core for non-residential uses.
- (c) Window glazing.
 - (1) Glazing provides interest for the pedestrian, connects the building exterior and interior, puts eyes on the street, promotes reusability, and provides a human-scale element on building facades.
 - (2) All mixed-use development, non-residential development, and development along the principal street shall satisfy the following:

| Percentage of Window Glazing (Minimum Wall Area) | U.S. Hwy. 17-92 | TOD Core | Outside TOD Core | Main Street |
|--|-----------------|----------|------------------|-------------|
| Ground floor (between 2 and 10 feet) | 40 | 80 | 65 | 80 |
| Upper Floors | 15 | 35 | 25 | 35 |

(3) Development containing only residential units shall satisfy the following:

| Percentage of Window Glazing (Minimum Wall Area) | Single-Family/Duplex | Multifamily |
|--|----------------------|-------------|
| Ground Floor (between 2 and 10 feet) | 15 | 20 |
| Upper Floors | 10 | 20 |

(4) The window glazing shall be clear or lightly tinted low-e glass.

Figure 5 - 78: Window Glazing



(Source: City of Austin, 2009)

(d) Building façade articulation.

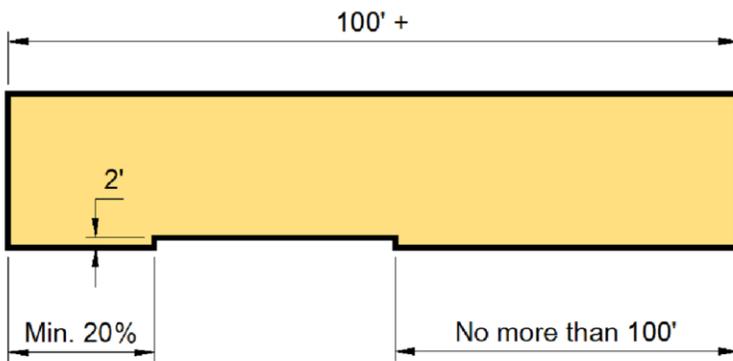
- (1) To provide visual interest and create community character and pedestrian scale, a building shall comply with the following façade articulation requirements.
 - a. A single building mass with more than one tenant shall be varied by height and width so that it appears to be divided into distinct massing elements and architectural details can be viewed from a pedestrian scale.
 - b. Buildings shall be designed and built in tri-partite architecture so that they have a distinct base, middle, and top.

Figure 5 - 79: Architectural Elements



- c. No uninterrupted length of any façade shall exceed 100 horizontal feet.
- d. Facades greater than 100 horizontal feet shall incorporate wall plane projections or recesses having a depth of at least two feet and extending at least 20 percent of the length of the facade.

Figure 5 - 80. Building Articulation



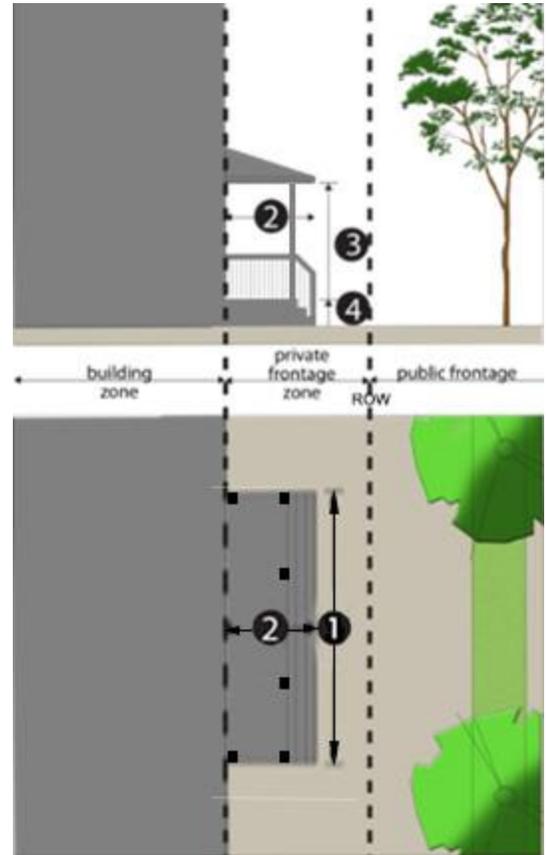
- e. Building facades shall include a repeating pattern that shall include no less than three of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.
 - i. Color change;
 - ii. Texture change;
 - iii. Material module change;
 - iv. Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.
- f. Buildings utilizing frontages such as arcades/galleries, canopies or awnings, courtyards, or stoops meeting the requirements of Section 5.33 may encroach into the street setback. See Section 5.33 for specific standards and encroachment allowances.

g. The design of porches must adhere to the following principles:

Porch Principles.

- 1 Width: 10' min.
- 2 Depth: 8' min
- 3 Clear Height: 8'

Figure 5 - 81: Porch Dimensional Standards



4 Porch Floor Height:

Figure 5-82 illustrates the height that porch floors must be above the sidewalk at various distances to the sidewalk in order to provide proper psychological protection so people will choose to sit on the porch. This diagram shows the proper range and is based on no Frontage Fence between porch and the side walk.

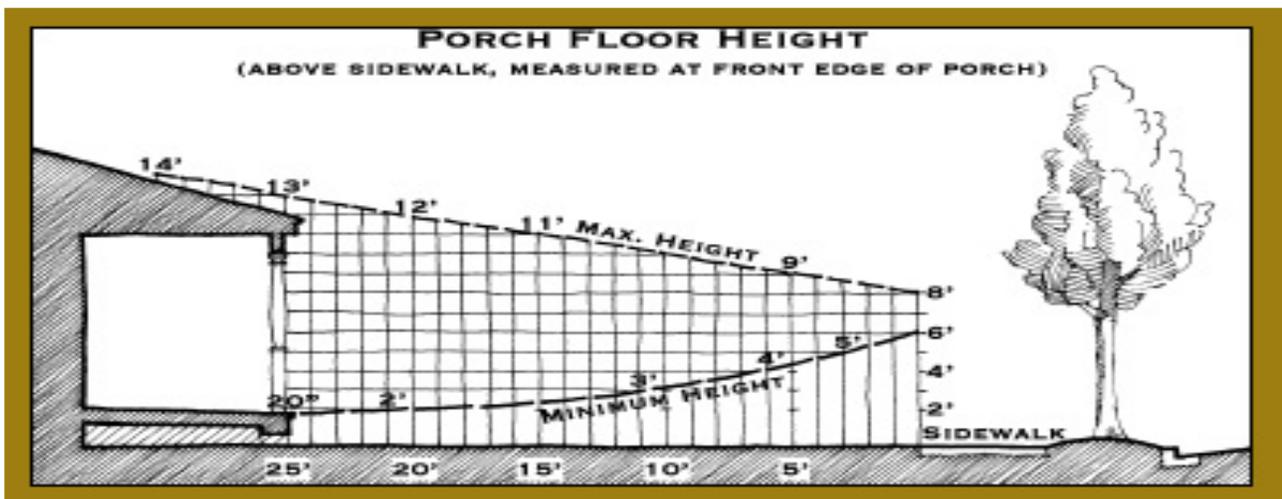


Figure 5 - 82: Image created by Architect Steve Mouzon of Mouzon Design and author of Traditional Construction Patterns.

Fence/ Hedge/Wall:

Adding Frontage Fence, Frontage Hedge or Frontage Wall allows the minimum porch floor height to be reduced according to this diagram because each of the three provides varying levels of Psychological protection to people sitting on the porch. The maximum height remains unchanged. (See Figure 5 - 83)

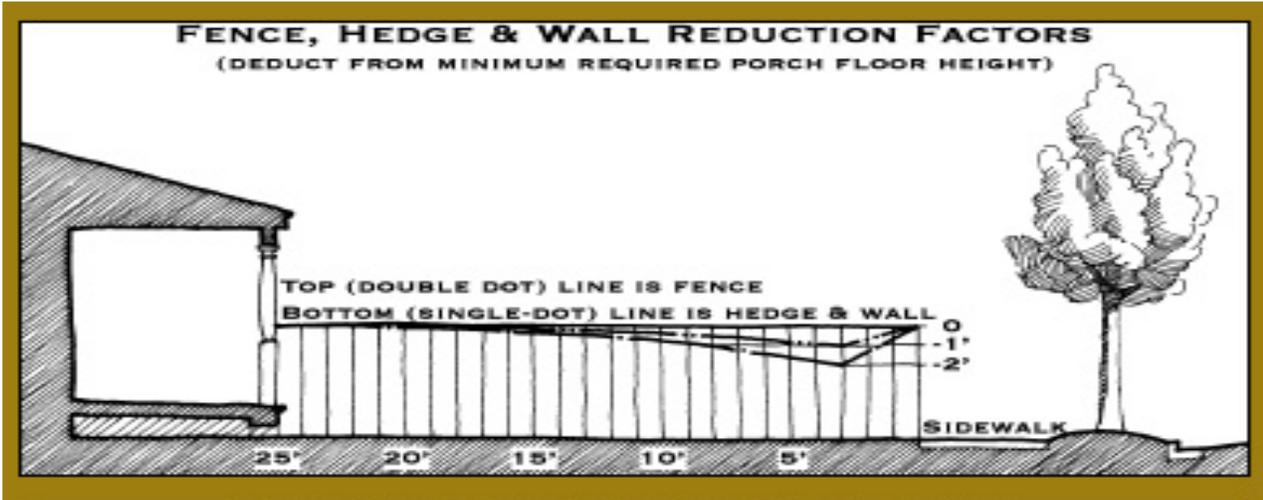


Figure 5 - 83: Image created by Architect Steve Mouzon of Mouzon Design and author of Traditional Construction Patterns.

Porch Railing:

Porch railing also provides psychological protection to people sitting on the porch. Porch railing requirements shall be per Florida building code. Using heavier wood railings or masonry railings provides more protection and reduces the minimum height. (See Figure 5-84)

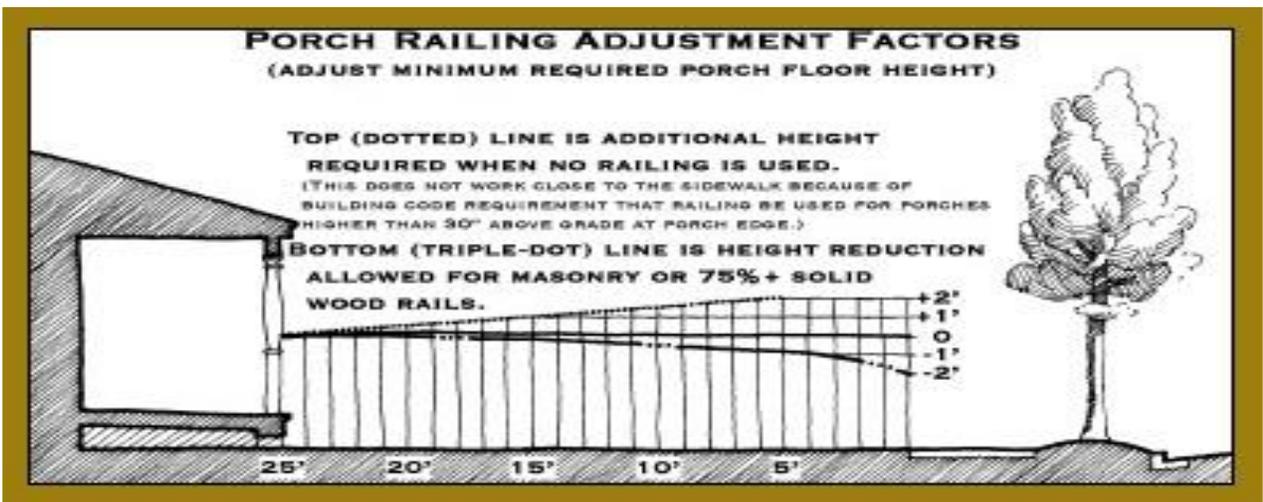
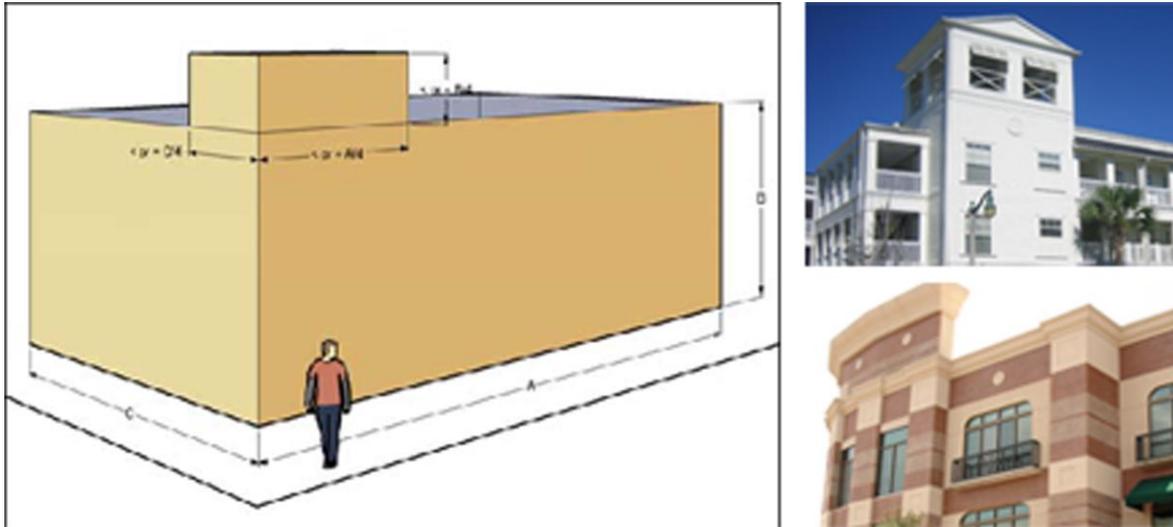


Figure 5 - 84: Image created by Architect Steve Mouzon of Mouzon Design and author of Traditional Construction Patterns.

- g. At intersections, buildings located on corner lots shall utilize architectural embellishments to emphasize street intersections as points of interest in the TOD Overlay District. Maximum building heights shall be

permitted to exceed by 25 percent for approximately 25 percent of the building frontage along each street façade.

Figure 5 - 85. Architectural Embellishments at Intersections



(e) Exterior materials and colors.

- (1) Exterior building materials and colors contribute significantly to the visual impact of a building on a community, which, in turn, individually and collectively reflect upon the visual character and quality of a community. In order to project an image of high quality City aesthetics, building materials and colors shall conform to the following requirements:
 - a. All buildings shall be faced with materials that exhibit a durable, high quality appearance.
 - b. Materials shall be of a low maintenance type, retaining a consistent, clean appearance.
 - c. Generally accepted exterior facing materials shall relate to the mass of the structure based on square footage as follows:
 1. For all structures, the following materials shall be acceptable on all facades that are or will be exposed to the general public:
 - i. Brick;
 - ii. Exposed aggregate;
 - iii. Stone;
 - iv. Cellulose fiber-reinforced cement building boards;
 - v. Stucco, if used, shall be flat finish, "knocked-down," or sand finish;
 - vi. E.I.F.S. (exterior insulation and finish system).

Figure 5 - 86. Exterior Materials



Stone and textured stucco



Brick and siding



Various bricks



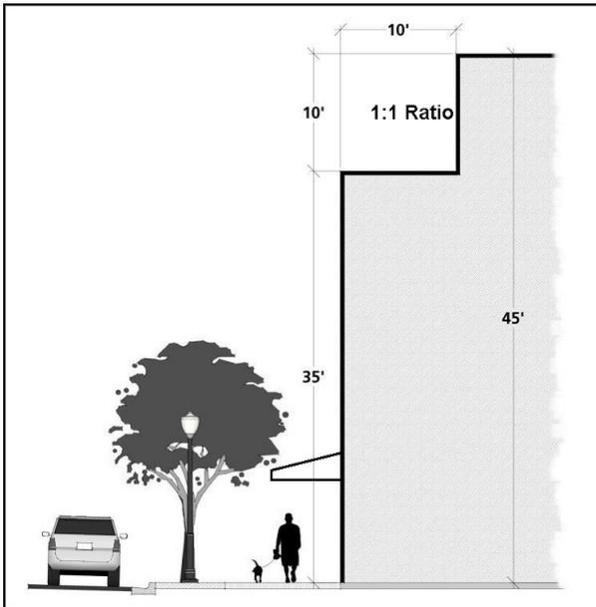
Textured stucco with
E.I.F.S.

2. Two wall materials may be combined on any facade, up to four walls, horizontally. The visually heavier facade material must be below and can cover the first third of the overall wall height only.
3. Exterior colors shall not be specifically limited, but shall be consistent with earth tones, warm tones and muted hues. The selection of pastels shall be limited to those colors having a minimum white content of 90 percent. Other colors, excluding fluorescents, may be permitted as accent colors, not to exceed 20 percent of the surface area of any one elevation.
4. The requirement for earth tones and pastels shall not apply to colors commonly found in natural materials such as brick or stone, unless such material has been artificially colored in a manner which would be contrary to the intent of these regulations.
5. A color or color scheme which is directly inherent to a unique recognized architectural style or exterior artwork, but not otherwise in compliance with this section, may be permitted through the development plan approval process.
6. Approval for change of exterior design required. Any exterior change of any nonresidential structure or multifamily structure shall require review and approval by the DRC. Such changes shall include, but not be limited to, colors, materials, roof finishes and signage. The purpose of such approval shall be to ensure that any exterior change is consistent with the intent and requirements of this article.
7. Building materials and colors shall be consistent around the entire building.
8. Exposed metal building sidings shall not be permitted.

(f) Building height.

The maximum building height shall be in accordance to subsection 5.63(b)(2), Setbacks and building heights. See Chapter 2, Definitions.

Figure 5 - 87. Building Height Variation



(g) Roof design and materials.

- (1) Roof features shall be in scale with the building mass and complement the character of the structure, adjacent developments and neighborhoods. Roofs shall be constructed of durable, high quality materials in order to enhance the appearance and attractiveness of the community. Roofs shall incorporate the design elements and materials listed below:
 - a. The design of roof structures shall be flat with a parapet wall, hip roof, or gable roof. No mansard roofs shall be allowed. The parapet wall and cornice may extend a maximum of 42 inches above the maximum height of the building or 60 inches if required to enclose rooftop equipment and include decorative brackets. Parapet edges or slopes may use concrete tiles or terra cotta. If the roof surface is visible, hipped or gabled, the material shall be metal standing seam or "V" crimp metal, shingle or tile.
 - b. Roofs shall be designed to be of such height, bulk and mass so as to appear structural even when the design is nonstructural.



Parapet roof

(h) Fences and walls.

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

- a. Metal picket fencing located between the building and the street right-of-way shall not exceed three feet in height. Metal picket fencing may be installed on top of a knee wall in proportionate scale (i.e., $\frac{1}{3}$ or $\frac{1}{2}$), not to exceed a total height of three feet. May be used to delineate outdoor patios/eating areas.
- b. Walls located along the street front exceed three feet in height to prevent potential hiding places and to provide natural surveillance of "eyes on the street."
- c. Metal picket fencing and opaque walls along the side and rear yards shall not exceed six feet in height. Metal picket fencing may be installed on top of a knee wall in proportionate scale (i.e., $\frac{1}{3}$ or $\frac{1}{2}$), not to exceed a total height of six feet.
- d. Fences and walls located along the street shall be set back at least three feet from the property line.
- e. Fences and walls greater than 30 feet in length shall have columns, pilasters or offsets at least every 30 feet.
- f. Chain link and vinyl fencing is not permitted, unless screened from view from public rights-of-way, parking lots, and adjacent properties. If foliage is used for screening, the foliage must screen the fence from view within 720 days of installation of the fence. Wood fencing shall not be permitted under any circumstances.

Figure 5 – 88. Fences and Walls



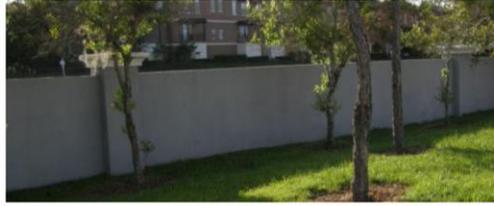
Metal picket fencing delineating outdoor seating areas



Walls along the street front



Metal picket fencing alongside/rear yards



Opaque walls alongside/rear yards

(Ord. No. 13-10, § 2(Exh. A), 12-29-10; Ord. No. [02-15](#), § 2, (Exh. A), 8-26-2015; Ord. No. [06-20](#) 20, § 2(Exh. A), 9-23-2020)

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CHAPTER 6 - ACCESSORY, TEMPORARY AND SPECIAL USES

ARTICLE I. – ACCESSORY STRUCTURES AND USES.

Sec. 6.1. General Standards

Accessory buildings and structures are permitted ancillary to a principal structure and, unless specifically stated otherwise in this Chapter, are subject to the following standards. Every part of every yard shall be open and unobstructed from the ground up, except as follows:

- (a) Accessory buildings and structures associated with a non-residential use shall meet all setback requirements for the principal building on the lot and shall not interfere with required landscaping.
- (b) Buildings and structures accessory to a residential use shall be located in accordance with the following:
 - (1) Accessory structures shall not be located within any yard abutting a street. Accessory structures on all other yards (all yards not abutting a street) shall be located no less than 5 feet from the lot line. Accessory structures 600 square feet or greater require an increased building setback of 15 feet from the side and rear property lines.
 - (2) On through lots/double-frontage lots the accessory structure shall meet the principal front setback if located in the rear yard.
 - (3) For corner lots, an accessory structure may be constructed on one of the two front yards behind the building frontage of a dwelling unit and shall meet the front setback requirements of the principal structure. All other setback requirements shall be per subsection (b)(1).
 - (4) Accessory structures must maintain architectural coherence to be consistent with surrounding area.
 - (5) Detached garages shall have driveway access, count towards impervious coverage, and be connected to the principal driveway.
 - (6) Shipping containers shall not be used as accessory structures.
- (c) No accessory structure shall exceed a height of 20 feet and cannot be taller than the principal structure.
- (d) The number and size of accessory structures, not inclusive of swimming pools, swimming pool enclosures, fences, or well houses, shall be based on the maximum lot coverage of the applicable zoning classification and the size of the lot as follows. This provision is not applicable to agricultural zoned properties.

| Site Size | Maximum Number of Accessory Structures | Cumulative Size (percentage of Principal Structure) |
|-------------------------------------|--|---|
| 0.5 acres or less | 2 | 50% |
| Greater than 0.5 acres to 1 acre | 3 | 50% |
| Greater than 1 acre to 2.5 acres | 4 | 55% |
| Greater than 2.5 acres to 3.5 acres | N/A | 65% |
| Greater than 3.5 acres | N/A | 85% |

- (e) Separation of accessory structures from principal structures shall be as required by the Building Code.

- (f) Principal and accessory structures, other than boat docks, boathouses and walkways, shall not be erected in platted easements.

(Ord. No. 01-99, § 1(301.2(803.00)), 11-3-1999)

Sec. 6.2. Accessory dwelling units (ADU)

Accessory dwelling units (ADU) shall conform to the following standards:

- (a) One (1) ADU is permitted per lot or parcel where a single-family detached dwelling is a permitted principal use.
- (b) A single-family dwelling shall exist on the lot or shall be constructed in conjunction with the ADU.
- (c) The ADU may be attached to or detached from the principal dwelling.
- (d) The property owner shall occupy either the principal structure or the ADU. Prior to the issuance of a building permit for the construction of an ADU, the applicant shall record in the public records of Volusia County a declaration of restrictions containing a reference to the legal description of the property and the deed under which the property was conveyed to the present owner stating that:
 - (1) The ADU shall not be sold or conveyed separately from the principal residence.
 - (2) The declarations shall run with the land, shall be binding upon any successor in ownership of the property.
 - (3) The deed restrictions shall only be removed with the express, written approval of the City, but shall lapse upon removal of the ADU.
- (e) The ADU shall meet the dimensional requirements of the principal structure for the zoning classification in which it is located.
- (f) The sum of the principal dwelling and the ADU shall meet the lot coverage regulations for the zoning classification in which they are located.
- (g) A minimum of one (1) parking space shall be provided on-site for the ADU in addition to the off-street parking spaces required for the principal residence and shall connect to principal driveway if minimum distance requirements between driveways cannot be met.
- (h) A lot containing an ADU is required to provide off-street parking spaces as referenced in Sec. 7.8. These parking spaces must be stabilized and are in addition to the minimum off-street parking required for the principal dwelling. In addition, a lot with an ADU will not be entitled to parking exemptions which may otherwise be authorized by this Code.
- (i) The design of the ADU shall be compatible with the principal dwelling and surrounding neighborhood.
- (j) Regardless of the zoning classification in which it is located, the following shall apply to ADUs:

| Floor Area Standards Based on Lot Size and ADU Type | | |
|---|-----------------|---------|
| Floor area, maximum | Lot Size | Maximum |
| | 5,000—7,500 sf | 500 sf |
| | 7,501—10,000 sf | 640 sf |
| | >10,000 sf | 800 sf |

| Floor area, minimum | ADU Type | Minimum |
|---------------------|--------------------|---------|
| | Studio/One-bedroom | 240 sf |
| | Two-bedroom | 390 sf |

Sec. 6.3. Boat docks and boathouses.

The following regulations shall apply in all residential zoning classifications:

- (a) No boathouse extending into any waterway shall have more than 500 square feet area.
- (b) The highest point of such structure shall not exceed 15 feet above the ordinary high-water mark in non-tidal areas.
- (c) No more than one boathouse may be erected on an individual waterfront lot.
- (d) Boathouses shall not be used for dwelling purposes or contain any sleeping or living quarters.
- (e) Boathouses and boat docks may be located in waterfront yards but shall not be permitted within 15 feet of any side lot line, or its extension into the water.

(Ord. No. 01-99, § 1(301.2(802.00)), 11-3-1999)

Sec. 6.4. Clothing donation drop boxes

Clothing donation drop boxes may be permitted in commercial and industrial zoning classifications as accessory structures subject to the following additional provisions.

- (a) A building permit is required to place a clothing donation drop box on a property.
- (b) Clothing donation drop boxes are not permitted as the sole use on a lot.
- (c) Setbacks for clothing donation drop boxes shall meet all setback requirements for the principal building on the lot.
- (d) Clothing donation drop boxes may not be located in any required buffer yard, landscaped open space including parking lot landscaping, required parking spaces, in the public right of way or in any location that could impede vehicular or pedestrian circulation, vision or access within a site.
- (e) Clothing donation drop boxes shall not exceed 8.5 ft. in height.
- (f) Clothing donation drop boxes must be structurally sound, clean and well-maintained. They should be emptied regularly to prevent overflow of materials onto surrounding areas. It is the property owner's responsibility for ensuring the upkeep of these boxes.

(Ord. No. 07-13, § 2(Exh. A), 8-7-2013 ; Ord. No. 06-14 , § 2(Exh. A), 9-3-2014)

Sec. 6.5. Fences and walls

- (a) General provisions. A permit shall be obtained prior to erection of any wall or fence or repair or replacement of 50 percent or more of any wall or fence.

(Ord. No. 21-07, § 2, 9-5-2007)

- (b) Height and location.
 - (1) Except to the extent specifically provided otherwise, fences, walls, and hedges shall be permitted in any required yard.
 - (2) Wire fences, chain link fences and barbed wire fencing shall be prohibited between the front lot line and the front building line in all single-family districts, except within the RR, RA, A2, and A3 zoning classifications.

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- (3) Any fence with barbed wire must be set back at least three feet from the right-of-way.
- (4) In residential classifications, hedges, walls, and fences shall not exceed four (4) feet in height along and between the front lot line and the front building line and shall not exceed six (6) feet in height elsewhere on the lot. Fences more than four (4) feet in height shall be located at the building line (in-line with the building frontage) within the front yard. For corner lots, a 6-foot-high fence or wall may be constructed on one of the two front lot lines behind the building frontage of a dwelling unit.
- (5) Fences in industrial districts are permitted up to eight (8) feet in height.
- (6) Fences or walls along multifamily or nonresidential property perimeters adjacent to public rights-of-way or residential land uses shall be set behind any required landscape or buffer yard area. Where the perimeter is not adjacent to such uses, the fence or wall may be placed on the property line and tree planters with accent plantings shall be placed adjacent to the inside of the fence or wall and shall meet the buffer requirements in Chapter 8.
- (7) Additional restrictions on the height or location of fences, walls, or hedges may be imposed where necessary for purposes of traffic safety. Fences, walls and hedges or shrubbery shall not cause any obstruction to vision of motorists in accordance with the provisions for obstructions to vision in Chapter 7.
- (8) Estate gates shall be permitted to be a maximum of seven (7) feet in height for residential lots zoned R-1 (Urban Single Family Residential) located on Ft. Florida Road and for residential lots in agricultural zoning classifications and rural residential zoning classifications: RR (Rural Residential) and RA (Rural Estate). Swing gates shall open inward towards private property and shall not encroach into the right-of-way.
- (9) Gates on through lots facing the rear of the principal structure shall be no wider than four (4) feet.
- (10) In accordance with Chapter 7, properties with double drive gates accessing the public right-of-way shall have a paved driveway apron.
- (11) Recreational fencing shall require higher fencing for tennis courts, pickle ball courts, and other similar facilities to ensure the activity remains on the property.
- (12) Fences that vary along a site due to sloping conditions may require approval of an administrative variance.
- (13) Fencing of no higher than four (4) feet shall be permitted on vacant lots around the perimeter of the lot.
- (14) Fences shall be erected in drainage and utility easements provided that any maintenance work done on the easements shall be at the owner's expense.

(Ord. No. 09-08, § 2, 8-6-2008; Ord. No. 02-12, § 2(exh. A), 9-5-2012; Ord. No. 10-13, § 2, 11-6-2013)

(c) Retaining walls.

- (1) Nothing in these regulations shall be construed to prohibit or prevent the erection of a retaining wall on any property where the wall does not adversely affect the natural flow of surface water.
- (2) If a 6-foot-high screening wall is required where it would be atop a retaining wall, the screening wall may be modified or waived to allow an alternative size or type of screen to be installed above the retaining wall which satisfies the screening function.
- (3) A retaining wall along a property perimeter adjacent to a public right-of-way shall be constructed of stone, brick, or other decorative surface, or shall be screened by landscaping.
- (4) The height of a screening wall or a fence atop a retaining wall shall be measured from the point of intersection of the top of the ground and retaining wall.

(d) Construction specifications.

- (1) All fences and walls shall be constructed with quality materials and workmanship. Fences and walls shall be built plumb and sturdy enough to withstand normal windloads and stresses. Wooden fences shall be erected with the finished side facing out toward the perimeter of the property. The "finished side" shall refer to that side of the fence that does not show exposed supporting members and posts. A variance may be requested if a fence cannot be constructed with the finished side facing out due to a physical constraint.
- (2) Required screening walls shall be six (6) feet high. The lower four (4) feet shall be solid-faced construction; the upper two (2) feet may be solid-faced, open-faced or ornamental construction provided at least 50 percent opacity is maintained. The exterior surface of the wall shall be painted or stuccoed to industry standards to protect the wall from moisture absorption and to enhance appearance. The exterior color of the wall shall be an earth tone.
- (3) Required screening fences shall be solid face construction of concrete or vinyl materials. Plywood, particle board, or similar materials are prohibited. Fences required for buffers shall be constructed with a stockade style solid face. The color of the fence shall be an earth tone stain.
- (4) Required screening hedges for nonresidential land uses adjacent to residential land uses shall be three (3) feet high at the time of planting, and shall be of a species capable of attaining a 6-foot-high dense screen at maturity.
- (5) The top of all fences and walls shall be level and all posts shall be set perpendicular to the top. On sloping sites, the top of the fence or wall shall be stepped with a maximum step height of 24 inches, and the maximum height shall not be exceeded, unless approved by an administrative variance.
- (6) Perimeter or buffer walls in residential subdivisions built after the effective date of the ordinance from which this article is derived shall be constructed of permanent materials, including masonry or permanent vinyl. No wood shall be used in such walls.

(e) Fences and walls along major roads.

- (1) For the purpose of improving the visual appearance from public streets, all multi-family properties, multi-unit subdivisions, and non-residential properties along the major arterials listed in paragraph (2) of this subsection shall meet the requirements of this Section. This Section shall not apply to single-family homes fronting a major road. The requirements of this Section shall be met when improvements are made requiring development plan review.
- (2) These requirements are cumulative and shall apply to all fences and walls constructed within 24 feet of, or within a front, side or rear yard along, the right-of-way of any of the following streets:
 - a. Charles Richard Beall Boulevard (U.S. 17/92).
 - b. Dirksen Drive.
 - c. Enterprise Road.
 - d. Highbanks Road.
 - e. Saxon Boulevard.
 - f. Shell Road.
- (3) Fences and walls shall be located a minimum of five (5) feet from the front property line and behind any required landscaping. Except for driveways allowed through the site plan approval process, gates in the fences on the rear of through lots along the major arterial shall be prohibited.

- (4) Fences and walls shall be a maximum of six (6) feet high (eight (8) feet in industrial zoning classification). This limit shall not apply to subdivision entrance signs or fences or walls which are integral to such sign.
- (5) Fences and walls shall be of a design consistent with the architectural theme of the site as developed, and shall be compatible with adjacent properties and the neighborhood. Arterials shall be masonry, wrought iron, aluminum, concrete, or durable plastic.
- (6) Wire mesh fencing may be used along the arterials on properties zoned and used for a bona fide agricultural pursuit and for which an agricultural ad valorem tax exemption has been granted.
- (7) The use of barbed wire or concertina wire in fencing is prohibited, except around electrical substation and other public utility facilities. The additional height of up to three (3) feet resulting from the installation of the outriggers or extensions for fences around such electrical substations and other public utility facilities shall not be considered in measuring the height of a fence or wall.
- (8) Walls shall be masonry, stone, or brick construction. Masonry walls shall have a stucco finish or a textured manufactured finish such as "fluted" block. Plexiglas panels may be used for walls around pool decks.
- (9) Fence or wall colors shall be matte finish earth tones, matte black, matte white, or pastels with a minimum matte white content of 90 percent. Colors shall complement the primary color of the development and shall not be so extreme in contrast or intensity that the color competes with the building for attention or acts as a sign.
- (10) Temporary fencing of galvanized wire, durable plastic, or wood erected to protect construction sites, shall be exempt from these requirements. Construction site fencing shall be permitted to remain as long as the building permit is active. Other temporary fencing shall be maintained for no more than 60 consecutive days.

(Ord. No. 02-12, § 2(exh. A), 9-5-2012)

- (f) Maintenance. Walls and fences shall be maintained at the proper height and density in a plumb and upright position, free of any defects, damage, and discoloration.

Sec. 6.6. Home-based businesses.

The following regulations shall apply to home-based businesses:

- (a) In accordance with F.S. § 559.955, home-based businesses shall be categorized as follows:
 - (1) The activities of the home-based business must be secondary to the property's use as a residential dwelling.
 - (2) The business employees who work at the residential dwelling must also reside in the residential dwelling, except that up to two employees or independent contractors who do not reside at the residential dwelling may work at the business.
 - (3) Parking related to the business activities of the home-based business must comply with parking standards for residential uses. The business shall not generate a need for parking greater in volume than a similar residence where no business is conducted.
 - (4) Parking or storage of heavy equipment at the business may not be visible from the street except in the A-2, A-3, RA, and RR zoning classifications. In the A-2, A-3, RA, and RR zoning classifications, parking or storage of heavy equipment is permitted provided it is located in the rear or side yard of the property and is setback five (5) feet from the property line.
 - (5) As viewed from the street, the residential property must be consistent with the uses of the residential areas surrounding the property. Any external modifications to a home-based business must conform to the residential character and architectural aesthetics of the neighborhood. The home-based business may not conduct retail transactions at a structure

other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.

- (6) All business activities must comply with any relevant local or State regulations concerning signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors.
- (7) All business activities must comply with any relevant local, State, and federal regulations concerning the use, storage, or disposal of hazardous materials.
- (8) Any violation of these regulations may result in the revocation of any home occupation permit, in addition to any other remedy for such violation provided in this Code or by law.
- (9) The issuance of a permit to engage in a home occupation in accordance with this Code shall not be deemed to be a change of zoning nor an official expression of opinion as to the proper zoning for the particular property.

(Ord. No. 01-99, § 1(301.2(807.00)), 11-3-1999)

Sec. 6.7. Parking and storage of vehicles, mobile recreational shelters or watercraft.

(a) Large vehicles.

- (1) No truck tractor, semitrailer, commercial bus, cutaway van (box truck), chassis-cab truck, or any other truck requiring a commercial license with a gross vehicle weight greater than 10,500 pounds (as determined by the greater of the vehicle registration or the manufacturer's specification) shall be parked for legitimate commercial purposes, in the R-1 through R-8, MH-1, MH-5, and the residential use areas of PUD classifications.
- (2) The parking of truck tractors and semitrailers is prohibited in the B-2, B-3, B-4, B-6, B-7, B-9, and BPUDs and commercial use areas of RPUD and MPUD classifications unless said vehicles are accessory to or associated with the business on the premises.

(b) Mobile recreational shelters or vehicles in residential zoning classifications. Except as otherwise provided herein, mobile recreational shelters and vehicles, utility trailers, watercraft and other trailers are permitted as an accessory use in the RR, R-1 through R-6, MH-5, or the single- and two-family residential areas of the PUD classification, the following additional standards shall also be met:

- (1) They shall have a current license tag or validation sticker.
- (2) The ground beneath shall be kept free from debris, including excessive weed growth.
- (3) They shall not be parked or stored within a street or public right-of-way.
- (4) All wastewater line caps shall be secured at all times in a manner to preclude any leakage from such vehicles, shelters, or watercraft onto a lot or street.
- (5) They shall not be connected to water, sewer, or electric lines or be used for residential purpose.
- (6) They shall be located in full compliance with setback requirements for accessory structures.
- (7) Mobile recreational vehicles and cutaway vans may be parked placed on the driveway or in the front yard of the principal structure when the occupant of the principal structure has a disability which may require facilities in the recreational vehicle or cutaway van, and if the occupant has received a handicapped disabled person parking decal permit from the State for where the vehicle is registered.
- (8) Mobile recreational shelters or vehicles and watercraft may be parked on the driveway for no more than 36 hours, unless permitted by the applicable homeowners association.

- (c) *Mobile recreational shelters and vehicles parking and storage as accessory use.* Mobile recreational shelters and vehicles, utility trailers, watercraft, and other trailers are permitted as an accessory use in commercial and industrial classifications where such use is permitted pursuant to Chapter 4 and Chapter 5, provided:
- (1) They shall have a current license tag or validation sticker.
 - (2) The ground beneath shall be kept free from debris, including excessive weed growth.
 - (3) They shall not be parked or stored within a street or public right-of-way.
 - (4) All wastewater line caps shall be secured at all times in a manner to preclude any leakage from such vehicles, shelters, or watercraft onto a lot or street. They shall not be connected to water, sewer, or electric lines or be used for residential purpose. They shall be located in full compliance with setback requirements for accessory structures.
- (d) If located in the MH-1, R-7, R-8 and the multifamily areas of the PUD classifications, they shall be located within areas designated for said use as depicted on the approved final site development plan.
- (e) *Parking vehicles in residential districts.* In the RR, R-1 through the R-6, MH-5, and the single- and two-family residential use areas of PUD classifications, motor vehicles shall be parked on driveways meeting the requirements of Chapter 7.
- (Ord. No. 01-99, § 1(301.2(811.00)), 11-3-1999)

Sec. 6.8. Outdoor display of retail merchandise.

All businesses which engage in outdoor display of merchandise shall comply with the following.

- (a) Outdoor display shall only include incidental outdoor display items, consisting of a small sample of merchandise or decorative items, placed outdoor adjacent to the responsible business, which represent or complement the goods and services sold or provided by the responsible business. Vendors operating independently from the indoor business shall not be permitted.
- (b) Display items shall only be placed outdoors during the time the responsible business is open to the public and shall be removed prior to the close of business each day.
- (c) Display items shall at all times be maintained in a safe, sound, and visually attractive condition. The business owner shall be responsible for continuously supervising the safe, sound, and visually attractive condition as well as the appropriate placement of the display items.
- (d) Display items shall only be located adjacent to the building of the responsible business no further than ten (10) feet from the building walls of the business. Merchandise cannot be affixed to buildings or hung on fences, utility poles or vehicles. No tents or canopies can be placed over the display area.
- (e) One item per every five (5) linear feet of store frontage shall be permitted to be displayed and the total display area shall not exceed 100 square feet.
- (f) Display items shall not extend into the safe line-of-sight at intersections, as determined by the City Engineer.
- (g) Display items shall not encroach into landscape areas.
- (h) The display items shall not obstruct any entries, exits, permitted signs, mailboxes, utilities, public seating, public safety measures, or interfere with ADA compliance or pedestrian or vehicular traffic.
- (i) Temporary signs cannot be added to the display area.
- (j) The merchandise cannot be displayed on mannequins, body forms, or similar devices.
- (k) City staff shall have the authority to request that item(s) be removed from public or private property if it is felt the item(s) constitute a potentially hazardous distraction to vehicular or pedestrian traffic; constitute a potential health or safety hazard; are not appropriately maintained or located; are excessive in size or quantity; or compromise the public peace, morals or welfare. If City staff request

item(s) be removed, the business owner shall cause the item(s) to be removed immediately.

- (l) Business owners shall indicate on their City Business Tax Receipt (BTR) application whether they intend to engage in outdoor display of retail merchandise.
- (m) Plant nurseries are exempt from the outdoor display requirements.

Sec. 6.9. Outdoor storage of supplies/equipment (accessory to a principal use).

The permanent outdoor storage of supplies or equipment in conjunction with a principal use shall be subject to the following requirements and the requirements of Sec. 6.40:

- (a) The outdoor storage area shall not be located in front of the principal building, unless the lot is in the I-1 classification and the storage area is not visible from residential classifications, or any road designated as an arterial or collector.
- (b) The outdoor storage area shall not be located in any required setback.
- (c) The outdoor storage area shall be subordinate to the principal use, but in no event shall exceed 10 percent of the total lot area, except in the I-1 classification. Nurseries and greenhouses are exempt from this size restriction.
- (d) No outdoor storage shall be allowed within 25 feet of a residential classification.
- (e) The outdoor storage area shall be completely screened so as not to be visible from any adjacent rights-of-way or lots by decorative opaque fencing, wall, landscaping, or other suitable buffer with a height of at least six (6) feet unless otherwise specified in the zoning classification or site plan approval. Gates shall also be opaque.

Sec. 6.10. Solid waste container and enclosure

- (a) A concrete pad shall be required, 12 feet wide and 16 feet long, with a 6-foot high screened enclosure with a lockable gate.
- (b) Said gate and screen are to be located outside of and not on the pad.
- (c) The angle of the pad with the driving lane shall allow for a straight line maneuvering distance of 55 feet.
- (d) A final inspection shall be required to ensure proper installation of the dumpster

Sec. 6.11. Outdoor Seating

- (a) Outdoor seating area layout if provided, must be submitted for review as part of the Business Tax Receipt (BTR) application for any restaurant or similar establishments lawfully selling food and/or beverages. The application must include scaled drawings of the establishment's internal layout, detailing the placement of tables, chairs, bars, host or hostess stations, windows, doors, waiting areas, and other features that may impact customer movement and gathering. Additionally, scaled drawings of the proposed outdoor seating area are required. These should include a layout plan showing the arrangement of tables, chairs, host or hostess stations, barriers, stanchions, umbrellas, utility stations, and any other features of the seating area. The drawings must also provide measurements to the nearest property lines, including curb lines, curb stops if any, and the boundaries of the rights-of-way.
- (b) Outdoor seating areas must be built and maintained in accordance with their approved plans. Outdoor seating may be extended from a restaurant frontage or similar establishments lawfully selling

food and/or beverages, situated on properties adjacent to corridors and nodes as defined in Chapter 5. The seating shall be provided in the Street setback zone as shown in Fig 5-6, Sec. 5.21.

- (c) The layout of the seating area shall provide for free flow of pedestrian traffic along the pedestrian sidewalk/walkway area.
- (d) The outdoor seating area must be clearly delineated from the pedestrian walkway/sidewalk, ensuring there is a minimum of 5 feet of clear space for pedestrian traffic.
- (e) No additional parking is required if the outdoor seating area does not exceed 30 percent of the establishment's gross floor area.
- (f) Umbrellas shall be allowed, provided that the umbrellas are contained within the seating area and do not impeded pedestrian traffic or vision at intersections. Any advertising on umbrellas shall be exempt from signage regulations in Chapter 11.
- (g) All signage in the outdoor seating area must comply with the regulations outlined in Chapter 11 of this code.
- (h) Food Preparation shall not be permitted in the outdoor seating area.
- (i) Alcoholic beverages may be served within license area consistent with any alcoholic beverage licenses in effect for the restaurant.
- (j) Hours of operation shall not exceed the hours of operation of the restaurant.
- (k) Outdoor seating areas must adhere to noise regulations, prohibiting amplification of sound that can be heard beyond the property boundaries. This is to minimize disturbance to neighboring properties and maintain a peaceful environment.
- (l) The outdoor seating area, including the sidewalk or walkway and the furniture used shall be kept in clean condition including timely removal of trash, debris and periodic cleaning of pedestrian walkway.
- (m) The outdoor seating use shall be revoked for any violation of the provisions of this section if the city manager determines that the continued presence of the use is not in the public's best interest. No permanent approval is granted for any improvement or use, and no vested right of any type is accorded. Business owners who wish to appeal the decision of the City Manager to revoke outdoor seating use shall be entitled to appeal the decision to the city council by delivering to the city manager a written request for a hearing before the city commission within 30 days after receiving written notice of revocation of the outdoor seating use.

Sec. 6.12. Backyard chickens.

When backyard chickens are permitted by the underlying zoning district, the keeping of chickens is subject to the following supplemental restrictions:

- (a) Neither chickens nor ducks will be permitted to roam free outside of the boundaries of the property owned or occupied by the owner of the chickens or ducks.
- (b) Chickens and ducks must be kept in a safe, sanitary environment, free from predators and rodents.
- (c) Chickens and ducks must not create excessive noise, odor, or other nuisance impacts to neighboring properties.
- (d) Geese, turkeys, peafowl, pigeons, or any other poultry or fowl are not allowed.
- (e) The commercial sale of chickens, ducks, eggs, feathers, or manure, or the breeding of chickens and ducks is prohibited. Regardless of the foregoing, the small-scale sale of eggs and/or fowl that does not generate more than \$600.00 in revenue per year is excepted from this restriction.
- (f) The owner of the chickens and ducks must occupy a single-family residential dwelling on the property for which the chickens are kept.
- (g) Structures and other enclosures for keeping chickens or ducks must receive a permit and meet the Florida Building Code and zoning code requirements, if applicable.

- (h) Structures and other enclosures for the keeping of chickens and ducks must be sized to provide a minimum of three square feet per animal.
- (i) The total size of accessory structures or coops used to house backyard chickens may not exceed 120 feet per parcel.

(Ord. No. 11-2022, § 5, 9-21-2022)

ARTICLE II. – TEMPORARY USES AND STRUCTURES.

Sec. 6.13. Dwelling unit, model.

Any new dwelling unit (including mobile home model units) may be used as a model dwelling unit provided:

- (a) It shall have received an approved final inspection pursuant to the building permit which was issued for it.
- (b) There may be displayed per unit used as a model not more than one identification sign not exceeding 16 square feet in size facing any public right-of-way.
- (c) The model dwelling unit shall not be used as a residence or for a storage area for building materials or equipment.
- (d) Any off-street parking areas temporarily provided in addition to those required by Table 7-6 are exempt from any of the other provisions of Sec. 7.8.
- (e) All models must be removed at the point in time when 90 percent of the lots have been sold.

Sec. 6.14. Mobile Food Dispensing Vehicles.

- (a) *Purpose and intent.* This section establishes zoning and siting regulations pertaining to the operation of mobile food dispensing vehicles.
- (b) *Locations, permitted and prohibited.*
 - (1) *Permitted locations.* Mobile food dispensing vehicles are not permitted on any real property unless such is located in one of the following zoning classifications:
 - a. P as a permitted use.
 - b. B-2 as a permitted use.
 - c. B-3 as a permitted use.
 - d. B-4 as a permitted use.
 - e. B-5 as a permitted use.
 - f. B-6 as a permitted use.
 - g. B-9 as a permitted use.
 - h. I-1 as a permitted use.
 - i. R-1 through R-8 with a Special Event permit.
 - j. Active PUDs, RPUDs, BPUDs, IPUDs, and MPUDs when temporarily allowed pursuant to a Special Event permit.
 - k. Sites, regardless of zoning classification, located in the Transit Oriented Development (TOD) overlay district as when temporarily allowed pursuant to a Special Event permit.

(2) *Prohibited locations.* Mobile food dispensing vehicles, regardless of zoning classification, may not be located on any properties or locations on a property that contain one or more of the following conditions, unless specially allowed pursuant to a Special Event permit.

- a. Unimproved properties.
- b. Properties that do not contain an active commercial or industrial principal use.
- c. Locations on a property that are within one-hundred (100) feet of a structure for residential use or that contains an active residential use.
- d. Locations on a property that are within three hundred (300) feet of the building frontage of any licensed restaurant located in a principal structure during the hours said restaurant is open for business.

(c) Setbacks and Standards for mobile food dispensing vehicles.

(1) *Maximum vehicle size:* A mobile food dispensing vehicle may not exceed a size of 9 feet in width and 20 feet in length. If the mobile food dispensing vehicle is a trailer, the trailer must be unhitched from the motorized vehicle and stabilized prior to operating the mobile food dispensing vehicle, and the trailer alone will be measured for the purposes of meeting the size limitation set forth herein. Tent structures are not permitted to be utilized in connection with the operation of a mobile food dispensing vehicle.

(2) *Clearance.* Mobile food dispensing vehicles must maintain minimum clearances as set forth below:

- a. Setbacks established for the zoning classification of the parcel upon which the mobile food dispensing vehicle is located.
- b. Buildings: A setback of ten (10) feet must be maintained from all buildings on the property.
- c. A setback of ten (10) feet must be maintained from all parking spaces and access ramps established for the disabled, including the ingress and egress routes for such ramps and spaces.
- d. Loading zones: A setback of ten (10) feet from all loading zones must be maintained.
- e. Driveway aprons: A setback of ten (10) feet from all driveway aprons must be maintained.
- f. Drive aisles: A setback of ten (10) feet from all drive aisles must be maintained.
- g. Fire lanes: A setback of fifteen (15) feet from all fire lanes must be maintained.
- h. Fire control devices: A setback of fifteen (15) feet from all fire control devices, including hydrants and emergency hose stations must be maintained.
- i. Public rights-of-way: A setback of five (5) feet from all public rights-of-way must be maintained.
- j. Combustible material: All mobile food dispensing vehicles must be located a minimum of twenty-five (25) feet from any combustible materials.

(d) Exceptions

(1) To the extent that a conflict exists between the terms of a Special Event permit and the requirements of this code, the terms of the Special Event permit will govern and control to the extent any such conflict exists.

- (2) Mobile food dispensing vehicles are exempt from this code when operated in conjunction with a private catering event conducted on a residentially zoned property.
 - (3) Mobile food dispensing vehicles operated pursuant to an existing contract with the owner or lessee of a commercial or industrial zoned property are exempt from this code. For the purposes of this paragraph, a contract is existing if it is a valid and binding contract that is in effect at the time this ordinance is enacted. Any contracts drafted after the effective date of this ordinance, which deviate from this ordinance, must receive approval from the City Council to be valid.
- (e) Mobile food dispensing signs
- (1) Permitted signs. The following signage, when used in connection with the operation of a mobile food dispensing vehicle, is permitted:
 - a. Mounted signs. Mounted signs shall be allowed as long as they are affixed to the mobile food dispensing vehicle.
 - b. Painted signs. Painted signs are allowed as long as they are placed upon the mobile food dispensing vehicle.
 - c. Wrapped signs. Wrapped signs laminated or otherwise affixed upon the mobile food dispensing vehicle.
 - (2) Prohibited signs.
 - a. Any signs or forms of advertising that are not otherwise located or mounted upon a mobile food dispensing vehicle.

Sec. 6.15. Mobile offices.

Mobile offices or mobile units designed as offices shall be permitted for only the initial builder/developer as temporary on-site contractor construction offices, on-site sales offices or as on-site security offices, providing:

- (a) Such mobile offices may only be used in conjunction with the development of approved subdivisions, mobile home parks, mobile recreational vehicle shelter parks, or in conjunction with the construction of commercial, multifamily, or industrial buildings.
- (b) A mobile office may be used in conjunction with the rental or sale of mobile homes from licensed mobile home sales lots.
- (c) Such mobile office shall not be used as a residence. The use shall be limited to on-site construction, sales or security purposes in connection with the project on which the structure is located and meet the setback requirements for accessory structures.
- (d) The person responsible for the development on which the mobile office is to be located shall obtain the proper permits from all applicable governmental agencies, including but not limited to electrical, plumbing and building permits.
- (e) Permits for mobile offices shall be issued as follows:
 - (1) For the construction of approved subdivisions, only after preliminary plat approval.
 - (2) For the development of mobile home parks, and mobile recreation vehicle shelter parks, only at the same time or after any applicable building permits for the installation of improvements are issued.
 - (3) For commercial, industrial or multifamily projects, only after final site plan approval.
 - (4) For the sale or rental of mobile homes, only at the same time or after the business tax receipt has been issued.

- (f) Permits for mobile offices shall expire and such mobile offices shall be removed as follows:
- (1) For the development of approved subdivisions, after 80 percent of the lots have been sold.
 - (2) For the development of mobile home parks, and mobile recreation vehicle shelter parks, immediately after the park is abandoned.
 - (3) For commercial, industrial, or multifamily projects, immediately after the certificate of occupancy is issued.
 - (4) For the rental or sale of mobile homes from mobile home sales lots, immediately after the rental or sales lot is abandoned.

(Ord. No. 01-99, §§ 1(301.2(819.00)), 1(401(618)), 11-3-1999)

Sec. 6.16. Portable shelters.

- (a) Portable shelters shall be allowed to be assembled and emplaced upon properties within the City without the need for application or receipt of a use or development permit, provided that the following conditions are met:
- (1) Portable shelters may be assembled and emplaced by lot owners only upon those properties authorized for single-family residential uses and utilized for single-family residential purposes.
 - (2) Portable shelters shall be treated under the Code as accessory structures to the extent that such treatment does not conflict with treatment under this Section and must adhere to all applicable setback, yard, lot coverage, floor area and building height requirements.
 - (3) Under no circumstances shall a portable shelter exceed a total coverage area of 500 square feet or be grafted, connected or otherwise physically linked to a residence, fence, shed, carport, or other structure.
 - (4) Any portable shelter that is emplaced upon a property for a period of 30 days or more must be securely anchored to the ground in a manner so as to maintain the emplacement of its frame during adverse weather conditions, including severe thunderstorms and hurricanes. Such anchoring shall not be construed to alter the portability of a portable shelter or otherwise change such device's definition within the Code.
 - (5) Portable shelters may be emplaced in the side yard or rear yard of a property and meet accessory structure setbacks; however, in no event shall a portable shelter be emplaced in the front yard of a property.
 - (6) Portable shelters emplaced upon a property shall be maintained in sound and serviceable condition. Portable shelters with bent, broken, cracked, crooked or otherwise compromised frames or wholly or partially detached, torn, tattered, or threadbare tarpaulins must be repaired, replaced or removed. Tarpaulins shall be of a uniform color and texture and, if patched, must be patched in such a manner so as to preserve the uniform appearance of the tarpaulin.
 - (7) Portable shelters authorized pursuant to this section shall not be utilized for human habitation or occupation, regardless of whether such habitation or occupation is temporary or permanent.
 - (8) Portable shelters must be portable in that they must be of relatively uncomplicated construction and capable of being easily disassembled, moved, and reassembled within a period of one hour or less.
 - (9) At no time shall more than one portable shelter be emplaced on a single property pursuant to this section.

- (b) Property owners who have one or more portable shelters or similar devices emplaced upon their property or properties at the time this section takes effect shall have 30 days from the effective date of this Section to:
 - (1) Bring such devices into compliance with this Section;
 - (2) Remove and properly dispose of such devices;
 - (3) Replace such devices with substitute devices that are compliant with this Section; or
 - (4) Have such device permitted and placed pursuant to applicable law.

(Ord. No. 06-08, § II, 5-7-2008)

Sec. 6.17. Temporary mobile home dwelling during house construction.

- (a) A mobile home is allowed to be used for up to eighteen (18) months. The time may be extended by the City for justifiable cause.
- (b) The temporary use of mobile homes is only permitted on A-2 and A-3 zoned parcels and the structure shall meet the required district setbacks.
- (c) The structure shall be completely removed from the site within fifteen (15) days from the date of Certificate of Occupancy issuance for the residential building to be constructed on the same site, or within thirty (30) days from the date active construction is discontinued, whichever occurs first; but in no event, shall the time exceed the limit set forth in subsection (a).
- (d) A separate building permit for the mobile home is required. The applicant shall comply with the provisions of the Building Code and meet any applicable floodplain management requirements. All mobile homes shall be properly connected to the approved sanitary, potable water, and electric services.
- (e) The use of a recreational vehicle in lieu of a mobile home is prohibited.

Sec. 6.18. RESERVED

Sec. 6.19. RESERVED

Sec. 6.20. RESERVED

ARTICLE III. – STANDARDS FOR SPECIFIC USES.

This Article establishes additional standards for uses that are allowed by right or through special exception, as specified in Chapter 4 and Chapter 5. The uses shall meet all code requirements, unless specifically stated otherwise below.

Sec. 6.21. Adult entertainment establishments.

- (a) Prohibited locations.
 - (1) *Zoning.* Notwithstanding any other provision of this article or any provision of the City's planning, land development and zoning regulations, no person shall propose, cause or permit the operation of, or enlargement of, an adult entertainment establishment which, while in operation of, or enlargement of, an adult entertainment establishment unless permitted in the applicable zoning classification.
 - (2) *Distance minimums.* In addition to the zoning requirements set forth above, an adult entertainment establishment shall not be allowed to open, operate or be enlarged within any of the following buffers:

- a. No adult entertainment establishment shall be located within 400 feet of any area of the County or the City classified as C, P, RC, A-2, A-3, RA, RR, R-1 through R-8, MH-1 through MH-5 or PUD, unless the adult entertainment establishment is a part of the PUD.
 - b. No adult entertainment establishment shall be located within 1,000 feet of any preexisting adult entertainment establishment.
 - c. No adult entertainment establishment shall be located within 1,000 feet of any religious institution, public park or recreational facility or educational institution bus stop.
 - d. Pursuant to F.S. § 847.0134, no adult entertainment establishment shall be located within 2,500 feet of any real property that comprises a public or private elementary school, middle school, or secondary school.
- (3) *Enlargement.* In this subsection, the term "enlargement" includes, but is not limited to, increasing the floor size of the establishment by more than 10 percent.
- (4) *Supplemental to alcoholic beverage regulations.* The zoning and distance requirements stated above of this Section are independent of and do not supersede the distance requirements for alcoholic beverage establishments which may be contained in other laws, rules, ordinances or regulations.
- (b) *Measurement of distance.* The distance from the proposed or existing adult entertainment establishment mentioned herein to any area of the County or the City classified in paragraph (2) of this subsection or to any preexisting adult entertainment establishment or to any religious institutional, educational institution, public park or recreational facility or educational institution bus stop shall be measured by drawing a straight line between the closest property lines of the proposed or existing adult entertainment establishment and the other zoning classifications or uses identified in subsection (a) of this Section.
- (c) *Nonconforming uses.* When a nonconforming use of an adult entertainment establishment has been discontinued for 90 consecutive days or more, the nonconforming use shall be deemed abandoned and the future use of the premises or site shall revert to only those uses permitted on the site on which the establishment is located.
- (d) *Variances.* The City Manager or his designee is authorized to recommend a variance from the distance and zoning requirements of this Section, pursuant to the procedures and criteria set forth for other variance requests as set forth in this Code and the City Council is authorized to make a determination on the City Manager or his designee's recommendation pursuant to this Code.

Sec. 6.22. Asphalt and cement batching plants, permanent and temporary.

- (a) Permanent and temporary asphalt and cement batching plants shall be permitted, provided the following conditions are met:
- (1) Each application shall be accompanied by a site plan pursuant to Sec. 3.23.
 - (2) The applicant shall submit a written report outlining the reasons for placing the batching facilities in the particular location and stating the duration of time for which the applicant intends to operate said batching facilities. Permission to locate and operate temporary batching facilities shall be granted for a period not to exceed 180 days. An additional extension of time not to exceed 180 days may be granted upon expiration of the time period initially granted if exceptional circumstances warrant it.
 - (3) All batching facilities shall be located no closer than 150 feet to the nearest public road, and shall be located no closer than 100 feet to any perimeter property lines, and shall be located no closer than 300 feet to any existing residential dwelling or residential zoning classification.

- (4) All permitted materials shall be maintained in a neat and orderly manner and shall be covered and/or wet down regularly so as to prevent debris from leaving the area of the site.
- (5) Routes of supply vehicles or material handling vehicles shall be arranged so as to minimize nuisances or hazards to existing residential neighborhoods or commercial businesses.
- (6) The City Council may limit the time of day during which the batching plant may be operated and may make such further conditions as would protect the public health, safety, morals and welfare.
- (7) If the plant is temporary, the City Council shall require a performance bond or surety bond conditional upon the removal of the facilities and restoration of the site to an acceptable condition at the time specified by the City Council.

Sec. 6.23. Assisted living facilities (ALF), group homes (seven or more residents) and nursing homes.

- (a) The scale (size and height) of the facility shall be compatible with the character of the surrounding residential area.
- (b) The facility shall be meet the maximum density of the district or Future Land Use category (two sleeping rooms shall be considered one unit for purposes of density).
- (c) The facility must be approved and licensed by the appropriate State agency.

Sec. 6.24. Automobile service stations.

The following regulations shall apply to automobile service stations, Types A and B.

- (a) *Location of principal and accessory structures.* Setbacks for the principal structure shall apply to all accessory structures.
- (b) *Permanent storage of materials, merchandise and equipment.* All materials, merchandise and equipment, other than motor vehicle fuels, shall be stored within the principal building and meet the requirements of Sec. 6.9, outdoor storage.
- (c) Parking of vehicles at Types A and B stations only.
 - (1) Wreckers, service or customer vehicles, or vehicles may be parked on the premises but shall be parked in a manner that will not create a traffic hazard or interfere with any vehicular maneuvering area necessary for gasoline pump areas, service bays, or with any required off-street parking spaces.

- (d) All liquid pollutants, including but not limited to petroleum derivatives, shall be contained in such a manner as to prevent said liquids/wastes from reaching the ground and any watercourse or water body.

Sec. 6.25. Bed and breakfast homestay.

- (a) A bed and breakfast homestay requires a business tax receipt.
- (b) The number of guest rooms shall not exceed five.
- (c) The owner must reside in the building.
- (d) Separate cooking facilities are not permitted in the guest rooms.
- (e) Each guest room shall have private toilet and shower facilities, except where the building is listed on the National Register of Historic Places, in which case a minimum of one bathroom shall be provided exclusively for use by the guests.
- (f) Minimum bedroom area shall be 150 square feet.

Sec. 6.26. Cardrooms prohibited.

For the purposes of this section, cardroom shall mean and refer to a facility, as further defined and regulated by F.S. § 849.086, where authorized games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility.

- (a) Cardrooms are prohibited and are deemed an illegal use under this Chapter, and a cardroom shall neither be located nor otherwise operated anywhere within the jurisdictional boundaries of the city.
- (b) For the purposes of State licensing requirements under F.S. § 849.086, this Section shall be interpreted and understood as a standing majority vote of the City Council disapproving the establishment and operation of a cardroom within the city.
- (c) *Enforcement.* Operation of a cardroom in contravention of this Section shall be subject to enforcement as set forth in Sec. 1.3 of this Code.

Sec. 6.27. Cluster and zero lot line residential subdivisions.

Purpose and intent. A development design technique that permits a reduction in lot area by concentrating buildings in a specific area to allow the remaining land to be used for recreation, open space, or preservation of environmentally sensitive areas. This technique allows for a reduction in lot area, provided there is no increase in the number of lots that are permitted under a conventional subdivision. The following regulations shall apply to cluster and zero lot line subdivisions:

- (a) The subdivision must be platted for this type of development, in accordance with this Code.
- (b) The minimum lot size shall be 5,000 square feet.
- (c) The minimum lot width shall be 45 feet.
- (d) All lot area reduction amounts shall be combined to set aside an equivalent land area for common open space or for preserving environmentally sensitive areas that are not jurisdictional wetland under County, State or federal regulations. The set-aside area cannot be used for stormwater retention or detention.
- (e) The minimum setbacks for the principal structure shall be:
 - (1) Front yard: 25 feet, except on a corner lot, one front yard may be reduced to 15 feet.
 - (2) Rear yard: 20 feet.
 - (3) Waterfront yard: 25 feet.

- (4) Side yard: 5 feet for nonzero-lot-line lots, 0 feet on one side and 15 feet on the other side yard for zero-lot-line lots.
 - (5) Where a dwelling unit is located on a lot line, a legal provision acceptable to the City Council shall be made for permanent access to maintain the exterior portion of the dwelling unit wall along the zero lot line. Doors or other access openings are prohibited on the zero lot line side of the dwelling unit.
 - (6) Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed 35 percent.
- (f) Accessory structures shall be located behind the front most part of the principal structure and shall have the following side and rear setbacks:
- (1) Rear yard: 5 feet.
 - (2) Waterfront yard: 25 feet.
 - (3) Street side yard: 15 feet.
 - (4) Side yard: 5 feet.
- (g) The maximum permissible density of the cluster subdivision shall be consistent with that permitted by the corresponding Future Land Use Map designation accorded the property by the Future Land Use Element of the Comprehensive Plan.
- (h) All other requirements of the applicable zoning classification shall be met.
- (i) All cluster and/or zero lot line subdivisions shall adhere to all applicable requirements of this Code. (Ord. No. 01-99, § 1(301.2(828.00)), 11-3-1999)

Sec. 6.28. Communication towers.

The following provisions shall govern the development of communication towers in the City.

- (a) *Special exception permit.* Communications towers over 70 feet in height require special exception approval.
- (b) *Special exception conditions.* In granting a special exception, the City Council may impose conditions, including such conditions as are necessary to minimize any adverse effect of the proposed communication tower on adjoining properties.
- (c) *Certification.* Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a professional engineer licensed in the State.
 - (1) Information required.
 - a. To ensure that communication towers are located and buffered for compatibility with the surrounding land use, each applicant requesting a special exception pursuant to this Code shall submit a scaled site plan (not more than one inch equals 100 feet) and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography; site specific radio frequency coverage information; communication tower height requirements; color; setbacks; location of equipment structures/cabinets; separation distance from other communication towers and specified dwellings; drives; parking; fencing; landscaping; adjacent uses; location, type and intensity of lighting, and any Federal Aviation Administration (FAA) reports.
 - b. In addition, the applicant shall identify all public and/or private airports and helipads within four (4) miles from the proposed communication tower. The four (4) miles shall be measured

- in a straight line from the proposed location of the tower to the nearest point of the airport runway or helipad. Further, the applicant shall send a notice of the time, day, place and purpose of the public hearing of the City Council at least ten (10) days prior to the date of such public hearing to the last known address of the owner, operator or licensee of said airport by reference to the latest ad valorem tax record. The owner, operator or licensee of said airport or helipad, or his duly authorized agent, shall acknowledge receipt of the notice on a form provided by the City Manager.
- c. The applicant shall supply such other information deemed appropriate by the City Manager to be necessary to assess compliance with this Chapter.
- (2) Factors considered in the granting of special exceptions. The City Council shall consider the following factors in determining whether to issue a special exception, although the City Council may waive or reduce the burden of one or more of these criteria, if the City Council concludes that the goals of this Code are better served thereby:
- a. Height of the proposed communication tower;
 - b. Proximity of the communication tower to residential structures;
 - c. Nature of uses on adjacent and nearby properties;
 - d. Surrounding topography;
 - e. Surrounding tree coverage and foliage;
 - f. Design of the communication tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - g. Proposed ingress and egress;
 - h. Safety aspects relating to the proposed communication tower;
 - i. Availability of suitable existing communication towers and other structures. No new communication tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City Council that no existing communication tower or structure can accommodate the applicant's proposed tower. Evidence submitted to the City to demonstrate that no existing communication tower or structure can accommodate the applicant's proposed antenna shall be for any of the reasons provided as follows:
 - i. No existing communication towers or structures are located within the geographic area required to meet applicant's engineering requirements;
 - ii. Existing communication towers or structures are not of sufficient height to meet the applicant's engineering requirements;
 - iii. Existing communication towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
 - iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing communication towers or structures, or the antenna on the existing communication towers or structures would cause interference with the applicant's proposed antenna; or
 - v. The applicant demonstrates that there are other limiting factors, including adverse economic reasons, that render existing communication towers and structures unsuitable.
- (3) *Setbacks and separation.* The following setbacks and separation requirements shall apply to all communication towers and antennas for which a special exception is required:

- a. Communication towers must be set back a distance equal to one-half of the height of the communication tower from the property line.
 - b. Communication tower anchors and guyed supports must meet the zoning classification minimum yard size requirements.
 - c. Except for alternative support structures, communication towers, whether lattice, guyed or monopole, shall be separated as shown in Table 6 - 1.
- (d) *Tower separation requirements.* In order to manage the proliferation of communication towers throughout the City, separation requirements shall be applied as provided in this section.
- (1) Towers shall be separated from each other as indicated in Table 6 - 1.
 - (2) Communication tower separation shall be measured from the perimeter of the base or slab of the communication tower to the closest point of the off-site existing communication tower base or slab.
 - (3) In addition, said towers shall be separated from a single-family, two-family, multifamily, or mobile home dwelling by a distance of at least 1,000 feet. However, this separation requirement may be waived by the City Council, but in no case shall said separation distance be less than 500 feet.

Table 6 - 1: Tower Separation

| Towers | Lattice | Guyed | Monopole over 170 feet | Monopole between 100 feet and 170 feet | Monopole between 70 feet and 100 feet | Camouflaged |
|--|--------------------------------|--------------------------------|--------------------------------|---|--|--------------------|
| Lattice | 5,000 feet | 3,000 feet | 1,500 feet | 1,200 feet | 750 feet | 0 feet |
| Guyed | 3,000 feet | 3,000 feet | 1,500 feet | 1,200 feet | 750 feet | 0 feet |
| Monopole 170 feet | 1,500 feet | 1,500 feet | 1,500 feet | 1,200 feet | 750 feet | 0 feet |
| Monopole between 100 feet and 170 feet | 1,200 feet | 1,200 feet | 1,200 feet | 1,200 feet | 750 feet | 0 feet |
| Monopole between 70 feet and 100 feet | 10 times proposed tower height | 750 feet | 0 feet |
| Camouflaged | 0 feet | 0 feet | 0 feet | 0 feet | 0 feet | 0 feet |

- (e) *Design and lighting standards.*
- (1) Communication towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
 - (2) At a communication tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
 - (3) If an antenna is installed on a structure other than a communication tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - (4) Communication towers shall not be artificially lighted, unless required or recommended by the City Manager, FAA, or the Florida Department of Transportation (FDOT). If this lighting is so

required or recommended, the City Manager may review the available lighting alternatives permitted by the FAA or FDOT and approve the alternative that balances the need for safety and causes the least disturbance to the surrounding views.

- (f) *Security fencing.* Communication towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the City Manager may waive such requirements, as it deems appropriate. Access to the communication tower shall be through a locked gate.
- (g) *Landscaping.*
 - (1) The visual impacts of a communication tower upon nearby viewers shall be mitigated through landscaping or other screening materials at the base of the communication tower and accessory structures. Landscaping shall be installed on the outside of a fence and shall include a landscape buffer of 15 feet. Further, existing vegetation shall be preserved and may be used as a substitute for or in supplement towards meeting landscaping requirements.
 - (2) A row of trees a minimum of six (6) feet tall and 1½ inches in caliper (diameter at breast height) and a maximum spacing of 20 feet apart shall be planted around the perimeter of the fence.
 - (3) A continuous hedge at least 24 inches high at planting capable of growing to at least 36 inches in height within 540 days shall be planted in front of the tree line referenced in paragraph (2) of this subsection. Hedge material shall be no less than three (3) feet on center.
 - (4) All landscaping shall be drought resistant or irrigated and properly maintained to ensure good health and viability.
 - (5) The City Council may at their discretion, based on good cause shown, waive these landscaping requirements.
 - a. *Camouflaged towers.* The applicant may use a camouflage agent in order to achieve compatibility with the surrounding area in an aesthetic manner. Camouflaging shall be determined on a case by case basis. Any proposed camouflaging shall be submitted in conjunction with the special exception application. It shall include the following documentation:
 - i. Colorized pictorial representation, artist's rendering, or the like;
 - ii. Design specifications as follows: total height, diameter, and colorations;
 - iii. A corresponding statement accompanying the graphic representation explaining the following:
 - A. What is the nature and character of the area within which the camouflaged tower is proposed, with respect to: land use, surrounding environment, a general statement of building heights and designs in the area, and building/environment density;
 - B. How the proposed camouflaged agent will blend in and harmonize with the nature and character of the area.
- (h) *Co-Location of Communication Antennas.* The modification or reconstruction of an existing communication tower to accommodate the co-location of two or more communication antennas shall be permitted without new or additional Special Exception approvals, the co-location is accomplished in a manner consistent with F.S. § 365.172 and 47 U.S. Code § 332 and the following requirements:
 - (1) *Type of Construction.* The modification or reconstruction shall not change the communication tower from one type of tower to another, except that any type of communication tower may be reconstructed as a Monopole tower.
 - (2) *Height.* The co-location does not increase the height above the existing communication tower.

(3) *On-Site Location.*

- a. A communication tower which is being rebuilt to accommodate the co-location of one or more additional communication antennas may be moved within the development site up to fifty (50) feet from its existing location. A communication tower which is being rebuilt to accommodate the co-location of one or more additional communication antennas may be moved within the development site up to one hundred (100) feet from its existing location when camouflaging techniques approved by the City are incorporated into the design of the tower.
- b. A communication tower relocated within a development site shall continue to be measured from the original tower location for purposes of calculating separation distances between communication towers.
- c. Any existing telecommunication tower replaced by a new telecommunication tower on the same development site shall be dismantled and removed from the development site within 180 days of the date of the building permit for the new telecommunication tower.

(i) Micro- Wireless Facilities

(1) Shall meet the requirements of F.S § 337.401.

(2) No permit is required for the following:

- a. Routine maintenance, the performance of service restoration work on existing facilities, or repair work, including, but not limited to, emergency repairs of existing facilities or extensions of such facilities for providing communications services to customers;
- b. Replacement of existing wireless facilities with wireless facilities that are substantially similar or of the same or smaller size; or
- c. Installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with applicable codes by or for a communications services provider authorized to occupy the rights-of-way and who is remitting taxes under Chapter 202, F.S.

(j) Abandonment. In the event that the use of any communication tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the City Manager who shall have the right to request documentation and/or affidavits from the communication tower owner/operator regarding the active use of the tower. The owner/operator of the tower shall have 180 days from the date of the notice of the City Manager's determination of abandonment to either, (1) reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or (2) dismantle and remove the tower. At the earlier of 181 days from the date of the notice of the City Manager's determination of abandonment without reactivation, or upon completion of dismantling and removal, any Special Exception and/or variance approval for the tower shall automatically expire.

(Ord. No. 02-12, § 2(Exh. A), 9-5-2012; Ord. No. [06-14](#), § 2(Exh. A), 9-3-2014)

Sec. 6.29. Day care centers.

Day care centers shall be designed and constructed according to Chapter 402, F.S. and the following:

- (a) The intensity of the facility (e.g., number of users—children or adults) shall be compatible with the density and character of the surrounding residential area.
- (b) In addition to the required numbers of parking spaces, day care centers must also provide drop-off and pickup spaces, separate from parking spaces at a rate of one space per 25 users.
- (c) The hours of operation shall be within 6:00 a.m. and 8:00 p.m.

Sec. 6.30. Drive-through restaurants

Drive-through restaurants shall be permitted provided that:

- (a) The use will not substantially increase traffic on streets in a residential zone.
- (b) The site will be adequate in size and shape to accommodate said use and to accommodate all yards, walls, parking, landscaping and other required improvements, and shall comply with all other provisions in this Code.
- (c) Any outdoor facility including outdoor signage, speakers etc., shall be a minimum of 80 feet from the property line of a residential use.
- (d) Restaurants shall maintain drive-through lanes that are a minimum of 180 feet in length to provide on-site storage for a minimum of ten vehicles.
- (e) Each drive-through lane shall be a minimum of 12 feet in width. The lane shall be independent of any on-site parking, parking maneuvering areas, public streets, alleys or traffic ways.
- (f) Drive-through windows shall not be on the front building elevation directly facing a street frontage.
- (g) Drive-through lanes shall be screened from the public right-of-way using landscaping, walls, and other architectural features to reduce the visual presence of drive-through operations.
- (h) Where a drive-through abuts a residential use, drive-through service shall be prohibited between the hours of 12:00 a.m. and 5:00 a.m. on weekdays and from 1:00 a.m. to 6:00 a.m. on Saturdays and Sundays.

Sec. 6.31. Excavations.

- (a) The following excavation activities do not require special exception approval:
 - (1) Installation of utilities, provided a valid underground utility permit or right-of-way utilization permit has been issued.
 - (2) Grading and filling in conjunction with commercial, industrial, or residential construction, provided a development order or permit has been obtained.
 - (3) Foundations and building pads for any building or structure, provided that a valid building permit has been issued by the Growth Management Department.
 - (4) Minor landscaping projects, provided they do not encroach in flood prone areas as depicted on the flood insurance rate maps, promulgated by the Federal Emergency Management Agency (FEMA), or change the natural drainage pattern of the ground surface at the property line.
 - (5) Swimming pool construction, provided a building permit has been issued for construction of the pool.
 - (6) Excavations relating to the accessory use of land and designed to be filled upon completion of excavation, such as septic tanks, graves, etc.
 - (7) Borrow pits designated or controlled by any federal or State agency or local government; or any federal or State agency or local government created by law to provide for mosquito control or drainage, or any drainage district created pursuant to F.S. Chapter 298.

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- (8) Where not otherwise governed by zoning requirements, any leveling of land within the confines of a single tract of land where the plans for such leveling are authorized by this Code. If such plans are disapproved by this Code, the applicant may, upon application, appeal such decision directly to the City Council.
 - (9) Excavations of leveling for private drives to provide ingress or egress authorized by this Code.
 - (10) Notwithstanding the provisions of this Section to the contrary, excavated material from a tailwater recovery system or farm pond may be transferred from one parcel of land to a noncontiguous parcel when such system is designed to meet the standards and specifications of the United States Department of Agricultural (USDA) Soil Conservation Service, or designed by a professional engineer licensed to practice in the State. Said tailwater recovery system is defined as a facility to collect, store and transport irrigation tailwater in a farm irrigation distribution system. In order to qualify for said exemption, the design for said system shall be approved by the SJRWMD or USDA Soil Conservation Service and submitted for authorization by the enforcement official. Each tailwater recovery system must be completed within 180 days of receiving approval.
 - (11) All projects funded by the County department of public works and FDOT. These projects would include but not be limited to borrow pits, road-building activities and installation of utilities.
 - (12) Accessory ponds established in conjunction with an agricultural use and which are 3/4 of an acre or less in size. The boundaries of excavation are to be wholly within one owner's property. Off-site drainage is not to be affected. Farm ponds are to be constructed to the standards and specifications promulgated by the U.S. DA Soil Conservation Service, and shall be approved by that agency. The landowner shall forward to the Growth Management Department a copy of the approved plans prior to construction of the pond. Each pond must be completed within 180 days of receiving Soil Conservation Service approval. Farm ponds shall be permitted at a rate of not more than one (1) pond per ten (10) acres of land.
- (b) Nonexempt excavations require special exception approval and the issuance of a permit in accordance with the final site plan procedures of Chapter 3. They must also meet the following provisions:
- (1) Each application for a special exception shall be accompanied by plans, drawings and information prepared by a State registered engineer depicting, at a minimum:
 - a. Existing and proposed topography at 1-foot contour interval. Such topography shall extend a minimum 150 feet beyond the top of the bank of excavations.
 - b. Proposed side slopes and depths which meet these minimums: All sides of the excavated area shall, at a minimum, comply with the following:
 - i. 1-foot vertical for each six (6) feet horizontal to a depth of ten (10) feet below the dry season water table elevation, unless waived by the commission.
 - ii. For depths greater than ten (10) feet below the dry season water table elevation, the slope may be one-foot vertical for each one-foot horizontal. Notwithstanding Sec. 10.8 of this Code, any excavation in excess of the aforementioned slope shall be enclosed by a 6-foot high chain link fence approved by the development engineering division which shall include a gate that shall be closed and locked at all times during which the excavation pit is not in use. Said fencing shall be completely installed prior to initiation of the excavating activity and shall remain in place, unless determined otherwise by the development engineering division, until the excavation is satisfactorily reclaimed.
 - c. Wet and dry season water elevations and the existing surface drainage pattern.

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- d. Notwithstanding any other minimum yard sizes required by this Code, the top of the bank of an excavation shall be set back the following minimum distance:
 - i. 150 feet from the right-of-way of any public street, road or highway.
 - ii. 150 feet from abutting residential or mobile home classified property.
 - iii. 150 feet from any other abutting property.
 - iv. 150 feet from any natural or manmade surface water body, watercourse or wetland.
- e. Perimeter landscape buffers shall be established prior to initiation of the excavating activity and shall meet the requirements of Article III of Chapter 8.
- f. The area and amount of material to be excavated in cubic yards. A discussion of the proposed method of excavation shall be provided.
- g. The proposed method of dewatering.
- h. The time, duration, phasing and proposed work schedule of the total project.
- i. A detailed reclamation plan, drawn to an acceptable scale, and program to be performed upon completion of the project. As a minimum, the plan of reclamation shall include:
 - i. Time, duration, phasing and proposed work schedule of the reclamation.
 - ii. Depiction of finished, stabilized, side slopes, including methods and plant materials proposed for use. For a wet excavation, a littoral zone is required to be established around the resultant water body. The specifications of said zone shall be determined in conjunction with the City's environmental management department. The establishment, to the fullest extent practical, of sinuous shorelines is required.
 - iii. Landscape plan for the portion of the property disturbed by excavation and associated activities, including an inventory of plant/tree species to be used.
 - iv. The resultant artificial water body shall comply with the standards established by the SJRWMD and other appropriate agencies. Said water bodies may be required to be stocked with fish. Ambient water quality testing may also be required.
 - v. The reclamation plan must be approved by the Development Review Committee.
- j. A hydrogeologic report, prepared by a qualified engineer or hydrologist, of the proposed excavation site. Such a report shall, at a minimum, provide:
 - i. A detailed description of subsurface conditions.
 - ii. A groundwater contour map.
 - iii. A map depicting the thickness and depths of material to be excavated.
 - iv. A discussion of the environmental impacts of the proposed excavation, including but not limited to the impact of the proposed excavation upon existing area wells.
 - v. A recommendation of the necessity to install monitoring wells.
- k. The proposed location of access points to the site and proposed haul routes for disposal of excavated material. Vehicular access to and from excavations shall be designated by the Council at the time of approval of the special exception.
- l. Proposed plans for fencing and signs.
- m. A statement from the applicant identifying all other federal, State and local permits required, if any.

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- (2) The bottom of any reclaimed excavation should be graded to allow all water to drain to a sump area not less than 15 feet by 15 feet (225 square feet). The bottom of the excavation shall be graded in a fashion which will not cause water to accumulate in stagnant pools. The bottom of excavations shall be uniformly graded to prevent anoxic sinks.
- (3) Whenever the City determines that the use of any right-of-way designated by the applicant for ingress and egress to and from the excavation site will be subject to excessive deterioration resulting in the breakdown of the subsurface and base of such right-of-way, the applicant may be required to agree to provide the City with funds in the amount necessary to mitigate the adverse impact upon the right-of-way which is caused by the excavation operation and to ensure that said roadway is maintained in a satisfactory condition. In furtherance of this agreement, the excavator may be required by the City Council to post an acceptable performance bond, irrevocable letter of credit, or funds in escrow in the amount up to 100 percent of the estimated reconditioning costs, as estimated by the City Engineer.
- (4) All excavations, as applicable, shall be reclaimed in accordance with the rules of FDEP, Division of Resource Management, found in the Florida Administrative Code. The requirements of this Code shall not relieve a person from complying with the above said State rules, as applicable. Should the requirements of this Code conflict with said State rules, the stricter reclamation and restoration requirements shall govern.
- (5) All reclamation activities shall be initiated at the earliest possible date. Reclamation of the site concurrent with excavation activities is encouraged provided that the reclamation activities will not interfere with the excavating activity or if the excavating activity will damage the reclaimed areas.
- (6) All temporary structures shall be removed from the premises upon completion of the excavation activity unless said structures are of sound construction and are compatible with the reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.
- (7) Whenever it is determined that reclamation of the excavation pit is required at the termination of the project in order to prevent soil erosion, adverse effects on maintained rights-of-way or natural drainage pattern, to protect the natural environment surrounding the excavation pit or to protect the character and value of surrounding property, the commission may require an acceptable performance bond, funds in escrow, or irrevocable letter of credit in the amount of 110 percent of the estimated cost of reclamation. Said cost shall be derived using the proposed plan of reclamation. Said bond or letter of credit shall be conditioned that the excavation and reclamation shall be in accordance with the approved plan.
- (8) No person may engage in the business of being an excavator until such person has secured an occupational license in accordance with the County occupational license requirements.
- (9) No excavator may excavate a parcel of land until he obtains an excavation permit issued by the Growth Management Department in accordance with the terms of this Code prior to any excavation being made on the property to be excavated.
- (10) The excavation shall not be used for the disposal of material generated off-site without prior approval from the environmental management department and the State Department of Environmental Protection and without obtaining all appropriate federal, State and local permits.
- (11) The excavation shall comply with the tree protection requirements specified in Chapter 8 and with the requirements of the City noise ordinance.
- (12) If upon the conclusion of public hearing(s), the special exception is approved, final site plan approval, as specified in Chapter 3 is required.

- (13) Off-site discharge is prohibited.
- (14) Any excavator shall be responsible for notifying the City and the Florida Department of State, Bureau of Historical Resources when human remains and/or artifactual materials are discovered. The City reserves the right to monitor the excavation activity and to prohibit such activity if artifactual materials and/or human remains are encountered.
- (15) All excavations shall use the most current best management practices (BMPs) so as to control erosion and limit the amount of sediment reaching surface waters. The City reserves the right to monitor the excavation activity and prohibit said activity if it is determined that said activity is responsible for off-premises erosion.

Sec. 6.32. Golf courses, country clubs, swim clubs, tennis clubs, basketball, racquetball, pickle ball, frisbee golf, etc.

Golf courses, country clubs, swim clubs, tennis clubs, basketball, racquetball, pickle ball, frisbee golf, and similar uses are permitted, provided:

- (a) The total lot area covered with principal and accessory buildings shall not exceed 15 percent. No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman or caretaker. No principal or accessory building, swimming pool or tennis court or other type of sports related court shall be located less than 50 feet from any lot line.
- (b) No outdoor loudspeaker or call system shall violate Chapter 30, Article IV of the City's Code of Ordinances.
- (c) All artificial lights shall be directed away from adjoining properties.
- (d) Unless waived by the City Council, off-street parking areas meeting the requirements of Chapter 7
- (e) No outdoor loudspeaker or call system shall violate Chapter 30, Article IV of the City's Code of Ordinances.
- (f) All artificial lights shall be directed away from adjoining properties.
- (g) Unless waived by the City Council, off-street parking areas meeting the requirements of Chapter 7

Sec. 6.33. Hazardous waste transporter facility.

A hazardous waste transporter facility may be permitted, provided that the use complies with the standards and regulations adopted by the State.

Sec. 6.34. Houses of worship, cemeteries, parochial or private schools.

Houses of worship, cemeteries and parochial or private schools are permitted, provided:

- (a) No principal or accessory building shall be located less than 50 feet from any property line in agricultural and residential zoning classifications. Principal and accessory buildings for parochial and private schools shall also be located at least 50 feet from any property line in all applicable zoning classifications.
- (b) Unless waived by the City Council, off-street parking areas shall meet the requirements of Chapter 7.
- (c) Cemeteries shall comply with F.S. Chapter 497, including the minimum acreage requirements and any other applicable governmental regulations.

Sec. 6.35. Landfills, construction and demolition debris disposal facility, materials recovery facility, recovered materials facility or off-site disposal of land clearing debris facility.

- (a) No special exception for the deposition of material is required by this Code for the following activities; provided that the activity does not violate any federal or State laws, rules, regulations or orders:
 - (1) Normal farming operations/agricultural use.

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- (2) Grading, filling, and moving of earth in conjunction with commercial, industrial, or subdivision construction, provided a development order or permit has been obtained.
 - (3) Foundations and building pads for any building or structure; provided that a valid building permit has been issued by the Growth Management Department.
 - (4) Minor landscaping projects provided they do not encroach in flood-prone areas as depicted on the flood insurance rate maps, promulgated by FEMA, or change the natural drainage pattern of the ground surface at the property line.
 - (5) Exemptions contained in Rule 62-701.320(2), F.A.C.
- (b) The following requirements and conditions shall be met for landfills or other facilities as provided herein, subject to State Department of Environmental Protection permit approval:
- (1) Each application for a special exception shall be accompanied by plans, drawings, and information prepared by a State registered engineer depicting, at a minimum:
 - a. Existing and proposed topography at 1-foot contour intervals. Such topography shall extend a minimum of 150 feet beyond the toe of slope of the landfill or facility.
 - b. Wet and dry season water elevations and the existing surface drainage pattern.
 - c. Notwithstanding any other minimum yard size requirements of this Code, the sides of a landfill or facility shall be set back the following minimum distances:
 - i. 125 feet from the right-of-way of any public street, road, or highway.
 - ii. 125 feet from abutting residential or mobile home classified property.
 - iii. 125 feet from any other abutting property.
 - iv. 125 feet from any natural surface water body, watercourse, or wetlands.
 - d. Perimeter landscape buffers shall be established prior to initiation of the activity and shall meet the requirements of Article III of Chapter 8.
 - e. A description of the area and volume of material to be filled.
 - f. A description of the time, duration, planning, and proposed work schedule of the project.
 - g. A detailed reclamation plan and program to be performed upon completion of the project. As a minimum, the plan of reclamation shall include:
 - i. Time, duration, phasing and proposed work schedule.
 - ii. Depiction of finished, stabilized sides.
 - iii. Landscape plan for portion of property disturbed by landfill and associated activities, including an inventory of plant/tree species.
 - iv. The reclamation plan must be approved by the Development Review Committee.
 - h. The proposed location of access roads to the sites and proposed haul routes for material to be deposited. Vehicular access to and from the landfill or facility shall be designated by the City Council at the time of approval of the special exception.
 - i. Proposed plans for fencing and signs. All proposed signs shall be consistent with Chapter 11. Notwithstanding the provision of Sec. 10.8, the landfill or facility shall be fenced in a manner approved by the City Engineer.

- j. A report prepared by a qualified engineer of the proposed landfill or facility site. Such a report shall at a minimum provide a detailed discussion of the environmental impacts of the proposed landfill or facility and a recommendation of the necessity to install monitoring wells.
 - k. Evidence that the applicant has contacted the State Department of Environmental Protection, by certified mail with a copy of the return receipt to the growth management services group, and all other appropriate State and substate agencies, for the requisite permit. Such a landfill or other facility, as a condition of approval of the special exception, shall obtain a permit from the State Department of Environmental Protection.
- (2) Whenever the City Manager determines that the use of any right-of-way designated by the applicant for ingress and egress to and from the site will be subject to excessive deterioration resulting in the breakdown of the subsurface and base of such right-of-way, the applicant may be required to agree to provide the City with funds in the amount necessary to mitigate the adverse impact upon the right-of-way which is caused by the operation and to ensure that said roadway is maintained in a satisfactory condition. In furtherance of this agreement, the operator may be required by the City Council to post an acceptable performance bond, irrevocable letter of credit, or funds in escrow, in the amount up to 110 percent of the estimated reconditioning costs, as estimated by the City Engineer.
- (3) If upon completion of the public hearings the special exception is approved, final site plan approval, as specified in Chapter 3 is required.
- (4) The City Council as a condition of the approved special exception may further limit the types of materials that may be deposited in a landfill or facility.
- (5) Notwithstanding anything to the contrary within this Code, no landfill or facility shall exceed 25 feet in height above existing grade.

Sec. 6.36. Marinas.

In addition to obtaining all SJRWMD, State, and federal permits, the following standards shall apply to marinas:

- (a) The site shall contain sufficient uplands to accommodate support facilities such as adequate parking, dry storage, work areas, stormwater management facilities, and other nonwater dependent uses.
- (b) Facilities shall be designed to maximize or improve water circulation patterns and shall not adversely affect existing circulation patterns.
- (c) Any buffer zones established by FDEP's Shellfish Environmental Assessment Section shall be maintained and where necessary, enhanced or expanded.
- (d) Prior to the operation of any new marina fueling facility or expansion of an existing facility, a fuel management/spill contingency plan shall be approved by the applicable governing authority. The plan shall describe methods to be used in dispensing fuel and all the procedures, methods, and materials to be used in the event of a spill.
- (e) In the event new boat slips are constructed, sewer pump-out service and facilities shall be available and accessible.

Sec. 6.37. Mobile home and mobile recreational vehicle park requirements.

- (a) General requirements. The following regulations apply to both mobile home and mobile recreational vehicle parks:
 - (1) *Recreation area.* There shall be at least one active recreational area. It shall constitute at least 5 percent of the total land area of the project. The recreation area shall be easily accessible to all residents of the project. Any recreational building shall be constructed in accordance with the

applicable provisions of the ,Statewide Emergency Shelter Plan of 2024, as amended by the Florida Department of Emergency Management.

- (2) *Internal streets width.* Required paving for two-way streets with no parking on street: 20 feet. An additional 10 feet of right-of-way shall be provided if parking on one side of the street is permitted only. An additional 20 feet of right-of-way shall be provided if parking on both sides of the street is permitted.
 - a. The additional right-of-way for parking purposes as herein provided is required to be paved.
 - b. Streets shall be constructed of materials which meet the specifications of this Code.
 - (3) *Project entrances and exits.* Entrances and exits shall be limited in number and, when combined, shall be separated with a landscaped median strip not less than 5 feet wide. There shall be no direct vehicle access from any space to any exterior street.
 - (4) *Water supply, sewage disposal and garbage and refuse handling.* All mobile home and recreational vehicle parks shall comply with this Code regarding water supply and sewage disposal and the applicable provisions of the Florida Administrative Code regarding garbage and refuse handling.
 - (5) *Landscape buffer requirements.* Landscaped buffer areas meeting the requirements of Chapter 8 shall be constructed.
 - (6) *Project perimeter setback.* No structure shall be located within 30 feet of the project's perimeter.
 - (7) *Final site plan development order required.* A final site plan development order for new parks and expansion of existing parks, meeting the requirements of Chapter 3, shall have been issued prior to commencement of construction. Prior to issuance of any building permit for any sale of the mobile homes in the park, construction of the required improvements shall have been completed in accordance with Chapter 10.
 - (8) *Skirting.* The area between the ground and floor of the mobile home dwelling shall be enclosed with skirting
- (b) Additional requirements for recreational vehicle parks.
- (1) Minimum project size: 10 acres.
 - (2) Maximum recreational vehicle spaces at 8 dwelling units per acre.
 - (3) Minimum recreational vehicle space size:
 - a. Space area: 1,500 square feet.
 - b. Space width: 30 feet.
 - (4) Project perimeter setback: No recreational vehicle space, campsite or structure shall be located within 30 feet of the project perimeter.
 - (5) Maximum building height: 35 feet.
 - (6) Site-built cabins: one unit per 20 recreational vehicle or campsite spaces. In addition, the following requirements shall apply: Said cabins shall contain no plumbing, cooking or sanitary facilities, and contain a maximum of 220 square feet.
 - (7) Park trailers are permitted and must comply with F.S. § 320.8325.
 - (8) Park models.

- (c) *Existing mobile home parks; compliance.* Any subsequent construction or alteration that extends an existing mobile home park shall comply with the provisions of these regulations, including those provisions requiring a permit. No changes shall be made to the existing design of spaces or streets which increase their nonconformity. Subsequent changes to the basic design of existing spaces or streets which do not increase their nonconformity shall be permitted.

(Ord. No. 01-99, § 1(301.2(809.00)), 11-3-1999)

Sec. 6.38. Outside entertainment.

Outside entertainment in conjunction with bars and restaurants is permitted subject to the following:

- (a) There shall be a designated area that has direct access to the building containing the restaurant or bar and be placed in a visible location that is convenient for use by the general public.
- (b) The proposed use shall not negatively impact adjacent residential uses.
- (c) Outside entertainment shall conclude at 11:00 p.m. or normal closing time of the restaurant or bar, whichever is earlier.
- (d) The City Council may impose conditions limiting the number of days or times per week for outside entertainment if deemed necessary to ensure compatibility and consistency with code.
- (e) Adequate setbacks, screens, buffers and general amenities shall be provided to preserve compatibility with adjacent uses and to control adverse effects of noise, lights, and other nuisances, as regulated by this Code and the City's Code of Ordinances.

Sec. 6.39. Outdoor Storage (Principal Use).

All outdoor storage, where allowed as a principal use, shall be screened from the rights-of-way and adjacent property. Such screening shall include a solid fence or wall six (6) feet in height. Chain link or barbed wire fences may not be utilized to meet this requirement.

Sec. 6.40. Outside sales.

Retail sales from other than a store, shop, or similar building may only be permitted when located on the same lot as an existing retail business that is operating from an approved building; provided that the outside sales are subordinate and accessory to the existing business, it is conducted only by the owner or lessee of the premises, it is limited to the goods and services normally offered by the owner or lessee, it is consistent with the zoning for that parcel, it does not hinder required access to the premises, and it does not reduce the parking spaces to less than the required minimum. Outside sales on public rights-of-way, landscape buffers and vacant lots are prohibited.

Sec. 6.41. Outside service and consumption of alcoholic beverages.

The operation of outside service and consumption of alcoholic beverages at bars is allowed subject to the following:

- (a) Setbacks, screens, buffers and general amenities shall be provided to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of noise, lights, and other nuisances.
- (b) The outside service area must be separated from public rights-of-way, sidewalks and other public areas, by fencing, screens, buffers or similar elements.
- (c) The proposed use shall not negatively impact adjacent residential uses.
- (d) The area shall have direct access to the building containing the restaurant or through a sidewalk network.
- (e) There shall be adequate parking for the outside seating area.
- (f) The license from the Division of Alcoholic Beverages and Tobacco and Bureau of Licensing shall include the outside service area.
- (g) A building permit shall be required for any exterior modifications to accommodate outside seating.

Sec. 6.42. Package sewage treatment plants and/or package water treatment plants.

- (a) Package sewage treatment plants may be permitted provided that they are consistent with the Comprehensive Plan and meet all applicable State requirements and the following additional requirements:
 - (1) Package sewage treatment plant structures shall not be located closer than 50 feet to adjoining lot lines.
 - (2) Evaporation/percolation ponds shall not be located within 100 feet of adjoining lot lines, streets rights-of-way, the mean high-water mark of water bodies, or bulkhead lines.
 - (3) Subsurface drainfields shall not be located within 50 feet of bulkhead lines or the mean high-water mark of the water bodies.
 - (4) When spray irrigation fields are used, the minimum distance between said fields and adjoining lot lines, street rights-of-way, the mean high-water mark of water bodies, or bulkhead lines shall be determined on a case-by-case basis after due consideration of prevailing wind direction, average wind velocity, or other conditions that might carry sprayed effluent onto adjoining premises.
 - (5) The package plant structures shall, in the absence of an appropriate natural vegetation screen, be visually screened from adjoining properties or street rights-of-way with an appropriate fence, decorative masonry wall, or plant materials.
 - (6) Plants shall be designed to be transformed into a pump station when public central wastewater facilities are constructed to serve the area; provided that said availability is to be not more than ten years distant from the issuance of the development order/permit, except as provided for in paragraph (7) of this subsection.
 - (7) Notwithstanding the provisions of paragraph (6) of this subsection, a package plant intended to correct any existing problem of public health, safety or welfare, may be permitted.
- (b) Package water treatment plants may be permitted providing they are consistent with the Comprehensive Plan and meet all applicable State requirements and the following additional requirements:
 - (1) Package water treatment plant structures shall not be located less than 50 feet from adjoining lot lines.
 - (2) Package water treatment plant structures shall, in the absence of an appropriate natural vegetation screen, be visually screened from adjoining properties or street rights-of-way with an appropriate fence, decorative masonry wall or plant material.

Sec. 6.43. Private clubs.

Private clubs are permitted provided:

- (a) No principal or accessory building, swimming pool or tennis court shall be located less than 50 feet from any lot line.
- (b) No outdoor loudspeaker or call system shall violate Chapter 30, Article IV of the City's Code of Ordinances.
- (c) All artificial lights shall be directed away from adjoining properties.
- (d) Unless waived by the City Council, the site must meet the off-street parking and landscaped buffer requirements of this code.

Sec. 6.44. Public utility uses and structures.

- (a) Unless waived by the City Council, a landscape buffer meeting the requirements of Chapter 8 is required.
- (b) A final site plan meeting the requirements of Chapter 3 is required.
- (c) Package sewage treatment plants may be permitted, provided that they are consistent with the Comprehensive Plan and meet all applicable State requirements and the following additional requirements:
 - (1) Package sewage treatment plant structures shall not be located closer than 50 feet to adjoining lot lines.
 - (2) Evaporation/percolation ponds shall not be located within 100 feet of adjoining lot lines, streets rights-of-way, the mean high-water mark or water bodies, or bulkhead lines.
 - (3) Subsurface drainfields shall not be located within 50 feet of bulkhead lines or the mean high-water mark of the water bodies.
 - (4) When spray irrigation fields are used, the minimum distance between said fields and adjoining lot lines, street rights-of-way, the mean high-water mark of water bodies, or bulkhead lines shall be determined on a case-by-case basis after due consideration of prevailing wind direction, average wind velocity, or other conditions that might carry sprayed effluent onto adjoining premises.
 - (5) The package plant structures shall, in the absence of an appropriate natural vegetation screen, be visually screened from adjoining properties or street rights-of-way with an appropriate fence, decorative masonry wall, or plant materials.
 - (6) Plants shall be designed to be transformed into a pump station when public central wastewater facilities are constructed to serve the area, provided that said availability is to be not more than ten years distant from the issuance of the development order/permit, except as provided for in paragraph (7) of this subsection.
 - (7) Notwithstanding the provisions of paragraph (6) of this subsection, a package plant intended to correct any existing problem of public health, safety or welfare may be permitted.
- (d) Package water treatment plants may be permitted providing they are consistent with the Comprehensive Plan and meet all applicable State requirements and the following additional requirements:
 - (1) Package water treatment plant structures shall not be located less than 50 feet from adjoining lot lines.
 - (2) Package water treatment plant structures shall, in the absence of an appropriate natural vegetation screen, be visually screened from adjoining properties or street rights-of-way with an

appropriate fence, decorative masonry wall or plant material.

Sec. 6.45. Publicly owned parks and recreation areas.

No buildings or structures, bleachers, dugouts, restrooms, concession stands, off-street parking areas or playing fields and courts shall be located less than 20 feet from any property line.

(Ord. No. 01-99, § 1(301.2(814.00)), 11-3-1999; Ord. No. 22-02, § 3, 12-11-2002; Ord. No. 02-12, § 2(Exh. A), 9-5-2012)

Sec. 6.46. Self-Storage Facilities

Self-storage facilities shall be designed and operated according to the following standards, and Sec. 5.38, when applicable:

- (a) No garage sales shall be conducted on the premises.
- (b) No businesses or business activity shall be conducted within storage units.
- (c) No storage unit shall be used as a dwelling unit.
- (d) No servicing or repair of motor vehicles, watercraft, trailers, lawn mowers and other similar equipment shall be conducted on the premises.
- (e) There shall be a minimum of 30 feet between self-storage facilities and miniwarehouse buildings for driveway, parking and fire lane purposes.

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[GREY BACKGROUND INDICATES SECTIONS PROPOSED TO BE PLACED IN AN ENGINEERING STANDARDS MANUAL]

CHAPTER 7 - CIRCULATION AND PARKING

ARTICLE I. STREETS, SIDEWALKS, AND TRANSIT

Sec. 7.1. Purpose.

The purpose of this Article is to promote the safety of vehicular traffic and pedestrians and to minimize traffic congestion and conflict. Access to any project or development shall comply with the requirements of this Chapter.

(Ord. No. 01-99, § 1(301.2(800.00)), 11-3-1999)

Sec. 7.2. Streets.

- (a) *Required frontage on a street.* All proposed lots and developments, except for utility sites such as cable substations, communication towers, etc., shall front on a paved street meeting the standards of this Chapter. If the street is not already paved, it shall be paved by the developer from the entrance of the development to the nearest paved street to current City road design standards. The character, width, grade, and location of all streets shall conform to the standards in this Section and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (b) *Public streets.* All newly platted streets shall be public. The City Council may approve private streets for security purposes only, provided all such streets meet all design and construction criteria of this Code, a condominium or homeowners' association is created with all duties and powers necessary to ensure perpetual maintenance of such private streets. All streets shall be constructed to the exterior property lines of the development unless they are permanently terminated by a cul-de-sac or an intersection with another street.
- (c) *Street design and construction standards.*
 - (1) Street capacity shall be determined by the traffic analysis and standards established by the Transportation Research Board Highway Capacity Manual.
 - (2) The geometric design of streets shall conform to the minimum standards established by the FDOT Minimum Standards for Streets and Highways (Florida Greenbook), except where changes are specified herein.
 - (3) The construction of streets and work in the public right-of-way shall conform to the FDOT Standard Indexes and Standard Specifications for Road and Bridge Construction, except where changes are specified herein.
 - (4) The determination of traffic generation rates for a particular development shall conform to the latest edition of the ITE Trip Generation Manual, unless otherwise approved by the City Engineer.
 - (5) Any additional standards shall be in compliance with Appendix 2-Technical Standards Manual.
 - (6) Any State and County road shall follow the respective governing standards
- (d) *Traffic impact analysis.* Unless waived by the Development Review Committee, applicants for development shall, at their expense, provide the City with a traffic impact analysis prepared by a registered professional engineer qualified in traffic engineering using the most current River to Sea TPO adopted Transportation Impact Analysis (TIA) Guidelines Methodology.
- (e) *Arrangement of streets.* The arrangement of streets in a development shall:
 - (1) Provide efficient and orderly hierarchy of streets;
 - (2) Conform with official plans and maps of the City;
 - (3) Be integrated with the existing and planned street system of the surrounding area in a manner which is not detrimental to existing neighborhoods;
 - (4) Be such that the use of local streets by through or commercial traffic is controlled appropriately and give priority to pedestrian connectivity;

- (5) All residential developments or parts of phases thereof, containing more than 100 residential dwelling units; and all professional, commercial, and manufacturing developments, or parts of phases thereof, containing more than fifty (50) lots shall provide at least two separate and remote entrances to a development, unless other provisions, such as easements, are made for emergency ingress and egress, and provided that such entrances will not adversely affect the overall street system; and
 - (6) Be coordinated with the desirable future development of adjoining property of a similar character and provide for local circulation and convenient access to neighborhood facilities.
- (f) *Intersections.* Street intersections shall be laid out as follows:
- (1) Streets shall intersect at an angle of 90 degrees, unless circumstances acceptable to the Development Review Committee indicate a need for a different angle of intersection.
 - (2) Spacing of street intersections.
 - a. Collectors intersecting with arterials must be spaced 1,320 feet apart, unless aligned with and extending an existing collector which already intersects the arterial.
 - b. A local street shall not intersect an arterial unless it is aligned with and extends an existing local street which already intersects the arterial. There shall be a minimum distance of 660 feet between local streets intersecting arterials.
 - c. A collector may intersect another collector, but only if aligned with and extending an existing collector, or at a minimum distance of 660 feet from any other intersection.
 - d. A local street may intersect a collector if spaced at a minimum distance of 660 feet from any other intersection or, in the case of a T-type intersection, at a minimum distance of 330 feet from any other intersection.
 - e. An alley may intersect only with local streets at a minimum of 120 feet from between rights-of-ways with any other intersection.
 - f. The minimum spacing requirements of this Section may be reduced upon appropriate documented justification to the Development Review Committee that, given the particular conditions of the proposed development, such reduction will not compromise operational and safety standards or cause undue hardship.
 - (3) Property lines at street intersections shall be rounded with a minimum radius of 25 feet. A greater radius shall be required for angles of intersections less than 90 degrees.
 - (4) If required by the City Engineer, the right-of-way width shall be increased by at least ten (10) feet on each side of an arterial street for a minimum distance of 150 feet from its intersection with another arterial street, to permit proper intersection design.
- (g) *Minimum right-of-way and pavement widths.* New street minimum rights-of-way and pavement widths shall be as set forth in **Tables 7-1 and 7-2.**
- (h) *Additional right-of-way and/or pavement widths.*
- (1) Additional right-of-way shall be required for public safety and convenience, or to assure adequate access, circulation, parking and to provide turn lanes on any public road. Further, additional right-of-way may be required on existing or proposed roadways if such improvements are within the Capital Improvements Element of the Comprehensive Plan.
 - (2) The roadways shown on the roadways system maps in the Transportation Element of the City's Comprehensive Plan, which are either located within or provide primary access as provided in paragraph (1) of this subsection, shall be conveyed or dedicated to the public by deed, or if acceptable to the City or other appropriate jurisdiction, by grant of easement.

- (3) Half streets shall be prohibited. Where a previously dedicated half street, paved or unpaved, abuts or is within a tract to be developed, the second half of the street shall be dedicated to the City and the full width shall be paved by the developer where the subject street is necessary for the development of the subdivision or overall traffic circulation.
 - (4) Additional right-of-way required at intersections. For the installation of traffic-control equipment, a chord, based on a 30-foot radius curve at the intersection of the right-of-way lines, shall be provided at each arterial intersection, and the area between the chord and the tangents of the intersecting streets shall be dedicated or, if acceptable to the City, granted by easement.
- (i) Access to development.
- (1) Every lot or parcel shall have access from a publicly dedicated street, except as otherwise provided in this Section.
 - (2) Where development borders on or contains a right-of-way for a railroad, expressway, interstate highway, drainage canal or waterway, a street may be required approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land and in compliance with all provisions of this Code.
 - (3) Wherever required, non-vehicular easements controlling access to streets shall be dedicated to the public.
 - (4) Median openings. To assure traffic safety, capacity and control, median openings shall be spaced the maximum distance apart that will allow safe and adequate traffic circulation.
 - a. Location.
 - i. No median opening shall be spaced at a distance less than 660 feet from any other median opening unless specifically approved by the City Traffic Engineer on a finding that, given the particular conditions of the proposed development, such determination will not compromise traffic operational and safety standards.
 - ii. Dedicated public streets are given priority consideration for median openings.
 - b. Design criteria.
 - i. All median openings shall include at least 105 feet storage with 50 feet transition, unless otherwise acceptable by the City Traffic Engineer. Increased storage and transition lengths may be required to eliminate disruption of through-traffic flow.
 - ii. Final design of median openings shall be approved by the City Traffic Engineer.
- (j) *Street jogs*. Street jogs or centerline offsets between streets shall be no less than 150 feet.
- (k) *Culs-de-sac*. Cul-de-sac length shall be determined in the following manner: ten times typical lot width, with a maximum of 1,000 feet. Paved turnarounds shall be provided. In the center of the turnaround, an unpaved island, surrounded by a curb, improved with grass and landscaping that will not interfere with sight distance, may be provided. Center islands shall have a diameter of 17 feet, between backs of curbs.
- (l) *Street grade*. Minimum centerline grade for all streets with curb and gutter shall be five-tenths of 1 percent. Maximum centerline grades for streets range from three to 8 percent depending on type and design speed and shall meet the recommended maximum grades in the FDOT "Green Book." The centerline may be flat for all swale sections, provided the swale grade is a minimum of two-tenths of 1 percent.
- (m) *Minimum street elevation*. New streets shall be designed flood free so as not to submerge, based on foreseeable flood stages. Generally, the minimum street centerline elevation shall provide one (1) foot to bottom of road base above known or estimated flood stages of natural or manmade water bodies.
- (n) *Street names*. Proposed streets which are obviously in alignment with other existing or approved named streets shall have the same name as the existing or approved streets. In no other case shall the name of a proposed street duplicate or be phonetically similar to existing or approved street names, irrespective of the use of alternative suffixes, such as "street," "avenue," "boulevard," "drive," "place," "court," etc. Circle or loop streets shall bear the same name throughout. All street names shall require the approval of the 911 coordinator.

- (o) *Streetlights*. All proposed urban development shall provide for street lighting installation, which comply with dark-sky provisions and per Florida Design Manual, Lighting. A petition for creation of a special assessment district for street lighting shall be submitted.
- (1) *Installation procedures*. Proposed street lighting along all public rights-of-way must be coordinated through the City. Streetlight installation orders are issued by the City Manager to initiate the process and must be requested by the developer through the City as soon as street construction plans are complete. All costs for new street lighting on public streets must be paid for by the developer.
 - (2) Installation of street lighting. Street lighting shall meet the standards of this subsection and those of Appendix 2-Technical Standards Manual.
 - a. *Arterials*. Lighting units along arterials must be spaced 100 feet to 150 feet on alternate sides of the street. All intersections must be provided with street lighting.
 - b. *Collectors*. Lighting units along collectors must be spaced 200 feet to 250 feet on alternate sides of the roadway. All intersections must be provided with street lighting.
 - c. *Locals*. Lighting units on local streets must be provided at intersections or at points along the street such as sharp curves or existing overlength cul-de-sacs where streetlights would decrease the potential for accidents.
- (p) Curbs and gutters.
- (1) *General*. All streets shall be drained utilizing curb-and-gutter construction unless otherwise waived by the City Development Engineer.
 - (2) *Width and permitted types*. The width of curb and gutter shall be either state DOT type or Miami curb and gutter, depending upon the flow to be handled, an 8-inch minimum width header curb where inverted crown section is used. Environmental curb or a minimum 18-inch wide curb surrounding medians may be permitted by the Development Review Committee in developments where soil types and/or topography indicate this method to be preferable. All curbs designed to handle water shall incorporate an approved gutter design. There shall be a stabilized subgrade beneath all curbs and one foot beyond the back of curbs. No water value boxes, meters, portions of manholes, or other appurtenances of any kind relating to any underground utilities shall be located in any portion of a curb and gutter section.
 - (3) *Minimum grades*. The minimum allowable flow line grade of curbs and gutters shall be five-tenths of 1 percent. Road highpoints shall be placed at pedestrian crossings to drain away from said crossings. The tolerance for ponded water in curb construction is one-fourth inch maximum.
 - (4) Other requirements.
 - a. Plastering shall not be permitted on the face of the curb.
 - b. Joints shall be provided at intervals of ten (10) feet, except where shorter intervals are required for closures, but in no case less than four (4) feet.
 - c. No raised portion of any type of curb shall be constructed closer than 12 feet from the pavement edge of an intersecting road without curbs. After concrete has set sufficiently, but in no case later than three days after construction, the curbs shall be backfilled.
 - d. All cross-street valley gutters shall be constructed of concrete.
- (q) *Street signs, markings, and signals*.
- (1) *General*. Required signs must be in place prior to City acceptance of the street. All signing and pavement marking shall be in accordance with the USDOT Manual on Uniform Traffic Control Devices and shall be approved by the City Traffic Engineer. If, at any time prior to final acceptance, an unforeseen need becomes apparent for signing or pavement markings that were not shown on the approved plans, the City reserves the right to require the

additional signs or markings in the interest of public safety and as a condition of City acceptance. Alternative materials for sign mounting may be approved by the City Traffic Engineer.

(2) *Street name signs.*

- a. *Public/City Streets.* Street name signs shall have silver/white reflective upper and lower case lettering with green reflective background sheeting with the City logo on the left side.
- b. *Private Gated Streets.* Street name signs shall have silver/white reflective upper and lower case lettering with green reflective background sheeting with no logo of any kind.
- c. *Private Non-Gated Streets.* Street name signs shall have green reflective upper and lower case lettering with silver/white reflective background sheeting with no logo of any kind.
- d. Street name sign poles shall include a 2-inch by 12-foot galvanized-type round support set in concrete, or a 2½ x 12-inch, three pounds per foot galvanized "U" channel post. Street name signs may be placed on the same pole above a "STOP" sign. Alternative materials for sign mounting may be approved by the City Traffic Engineer.
- e. Arterial intersections shall be provided with at least two street name signs on diagonally opposite corners.

(3) *Regulatory signs.* High intensity signs on 12-foot long, three pounds/foot "U" channel posts (rail steel only) or 3-inch diameter 12-foot long round aluminum posts shall be provided at every street intersection as a condition for acceptance of development paving and drainage improvements and shall be in place prior to final inspection. All round posts shall be installed with anchor plates to prevent post rotation. The developer shall furnish and erect regulatory signs as required by the City Engineer. Regulatory signs must conform to the specifications in the USDOT Manual on Uniform Traffic Control Devices, and locations of signs shall be subject to approval by the City Engineer.

(4) *Pavement markings and Reflective Pavement Markers (RPMs).* All pavement markings and striping within public rights-of-way shall comply with USDOT Manual on Uniform Traffic Control Devices (MUTCD) and FDOT standards.

(5) *Traffic signals.* Traffic signals and other control devices shall be installed at locations determined by the Development Review Committee, where warranted, pursuant to any submitted traffic studies in accordance with USDOT Manual on Uniform Traffic Control Devices. Signal design plans prepared by a qualified traffic engineer shall be provided for all new and existing signal modifications. The plans shall include appropriate intersection details at a one (1) inch equals 20 feet scale with signal head details, movement diagram, signal timing and system timing, pole calculations and a tabulation of quantities based on FDOT standard pay item numbers. Signals on state roads shall meet FDOT requirements and shall be approved by the FDOT Traffic Operations.

(6) *Pedestrian crosswalks.* Pedestrian crosswalk signing and marking, where used, shall be in accordance with City, FDOT, ADA, and MUTCD standards.

(r) *Alleys.*

- (1) One-way alleys may be provided to serve residential, business, commercial and industrial areas and shall be a minimum of 30 feet in right-of-way width with 12 feet of pavement.
- (2) Changes in direction of the alignment of an alley shall be made on a minimum centerline radius to accommodate emergency and service vehicles.
- (3) Dead-end alleys shall be prohibited.
- (4) All pavement to have 8-inch-wide header curb along all accessible edges with raised vertical curbing at radius returns, alley intersections, adjacent to alley parking, and adjacent to landscape islands.

- (s) *Bridges.* Bridges shall be constructed to the width of the connecting roadway pavement, including pedestrian walkways, or such additional width as required by the City Engineer. At a minimum, an 8-foot multi-use/ shared use trail shall be provided. Bridges extending over waterways shall have a center span and a vertical clearance as required by the City Engineer. Bridges shall be designed by a professional engineer and conform to applicable State and federal standards and specifications.
- (t) *Complete streets.* For new roadways, developers shall design roadways utilizing the FDOT Complete Streets resources to determine the modes of transportation that shall be located within the right-of-way.

Table 7 - 1. RURAL STREET REQUIREMENTS

| | Arterial | Collector | | Local Streets | |
|--|-----------------------------|----------------------------|----------------------------|--|--|
| | Two or Four Lanes | Four-Lane Collector | Two-Lane Collector | Local | Local/ Cul-de-Sac |
| Volume (ADT) | 10,000-50,000 | 5,000-10,000 | 2,000-5,000 | 300 ^(a) - 2,000 | 0-300 ^(a) |
| Access | Yes | Yes | Yes | Yes | Yes |
| Minimum design speed | 50 mph ⁽ⁱ⁾ | 45 mph ⁽ⁱ⁾ | 40 mph ⁽ⁱ⁾ | 30 mph ^{(g)(i)} | 30 mph ^{(g)(i)} |
| Intersection space minimum | 660 ft. ^(b) | 660 ft. ^(b) | 330 ft. ^(b) | 250 ft. ^(e) | 250 ft. ^(e) |
| Lanes | 2-4 | 4 | 2 | 2 | 2 |
| Minimum pavement width | 22 or 44 ft. ⁽ⁱ⁾ | 44 ft. ⁽ⁱ⁾ | 22 ft. ⁽ⁱ⁾ | 22 ft. ⁽ⁱ⁾ | 22 ft. ⁽ⁱ⁾ /43 ft. |
| Pavement radii | 40-50 ft. | 40-50 ft. | 40-50 ft. | 30-40 ft. | 30-40 ft. |
| Pavement mark/signing | Yes ^(d) | Yes ^(d) | Yes ^(d) | Yes ^(d) | Yes ^(d) |
| Parking on street | Prohibited | Prohibited | Prohibited | Prohibited | Allowed |
| Median | Yes ^(c) | Yes ^(c) | No | No | No |
| *Turn lanes | As required ^(f) | As required ^(f) | As required ^(f) | No | No |
| Traffic signal | As warranted | As warranted | As warranted | No | No |
| Pedestrian crossing | At signalized crossings | At signalized crossings | Intersection only | Yes ^(d) | Yes ^(d) |
| *Approach widening (Expand intersection) | Yes | Yes | Yes | No | No |
| *Right-of-way | 100 ft. | 80 ft. | 80 ft. | 70 ft. | 70 ft./68 ft. radius |
| Design vehicle (geom) | WB 60 & SU | WB 60 & SU | WB 60 & SU | WB 40 & SU | WB 40 & SU |
| Corners of right-of-way | 30-ft. chord | 30-ft. chord | 30-ft. chord | 30 ft. chord or 25 ft. radius ^(k) | 30 ft. chord or 25 ft. radius ^(k) |
| *Sidewalks | As required ^(h) | As required ^(h) | As required ^(h) | No | No |
| Streetlights | No | No | No | No | No |

*Further explanation in provisions of this section.

- ^(a) Over 300 ADT may be allowed if an alternate emergency access is provided.
- ^(b) Or alternate approved by the Development Review Committee based upon land planning and traffic analysis. A minimum 1,320 feet spacing will be required between two signalized intersections.
- ^(c) Refer to section 7.2(e).
- ^(d) As delineated in the USDOT Manual on Uniform Traffic Control Devices.
- ^(e) Or 150 feet for opposing offset T-type intersection.
- ^(f) Refer to section 7.7(e)(5).
- ^(g) Design speeds lower than 30 mph may be used for local, subdivision type roads and streets. Streets with a design speed less than 30 mph shall be posted with appropriate legal speed limit signs.
- ^(h) Refer to section 7.3.
- ⁽ⁱ⁾ See the Manual of Uniform Standards for Design Construction and Maintenance for Streets and Highways (Green Book).

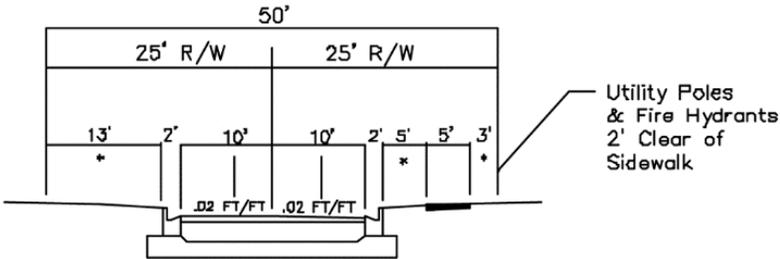
- (j) See FDOT Standard Specifications for Road and Bridge Construction and the Engineering Standards Manual for the structural section.
- (k) Refer to section 7.2(f)(3) and section 7.2(h)(4).

Table 7 - 2. URBAN STREET REQUIREMENTS

| | Arterial | Collector | | Local Streets | |
|---|-----------------------------|----------------------------|----------------------------|--|--|
| | Two or Four Lanes | Four-Lane Collector | Two-Lane Collector | Local | Local/ Cul-de-Sac |
| Volume (ADT) | 10,000-36,000 | 5,000-10,000 | 2,000-5,000 | 300 ^(a) -2,000 | 0-300 ^(a) |
| Access | Prohibited ^(b) | Prohibited ^(b) | Prohibited ^(b) | Yes | Yes |
| Minimum design speed | 45 mph ^(m) | 45 mph ^(m) | 40 mph ^(m) | 20 mph ^{(g)(m)} | 20 mph ^{(g)(m)} |
| Intersection space minimum | 660 ft. ^(c) | 600 ft. ^(c) | 330 ft. ^(c) | 250 ft. ^(h) | 250 ft. ^(h) |
| Lanes | 2 or 4 | 4 | 2 | 2 | 2 |
| Minimum pavement width | 22 or 44 ft. ⁽ⁿ⁾ | 44 ft. ⁽ⁿ⁾ | 22 ft. ⁽ⁿ⁾ | 20 ft. ⁽ⁿ⁾ | 20 ft. ⁽ⁿ⁾ /43 ft. radius |
| Pavement radii | 40-50 ft. | 40-50 ft. | 40-50 ft. | 30-40 ft. | 30-40 ft. |
| Pavement mark/signing | Yes ^(e) | Yes ^(e) | Yes ^(e) | Yes ^(e) | Yes ^(e) |
| Parking on street | Prohibited | Prohibited | Prohibited | Allowed | Allowed |
| Median | Yes ^(d) | Yes ^(d) | No | No | No |
| Turn lanes | As required ^(f) | As required ^(f) | As required ^(f) | No | No |
| Traffic signal | As warranted | As warranted | As warranted | No | No |
| Pedestrian crossing markings | At signalized crossings | At signalized crossings | Intersections only | As required by City Traffic Engineer | As required by City Traffic Engineer |
| Approach widening (expand intersection) | Yes | Yes | No | No | No |
| Right-of-way | 100 | 80 ft. | 80 ft. ^(p) | 50 ft. ⁽ⁱ⁾ | 50 ft. ⁽ⁱ⁾ /54 ft. radius |
| Design vehicle (geom) | WB 60 & SU | WB 60 & SU | WB 60 & SU | WB 40 & SU | WB 40 & SU |
| Corners | 30-ft. chord | 30-ft. chord | 30-ft. chord | 30 ft. chord or 25 ft. radius ^(o) | 30 ft. chord or 25-ft. radius ^(o) |
| Sidewalks | Yes | Yes | Yes | Yes | As required ⁽ⁱ⁾ |
| Streetlights | Yes | Yes | Yes | Yes | As required ^(k) |

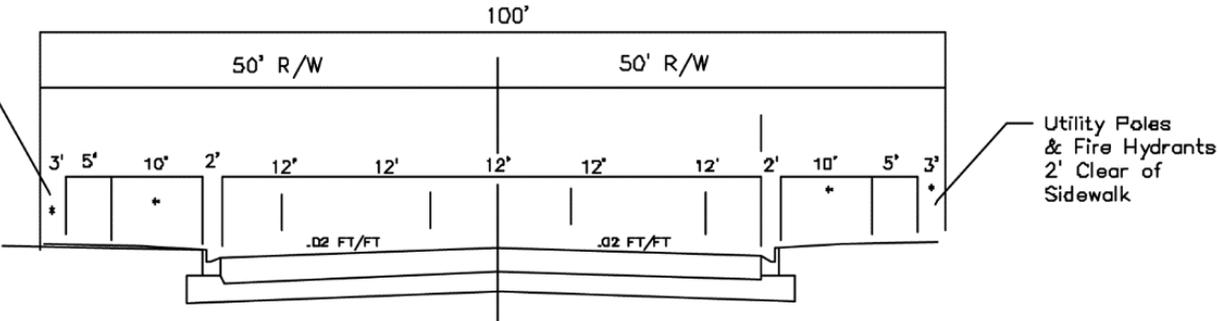
- ^(a) Over 300 ADT may be allowed if an alternate emergency access is provided.
- ^(b) Unless the spacing requirements of Table 7-4 are met.
- ^(c) Or approved alternate by the Development Review Committee based upon land planning and traffic analysis. A minimum 1,320 feet spacing will be required between two signalized intersections.
- ^(d) Refer to section 7.2(e).
- ^(e) As delineated in the USDOT Manual on Uniform Traffic Control Devices and as required by the City Traffic Engineer.
- ^(f) Refer to section 7.7(e)(5).
- ^(g) Design speeds lower than 30 mph may be used for local, subdivision type roads and streets. Streets with a design speed less than 30 mph shall be posted with appropriate legal speed limit signs.
- ^(h) Or 150 feet for opposing offset T-type intersection.
- ⁽ⁱ⁾ A 40-foot right-of-way width may be approved by the Development Review Committee provided a six-inch minimum vertical curb is used and upon a showing that all required improvements can be contained within the proposed 40-foot right-of-way or adjacent easements. Setbacks for structures shall be sufficient to permit a minimum of 25 feet of driveway depth from the closest side of the sidewalk to the structure.
- ^(j) Refer to section 7.3.
- ^(k) Refer to section 7.2(o).
- ^(l) Reserved.
- ^(m) See the Manual of Uniform Standards for Design, Construction and Maintenance for Streets and Highways (Green Book).

- (n) See FDOT Standard Specifications for Road and Bridge Construction and the Engineering Standards Manual for the structural section.
 - (o) Refer to section 7.2(f)(3) and section 7.2(h)(4).
 - (p) An internal subdivision functional collector may have a 60-foot right-of-way.
- (u) *Typical roadway sections.* Following are the typical roadway section patterns of the city:



TWO-LANE LOCAL STREET, URBAN

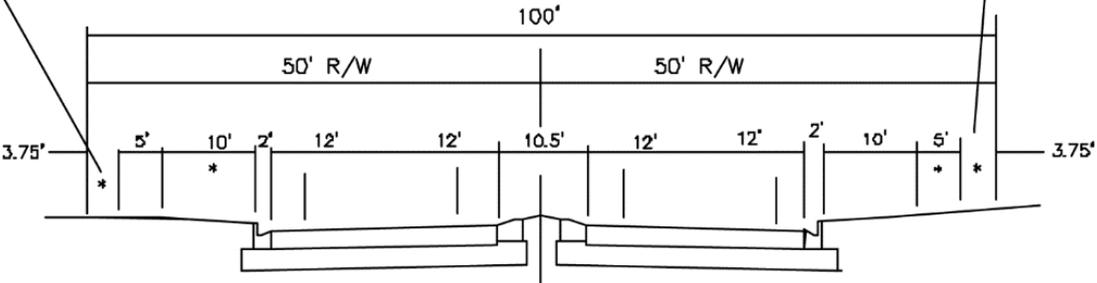
Utility Poles & Fire Hydrants
 2' Clear of Sidewalk



FOUR-LANE URBAN ARTERIAL OR COLLECTOR
 Median Turn Lane

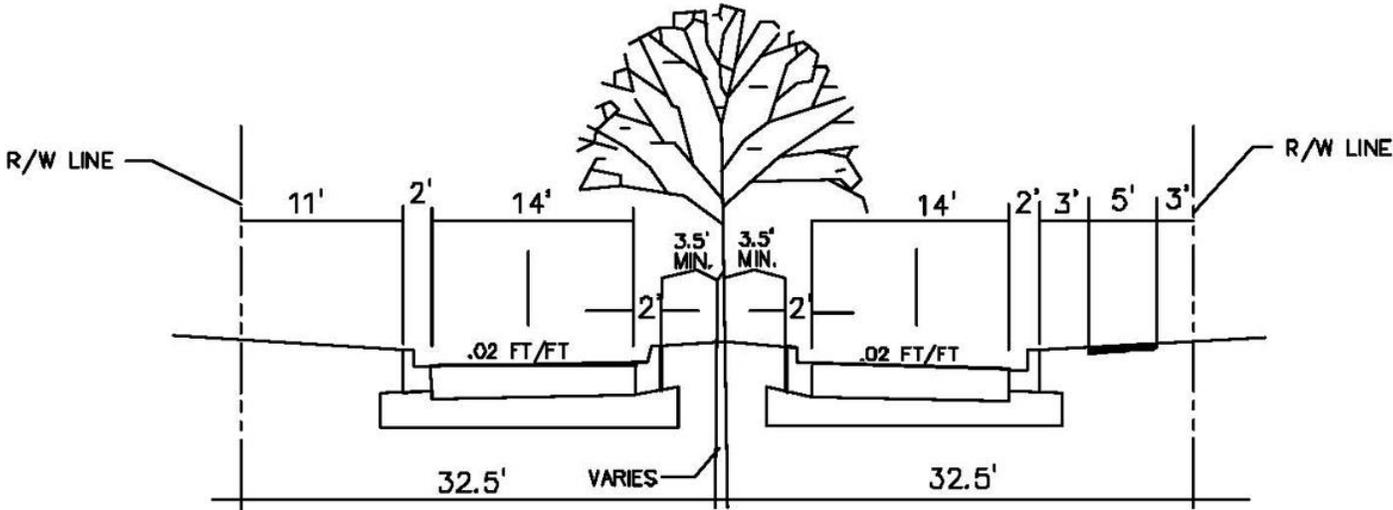
Utility Poles & Fire Hydrants
 2' Clear of Sidewalk

Utility Poles & Fire Hydrants
 2' Clear of Sidewalk



FOUR-LANE URBAN ARTERIAL OR COLLECTOR
 Raised Median
 * Seed and Mulch

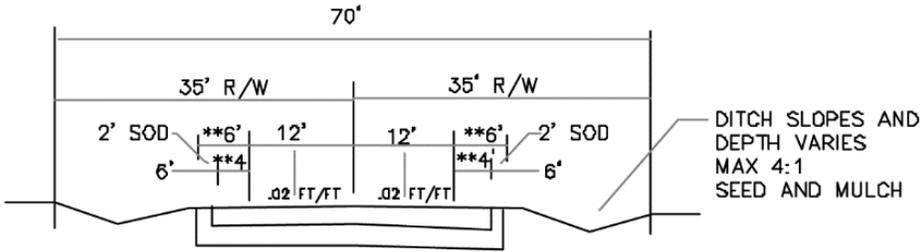
Utility Poles & Fire Hydrants
 2' Clear of Sidewalk



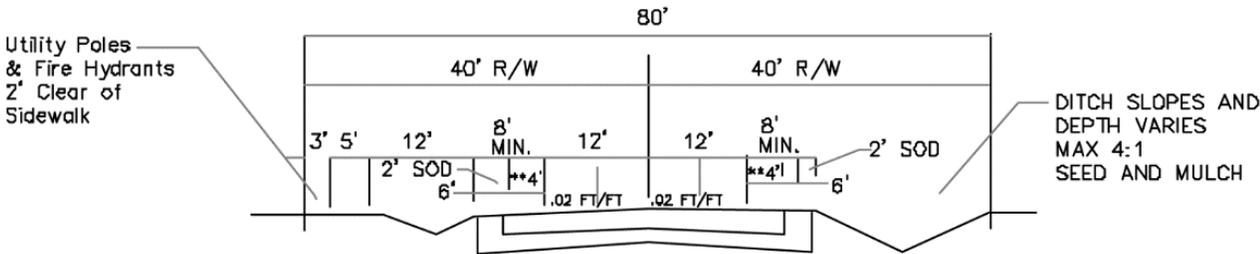
TWO LANE LOCAL STREET URBAN, WITH ISLAND SEPARATOR

NOTE: Minimum width of island is 4' without obstructions (such as posts & trees, etc.)

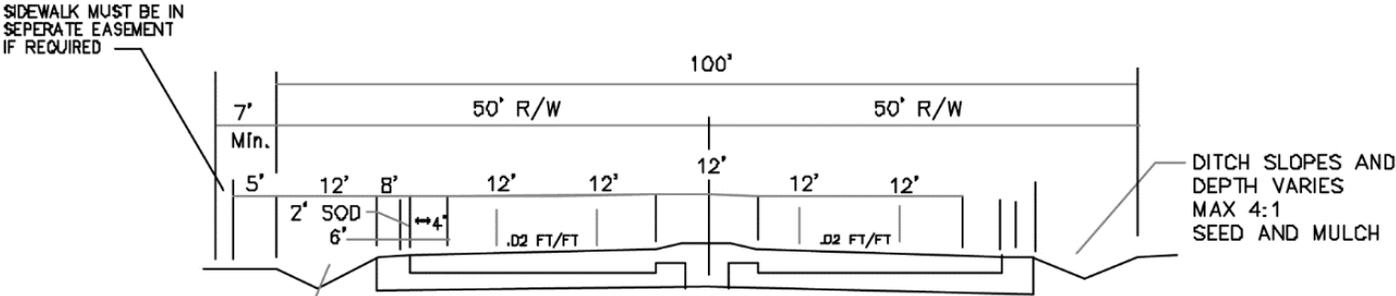
* Seed and Mulch



TWO-LANE LOCAL STREET, RURAL
 **8' for 750 ADT and Above



TWO-LANE RURAL COLLECTOR



FOUR-LANE RURAL ARTERIAL COLLECTOR
 *4' Paved Shoulders Optional

(Ord. No. 21-07, § 2, 9-5-2007)

Sec. 7.3. Sidewalks.

All developments shall have an efficient pedestrian system that provides internal and external connectivity. Sidewalks along public and private streets shall meet the following provisions:

- (a) *General.* Paved sidewalks, a minimum of five (5) feet in width, shall be installed on both sides of all local streets within a new development, except in a single-family or duplex subdivision where the minimum lot sizes are one (1) acre or larger, in which case sidewalks shall not be required. Where golf carts are not permitted on the street travel lanes, an 8-foot sidewalk shall be provided on both sides of the right-of-way. Sidewalks adjacent to or connecting residential developments to educational facilities shall be a minimum of eight (8) feet wide at least on one side. Alternative path systems within a new development may be approved by the Development Review Committee instead of sidewalks. Specifications for materials and design of sidewalks or alternative path systems shall be approved by the City Manager or Designee. Maintenance and replacement of the sidewalks or alternative path systems outside of the dedicated right-of-way or easements within a development shall be the responsibility of the community association.
- (b) *Sidewalks along collectors and arterials.* Paved sidewalks a minimum of eight (8) feet in width shall be installed along a new development or redevelopment. For existing arterials, the sidewalks shall be provided across the frontage of the property being developed. Sidewalks shall be provided along both sides of proposed arterials. The Development Review Committee may waive the sidewalk requirement on one or both sides of the street for one or more of the following reasons:
 - (1) A single-family or duplex subdivision with a density of more than 1 and up to 3 units per acre will require a sidewalk on only one side of the roadway; provided, however, that within one (1) mile of existing or planned schools, commercial centers or community centers, sidewalks shall be installed along both sides of the roadway.
 - (2) A single-family or duplex subdivision with a density 1 unit or less per acre shall not require a sidewalk on either side of the roadway; provided, however, that within one (1) mile of existing or planned schools, commercial centers or community centers, sidewalks shall be installed along both sides of the roadway.
- (c) *Pedestrian access.* Neighborhood and community commercial facilities shall have an efficient and direct pedestrian way connection to the residential areas the facilities are intended to serve. The design of local commercial facilities shall allow pedestrians direct access from adjacent neighborhood areas, with due consideration to the elimination of points of conflict between pedestrians and vehicles.
- (d) *Location.* Sidewalks shall be located in the rights-of-way or adjacent easements of said streets within and abutting the development. Sidewalks shall typically be located one (1) foot from the abutting easement or right-of-way line. Sufficient distance from obstacles such as fire hydrants, drainage inlets, manholes, utility structures and trees shall be maintained for the safety of the sidewalk users. No sidewalk shall be located within the appropriate recovery area of the travel lane of said street.
- (e) *Pedestrian barriers.* The Development Review Committee may require fences, hedges, berms, other landscaping, or other barriers in order to discourage pedestrians from crossing hazardous streets at unsafe points or at numerous points. When possible, developments shall be designed so as to promote pedestrian street crossings only at traffic controlled intersections and warranted mid-block crossings.
- (f) *Sidewalks; subdivision improvements.* Required sidewalks as provided in this Section must be installed prior to the transfer of right-of-way maintenance responsibility.
- (g) *Trail and park connections.* All developments within 100 feet of an existing or planned trail, trailhead, or park shall provide an 8-foot wide minimum pedestrian connection that ultimately connects to the pedestrian circulation system of that development.

Sec. 7.4. Mass transit facilities.

- (a) Community and regional shopping centers of greater than 100,000 square feet of gross leasable floor area shall be designed to accommodate bus turnout and sheltered facilities (covered seating) for convenient and safe boarding and unloading of passengers as well as maintaining a safe traffic pattern.
- (b) Any new development proposed along an existing or future transit route must coordinate with the transit authority for the provision of new stops, shelters, and pedestrian connections.

ARTICLE II. DRIVEWAYS

Sec. 7.5. Driveway connections

- (a) A driveway connection to a roadway shall be constructed to the requirements of this Article.
- (b) A use permit, if not part of an overall site development or residential stormwater permit, shall be obtained prior to the commencement of construction of the connection, and a final inspection shall be approved pursuant to this Article prior to the final approval of any development served by the connection. A use permit shall not be required for connections to privately owned and maintained roads.

Sec. 7.6. Vacant, agriculture and residential lots

All one- and two-family residential and agricultural lands shall be served by driveways which meet the standards below. For vacant residential zoned lots, no driveway shall be permitted without a principal use or structure:

- (a) *Number of driveway entrances.* Although a single driveway will typically serve each property, the following may be permitted:
 - (1) One driveway may be permitted to serve an agricultural zoned property.
 - (2) Two driveways - shall be permitted if all the requirements of this Section are met and if the minimum separation between the two driveways equals 30 feet.
 - (3) Three driveways - shall be permitted if all of the requirements of this Section are met and if the minimum separation
 - (4) between all proposed adjacent driveways equals or exceeds 100 feet. Where other driveway(s) exist, the new driveway(s) shall be a minimum separation of 100 feet between and from the existing driveway(s). Existing driveways shall be considered exempt from the 100-foot separation.
 - (5) No more than three driveways will be permitted for a one- and two-family existing residential lot.
- (b) *Driveway location.* The following limitations shall apply to the location of driveways.
 - (1) No driveway shall be constructed in the radius return of an intersection.
 - (2) No driveway shall be constructed with a corner clearance of less than 50 feet measured along the edge of the traveled way between the return radius and the nearest point of the driveway on or adjacent to arterials and collectors. This distance may be reduced to 25 feet on local streets.
 - (3) No driveway entrance shall include any public facility such as traffic signal standards, catch basins, crosswalks, loading zones, utility poles, fire alarm support, meter boxes, sewer cleanouts or other similar type structures.
 - (4) No driveway shall be located closer than five (5) feet from an adjacent property line.
 - (5) No driveway shall be located less than five feet (5) from objects such as utility poles, fire hydrants, streetlights, etc.
 - (6) Existing driveway approaches shall not be relocated, altered, or reconstructed without prior approval. When the use of any driveway approach is changed making any portion or all of the driveway approach unnecessary, the developer of the abutting property, as part of the same development approval, shall remove the driveway approach and shall at their expense replace all necessary curbs, gutters and sidewalks.
- (c) *Design requirements.* Drainage elements:
 - (1) All driveways shall be constructed so as to not impede roadside drainage. For typical mild roadside swales, the driveway must conform to the swale shape and provide for continued positive drainage.
 - (2) For swales and ditches that cannot be conformed to, as referenced above, due to the depth, width, etc., a culvert is required under the driveway. The minimum pipe size is 15 inches in diameter; larger culverts may be required based upon field conditions. All pipe ends shall have an appropriate end treatment.

- (3) Grates are required for all pipes 24 inches in diameter and greater.
 - (4) To the extent feasible, new development and redevelopment shall incorporate Low Impact Development (LID) design treatments in their stormwater management systems as detailed in Appendix 2-Technical Standards Manual.
- (d) Driveway width.
- (1) Residential minimum width is ten (10) feet and the maximum width is 24 feet (widths to be measured at the street right-of-way line).
 - (2) Additional stabilized 2-foot widening is required on each side of the driveway when crossing ditch sections.
 - (3) The width of a curb opening shall not exceed the driveway width by more than five (5) feet on each side.
 - (4) Driveway width shall flare an additional minimum five (5) feet starting at a point a minimum eight (8) feet from the edge of a traveled way.
- (e) Driveway materials.
- (1) Asphalt pavement structural section for residential driveway shall conform to the local street pavement requirements.
 - (2) Residential driveways within the right-of-way shall be concrete a minimum thickness of six (6) inch thickness without steel or wire reinforcement.
 - (3) Unpaved driveways shall be a minimum of six (6) inches of all-weather surface stabilized material. Stabilized material shall mean an aggregate material such as crushed stone or asphalt milling and mechanically compacted with a paved apron, the paved apron shall comply with paragraph (2) of this subsection. Where a sidewalk intersects the driveway, the paved driveway shall extend five (5) feet beyond the back of the sidewalk.
 - (4) Architectural paver structural sections for commercial and residential driveways shall conform to the manufacturer's technical specifications including recommended specifications for compacted aggregate or stabilized base. Paver construction within road right-of-way shall be at owners' risk. Road improvements will not replace paver construction.
 - (5) Widening or extending of existing paved driveways shall be of the same material as the existing driveway. The extension or widening shall not exceed the lot coverage maximum of the applicable zoning classification.
 - (6) Pervious pavers shall not be allowed within the road right-of-way.
 - (7) Driveway construction requirements and details within the tree dripline shall be provided by the developer's arborist. Otherwise, tree removal permit process shall be followed.
- (f) Restoration of sidewalks, curbs, driveways, etc.
- (1) Repair of these concrete items requires removal and replacement to the nearest joint and to a condition equal to or better than existing at the commencement of construction, with like material.
 - (2) Asphaltic concrete shall be repaired or replaced by saw cutting the asphalt and base for the entire width and replacing the base and asphalt with 12-inch minimum overlapping joints in accordance with the open street cut requirements. In the event of longitudinal driveway cuts, it shall be replaced with a minimum width of 36 inches or as directed by the City Engineer.

(Ord. No. 02-12, § 2(Exh. A), 9-5-2012)

Sec. 7.7. Commercial, industrial, and multifamily residential driveways.

- (a) *Generally.* In order to provide the maximum safety with the least interference to the traffic flow on public streets, and to provide ease and convenience and ingress and egress to private property, the number and location of the types of driveways regulated pursuant to this Section shall be designed relative to the intensity of use or size of the property

served and the nature of the adjacent roadway. Such existing driveway approaches shall not be relocated, altered or reconstructed without prior approval. When the use of any driveway approach is changed by the owner/developer, making any portion or all of the driveway approach unnecessary, the developer of the property, as part of the development approval, shall abandon the driveway approach and replace all necessary curbs, gutters, and sidewalks. Access shall be provided as follows:

- (1) There shall be the minimum number of access points to promote cross-access easements and as needed for emergency response.
 - (2) On sites that are existing nonconforming according to Sec. 1.6 and are being redeveloped, driveway widths shall be rebuilt to meet current standards. Curb cuts and driveway aprons in the adjacent right-of-way which do not align with site improvements are to be abandoned as part of the redevelopment of the property shall be removed and replaced with standard curbing and sod.
- (b) *Driveway design on a non-arterial street.* The following requirements apply to driveways connecting development to a non-arterial street:
- (1) General.
 - a. The driveway entrance shall be sufficient to allow access to the parking area without interference among vehicles entering and/or leaving and vehicles circulating in the parking lot.
 - b. No driveway shall be constructed in the radius return of an intersection or within 50 feet of the tangent point of the radius return for an unsignalized intersection.
 - c. If the closest intersection is or is likely to be signalized, then traffic movements to and from any driveway within 370 feet of an intersection with a collector or an arterial shall be limited to right turns only.
 - d. The driveway design shall be in accordance with subsection (e)(2) of this Section.
 - (2) *Number and location of driveway entrances.* In order to provide the maximum safety with the least interference to the traffic flow on public streets, and to provide ease and convenience in ingress and egress to private property, the number and location of driveways shall be regulated relative to the intensity of use or size of the property served and the amount of frontage which that property has on a given street, as follows:
 - a. One driveway shall be permitted for ingress and egress purposes to a single property or development.
 - b. Two driveways entering on a particular street from a single property or development may be permitted if all other requirements of this Section are met and if the minimum separation between the two driveways equals or exceeds 100 feet.
 - c. Three driveways entering on a particular street from a single property or development may be permitted if all other requirements of this Section are met and if the minimum separation between adjacent driveways equals or exceeds 150 feet.
 - d. No more than three driveways will be permitted from a single property or development. However, in the case of extensive property development (property exceeding ten acres in total land area) and/or containing more than 1,000 parking stalls, additional driveways may be permitted provided all other requirements of this section are met and the minimum separation between adjacent driveways equals or exceeds 300 feet.
- (c) Sight distance.
- (1) *Cross-visibility requirements at the intersection of driveways and public rights-of-way.* Intersections shall provide the sight distance triangle per Florida Green Book.
 - (2) Sight triangles.
 - a. Within the triangular areas described in this Section, it shall not be permissible to install, set out or maintain, or to allow the installation, setting out or maintenance of, either temporarily or permanently, any vehicular

parking space, sign, wall, hedge, shrubbery, tree, earth mound, natural growth or other obstruction of any kind which obstructs cross-visibility at a level between 30 inches and 10 feet above the level of the driveway. Any wall or fence within the sight triangle must be constructed in such a manner as to provide adequate cross-visibility over or through the structure between 30 inches and 10 feet in height above the driving surface.

- b. The following will be permitted within the triangular area described above:
 - i. Limbs of trees and foliage trimmed in such a manner that no limbs or foliage extend into the area between 30 inches and 10 feet above the level of the center of the adjacent intersection. Landscaping, except required grass or ground cover, shall not be located closer than 5 feet from the edge of any roadway pavement, and 3 feet from the edge of any alley or driveway pavement.
 - ii. Fire hydrants and street signs.
 - iii. If there is no public right-of-way, the sight distance requirement shall be determined by the Development Review Committee.

(d) Access limitations to arterial streets.

- (1) There shall be no access to an arterial from an existing lot with less than 300 feet of width, unless one of the following conditions is met:
 - a. Access to the lot is not available from streets (exclusive of alleys) other than that arterial; provided, however, that commercial developments shall not be given access on local streets in residential areas, except where deemed necessary to reduce the number of driveway connections on an arterial.
 - b. Access to the lot is not provided jointly with other lots of an adjoining development such that minimum driveway spacing and corner clearance requirements of subsection (e)(3) of this Section are satisfied by the combination of lots served by the existing or relocated joint access driveway.
- (2) No new single-family or duplex residential lot which is less than one (1) acre in size and which has less than 300 feet of frontage shall front on an arterial unless access to such lot is provided from a street other than that arterial. Such lot shall have access to a local street or service drive. Service drives outside the required public right-of-way may be granted by easements.

(e) *Vehicular access to an arterial.* Vehicular access to an arterial shall conform to the following standards

- (1) *General.* The area within the development to which the driveway provides access shall be of sufficient size to allow all necessary functions for loading, unloading and parking maneuvers to be carried out on private property and completely off the street right-of-way.
- (2) *Type of driveway required (per FDOT Design Manual, Driveways).*
 - a. *Minor driveway entrance.* This driveway type shall be provided for a maximum daily trip end volume of 600 vehicles and/or a maximum average peak hour volume of 60 vehicles. The minimum distance from the street right-of-way line at any ingress or egress minor driveway to the outer edge of any interior service drive or parking space with direct access to such driveway shall be 25 feet, measured perpendicularly from the street. A minor driveway entrance radii shall be 25 feet, and a minimum width shall be 24 feet. A 100-foot-long, 12-foot-wide right turn taper shall be required for a driveway adjacent to an arterial with a 40 mph posted speed limit. A right turn taper will not be required for a driveway abutting an arterial with four or more through lanes.
 - b. *Intermediate driveway entrance.* This driveway type shall provide for a maximum average daily trip end volume of 1,200 vehicles and/or a maximum average peak hour volume of 120 vehicles. The minimum distance from the street right-of-way line at any ingress or egress intermediate driveway to the outer edge of an interior service drive or parking space with direct access to such driveway shall be 50 feet, measured perpendicularly from the street. A right turn lane will not be required for a driveway abutting an arterial with four or more lanes. Refer to paragraph (5) of this subsection for turn lane requirements. A minimum of two egress lanes 12 feet in width each with one 14-foot-wide ingress lane, or minimum required per National Fire

Protection Act (NFPA), shall be provided. An intermediate driveway radii shall be 25-foot minimum, 35-foot standard.

- c. *Major driveway entrance.* This driveway type shall provide for a maximum average daily trip end volume of 4,000 vehicles and/or maximum average peak hour volume of 400 vehicles. The minimum distance from the street right-of-way line at any ingress or egress major driveway to the outer edge of any interior service drive or parking space with direct access to such driveway shall be 100 feet, measured perpendicularly from the street. Refer to paragraph (5) of this subsection for turn lane requirements. A minimum of two egress lanes 12 feet each in width and one 14-foot-wide ingress lane, or minimum required per NFPA, shall be provided. A major driveway radius shall be 25-foot minimum, 35-foot standard.
- d. *Major driveway signalized.* Any major driveway requiring a traffic signal shall conform to those warrants specified in the USDOT Manual on Uniform Traffic Control Devices in addition to the following minimum requirements:
 - i. The installation of any traffic signal shall be subject to the approval of the City Engineer.
 - ii. Refer to paragraph (5) of this subsection for turn lane requirements.

(3) *Number and location of driveways.* The number and location of driveways shall be determined as follows:

- a. Spacing of driveways.
 - i. The minimum distance for a driveway from an unsignalized intersection shall be in accordance with the spacing criteria of Tables 7-3 or 7-4. Driveways that do not meet the spacing criteria shall be limited to right turns only.
 - ii. If the closest intersection is or is likely to be signalized, then traffic movements to and from any driveway within 370 feet of an intersection with a collector or an arterial shall be limited to right turns only.
 - iii. Only one driveway shall be permitted for ingress and egress purposes to a single property or development, provided:
 - A. Two driveways entering a particular arterial from a single property or development may be permitted if all other requirements of this section are met and if the minimum distance between the adjacent driveways conforms to the minimum spacing requirements of Table 7-3 or 7-4.
 - B. Three driveways entering a particular arterial from a single property or development may be permitted if all other requirements of these regulations are met and if the minimum distance between adjacent driveways conforms to the minimum spacing requirements of Table 7-3 or Table 7-4.
 - C. A joint access driveway will be considered as adequate access for any two adjacent developments. For a development where additional driveways are being requested and where those driveways do not meet the spacing requirements, the applicant shall be required to submit a brief traffic report justifying the need, describing the internal circulation and parking system, and identifying the impact of the development and its proposed access facilities on the operation of the arterial.

Table 7 - 3: Driveway centerline spacing requirements on arterials

The minimum distance between centerlines of two-way driveways shall conform to Table 7-3. For those driveways with left turn movements, median opening spacing requirements shall have precedence.

| Speed Limit (mph) | Minimum Centerline Distance (feet) |
|----------------------|---------------------------------------|
| 25 | 200 |
| 30 | 225 |
| 45 | 245 |

If the speed limit of the arterial is 35 miles per hour or greater, or the volume of right turn movements requires the construction of a right-turn lane, the minimum distance between centerlines of two-way driveways shall conform to Table 7-4.

Table 7 - 4: Centerline spacing (in feet)

| | Minor DW | Intermediate DW | Major DW | Major DW Signalized, 4 Lanes or More |
|-----------------------------|----------|-----------------|----------|--------------------------------------|
| Minor DW* | 335 | 350 | 355 | 370 |
| Intermediate DW | 350 | 360 | 365 | 380 |
| Major DW | 355 | 365 | 370 | 385 |
| Signalized, 4 lanes or more | 370 | 380 | 385 | 1,320* |

DW = Driveway

Minor DW = Maximum ADT of 500 or a maximum peak hour volume of 50

Intermediate DW = Maximum ADT of 1,500 or maximum peak hour volume of 150

Major DW = Maximum ADT of 5,000 or maximum peak hour volume of 500

*Desirable spacing.

Driveway centerline spacing may be increased if the required turn lane storage or transition is increased by any governmental agency. Minimum driveway centerline spacing may be decreased if one-way driveways are utilized and accepted by the Development Review Committee.

(4) *Special driveway requirements.* In the case of a land use with special driveway needs, an applicant may submit a traffic engineering study requesting deviations from the requirements of this section. If deviations from driveway requirements are permitted, substitute requirements which deviate no more than necessary to serve the special land use needs may be applied to the development in order to minimize the impact on the adjacent street.

(5) Turn lanes requirements.

a. Turn lane requirements immediately adjacent to the development.

i. A left-turn lane of 11 feet in width, conforming to Table 7-5, shall be provided at each driveway when the average daily trip ends of the driveway is 1,000 vehicles or more and/or the average peak hour inbound left-turn volume is 25 vehicles or more. Increased queue lengths (waiting vehicle storage) may be required by the City Traffic Engineer to provide for additional storage, based upon a peak hour entering volume greater than 75 vehicles in the peak hour. No queue length is required if the peak hour entering volume is 75 vehicles in the peak hour or less.

ii. A right-turn lane of 11 feet in width, conforming to Table 7-5, shall be provided at each driveway when the speed limit equals or exceeds 35 miles per hour or if the development will generate 100 or more right-turn movements during the peak hour. Increased storage and transition queue lengths (waiting vehicle storage) may be required by the City Traffic Engineer to provide for additional storage, based upon a peak hour entering volume greater than 150 vehicles in the peak hour. No queue length is required if the peak hour entering volume is 150 vehicles in the peak hour or less.

b. *Additional improvements immediately adjacent to the development.* At intersections, with an arterial which abuts the development, the following improvements shall be provided:

i. A right-turn lane of 11 feet in width, conforming to this paragraph and Table 7-5, shall be provided if the development will generate 100 or more right turns during the peak hour.

ii. A left-turn lane of 11 feet in width, conforming to this this paragraph and Table 7-5, shall be provided if the street's speed limit is 35 miles per hour or greater and if the development will generate 25 or more left turns during the peak hour.

c. *Through lane pavement transition tapers.* A through lane pavement transition taper shall be provided on all streets and roadways where the through lane is offset to provide for right turn lanes, left turn lanes, lane width

changes and an increase or reduction in the number of through lanes. The through lane pavement transition taper length shall be based upon FDOT Design Manual and calculated using the following formulas:

- i. For design speeds less than or equal to 40 mph use:

$$L = \frac{WS^2}{60}$$
- ii. For design speeds greater than or equal to 45 mph use:

$$L = WS$$

L = The pavement transition taper length in feet.
W = The width of the through lane lateral transition in feet (offset).
S = The design speed (must be at least 5 mph greater than the posted speed limit).

Table 7 - 5. Turn lane dimensional requirements

| Speed Limit (mph) | Urban Section Deceleration Length (feet)* | Rural Section Deceleration Length (feet)* |
|-------------------|---|---|
| 30 | 145 | 145 |
| 35 | 155 | 155 |
| 40 | 185 | 185 |
| 45 | 240 | 320 |
| 50 | N/A** | 385 |

*Includes minimum 50 feet bay taper in accordance with FDOT Design Manual.

**Curbing is not permitted for these speed limits, use rural section.

- d. *Modifications.* Required storage and transition lengths may be modified where conditions warrant and such modifications are acceptable to the Development Review Committee.

ARTICLE III. PARKING AND LOADING

Sec. 7.8. Off-street parking.

Where required by this Code, every use or structure shall have an adequate number of off-street parking and loading spaces for the use of occupants, employees, visitors, customers, patrons or suppliers. Except as noted in this Section, this Chapter shall apply to the design and construction of all required off-street parking and loading areas.

- (a) *Surfacing, lighting and access.* Except in the C, RC, A-2 and A-3, and P classifications, any required off-street parking drives, parking spaces, and loading areas shall be paved with paver, asphalt, and/or concrete systems and maintained accordingly. Aggregate surfacing may only be allowed on a case-by-case basis. If lighted, no artificial lighting shall be directed or spillover onto adjacent property and comply with dark-sky provisions. All areas shall be designed for the safe and convenient access of pedestrians and vehicles.
- (b) *Location.* If the required off-street parking spaces cannot reasonably be provided on the same lot on which the principal building or use is located, such required off-street parking spaces may be located on another lot, owned or leased by the owner of the lot on which the principal structure or use is located, provided that such spaces are located within 200 feet of the premises to be served, are connected by pedestrian facilities, and are located only in one or more of the following classifications: B-2, B-3, B-4, B-5, B-6, B-9, and I-1.

Where opportunities exist for shared parking between generators having non-concurrent parking demand time frames or other beneficial arrangement, off-street parking spaces may be located within 400 feet of the premises to be served. Directional signage, pedestrian facilities, and parking signs shall be provided to assist patrons.

- (c) *Plan requirement.* An off-street parking or loading space plan shall be submitted as follows:
- (1) For single-family and duplex uses, off-street parking plans shall be shown on the plot plans submitted with an application for a building permit. The plot plan shall accurately illustrate the number and location of parking spaces and driveways. Garages count toward the required number of spaces. The driveway and garage shall be the only allowable area for parking spaces.
 - (2) For all other uses, an off-street parking and loading space plan meeting the requirements of this Section and Sec. 7.3 shall be submitted and approved during the site plan review process of this Code.
- (d) *Design and location requirements for off-street parking areas.* Off-street parking areas shall be designed and located to meet the following requirements:
- (1) For single-family and duplex uses, each off-street parking space shall be located on the premises which it serves; have minimum dimensions of 10 feet in width by 19 feet in depth; not be located in any front yard except on a driveway but may be located within any garage or carport on the premises; and/or may be located within any side or rear yard but not closer than 5 feet to any side or rear lot line, but not in any platted easements. Each such space must be accessible from a paved driveway connected to the street providing primary access to the premises.
 - (2) For all other uses, off-site parking and loading areas shall be designed and located according to the requirements of this chapter and the applicable provisions of Chapter 8 of the Code.
- (e) *Off-street parking spaces.* The number of off-street parking spaces shall be determined from Table 7-6.
The minimum and maximum number of parking spaces required for any use not specifically mentioned, shall be determined by the GMD or his or her designee based upon data from the Transportation Engineers Parking Generation Manual, from publications and data from the American Planning Association or the Urban Land Institute, from studies using ITE recommended methodology and other professionally acceptable sources.
- (f) *Parking maximum.* The total number of parking spaces provided shall not exceed 1.30 times the required number of spaces as determined by Table 7-6. A higher number of parking spaces may be considered by the Development Review Committee upon an established need that, if not met, would result in a hardship (excluding economic hardship).

Table 7 - 6: Number of Parking Spaces by Use

| Use | Number of Parking Spaces |
|---|--|
| Accessory Dwelling Units (ADUs) | 1 space per bedroom |
| Amusement centers (arcades, skating rinks, miniature golf and similar uses) | 1 per each 250 sq. ft. of area within enclosed buildings, |
| Automotive, boat, motorcycle, mobile home and recreational vehicle sales | 1 per 500 sq. ft. of GFA*; |
| Automobile service stations with retail sale, Types A and B | 1 space per gas pump, plus 3 spaces per 1,000 sq. ft. GFA, plus 2 for each grease rack or other working bay, if applicable |
| Automobile service stations, Types A and B | 1 for each gas pump, plus 2 for each grease rack or working bay |
| Ball park or stadium (other than Little League) | 1 for each 3 seats, or 1 for each 300 sq. ft. of floor area, whichever is lesser |
| Banks and similar financial institutions | 1 per 500 sq. ft. of GFA* plus 4 reservoir spaces per drive through window and drive thru ATM |
| Barbershops, beauty salons and cosmetic treatments | 1 space per 250 sq. ft. of GFA |

| Use | Number of Parking Spaces |
|--|---|
| Baseball/softball | 38 spaces per field |
| Basketball court | 5 spaces per court |
| Bed and breakfast homestay | 1 for each guest room plus 2 per dwelling unit |
| Boat ramp | 30 spaces per ramp, 15 spaces per boat lane |
| Commercial uses not listed | 1 per 275 sq. ft. of GFA* |
| Community center or recreation center | 1 space per 200 sq. ft. of GFA* |
| Day care center | 1 per 10 children served, plus 1 space per employee on the largest shift, plus a pickup and drop-off area equal to 1 space per 25 children served |
| Duplex and multifamily dwelling | 2 per dwelling unit; plus guest parking at 1 space per 5 units |
| Fishing pier | 1 space per 50 lineal feet |
| Furniture and flooring store | 1 per 1,000 sq. ft. of GFA* |
| General, nonmedical, offices | 1 per 250 sq. ft. of GFA* |
| Golf or country clubs | 3 spaces per golf hole, 1 for each 3 seats, or 1 for each 200 sq. ft. of GFA*, whichever is greater |
| Group homes | 1 for each 5 persons plus 1 for each employee on the largest shift |
| Handball/racquetball court | 2 spaces per court |
| Hardware store, home improvement stores | 1 per 500 sq. ft. of GFA* |
| Health club, Fitness Club/Gym | 6 spaces per 1,000 sq. ft. of GFA* |
| Hospital | 1 for each employee on the largest shift, plus ½ for each bed, and ½ for each staff doctor |
| House of worship, auditoriums, funeral homes and other places of assembly not listed | 1 per 250 sq. ft. of GFA* |
| Industrial uses | 1 space for each 1,000 sq. ft. of GFA* |
| Library, art gallery | 1 space for each 300 sq. ft. of GFA* |
| Manufacturing industries | 1 space per 500 sq. ft. of GFA* |
| Marinas | 1 for each boat slip, plus 8 boat-trailer spaces for each boat launching ramp |
| Medical offices, dental offices, clinics and laboratories | 1 per 250 sq. ft. of GFA* |
| | |
| Mobile home dwellings | 2 per dwelling unit |
| Mobile home parks | 2 per dwelling unit, plus any additional spaces reasonably required for accessory buildings or structures |
| Motels or hotels | 1 for each unit, plus 1 for each 5 employees, in addition to spaces required for accessory uses |
| Multipurpose court | 5 spaces per court |
| Multipurpose field | 8 spaces per acre |
| Municipal, county, state, federal and community buildings | 1 spaces for each 250 sq. ft. of GFA* |

| Use | Number of Parking Spaces |
|--|---|
| Nursing homes, convalescent facilities and assisted living facilities | 1 for each 4 beds, and 1 for each employee and/or visiting doctor on the largest shift |
| Open "free play" area | 8 spaces per acre |
| Picnic area | 1 space per table |
| Restaurants, Types A and B, nightclubs or bars | 1 per 4 seats or 1 for each 200 sq. ft. of GFA* for take-outs, plus 1 space for each employee on the largest shift |
| Restaurants (fast food) | 6 reservoir spaces per service lane with a minimum of 3 spaces behind the order station or menu, plus 1 spaces per 200 sq. ft. of GFA* |
| Retail sales and service establishments | 1 per 275 sq. ft. of GFA* |
| Self-Storage facilities | 1 for every 10 storage cubicles or units |
| Senior housing | 1.25 spaces per unit plus 1 guest space per every five units |
| Schools: private elementary schools | 1 for each faculty member, plus 1 for each employee |
| Schools: private high school | 1 for each faculty member, plus 1 for each employee, plus 1 space for each 10 students |
| Schools: colleges or other institutions of higher learning, trade/vocational | 1 for each staff member and employee, plus 1 for each 3 students |
| Shopping centers | 1 spaces for each 250 sq. ft. of GFA* Garden center area shall be included |
| Shuffleboard court | 2 spaces per court |
| Single-family dwellings | 2 per dwelling unit |
| Swimming pool (50m) | 1 per 200 sq. ft. of pool surface area, plus 1 space for each 200 sq. ft. of building area in accessory structures in excess of 1,000 sq. ft. |
| Tennis court | 2 spaces per court |
| Theaters | 1 for each 4 seats, plus 1 for each employee |
| Veterinary clinic | 1 space per 275 sq. ft. GFA* |
| Volleyball | 6 spaces per court |
| Warehousing (commercial and industrial) | 1 for each employee, plus 1 for each 1,500 sq. ft. of storage |

*GFA-Gross floor area

(g) *Minimum requirements for off-street accessible parking.* Except for standard and manufactured single-family dwellings, mobile homes, and two-family standard or manufactured dwellings, where off-street parking spaces are required by this Code, the number to be reserved for the accessible shall be determined from the following table:

Table 7 - 7: Off-Street Accessible Parking

| Total Number of Off-Street Parking Spaces | No. of Spaces Required To Be Accessible |
|---|---|
| Up to 25 | 1 |
| 26 to 50 | 2 |
| 51 to 75 | 3 |
| 76 to 100 | 4 |
| 101 to 150 | 5 |

| Total Number of Off-Street Parking Spaces | No. of Spaces Required To Be Accessible |
|---|---|
| 151 to 200 | 6 |
| 201 to 300 | 7 |
| 301 to 400 | 8 |
| 401 to 500 | 9 |
| 501 to 1,000 | 2% of total |
| Over 1,000 | 20 |
| Plus, for each 100 over 1,000 | 1 |

(h) *Bicycle parking.* Each of the following uses shall be required to provide parking spaces for bicycles: parks/recreation areas, convenience stores, restaurants (Types A and B), game rooms, pharmacies, shopping centers (regional, community and neighborhood), and any employment facility (i.e., office, industrial). The minimum number of bicycle spaces to be provided shall be determined from the following table:

Table 7 - 8: Required Bicycle Parking Spaces

| Required Number of Automobile Spaces | Minimum Number of Required Bicycle Spaces |
|--------------------------------------|--|
| 1-40 | 4 |
| 41-60 | 6 |
| 61-80 | 8 |
| 81-100 | 10 |
| Over 100 | 12 plus 1 for each 20 automobile parking spaces over 100 |

All bicycle parking shall be located so as to not conflict with automobile or pedestrian traffic flow.

Sec. 7.9. On-Street parking

- (a) Parallel on-street parking is encouraged to serve retail, office, and residential parking needs. It is especially important in areas where there are active ground floor businesses and to serve as a buffer for pedestrian activity from the travel lanes.
- (b) Parallel parking stalls shall be a minimum 22 feet in length and 8 feet in width, 7-foot minimum (residential subdivisions). The design may be accommodated adjacent to the curb line or by providing parking inside the curb line.
- (c) On-street parking spaces along the frontage of the property may be counted toward the total number of parking spaces.

Sec. 7.10. Required off-street loading.

- (a) Off-street loading areas are required in order to provide adequate space for the loading and unloading of goods, without interfering with the public use of streets, or off-street parking spaces. Off-street parking spaces may not be used to meet off-street loading requirements and vice versa.
- (b) *Off-street loading space dimensional requirements.* The dimensions, design, and location of all off-street loading spaces shall meet the requirements of Sec. 7.11.
- (c) *Minimum off-street loading spaces.* The minimum number of off-street loading spaces shall be determined from the following table:

Table 7 - 1 Minimum Off-Street Loading Spaces

| Use Category | Floor Area in Square Feet | Loading Space Required |
|---|---|------------------------|
| Retail sales and services, restaurants (Types A and B) or similar uses | 3,000-10,000 | 1 |
| | 10,001-20,000 | 2 |
| | Each additional 20,000 square feet or fraction | 1 |
| Offices, hotels, hospitals, nursing homes, adult congregate living facilities, multifamily dwellings, or similar uses | 30,000-100,000 square feet each additional 100,000 square feet or fraction | 1 1 |
| Arenas, auditoriums, stadiums, convention centers, exhibition halls, museums, or similar uses | 10,000-50,000 | 1 |
| | 50,001-100,000 | 2 |
| | Over 100,000 | 4 |
| Any industrial use and any wholesale, retail and commercial storage facility and solid waste transfer facility | 15,000-40,000 | 1 |
| | 40,001-100,00 | 2 |
| | 100,001-160,000 | 3 |
| | Each additional 80,000 square feet or fraction | 1 |

Sec. 7.11. Off-street circulation, parking and loading facilities design.

- (a) *Functional elements of off-street circulation system.* Parking spaces, drive aisles, driveways and reservoir areas are the basic functional elements of the off-street circulation system. Additional elements, including but not limited to service roads, loading areas, bicycle parking areas, and mass transit loading (bus stop) areas within the proposed development, and left-turn lanes, right-turn lanes, traffic signals and marginal-access roads immediately adjacent to the proposed development, may also be required based on trip generation and safety standards.
- (1) Vehicular circulation must be completely contained within the property, and vehicles located within one portion of the development must have access to all other portions without using the adjacent street system.
- (2) Parking stalls and aisles.
- a. The minimum size (in feet) of a parking space shall be provided in accordance with Table 7-9. Parking and maneuvering areas shall be designed in accordance with the Figure 7-1 and Table 7-9 contained in this Chapter. A maximum of two (2) feet of the length of any parking space may be grassed with use of raised curb or wheel stops.
 - b. Accessible parking spaces shall be provided in accordance with subsection (b)(2) of this Section.
 - c. Compact parking spaces. Parking lots may have up to 40% of the total number of required spaces designated as compact parking spaces, which are 8 feet by 18 feet and clearly marked and posted.
 - d. All required parking stalls shall have direct and unobstructed access from a parking aisle.
 - e. No parking stall shall directly abut a driveway.
 - f. Access for emergency fire vehicles shall be in accordance with NFPA standards.
 - g. All off-street parking areas shall be so arranged and marked as to provide for orderly safe loading, unloading, parking and storage of vehicles with individual parking stalls clearly defined, and with directional arrows and traffic signs provided as necessary for traffic control. All signs and pavement markings shall be in accordance with the USDOT Manual on Uniform Traffic Control Devices.

- h. Acceptable plans must illustrate that proper consideration has been given to the surrounding street plan, traffic volumes, proposed street improvements, vehicular street capacities, internal circulation, pedestrian movements, and safety.
- i. Electric vehicle charging stations. Developments requiring 25 or more parking spaces are required to provide 1 electric vehicle charging station per 10 required parking spaces.

(3) Parking Garages.

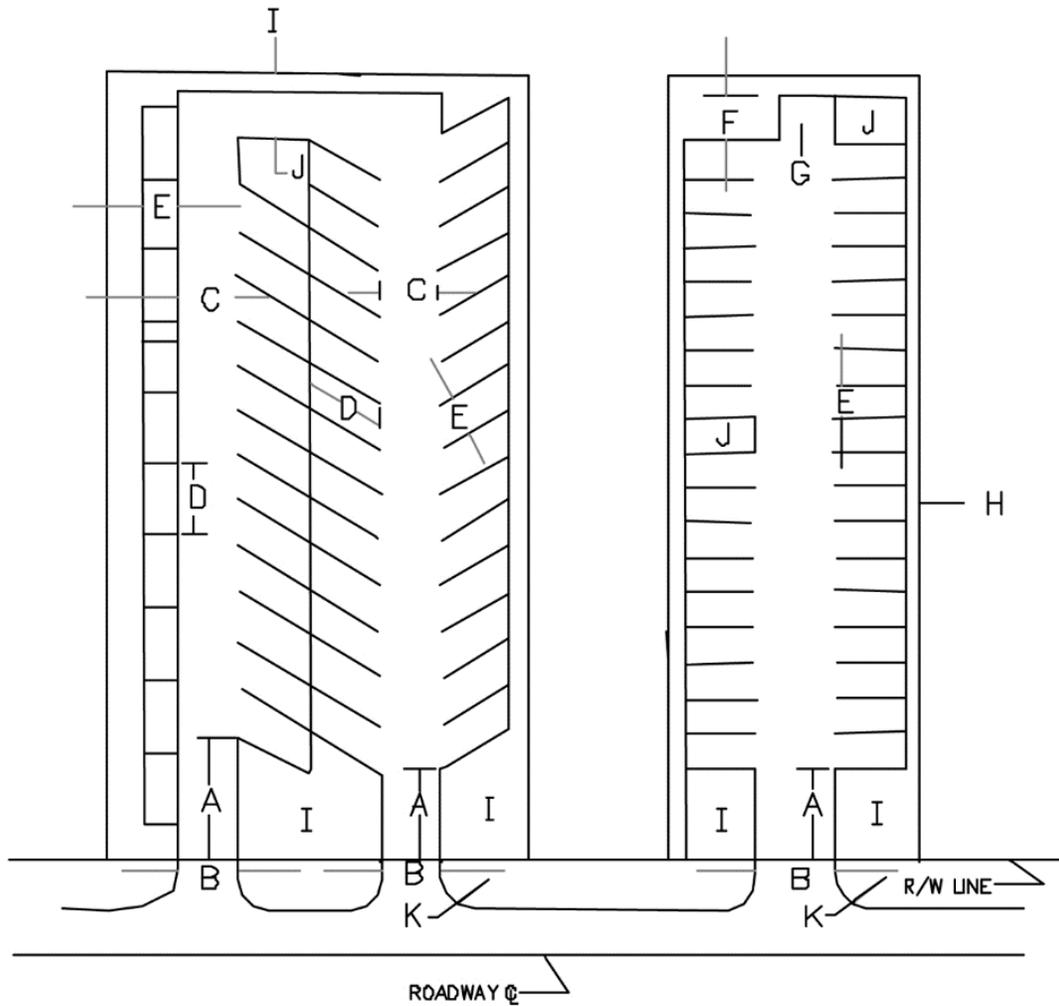
- a. Design of parking garages shall be in accordance with Sec. 5.41.
- b. Standard Spaces. Up to 100% of the required parking spaces in any parking garage may be designed as standard spaces. Such spaces shall be clearly marked and posted and shall be no less than 9 feet wide and 20 feet deep. The driveway aisle width shall be widened accordingly.
- c. Compact Spaces. Up to 25% of the required parking spaces in any parking garage may be designed as compact spaces. Such spaces shall be clearly marked and posted and shall be no less than 8 feet wide and 16 feet deep.
- d. Aesthetic Design Requirements. Parking garages shall reflect the character, scale and massing of the principal structures they serve. Exterior wall materials for parking garages shall be compatible with the exterior wall materials and finish of the principal buildings they serve.
- e. Parking garages shall be screened from properties with a residential use or are zoned residential to blend the structure into area aesthetics.

(4) Driveways.

- a. All parking aisles shall connect to a driveway.
- b. A parking lot which exceeds 60 parking stalls shall be designed with at least one two-way directional driveway loop system connecting the point of entry of the parking lot to the parking stalls and the principal building.
- c. The minimum distance from a driveway to a structure or parking stall shall be ten (10) feet.
- d. Single-lane driveways shall be a minimum of 14 feet wide. Two-lane driveways shall be a minimum of 24 feet wide. Required widths shall be increased according to vehicle type or if the number of parking stalls connected or the number of trips generated justifies such increase.
- e. Any off-street parking facility shall have either driveway approaches of sufficient width to allow for two-way traffic, or one-way driveways connected to aisles, parking areas or maneuvering areas in such a manner as to permit traffic to simultaneously enter and leave the property, facing forward at the same time. A driveway which is only wide enough for one-way traffic shall be signed for one-way operation.
- f. On sites that are being renovated, existing nonconforming driveway widths shall be rebuilt to meet current standards. Curb cuts and driveway aprons in the adjacent right-of-way which are to be abandoned as part of the redevelopment of the property shall be removed and replaced with standard curbing and sod.

- (5) Parking and loading areas are to be curbed. Except for one- and two-family dwellings, all parking and loading areas shall be constructed with a six-inch raised curb or wheel stops located at a minimum distance per Figure 7-1 behind the street right-of-way line and other property lines along sidewalks, safety islands, driveways, sight distance triangles, and other places as determined by the City Engineer. The raised curb shall be constructed in such a manner as to prevent vehicles from crossing sidewalks or other pedestrian walkways, other than by means of an approved driveway approach.

Figure 7 - 1: Parking Standards



- A: Reservoir Area - Refer to Sections 7.7(b) and (e).
- B: Driveway Width - Refer to Sections 7.7(b) and (e).
- F: Row End Backup Area Depth – 6 feet
- G: Row End Backup Area Radius – 5 feet
- H: Distance to Property Line or Building – 5 feet or as required by Chapter 8.
- I: Landscaped Buffer Area – 10 feet.
- J: Landscaped Island/Row End - As required by Chapter 8.
- K: Maximum 25-foot Radius - Larger radii as approved through DRC to be accommodated with alternate surfacing.

Table 7 - 9: Parking space dimensions

| Parking Angle (degrees) | Standard Stall Width (feet) | Stall Depth Perpendicular to Aisle (feet) | Aisle Width One (1)-Way Traffic (feet)* | Aisle Width Two (2)-Way Traffic (feet)* |
|----------------------------|--------------------------------|---|---|---|
| | E | D | C | C |
| 0 | 8 | --/22 | 15 | - |

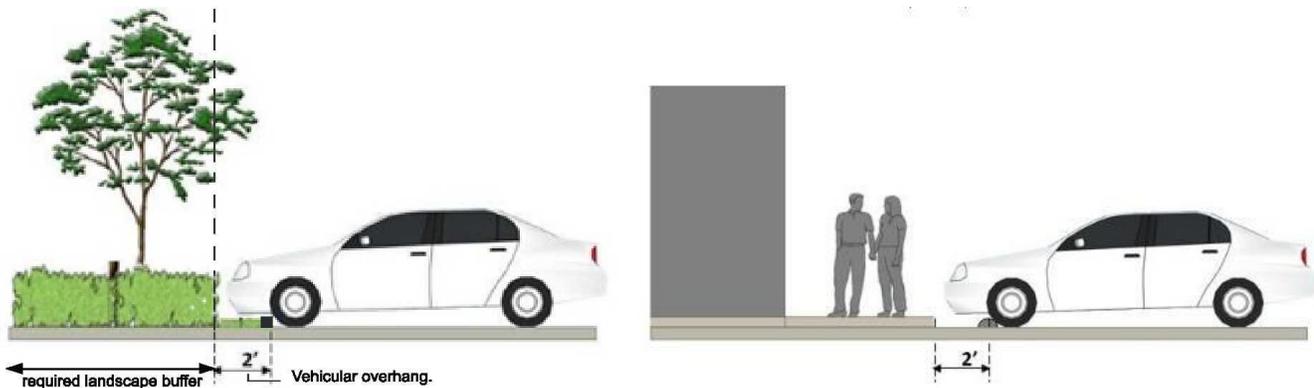
| | | | | |
|-----------|-----------|-----------|----|-----------|
| 30 | 10 | 19 | 12 | - |
| 45 | 10 | 19 | 15 | - |
| 60 | 10 | 19 | 18 | - |
| 90 | 10 | 19 | - | 24 |

Note: All dimensions set out in C through H below are minimum dimensions. Adjustments may be permitted as allowed by the Florida Greenbook.

(6) Parking space overhang.

- a. A 2-foot vehicular overhang shall not encroach into the landscape buffer. Where curbing is used in lieu of wheel stops, parking stall depth may be reduced to 18 feet. (see Figure 7-2).
- b. Parking spaces adjacent to a sidewalk or walkway shall not reduce its width below the minimum required per this Code (see Figure 7-2).

Figure 7 - 2: Parking Overhang



(b) Additional functional elements.

(1) Off-street loading spaces.

- a. Off-street loading spaces shall be designed to accommodate both the parking of and maneuvering of the design vehicle exclusive of those areas designated for aisles, driveways or parking stalls. Backing from or onto public right-of-way shall not be permitted. Off-street loading spaces shall be directly accessible from a street without crossing or entering any other loading space and may not extend into any street.
- b. Off-street loading space dimensional requirements. Each required off-street loading space shall have a minimum dimension of 12 feet by 40 feet and a minimum overhead clearance of 14 feet above the paving grade.

(2) Accessible parking spaces.

- a. All accessible parking spaces shall be accessible by a curb cut or curb ramp. Accessible spaces and access aisles shall be paved and located at the closest practical point to the use or structure on the premises and so that it will not be necessary for individuals to access the space from behind other non-accessible spaces.
- b. Each accessible parking space, regardless of the angle of design, shall have a minimum width of 12 feet, match the length of the adjacent parking space, with an adjacent parallel five-foot-wide access aisle and shall comply with the standards specified by F.S. § 553.5041 and the Americans with Disabilities Act.
- c. Each accessible space shall be prominently posted with a permanent sign of a design specified in Roadway and Traffic Design Standards, latest edition, published by FDOT.

- (3) *Off-street truck maneuvering.* Where a proposed development includes a truck loading operation and has access to an arterial, adequate space shall be provided such that all truck maneuvering is performed off-street.
- (4) *Alleys.* Alleys are functional streets that provide rear access to properties, a space for utilities, and allow for the collection of solid waste and other pick-up/delivery services. One-way alleys shall have a minimum of 16 feet of right-of-way, 12 feet of pavement, and include ribbon curbs. Garages shall be setback a minimum of 3 feet from the alley right-of-way. Raised curbing along intersection radius returns, adjacent to on-alley parking, and adjacent to landscaping. All alleys shall include ribbon curbs.
- (c) *Vehicular reservoir areas.* Adequate reservoir capacity shall be required for both inbound and outbound vehicles to facilitate the safe and efficient movement between the public right-of-way and the development. An inbound reservoir (or queuing space) shall be of sufficient size to ensure that vehicles will not obstruct the adjacent roadway, the sidewalk, and the circulation within the facility. An outbound reservoir shall be required to eliminate backup and delay of vehicles within the development.
 - (1) *Design.* A reservoir area shall be designed to include a space of 12 feet wide by 25 feet long for each vehicle to be accommodated within the reservoir area and so that vehicles within the reservoir area do not block parking stalls, parking aisles or driveways of off-street parking facilities.
 - (2) *Adjacent to arterial.* The minimum number of vehicles required to be accommodated within a reservoir area of a parking lot adjacent to an arterial shall be in conformance with Table 7-10.
 - (3) *Adjacent to non-arterial street.* The minimum number of vehicles required to be accommodated within a reservoir area adjacent to a non-arterial shall accommodate at least one percent of the number of parking stalls served by the driveway. For parking lots with fewer than 100 cars, the reservoir area shall be able to accommodate at least one car.

Table 7 - 10: Vehicle Reservoir Area Requirements Adjacent to Arterial

| Type of Facility | Reservoir Area | |
|---|---|---|
| | Inbound Vehicles | Outbound Vehicles |
| <i>Vehicle-oriented services:</i> | | |
| Drive-in bank | 3 spaces per service position | 1 space per service position |
| Drive-in beverage, food sales, and laundry pickup | 3 spaces per service position | 1 space per service position |
| Drive-thru restaurant service | 8 spaces per service position | 1 space per service position |
| Automatic car wash | 3 spaces on approach to wash line | 1 space between end of wash line and right-of-way of street |
| Self-service car wash | 3 spaces on approach to wash line | 1 space between end of wash line and right-of-way of street |
| Hospital | 2 spaces to the first drive aisle or parking stall | None |
| Service station | 4 spaces per service position | 1 space per service position |
| <i>Residential:</i> | | |
| Gatehouse | 5 spaces | 1 space |
| <i>Nonresidential:</i> | | |
| Attendant parking | 10% of the total parking capacity of the facility | None |
| Self-parking | 5 spaces or 1% of the total parking capacity (use the greater figure) | None |
| Ticket gate (ticket-dispensing machine) | 4 spaces minimum | 1 space |
| Cashier booth (tickets dispensed manually) | 6 spaces minimum | 1 space |

| | | |
|------------------------|---|----------|
| Gatehouse (commercial) | 5 spaces or 1% of the total parking capacity (use the greater figure) | 2 spaces |
|------------------------|---|----------|

Note: 1 reservoir space is 12 feet x 25 feet.

(d) Accessibility to structures for vehicles other than automobiles.

(1) Structures intended for principal uses shall be made accessible to the following type of vehicles:

- a. Residential uses, other than single-family or duplex: single-unit truck (SU);
- b. Commercial and institutional uses: single-unit truck and semitrailer (WB-40) combination, intermediate;
- c. Industrial use: single-unit truck (SU) and semitrailer-full trailer combination (WB-60).

Definitions of, as well as required specifications for the above vehicle types, shall be those found in the AASHTO Geometric Design of Highways and Streets.

- (2) All buildings other than single-family or duplex residences shall be accessible to fire apparatus from two sides. Fire engines shall be considered as a WB-40 as defined by the AASHTO Geometric Design of Highways and Streets. The area required to meet the AASHTO design standards shall be paved or treated to ensure support to a 16-ton weight vehicle. This area shall be maintained free of trees and bushes and shall be clearly designated for this purpose. Access from one side may be accepted by the Development Review Committee where access from two sides is not possible.
- (3) Fire lanes shall be provided for all buildings which are set back more than 150 feet from a public road, or which exceed 30 feet in height and are set back more than 50 feet from a public road, and may be required for other buildings. Fire lanes shall be at least 20 feet in width with a minimum of five feet provided between the fire lane and any adjacent building. No parking shall be permitted between the fire lane and the building.
- (4) Required parking spaces, parking aisles and driveways shall not be used as loading or parking areas for any type of vehicle, except emergency vehicles.

(Ord. No. 01-99, § 1(301.2(810.00)), 11-3-1999; Ord. No. 02-12, § 2(Exh. A), 9-5-2012)

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CHAPTER 8 - LANDSCAPING AND BUFFERING

ARTICLE I. – Purpose and Scope

Sec. 8.1. Purpose.

It is the purpose of this Chapter to establish regulations pertaining to functional landscaping in the City, whether within the right-of-way or on-site. These regulations provide for the protection of existing trees and provide standards and criteria for new landscaping, thereby promoting the health and general welfare of the citizenry and at the same time maintaining and improving the aesthetic quality of the City.

Sec. 8.2. Scope.

The terms and provisions of this Chapter apply to all real property, public and private, within the City limits, except for bona fide agricultural use. This exemption does not include the removal of officially designated specimen or historic trees.

Wherever tree caliper is referenced in this Chapter, the caliper of *existing* trees shall be measured as diameter at breast height (DBH), or 4 1/2 feet above the ground. The caliper of new trees to be *installed* shall be measured six inches above the ground.

ARTICLE II. – Tree Protection

Sec. 8.3. Intent.

- (a) It is the intent of this Article to promote the community health, safety and welfare by protecting trees in order to enhance community appearance and protect quality of life and the environment.
- (b) It is the intent of this Article to maintain a minimum required amount of tree cover, while at the same time regulating the removal of certain trees through the permit system.
- (c) It is the intent of this Article to prohibit the strip clearing or "clear cutting" of land.
- (d) It is the intent of this Article to control tree removal and the require planting new trees in the best interest of the public.

Sec. 8.4. Protected, Specimen and Historic Trees

It shall be unlawful for any person, entity, utility or other governmental agency to cut, trim, or remove protected, specimen, or historic trees without first obtaining a permit from the City as required in this Chapter, or unless exempt by Sec. 8.5.

Sec. 8.5. Tree removal permit exemptions.

During emergency conditions caused by a hurricane or other natural disaster, the provisions of this Article may be suspended by the direction of the City Manager. Additionally, the following activities do not require a tree removal permit:

- (a) Prohibited trees, as defined in Sec. 2.2.
- (b) Trees, except historic trees, within an existing private right-of-way or maintenance easement which must be removed or thinned to ensure the safety of the motoring public and to maintain visibility of oncoming traffic at intersecting public streets.
- (c) Trees within licensed wholesale plant or tree nurseries and botanical gardens.
- (d) Trees, except historical or specimen trees, removed by franchised utility companies, provided that:
 - (1) The utility company provides prior written notice of its intention to remove trees to the City Manager and the record property owner. The written notices shall be delivered, at minimum, 15 days prior to the intended tree removal; and
 - (2) The utility company can demonstrate to the GMD prior to tree removal that:

- a. The tree will cause a continual disruption of service; and
 - b. The threat of service interruption cannot be remedied by tree pruning in accordance with standards as set by the American National Standards Institute (ANSI), as amended.
- (e) Trees on residential properties where the property owner has obtained documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect certifying that the tree presents a danger to persons or property as provided for in F.S. §163.045.
- (f) Deteriorated/dead trees can be removed without a permit at the discretion of the GMD.

Sec. 8.6. Tree Removal Prohibited

The removal of any trees, including deteriorated trees, without prior approval of the City Manager shall be presumed to have been in good condition and shall be considered a violation of this Code and subject to the provisions of Sec. 8.9.

Sec. 8.7. Tree Removal Permit

- (a) New Multifamily, non-residential developments, and subdivisions. A permit for the removal, alteration or relocation of a protected tree shall be reviewed and acted upon in conjunction with a site plan or preliminary plat review by the Development Review Committee (DRC). Upon approval by the DRC, the City shall issue a permit authorizing the removal of the trees.
- (1) The site plan review and/or preliminary plat application shall be accompanied by documentation demonstrating that every effort to preserve existing trees is taken. A tree survey of all trees requiring a permit for removal and a landscape plan shall be provided as follows:
- a. For parcels of land 5 acres or less, the application must include a tree survey and a site plan showing all trees proposed to be removed and those to be preserved.
 - b. For parcels larger than 5 acres, the application must be accompanied with an aerial photograph and a site plan of the proposed area to be developed.
 - c. An inspection of the site will be conducted to determine the accuracy of the submitted tree survey and the location and condition of significant trees on the site. A determination will be made on which trees shall be preserved. These trees shall be tagged on site and identified on the site plan for small sites, or the landscape plan for larger sites.
 - d. Any modifications to the approved landscape plan shall be approved by the Growth Management Director (GMD). Modifications may include, but shall not be limited to, changes in approved size, species, location or number of trees as indicated on the approved landscape plan, based on the validity of the issued development order.
- (2) Protected trees requiring permits under this section which die or are damaged during development or within two years after development completion shall be removed and replaced based upon the replacement criteria of this Section as determined by the GMD.
- (3) A tree removal permit shall not be issued until a site inspection has been conducted and all trees slated for preservation have been properly barricaded (see Sec. 8.8, Tree Protection During Development). Prior to issuance of a tree removal permit and/or commencement of site clearing or site construction work, the GMD shall inspect the site to ensure that trees slated for preservation, as indicated on the approved site plan, are barricaded in accordance with this section.
- (4) Tree protection area requirements.
- a. 15 percent of the square footage of any development shall be designated for the protection of trees. The area required to protect specimen trees may be included to satisfy this requirement. This required area may be constituted as one or more subareas within the development. Said area may include landscape buffers or other landscape areas required by this Code. Such designated areas shall be a minimum width and depth of

20 feet to adequately protect the trees. A minimum of 50 percent of the required minimum number of trees as provided in Sec. 8.8 shall consist of existing trees within said area. The City Arborist may provide for a waiver or modification of this requirement if the development contains an insufficient number of existing trees to meet this requirement or if the City Arborist determines that modification of this requirement is warranted by specific on-site conditions.

- b. On new subdivision plats or replats, the required tree protection/preservation areas shall be exclusive of any lots, stormwater retention, utility easements, or any other area not compatible with the preservation of existing trees and native vegetation. All tree preservation/protection areas shall be located in separate tracts dedicated to the Homeowners Association or Property Owners Association for the subdivision for preservation/protection by that organization. Such a tract shall not be transferred to any entity other than the City, subject to the City's acceptance. A tree preservation/protection area shall not be included in the calculations for the developable area of any lots.
- c. On commercial site plans the required tree protection/preservation areas shall be exclusive of any stormwater retention, utility easements, or any other area not compatible with the preservation of existing trees and native vegetation. All tree preservation/protection areas shall be clearly labeled as such on the site plan and shall not be altered except as approved by the City Arborist.

(Ord. No. 08-07, § 1(G), 3-7-2007)

- (b) Existing Multifamily and non-residential developments. When an individual is not required to submit a site plan or plat but intends to remove a protected tree, the tree removal permit application shall be submitted to the GMD. The application shall also set forth the reason for the tree removal (see subsection (e), Criteria for Permit Approval).
- (c) Trees within the Right-of-Way. It shall be unlawful for any person, entity, utility or other governmental agency to cut, or remove any tree which has a 6-inch diameter at breast height (DBH) or above and located within the right-of-way without first obtaining a permit from the City as follows, except as exempt by Sec. 8.5.
 - (1) The permittee shall submit an application on a form designated by the City.
 - (2) The permittee shall not commence any work upon a City right of way or utility easement without a permit executed by a person authorized to legally bind the permittee and approved by the City.
 - (3) The permittee shall agree to restore the right of way or utility easement to a condition equal or better than before the work.
 - (4) The permittee shall dispose of debris in a safe and proper manner.
- (d) Single-family, duplex, and triplex developments.
 - (1) Application forms. A complete permit application for removing or relocating trees shall be submitted by a property owner or authorized agent of the owner, on City approved application forms.
 - (2) Fees. Each permit application must be accompanied by the appropriate fees as established by the City Council. The permit application fees are nonrefundable and nontransferable.
 - (3) Required application data. The City approved permit application must be accompanied by surveys, and other documents as required by the City Manager. A property boundary survey shall be submitted with the application; this survey shall, at a minimum, identify all trees over six (6) inches DBH on the site by size and species, the footprint of the house and driveway, and the location of the well and septic system if applicable. Property boundaries must be locatable in the field by the inspectors. As a minimum, property corners must be located and so designated to be clearly identifiable and visible on-site or line markers shall be provided.
 - (4) Action on permit application. The GMD or his designee shall, in a timely manner, determine if the application is complete. If it is determined the application is incomplete, it shall be returned to the applicant. If the application is determined to be complete, the GMD shall have 15 working days from the date of receipt of a complete application to approve or deny the permit.

(5) Modification of application requirements.

- a. Application requirements may be modified upon agreement of the City Manager to reflect specific on-site needs for information. Modification would be based on the type of development proposed, the vegetative cover being impacted, and the degree of impact anticipated.
- b. Statistical tree survey information may be considered at the discretion of the City Manager. However, such statistical surveys shall be limited to sites containing an overstory consisting predominantly of trees uniform in age, species and distribution, which do not contain specimen or historic trees. Statistical surveys must be conducted in compliance with accepted forestry practices.

(6) Application for tree permit prior to building permit. The tree removal permit approval shall remain valid for one year unless extended by the application for a building permit. If no such application is tendered, then replacement of protected trees shall be required.

(e) Criteria for Permit Approval.

(1) Tree removal permits shall be approved where design modifications are not feasible and one or more of the following circumstances exist:

- a. The location of the tree prevents the opening of reasonable and necessary travel lanes in a street or alley.
- b. The location of the tree prevents the construction of utility lines or drainage facilities which cannot feasibly be rerouted.
- c. The location of the tree prevents reasonable access to the property.
- d. The location of the tree precludes reasonable use of property located in a commercial zoning classification.

(2) The tree has lost a minimum of 50% of its total foliage or has a reduction of 50% of normal leaf size for that species. When reviewing applications for utility installation in the right-of-way, the GMD shall ensure that minimal damage is done to the tree/trees to be affected. If it appears that significant loss or damage will occur to a tree due to the installation, reroute, or location of utility easements and rights of ways, alternative methods shall be pursued to protect the tree.

(3) No permit shall be issued if there has been a violation of this ordinance and there is no preexisting tree survey, or there remain outstanding fines from violation of this Section.

(4) If approved for removal, any stump(s)/trunk(s) of said tree(s) shall be removed below the surface of the ground so that the top of the stumps(s)/trunk(s) does not project above the surface of the ground.

(f) Tree replacement criteria.

(1) For single-family, duplex, and triplex tree replacement, trees proposed to be removed from the building footprint and related infrastructure may be removed and replacement shall be 5 percent of the total cross sectional area (cssi) of trees removed. Additional trees may be approved for removal at the time of permit application at the request of the applicant. Those trees will require replacement at 15 percent of cssi. If, at the time of final inspection, it is found that trees not approved by the tree removal permit were removed, replacement will be 100 percent of cssi. Replacement trees may be existing trees, planted trees, or a combination thereof. Existing trees remaining on the property after construction will meet this requirement as long as adequate protection has been provided during construction in accordance with Sec. 8.8. Planted trees must consist of a variety of species. Replacement for sand pine (*Pinus clausa*) shall be based on replacement of 7 percent of the total cross sectional area of the trunk of the tree removed.

(2) Trees identified for removal on the tree permit application shall be replaced by replacement stock. Replacement shall be based on the replacement of 15 percent of the total of the cross sectional area of the trunk of the tree

removed. Replacement for sand pine (*Pinus clausa*) shall be based on replacement of 7 percent of the total cross sectional area of the trunk of the tree removed.

- (3) Diameter used to determine cross sectional area shall be as defined in the Grades and Standards for Nursery Plants, State of Florida, Florida Department of Agriculture and Consumer Services.
- (4) Single trees may be replaced with two or more trees provided the cross sectional requirements are met. In no event shall replacement stock be less than six feet in height nor have a caliper of less than two inches.
- (5) Replacement species shall be the same general species as the tree removed or an alternative species acceptable to the City Forester.
- (6) Replacement trees shall meet the requirements for Florida No. 1 or better grade, as provided in Grades and Standards for Nursery Plants, State of Florida, Florida Department of Agriculture and Consumer Services.
- (7) Replacement trees provided in conjunction with the site plan or subdivision approval shall be considered required improvements.
- (8) Palms may be used as replacement stock up to the full cross sectional replacement area of palms being removed from the site. Palms may be substituted as replacements for other species being removed under the following conditions:
 - (9) If the cross sectional area of palms being removed from the site comprises zero to 25 percent of the total cross sectional area of trees being removed, palms may be substituted for replacement of nonpalm species up to a maximum of 25 percent of the total replacement cross sectional area required.
 - (10) If the cross sectional area of palms being removed exceeds 25 percent of the total cross sectional area of trees being removed, no substitution of palms for nonpalm species will be allowed. The use of palms will be restricted to the replacement cross sectional area originally calculated based on palms that are being removed.
- (11) Since palms are generally moved as mature trees, it is necessary to equate cross sectional area of commonly moved palms to cross sectional area of commonly planted nonpalm species when substituting palms for nonpalm species pursuant to this Section. For the purpose of substitution of palms for nonpalm species, a ratio of 16 square inches of replacement cross sectional area of palms may be substituted for one square inch of replacement cross sectional area of nonpalm species. For example, a six-inch DBH palm tree containing 28.26 square inches may be substituted for a two-inch caliper hardwood tree containing 3.14 square inches of cross sectional area. The following informational chart indicates common size comparisons:

TABLE II

| DBH of Palm | Caliper of Nonpalm Species |
|----------------|----------------------------------|
| 6" equates to | 2" |
| 8" equates to | 2½" |
| 10" equates to | 3" |
| 12" equates to | 3½" |

| | |
|----------------|-----|
| 14" equates to | 4" |
| 16" equates to | 4½" |

This substitution ratio applies only when replacing non-palm species with palms.

(g) Specimen Tree Replacement.

Unless exempt by F.S. § 163.045 any tree that has received a tree removal permit outside of the site development process shall be replaced as follows:

- (1) Specimen trees shall be replaced by the same species or other species of comparable size and quality.
- (2) Species selection and replacement requirements shall be selected from the Florida-Friendly Plant List in "Florida Yards & Neighborhoods" edited by the University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS). The GMD shall have the authorization to modify the species and replacement requirements.
- (3) Specimen trees shall only be removed or relocated upon compliance with the following requirements:

Table I. Minimum specimen tree protection

| Number of Specimen Trees per Acre | On-Site Protection Required |
|-----------------------------------|----------------------------------|
| Less than 3 or a portion thereof | 80 percent of all specimen trees |
| 3.0 to 5.0 | 65 percent of all specimen trees |
| 5.1 to 8.0 | 50 percent of all specimen trees |
| 8.0 or more | 4 specimen trees per acre |

(h) General requirements for replaced trees. Any person conducting tree replacement activities shall:

- (1) Refrain from unnecessarily damaging any other tree or trees remaining on-site while planting or preparing the site for any replacement tree;
- (2) Plant the replacement tree so that it will not interfere proposed utility lines or cables, either above or below ground. A tree which may reach a height of 30 feet shall not be planted within 20 feet of an overhead powerline;
- (3) Plant replacement tree species and use installation and maintenance methods that follow xeriscape principles, where practicable;
- (4) Plant a replacement tree in an area with adequate space for root and canopy development;

- (5) Complete tree replacement within 180 days of the issuance of a tree removal permit unless granted an extension by the City Manager.
- (6) Maintenance/monitoring requirements for replaced trees. Any person conducting tree replacement activities shall:
- (7) Maintain the health of a replacement tree for a period of two years from the date of planting;
- (8) Replace, within 60 days, any replaced tree that dies or is determined to be effectively destroyed within two years of being planted, as determined by the City Manager. The two years' maintenance period shall begin anew whenever a tree is replaced.
- (9) Remuneration in lieu of tree replacement. If it is determined by the City Manager that the replacement is not feasible due to lack of available planting space, the following applies:
 - a. The person conducting the tree replacement activity shall, in lieu of actual tree replacement, pay a replacement contribution into the City tree replacement trust account with adequate justification, to be evaluated by the GMD.
 - b. The replacement contribution will be based on the value of required replacement trees, per the Florida No. 1 or better grade, as provided in Grades and Standards for Nursery Plants, State of Florida, Florida Department of Agriculture and Consumer Services, and Article III of this Chapter. .

(Ord. No. 07-13, § 2(Exh. A), 8-7-2013)

Sec. 8.8. Tree Protection During Development.

- (a) **Minimum Measures.** No material, machinery, temporary soil deposits, equipment, parking of construction vehicles or employee vehicles, construction of buildings, structures, paving surfaces, compaction of soil, cut-way, digging or trenching shall be allowed within six (6) feet of any understory tree or within ten feet of any canopy tree to be preserved. A tree with a diameter of four feet or more shall require additional space as may be determined by the GMD.
- (b) **Permitted Activities within the Protected Area.**
 - (1) Sidewalks which are laid on top of the existing grade with fill placed at the sides, rather than cut into the ground.
 - (2) Utility lines which are tunneled beneath tree roots in order to protect feeder roots, rather than trenched.
 - (3) Placement of sod or other ground covers, and the preparation of the ground surface for such covers. Landscape preparation in the undisturbed area shall be limited to shallow disking of the area.
- (c) **Protective Barrier Required.** Where construction may endanger a tree, the following protective barriers shall be required by the GMD as follows:
 - (1) **Protection of existing trees.** Prior to the commencement of construction of a development, the applicant shall clearly mark any tree or tree groups to be maintained in the proximity of any area where land clearing equipment is to be operated. In addition, prior to any clearing of improved, vacant or unimproved land unless specifically exempted from this article, trees to be preserved shall have barriers constructed around them by the developer to prevent physical damage from heavy equipment and other activities incidental to development. Required barriers shall be subject to inspection by the City as a condition of permit approval and prior to any clearing. The barriers shall be:
 - a. Large enough to include the entire area inside the drip line of the tree or one foot of radius per inch of the diameter, whichever is greater;
 - b. Conspicuous enough and high enough to be easily seen by operators of trucks and other equipment;
 - c. Constructed of sturdy material as approved by the City Forester based on professional judgment that the intent of this provision shall be met; and

- d. Constructed as a condition of the issuance of any tree permit, building permit, and any other development permit and prior to any construction or other development activities and required to remain in place throughout the construction.
- (2) Protective posts two (2) inches by four (4) inches or larger wooden post, two (2) inches' outer diameter or larger galvanized pipe, or other post material of equivalent size and strength shall be implanted deep enough in the ground to be stable and with at least four (4) feet of the post visible above the ground.
- (3) Posts shall be placed at points not closer than the drip line of the protected tree, with the posts being not further than six (6) feet apart, except that access may be allowed within this line as specified on site plans, but in no case, shall heavy equipment be permitted access with the protective barrier zone.
- (4) All protective posts shall be linked together (fencing at least four (4) feet high, two courses of rope or cord not less than one-half inch in diameter or a chain of comparable visibility). Each section shall be clearly flagged with yellow plastic tapes or other markers.
- (5) Protective barriers shall remain in place and intact until construction is complete.
- (6) Barriers or barricades shall be completely removed from the site at the end of the construction, unless otherwise stipulated on the approved tree preservation plan.
- (7) The City may conduct inspections periodically throughout the construction site in order to ensure that the tree ordinance, site plan and planting specifications are being complied with.
- (8) Prior to issuance of a certificate of occupancy, the City shall inspect the site to determine the site's compliance with the tree ordinance and the landscaping provisions of the land development code.
- (d) Grade changes. The site shall be utilized as to require the smallest possible grade change around existing trees. The project shall be designed to utilize site topography to the greatest extent possible. No grade changes are to be allowed within the drip line of existing trees unless approved by the City Forester.
- (e) Pruning. Pruning of a protected tree to compensate for the additional stress placed on the tree shall be conducted as provided in this subsection. The developer is permitted to properly cut or prune branches and roots of trees designated for preservation under the supervision of the City Forester. However, tree pruning shall be accomplished in accordance with the procedures set forth by ANSI, as amended.
 - (1) Pruning shall be proportionate to the amount of the reduction allowed in the undisturbed area, and the crown must be pruned by removing lateral branches and thinning rather than topping. Roots greater than one (1) inch in diameter shall be cut cleanly by a sharp pruning tool.
 - (2) Exposed roots, if cut or broken shall be pruned back to healthy tissue and covered to prevent drying.
 - (3) Broken limbs and broken or shipped tree bark shall be promptly pruned and treated. Low hanging branches that could be injured by vehicles shall be carefully pruned.
- (f) Root system protection. The root systems of trees shall be protected as follows:
 - (1) Excavation within a drip line. The City Manager may approve a drip line encroachment plan upon the applicant's request to excavate within the drip line of a tree as part of a clearing permit.
 - (2) Standards for root protection. The following standards shall apply and the City Manager may establish additional standards for root protection consistent with this Section if deemed warranted by site conditions or the project proposal:
 - a. If roots are exposed, the developer shall provide temporary earth cover, mixed with peat moss and wrapped with burlap, to prevent exposure from drying out before permanent backfill is placed.
 - b. The developer shall also fertilize, water and maintain in a moist condition and otherwise temporarily support and protect the tree root from damage until the tree root is permanently covered with earth.

- c. Protection of the tree root system. The developer shall protect tree root systems from damage due to noxious material in solution caused by runoff, or spillage during mixing and placement of construction materials, or drainage from storage materials. The developer shall also protect the root systems from flooding, erosion and excessive wetting resulting from dewatering or grading operations.
- (g) Tree protection zones. The area within the drip line of trees designated for preservation is considered the tree protection zone. Only hand clearing is permissible within the tree protection zone, unless otherwise stipulated in the approved tree permit. Encroachments into the tree protection zone will require submittal and approval of a drip line encroachment plan outlining tree protection measures to be utilized.
- (h) Other required protection of trees and understory. Developers shall, as required by the approved tree permit, protect the trees and understory plants designated for preservation from chemical poison, excavation, and grade changes to at least the following minimum standards:
 - (1) Utility line trenches. Utility line trenches shall be routed away from trees to an area outside of the drip line. If underground utilities must be routed through a tree protection barrier zone, tunneling will be required.
 - (2) Tree wells of an approved design shall be constructed around all trees to be preserved when fill material will be deposited within the drip line of protected trees and utilize retaining walls and drywells to protect any tree to be preserved from severe grade changes.
 - (3) Swaling and minor negative grade changes shall be designed outside the drip line of the area of trees to be preserved. If ditches, swales, or other significant grade changes are required near a tree that is designated to be preserved, piping shall be used. Trenching within the drip line of trees to remain shall be avoided. Tunneling shall be used in lieu of trenching within the drip line of trees to remain.
 - (4) Where automobile traffic areas are proposed within the drip line of trees to be preserved, and less than 2 inches of grade change is proposed, surfaces that allow air and water in the soil shall be used in lieu of asphalt or other impervious surfaces.
- (i) Trees damaged during construction. The developer shall have trees damaged by construction repaired by a professional arborist in a manner acceptable to the GMD as follows:
 - (1) Immediate notification to the City. The GMD must be notified immediately after any damage to any tree damaged by construction operations.
 - (2) Prompt repair. Repairs shall be made promptly, as necessary, after damage occurs, to prevent progressive deterioration of damaged trees.
 - (3) Removal and replacement of damaged trees. The developer shall remove trees which are determined by the GMD as being incapable of restoration of normal growth pattern. Such trees shall be subject to replacement pursuant to Sec. 8.7.
- (j) To ensure compliance with the approved development plan, all appropriate development sites shall be inspected by the City prior to issuance of the Certificate of Occupancy.

Sec. 8.9. Violations, Enforcement, and Penalties

- (a) Any tree removal or alteration in violation of this Article and any failure to maintain or protect trees in accordance its requirements shall be deemed to be a violation of this Code and subject to code enforcement and Special Magistrate proceedings, pursuant to Chapter 2, Article III of the Code of Ordinances. The property owner, occupant and/or agent shall be responsible in all enforcement matters.

Sec. 8.10. Appeals.

Any person aggrieved by a decision of the GMD or designee may file an appeal in accordance with Chapter 3.

- Sec. 8.11. RESERVED**
- Sec. 8.12. RESERVED**
- Sec. 8.13. RESERVED**
- Sec. 8.14. RESERVED**
- Sec. 8.15. RESERVED**

ARTICLE III. Landscaping and Buffer Requirements

Sec. 8.16. Applicability.

The requirements of this Article shall apply to all new development or the expansion/redevelopment of existing development except for single-family, duplex and triplex dwellings on individual lots, which are only subject to the requirements of Section 8.7(d) and public elementary, middle, and high schools, which are only subject to the buffer requirements of Section 8.17(b). Where Form-Based Code standards remain silent with regard to landscaping, the provisions of this chapter shall apply.

Sec. 8.17. Perimeter Landscaping and Buffers Between Uses.

- (a) In General. The purpose of buffer areas is to mitigate the impact that a use or traffic may have on the neighboring sites. The buffer yard area, the barrier, and the planting specified for each buffer are designed to reduce nuisances between adjacent land uses.
 - (1) Buffers shall not include buildings or vehicular use areas but may include ponds as regulated by paragraph (2) of this subsection.
 - (2) If the required buffer provided includes a pond, the required perimeter landscape area shall be provided beyond the minimum maintenance berm of a retention pond, unless otherwise approved by the City Engineer.
- (b) Landscaping and Buffer Requirements.

The following table below shows the minimum perimeter landscape area, trees, shrubs and buffer required based on the proposed and adjacent uses.

| | Perimeter Landscape Area (minimum width) | Trees (type and minimum quantity) | Shrubs (minimum height & spacing) | Buffer (minimum height and type) |
|---|--|---|---|--|
| RESIDENTIAL USES | | | | |
| Multi-family use <i>adjacent to:</i> Single family, duplex, triplex, townhome, mobile home park use or district | 25' | 1 evergreen understory tree for each 25 linear feet, or fraction thereof, | 24" in height at the time of planting and spaced a minimum of 30" on center | 6' fence* |
| NON-RESIDENTIAL USES | | | | |
| Non-residential use <i>adjacent to:</i> Any residential use or district | 30' | 1 evergreen understory tree for each 25 linear feet, or fraction thereof, | 24" in height at the time of planting and spaced a minimum of 30" on center | 6' Masonry Wall* |
| Non-residential use <i>adjacent to:</i> Non-residential use or district | 5' | None | 24" in height at the time of planting and | None |

| | | |
|--|--|--------------------------------------|
| | | spaced a minimum of 30" on center |
|--|--|--------------------------------------|

*Refer to Sec. 8.17(c)(1)

- (1) Where a masonry wall is required, it shall be constructed of a finished, maintenance free material such as brick, split-faced masonry block, textured concrete or similar materials, and shall be consistent with the architectural style of the building(s) on site and surrounding properties. Columns or pilasters shall be required and shall not be spaced more than 50 linear feet on center. The height of the wall shall be measured on the interior side of the wall.
- (2) The tree requirement for public schools adjacent to other uses may be reduced by the GMD if the area is not adjacent to areas of high activity and determined that the reduction would not adversely impact adjacent residences.
- (3) Canopy trees may be used in lieu of understory trees, but shall comply with the minimum separation requirements stated in Sec. 8.23.

(c) Adjustments.

The Development Review Committee (DRC) may approve a waiver or modification of some of the requirements of this Section if the committee determines that the waiver/modification will not adversely impact the compatibility of land and water uses in the area, the use of a masonry wall would adversely impact adjacent residential uses, and/or existing specimen trees in good health would be affected by the buffer requirements. Appeals of the DRC waivers shall be heard by the GMD.

- (1) The DRC may allow a 6-foot high solid hedge instead of the required fence. All other perimeter landscape area width and landscaping requirements shall still apply.
- (2) The DRC may reduce the perimeter landscape area width to a minimum of 15 feet if a 6-foot high continuous decorative wall as described above in subsection (b) is provided and all the landscaping requirements are met.
- (3) For lots located within the Form-Based Code Nodes and Corridors Overlay District pursuant to Chapter 5 or within a public school site, the DRC may reduce the required perimeter landscape area width and buffer. If the DRC waives the masonry wall for public schools, a continuous 6-foot solid fence shall be provided along the property line requiring buffering. However, if the required buffer width is provided and the buffer is adjacent to an area where minimal activity takes place, a 6-foot high vinyl coated chain link fence may be provided instead of the masonry wall.
- (4) The DRC may waive the perimeter landscape area, landscaping and buffer requirements between uses if their vehicular use areas are unified and designed to be shared.

Sec. 8.18. Landscaping and Buffers Along Rights-of-Way.

- (a) Landscaped Strip: A landscape strip shall be provided within the site along every public and private street or right-of-way (except in locations where a driveway is approved). For new subdivisions minimum width of the landscaped strip shall be as follows:
 - (1) Residentially zoned sites located along Limited Access Highways and Railroads: 25 feet.
 - (2) Along arterial or collector rights-of-way: 10 feet*
 - (3) Along all other rights-of-way and all other uses not specified above: 7 feet.

*For arterials and collectors within a Node or Corridor, the minimum width of the landscape strip shall be coordinated with the GMD.

(b) Buffer:

- (1) Residential subdivisions located along Limited Access Highways and Railroads shall provide a continuous decorative masonry wall (or a berm with wall combination) at least six (6) feet in height measured from the interior side of the wall. The buffer wall shall be constructed of a finished, maintenance free material such as brick, split-faced masonry block, textured concrete or similar materials, which shall be consistent with the architectural style of the building(s) on site and surrounding properties. Columns or pilasters shall be required and shall not be spaced more than 50 linear feet on center.
- (2) Where the rear or side yard of a single family, duplex or triplex lot abuts an arterial or collector street, a 6-foot high continuous decorative masonry wall or berm with hedge shall be constructed. The masonry buffer wall shall be constructed of a finished, maintenance free material such as brick, split-faced masonry block, textured concrete or similar materials, and shall be consistent with the architectural style of the building(s) on the site and surrounding properties.
- (c) Tree Canopy: One canopy tree meeting the size and species requirements of Sec. 8.23 shall be planted for each 50 lineal feet or fraction thereof of landscape strip. In order to create a canopy or near canopy over the street, the required trees shall be placed as close to the street pavement as public safety considerations allow, provided that consideration shall also be given to achieving a continuous alignment along adjacent sites. In some cases, such as new subdivisions, the City may require that the trees be installed in the right of way in accordance with City tree planting specifications outlined in this section. Where existing canopy trees are located within 50 feet of a required tree location, understory trees may be provided in lieu of the required canopy trees.
- (d) Shrubs, Berm or Wall: If the area of the site adjacent to the public or private right-of-way consists of an on-site vehicular use area, the landscape strip shall include shrubs, a berm, a wall or other durable landscape screen at least 24 inches high. The shrubs must have a minimum spacing of 30 inches on center or fraction thereof.
- (e) Ground Cover: The remainder of the required landscaped strip shall be landscaped with grass, ground cover or other landscaping material. See Sec. 8.23(c) for ground cover specifications.
- (f) Pole and Monument Signage Landscaping: Free-standing signs may be located within the buffer adjacent to a right-of-way. Shrubs or other durable landscaping a minimum of 2 feet in height shall be provided within a minimum 4-foot area around the entire base of any pole or monument sign. Location of any pole or monument signage shall not take the place of or interfere with the required tree within any required landscape island.

Sec. 8.19. Landscaping within Vehicular Use Areas.

The landscaping requirements of this Section shall be met by placing the required landscaping in one or more of the following types of locations: parking lot landscape islands, the space between head-to-head rows of parking, the area between parking surfaces and buildings and the area between vehicular use areas and property lines.

- (a) At least 25 square feet of landscaped area shall be provided per parking space.
- (b) There shall be a landscape island at the end of every parking row, and also every ten (10) parking spaces.
- (c) Each separate required landscaped area or island shall contain a minimum of 50 square feet of landscaping with a minimum width of at least ten (10) feet and a minimum depth at least the depth of the adjacent parking space.
- (d) Landscape island(s) which contain an interior sidewalk to connect the public sidewalk to the building shall be a minimum of 15 feet in width.
- (e) Each required island within parking areas located between the building and the adjacent right(s)-of-way shall have a canopy tree with a minimum caliper of four (4) inches in size, rather than two (2) and one-half inches, at the time of planting. All other islands shall have a minimum of one canopy tree meeting the standards of Sec. 8.23.
- (f) Sites that contain more than 500 parking spaces shall have canopy trees with a minimum of (4) inches in caliper, rather than two (2) and one-half inches in caliper.
- (g) There shall be no less than one tree for each ten (10) parking spaces or fraction thereof and one shrub for each two spaces or fraction thereof.
- (h) The tree species shall only be approved if they provide adequate shade protection.
- (i) Light poles shall not be located within any required landscape island, unless waived by the GMD after demonstration that the light pole(s) would not interfere with the required canopy tree and the lighting of the site.

Sec. 8.20. Landscaping in Other Interior Site Areas.

- (a) **Foundation Landscaping:** A four-foot wide landscaped strip shall be provided adjacent to all building walls facing public and private streets. Shrubs, a minimum of 24 inches in height at the time of planting, shall be planted within the strip and cover a minimum of 60% of the total length of each building wall.
- (b) **Solid waste containers**
 - (1) **Dumpster Pads:** Shrubs, a minimum of 24 inches in height and spaced a minimum of 30 inches on center shall be provided adjacent to three sides of dumpster enclosures.
 - (2) All solid waste containers, except approved recycling containers, shall be enclosed on at least three sides with a 6-foot high screen. The screen shall consist of a vinyl or masonry wall. The GMD may require that a hedge or similar landscaping material abut the enclosure walls.
 - (3) The container shall be enclosed in such a manner so that said container will be screened from public streets and adjoining properties. A concrete or asphalt pad of appropriate size and construction shall be provided as a base for the container. The container pad shall be at the approximate level of the service vehicle approach area so that the truck's loading mechanism can align with the container's sleeves.
 - (4) The screened enclosure shall not be located within any street right-of-way or required yard area. Containers and enclosures shall be located so as to allow ease of access for collection trucks and direct access to drive areas. Straight-in or circular drives are encouraged to reduce truck maneuvering problems. No parking or other obstructions shall be permitted in the access area for enclosures.
- (c) **Lift Stations:** Shrubs, a minimum of 24 inches in height and spaced a minimum of 30 inches on center shall be provided adjacent to all sides of any lift station, approved outdoor storage area, above ground utility facility and mechanical equipment. Lift stations shall also be screened by a minimum of 6-foot high enclosure, located around the perimeter of the easement and shall be made of masonry and consistent with the design theme of the building. Lift stations shall not be located between any building and right(s)-of-way and/or in any front yard setback. A solid gate shall be installed on the enclosure and shall remain closed at all times.

Sec. 8.21. Landscaping Within Open Space Tracts

Each open space tract provided to satisfy open space requirements within a development shall contain an average of at least 15 trees per acre with a minimum caliper of two (2) and one-half inches at the time of planting.

Sec. 8.22. Landscaping Within the Right-of-Way

- (a) **Voluntary Planting within the Public Right-of-Way**
 - (1) *Approval Required.* Non-required trees, shrubs, or vines may be planted in a public street right-of-way only with the following approvals:
 - a. City rights-of-way: City designee and Public Works right-of-way utilization permit.
 - b. County rights-of-way: City Manager and Volusia County.
 - c. State rights-of-way: City Manager and State of Florida.
 - (2) *ROW Utilization Permit.* It shall be the responsibility of the developer, contractor, homeowners' association, and/or the individual lot owner to obtain a right-of-way utilization permit from the Public Works Department prior to commencement of any work within the right-of-way.
 - (3) *Street Trees.*
 - a. *Homeowners' Associations:* A Street Tree Plan demonstrating compliance with the requirements of this chapter shall be submitted by the applicant for review by the GMD pursuant to Chapter 3.
 - b. *Individual Lot Owners:* A Street Tree Plan demonstrating compliance with the requirements of this chapter shall be submitted by the individual lot owner for review by the GMD.

- c. *Street Plan Review*: The GMD may approve, deny, or approve the plan with conditions based on compliance with the requirements of this chapter. See subsection (e) for required standards and contents of a Street Tree Plan pursuant to Chapter 3.
- (b) *Required Street and Median Tree Planting*: Proposed residential developments which involve the creation of a street shall submit and receive approval of a Street Tree Plan that ensures street trees and/or shrubs will be planted and established in accordance with the standards of this Chapter. See subsection (e) for required contents of a Street Tree Plan. No final approval shall be granted for a preliminary plat until a Street Tree Plan, which shall be included as part of the subdivision landscape plan, has been approved by the designated official, pursuant to Chapter 3.
- (c) *ROW Landscaping Standards*: All right-of-way landscaping shall comply with the following standards:
 - (1) Canopy street trees meeting the species and size requirements of Sec. 8.23, shall be planted along all existing and newly created streets within or abutting the development site. There shall be one canopy tree for every 50 linear feet of landscaping strip, or at least one tree in front of each lot. For proposed lots of less than 50 feet of frontage, smaller maturing canopy trees or understory trees may be utilized.
 - (2) Street trees shall be centered in the planting strip between the sidewalk and the street curb. If centering within the planting strip is not possible or desirable due to design considerations, the location of the tree may be moved but will still be required to meet the separation requirements listed in Sec. 8.23. On public streets without sidewalks, trees shall be located so as to accommodate future sidewalk placement and with regard to current and future utility line corridors.
 - (3) No tree shall be planted in any median that is less than 10 feet in width.
 - (4) Canopy trees located within a median may be planted in rows or clustered.
 - (5) If street trees cannot be provided as required in this Chapter, a waiver may be obtained from the Development Review Committee (DRC). If the waiver is approved, the trees shall be planted within a minimum 8-foot wide platted easement/tract running along the right-of-way. Adjacent right-of-way and required improvements shall be altered and approved at the time zoning and/or preliminary plat approval to accommodate placement of said trees within the easement/tract.
 - (6) Ornamental shrubs and ground cover shall be planted at gateways, landmarks, entrance features or other focal areas. Mass planting of shrubs and ground cover, using plants from a minimum of one-gallon containers and a minimum of one species with flower color in each planting bed, shall be provided in order for each species to grow together into a solid mass within 18 months.
- (d) *Exemption from Street and Median Tree Requirements*. At the request of the developer and/or owner of the property, the GMD may exempt specific areas from required street and/or median tree planting where the terrain, infrastructure or existing trees make the planting of new trees impractical. Examples include but are not limited to the following:
 - (1) Where existing healthy trees that are shown to be preserved on site or within the right-of-way are in such close proximity that would prevent a new tree from establishing a full canopy when mature.
 - (2) Where limerock is encountered within 30 inches of finish grade in the planting area between the back of curb and the property line.
 - (3) Where natural or existing grade slopes between the top of the street curb and the property line are in excess of 30%.
 - (4) Where required distances from existing features are not adequate as noted in Section 8.23(a)(7).
- (e) *Street/Median Tree Plan*. The Street Tree Plan shall depict all the proposed trees to be located within the right-of-way, in addition to the following:
 - (1) All proposed street trees and shrubs within open space tracts and medians owned by the homeowners' association.

- (2) The location and dimensions of all driveways, curbs and gutters, sidewalks, streets, trees and public and private utilities within the proposed or existing development site. Utilities shall include:
 - a. Water
 - b. Electrical
 - c. Natural gas
 - d. Telephone
 - e. Cable TV
 - f. Street lights
 - g. Sanitary sewers
 - h. Storm sewers and inlets
- (3) Actual or estimated location of driveways with a description of the methods the developer will use to ensure new street trees will not conflict with the future driveways within the tree establishment period.
- (4) The proposed method(s) the developer, owner and/or homeowners' association will implement to ensure maintenance, liability, establishment, protection, watering, and initial structural pruning of the trees.

Sec. 8.23. Landscaping Materials

The standards contained in this Section shall be utilized in order to ensure that new landscaping planted on public or private land and along street rights-of-way are of the highest quality, require low maintenance, and do not interfere with public safety.

(a) Canopy and Understory Trees

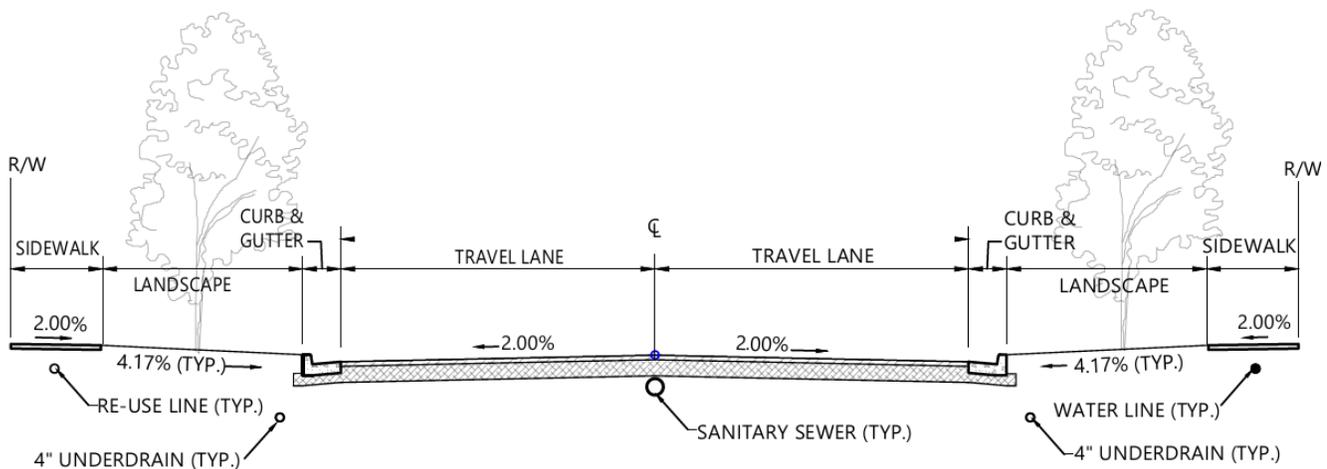
- (1) Tree Species:
 - a. All required trees shall be selected from the latest edition of the Florida-Friendly Plant List in "Florida Yards & Neighborhoods" edited by the University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS). At least 50% of all trees and plant materials shall be drought tolerant as specified on the Florida-Friendly Plant List.
 - b. The GMD may approve a tree not listed in the Florida-Friendly Plant List if a dependable source of non-potable irrigation water is to be used.
 - c. A minimum of two different species of trees shall be used on non-residential development sites requiring site plan approval and four species on duplex, triplex and multi-family residential sites.
 - d. Palm and pine trees may be provided on a site; however, such trees cannot be utilized to satisfy tree canopy and street tree requirements.
- (2) Prohibited Trees: No person shall plant, or cause to be planted within the City, any species of tree and/or shrub within the right-of-way of a street, alley, pedestrian right-of-way or pedestrian easement, which is not listed in the Florida-Friendly Plant List, unless support documentation is submitted and the planting of the proposed species is specifically authorized in writing by the City Arborist. Any tree and/or shrub within a public right-of-way prior to the adoption of this Code, shall be considered a legal non-conforming tree and/or shrub.
- (3) Tree Size at Time of Planting: Shade trees shall have a minimum 2.5-inch caliper and a minimum height of 10 feet at the time of planting, and shall be species capable of reaching a minimum height of 25 feet and crown spread of 15 feet at maturity. Small trees shall have a minimum 1.5 inch caliper and a minimum height of eight (8) feet at the time of planting. Palm trees shall have a minimum clear trunk of (6) feet at the time of planting.

- (4) Tree Quality Standards at Time of Planting.
 - a. Installed trees shall have a straight trunk perpendicular to the ground with a minimum branching height at 6 feet above the ground for trees 2 inches in caliper in at least a 25-gallon container.
 - b. Trees shall be provided reasonably free from insects and disease decay, major structural defects and damage to the trunk branches and root system.
- (5) Tree Spacing: The minimum separation between canopy trees shall be 50 feet. Understory trees require a minimum separation of 25 feet.
- (6) Width of Planting Areas: No tree shall be planted where the rooting space is less than (8) feet in width without prior approval of the GMD.
- (7) Distance from features: The following table lists the minimum required distance that must be provided (at planting and through maintenance) between new trees and existing and/or proposed features (see Figure 8-1):

Table 8 - 1: Minimum Separation between Landscaping and Features

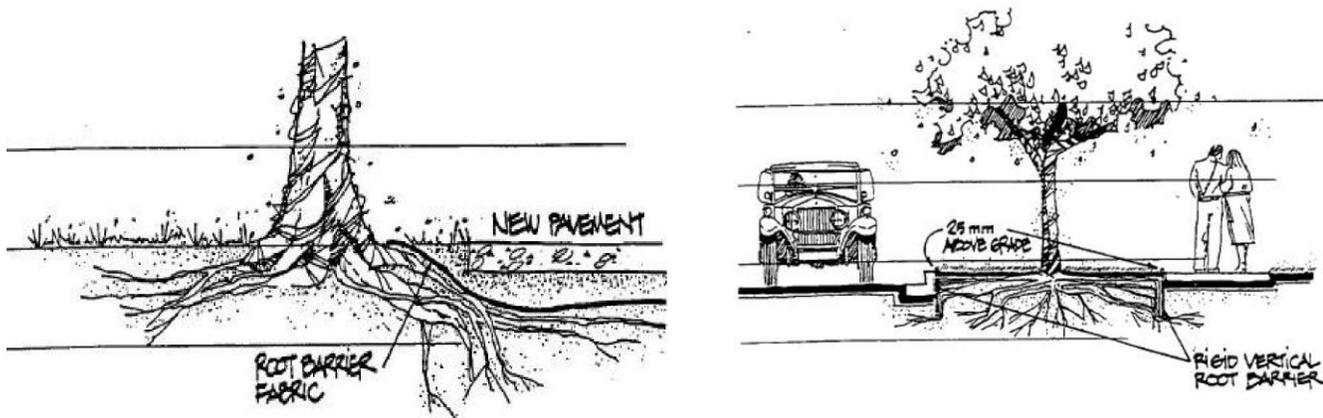
| Feature | Minimum Required Spacing |
|--|--|
| Alley edge of pavement | 15 feet |
| Sidewalks, curbs and gutters, bikeways, and driveways | 3 feet for understory trees 5 feet for canopy trees |
| Fire Hydrants | 10 feet for trees; 5 feet for shrubs |
| Intersections | 35 feet |
| Manholes and Catch Basins | 10 feet for understory trees 15 feet for canopy trees |
| Water Meters and utility boxes | 5 feet |
| Underground water, sewer and transmission lines or other utilities | 5 feet |
| Underground sewer laterals | 10 feet |
| Utility Poles | 10 feet |
| Street Lights | 10 feet for understory trees 25 feet for canopy trees |
| Regulatory Signs | Not to block sign |
| Buildings | 15 feet |

Figure 8 - 1: Trees and Infrastructure



- (8) Vertical Clearance: All trees and shrubs shall be pruned to ensure that:
- a. The minimum clearance of any overhanging portion is at least eight (8) feet above any public sidewalk or public bikeway and 14 feet above any public street; and
 - b. No portion of any tree or shrub shall be within one (1) foot of any public sidewalk, bikeway, or street or within one (1) foot of the area above these facilities unless the minimum clearance in subparagraph a. above is satisfied.
- (9) Overhead Utility Clearance: No tree, except for an understory tree with a maximum mature height of 20 feet, may be planted under or within ten (10) lateral feet of any overhead utility wire. Where a required tree(s) cannot be planted due to existing constraints, the required amount of tree(s) shall be planted elsewhere on the property upon approval by the GMD.
- (10) Exemptions: Where special conditions exist, the GMD may waive these tree planting location standards. Such a waiver shall be on a case by case basis.
- (11) Horizontal & vertical vehicular sight triangles: Trees shall not be allowed within the horizontal and/or vertical sight triangles of a street, alley or driveway intersection so as to obscure required traffic sight distances. Curves in the road, hills, and other site specific factors may require extensions of these dimensions. See Chapter 7 for more, requirements regarding sight distances.
- (12) Tree Roots. Tree root deflecting methods to promote downward growth rather than lateral growth, shall be provided for all trees planted within 5 feet of sidewalks, asphalt pavement, curbs, and other infrastructure. Examples of such methods include but are not limited to the following (See Figure 8-2 below for details of barriers):
- a. Impervious Plastic Barriers: Expandable self-locking panel sections with integral molded components and 90-degree root deflecting ribs. Solid root barriers shall be installed slightly above the grade to deter lateral roots from growing over the barrier.
 - b. Fabric Root Barriers: Allows the transfer lateral movement of water and nutrients while suspending roots at the barrier.
 - c. Chemical-release barriers or soft root barriers, which are more suitable for new pavement around an existing tree where root systems have already spread horizontally and cannot be severely cut to install a vertical hard barrier. This type of system is designed with a time-released herbicide impregnated into a fiber fabric which is flexible and can be placed horizontally, if necessary, and to any reasonable length. When the roots come in proximity with this material they take a downward direction to avoid the chemical.

Figure 8 - 2: Root Barrier



(b) Shrubs, Hedges and Vines.

- (1) All required shrubs and hedges shall be selected from the latest edition of the Florida-Friendly Plant List in "Florida Yards & Neighborhoods" edited by the University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS), or be otherwise specifically approved by the GMD if a dependable source of non-potable irrigation water is to be used. No development requiring site plan approval shall use less than two species of shrubs.
- (2) Shrubs shall be a minimum of 1-foot high at the time of planting. Shrubs used as required screening for vehicular use areas shall be a minimum of two (2) feet high at the time of planting and be species capable of reaching a 3-foot height within 2 years. Shrubs used for the required screening of properties, uses, or vehicular use areas shall be a minimum of three feet in height at the time of planting and be species capable of reaching a 6-foot height within 4 years.
- (3) Shrubs/seasonal annuals located on an individual lot shall be located within five feet of the driveway, mailbox, and/or utility box, and shall not exceed 18 inches in height.
- (4) All shrubs shall comply with the minimum distance and sight requirements outlined in Chapter 7.
- (5) Vines shall be a minimum of 12 inches in height above grade at time of planting with fences, screens, or walls. Where used to provide visual screening required by this section, such plants shall be spaced no more than three (3) feet apart and maintained so as to form a continuous, unbroken, solid, visual screen within one year of planting.

(c) Ground Cover: All pervious areas shall be entirely sodded or plugged with one of the following types of ground cover; sprigged, weeded, or seeded ground covers.

Table 8 - 2: Types of Grass Allowed

| Type of Grass | Texture | Soil Range | Salt Tolerance | Drought Tolerance | Tolerance |
|---------------|------------------|------------|----------------|-------------------|--------------|
| Bahia | Medium to Coarse | Wide Range | Fair | Excellent | Poor |
| Bermuda | Fine | Wide Range | Fair to Good | | Very Poor |
| Centipede | Medium | Acid Soils | Very Poor | Poor | Fair to Good |
| St. Augustine | Coarse | Wide Range | Excellent | Poor | Excellent |
| Zoysia | Fine | Wide Range | Good | Excellent | Excellent |

(d) Installation and Maintenance Standards.

- (1) Quality: Plant materials used in conformance with provisions of this Section shall equal or exceed the standards for Grade Number one (#1) plant materials as established and revised by the Department of Agriculture and Consumer Services, Division of Plant Industry. Grass sod shall be clean and reasonably free of weeds and noxious pests or disease. Reasonably shall be construed to mean 10% or less of the total area in question.
- (2) Wheel Stops and Curbs: All landscaped and pervious areas shall be protected from motor vehicular encroachment with effective wheel stops or curbs.
- (3) Berms: When berms are used to form a visual screen in lieu of or in conjunction with a hedge or wall, such berms shall be completely covered with shrubs, grass or other living ground cover. Berm slopes shall be a minimum ratio of 3:1.
- (4) Watering: During the establishment period, which is a 3-year period from the date of installation, each tree shall be watered regularly in a manner that allows penetration into the soil around the tree.
- (5) Guying, Propping and Staking: Palms shall be supported by props, the trunk shall be padded and 2x4's banded with no nails in the trunk. All other trees shall be staked with no less than 2x2-inch stakes driven 1-1/2 to 2 feet into the ground. Two stakes shall be required for trees less than four (4) inches in diameter, and three stakes for trees greater than four (4) inches in diameter. The trunk shall be protected by placing a 3/4-inch hose around the guy wire where it comes in contact with the tree. All stakes shall be of the same height for uniform appearance and support. In no instance shall nails be used in the trunk of the tree. Stakes and ties shall be removed after the first growing season or one year after installation.
- (6) Mulching: Trees and shrubs shall be protected from lawn equipment by provision of mulch beds at base; the beds shall be within a 12-inch radius of the trunk. All of the planting material shall be placed in such mulch beds. The mulch shall be at least three (3) inches deep.
- (7) Fertilizer: All plant material shall be treated with the appropriate fertilizer after planting.
- (8) Irrigation: Watering shall commence immediately upon installation and provision made for continued irrigation to reduce the probability of shock. Such irrigation shall be in accordance with any St. John's River Water Management District (SJRWMD) or City regulations.
- (9) Soils: Each landscaped area shall have soils suitable for the plant materials in the area. Soils shall have a proper pH level for the plants and shall be free of rubble, debris, trash, junk, or other waste materials.
- (10) Pruning/Trimming: Standards for pruning and/or trimming trees:
 - a. Dead broken or split branches shall be pruned at the time of planting.
 - b. Trees shall be pruned/trimmed to remove branches that are crossing, damaged, diseased, or broken.
 - c. The lower limbs shall be pruned/trimmed to provide a minimum clearance of eight feet above any public sidewalk or bikeway and 14 feet above any public street.
 - d. No portion of any shrub shall be within one foot of any public sidewalk bikeway or street or within one foot of the area above these facilities.
- (11) Tree Topping: It shall be unlawful as a normal practice for any person, firm or City department to hatrack or top any street tree, park tree, or other tree on public or private property. Trees severely damaged by storms or other causes, or other obstructions where other pruning practices are impractical may be exempted by the GMD.

Sec. 8.24. Irrigation.

- (a) When Required. All landscaped areas, excluding individual single family dwelling, duplex, triplex, and townhouse lots, shall be provided with an underground sprinkler irrigation system. An irrigation plan shall be provided with the landscape component of the site plan.

- (b) Conservation. Irrigation controllers, such as rain sensor devices, shall be capable of shutting off the system during periods of increased rainfall.
- (c) Design Standards.
 - (1) Coverage: The irrigation system must be designed to have a minimum of 100% coverage.
 - (2) Sprinkler Zoning: Sprinkler heads irrigating lawns or other high water demand landscape areas shall be circuited so that they are on a separate zone or zones from those irrigating trees, shrubbery or other reduced water requirement areas. Points of connections, lines and irrigation head shall also be specified.
 - (3) Control Systems: Automatically controlled irrigation systems shall be operated by an irrigation controller that is capable of watering high water requirement areas on a different schedule from low water requirement areas.
 - (4) Impervious Areas: Landscape irrigation systems shall be designed so that, to the greatest extent practical, water being applied to impervious areas is eliminated.
 - (5) Hours of Operation: Operational hours for portions of systems using potable water shall conform to any City and SJRWMD regulations relating thereto.
 - (6) Cross-Connection Control: Installation of irrigation systems shall conform with applicable City and State cross-connection control requirements. City approved meters and backflow preventers shall also be provided.
 - (7) Subsurface Irrigation: Subsurface irrigation systems which irrigate the root zone directly is highly recommended as the system requires less water and pressure to operate, is low maintenance, vandal proof and eliminates the hazard of overspray.
- (d) Non-Potable Water. Where feasible, use of non-potable reclaimed water for use in the irrigation of lawn and plant material is required when the property being developed.

Sec. 8.25. Landscape Maintenance Responsibility.

The following standards shall apply to all residential properties.

- (a) Responsibility. The owner shall be responsible for the maintenance of all landscaping; which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse, debris and erosion. This maintenance responsibility shall include lawns, trees and shrubs within public street rights-of-way adjacent to the property and shall include other landscaping maintenance responsibilities when set forth between the owner and the governmental entity responsible for the maintenance of the right-of-way in a maintenance agreement or other valid document.
 - (1) New Developments: The developer shall be responsible for the maintenance and health of each street tree located within the development until an individual lot abutting the planting area in which the street tree lies is occupied by a individual property owner or until such time a homeowners' association is established. Once the lot is occupied by an individual property owner or once an association is established, the individual property owner and/or the homeowners' association shall be responsible for the maintenance and health of each street tree located within the right-of-way and common open space areas.
 - (2) Existing Developments:
 - a. Planted by the Homeowners' Association. The homeowners' association shall be responsible for the maintenance and health of each street tree located within the right-of-way and common open space areas.
 - b. Planted by Individual Lot Owner. Trees, shrubs and lawn planted by the owner of an individual lot shall be responsible for the maintenance and health of the trees shrubs and lawn within street rights-of-way adjacent to the property.
 - c. Tree Canopy Maintenance. Development shall maintain a minimum level of tree canopy coverage by meeting the standards as described herein.

(b) Median and Swale Agreements. Parties subject to maintenance agreements with the City relative to medians and swales within the public right-of-way shall be subject to the above requirements plus any other provisions of the agreement.

Sec. 8.26. Letter of Credit/Cash Escrow.

No occupancy permit shall be issued for any non-residential or residential dwelling unless the provisions of this Section have been met and approved by the City Manager or designee. If for some reason the landscaping cannot be completed, inspected, and approved prior to Certificate of Occupancy, the City Manager or designee may allow the applicant to post a letter of credit or cash escrow with the City in a form acceptable to the City. A letter of credit or cash escrow shall be in an amount no less than 125% of the estimated cost of completing the approved landscape plan including, but not limited to, plant material, irrigation and labor. Failure to satisfactorily complete the required landscaping within the specified time period shall be grounds for the immediate and summary revocation of the Certificate of Occupancy by the City and/or the forfeiture of the bond fund.

Sec. 8.27. Violations.

If at any time after the issuance of a certificate of occupancy, the landscaping of a development to which this Article is applicable is found to be in nonconformance, the Growth Management Department shall issue a notice to the property owner that action is required to comply with this subchapter and shall describe what action is necessary to comply. The owner, tenant, or agent shall have 30 days to restore the landscaping (or replaced with a similar species approved by the Department) as required with a longer period authorized only for a species with a special planting season. If the landscaping is not restored within the allotted time, such person shall be in violation of this chapter and subject to Code Enforcement action.

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CHAPTER 9 - ENVIRONMENTAL PROTECTION

ARTICLE I. – PURPOSE AND INTENT

Sec. 9.1. Purpose and intent of environmental standards.

The following environmental standards shall apply in all zoning classifications and are intended to protect the health, safety, and welfare of City residents as well as natural resources within the City.

- (a) *Air pollution.* There shall be no emission of fumes, odors, vapors, gases, chemicals, smoke, dust, dirt, fly ash, or any particulate matter in violation of applicable State standards.
- (b) *Water pollution and sewage control.* There shall be no discharge of liquid or solid wastes into any public or private sewage disposal system, or into or on the ground, or into any stream, waterway, water body or drainage canal, nor any accumulation of any liquid or solid wastes, in violation of the applicable provisions of the Comprehensive Plan, this Code, or applicable State standards.
- (c) *Threatened and endangered species (TES); listed and protected species.* The USFWS, through the Endangered Species Act (ESA) of 1973, as amended, and the FWC, through Chapter 68 of the FAC and the Florida Endangered and Threatened Species Act, F.S. § 379.2291, regulate activities that may affect protected species. The term protected species is used as a general term for species that are protected by law, regulation, or rule. The term listed species specifically refers to the federal or State listing status of a protected species. All proposed developments must align with Comprehensive Plan, this Code, and relevant State regulations ensuring strict compliance with protective measures for both designated and identified habitats of TES and SSC. Any proposed development area intersecting with these habitats shall necessitate mitigation strategies, upholding the City's commitment to responsible land development and biodiversity preservation.

(Ord. No. 01-99, § 1(301.2(812.00)), 11-3-1999)

Sec. 9.2. RESERVED

Sec. 9.3. RESERVED

Sec. 9.4. RESERVED

ARTICLE I. WETLAND ALTERATION PERMITS^[2]

Footnotes:

--- (2) ---

Editor's note— See editor's note at Art. III.

Sec. 9.5. Purpose and intent.

- (a) It is the purpose and intent of this Article to provide for the protection, maintenance, enhancement and utilization of wetlands within the City, recognizing the rights of individual property owners to use their lands in a reasonable manner as well as the right of all citizens to protection and purity of the waters of the City and their associated wetland ecosystems. It is the policy of the City to minimize the disturbance of wetlands in the City and to encourage their use only for the purposes which are compatible with their natural functions and environmental benefits. Wetlands contiguous to waters of the State, noncontiguous and isolated wetlands serve the following important functions in the hydrologic cycle and ecological system:
 - (1) Riverine wetlands and adjacent floodplain lands provide natural storage and conveyance of floodwaters.
 - (2) Inland wetlands adjoining larger lakes and rivers act as barriers to waves and erosion.
 - (3) Inland wetlands provide temporary storage of surface waters during times of flood, thereby regulating flood elevations and the timing, velocity and rate of flood discharges.

- (4) Wetlands temporarily store flood flows and reduce the velocity of floodwaters, reducing erosion and facilitating the settling of suspended sediment. Wetland vegetation filters and detains sediment which would otherwise enter lakes and streams.
 - (5) Wetlands may protect water bodies by providing settling of suspended sediments, assimilation of nutrients and uptake of other natural and manmade pollutants. Wetland vegetation filters sediment, organic matter and chemicals. Microorganisms utilize dissolved nutrients and break down organic matter.
 - (6) Inland wetlands adjacent to rivers, streams and lakes are important to freshwater fisheries as spawning grounds.
 - (7) Inland wetlands provide essential breeding and predator escape habitats for many forms of mammals, birds, reptiles, amphibians, fishes and invertebrates.
 - (8) Wetlands provide essential habitat for many rare, endangered, and threatened species.
 - (9) Wetlands provide excellent recreation opportunities, including but not limited to fishing, hunting, camping, photography, boating and nature observation.
 - (10) Wetlands, especially those in karst terrain, may contribute to surface water storage and may contribute to groundwater recharge.
 - (11) Forested wetlands provide an important source of forest products. This renewable resource provides a significant economic benefit to the forest landowners of the City.
- (b) It is further the purpose and intent of this Article to ensure that there be no net loss of wetlands function and acreage as defined herein. To this end, a wetland alteration permit will be required as provided herein.

Sec. 9.6. Wetland identification.

The term "wetlands" shall be as defined in Sec. 2.2. The landward extent of wetland delineation shall be as provided in F.A.C. ch. 62-340 et seq.

Sec. 9.7. Exemptions.

In addition to F.A.C. ch. 62-330.051, F.A.C. ch. 68F-20, and F.S. 403.813, activities which are exempted from this Article include:

- (a) Nonmechanical clearing of non-woody wetland or buffer vegetation from an area of 500 square feet or less not to exceed 15 feet in width, for access to open water, provided the vegetation is removed from the wetland and disposed of on a suitable upland site;
- (b) Removal of non-woody vegetation and shrubs along freshwater shorelines for boat or swimmer access if the cleared area spans 50 feet or 50% of the shoreline, whichever is less, per F.S. § 369.20(8). This exemption does not apply in aquatic preserves or Outstanding Florida Waters;
- (c) Aquatic plant and organic detrital control and removal for certain activities pursuant to F.A.C. ch. 68F-20 and F.S. Chapter 369;
- (d) Minor maintenance or emergency repair to existing structures or improved areas;
- (e) Clearing and construction of walking trails, unpaved non-motorized trails, and timber cat-walks for direct access to water bodies having no fill and eight feet wide or less. Motorized vehicles for maintenance and emergencies shall adhere to restrictions in F.A.C. ch .62-330.050(9);
- (f) Overhead utility crossings; provided, however, associated access roads shall be subject to the requirements of this Article and State regulations;
- (g) Bona fide insect control activities permitted by federal, State, or regional agencies;
- (h) Bona fide agricultural uses pursuant to F.S. § 193.461; provided, however, silviculture shall be regulated as provided in Sec. 9.12.

Sec. 9.8. Permit requirements.

It is hereby unlawful for any person to engage in any activity which will remove, fill, drain, dredge, clear, destroy, or alter any wetland or wetland buffer as herein defined on any lot or portion thereof without obtaining a wetland alteration permit in accordance with the provisions of this Code. Said above-described permit may be issued concurrent or in conjunction with other land development permits. It is the intent of this Section that construction of a single-family dwelling on upland which does not alter by removing, filling, draining, dredging, clearing or destroying any wetland, wetland buffer, or surface water shall not require a permit pursuant to this Section.

- (a) *Concurrent application with development order review.* If the wetland alteration permit application is to be processed concurrently with development order review under this Article , then it shall be filed as part of the development order review application pursuant to Chapter 3, and shall include, in addition a wetland management plan, which shall include but not be limited to the following:
- (1) A detailed description of all water bodies, watercourses and wetlands on-site and a general description of all water bodies, watercourses, and wetlands immediately adjacent to the site and associated hydrologic conditions.
 - (2) A general description of the upland habitats on-site.
 - (3) A site survey no less than 12 months old to an appropriate scale as determined by the City Engineer which identifies the landward extent of the wetland boundaries, buffer zones, existing and proposed conservation areas and adjacent off-site conservation areas.
 - (4) A detailed description of any proposed activity within the wetlands and buffer zones.
 - (5) A detailed analysis of on-site and/or off-site mitigation areas, if applicable.
 - (6) A plan for the control of erosion, sedimentation and turbidity during and after construction which describes in detail the type and location of control measures, and provisions of maintenance.
 - (7) A detailed description of methods to be utilized in meeting the criteria listed in Sec. 9.9.
 - (8) A copy of all other federal, State, and regional permits and/or applications and conditions issued for the proposed project.
 - (9) Other information which designated City Staff may reasonably require to determine whether to approve the wetlands alteration permit.
- (b) Submittal requirements for applications without development order review.
- (1) Except as otherwise provided in subsection (a) of this Section, an application for a wetlands alteration permit shall be submitted with the following information:
 - a. Name, address, and phone number for the property owner and/or agent.
 - b. Signature of agent or owner.
 - c. Legal description of property, including the property appraiser's parcel number.
 - d. A scale drawing of the property identifying existing structures, adjacent streets, and water bodies.
 - e. A scaled drawing and description of the proposed activity and proposed location.
 - f. A copy of all other federal, State, and regional permits and/or applications and conditions issued for the proposed project for City approval.
 - g. A wetland management plan as provided for in subsection (a) of this Section; provided, however, that such plan shall not be required for the following activities:

- i. A private dock and additions whose total area does not exceed 500 square feet over waters designated or classified as class II, outstanding State waters, aquatic preserves, or other special designation, or within 100 feet thereof for a single-family residence.
 - ii. A private dock and additions whose total area does not exceed 1,000 square feet over water within any class III waters for a single-family residence.
 - iii. A private boat ramp for a single-family residence which does not exceed 15 feet wide and requires less than ten cubic yards of fill in artificial waterbodies and residential canal systems, where navigational access to the proposed ramps exist, or a public boat ramp (open for public access and use) in wetlands or surface waters of the State with existing navigational access to the proposed ramp that follows the above mentioned width and fill specifications.
 - iv. Construction of a seawall in a manmade canal where the seawall will be connected to existing seawalls on adjacent properties.
 - v. Restoration of existing and functioning structures.
- (2) An applicant is required to arrange a preapplication conference with the designated City Staff to discuss the proposed wetlands alteration and the scientific methods utilized to evaluate and justify any wetlands alteration prior to submitting a formal application to the designated City Staff.
 - (3) An application for a wetland alteration permit and a nonrefundable processing fee shall be filed with the designated City Staff.
 - (4) The submittals shall meet the requirements of this Code and provide the information in this Section.
 - (5) The designated City Staff shall determine the completeness of the application within three days of filing. If the application is determined to be incomplete, it shall be returned to the applicant. If the application is determined to be complete, the City Staff shall transmit it to the environmental review staff.
 - (6) Upon receipt, the environmental review staff shall review the application, conduct a preliminary site inspection, and notify the applicant prior to said inspection. If the application meets all of the requirements of this Article and mitigation is not required, it shall be approved within ten (10) working days of receipt. Upon such approval the environmental review staff shall return the application to the designated City Staff. If the application is denied, it shall be returned to the City Staff, with the reasons for denial noted thereon, within ten (10) working days of receipt; provided, however, upon receipt of a completed application, the City Staff determines that the proposed activity fails to meet the minimum requirements of this Article, or if additional information is required, a request will be made, within ten (10) working days after the preliminary site inspection, to the applicant to provide the additional information and modify the application and/or mitigation plans to prevent or limit the adverse impacts to the wetland or buffer.
 - (7) If the applicant fails to make the necessary modifications or provide the additional information within 60 days, then the designated City Staff shall deny the permit. The City Staff shall approve the permit within ten (10) working days after receiving the required modifications or additional information, unless the modifications fail to meet the requirements of this division.
 - (8) The designated City Staff shall notify the applicant immediately after he approves or denies the application and issues the permit.

Sec. 9.9. Standards for review.

- (a) *Review criteria.* In determining whether the development is permissible under the provisions of this Article, the environmental management staff shall consider but not be limited to the following criteria:
 - (1) The ability of the wetland to receive, store and discharge surface water runoff so as to contribute to hydrological stability and control of flooding and erosion;
 - (2) The ability of the wetland to recharge the groundwater as demonstrated by reliable available information;

- (3) The ability of the wetland to provide filtration and nutrient assimilation from surface water runoff;
 - (4) The ability of the wetland to provide habitat and significant ecological function in the life cycle for fish, wildlife, or other forms of animal or plant life;
 - (5) The ability of the wetland to function as an integral part of any waters, water body, or watercourse;
 - (6) The cumulative impacts of the proposed development on the wetland system in combination with other developments which have been permitted or constructed in the same drainage basin;
 - (7) The technical feasibility of any proposed wetland mitigation plans and the likelihood of their success in restoring or replacing the environmental benefit altered by the development;
 - (8) The capacity of the existing wetland to provide environmental benefits because of such factors as maturity, size, degree of prior alteration, physical relationship to other water systems, and adjacent land uses;
 - (9) The degree or magnitude of the impact of the proposed alteration on the wetland and how such impact shall be minimized through mitigation measures, either off-site or on-site, or both, and recommendations concerning the appropriate location of said mitigation;
 - (10) Whether, and the extent to which, a proposed project must be located within a wetland or water body in order to perform the project's basic functions;
 - (11) Whether the wetlands impacted by the proposed activity are protected or used in a manner which does not adversely impact their beneficial functions as provided under Sec. 9.5;
 - (12) The ability of the wetland to continue to function after development is completed;
 - (13) Whether the proposed project and the wetland impacts are consistent with the policies in the Comprehensive Plan.
- (b) Issuance of permits; conditions.
- (1) If the application meets the requirements of this Article, the designated City Staff shall issue the permit based upon approval by the environmental management staff, as provided in this Article, and may attach such appropriate conditions to the said permit in order to comply with the standards of subsection (a) of this Section. The designated City Staff may deny the permit if it does not meet such standards, stating the reasons therefor.
 - (2) The designated City Staff may approve a wetlands alteration permit, which shall incorporate the general and specific conditions which were made part of the permit from federal, State, or regional agencies. Concurrent applications to the local government and any federal, State, or regional agency shall be encouraged; provided, however, that the City Staff is not prevented from approving additional conditions to the said permit in order to comply with the standards of subsection (a) of this Section.

Sec. 9.10. Buffer requirements.

- (a) Properties less than 10 acres shall require 25 feet upland buffer from all wetlands and surface waters. Properties greater than 10 acres shall require 50 feet upland buffer from Lake Monroe and the St. Johns River and 25 feet upland buffer from any other surface waters or wetlands.
- (b) Development activities or construction which do not have a significant adverse effect on the natural function of the buffer may be allowed within the buffer. Proposed activities within 10% of the area of the upland buffer may be permitted in accordance with the requirements of this division. The activities or construction which may be permitted include but are not limited to pruning, planting of suitable native vegetation, removal of exotic and nuisance pioneer plant species, and the maintenance of walking trails, swales, retention areas, and drainage structures.
- (c) Property owners are responsible for restoring wetland function in accordance with F.A.C. ch. 62-330 & 62-345 in the event of illegal non-permitted wetland impacts.

Sec. 9.11. Mitigation.

(a) Mitigation requirements.

- (1) It is presumed that development activity will have an adverse effect upon wetlands, and that permit conditions are inadequate to avoid potential adverse environmental effects. If the applicant fails to overcome this presumption, then mitigation shall be required. Mitigation plans should consider the function of existing natural resources and provide comparable functions after mitigation is completed. Mitigation plans should maximize the preservation of existing natural resources. The mitigation plans shall consider the following methods, in order of priority in which they should be utilized:
 - a. Avoiding the impact altogether by not taking a certain action or parts of an action;
 - b. Minimizing impacts by limiting the degree or magnitude of the action or its implementation;
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and
 - e. Compensating for the impact by replacing or providing substitute resources or environments through creation of new wetlands, enhancement of existing wetlands or reestablishment of wetlands which are no longer functioning due to significant alteration in the past.
- (2) The purpose of mitigation is to compensate for unavoidable adverse impacts by replacing or providing substitute resources or environments through the creation of new wetlands, enhancement of existing wetlands, or reestablishment of wetlands which are no longer functioning due to significant alteration in the past. Where all or part of a wetland is destroyed or to be destroyed or substantially altered by development, a proposed mitigation plan shall include at least:
 - a. A description of the wetland and buffer to be created or restored, which shall include but not limited to the type and functions of the wetland, the proposed mitigation ratios, species present or to be planted, plant density, anticipated source of plants, soils, and hydrologic regime;
 - b. A plan for monitoring the success of a created or restored wetland as prescribed by State and/or federal regulations;
 - c. A detailed plan describing the monitoring and methods of control and maintenance of exotic or nuisance vegetation;
 - d. An upland habitat as an adjacent buffer on mitigated sites, as provided in Sec. 9.10.
- (3) An acceptable mitigation plan shall be reasonably and technically feasible. Mitigation through restoration of other degraded wetlands is preferred over wetland creation.
- (4) Mitigation should take place on-site or in close proximity thereto or in areas so designated as provided in subsection (d) of this Section.
- (5) An applicant who carries out a compensatory mitigation plan shall grant a conservation easement on the newly created or restored wetland and buffer to protect it from future development. A legal mechanism other than a conservation easement may be deemed appropriate on a case-by-case basis to carry out the purpose of this subsection.
- (6) A mitigation plan approved by a federal, State, or regional agency shall be acceptable to the City Manager; provided, however, that the approved mitigation plan does not result in the loss of function. If no such mitigation plan is required by the approved permit from the federal, State, or regional agency, or if the approved plan results in loss of function, then the City Manager may require a mitigation plan in compliance with this Section.

- (7) A mitigation plan should be designed to ensure that the wetlands provide minimal mosquito larval habitat and does not eliminate habitat for predatory fish.
 - (8) Any wetlands which have been altered in a manner which does not comply with this Article and no wetland alteration permit obtained shall be restored and the mitigation requirements as provided in this Article shall apply.
- (b) *Mitigation ratios.* In determining the replacement acreage ratios for restored or created wetlands, the City Environmental Officer shall consider, but not be limited to, the following criteria:
- (1) The length of time that can be expected to lapse before the functions of the impacted wetlands functions have been restored or offset.
 - (2) Any special designation or classification of the water body, including outstanding State waters, aquatic preserves, or class II waters.
 - (3) The type of wetland to be created and the likelihood of successfully creating that type of wetland.
 - (4) Whether or not the affected wetland is functioning as natural, healthy wetland of that type.
 - (5) Whether the wetland is unique for that watershed.
 - (6) The presence or absence of exotic or nuisance plants within the wetland and adverse effects those plants have on the wetland's beneficial functions.
 - (7) Whether the proposed project eliminates or changes the wetland from one type to another.
 - (8) The amount and quality of upland habitat preserved as conservation areas or buffer.

Except as provided in subsection (a)(6) of this Section, the mitigation ratio shall include replacement of the same type of wetland of at least a one-to-one ratio unless the value of the wetland based on its functional value is determined to warrant a greater or lesser ratio. There should be like-kind replacement, i.e., freshwater for freshwater where practicable. The minimum mitigation ratio for wetlands which have been harvested for timber within 180 days prior to submittal for a development order review shall be a minimum of a one-to-one ratio of created or restored wetlands to the adversely impacted wetland. The minimum mitigation ratio for wetlands which have been developed from agricultural uses within 180 days prior to submittal for a development order review shall be a minimum of one-to-one of created or restored wetlands to the adversely impacted wetlands.

- (c) Off-site mitigation.
- (1) For those projects which require off-site mitigation, the mitigation shall be performed within the watershed or sub-basin of those lands described in this subsection.
 - (2) The off-site mitigation areas may be developed with the intention of utilizing the areas for passive and/or active recreational parks; provided, however, the wetlands beneficial functions are not adversely impacted.
 - (3) If the wetlands alteration permit application is not processed concurrently with development order review and a successful mitigation is not likely to offset unavoidable impacts, then the proposed development shall be required to pay an off-site mitigation fee.

Sec. 9.12. Silviculture.

Bona fide silvicultural harvesting activities are exempt from the permitting and mitigation requirements of this Article and as otherwise required herein; provided further, however, failure to comply with the following requirements shall be a violation of this Code:

- (a) Silvicultural harvesting activities shall follow the best management practices as outlined in the publication titled "Silviculture Best Management Practices Manual," Florida Department of Agriculture and Consumer Services, Division of Forestry, most recent edition. The use of the "Management Guidelines for Forested Wetlands in Florida," Florida Department of Agriculture and Consumer Services, shall be encouraged.

- (b) Filling, draining, dredging, roadway construction or any activity which requires a permit from the St. Johns River Water Management District (SJRWMD).
- (c) Fire prevention techniques are hereby authorized by this Code.

Sec. 9.13. RESERVED

Sec. 9.14. RESERVED

ARTICLE II. – FLOODING⁽¹⁾

Footnotes:

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Editor's note— Ord. No. 01-14, § 2, adopted February 5, 2014, repealed art. III, §§ 4-201—4-228 and enacting a new art. III, §§ 4-201—4-219 as set out herein. Former art. III, §§ 4-201—4-225 pertained to similar subject matter and derived from Ord. No. 04-11, § 2, adopted Sept. 7, 2011.

Division 1. FLOOD HAZARD MANAGEMENT

Sec. 9.15. General.

- (a) *Title.* These regulations shall be known as the Floodplain Management Article of the City of DeBary, hereinafter referred to as "this Article."
- (b) *Scope.* The provisions of this Article shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development, or any other land disturbing activities.
- (c) *Intent.* The purposes of this Article and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
 - (1) Minimize unnecessary disruption of commerce, access, and public service during times of flooding;
 - (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
 - (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
 - (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
 - (5) Minimize damage to public and private facilities and utilities;
 - (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
 - (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
 - (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- (d) *Coordination with the Florida Building Code.* This article is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

- (e) *Warning.* The degree of flood protection required by this article and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this article.
- (f) *Disclaimer of Liability.* This Article shall not create liability on the part of the City Council of the City of DeBary or by any officer or employee thereof for any flood damage that results from reliance on this article or any administrative decision lawfully made thereunder.

(Ord. No. [01-14](#), § 2, 2-5-2014)

Sec. 9.16. Applicability.

- (a) *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- (b) *Areas to which this article applies.* This Article shall apply to all flood hazard areas within the City of DeBary, as established in subsection (c) of this Section.
- (c) *Basis for establishing flood hazard areas.* The Flood Insurance Study for Volusia County, Florida and Incorporated Areas dated February 19, 2014, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this Article and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City of DeBary Building Department located at City Hall, 16 Colomba Road, DeBary, Florida 32713.
- (d) *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to subsection (e) of this Section the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:
- (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this Article and, as applicable, the requirements of the Florida Building Code.
 - (2) Are above the base flood elevation for the special flood hazard that completely or partially encompasses the subject land area, the subject land area within the limits of the special flood hazard area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.
- (e) *Other laws.* The provisions of this Article shall not be deemed to nullify any provisions of local, State or federal law.
- (f) *Abrogation and greater restrictions.* This article supersedes any ordinance or Land Development Code regulation in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances or code regulations including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this Article and any other ordinance or code regulation, the more restrictive shall govern. This Article shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this article.
- (g) *Interpretation.* In the interpretation and application of this article, all provisions shall be:
- (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body; and
 - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. [01-14](#), § 2, 2-5-2014)

Sec. 9.17. Duties and powers of the floodplain administrator.

- (a) *Designation.* The Building Official is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.
- (b) *General.* The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this Article. The Floodplain Administrator shall have the authority to render interpretations of this Article consistent with the intent and purpose of this Article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this Article without the granting of a variance pursuant to Sec. 9.21 of this Division.
- (c) *Applications and permits.* The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:
- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
 - (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this Article;
 - (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
 - (4) Provide available flood elevation and flood hazard information;
 - (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
 - (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
 - (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this Article is demonstrated, or disapprove the same in the event of noncompliance; and
 - (8) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this Article.
- (d) *Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 - (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 - (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this Article is required.
- (e) *Modifications of the strict application of the requirements of the Florida Building Code.* The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Sec. 9.21 of this Division.
- (f) *Notices and orders.* The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this Article.
- (g) *Inspections.* The Floodplain Administrator shall make the required inspections as specified in Sec. 9.20 of this Division for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- (h) *Other duties of the Floodplain Administrator.* The Floodplain Administrator shall have other duties, including but not limited to:
- (1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to subsection (d) of this Section;
 - (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
 - (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
 - (4) Review required design certifications and documentation of elevations specified by this Article and the Florida Building Code and this Article to determine that such certifications and documentations are complete; and
 - (5) Notify the Federal Emergency Management Agency when the corporate boundaries of City of DeBary are modified.
- (i) *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this Article and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this Article; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this Article and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at DeBary City Hall, 16 Colomba Road, DeBary, Florida.

(Ord. No. [01-14](#), § 2, 2-5-2014)

Sec. 9.18. Permits.

- (a) *Permits required.* Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this Article, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this Article and all other applicable codes and regulations has been satisfied.

- (b) *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this Article for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.
- (c) *Buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this article:
- (1) Railroads and ancillary facilities associated with the railroad.
 - (2) Nonresidential farm buildings on farms, as provided in section F.S. § 604.50.
 - (3) Temporary buildings or sheds used exclusively for construction purposes.
 - (4) Mobile or modular structures used as temporary offices.
 - (5) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.
 - (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
 - (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
 - (8) Temporary housing provided by the Department of Corrections to any prisoner in the State correctional system.
 - (9) Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps
- (d) *Application for a permit or approval.* To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:
- (1) Identify and describe the development to be covered by the permit or approval.
 - (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
 - (3) Indicate the use and occupancy for which the proposed development is intended.
 - (4) Be accompanied by a site plan or construction documents as specified in Sec. 9.19 of this Division.
 - (5) State the valuation of the proposed work.
 - (6) Be signed by the applicant or the applicant's authorized agent.
 - (7) Give such other data and information as required by the Floodplain Administrator.
- (e) *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this article shall not be construed to be a permit for, or approval of, any violation of this article, the Florida Building Codes, or any other ordinance or regulation of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

- (f) *Expiration.* A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.
- (g) *Suspension or revocation.* The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this Article or any other ordinance, regulation or requirement of this community.
- (h) *Other permits required.* Floodplain development permits and building permits shall include a condition that all other applicable State or federal permits be obtained before commencement of the permitted development, including but not limited to the following:
 - (1) The St. Johns River Water Management District; F.S. § 373.036.
 - (2) Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065 and Chapter 64E-6, F.A.C.
 - (3) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.
 - (4) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
 - (5) Federal permits and approvals.

(Ord. No. [01-14](#), § 2, 2-5-2014)

Sec. 9.19. Site plans and construction documents.

- (a) *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this Article shall be drawn to scale and shall include, as applicable to the proposed development:
 - (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
 - (2) Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with subsection (b) of this Section, and shall be established to the satisfaction of the City Engineer.
 - (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with subsection (b) of this Section.
 - (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
 - (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
 - (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
 - (7) Existing and proposed alignment of any proposed alteration of a watercourse.
 - (8) Construction plans and drainage basin maps shall be annotated to clearly and accurately delineate the flood hazard area encompassed by the applicable on-site base flood elevation. Topographic and floodplain mapping shall provide a minimum accuracy to a tenth of a foot (i.e., 1-foot topographic contour interval and base flood elevation to one decimal accuracy). USGS quadrangle maps depicting 5-foot topographic contours are not adequate to comply with these design standards. Floodplains shall be delineated for all storage areas located within the property boundary as defined by the pre-development topography, even if these areas are not illustrated on the City's FIRM panels.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this Article but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this Article.

- (b) *Information in flood hazard areas without base flood elevations (approximate Zone A).* Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:
- (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices, and shall be prepared to the satisfaction of the City Engineer.
 - a. Under no circumstances will the City accept a base flood elevation determined by overlaying a FEMA zone A, AE, AH or AO delineation with any topographic contour information.
 - (2) Obtain, review, and provide to applicants the base flood elevation and floodway data available from a federal or State agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or State agency or other source. Other sources may include approved drainage studies of a comprehensive and regional nature; and site-specific assessments signed and sealed by a professional engineer licensed to practice in the State.
 - a. In the event that topographic contours developed in the field by ground survey techniques utilize a datum other than FEMA's effective (NAVD88) datum, a "datum shift" shall be required to "adjust" the applicable on-site base flood elevation to a common and consistent datum. Several resources are available on the internet for performing a datum shift once the project's latitude and longitude are determined.
 - (3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - b. Specify that the base flood elevation is three (3) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than three (3) feet.
 - (4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.
 - (5) Where there are conflicting elevation requirements, require that the design flood elevation used shall be the highest elevation, unless the applicant provides base flood elevations established in accordance with Paragraph (1) of this subsection.
- (c) *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this Section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in subsection (d) of this Section and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
 - (2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined

with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in subsection (d) of this Section.
 - (4) For development activities proposed on properties with wetlands, depressions and any other low areas within the property boundary that are capable of impounding storm water runoff on the proposed undeveloped portion of the property, a sufficient number of geotechnical borings, to the satisfaction of the City Engineer, and ecological assessments shall be conducted to establish the Seasonal High Water Level (SHWL) and Seasonal High Ground Water Table (SHGWT). Geotechnical assessments shall be conducted by a professional geotechnical engineer licensed in the State. Ecological assessments shall include an evaluation of hydric soils, vegetative cover, wetland species, lichen lines, etc.
 - (5) For development activities encroaching into a special flood hazard area, hydraulic calculations and supporting methodology that demonstrate the volume of the encroachment and method of compensatory storage is in accordance with the requirements of Sec. 9.32 of Division 2 of this Article.
- (d) *Submission of additional data.* When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(Ord. No. [01-14](#), § 2, 2-5-2014)

Sec. 9.20. Inspections.

- (a) *General.* Development or other land disturbing activities for which a floodplain development permit or approval is required shall be subject to inspection.
- (b) *Development other than buildings and structures.* The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this Article and the conditions of issued floodplain development permits or approvals.
- (c) *Buildings, structures and facilities exempt from the Florida Building Code.* The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this Article and the conditions of issued floodplain development permits or approvals.
- (d) *Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.* Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:
 - (1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
 - (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Sec. 9.19(b)(3)b. of this Division, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- (e) *Buildings, structures and facilities exempt from the Florida Building Code, final inspection.* As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in subsection (d) of this Section.

- (f) *Manufactured homes.* The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this Article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

(Ord. No. [01-14](#), § 2, 2-5-2014)

Sec. 9.21. Variances and appeals.

- (a) *General.* The City Council shall hear and decide on requests for appeals and requests for variances from the strict application of this article. Pursuant to F.S. § 553.73(5), the Florida Building Commission shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code.
- (b) *Appeals.* The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this article. Any person aggrieved by the decision of City Council may appeal such decision to the Circuit Court, as provided by Florida Statutes.
- (c) *Limitations on authority to grant variances.* The City Council shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection (g) of this Section, the conditions of issuance set forth in subsection (h) of this Section, and the comments and recommendations of the Floodplain Administrator and the Building Official. The City Council has the right to attach such conditions as it deems necessary to further the purposes and objectives of this Article.
- (d) *Restrictions in floodways.* A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Sec. 9.19(c) of this Division.
- (e) *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.
- (f) *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this Article, provided the variance meets the requirements of Sec. 9.16(d), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- (g) *Considerations for issuance of variances.* In reviewing requests for variances, the City Council shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this Article, and the following:
- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
 - (4) The importance of the services provided by the proposed development to the community;
 - (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
 - (6) The compatibility of the proposed development with existing and anticipated development;
 - (7) The relationship of the proposed development to the Comprehensive Plan and floodplain management program for the area;

- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 - (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
- (h) Conditions for issuance of variances. Variances shall be issued only upon:
- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this Article or the required elevation standards;
 - (2) Determination by the City Council that:
 - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
 - (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(Ord. No. [01-14](#), § 2, 2-5-2014)

Sec. 9.22. RESERVED

Sec. 9.23. RESERVED

Sec. 9.24. RESERVED

Division 2. FLOOD RESISTANT DEVELOPMENT

Sec. 9.25. Buildings and structures.

- (a) *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to Sec. 9.18(c) of Division 1 of this Article, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Sec. 9.31.

(Ord. No. [01-14](#), § 2, 2-5-2014)

Sec. 9.26. Subdivisions.

- (a) *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- (b) *Subdivision plats.* Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
- (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
 - (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 9.19(b) of Division 1 of this Article; and
 - (3) Compliance with the site improvement and utilities requirements of Sec. 9.27.

(Ord. No. [01-14](#), § 2, 2-5-2014)

Sec. 9.27. Site improvements, utilities and limitations.

- (a) *Minimum requirements.* All proposed new development shall be reviewed to determine that:
- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- (b) *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.
- (c) *Water supply facilities.* All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- (d) *Limitations on sites in regulatory floodways.* No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Sec. 9.19(c)(1) of Division 1 this Article demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
- (e) *Limitations on placement of fill.* Subject to the limitations of this Article, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code, and Sec. 9.32.

(Ord. No. [01-14](#), § 2, 2-5-2014)

Sec. 9.28. Manufactured homes.

- (a) *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this Article.
- (b) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the Florida Building Code Residential Section R322.2 and this Article.
- (c) *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable State and local anchoring requirements for wind resistance.
- (d) *Elevation.* Manufactured homes that are placed, replaced, or substantially improved shall comply with subsection (e) or (f) of this Section, as applicable.
- (e) *General elevation requirement.* Unless subject to the requirements of subsection (f) of this Section, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A).
- (f) *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to subsection (e) of this Section, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:
- (1) Bottom of the frame of the manufactured home is at or above the elevation required in the Florida Building Code, Residential Section R322.2 (Zone A); or
 - (2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.
- (g) *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas.
- (h) *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.

(Ord. No. [01-14](#), § 2, 2-5-2014)

Sec. 9.29. Recreational vehicles and park trailers.

- (a) *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
- (1) Be on the site for fewer than 180 consecutive days; or
 - (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.
- (b) *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in subsection (a) of this Section for temporary placement shall meet the requirements of Sec. 9.28 for manufactured homes.

(Ord. No. [01-14](#), § 2, 2-5-2014)

Sec. 9.30. Tanks.

- (a) *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
- (b) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of subsection (c) of this Section shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- (c) *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
- (d) *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:
 - (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(Ord. No. [01-14](#), § 2, 2-5-2014)

Sec. 9.31. Other development.

- (a) *General requirements for other development.* All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this Article or the Florida Building Code, shall:
 - (1) Be located and constructed to minimize flood damage;
 - (2) Meet the limitations of Sec. 9.27(d) if located in a regulated floodway;
 - (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
 - (4) Be constructed of flood damage-resistant materials; and
 - (5) Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
- (b) *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Sec. 9.27(d).
- (c) *Retaining walls, sidewalks and driveways in regulated floodways.* Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Sec. 9.27(d).
- (d) *Roads and watercourse crossings in regulated floodways.* Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Sec. 9.27(d). Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 9.19(c)(3) of Division 1 of this Article.

(Ord. No. [01-14](#), § 2, 2-5-2014)

Sec. 9.32. Compensatory storage for encroachments.

- (a) *Compensatory storage.* Compensatory storage for all encroachments into the City of DeBary's special flood hazard areas shall be provided in accordance with the following requirements:

- (1) Compliance will be based upon a volume for volume ("cup for cup") methodology, with the volume of compensation equal to the volume of encroachment at each and every elevation (1-foot contour interval). Providing compensating storage equal to the volume of encroachment at each elevation will provide equivalent management for all storm events of magnitude less than the 100-year storm event, and is intended to prevent cumulative water quantity impacts.
 - (2) Compensatory storage creation shall occur below the existing base flood elevation and above the predicted Seasonal High Ground Water Table (SHGWT) and/or the Seasonal High Water Levels (SHWL).
 - (3) Compensatory storage shall occur within dedicated storage areas excavated contiguous to the existing special flood hazard area.
 - (4) Under no circumstances will compensatory storage be allowed within ponds that also provide stormwater management (retention and/or detention) for the proposed development.
 - (5) The City may approve the creation of off-site compensatory storage areas located outside the property boundary on a case-by-case basis.
 - (6) The City reserves the right to enforce additional criteria upon any project that is located within what the City considers a special flood hazard area. At the City's discretion, additional flood control measures may be required to adequately protect upstream systems, downstream systems, and/or off-site properties.
 - (7) Floodplain encroachment shall be computed for all fill placed within the special flood hazard area, or for any other volume displacing activities, below the base flood elevation and above the predicted SHGWT or SHWL.
- (b) *Special stormwater management criteria.* Special stormwater management criteria may be enforced upon any development activity that proposes any form of stormwater detention within a watershed that does not have a positive outfall (i.e., land-locked basin).

Sec. 9.33. The Florida building code.

The floodplain management regulations put forth in this Article are to be coordinated with the Florida Building Code. The City of DeBary hereby adopts local administrative amendments to the 2023 Florida Building Code as set forth in Chapter 14, Article II of the City of DeBary Code of Ordinances.

(Ord. No. [01-14](#), § 2, 2-5-2014)

Sec. 9.34. RESERVED

Sec. 9.35. RESERVED

Sec. 9.36. RESERVED

Division 3. POTABLE WATER WELL FIELD PROTECTION^[3]

Footnotes:

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Editor's note— See editor's note at Art. III.

Sec. 9.37. Purpose and intent.

- (a) The purpose and intent of this Division is to safeguard the public health, safety and welfare of the people of the City by providing for the regulation of the storage, handling, use or production of hazardous substances within zones of protection surrounding potable water supply wells as defined in this Code, thereby protecting the potable water supply from contamination. This division is required by F.S. § 163.3202.
- (b) Further, there is an urgent need to protect existing and future public and private potable water supply wells as defined in this Code in the City from the irreversible and adverse effects of chemical contamination.
- (c) Also, the state aquifer was designated by the United States Environmental Protection Agency as a "sole source aquifer," which means it is the only practical source of drinking water for the residents of the City.

Sec. 9.38. Establishment of well field protection zones.

The regulations set forth in this Division shall apply to all lands surrounding a potable water supply well designated as the primary or secondary well field protection zone as defined in this Code.

- (a) *Mapping.* The City Manager shall provide well field protection zone map to designate and geographically delineate and amend, as necessary, the 500-foot well field protection zone as defined in F.A.C. 62-521. Said map shall be on file with the GMD.
- (b) *Interpretation of zone designation.* Properties located partially or wholly within the protection zone shall be governed by the restrictions of this Section.

Sec. 9.39. Restrictions within the zones.

For property determined to be within the well field protection zone, except as otherwise provided in Division, any use identified in F.A.C. ch. 62-521 shall require a well field protection permit through the Florida Department of Environmental Protection.

Sec. 9.40. Hazardous substances regulated.

- (a) The hazardous substances regulated by this Division shall consist of the following:
 - (1) F.A.C. ch. 38F-41 (the Florida Substance List).
 - (2) Title 40 of the Code of Federal Regulations part 261 (Identification and Listing of Hazardous Wastes).
 - (3) Title 40 of the Code of Federal Regulations part 302.4 (Table 302.4) (List of Hazardous Substances and Reportable Quantities).
 - (4) Title 40 of the Code of Federal Regulations part 355, Appendix A and B (List of Extremely Hazardous Substances).
- (b) A hazardous substance, as defined herein, includes any solution, mixture, or formulation containing such materials, and also includes any material which, due to its chemical or physical characteristics, as determined by the City Manager upon the advice of the environmental management staff, poses a substantial threat to the life, health, or safety of persons or property or to the environment.

Sec. 9.41. Containment standards.

- (a) *Monitoring capacity.* Except as provided in Sections 9.42 and 9.43, all storage systems intended for the storage of hazardous substances shall be designed with the capability of detecting that the hazardous substance stored in the primary containment has entered the secondary containment. Visual inspection of the primary containment is the preferred method; however, other means of monitoring may be approved by the City Manager.
- (b) *Containment requirements.* Primary and secondary levels of containment shall be required for all storage systems intended for the storage of hazardous substances, except as provided in Sections 9.42 and 9.43.
 - (1) *Primary containment.* All primary containment shall be product-tight.
 - (2) *Secondary containment.*
 - a. All secondary containment shall be constructed of materials of sufficient thickness, density and composition so as not to be structurally weakened as a result of contact with the discharged hazardous substances. Leakproof trays under containers, floor curbing or other containment systems to provide secondary liquid containment shall be installed. The secondary containment shall be of adequate size to handle 110 percent of the total volume of all of the container(s) in order to contain all spills, leaks, overflows and precipitation until appropriate action can be taken. The specific design and selection of materials shall be sufficient to preclude any hazardous substances loss to the external environment. Secondary containment systems shall be sheltered so that the intrusion of precipitation is inhibited. These requirements shall apply to all areas of use, production and handling, to all storage areas, and to aboveground and underground storage areas.

- b. Vacuum suction devices, absorbent scavenger materials or other devices designated and approved by the City Manager shall be present on-site or available within a time set by the City Manager. Devices or materials shall be available in sufficient supply so as to control and collect the total quantity of hazardous substances. Emergency containers shall be present and of such capacity as to hold the total quantity of hazardous substances plus absorbent material.
 - c. Procedures shall be established for periodic in-house inspection and maintenance of containment and emergency equipment. Such procedures shall be provided to the City Manager in writing. A checklist and schedule of regular maintenance shall be established, and a log shall be kept of inspections and maintenance. As long as the storage system is in operation, such logs and records shall be kept available for inspection by the environmental management staff during regular business hours.
- (c) Out-of-service storage systems.
- (1) Storage systems which are temporarily out of service, and are intended to be returned to use, shall continue to be monitored and inspected.
 - (2) Any storage system which is not being monitored and inspected in accordance with this Division shall be closed or removed in a manner approved by the City Manager.
 - (3) Whenever an abandoned storage system is located, a plan for the closing or removing or upgrading and permitting of such storage system shall be filed by the owner of the property at a reasonable time as determined by the City Manager. Provided, however, such reasonable time for filing shall not be more than 180 days.
- (d) Maintenance, repair or replacement.
- (1) Any modification or repair of a storage system, other than minor repairs or emergency repairs, shall be in accordance with plans to be submitted to the City Manager and approved prior to the initiation of such work.
 - (2) A facility owner or operator may make emergency repairs to a storage system in advance of seeking an approval whenever an immediate repair is required to prevent or contain an unauthorized discharge or to protect the integrity of the containment.
 - (3) Replacement of any existing storage system for hazardous substances must be in accordance with the new installation standards.

Sec. 9.42. Exemptions.

The following activities or uses are exempt from the provisions of this Division:

- (a) The transportation of any hazardous substance through either or both the primary or secondary well field protection zone, provided the transporting vehicle is in transit.
- (b) Agricultural uses, except that said uses shall comply with F.S. § 487.011 et seq., the Florida Pesticide Law and the Florida Pesticide Application Act of 1974 and F.A.C. 5E-2.001 et seq. and 5E-9.001 et seq. and F.A.C.
- (c) The use of any hazardous substance solely as fuel in a vehicle fuel tank or as lubricant in a vehicle.
- (d) Fire, police, emergency medical services and essential utility services.
- (e) Retail sales establishments that store and handle hazardous substances for resale in their original unopened containers.
- (f) Office uses, except for the storage, handling or use of hazardous substances as provided for in applicable administrative codes.
- (g) Repairing or maintaining any facility or improvement on lands within the primary or secondary well field protection zone.
- (h) Storage tanks which are constructed and operated in accordance with the storage tanks regulations as set forth in F.A.C. ch. 17-61, or its successor, F.A.C. ch. 17-761.

- (i) Geotechnical borings.
- (j) Residential activities.

Sec. 9.43. Modification of requirements.

- (a) Any person affected by this Division may petition the City Manager for modification from the prohibitions and monitoring requirements of this Division; provided that the person demonstrates by a preponderance of competent, substantial evidence that special or unusual circumstances and adequate technology exists to isolate the facility or activity from the potable water supply in the event of a spill. In granting or denying modification, the City Manager shall consider the following criteria:
 - (1) Hazardous substances inventory;
 - (2) Containment;
 - (3) Emergency collection devices;
 - (4) Emergency plan;
 - (5) Daily monitoring;
 - (6) Equipment maintenance;
 - (7) Reporting of spills;
 - (8) Potable water well monitoring;
 - (9) Groundwater monitoring;
 - (10) Alterations/expansions;
 - (11) Reconstruction after catastrophe (fire, vandalism, flood, explosion, collapse, wind, war or other); and
 - (12) Other criteria, as applicable to groundwater protection issues.
- (b) The City Manager may attach any appropriate conditions and safeguards which are necessary to protect the well field pursuant to such modified requirements.

Sec. 9.44. Well field protection zone permits.

- (a) Except as provided in Sections 9.42 and 9.43, no person shall construct, modify, install or replace a hazardous substance storage system or component thereof within a primary or secondary potable well field protection zone without obtaining a well field protection zone permit, in accordance with the provisions of this Division.
- (b) Pursuant to Sec. 9.50, under no conditions shall a person allow the discharge of a hazardous substance into the soils, groundwater or surface water within said zones.
- (c) An applicant is encouraged to arrange a preapplication conference with the City Manager, to determine the location of any existing or proposed well field protection zones prior to submitting a formal application.

Sec. 9.45. Application procedures and requirements.

- (a) Where a development is being processed under Chapter 3 of this Code or this Division and a well field protection permit is required, the information and exhibits in subsection (b) of this Section shall be provided with the preliminary plat or the final site plan application for concurrent review.
- (b) An application for a well field protection zone permit not being processed concurrently with an application pursuant to Chapter 3 of this Code or this Division shall be submitted in the manner described herein on the forms prescribed by the City Manager with the following information and applicable documents:
 - (1) Name, address and phone number of the property owner, operator and/or agent.
 - (2) Signature of the agent or owner.

- (3) Legal description of the property, including the tax parcel number.
 - (4) A survey or scale drawing of the property, if required by the City Manager, identifying existing structures, adjacent streets, water bodies and all potable water supply wells located within 1,000 feet of the proposed hazardous substance storage area.
 - (5) A description of the proposed activity at the proposed location.
 - (6) Construction plans and specifications for the hazardous substance storage system, including, but not limited to, details of tanks, conveyance and pumping systems, secondary containment, leak detection, over-fill protection and access, prepared by a professional engineer licensed by the State.
 - (7) A list of all known hazardous substances that may be utilized, generated and/or stored at the described property. This shall include, but not be limited to, any substance described in Sec. 9.40.
 - (8) Other information which the City Manager may reasonably require.
- (c) The application, with all applicable documents and a nonrefundable processing fee, shall be submitted to the City Manager.
 - (d) Three copies of the required documents shall be submitted with the application. The documents shall meet the requirements of this Code.
 - (e) The City Manager shall determine the acceptance of the application within three days of filing. If the application is determined to be incomplete, it shall be returned to the applicant. If the application is determined to be complete, it shall be accepted and the City Manager shall transmit it to the environmental management staff.
 - (f) Upon receipt, the environmental management staff shall review the application, conduct a preliminary site inspection notifying the applicant prior to said inspection and make a determination of approval, approval with conditions or denial within 20 working days of acceptance. If the application meets all of the requirements of this Code, it shall be approved. Upon such approval the environmental management staff shall return the application to the City Manager. If the application is denied, it shall be returned to the City Manager, with the reasons for denial noted thereon.
 - (g) Provided, however, upon receipt of an accepted application, if the environmental management staff determines that the proposed activity fails to meet the minimum requirements of this division, or if additional information is required, a request will be made to the applicant to provide the additional information and modify the application.
 - (h) If the applicant fails to make the necessary modifications or provide the additional information within 60 days, then the City Manager shall deny the permit. If the necessary modifications are made or the additional information is provided, the City Manager shall approve the permit within 20 days from the receipt of the additional information.
 - (i) The City Manager shall issue the permit or denial immediately upon receiving the determination of the environmental management staff.

Sec. 9.46. Standards for review.

In determining whether the proposed development shall be approved under the provisions of this Division, the City Manager shall consider the requirements of this Division, together with the following criteria:

- (a) Whether, and the extent to which, a proposed development must be located within the well field protection zone in order to perform the development's basic functions.
- (b) The impacts of the proposed development on the well field protection zones in combination with other developments which have been permitted or constructed immediately adjacent to the secondary well field protection zone.
- (c) The protection afforded after development is completed and/or any adverse conditions caused by the development.
- (d) Whether the proposed development is consistent with the policies in the Land Development Code and the Comprehensive Plan.

Sec. 9.47. Issuance of permits; conditions.

- (a) A permit shall specify the facility covered by the permit. Said permit may cover one or more hazardous substance storage systems located at the same facility. Said permit shall provide conditions necessary to ensure that the

provisions of this Division are met. Commencement of construction of a facility under a well field protection permit shall be deemed acceptance of all conditions specified in the permit.

- (b) No hazardous substance storage, handling or use may be commenced unless the owner or operator demonstrates that the system has been constructed in substantial conformity with the permit.

Sec. 9.48. Closure of facilities.

- (a) Upon closure of a hazardous substance storage systems for any reason, the facility owner or operator shall file an application with the City Manager of intention to close the storage system. Said application shall be processed as provided in Sec. 9.34 of Division 2 of this Article. By signing the well field protection permit application, the owner is held responsible to adhere to the closure procedures outlined in this Section. An application to close a hazardous substance storage facility shall include the following:

- (1) A schedule of events to complete the closure of this activity which does or did store, handle, use, or produce hazardous substances. As a minimum, the owner/applicant shall address the following:
 - a. Disposition of all hazardous substances and contaminated containers.
 - b. Cleanup of the activity and environs to preclude leaching of hazardous substances into the aquifer.
 - c. Certification by the City Manager that disposal and cleanup have been completed in a manner acceptable to the City Manager. Certification may be waived if the applicant provides evidence to the City Manager that all of the following conditions apply to the subject land use facility or activity:
 - i. The entire operation is maintained inside the building of the facility.
 - ii. The method of removing operating waste is not a septic tank, sewer main, or floor drain.
 - iii. There is no evidence of spills permeating floors or the environs.
 - iv. There are not previous outstanding violations of any regulatory agency concerned with hazardous, industrial or special waste.
 - v. There is no evidence of past contamination in the public drinking water well associated with a facility located in the primary or secondary protection zones.
 - vi. The applicant shall provide a sworn statement that disposal and cleanup have been completed in a manner acceptable to the City Manager.

- (2) Reserved.

- (b) The environmental management staff shall inspect the facility to determine whether or not the requirements of this Section have been met.

Sec. 9.49. Fee resolution.

The City may, at its option, adopt a fee schedule by resolution to provide for the funding of this Division.

Sec. 9.50. Hazardous substance inspection program to comply with federal law.

The Department of Fire Services shall implement a hazardous substance inspection program for the City. Said inspection program shall ensure compliance with 40 CFR 260.00—265.00. This regulatory program will be in addition to the requirements of this Division.

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CHAPTER 10 - SUBDIVISION / SITE DESIGN

ARTICLE I. – DESIGN STANDARDS OF REQUIRED IMPROVEMENTS

Sec. 10.1. General design criteria.

- (a) *Consideration of natural features.* Low-impact development consideration shall be given in the layout of streets, lots, blocks, buildings and easements to the preservation of larger and specimen individual trees; to preserving natural drainage methods and natural topography and landscape; and to providing screening, buffers or berms where developments abut incompatible land uses.
- (b) Site design shall follow the Florida Greenbook, Traditional Neighborhood Development Chapter, and the FDOT Traditional Neighborhood Development Handbook, latest edition.
- (c) *Consideration of soil and flood hazards.*
 - (1) A development order shall not be approved unless all land intended for use as building sites can be used safely for building purposes without danger from flood or other inundation or from adverse soil or foundation conditions or from any other menace to health, safety or public welfare. Lands shall not be subdivided and/or developed until proper provisions are made for protective flood control measures and water management facilities necessary for flood-free development and flood-free vehicular access to such sites. It is the intent of this subsection that no filling or grade level change will be permitted which will cause adverse drainage, or public health or public safety impacts to any surrounding area.
 - (2) The "County of Volusia Soil Survey" and any supplements thereto shall be used as a guideline in identifying soil properties, and for interpretations for various uses in terms of soil limitations and soil features adversely affecting a particular use. In addition, the "Soil Supplement and Vegetative Analysis" or supplemental soil borings are to be used in interpreting the basic properties of the soils in terms of their potential for a particular use.
- (d) *Consideration for landscaping, trees.*
 - (1) Where plantings are in non-native soils and in excess of standard installation depths, necessary accommodations must be included for proper drainage. See Chapter 8 for additional landscaping considerations.
- (e) *Finished floor elevation, utility lines and special considerations.* No development shall be approved that does not contain a suitable building site of sufficient elevation to permit construction utilizing a first floor elevation based upon the following:
 - (1) Utility lines including, but not limited to, electric power and light, telephone and telegraph, cable television, water, sewer and gas shall be constructed and installed beneath the surface of the ground unless it is determined by the Development Review Committee that soil, topographical or any other compelling conditions make the underground installation of such utility lines unreasonable and impracticable. The underground installation of bulk electric power supply lines, including but not limited to transmission lines and primary distribution feeder lines, shall not be required.
 - (2) Special considerations shall be given in the layout of streets, lots, blocks, buildings and easements to the preservation of large and specimen individual trees; to preserving natural drainage methods and natural topography and landscape; and to providing screening, buffers or berms where developments abut incompatible land uses.
- (f) *Monuments.* Permanent survey reference monuments shall be installed in all subdivisions and condominium plats in accordance with F.S. Chapter 177, as amended. Additional monuments such as along rear lot lines which do not adjoin the subdivision boundary may be required by the City registered land surveyor.
 - (1) At least one corner of a development shall be designated by course and distance (tie) from a readily discernible reference marker such as a U.S. government marker, section corner, or quarter-section corner. When such a monument or corner is not available, the tie shall be made to some permanent and readily recognizable landmark or identifiable point, physical object or structure, excluding trees.

- (2) At least two monuments shall be installed as control corners within each block within the plat. The surveyor shall install additional monuments, if required by the County registered land surveyor, prior to final plat approval. All monuments shall be constructed of concrete and shall be at least four (4) inches in diameter or square, and not less than two (2) feet in length. Each monument shall have imbedded in its top or attached by a suitable means a metal plate of noncorrosive material marked plainly with the point, the surveyor's registration number, and the words "Permanent Reference Monument" or the initials "P.R.M." Monuments shall be set in the ground so that the top is flush with the finish grade.
- (3) Property markers shall be installed in accordance with F.S. Chapter 177, as amended.

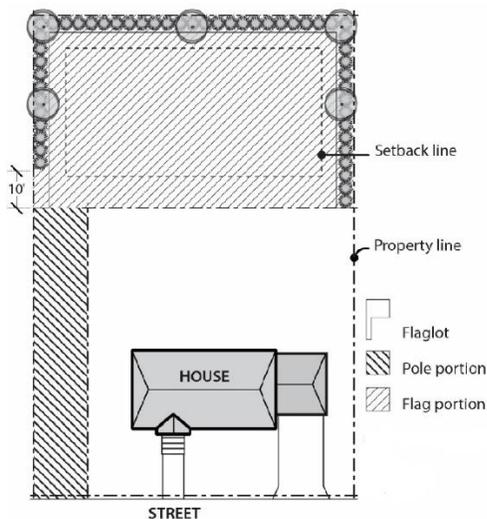
Sec. 10.2. Blocks.

The length, width and shape of blocks shall be determined with regard to:

- (a) Provision of adequate building sites suitable to the special needs of the type of use contemplated;
- (b) Needs for convenient access, circulation, control and safety of street and pedestrian traffic, and fire protection;
- (c) Ensure the compact, walkable, and urban form is accommodated in accordance with Chapter 5;
- (d) Blocks may be permitted in accordance with F.S. Chapter 177.

Sec. 10.3. Lots.

- (a) *General.* All lots shall be consistent with the requirements of the zoning regulations. In addition, the following requirements shall apply:
 - (1) *Width.* All lots fronting on a cul-de-sac shall have a minimum width at the right-of-way line of not less than 35 feet, measured at the chord.
 - (2) *Orientation.* Every lot shall abut on a street that meets the requirements of this code.
 - (3) *Flag lots.* No new flag lots shall be allowed.



- (b) *Dimensions.* Lots shall meet the minimum dimensional requirements of the zoning regulations and shall be determined by the particular land use and building size proposed provided that minimum dimensions for lots utilizing individual wells and/or septic tanks shall be in accordance with section 10.15.
- (c) *Street access.* Every lot shall have satisfactory and permanent access to an existing paved street. Backing onto streets shall not be permitted except on single-family and duplex lots. In addition, where automobiles backing onto adjacent streets from single-family or duplex driveways are anticipated to present a potential traffic flow or safety problem, the Development Review Committee may require provisions, such as turnaround areas or horseshoe driveways, or other access control measures as deemed necessary.

- (d) *Double frontage lots.* Double frontage lots shall be permitted only where necessary to separate a development from arterials, to overcome disadvantage of topography and orientation, or to limit individual driveway access where necessary to preserve the carrying capacity of streets. Where double-frontage lots are created, they shall all front in the same direction. The rear of the lots shall be screened from the abutting street by a 6-foot high wall of brick or masonry construction, erected on site. The Development Review Committee may require landscaping of suitable height or permit a fence other than masonry. Access rights along the portion of the lots abutting an arterial shall be dedicated to the City by means of a note stating, "Vehicular Access Rights Dedicated to City of DeBary as a Nonvehicular Easement," lettered on the final plat along the right-of-way line adjacent to the lots affected.

Sec. 10.4. Easements.

(a) *Utility easements.*

- (1) Utility easements shall be granted where necessary to accommodate all required utilities. Easements shall be centered on rear or side lot lines, unless otherwise approved by the Development Review Committee. Where required, rear lot line easements shall have a minimum width of 7½ feet per lot (15 feet total) and side lot line easements shall have a minimum width of 5 feet per lot (10 feet total). A minimum total width of 15 feet must be provided, where necessary, for storm or sanitary sewers. In all cases, easements shall be granted to the perpetual use of the public for the purpose shown therein.
- (2) The term "utility easement" shall allow, but not be limited to, the installation of sanitary and storm sewers, water lines, gas lines, electrical lines, telephone and telegraph lines, and cable television lines.

(b) *Water and wastewater easements.* Water and wastewater lines shall be installed within a granted easement or a dedicated right-of-way, which meets the following standards:

- (1) A lot line easement shall be a minimum of 15 feet in total width.
- (2) A maintenance easement in which both water and wastewater lines are to be installed shall be wide enough to allow for a 10-foot separation between lines, except as allowed by State guidelines.
- (3) The width of an easement immediately adjacent to a building or structure shall be determined by the following factors: type of pipeline (water, wastewater, or force main), size and elevation of line, damage to buildings or structures in the case of failure, and accessibility to utility maintenance equipment.

(c) *Drainage and maintenance easements.* Drainage easements of a width required for handling and maintaining an adequate storm drainage system shall be provided. In addition, drainage and maintenance easements shall be a minimum of 10 feet wide on a 10:1 or flatter slope surrounding all retention areas, and 20 feet wide to and along drainage pipes and structures to permit periodic access and maintenance by machinery no improvements allowed, unless otherwise approved by the City Manager or Designee.

(d) *Pedestrian and bicycle easements.* Pedestrian and bicycle easements or walkways may be provided on site. Pedestrian and bicycle easements shall be at least two (2) feet beyond the edge of the facility.

(e) *No City expense.* All easements shall be granted at no expense to the City.

Sec. 10.5. Phased development.

Each phase of any development shall be capable of standing on its own, in the event that subsequent phases are not developed. Subdivision or Planned Unit Developments shall be limited to no more than six plats or phases. Access to subsequent phases of construction shall avoid construction traffic through completed phases.

Sec. 10.6. Erosion control.

(a) General provisions.

- (1) Excessive soil erosion and resulting sedimentation can take place during land disturbing activities. Therefore, plans for those land disturbing activities shall contain provisions for application of soil erosion and sedimentation control measures and practices. The provision shall be incorporated into the erosion and sedimentation control plans. Soil erosion and sedimentation control measures and practices shall conform to the requirements of the

Florida Department of Environmental Protection (FDEP) Best Management Practices for Erosion and Sediment Control, as amended, or as required by the City Engineer.

- (2) The application of measures and practices shall apply to all features of the site including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sedimentation pollution during all stages of any land disturbing activity.
 - (3) The City Engineer may require reasonable and prudent monitoring of the turbidity of the receiving waters into which discharges from land disturbing activities occur.
 - (4) Best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sediment, which are consistent with and no less stringent than those practices, the FDEP Best Management Practices for Erosion and Sediment Control, as amended, or as required by the City Engineer.
 - (5) The following shall be required:
 - a. Stripping of vegetation, regarding any other development activities, shall be conducted in a manner so as to minimize erosion;
 - b. Cut-fill operations must be kept to a minimum;
 - c. Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;
 - d. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
 - e. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
 - f. Disturbed soil shall be stabilized as quickly as practicable;
 - g. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development for areas that hold water more than 30 days;
 - h. Permanent vegetation and structural erosion control measure shall be installed as soon as practicable;
 - i. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps or similar measures or until the disturbed area is stabilized;
 - j. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surface of fills;
 - k. Slopes greater than 1:4 shall be sodded and rolled to prevent erosion;
 - l. Cuts and fill may not endanger adjoining property;
 - m. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners; and
 - n. Land disturbing activity plans for erosion and sediment control plans shall include provision for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters.
- (b) *Seeding, mulching, sodding, etc.* Seeding, mulching, sodding and/or other acceptable methods shall be performed as required to prevent undue erosion during all construction activities. During construction and through the developer maintenance period, the developer shall be required to keep accumulations of sand and earth out of the curb and gutter. Temporary siltation basins may be required during construction. Maintenance shall be provided by the developer for a minimum 1-year period of the road guarantee and for each lot, until final inspection is passed.

ARTICLE II. STORMWATER MANAGEMENT

Sec. 10.7. Purpose and objectives.

- (a) *Statement of purpose.* The City Council has determined that the management of stormwater runoff and the preservation of the water resources of the City is critical to the public health, safety, and welfare. Uncontrolled stormwater runoff causes erosion, sedimentation and flooding and prevents recharge of the aquifer upon which the public depends for potable, fresh water. The City Council finds it is necessary to impose reasonable restrictions to control stormwater runoff and conserve the water resources of the City.
- (b) *Objectives.* The requirements of this Article will allow landowners reasonable use of their property while promoting the following objectives:
- (1) Protect the quantity and quality of ground and surface waters;
 - (2) Prevent stormwater runoff above the pre-construction condition;
 - (3) Prevent the lowering of existing water table elevations to the detriment of these other stated objectives;
 - (4) Perpetuate recharge into the groundwater system;
 - (5) Prevent and reduce salt water intrusion;
 - (6) Minimize the production of nuisance and disease vectoring mosquitoes;
 - (7) Discourage reliance on drainage systems which depend on the use of electrical energy or petroleum fuels to move water, remove pollutants or maintain the systems;
 - (8) Reduce wind- or water-caused erosion loss of valuable topsoils and subsequent sedimentation of surface water bodies and damage to adjacent properties;
 - (9) Alleviate downstream flood hazards;
 - (10) Prevent significant loss of life and property due to runoff from any foreseeable rainfall event;
 - (11) Reduce the capital expenditures associated with floodproofing and the installation and maintenance of storm drainage systems;
 - (12) Minimize the adverse impact of development on the water resources of the City; and
 - (13) Maximize protection of all receiving waters.
- (c) *Intent.* This Article is intended to allow landowners reasonable use of their property, provided stormwater runoff peak rates and volumes and the quality of stormwater retained after development shall approximate existing predevelopment conditions and precautions will be taken to prevent erosion, sedimentation and flooding.

Sec. 10.8. Prohibitions and exemptions.

- (a) *Prohibitions.* No person may develop or make any change in the use of land or construct a structure or change the size of a structure, except as exempted in subsection (b) of this Section, without first obtaining a stormwater management development permit as provided herein.
- (1) Clearing and/or drainage of land as an adjunct to construction.
 - (2) Clearing and/or draining of nonagricultural land for agricultural purposes.
 - (3) Converting agricultural lands to nonagricultural uses.
 - (4) Subdividing land.
 - (5) Replatting recorded subdivisions and the development of recorded and unrecorded subdivisions.
 - (6) Changing the use of land and/or the construction of a structure or a change in the size of one or more structures.

- (7) Altering the shoreline or bank of any surface water body.
- (8) The permanent (long period) lowering of the water table.
- (9) Filling of depressional areas.
- (10) Installing artificial turf.

(b) Exemptions and concurrent review.

(1) Except as provided in paragraph (3) of this subsection, the following activities shall be exempt from this Article:

- a. Single-family and duplex residences in subdivisions platted after 1990, and accessory structures not proposed to be located in drainage easements;
- b. Bona fide agricultural pursuits, including forestry, except where an artificial drainage system will be used to increase the flow of surface water from the applicant's land;
- c. Maintenance work performed on existing mosquito control drainage canals for the purpose of public health and welfare;
- d. Maintenance work on utility or transportation system; provided such maintenance work does not alter the purpose and intent of the drainage system as constructed;
- e. Any maintenance, alteration, renewal, use or improvement to an existing structure not changing or affecting rate or volume of stormwater runoff and the one-time construction of any structure or addition not otherwise exempt not exceeding 1,000 square feet of impervious area on or parallel to the ground;
- f. Publicly owned landfills permitted under state regulations; and
- g. Subdividing of lands into two lots or less (per F.S. Chapter 177), each being one acre or larger in size where no new paved streets or improvements are proposed.

(2) Developments which are subject to subdivision and/or site plan approval, pursuant to Article 4 or 5 of Chapter 3, shall not be required to submit a separate permit application for review pursuant to this Article. Compliance herewith shall be included as a part of the review process pursuant to Articles 4 and 5 of Chapter 3.

(3) Notwithstanding any other provisions of this Article, there shall be no harmful erosion by water of any soil or fill onto any adjacent public or private property.

(c) *Subdivisions platted before 1990, unrecorded subdivisions, unplatted lands, platted, but ungraded land, or uncleared properties.*

- (1) In order to achieve the benefits of stormwater management on infill development, the City shall require the provision of onsite stormwater retention. The stormwater management requirement for new development shall be the retention onsite of the first inch of runoff from all impervious surfaces. The stormwater retention requirements of this section shall be achieved through the retention of stormwater runoff in surface retention facilities, such as grassed swales and retention ponds.
- (2) The stormwater management requirements for redevelopment, renovation or additions to existing buildings shall be the retention onsite of the first one-half inch of stormwater runoff from all impervious surfaces.
- (3) In subdivisions platted before 1990, in which areas were not delineated and provided in the plat to store stormwater from the developed lots, and on unrecorded and/or unplatted land proposed for residential development, or platted land that has not been graded or cleared, the following requirements shall apply:
 - a. *Stormwater management requirement.* The stormwater management requirement for development or redevelopment on properties within single-family zoning classifications shall include some method or methods of on-site retention for the building, parking and driveway areas. These methods shall include, but not be

limited to, the provision of swales or other retention areas; the sloping of parking areas and drives to landscaped areas versus directly to the street; the guttering of building runoff to landscaped areas where setback provisions limit the amount of pervious area available; and other such methods which provide opportunities for the percolation of stormwater.

- b. *Applicability.* These performance standards shall apply to all single-family residential and duplex building projects on vacant land, or land made vacant after the demolition of existing structures.
- c. *Stormwater management technical standards.*
 - i. It is the responsibility of the applicant to submit sufficient information to the building official or their designee to determine whether the requirements of this section are being met.
 - ii. It shall be the responsibility of the applicant to maintain and/or improve by rerouting of runoff, the existing flow of waters from adjacent properties. Sufficient information is to be provided by the applicant showing stormwater flow volumes from and to adjacent properties and proposed conveyance of flow on the property to maintain existing drainage patterns. The submittal information should detail proposed elevations or contours, grading or fill information, direction of flows and installation of improvements such as retaining walls, curbs, earth embankments, etc., to prevent premature escape of runoff to adjacent properties. Submittals should also detail the computations and calculations utilized to demonstrate satisfaction of the retention requirements. Submittals should also detail the type of soil conditions present and the depth of the water table. A soils report and/or survey may be required to verify the conditions represented on the plan.
 - iii. It shall be the duty of the property owner to provide proper maintenance of the stormwater management system so that the system continues to meet the requirements of this section. The City shall have the power to inspect stormwater management systems and facilities as necessary. Necessary maintenance and repair shall be made by the property owner with a time period not to exceed 30 days after written notification by the City of the problem and the required corrective action. Failure to make the corrective actions within the required time frame specified shall result in either:
 - A. The corrective action being performed by the City and a lien placed on all property in the City owned by the property owner; and/or
 - B. The property owner will be cited by the Code Enforcement Officer and the case taken before the City Special Magistrate for action.
- d. *Surface stormwater system standards.*
 - i. Surface stormwater systems utilized to accomplish the stormwater retention and percolation requirements shall be designed so as to be readily accessible from rights-of-way, parking areas and driveways, court yards, and other open areas so that maintenance and clean-out of these areas can be easily accomplished.
 - ii. The side slopes and bottoms of all retention areas shall have a grass or other landscape material cover. The maximum depth of retention areas shall be four (4) feet from the surrounding average grade. The maximum side slopes of retention areas shall not exceed 3 to 1.
 - iii. Spillways or other entrance channels to retention areas shall be designed to prevent the flushing of these areas by heavy rains.
 - iv. Retention areas shall be designed and function such that all retained water is removed after the third day. If this is not accomplished by percolation or evaporation, the retention area must be improved to include an underdrain system or other bottom materials to accomplish this requirement.
- e. *Disposition of stormwater runoff.*
 - i. All stormwater systems shall include a method for the disposition of excess stormwater runoff. This disposition is to be into the rights-of-way of the City, if there are storm drainage facilities in place.
 - ii. In cases where the disposition of excess stormwater runoff is other than to public rights-of-way with storm drainage facilities, the approval of the City Engineer shall be required for the design and

disposition of stormwater runoff in other areas such as lakes, ponds, streams, canals, wetlands, or rights-of-way without storm drainage facilities.

- f. *Variances.* Until such time as a City-wide stormwater management system is installed throughout the City, variances from the provisions of these amendments will not be accepted or approved by the City Council.

(Ord. No. 06-05, §§ 1, 2, 7-6-2005; Ord. No. 03-06, § 1, 3-1-2006; Ord. No. 07-07, § 1, 2-7-2007)

Sec. 10.9. Stormwater management permit review.

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

- (a) *Pre-application meeting.* In cases where it is not clear that a proposed development is exempt from this Article, a pre-application shall be required.

(1) The pre-application meeting shall be scheduled with the GMD.

(2) The pre-application meeting application shall contain two copies of the following information:

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

- i. Not obstruct any existing flow of stormwater runoff; and
- ii. Not drain stormwater onto adjacent lands not now receiving runoff from the proposed development area.

b. An application form containing the following information and exhibits:

- i. Name, address and telephone number of the applicant;
- ii. Location map, address and legal description of the proposed development;
- iii. Statement expressing the scope of the proposed development;
- iv. Schedule of proposed development; and
- v. Sketch showing existing and proposed structures, paving and drainage patterns.

c. It is the responsibility of the applicant to include in the application sufficient information for the City to evaluate the project and the acceptability of those measures proposed.

(3) Within three working days after filing, the GMD shall schedule the pre-application meeting with the applicant.

(4) Considerations for exemption from a permit. The City Manager or Designee, in making a determination of exemption of the application from the permitting procedures, shall consider:

- a. Whether or not the proposed project is exempt pursuant to 10.8(b);
- b. Whether or not the proposed project will increase the rate or volume of runoff from the existing site;
- c. Whether or not the proposed project will adversely affect water quality;
- d. Whether or not there are other criteria which would require an application; and
- e. Whether or not a St. Johns River Water Management District (SJRWMD) permit is required.

(5) Upon receiving notification of the City Manager or Designee's determination under paragraph (4) of this subsection, the GMD will immediately notify the applicant.

(6) Upon notification, the applicant may appeal the determination of the City Manager or Designee that a permit shall be applied for by filing a request with the City Manager, within 10 working days, that the City Manager make a final determination of exemption. A final determination shall be made by the City Manager within 10 working days of the request.

- (7) If it is determined that the proposed development is exempt, the applicant is authorized to commence and complete construction of only the development described in the preliminary application. No construction shall commence until a SJRWMD permit is approved, if required.
- (b) *Concurrent review.* Where a standard application for stormwater review is required for a project undergoing subdivision or site plan review pursuant to Chapter 3, all review shall be done concurrently. All performance standards and requirements of this Article shall be met in addition to those required in other provisions of this Code during the concurrent review. Plans and exhibits required by this Article may be combined with other plans and exhibits required for concurrent review. However, it is the responsibility of the applicant to include in the concurrent application submittals sufficient information for the City to evaluate the application and acceptability of those measures proposed pursuant to the requirements of this Article.
- (c) *Stormwater management requirements.*
- (1) An application for a stormwater management development permit shall be filed with the GMD through the City's online application portal and the proper fee paid.
- a. The following plans and information, prepared by a state registered engineer, shall be submitted with the application:
- i. A detailed site plan, including a general location map and the location of all existing and proposed pavement and structures;
 - ii. Topographic maps of the site and all adjacent contributing areas before and after the proposed alterations;
 - iii. Information regarding the types of soils and groundwater conditions existing on the site;
 - iv. General vegetation maps of the site before development and a plan showing proposed ground cover after development;
 - v. Construction plans, specifications and computations necessary to indicate compliance with the requirements of this Article;
 - vi. Additional information necessary for determining compliance with this Article as the City Manager or Designee may require; and
 - vii. Additionally, the applicant shall provide copies of state and other agency approvals as applicable.
- b. Within 3 working days of filing of the application the GMD will determine whether or not the application is complete. If the application is determined to be incomplete, it will be returned to the applicant.
- (2) If the application is determined to be complete, the GMD will immediately distribute the application to the City Engineer.
- (3) Within 30 days of receipt of an application from the GMD to the City Manager or Designee or within 20 days of any amendment thereto, the City Manager or Designee shall approve, approve with conditions, or deny the application. After the City Manager or Designee has rendered his decision, the City Manager or Designee will immediately notify the GMD of the decision rendered.
- (d) *Performance standards.*
- (1) The performance standards to be followed in the design of the project are as follows:
- a. Stormwater runoff shall be subjected to Green Stormwater Infrastructure and Low Impact Development design and best management practices prior to discharge into natural or artificial drainage systems. "Best management practice" shall mean a practice or combination of practices determined by the City Manager or Designee to be the most effective, practical means of preventing or reducing the amount of pollution generated by the project to a level compatible with state water quality standards found in F.A.C. ch. 17-3.
- i. No site alteration shall cause siltation of wetlands, pollution of downstream wetlands or reduce the natural retention or filtering capabilities of wetlands.

- ii. No site alteration shall allow water to become a health hazard or contribute to the production of mosquitoes.
 - iii. All site alteration activities shall provide for such water retention and settling structures and flow attenuation devices as may be necessary to insure that the foregoing standards and requirements are met.
- b. Design of water retention or detention structures and flow attenuation devices shall be per Florida Department of Environmental Protection (FDEP) and SJRWMD standards following Green Stormwater Infrastructure and treatment train concepts.
 - c. A positive drainage system shall be provided which will not adversely impact downstream owners or adjacent lands.
 - d. Where possible, natural vegetation shall be used as a component of the drainage system. The water table should not be manipulated so as to endanger natural vegetation beneficial to water quality unless natural vegetation can be replanted and survive with a lowered water table condition.
 - e. Runoff from higher adjacent lands shall be considered and provisions for conveyance of such runoff shall be included in the drainage plan.
 - f. Runoff shall be treated to remove oil and floatable solids before discharge from the site in a manner approved by the City Manager or Designee.
 - g. Erosion by wind or water shall be prevented by the developer throughout the construction process.
 - h. Direct discharge to receiving waters is prohibited. A workable filter system must be provided prior to any discharge.
 - i. For the purpose of this Article, it is presumed that the lowering of the water table for the purpose of constructing detention/retention basins and for the purpose of permanently protecting road construction does not conflict with the stated objectives of this Article if all of the following are met:
 - i. The development site is not in an area known to the City, based on data collected and interpreted by the U.S. Geological Survey, the SJRWMD, the County and other professional investigators, as important to recharge or to prevention of discharge of the state aquifer.
 - ii. The proposed lowering of the water table shall be over no more than 15 percent of the site to a depth of 5 feet below the surface of the existing undisturbed ground, or an equivalent volume, said area to be measured at the overflow elevation of the retention area.
 - iii. If ditches, underdrains or similar devices are used to lower the water table, the lateral volumetric effect will be calculated, and the volume will be deducted from that allowed for retention areas.
 - iv. The high-water table may be lowered up to 2 feet below the undisturbed ground in the vicinity of roads for the purpose of protecting the subbase and base of the roadway and/or for the purpose of preventing mosquito production in the roadside swales.
 - v. The lowering of the water table has no adverse effect on wetlands as defined herein.
 - vi. The lowering of the water table does not increase flows to the detriment of neighboring lands.
- (2) For projects that may potentially impact aquifer recharge, the following performance standards are to be followed in the design of the project:
- a. *Closed basin criteria.* When a positive outfall is not available or discharge into a lake or other system without a positive outfall is proposed, the design shall retain the total volume or runoff from 100-year, 24-hour storm event (10.6 inches) for the post-developed site. Total recovery of the 100-year, 24-hour retention volume should occur within 14 days after the storm event. If infiltration credit during the storm event is included in the recovery analysis, seepage and infiltration rates will have to be certified by a geotechnical engineer licensed to practice law in the State of Florida. For those parcels two acres or less abutting U.S. Highway 17/92,

between Dirksen Drive and Saxon Boulevard, the stormwater management design shall retain the difference in pre- and post-development runoff volume for the 100-year, 24-hour storm event. Note, that if the parcel discharges into the existing U.S. Highway 17/92 storm sewer system, an FDOT drainage connection permit will also be required to address the department's critical duration analysis. Total recovery of the retained volume must occur within 14 days after the storm event.

- b. *Retention standards.* The discharge hydrograph produced for the developed or redeveloped site shall not exceed, in terms of peak flow and total volume, the hydrograph produced by conditions existing before development or redevelopment for a 24-hour, 100-year frequency storm, unless the intent of this recharge provision will be met through detention of the difference between said volumes, in which case said volume difference may be released over not less than a 24-hour nor greater than a 72-hour period of time. However, the design standards for wet retention areas, when approved by the City Manager or Designee, shall prevail. This requirement may be waived on a case by case basis by the City Manager or Designee for sites consisting predominately of poorly drained soils having permanently and naturally impaired recharge potentials and where every effort to implement Green Stormwater Infrastructure has been attempted. In addition, the cumulative impact of the outflow hydrograph on downstream flow shall be considered. Runoff rates and volumes resulting from the project, in excess of existing amounts, shall be accommodated on site. Off-site retention may be permitted if, in the opinion of the City Manager or Designee, the recharge requirements of this Article are met.
 - c. *Hydraulic design criteria.* The design engineer must submit drainage computations for the hydraulic design of the proposed secondary drainage systems. Specifically, storm sewer systems shall be designed and analyzed to provide sufficient conveyance capacity for the 10-year storm event (Rational method) to prevent upstream surcharging even when the downstream outlet is experiencing tailwater submergence. Roadway spread of water should also be analyzed with inlet spacing based upon both allowable spread width and inlet capacity for the 10-year storm even (Rational method).
 - d. *Runoff computations.* Runoff computations shall be based on the most critical situation (rainfall duration, distribution and antecedent soil moisture condition) and conform to acceptable engineering practices using rainfall data and other local information applicable to the affected area.
 - e. *Resiliency.* Resiliency measures shall be incorporated into the design of the stormwater management system as described in the Appendix 2-Technical Standards Manual.
- (e) *Review standards.* The City Manager or Designee in reviewing and/or approving the application shall consider, where appropriate, the following minimum standards:
- (1) The characteristics and limitations of the soil at the proposed site with respect to percolation and infiltration;
 - (2) The existing topography of the sites and the extent of topographical changes after development;
 - (3) The existing vegetation of the site, the extent of vegetational changes after development and the threat posed to vegetation endangered or indigenous to wetlands;
 - (4) The plans and specifications of structures or devices the applicant intends to employ for on-site stormwater retention/detention with filtration, erosion control and flow attenuation;
 - (5) The effect the proposed stormwater management system will have upon mosquito breeding habitat;
 - (6) The adequacy of easements for drainage systems in terms of both runoff conveyance and maintenance;
 - (7) The method of handling upland flow which presently discharges through the site;
 - (8) The effectiveness of wind and water erosion control measures during construction;
 - (9) Standards and requirements of any other governmental jurisdiction;
 - (10) The maintenance entity responsible for upkeep of the system upon its completion;

- (11) The continuity of phased projects; phased projects will require the submission of an overall plan for the applicant's total land holdings;
 - (12) The existing hydrologic cycle of the proposed site and the impact of the proposed alterations on the existing hydrologic cycle;
 - (13) The impact the proposed project will have on the natural recharge capabilities of the site; and
 - (14) The impact the proposed project will have on downstream water quantity and quality and specifically the potential for downstream flooding conditions.
- (f) Design standards.
- (1) Open swales, ditches or other waterways shall require complete engineering data showing the adequacy of design and the effect within the particular drainage area to the satisfaction of the City Manager or Designee. The cost of designing and installing drainage systems shall be borne by the developer.
 - (2) Pipe materials and standards as accepted by FDOT.
 - (3) Sizes of drainage culverts, ditch sizes and inlet spacings shall be derived from computations required and shall be submitted to the City Manager or Designee for approval.
 - (4) In cases where there is a prevalence of soils that exhibit adverse water table characteristics, underdrains and/or fill or other acceptable alternative that will provide necessary measures to maintain the structural integrity of the road will be required. The determination of need shall be made by reference to applicable portions of the most recent edition of the Soil Survey and Supplement for Volusia County, Florida, as prepared by the U.S. Department of Agriculture, Natural Resource Conservation Service, or whatever subsequent authoritative soil survey may be published for the County after adoption of these regulations, or according to information generated by developers.

(Ord. No. 06-14. Exh. A, 9-3-2014)

Sec. 10.10. Issuance of development permit.

- (a) *Notice.* Upon notification of the determination of the City Manager or Designee, the GMD will immediately notify the applicant of that determination.
- (b) *Determination of approval.* Where there has been a determination of approval of the application, the GMD shall issue the development permit; and thereafter the applicant may commence construction of the development, provided all other requirements of this Code are complied with.
- (c) *Determination of approval with conditions.* Where there has been a determination of approval of the application with conditions, the GMD shall first ensure that those conditions are satisfied, and then shall issue the development permit; and thereafter the applicant may commence construction of the development, provided all other requirements of this Code are complied with.
- (d) *Determination of denial.* Where there has been a determination of denial of the application, the GMD shall immediately notify the applicant, in writing, stating the reasons for denial.

Sec. 10.11. Plan adherence.

The applicant shall be required to adhere strictly to the issued development permit. Any changes or amendments to the approved plans must be approved by the City Manager or Designee. If the completed development appears to deviate from the approved plans, the City Manager may require the developer to submit as-built plans of the completed project. City Manager or Designee shall be granted inspection rights and right-of-entry privileges in order to ensure compliance with the requirements of this Article.

Sec. 10.12. Maintenance.

- (a) The installed stormwater management system and facilities required by this Article and/or the applicable water management district shall be maintained by the owner or other responsible legal entity. The city may accept certain stormwater management systems or facilities for city operation and maintenance upon approval of the City Council. The selection of critical areas and/or structures to be maintained by the city shall be recommended to the City Council

by the City Manager. All areas and/or structures to be maintained by the city must be conveyed to the City by warranty deed, plat dedication or separate instrument in a form approved by the City and accepted by the City Council. Subsections (b) through (h) of this Section do not apply to stormwater management systems and facilities owned by the city.

- (b) As part of the final plat or final site plan approval process, whichever occurs first, the stormwater management system and facilities to be maintained by the owner or other responsible legal entity shall have adequate easements granted to the city that permit the city to inspect and, if necessary, to take corrective action should the owner or other responsible legal entity fail to maintain the system. For new subdivisions/plats, the final plat and declaration of covenants of the subdivision shall contain the following or substantially similar language: *"The City of DeBary shall have the right, but not the obligation, to access, maintain, repair, replace, and otherwise care for or cause to be cared for, any and all stormwater management systems and facilities, including without limitation, the retention/detention areas, ponds, berms, control structures, weirs, pipes, ditches, swales, gutters, inlets, manholes, outfalls, underdrains and other improvements and areas not dedicated to the public or the city, including, without limitation, Tracts _____ and _____ and the improvements thereon, which includes the right of reasonable ingress and egress over and through private roads, drainage tracts and drainage easements of the subdivision, and the right to make alterations to and utilize the stormwater management system and facilities during emergency conditions for the protection of the public health, safety and welfare. In the event any or all of the said systems, facilities, improvements, properties or areas: (i) are not maintained, repaired, or replaced in accordance with the standards of the City of DeBary Land Development Code, in accordance with good engineering practices, or in conformance with approved plans and specifications, (ii) become a nuisance or a threat to the public health, safety or welfare, or (iii) in the event the City of DeBary exercises its aforementioned right; each of the lot owners of the subdivision are hereby ultimately responsible for payment of the cost of maintenance, repair, replacement and care provided by the City of DeBary or its contractors and agents, plus administrative costs, engineering costs, and attorneys' fees and costs incurred by the City of DeBary. The charges against the lot owners of the subdivision for the aforesaid costs shall be in a pro-rata share based on a methodology to be determined by the city to be equitable. If said costs are not paid within 20 days of invoicing, then said costs shall constitute a lien on the property of the owners which fail to pay such costs and may be enforced, without limitation, by foreclosure, special assessments, monetary judgment, or as may otherwise be permitted by law or an action in equity. This right, and the City of DeBary's exercise of said right, shall not impose any obligation on the City of DeBary to maintain, repair, replace, or otherwise care for said stormwater management systems and facilities, including with respect to any systems, facilities or improvements previously maintained, repaired or replaced or otherwise cared for by the city."*
- (c) Prior to the issuance of a building permit concerning any development or subdivision, a written maintenance plan shall be submitted to the City which shall contain documentation sufficient to demonstrate that the maintenance entity is the legal entity empowered and obligated to perpetually maintain the stormwater management systems and facilities that benefit, accommodate stormwater from, or in any way relate to the property or improvements for which the building permit is sought. For developments or subdivision that have an existing stormwater management system and facilities prior to the adoption of this Section, the "responsible legal entity" for purposes of this Section, shall be the current owner of such stormwater management system and facilities and the homeowners' association or property owners' association required by the governing documents of the subdivision to maintain such stormwater management system and facilities. Regardless of when a stormwater management system or facility was constructed, the responsible legal entity shall comply with the provisions of this Section.
- (d) The developer or responsible legal entity shall execute and record in the public records of Volusia County, a declaration of covenants, conditions and restrictions or other instrument acceptable to the City Manager, which defines the responsible legal entity's authority and responsibility for maintenance of the stormwater management system and facilities, defines how the maintenance is to be performed, and provides a legal mechanism ensuring the perpetuation of the maintenance, including the assessment and collection of monies necessary for operation, maintenance, repair and replacement of such systems and facilities. Unless waived by the city, the legal mechanism ensuring the perpetual maintenance of the stormwater management system and facilities shall provide for the assessment and collection of monies from all lots and tracts in the subdivision and all lots and tracts for which such stormwater management system and facilities were designed to, or in fact, accommodate stormwater, excluding government owned properties and other properties legally exempt from special assessment.
- (e) All lot and tract owners within a subdivision and property owners whose property benefits from the stormwater management system and facilities as set forth above, shall be ultimately responsible for the maintenance, repair and

replacement of the stormwater management system and facilities, whether or not a homeowners' association or property owners' association is the designated responsible legal entity.

- (f) The responsible legal entity shall properly operate, maintain, repair and replace any and all stormwater management systems and facilities, including without limitation, the retention/detention areas, ponds, berms, control structures, weirs, pipes, ditches, swales, gutters, inlets, manholes, outfalls, and underdrains and other improvements and areas not dedicated to the public or the city, in accordance with the standards and requirements of the City Code of Ordinances, this Code, approved permits, plans and specifications concerning such improvements, good engineering practices and requirements and standards of other applicable governmental authorities, including the applicable water management district and in a manner as not to create a nuisance. If at any time it is discovered that a stormwater management system or facilities are not properly functioning, then the responsible legal entity shall correct the deficiencies in the stormwater management system and facilities to make such system and facilities properly function, including the design, permitting and construction of needed corrective measures. The responsible legal entity shall have a duty to cause the proper functioning of and to correct deficiencies in the stormwater management system and facilities regardless of the reason for such deficiencies or system or facilities not properly functioning, including without limitation, due to such system or facilities not originally being constructed in accordance with approved plans and specifications, by way of heavy rainfall events, natural disasters, other acts of God, or other factors beyond the responsible legal entity's control.
- (g) Unless expressly authorized by the City, it is prohibited for any person or entity to alter stormwater management systems or facilities, including but not limited to, altering the grade of or original drainage improvements for any lot or tract or easement area, or changing the direction of, obstructing, inhibiting, interfering with or increasing the flow of surface water drainage, or altering or removing of any berm, control structures, ditch, swale, pipe, inlet, manholes, underdrain, pond, gutter, weir or other stormwater improvement and areas, and stormwater collection, storage and conveyance system. The declaration of covenants, conditions and restrictions shall contain the above sentence of this subsection.
- (h) If the City determines that stormwater management systems or facilities are not being properly maintained, repaired, replaced, or otherwise cared for, or were improperly altered, the City shall, after at least 30 days written notice by U.S. Mail, certified mail, or hand delivery to the responsible legal entity and opportunity to cure, have the right to take one or more of the following actions:
 - (1) The City shall have the right, but not the obligation, to impose, through proper enactment, a special assessment, or other mechanism assessing each of the property owners benefiting (excluding government-owned property) from the stormwater management systems and facilities and use such assessments to cause the maintenance, repair, replacement and otherwise care for any and all stormwater management systems and facilities and to pay for any engineering costs, administrative costs and attorneys' fees and costs related thereto incurred by the City. Special assessments against the aforesaid property owners shall be in a pro-rata share based on a methodology to be determined by the City to be equitable;
 - (2) The City shall have the right, but not the obligation, to enter upon the property and take necessary corrective action, at the responsible legal entity's expense. The responsible legal entity shall be liable to the City for any costs and expenses incurred by the City in taking and arising from the corrective action, including but not limited to, material, labor, equipment, engineering and administrative costs, interest, and attorneys' fees. If said costs and expenses are not paid by the responsible legal entity within 30 days of invoicing by the City, then said costs and expenses shall constitute a lien on all real property of the responsible legal entity upon the recording of a notice of lien by the City in the public records. Said amounts owed may be collected, without limitation, by foreclosure of lien, lawsuit for damages, action/motion to compel assessment against benefited properties, and injunctive relief, or any combination thereof;
 - (3) Institute code enforcement proceedings and prosecute code violations;
 - (4) Issue code enforcement citations and impose penalties; or
 - (5) Institute any appropriate action or procedure to bring about compliance or remedy, including but not limited to, instituting an action in court to enjoin violating actions and to seek damages, in which case the violating persons and entities shall be liable to the City for reimbursement of the City's Attorneys' fees and costs concerning such action.

- (i) In the event the city obtains ownership of stormwater management systems and facilities previously privately owned or owned by another governmental entity as the result of or arising from enforcement action under this Section, as the result of annexation, or by any other means, the City shall have the right to continue to assess and charge each of the property owners benefiting from the stormwater management systems and facilities for ongoing maintenance, repair, replacement and administrative expenses relating to such stormwater management systems and facilities.
- (j) The provisions of this Section are additional or supplemental requirements and mechanisms to provide compliance with City codes and to provide for effective and efficient stormwater management. Nothing contained within this Section shall limit the City's ability to enforce its codes by any other means.

(Ord. No. 11-13, § 2, 11-6-2013)

Sec. 10.13. Emergency exemption.

- (a) This Article shall not be constructed to prevent the doing of any act necessary to prevent material harm to or destruction of real or personal property as a result of a present emergency, including but not limited to fire, infestation by pests, or hazards resulting from violent storms or hurricanes or when the property is in imminent peril and the necessity of obtaining a permit is impractical and would cause undue hardship in the protection of the property.
- (b) A report of any such emergency action shall be made to the City Manager by the owner or person in control of the property upon which emergency action was taken as soon as practicable, but not more than 10 days following such action. Remedial action may be required by the City Manager subject to appeal to the City Council in the event of dispute.

ARTICLE III. UTILITIES

Sec. 10.14. Utility location general standards.

- (a) *Protection of right-of-way.* The primary concern in the design and location of utility installations is protection of the right-of-way and the safety of the road user, and in all cases full consideration shall be given to sound engineering principles and economic factors.
- (b) *Underground facilities.* Where possible, all longitudinal underground utility facilities touching the scope of work for new developments shall be placed in accordance with Utility Accommodation Manual.
- (c) *Location to consider future road widening and other facilities.* Proposed location of poles, fire hydrants, water meters, etc., should take into consideration future road widening, sidewalk, storm drainage or other construction. Minimum guidelines for roadside recovery area shall be as shown in the latest edition of the FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) and the Utility Accommodation Manual. Deviations require approval by the City Manager or Designee.
- (d) *Water meter boxes.* Water meter boxes shall not be placed within the limits of a proposed or existing sidewalk.
- (e) *Fire hydrants.* Fire hydrants shall be located no closer to the road travel way than that required for recovery areas by the Green Book. If no sidewalks exist, the hydrant should be located approximately 1 foot inside the right-of-way line. Where sidewalks are required, the desired location of the fire hydrant shall be between the sidewalk and the street with said location dependent on street design speeds and rights-of-way. Deviations shall require approval by the City Manager or Designee.
- (f) *Prohibited structures, signs, signals.*
 - (1) Pursuant to F.S. § 316.077, no person shall place, maintain or display upon any City property any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.
 - (2) No person shall place or maintain upon any City property any sign or signal bearing thereon any commercial advertising.
 - (3) Every such prohibited sign, signal or marking is declared to be a public nuisance and a violation of this Code, and the City Manager is empowered to remove the sign or cause it to be removed without notice.

(4) Fences and gates shall not be installed within any City property.

(g) *Mailboxes and newspaper delivery boxes.* The locations and construction of mailboxes, newspaper delivery boxes and similar structures shall be in accordance with the latest edition of “A Guide for Erecting Mailboxes on Highways” by the AASHTO, United States Postal Service and Florida Department of Transportation. Any such existing structure not in conformance with this Section may be required to be made to conform with this Section if the City Engineer determines such existing structure to be a traffic hazard.

(1) Mail kiosks, where provided, shall fall into the requirements of this Code’s parking regulations and ADA accessibility requirements.

(h) *Headwalls and drainage inlets.* Headwalls and drainage inlets shall not constitute a hazard to traffic and shall be designed in accordance with FDOT Standard Specifications for Road and Bridge Construction and FDOT Roadway and Traffic Design Standards.

Sec. 10.15. Water and sewer.

(a) *General.* Water and sewer facilities shall be designed in compliance with all applicable regulations by a State registered engineer. All water and sewer facilities shall be approved by the utilities, the City Manager or Designee, as appropriate, the County health department, the state department of environmental regulation, and SJRWMD, as appropriate. The cost of designing and installing water and sewer systems shall be borne by the developer. Permitting for Water and Sewer shall be coordinated through Volusia County Water Resources and Utilities Department.

(b) *Water facilities.*

(1) All proposed urban development located within one-quarter mile of an existing potable water facility with available capacity to serve the proposed development shall connect to said existing facility or alternate facility approved by the City. The proposed development shall be designed to provide adequate areas and easements necessary for the installation and maintenance of a potable water distribution system which meets the requirements of the Potable Water Sub Element of the Comprehensive Plan and F.A.C. ch. 64E-8, and the most current ANSI/ASTM standards.

(2) All proposed urban development within one-quarter mile of an existing potable water facility, which lacks capacity to serve the proposed development, shall be approved subject to the existing or approved alternate potable water facility being made available.

(3) Developments that construct or guarantee construction of their own potable water facilities shall convey such potable water facilities to the City at no expense to the City.

(4) All proposed urban developments shall connect to the central potable water system, where available.

(5) Developments with lot sizes equal to or greater than one (1) acre may utilize individual wells provided that provisions are made to meet fire flow requirements in accordance with Sec. 10.16.

(6) Development of water facilities shall be consistent with the Comprehensive Plan.

(c) *Sewer facilities.*

(1) All proposed urban development shall connect to the central sewer system, where available. A finding that wastewater collection, treatment and disposal services is available must be based upon a demonstration that the existing facilities have sufficient capacity to provide for the needs of the proposed development and for all other developments in the service area which are occupied, available for occupancy, for which building permits are in effect, or for which wastewater treatment or disposal capacity has been reserved. If existing wastewater services are unavailable, but will be made available, any development order shall be conditioned upon such availability. A finding that wastewater services will be made available must be based upon a demonstration that there is a feasible plan to construct or expand a wastewater system which will have sufficient capacity to provide for the collection, treatment and disposal needs of the proposed development and for all other developments in the service area which are occupied, available for occupancy, for which building permits are in effect, or for which

wastewater collection, treatment or disposal capacity has been reserved. The granting of a development order shall not be construed to effect a reservation of wastewater capacity.

- (2) Whenever any pressure or force mains are located underneath pavement or curbs with cover of less than 36 inches, the mains shall be encased or shall be constructed of ductile iron for pipe diameter of 4 inches or more, and galvanized iron for pipe diameter under 4 inches or shall be made of appropriate material.
- (3) Where central sanitary sewer facilities are provided, all new development approved pursuant to Chapter 3 shall install facilities where feasible for connection and use of recovered wastewater for irrigation and other non-potable water uses. Upon being made available, such development shall connect to and use recovered wastewater.
- (4) Where approved for use, all septic tanks shall be located in yards abutting sewer facility easements. Where connection to a central wastewater system is not required, individual wastewater disposal treatment and discharge systems which include septic tanks shall be provided.
- (5) Developments that construct or guarantee construction of their own sewer collection, treatment and disposal facilities shall convey the sewer facilities to the City at no expense to the City.
- (6) Lift stations in commercial or multifamily residential developments may be privately owned and operated. All lift stations installed for use by single family residential developments must be publicly owned and operated.

Sec. 10.16. Fire protection systems.

The fire protection system of the proposed development shall be based upon the following requirements:

- (a) *Water supply.* The fire protection water supply for the proposed development shall meet the following fire flow requirements:
 - (1) In the case of a single-family or duplex residential development of less than 10 dwelling units with lot sizes of less than 1 acre, or in the case of a single-family or duplex residential development of 10 or more dwelling units, but less than 200 dwelling units, with lot sizes of 1 acre or more, fire wells may be utilized.
 - (2) In the case of a single-family or duplex residential development with lot sizes of 1 acre or more totaling 200 or more units, a central water system shall be utilized for the fire protection water supply which meets the water flow requirements of fire services. (Refer to Table 10-1)
 - (3) In the case of a single-family or duplex residential development with lot sizes of less than 1 acre, the fire protection water supply shall be provided by a central potable or non-potable water supply or a combination of central water supply, auxiliary supply of fire wells, which will produce the water flows contained in Table 10-1. In no case shall the central water supply for fire protection be less than 50 percent of the required fire flow. Auxiliary water supply may be provided by a combination of tank trucks, ground tanks, cisterns, elevated storage, drafting stations on canals or reservoirs, or other methods subject to approval by the Department of Fire Services.
 - (4) In the case of a multifamily residential development; a business or industrial development; or a place of assembly, the fire protection water supply shall be as defined in the most current edition of NFPA 1231—Standard on Water Supplies for Suburban and Rural Fire Fighting. In all cases the minimum fire flows shall not be less than the required for dwellings in Table 10-1.
 - (5) A single water supply system may be used for both potable and fire protection supply; provided the requirements of Table 10-1 and/or NFPA 1231 are maintained, as applicable.
 - (6) The minimum time duration for required fire flows shall be in accordance with Table 10-2.

Table 10 - 1: FIRE FLOWS FOR GROUPS OF DWELLINGS

| Exposure Distances (feet) | Required Fire Flow* (gallons per minute) |
|------------------------------|---|
| Over 100 | 500 |

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

* Add 500 GPM where wood shingles would contribute to fire spread.

† Use 2,500 GPM minimum if buildings are continuous.

Table 10 - 2: MINIMUM TIME DURATION FOR REQUIRED FIRE FLOWS

| Minimum Flow at Source of Supply (GPM) | Minimum Duration (hours) |
|--|--------------------------|
| 2,500 or less | 2 |
| 2,501 to 3,500 | 3 |
| 3,501 to 4,500 | 4 |
| 4,501 to 5,500 | 5 |
| 6,000 | 6 |
| 7,000 | 7 |
| 8,000 | 8 |
| 9,000 | 9 |
| 9,001 to 13,000 | 10 |

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

- (b) *Fire hydrants.* Fire hydrants shall be installed according to the following requirements, with distances measured along street rights-of-way. No distance shall be measured across arterials.
- (1) In the case of a single-family or duplex residential development; sprinklered one- or two-story motels, sprinklered hotels, or sprinklered multifamily dwellings; or mobile home parks, hydrants shall be installed at intervals not to exceed 500 feet with a minimum main size of 6 inches.
 - (2) In the case of a multifamily business or industrial development, excluding developments in paragraph (1) of this subsection, hydrants shall be installed at intervals not to exceed 300 feet with a minimum main size of 8 inches.
 - (3) In the case of a building which will provide standpipe and/or sprinkler systems, a fire hydrant shall be installed within 100 feet of the exterior fire department connection with a minimum main size of 8 inches.
 - (4) In the case of the development of a high-hazard area including, without limitations, a large shopping center, a storage facility for flammable chemical or compressed gases or a manufacturing plant, the spacing and main sizes of hydrants shall be determined after computing the required fire flow, subject to review and approval by the Department of Fire Services.
 - (5) All fire hydrants shall deliver the required gallonage with a residual pressure of 20 psi. It is the developers' responsibility to have the appropriate utility provider flow test the hydrants.
 - (6) Color coding of fire hydrants is of substantial value to water and fire departments and is based on water flow available from them. Fire hydrant bonnets and nozzle caps shall be painted according to the following chart which shall be used to classify fire hydrants according to flow:

| Class | Flow | Color of Bonnets and Nozzle Caps |
|-------|------|----------------------------------|
|-------|------|----------------------------------|

| | | |
|---|----------------------|--------|
| A | 1,500 GPM or greater | Blue |
| B | 1,001 GPM or 1,499 | Green |
| C | 500 GPM to 1,000 GPM | Orange |
| D | Less than 500 GPM | Red |

(7) Fire hydrant installation requirements.

- a. All fire hydrants shall be installed so that there are no obstructions within 7½ feet of the front and sides and 4 feet from the rear of the fire hydrant.
- b. The center of the hydrant outlet shall be a minimum of 18 inches to 24 inches from the finished final grade for proper operation.
- c. The developer shall provide and install all required pavement markings at each fire hydrant.

(c) Fire wells.

- (1) Fire wells may be utilized where permitted by subsection (a) of this Section; providing they have a separate power source and meet one of the following criteria:
 - a. The minimum size of a designated fire well shall not be less than 6 inches in diameter. A pump shall be attached capable of providing a minimum fire flow of 250 GPM; or
 - b. A fire well 4 inches in diameter may be utilized; provided that it has been tested and certified by an engineer that the fire well can produce a minimum fire flow of 250 GPM.
- (2) Fire wells shall be located adjacent to rights-of-way, unless otherwise approved by the Department of Fire Services and the Development Review Committee.
- (3) Fire wells of sufficient capacity to serve adjacent development may be provided and, when so provided, may be included in a public services and facilities agreement pursuant to Section 3.-17(f).
- (4) Fire wells shall be considered as public improvements subject to all provisions of Article VI of Chapter 3.

Sec. 10.17. Solid waste containers.

- (a) All solid waste containers, except approved recycling containers, shall be enclosed on at least three sides with a 6-foot high screen. The screen shall consist of a vinyl or masonry wall. The GMD may require that a hedge or similar landscaping material about the enclosure walls.
- (b) The container shall be enclosed in such a manner so that said container will be screened from public streets and adjoining properties. A concrete or asphalt pad of appropriate size and construction shall be provided as a base for the container. The container pad shall be at the approximate level of the service vehicle approach area so that the truck's loading mechanism can align with the container's sleeves. A reinforced concrete apron shall be required extending 10 feet from the entrance of the enclosure and the width of the enclosure.
- (c) The screened enclosure shall not be located within any street right-of-way or required yard area. Containers and enclosures shall be located so as to allow ease of access for collection trucks and direct access to drive areas. Straight-in or circular drives are encouraged to reduce truck maneuvering problems. No parking or other obstructions shall be permitted in the access area for enclosures.

Sec. 10.18. Lighting Standards.

- (a) In order to minimize impacts to persons on neighboring property and to eliminate distractions to and temporary blinding of drivers of vehicles passing illuminated property, all artificial parking lot or site area lighting shall either be shaded, recessed, or screened in a manner that eliminates spillover of lighting onto adjacent property and public rights-of-way. Spillover, measured at grade level at the property line, shall measure zero footcandle (vertical or

horizontal). All lighting, either pole-mounted or building-mounted, shall be pointed down to only illuminate the intended areas below. Roof mounted lighting is prohibited.

- (b) An outdoor lighting plan shall conform to the Joint International Dark-Sky Association and Illuminating Engineering Society Model Lighting, as amended.
- (c) Accent/decorative outdoor lighting. Bare bulb white/clear strings of lights on nonresidential property used for commercial purposes used to accentuate key architecture of a building, emphasize landscape features and profile street frontage trees shall be permitted. Lights shall be low voltage and bear no advertising matter. Lights shall only be permitted on buildings (i.e., roof overhang) and landscaping to create ambiance and for the illumination of landscape features. Lights shall not be strung on utility poles or vehicles. Twinkling and flashing lights are not permitted.

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CHAPTER 11 - SIGN REGULATIONS

Sec. 11.1. Purpose and intent.

The purpose of these sign regulations shall be to ensure adequate means of communications through signage, while maintaining the attractive visual appearance of the City, preserving property values, protecting vehicular and pedestrian safety, and promoting the general health, safety, and general welfare of the citizens of DeBary. The requirements of this Chapter are designed to:

- (a) Promote and protect the public health, safety, and general welfare of the citizens of the City by regulating and limiting the existing and proposed posting, display, erection, use, and maintenance of signs, billboards, posters, bulletins, and other advertising structures within the City;
- (b) Promote low profile signage of high quality in order to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty of the City, and provide a more enjoyable and pleasing community;
- (c) Protect and maintain visual integrity of roadway corridors within the City by establishing a maximum amount of signage on any one site, by reducing clutter, and by restricting the location and providing setbacks for all signs;
- (d) Improve vehicular and pedestrian safety, reduce visual distractions, obstructions, and hazards;
- (e) Provide more open space, curb the deterioration of natural beauty, and avoid visual pollution by regulating and limiting the existing proposed posting, display, erection, use, and maintenance of signs, billboards, posters, bulletins, and other advertising structures within the City;
- (f) Enhance the appearance of the physical environment by requiring that signage be designed as an integral architectural feature of the site and structure which the signage is intended to identify, and sited in a manner which is sensitive to the existing natural and built environment;
- (g) Provide for signage which satisfies the need of the business community for visibility, identification, and communication, and which fosters civic pride and community spirit by maximizing the positive impact of development; and
- (h) Establish procedures for removal of nonconforming signs, maintenance of existing signs, and enforcement of these regulations.

(Ord. No. 02-12, § 2(exh. A), 9-5-2012)

Sec. 11.2. Substitution of non-commercial speech for commercial speech.

Notwithstanding anything contained in this Chapter or Code to the contrary, any sign erected pursuant to the provisions of this Chapter or Code with a commercial message may, at the option of the owner, contain a non-commercial message unrelated to the business located on the premises where the sign is erected. The non-commercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to non-commercial messages, or from one non-commercial message to another, as frequently as desired by the owner of the sign, provided that the sign is not a prohibited sign or sign type and provided that the size, height, setback, and other dimensional criteria contained in this Chapter and Code have been satisfied.

(Ord. No. 07-13, § 2(Exh. A), 8-7-2013)

Sec. 11.3. Severability.

- (a) *Generally.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter concerning sign regulation is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter.

- (b) *Severability where less speech results.* Without diminishing or limiting in any way the declaration of severability set forth in subsection (a) , or elsewhere in this Chapter, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
- (c) *Severability of provisions pertaining to prohibited signs.* Without diminishing or limiting in any way the declaration of severability set forth in subsection (a) or elsewhere in this Chapter, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter or any other law is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under Sec. 11.6 of this Chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Sec. 11.6 is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Sec. 11.6, thereby ensuring that as many prohibited sign-types as may be constitutionally prohibited continue to be prohibited.

(Ord. No. 07-13, § 2(Exh. A), 8-7-2013)

Sec. 11.4. General provisions; applicability.

- (a) No person shall erect or maintain a sign, and no property owner shall allow a sign to be erected or maintained on their property except in conformity with these regulations.
- (b) A permit shall be required for the erection of any sign except as provided in Sections 11.5, and 11.7 . A sign permit may be issued in conjunction with the approval of a development plan showing the necessary information or pursuant to a separate application made to the City Manager. The erection of a sign shall also require building and electrical permits as appropriate, subject to the provisions of the applicable regulations.
- (c) Inspections of the sign and/or sign structure are required as provided for under building permit and electrical permit regulations.
- (d) A permit shall be required for change of copy of an existing sign and/or for any sign when the use of the premises changes; however, no permit will be required for change of copy on a changeable message, electronic message center or reader board sign.
- (e) Signs shall be located a minimum of 10 feet from any side property line and 5 feet from all other property lines.

(Ord. No. 02-12, § 2(exh. A), 9-5-2012; Ord. No. 07-13, § 2(Exh. A), 8-7-2013)

Sec. 11.5. Exempt signs.

The following signs are permitted in all zoning classifications and districts and are exempt from the permitting process with certain conditions, where applicable, as noted:

- (a) Signs of 2 square feet or less and having no individual letters, symbols, logos or designs in excess of 8 inches in vertical or horizontal dimension.
- (b) Signs erected by or under the authorization of a governmental body, including special events, legal notices, identification signs, and traffic, directional or regulatory signs.
- (c) Flags complying with the terms of the sign regulations.

- (d)
 - (e) Signs on vehicles not specifically prohibited by Sec. 11.6(h).
 - (f) Legal notices.
 - (g) Instructional/Warning signs 4 square feet or less.
 - (h) Yard signs of two square feet in area or less which are located on the property, pursuant to Section 11.7.
- (Ord. No. 02-12, § 2(exh. A), 9-5-2012; Ord. No. 03-17, § 2(Exh. A), 3-1-2017)

Sec. 11.6. Prohibited signs.

The following signs shall be prohibited:

- (a) Animated signs including swinging signs, lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color; and signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, message center signs, and excepting: electronic/LED message signs expressly permitted by the Overlay District Sign Regulations and electronic signs that display static images of prices only where the price/image only changes once per 24-hour and time, and temperature signs with a complete time and/or temperature sequence span of four to eight seconds.
- (b) Snipe signs.
- (c) Signs which prevent free ingress to or egress from any door, window or fire escape.
- (d) Signs attached to a standpipe or fire escape.
- (e) Signs or other advertising structures which by reason of position, shape or color interfere, obstruct, or may be confused with any authorized traffic control device or emergency vehicle signal.
- (f) Signs, except public signs, that are placed or erected on or over a public right-of-way. Signs on public property or rights-of-way shall be removed immediately and may be removed by the City or its agent without notice.
- (g) A-frame signs, unless specifically allowed in an overlay district.
- (h) Signs not permanently attached to or painted on vehicles or mobile trailers in the public right-of-way, or within 50 feet and in plain view from the public right-of-way.
- (i) Strings of flashing or twinkling light bulbs used on nonresidential structures for commercial purposes, other than event decorations. Event decorations must be removed no later than 14 days following the event.
- (j) Signs, commonly referred to as wind signs, consisting of one or more banners, pennants, ribbons, spinners, streamers or captive balloons, or other devices fastened in such a manner as to move upon being subjected to pressure by wind, and including inflatable signs.
- (k) Billboards, except signs that are expressly permitted by state or federal law; provided that such signs are in strict conformity with all current state and federal standards and in B-6 (Highway Interchange Commercial) and I-1 (Light Industrial) zoning classifications in the vicinity of the Interstate highway only.
- (l) Roof signs.
- (m) Abandoned signs.
- (n) Signs erected on private utility facilities or rights-of-way.
- (o) Handbills, including any signs, circulars, dodgers or other advertising which are distributed or placed on any public or private property in such a manner that the same may be blown, carried by water or

otherwise scattered by the elements, or so as to constitute litter. Also, any handbills or other form of advertising matter distributed by throwing or placing the same on or into any vehicle within the City.

- (p) Signs having fluorescent colors.
- (q) Signs which are accessory to an otherwise unpermitted or unlicensed business or land use.
- (r) Any other type or kind of sign which does not comply with the terms, conditions and provisions contained in the sign regulations or which supplement the sign regulations.
- (s) Off-premises signs, except billboards as noted above.
- (t) Signs mounted on rocks or other natural features or affixed to trees.
- (u) Handheld and human signs within the right-of-way.

(Ord. No. 02-12, § 2(exh. A), 9-5-2012; Ord. No. 07-13, § 2(Exh. A), 8-7-2013)

Sec. 11.7. Temporary signs.

The following signs may be permitted on a temporary basis, as provided below. Such signs shall not count toward the restrictions on the number or total area of permitted permanent signs. A sign permit may be required for a temporary sign, as indicated below.

- (a) *Construction sites (sign permit required)*. Construction/development sites may display temporary signs as follows. Permits for temporary construction site signs may not be approved until permits are issued for site preparation or construction.
 - (1) Size: Shall not exceed an area of 16 square feet and a height of 6 feet.
 - (2) Location: Each sign shall be at least 20 feet from side and rear property lines and at least 5 feet from rights-of-way. For subdivisions, they shall be located at the principal street entrance of the subdivision.
 - (3) Number: Two signs are allowed per builder, one per street frontage. In Planned Unit Developments having multiple sub-phases containing varying residential unit types, one additional development sign may be permitted no farther than 150 feet from the principal entrance of the Planned Unit Development.
 - (4) Duration:
 - a. May remain through site preparation and actual construction and shall be removed within 5 business days following the issuance of a certificate of occupancy, completion, or abandonment of work, whichever occurs first.
 - b. Subdivisions under development may keep the sign for a period of one year, subject to renewal upon reapplication. The City Manager may approve the renewal only after determination that the promotion of the subdivision is active. All signs must be removed from the premises within 30 days of the date on which the project is completed or suspended.
- (b) *Yard signs (no permit required)*. Yard signs shall not be posted on or over any public property, including any street right-of-way.
 - (1) Yard signs in residential classifications shall be limited cumulatively to 6 square feet in area and 3 feet in height. Each such sign shall be located at least 5 feet from any right-of-way or property line, sidewalk, driveway entrance, or intersecting street right-of-way. No such sign shall be illuminated or attached to any tree or utility post.
 - (2) Yard signs in nonresidential classifications shall be limited cumulatively to 8 square feet and 3 feet in height. Each such sign shall be located at least 5 feet from any right-of-way or property

line, sidewalk, driveway entrance, or intersecting street right-of-way. No such sign shall be illuminated or attached to any tree or utility post. Duration shall be limited to 30 days.

- (3) During tropical storm or hurricane warnings, all yard signs must be removed by an applicant to protect the public from signs becoming flying projectiles.
- (c) *Temporary window signs (sign permit required)*. Total signage on any one façade may not cover more than 20 percent of the total surface area of the transparent portion of all windows and doors.
- (d) *Special events (sign permit required)*. Temporary signs used in conjunction with any public, charitable, education, religious or other special event or function may be installed subject to compliance with the following conditions. The City Council may waive these limitations and may impose other conditions as necessary to meet the purpose and intent of this Code.
 - (1) Duration: Such signs shall be placed not more than 44 days prior to the event and must be removed no later than 5 days after termination of the event. A maximum of three separate occasions or special events may be permitted within any calendar year. Notwithstanding, any new business or relocation of any existing business within the city shall be allowed special event signs not to exceed 30 days.
 - (2) Commercial, industrial, mixed-use, and multi-family residential properties with less than 100 feet of frontage shall be permitted a total of 32 square feet of sign area. Properties of more than 100 feet of frontage shall be permitted a total of 64 square feet of sign area. Professionally made banners and pennants may be used. Banner signs, however, may not be hung on utility poles or vehicles. Inflatable signs are prohibited.
 - (3) Single-family or duplex zoning classifications shall be limited cumulatively to 6 square feet in area and 3 feet in height. Each such sign shall be located at least 5 feet from any right-of-way or property line, sidewalk, driveway entrance, or intersecting street right-of-way. No such sign shall be illuminated or attached to any tree or utility post.

(Ord. No. 02-12, § 2(Exh. A), 9-5-2012; Ord. No. 03-17, § 2(Exh. A), 3-1-2017)

Sec. 11.8. General sign standards.

- (a) Rules for interpreting sign calculations.
 - (1) *Determining the number of signs*. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit.
 - (2) *Computation of sign area*. The surface area of a sign shall be computed by including the entire rectangular area enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting posts under two feet in diameter.
 - (3) *Multisided signs*. With respect to three-dimensional or multisided signs, the surface area shall be computed by including the total of all faces designed either to attract attention or communicate information. However, a double-faced sign shall not be deemed a multisided sign provided said faces of each sign are not separated by more than two feet and they have the same size and shape. Where the two faces of a sign are not parallel (as with a vee-shaped sign), the area may be calculated as the area of only one face.
 - (4) *Total sign surface area*. Unless otherwise provided, the total surface area devoted to all signs on any lot shall not exceed the limitations established in these regulations and all signs except temporary signs shall be included in this calculation.

- (b) *Construction and maintenance.* All signs shall comply with all applicable standards of the building code, fire code, health code, electrical code, and all other applicable codes. All signs within the City limits including all supports, braces, guys and anchors shall be kept in good repair. The owner of any sign shall keep it in good repair, which includes restoring, repainting or replacement of a worn or damaged legally existing sign to its original condition. The Building Official may order the removal by and at the expense of the owner or lessee of any sign that is not properly maintained. The repainting, changing of parts and preventive maintenance of signs not normally requiring a building permit shall be permitted provided, however, that the maintenance is consistent with the originally approved sign plan and otherwise in conformance with this chapter.
- (c) *Signs not to constitute a traffic hazard.* No sign shall be placed at any location in the City where it may interfere with or obstruct a motorist’s view, or be confused with any authorized traffic sign, signal or device. The City Manager shall have the authority to refuse the erection or to order the removal of any sign, if any signs constituting an obstruction to motorists or pedestrians or otherwise are viewed to be impediments to traffic safety or traffic flow.
- (d) *Signs not to encroach electric utility clear zone.* No sign shall be placed closer than 8 feet horizontally from the nearest part of any utility pole which supports electrical transmission lines. No sign shall be placed closer than 8 feet horizontally or vertically from the nearest part of any electric transmission line. If the City’s electrical code is now or hereafter more restrictive than the provisions of this Section, the most restrictive provisions shall prevail.
- (e) *Illuminated signs.*
 - (1) *Shielded light source.* The light from any illuminated signs, or from any light source, shall be shaded, shielded or directed so that the light intensity or brightness shall neither adversely affect the surrounding premises nor impede safe vision of operators of vehicles moving on streets or parking areas.
 - (2) *Exposed lighting restrictions.* No signs shall have exposed fluorescent lighting, exposed neon, fluorescent paint, or be phosphorescent. All unexposed neon shall be approved by a testing laboratory and shall meet the criteria established below. Similarly, illuminated tubing or strings of lights that outline property lines, sales areas, or similar areas are prohibited, excepting holiday observance signs. Limitations on brightness and intensity shall be as follows:

Table 11 - 1 Sign illumination standards

| Light Source | Commercial Classifications or Public/Institutional Classification | Industrial Classifications | All Other Classifications (Including Residential Classifications) |
|---------------------|--|-----------------------------------|--|
| Exposed bulbs | 15 watts | 15 watts | 10 watts |
| Luminous | 150 lamberts | 90 lamberts | 90 lamberts |
| Illuminated | 50 footcandles | 50 footcandles | 50 footcandles |

- (3) *Neon signs.* Neon signs and decorative neon may be permitted in the same manner as for a wall sign. The area calculation for such sign shall be based on the entire area within which the sign is displayed. Neon signs and decorative neon suspended behind windows and visible from the right-of-way shall be included in the total permitted wall sign area. Exposed neon tubing shall be prohibited.
- (f) *Sign height.* No part of any sign affixed to a building shall exceed the height of the building to which the sign is affixed. The height of the building shall be measured exclusive of elevator shafts and/or air conditioning condensing units and/or cooling towers. No sign shall project over motor vehicle use or storage areas. The height of ground signs is controlled by the use classification as described herein.

- (g) *Sign separation.* Distance requirements in the regulations shall be measured from the nearest part of any sign (or its structure) to the nearest point of the closest applicable restricting line or point of separation (including distance between signs) or height limitation.
- (h) *Appearance of signs.* Shape, color, lettering, location, lighting, and arrangement of signs shall be harmonious with the building design and surrounding landscape. Every sign shall have good scale and good proportion in its design and in its visual relationship to buildings, surroundings, and other signs.
- (i) *Flags.* No more than three flags or insignias may be displayed on any site. Flag poles shall not exceed 35 feet in height. The maximum height from top to bottom of any flag shall be 20 percent of the total height of the flagpole, or in absence of a flagpole, 20 percent of the distance from the top of the flag or insignia to the ground.
- (j) *Monument sign design.*
 - (1) Vertical structure supports for monument signs shall be concealed in an enclosed base. The width of the enclosed base shall be equal to at least two-thirds of the horizontal width of the sign surface. No copy area shall extend or be placed on the base of the sign.
 - (2) The base shall be of a low maintenance finish which is compatible with the architectural style of the principal building limited to split face block, stone, finished metal, synthetic EFIS stucco or brick.
 - (3) Monument signs shall be set back at least ten (10) feet from any side property line and five (5) feet from all other property lines.
 - (4) New monument signs shall be encased in a landscape planter at least two (2) feet in height or a landscaped area of no less than four (4) feet wide on each side of the sign. The planter or landscape area may contain any combination of low-lying shrubs, ground cover and flowers. Location of monument signage shall not take the place of or interfere with the required tree within any required landscape island.

(Ord. No. 02-12, § 2(exh. A), 9-5-2012)

Sec. 11.9. Residential district signs.

- (a) *Multiple-family structures of 10 units or less.* A single sign per street frontage shall be permitted, provided the sign has a maximum area not exceeding 10 square feet, and shall not be higher than 5 feet. These signs require permits. Freestanding warning signs, which do not require a permit, shall be a maximum of 5 feet in height.
- (b) *Multiple-family structures of more than 10 units and mobile home parks or approved nonresidential uses in residential classifications.* A single sign per street frontage shall be permitted. The sign shall have a maximum area not exceeding 24 square feet and shall not be higher than 5 feet. These signs require permits. Freestanding warning signs, which do not require a permit, shall be a maximum of 5 feet in height.
- (c) *Subdivision entrance.*
 - (1) Two permanent monument signs may be erected at each principal entranceway to a residential subdivision provided each sign shall not exceed a copy area of 32 square feet. Two additional entranceway sign shall be permitted for each secondary entrance serving a residential subdivision. Such sign must be located wholly within the property line of the subdivision and shall not be located within any right-of-way.
 - (2) Walls, fences, gates or ornamental devices constructed as an integral part of a subdivision sign may be permitted in conjunction with the development of a subdivision provided such construction meets the following:

- a. The plans for the subdivision sign and ornamental devices in connection therewith shall be submitted with the application/plans for the subdivision infrastructure improvements. If a wall and/or fence is not detailed with final engineering plans, a site plan will be required with applicable fees.
 - b. The combined subdivision entrance sign copy, as permitted by this subsection, and all associated entry appurtenances shall not exceed an aggregate area of 32 square feet and shall not exceed an overall vertical height limitation of 10 feet above grade level.
 - c. When placed on the face of a wall or other entry embellishment, the subdivision sign copy shall be limited to a vertical dimension of 4 feet. No subdivision entrance sign, wall or other ornamental device shall be constructed which interferes with the line of sight of motorists approaching or exiting a subdivision.
 - d. Prior to construction of any subdivision sign, a sign permit/building permit shall be obtained all with the appropriate permit fees.
- (d) Public uses and non-residential uses authorized by special exception shall be permitted one monument sign not to exceed 6 feet in height and 48 square feet in sign area. Such signs shall not have a changeable copy area.

(Ord. No. 02-12, § 2(exh. A), 9-5-2012)

Sec. 11.10. Public/institutional district signs.

- (a) *Ground signs.* One sign shall be permitted per street frontage or per each 300 feet of street frontage, whichever is greater. Furthermore, where two or more ground signs are placed along a single street frontage, such signs shall be separated by a minimum distance of 48 feet. The maximum copy area of any single sign shall not exceed 48 square feet and shall not be higher than 8 feet. These signs require permits.
- (b) *Wall signs.* The cumulative wall sign area shall not exceed 10 percent of the square footage of any one facade. Wall signs may be affixed to only those facades of a building that are exposed to a street. No such sign shall exceed the height of the building. Permanent window signs shall count as permanent signage whether placed on the interior or the exterior of a window or door.
- (c) *Freestanding warning signs* shall be located a minimum of 5 feet within all property lines and shall not exceed 5 feet in height.

(Ord. No. 02-12, § 2(exh. A), 9-5-2012)

Sec. 11.11. Commercial, office, industrial, and mixed-use district signs.

- (a) *Ground/Monument signs.* One monument sign shall be permitted per street frontage or per each 300 feet of street frontage, whichever is greater. Furthermore, where two or more ground signs are placed along a single street frontage, such signs shall be separated by a minimum distance of 48 feet. The maximum background/copy area of any single sign shall not exceed 48 square feet and maximum height shall be eight feet. Monument signs may be internally or externally illuminated. Ground or monument signs located adjacent to drive-thru lanes, shall not be greater than 48 square feet in area and shall be limited to a maximum of 2.
- (b) *Pylon/pole signs.* Pole signs may be allowed through Special Exception in the B-6 Interstate Commercial Zoning District on Dirksen Drive. Additionally, a pole or pylon sign may be substituted for a monument sign in other non-residential districts where the City Council determines that there is no practical way to locate a monument sign on the property due to the requirements for vehicular movement, pedestrian or vehicular safety, or aesthetics of the development. In such a case, the City Council may grant a waiver on a case-by-case basis to allow an existing pole sign to remain in lieu of a required monument sign. A new pole sign approved under this Section shall not exceed 15 feet in height and shall have a ground clearance of 10 feet minimum. The square footage of copy area of such a pole sign may not exceed the maximum permitted square footage of a monument sign.

- (c) *Wall signs.* The maximum allowable wall sign area shall be 1½ square feet per one linear foot of building frontage only with a maximum sign copy area of 80 square feet for any one sign. In the case of double frontage or corner lots, the maximum allowable sign area may be transferred to the non-entry facade only where the same or similar facade treatment is used on both front and side, and the copy area does not exceed one-third of the total copy area permitted. Maximum sign vertical dimension shall not exceed 25 percent of the building height.

Wall signs may be placed in whole or in part upon a parapet, but shall not extend above or be mounted upon the top of a parapet. One identification sign may be attached to the sides or front of a marquee or hung under a marquee at a business entrance, in which case the sign shall not exceed three square feet in area, shall maintain a 7-foot 6-inch minimum clearance above the sidewalk or ground level and shall not extend beyond the marquee's perimeter. A wall sign shall not project from the wall on which it is mounted more than 12 inches.

- (d) Gas stations may also attach signs on the canopy structure over the gasoline pumps islands. Such signs shall not exceed 16 square feet in total area.
- (e) Wall signs shall be made of the following materials: acrylic, alupalite, aluminum and MDO (Multiply Density Overlay-exterior plywood panels that have a resin impregnated fiber overlay and that has been fused on the surface of the panel). The edges of MDO signs must also be treated with an end cap product. Vinyl sheet and non-MDO wood signs are prohibited. Channel lettering, vinyl letters that appear to be painted on with a minimum thickness of four mil, and plastic coated and painted Styrofoam may be used for lettering and design on wall signs.
- (f) *Projecting/blade sign substituted for ground signs and wall signs.* A projecting or blade sign may be substituted for an allowed ground sign or for an allowed wall sign, respectively. The maximum allowable size for a projecting sign substituting for a ground sign shall not exceed 24 square feet or the allowable amount of wall sign area, whichever is less. The maximum allowable area for a projecting sign substituting for a wall sign is six (6) square feet per sign face. When a projecting sign is utilized, no other wall signs shall be permitted. Projecting signs shall not project above the roofline, parapet wall, or eave, whichever is applicable. Projecting signs shall not project more than 36 inches from the wall of a building and shall not overhang or encroach into any parking area, driveway, or public right-of-way. Projecting signs shall provide a minimum clearance of eight (8) feet over any pedestrian way. No sign or part of a sign or its supporting structure shall cover any window or part of a window. No projecting sign or supporting structure shall be located in such a manner as to obstruct window light and vision.
- (g) *Awning signs.* Awnings signs shall be allowed provided that:
- (1) On single occupant property, one awning sign may be allowed in lieu of wall signage permitted on the wall which the awning is attached.
 - (2) On a multi-occupant property, one awning sign may be allowed over each separate occupant entrance, in lieu of other wall signs.
 - (3) The maximum area of an awning sign shall not exceed 10 percent of the total awning face front and side area.
- (h) *Window and door signs.* A maximum of 20 percent of the glass area of a window or door may contain window signage. Window signage must be professionally made and present an attractive visual appearance. Window and door signage may not obstruct view of the cashier/payment area from view from the outside and may not be placed in the upper one-third of storefront windows.

(Ord. No. 02-12, § 2(exh. A), 9-5-2012; Ord. No. 07-13, § 2(Exh. A), 8-7-2013)

Sec. 11.12. Agricultural district signs.

- (a) Single-family residences may have one sign, not exceeding 2 square feet each, for each single-family residence. These signs do not require permits.

(b) Approved nonresidential uses shall be allowed one ground sign per street frontage. The ground sign shall have a maximum sign area of 24 square feet and shall not be higher than 5 feet above the level of the street frontage. These signs shall require permits.

(Ord. No. 02-12, § 2(exh. A), 9-5-2012)

Sec. 11.13. Overlay District signs.

Signs within the Overlay Districts defined in Chapter 5 shall comply with the citywide standards in addition to the following:

(a) *Signage in the Transit Oriented Development (TOD) District.*

- a. Except as specifically listed below, all other signage and sign standards must comply with this Chapter, as amended. If there are discrepancies, the greater restriction shall apply.
- b. Signs within the TOD Core and Outside the TOD Core shall comply with the following standards:
 - 1. *Wall (building) signs.*
 - i. Commercial uses (retail, office and restaurant): One sign per tenant space; area to be calculated at 0.5 square feet per linear foot of public street frontage with a maximum of 30 square feet.
 - ii. Second floor commercial uses may also be permitted one second floor wall sign per tenant space per public street frontage; area to be calculated at 0.25 square feet per linear foot of second floor frontage along that public street.
 - iii. Live-work and home occupations: One sign limited to an area of eight square feet maximum.
 - iv. May encroach a maximum of 12 inches on to a sidewalk while maintaining a vertical clearance of eight feet from the finished sidewalk.
 - v. Wall signs should not obscure windows, grille work, piers, pilasters, and ornamental features. Typically, wall signs should be centered on horizontal surfaces (i.e., over a storefront opening).
 - vi. Wall signs may be internally or externally lit. Cutoff fixtures shall be angled toward the face of the wall sign and shall complement the design of the building through style, material and color.

Figure 11 - 1: Wall Signs



- 2. *Window signs.*
 - i. Limited to 30 percent of the window area.

- ii. The following shall be exempt from this limitation:
 - Addresses, closed/open signs, hours of operation, credit card logos, real estate signs, and now hiring signs.
 - Mannequins and storefront displays of merchandise sold.

Figure 11 - 2: Window signs



- 3. *Blade signs.*
 - i. Shall be permitted for all commercial uses only (retail, restaurant, and office).
 - ii. Maximum six (6) square feet per sign face.
 - iii. May encroach a maximum of three feet over a public sidewalk/R-O-W.
 - iv. Blade signs may be attached to the building or hung under the soffit of an arcade or under a canopy/awning while maintaining a vertical clearance of eight feet from the finished sidewalk.

Figure 11 - 3: Blade Signs



- 4. *Awning signs.*
 - i. The character height shall not exceed two-thirds of the height of the face (vertical or near vertical part) of the awning.
 - ii. When possible, signs shall be horizontally and vertically centered on the face of the awning.

Figure 11 - 4: Awning Signs



- 5. *Canopy signs.*

- i. The placement of this type of sign shall be limited to the canopy face length.
- ii. No sign shall project beyond the perimeter of the canopy.
- iii. The sign shall not exceed one square foot per lineal foot of canopy face length.

Figure 11 - 5: Canopy Signs



- 6. *Menu board signs.*
 - i. One menu board shall be allowed per street address.
 - ii. Menu boards shall not exceed eight square feet in size and shall be positioned so as to be adjacent to the restaurant or business listed on the board and information on the board shall advertise exclusively the goods and services of the business and be placed in a manner which is clearly visible to pedestrian traffic.
 - iii. Said menu boards shall not be placed in the city's right-of-way.
 - iv. All standing menu signs shall be removed at the end of each business day.
 - v. All wall menu signs shall be securely anchored to wall.

Figure 11 - 6: Menu Board Signs



- 7. *Wayfinding signs.*
 - i. All public way-finding signs along state, county and city roads shall comply with the Federal Highway Administration, Manual on Uniform Traffic Control Devices (MUTCD) and all other local permitting agencies (FDOT and Volusia County).
 - ii. Internal development wayfinding signs may provide location maps, directions, general information and special notices to add liveliness of the development. The signs shall be designed to match the site architecture and be integrated into the layout of pedestrian circulation areas. The maximum size shall be eight square feet mounted on pedestrian light poles or individual decorative poles.

Figure 11 - 7: Wayfinding Signs



(b) Signage in the Form-Based Code Overlay Districts

(1) Signage in Street Segment SS-2 shall meet the standards of subsection (a) of this Section.

(2) Monument signs

- a. Monument signs shall not be permitted in Street Segments SS-2 and SS-3 as depicted on Figure 5-3 in Sec. 5.19, except as provided in Sec. 11.15.
- b. Design standards: Vertical structure supports for monument signs shall be concealed in an enclosed base. The width of the enclosed base shall be equal to at least two-thirds of the horizontal width of the sign surface. No copy area shall extend or be placed on the base of the sign.
- c. Construction materials: The base shall be of a low maintenance finish which is compatible with the architectural style of the principal building limited to split face block, stone, finished metal, synthetic EFIS stucco or brick. Monument signs made of wood or vinyl sheets shall be prohibited.
- d. Illumination: Monument signs may be internally illuminated pursuant to section 11.8(e). They may also be externally illuminated with a burial fixture or hidden within a planter bed. The light source should not be able to be seen from adjoining properties or roads.
- e. Setbacks: New signs shall be erected at least ten feet from any side property line and five from all other property lines.
- f. Landscaping: New monument signs shall be encased in a landscape planter at least two feet in height or a landscaped area of no less than four feet wide on each side of the sign. The planter or landscape area may contain any combination of low lying shrubs, ground cover and flowers.
- g. All signs shall be erected above the enclosed base of the sign and no sign shall be mounted directly in front or to the rear of the base.

- (3) Electronic message center signs are permitted in place of a manual changeable copy board sign. Electronic message center signs shall not be permitted in Street Segments SS-2 and SS-3 as depicted on Figure 5-3 in Sec. 5.19.
- a. Except as specified in an approved comprehensive sign plan or planned development agreement, electronic message center signs shall meet the following design, construction, location, and operational standards:
 - b. Only one sign is permitted within the same development or contiguous parcel of property under single ownership, control, or use. For purposes of this section, property is contiguous where it is separated only by a public road.
 - c. Off-site advertisement is prohibited.
 - d. Signs must be set back at least five feet from the front property line and ten feet from side property lines.
 - e. The display screen shall not be oriented toward or face a residential zoning district.
 - f. Signs must be constructed as monument signs and have landscaping provided around the base of the sign.
 - g. The display screen must be integral to the design of the sign structure and shall not be the dominant element. The display screen area shall not exceed 50 percent of the sign face. The display area shall apply towards the maximum amount of signage permitted per each site regardless of whether it is illuminated or utilized.
 - h. The sign may display one or more static messages. Message changes are permitted only through dissolve, fade, or other subtle transitions and frame effects that do not have the appearance of moving text or images. The individual messages shall not have movement or the appearance or optical illusion of movement.
 - i. Sign copy may change only at intervals of no less than 30 seconds. Continuous scrolling, animation, or flashing of lights is prohibited. A notarized affidavit shall be provided with the sign permit application stating the sign will be constructed and operated in compliance with City code, and that it will not flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color.
 - j. The display screen area shall provide a high-resolution picture quality with pixel spacing of 16 millimeters or less.
 - k. A photometric plan outlining the proposed illumination levels in foot-candles or a certification of compliance from the sign manufacturer shall be provided with the sign permit, which shall demonstrate/certify that illumination levels will not exceed 0.3 foot-candles (Lux meter) above ambient light levels, as measured from a preset distance depending on sign area. Measuring distance shall be determined with the following formula: The square root of the product of the sign area and 100.

Example using a 48 square foot sign: Measurement Distance = $\sqrt{(48 \text{ Sq. Ft.} \times 100)} = 69.3'$
 - l. Automatic dimming controls such as photocell technology shall be installed to automatically dim the electronic display area as ambient light conditions change.
 - m. A malfunctioning sign must be turned off or display a blank screen.
 - n. Electronic message center signs shall not be added to, or used to change or expand any nonconforming sign.

- o. An information sheet shall be submitted as part of the sign permit application which includes the manufacturing specifications of the display screen being installed, along with contact information of the property owner, sign contractor and the display screen maintenance provider.

Sec. 11.14. Sign program for multi-tenant developments.

All tenant wall signage and tenant panels in ground and monument signs within a multi-tenant development, including shopping centers, industrial complexes and office complexes, shall comply with the additional requirements of this section.

(a) *Sign program required.*

- (1) Any development intended or designed for multi-tenant use shall establish a sign program identifying the overall sign specifications (not exceeding the provisions of this Code) and allocating signage for individual tenant use.
- (2) Signage for tenants in multi-tenant developments without approved signage programs, but with an established pattern of sign style, location and size, shall be required to conform with such pattern. An established pattern shall be identified as the predominant style, location and size utilized by a minimum of 50 percent of the tenants.
- (3) In multi-tenant developments where no established pattern exists, the owner of the development shall be required to submit a sign program to the City for approval prior to issuance of any new sign permits. Such program shall address size, location, style, and materials.

(b) *Multi-tenant sign standards.*

- (1) Wall signs. The maximum allowable wall sign area shall be one square foot per one linear foot of tenant frontage with a maximum sign copy area of 80 square feet for any one sign. In the case of double frontage tenants, sign area may be transferable to the non-entry facade only where the same or similar facade treatment is used on both front and side, and the copy area does not exceed one-third of the total copy area permitted for the tenant. Maximum sign height shall not exceed 25 percent of the building height. Wall signs shall not be located on the rear of a multi-tenant building, or the sides of a multi-tenant building when such display would orient the sign to a residential zoned area.
- (2) Monument signs. Multi-tenant developments are allowed a monument sign subject to the design standards of Sec. 11.8.

(Ord. No. 02-12, § 2(exh. A), 9-5-2012)

Sec. 11.15. Nonconforming signs.

Any lawfully existing permanent sign which was made non-conforming by the adoption of these regulations or any subsequent amendments of these sign regulations may continue in existence unless it becomes abandoned (as defined in Chapter 2) or destroyed. Nonconforming signs shall be removed from the premises or brought into compliance by October 1, 2030. A nonconforming sign use may be continued until October 1, 2030, provided the sign shall not be enlarged or increased in any way from its lawful size at the time of the adoption of these regulations; however, this restriction does not apply to the change of copy (face changes) or changeable copy signs. This Section shall not apply to the provisions of Sec. 11.13(b)(2)a for developed properties that do not meet the setback requirements of the Street Segment SS-2. There may be a change of tenancy or ownership of a nonconforming sign without the loss of nonconforming status.

- (a) Abandoned signs shall be removed by the owner, agent or person in charge of the premises within 30 days after receipt of written notification by the Code Enforcement Officer. If the sign is not removed in a timely manner, the violation may be referred to the Special Magistrate.

- (b) Any nonconforming sign which is destroyed or damaged to the extent of 50 percent or more of the background/copy area, or is altered or replaced, shall not be altered, replaced or reinstalled unless and until it shall have been made to conform to the provisions of this Code.

(Ord. No. 02-12, § 2(exh. A), 9-5-2012; Ord. No. 12-17 , § 2, 10-4-2017)

ORDINANCE No. 06-2024

AN ORDINANCE OF THE CITY OF DEBARY, FLORIDA, ADOPTING APPENDIX 1 TO THE CITY'S LAND DEVELOPMENT CODE, ESTABLISHING PROCEDURES, REGULATIONS, AND CRITERIA FOR THE REVIEW AND APPROVAL OF MIXED-USE RESIDENTIAL DEVELOPMENTS PURSUANT TO FLORIDA'S LIVE LOCAL ACT; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

RECITALS

WHEREAS, in March of 2023, Florida enacted Senate Bill 102, also known as the "Live Local Act" (the "Act"), which was implemented as a statewide workforce housing strategy, designed to increase the availability of affordable housing opportunities for Florida's workforce, who desire to live within the communities they serve ; and

WHEREAS, the Act requires that local governmental authorities (including the City) must administratively approve affordable multifamily residential land uses (including mixed-use projects) in areas that are zoned for commercial, industrial, or mixed use, if the project includes at least 40 percent (65 percent for mixed use) of its residential units as affordable housing for at least 30 years; and

WHEREAS, such proposed land uses are to be approved, regardless of provisions establishing allowable densities, height, and land use, provided that the proposed uses meet applicable land development regulations, including those provisions that apply to setbacks and parking requirements ; and

WHEREAS, while the Act contains such requirements for mixed-use residential developments ("MURDs"), it does not prescribe an administrative approval process or provide for regulations or standards with regard to the integration of multifamily residential uses within areas zoned for commercial, industrial, or mixed use development; and

WHEREAS, the City has developed procedures and regulations for the development, review, and approval of MURDs and wishes to adopt same pursuant to this ordinance in assisting the City to carry out its statutory obligations pursuant to the Live Local Act.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF DEBARY AS FOLLOWS:

SECTION 1. Recitals. The City Council finds that the above recitals are true and correct and constitute the legislative findings of the City of DeBary, Florida.

SECTION 2. Amendment. The City hereby adopts Appendix 1 – Live Local Act as part of its Land Development Code, which Appendix 1 is attached hereto and incorporated herein as **Exhibit A**.

Section 3. **Codification.** Upon adoption, Section 2 of this Ordinance is to be codified as Appendix 1 to the City's Land Development Code.

Section 4. **Conflicts.** To the extent this ordinance conflicts with any previously adopted ordinances, rules, or regulations of the City, this ordinance shall govern and control to the extent of any such conflict.

Section 5. **Severability.** If any portion of this Ordinance is determined by a court of competent jurisdiction to be invalid, unconstitutional, unenforceable or void, the remaining portions not invalidated will continue in full force and effect.

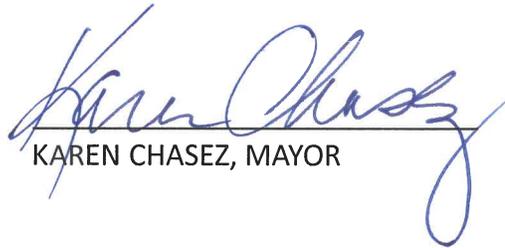
Section 6. **Effective Date.** This Ordinance shall take effect immediately upon its adoption.

First reading and public hearing occurred on March 6, 2024

Second reading and public hearing occurred on April 3, 2024

ADOPTED BY the City Council of the City of DeBary, Florida this 3rd day of April, 2024.

**CITY COUNCIL
CITY OF DEBARY, FLORIDA**


KAREN CHASEZ, MAYOR

ATTEST:


Annette Hatch, CMC, City Clerk

Attachments:

Exhibit A: Appendix 1 – Live Local Act

1 **Appendix 1 – Live Local Act**

2 **1. Purpose of the Appendix**

3 The purpose of this Appendix is to outline the criteria and processes for Affordable Housing
4 developments in the City, pursuant to the provisions of Florida Statutes 166.04151(7), as created
5 by Chapter 2023-17, Laws of Florida, the “Live Local Act” (the "Act"), which Mixed-Use
6 Residential Developments (MURD) involves a combination of residential and non-residential
7 components, and a combination of dwelling units that qualify as affordable housing and units
8 that do not qualify as affordable housing, to accomplish the following purposes. Unless
9 otherwise specified, all land development applications must adhere to the relevant procedures.

- 10 a) Safeguard and advance the public health, safety, and overall welfare of the
11 residents of the City;
- 12 b) Facilitate the systematic advancement of affordable multifamily housing
13 in the City pursuant to the Act;
- 14 c) Affirm that Mixed-Use Residential Developments (MURDs) proposed
15 under the Act necessitate a mixed-use residential configuration;
- 16 d) Define the specific zoning districts within the City where this Appendix is
17 applicable, and delineate the authorization and administrative approval
18 procedures for MURDs in accordance with the Act;
- 19 e) Validate the land development regulations pertinent to proposed MURDs,
20 and acknowledge the statutory mandates regarding density, height, land use
21 and parking;
- 22 f) Confirm minimum dwelling unit square footage in order to ensure the
23 provision of adequate living conditions;
- 24 g) Provide a minimum non-residential use floor area for MURDs to provide a
25 meaningful mixed-use development and to reduce vehicle trips and vehicle
26 miles traveled;
- 27 h) Confirm the maximum intensity (floor area ratio) for MURDs applies to
28 all square footage within the development;
- 29 i) Institute an administrative approval process for MUMDs, encompassing
30 provisions for the review and appeal of administrative decisions; and
- 31 j) Enhance the prevailing development criteria by introducing specific
32 requirements tailored to the architectural design of buildings and projects
33 within Mixed-Use Residential Developments (MURDs). This aims to integrate
34 a fundamental level of architectural design alongside site design features that
35 encompass secure and convenient vehicular use areas, pedestrian pathways,
36 streetscape elements, and overall site development in alignment with the goals,
37 policies, and objectives outlined in the City Comprehensive Plan.

38 k) Consistent with Section 166.04151(7), Florida Statutes, which expires
39 October 1, 2033, this Division 14 also expires and becomes null and void on
40 October 1,2033, unless otherwise extended by the Florida Legislature.

41 **2. Applicability**

42 a) Mixed-Use Residential Developments (MURD) are prohibited in all or any portion of
43 land zoned as a Planned Unit Development that which does not already permit MURD.

44 b) Mixed-Use Residential Developments (MURD) in accordance with Florida Statute
45 166.04151 are permissible only within the following designated zoning districts in the city:

46 B-2 - neighborhood Commercial classification

47 B-4 - general commercial classification

48 B-5 - Heavy Commercial classification

49 B-6 - Highway interchange commercial classification

50 I-1 - Light Industrial Classification

51 c) In the event of a conflict between the regulations set for the herein and those set forth in
52 the commercial or industrial zoning district in which the MURD is proposed to be located,
53 the regulations set forth in this Appendix shall control to the extent of such conflict. To the
54 extent the land development regulations applicable to multifamily development in
55 multifamily residential zoning districts, the multifamily units in MURD shall follow the most
56 restrictive regulations.

57 **3. Definitions**

58 Within this subsection, the following definitions are supplied to clarify terms not explicitly
59 defined in Florida statutes, ensuring alignment with the City of Debarry Land Development Code
60 during implementation.

61 *Administrative approval*, as used in F.S. 166.04151, shall mean approved by administrative
62 official after input from the Development Review Committee in accordance with this Code and
63 Comprehensive Plan.

64 *Affordable housing* shall mean housing with monthly rent or monthly mortgage payments
65 including taxes, insurance and utilities do not exceed 30% of that amount which represent the
66 percentage of the median adjusted gross annual income for the households. FS. 420.0004(3)

67 *Commercial* as used in F.S. 166.04151(7), any use involving in part or in whole the sale of
68 merchandise, materials or services, excluding properties that are used for medical or institutional
69 purposes such as hospitals and clinics, and general offices.

70 *Dwelling, multifamily*, shall mean a building containing four or more dwelling units, attached by
71 a common wall, with the number of families in residence not exceeding the number of dwelling
72 units provided. The term includes apartments and condominiums and does not include duplexes,
73 triplexes, or townhomes,

74 *Height within one (1) mile*, as used in F.S. 166.04151, shall mean one (1) mile as can be traveled
75 by human beings along the public streets of the City within the normal permitted lanes of travel

76 from the center point of the proposed development site and shall not mean a straight line distance
77 as a bird might be able to travel.

78 *Mixed-use residential* as used in F.S. 166.04151(7)(a) and (f), shall mean a residential use
79 combined with a permitted B-2 or B-4 use as set forth in this Code with no more than 65% of the
80 total square footage of the structure for residential purposes. A mixed use residential building
81 located within the B-2 zoning classification shall only permit B-2 uses, as set forth in Chapter 4
82 of the City Code, to be located on the ground floor of each building. A mixed-use residential
83 building located within the B-4, B-5, B-6, B-7, or I-1 zoning classifications shall only permit B-4
84 commercial retail uses as set forth in Chapter 4 of the City Code, excluding drive-through uses or
85 facilities to be located on ground floor.

86 *Rent* shall mean the periodic payments due the landlord from the tenant for occupancy under a
87 rental agreement and any other payments due the landlord from the tenant as may be designated
88 as rent in a written rental agreement, as defined by F.S. 83.43

89 *Urban sprawl* shall mean a development pattern characterized by low density, automobile-
90 dependent development with either a single use or multiple uses that are not functionally related,
91 requiring the extension of public facilities and services in an inefficient manner, and failing to
92 provide a clear separation between urban and rural uses.

93 **4. Live Local Act Eligibility Criteria**

- 94 a) Meet affordability criteria -Minimum 40% of multifamily residential dwelling units
95 shall remain affordable, as defined in Sec 420.0004(3), F.S., for a period of at least 30
96 years by recording restrictive covenant on the property to that effect;
- 97 b) The MURD shall have a maximum of 65% of total square footage as Residential uses
98 and meets criteria in F.S.166.04151(7)
- 99 c) The MURD shall have at least 35% commercial uses.
- 100 d) Fulfill all approval process requirements specified in this Appendix.
- 101 e) Adhere to recording and legal requirements
- 102 f) The MURD shall incorporate a blend of dwelling units, encompassing both affordable
103 housing units and those that do not qualify as affordable housing, in accordance with
104 established guidelines.

105 **5. Process for Approval**

106 Approval for qualifying developments in eligible zoning districts involves several steps. The
107 process requires the submission of a development permit application along with a fee. If the
108 application is not submitted by the property owner, a purchase contract or agreement (with
109 financial details blacked out) must be provided, specifying effective dates and due diligence
110 periods. The application, using a city-provided form, includes site development plans, an
111 affidavit for income qualification commitment, and details on monitoring and inspection for the
112 entire 30-year operation, including acknowledgment of auditing requirements for tenant
113 eligibility within designated affordable housing units as per the Live Local Act. Non-compliance
114 penalties are outlined below in Sec 13 of this Appendix.

115 Upon application, the city conducts a sufficiency review per Chapter 3 of the City Code, either
116 confirming completeness or specifying additional requirements. The applicant then provides the
117 necessary items, initiating another sufficiency review until a complete application is submitted.
118 A purchase contract must be active during these review periods. If any due diligence or contract
119 matter expires within this timeframe, the city will not proceed with the sufficiency or application
120 review.

121 **a) Minimum Requirements.**

122 The minimum requirements for certification of compliance with the Live Local Act are
123 as follows:

124 **1) Site Development Plan** which includes the following:

- 125 a. Statement of ownership of the proposed development, and the names,
126 addresses and telephone numbers of the developer and any project engineers,
127 architects or planners.
- 128 b. Scale, date, and north arrow.
- 129 c. Legal Description of the property.
- 130 d. Site Data Table including gross square footage of the site and project, total
131 impervious coverage and principal setbacks.
- 132 e. Dimensioned location, density, size, height, impervious surface ratio and
133 use of all proposed structures.
- 134 f. Project units, number of affordable units per area median income, and
135 affordability period.
- 136 g. Label uses of adjacent parcels.
- 137 h. Location, dimension and method of buffering from adjacent uses.
- 138 i. Location and method of screening of refuse stations, storage areas and off-
139 street parking and loading areas.
- 140 j. Method of stormwater retention.
- 141 k. Location, size and total amount of greenspace.
- 142 l. Tree table with tree retention and applicable mitigation.
- 143 m. The location, width, pavement type, right-of-way name and other related
144 appurtenances of all public rights-of-way adjoining, traversing or
145 proximate to the site.
- 146 n. Location and dimensions of proposed project ingress/egress, parking and
147 service areas, including typical parking space dimensions.
- 148 o. Vehicle Use Area buffering adjacent to rights of way.
- 149 p. Proposed means of vehicular and pedestrian access from the site(s) within
150 the development to adjacent streets and/or alleys, showing all existing and
151 proposed curb cuts and sidewalks.
- 152 q. Building Elevations (4-sided) for each proposed building.
- 153 r. A transportation study.

- 154 s. Comply with all Concurrency requirements outlined in Chapter 3 of the City
155 Code.
- 156 t. Any other information required under the specific site plan districts
157 pertaining to this article or which may be required, when commensurate
158 with the intent and purpose of this Code, by city reviewing staff.
- 159 u. A statement indicating the petitioners' commitment to comply with all
160 additional regulations of this land development code, applicable to the
161 project that is not mentioned in this Appendix.
- 162 v. Compliance with all land development regulations applicable to the zoning
163 district in which the project is proposed, except only as otherwise
164 preempted by the Live Local Act with respect to height.

165 **2) Project Narrative.** Application shall contain a narrative which demonstrates compliance
166 with section 166.04151(7)(a)-(g), Florida Statutes.

167 **3) Agent Authorization.** An affidavit with the property owner's notarized authorization.

168 **4) Affidavit of Commitment and Restrictive Covenants.** As a prerequisite for approval
169 and prior to seeking or obtaining any site or building permits for the project, the applicant
170 (and the property owner, if different from the applicant) must execute and record in the
171 public records of Volusia County, Florida, an Affidavit of Commitment and
172 Restrictive Covenants. Such Affidavit of Commitment and Restrictive Covenants
173 shall:

- 174 a. have terms acceptable to the city,
- 175 b. run with and be binding upon the land for no less than thirty (30) years
176 from the issuance of a certificate of occupancy for the last principal
177 structure of the project
- 178 c. be enforceable by the city;
- 179 d. detail the affordable housing and project conditions and restrictions
180 required by this section, the Live Local Act and on the approval of the
181 project;
- 182 e. provide for monitoring, and compliance requirements; and
- 183 f. provide for the city's enforcement remedies. Mortgage holders will be
184 required to execute and record a subordination of their lien interest to
185 such Affidavit of Commitment and Restrictive Covenants prior to or
186 simultaneously with the recording of the Affidavit of Commitment and
187 Restrictive Covenants. The city will provide the monitoring and
188 compliance forms upon submittal of the application, deemed complete
189 and sufficient.
- 190 g. An affidavit affirming a 30-year commitment to offering affordable housing,
191 including a monetary limit on all rent charges and associated fees for
192 occupants of units classified as affordable. The rents and fees for such units
193 shall not surpass 30% of the gross revenue of all occupants.

194 h. An affidavit confirming agreement and acceptance of the annual audit
195 requirements by a certified public accounting firm, verifying compliance
196 with income and total rental fee criteria. Acknowledge and understand that
197 any violations of these commitments shall be subject to the provisions
198 outlined in Section 13 of this Appendix.

199 **6. Affordability Commitment**

200 Pursuant to the Act, at least 40% of the residential units within a proposed MURD must be
201 'affordable' as defined in F.S.420.0004 and must remain affordable for a period of at least 30
202 years.

203 **7. Administrative review**

204 The administrative review of the development permit application shall be conducted pursuant to
205 the provisions in Chapter 3 of the City Code, Administration and Procedures, including any
206 requirements for public notifications and Development Review Committee (DRC) reviews.

- 207 a) *Time frame for Review and Issuance of Approval:* Upon receipt of a complete
208 application, the city will complete its review and provide a response sixty (60) days
209 from receipt of such materials as required by this subsection.
- 210 b) *Fee:* Shall be per the established fee schedule for each type of development permit application.
- 211 c) *Duration of Approval:* An approval received through this process shall be effective
212 for three (3) months from the date of approval. The application process and
213 certification of compliance with the live local act shall begin again if a building permit
214 has not been issued by the city within six (6) months of an approval under this
215 section.
- 216 d) *Equivalent Treatment of all Dwelling Unit Requirements:* As a prerequisite for approval
217 and prior to seeking or obtaining any site or building permits for the project, the project
218 must affirm and ensure that all affordable dwelling units and market-rate dwelling units
219 will be situated within the same structure. Furthermore, all common areas and amenities
220 are required to be accessible and available to all residents, regardless of whether they
221 reside in affordable or market-rate dwelling units. Access to the mandated affordable
222 dwelling units must be facilitated through the same principal entrance(s) utilized by all
223 other dwelling units within the development. Additionally, the sizes and number of
224 bedrooms in the affordable dwelling units should be proportionate to the square footage
225 and number of bedrooms in the market-rate dwelling units. For instance, if 25 percent of
226 the market-rate dwelling units feature two bedrooms, then 25 percent of the affordable
227 dwelling units must also include two bedrooms.
- 228 e) *MURD regulations:*
- 229 1) The non-residential use must have a certificate of occupancy before or
230 simultaneously when the residential use is given a Certificate of Occupancy.

- 231 2) Maximum Floor Area- The floor area of the development within an MURD
232 including floor area of both residential and non-residential uses shall be limited to
233 Maximum FAR of the underlying zoning district.
- 234 3) Density- 32 Du/acre based on highest allowed density per the City's
235 Comprehensive Plan.
- 236 4) Building height- Highest currently allowed for Commercial or Residential
237 development located within one (1) mile of the proposed development or three (3)
238 stories, whichever is higher.
- 239 5) First floor of each MURD building must be concrete
- 240 6) Minimum multifamily and condominium unit size:
- 241 Studio/efficiency must be larger than 600 sq. ft.
- 242 One bedroom must be larger than 750 sq. ft.;
- 243 Two bedrooms must be larger than 1,000 sq. ft.;
- 244 Three or more bedrooms must be larger than 1,350 sq. ft.
- 245 7) Setbacks: Minimum required yards
- 246 Front - 25'
- 247 Rear - 25'
- 248 Side - 15'
- 249 8) Amenity areas exclusively serving the residential uses shall be calculated towards
250 residential square footage. Amenities required within multi-family developments
251 include:
- 252 a. Each residential unit must be equipped with an in-unit washer/dryer and an
253 independent balcony. All balconies must offer a minimum of fifty-four (54)
254 square feet of clear, unobstructed space, with a depth of at least six (6) feet.
255 Balconies may be covered and screened but must not be fully enclosed. False,
256 Faux, Juliet/Juliette, Balconette, and similar ornamental or standing type
257 balconies are not considered valid balconies and are prohibited where a balcony is
258 specified in this Section.
- 259 b. Provision of a pool with accompanying restrooms.
- 260 c. Gymnasium.
- 261 d. Allocation of park space/open space, meeting a minimum requirement of 25%.
262 Plazas, paver driveways marked as joint vehicular and pedestrian ways,
263 sidewalks, covered arcades, gazebos, and other hardscaped areas may contribute
264 to fulfilling the minimum pen/greens space requirement. Parking islands or any
265 parking area cannot be considered as open green space.
- 266 e. Enhancement of landscaping to include a minimum ten (10) foot wide planting
267 area for building foundation landscaping, featuring a minimum of two (2)
268 understory trees and five (5) shrubs for every forty (40) feet of façade length.
269 The remaining planting area shall be landscaped with ground cover or other

270 landscape treatment. A minimum ten (10) foot wide landscape strip is
271 mandatory where four (4) or more rows of parking spaces abut: one canopy
272 tree, one understory tree, and three shrubs must be planted for every one
273 hundred (100) feet in length.

274 f. Doggy runs (if pets are allowed).

275 g. Internal concierge trash service.

276 h. Minimum eight (8) foot wide sidewalks,

277 i. Flex office space,

278 9) Parking requirements shall be per Chapter 7 of the City Code or Chapter 5 of the
279 City Code, if under corridor or nodes overlay. Parking areas shall be designed to
280 minimize visual impact on lower-density residential zones. A 5% reduction in
281 parking requirement shall be granted during the review process if these conditions
282 are met:

283 a. Development is located within one-half mile of a passenger rail or intercity bus
284 station or transit hub where two or more transit routes converge (major transit
285 stop) and must have continuous public sidewalk from the development to these
286 transit stops or facilities. Enhancements to pathways could include incorporating
287 canopy trees, distinctive pavement, identify way finding, directional signage,
288 transit infrastructure and shaded rest areas furnished with appropriate street
289 furniture.

290 b. The development provides onsite and offsite safe and comfortable walking
291 infrastructure, bicycle facilities and pedestrian oriented design elements for its
292 residents and users.

293 c. minimum of one (1) electric vehicle charging station must be provided for a
294 development requiring more than fifty (50) parking spaces. The charging
295 station shall serve two (2) parking spaces.

296 10) Refer to Chapter 5 of the City Code for form based codes regulations if the property
297 is under the corridor /node overlay districts. Any properties that is not under the
298 corridor or node overlay shall follow the additional architectural standards given in
299 this Appendix.

300 11) Architectural Standards:

301
302 a. Incorporate enhanced architectural standards into the building design to alleviate
303 large building mass and extended walls. Architectural features must be visible on
304 all sides facing the public right-of-way, with a balanced distribution of elements
305 at the base, middle, and top to maintain a pedestrian scale. Ensure the building
306 mass aligns proportionally with the site, streets, open space, and surrounding
307 developments.

308 b. Include a minimum of three architectural elements on each facade fronting a
309 right-of-way and two elements on other facades. Architectural elements
310 encompass portico, balconies, columns, awnings, canopies, and
311 recessed/projected access.

- 312 c. Integrate ornamental and structural building articulation, incorporating projections
- 313 and recesses with a minimum depth of twenty-four (24) inches.
- 314 d. Utilize varied roof lines and forms, along with stepped or decorative parapets,
- 315 cornices, eaves, and belt courses in the building design.
- 316 e. Ensure building facades consist of a minimum of thirty (30) percent fenestration
- 317 elements (windows, doors, and openings). Windows and doors should include
- 318 surrounds, casing, or headers.
- 319 f. Maintain consistency in building materials and finishes across all facades. Utilize
- 320 high-quality materials such as brick, stone, vertical board, or batten siding. Stucco
- 321 finish is acceptable for a maximum of forty (40) percent of the building facades,
- 322 and EIFS shall not be used as the primary material. Prohibited materials include
- 323 unfinished concrete or block, corrugated fiberglass or metal, and sheet portion
- 324 siding.
- 325 g. Ensure uniformity in light fixtures throughout the development that complement
- 326 the building architecture. Opt for decorative light fixtures with concealed light
- 327 sources, and light poles should have fluted bases. Encourage the use of
- 328 illuminated bollards instead of poles in exclusively pedestrian areas.
- 329 h. Prohibit accessory structures that are not designed or incorporated as part of the
- 330 principal building or listed amenities in this Section, in accordance with the Land
- 331 Development Code.
- 332 i. All rooftop mechanical equipment shall be screened from public view by a
- 333 parapet wall or similar solid barrier as approved by the city staff.
- 334 j. Signs must comply with the regulations outlined in Chapter 11 of the City Code.

335 12) Building and use transition and compatibility

- 336 a. Transitional Buffers: green buffer zones shall be provided to soften the
- 337 transition between lower and higher-density areas.
- 338 b. Landscape Buffer and screening: additional landscape buffer and screening
- 339 requirements shall be per Chapter 8 of the City Code to create visual barrier
- 340 and enhance privacy. Additionally, supplemental fences / walls can be
- 341 provided to achieve screening transition.
- 342 c. Architectural Standards: higher-density buildings to align with the visual
- 343 character of lower-density neighborhoods.

344 **8. Audit Authority for Developments Applying under the Live Local Act.**

345 Under Florida Statutes § 200.065, the City has the authority to impose Ad Valorem tax on the

346 valuation of property within the City jurisdiction. Pursuant to the Live Local Act (ACT), Section

347 196.1978 3(d)1 and 196.1978 3(d)2, apartments are eligible for property tax exceptions for units

348 meeting the affordable criteria established in the Act. These exemptions are based upon specific

349 business transactions, which are subject to the audit authority of the City.

350 Pursuant to Chapter 196.1978, F.S., the affordable criteria are established by the Florida Housing

351 Finance Corporation who publishes an Annual Income and Rent Limits report for each

352 Metropolitan Service Area (MSA). Each MSA annual report establishes a Median Income for the

353 MSA, income ranges for each percentage category based upon the number of persons in the

354 household, and rent ranges and limits by the number of bedrooms in the unit.

355 All records maintained by the apartment owner and provided in the annual audit are confidential
356 records pursuant to Chapter 119, F.S. All of the provisions within this Section of the Land
357 Development Code must be agreed to in the Master Development Agreement prior to the
358 issuance and approval of the Development Order. No Development Order shall be approved by
359 the City Manager unless these provisions are agreed to in the Master Development Agreement.

360 **9. Record Requirements and Retention.**

361 Pursuant to the Annual Income and Rent Limits report published by the Florida Housing Finance
362 Corporation and the criteria established in the Act, the following are the records required to
363 determine compliance and eligibility of the property tax exemption:

- 364 a) **Number of Persons in Household Affidavit.** The apartment owner, at the beginning of
365 the lease and every annual renewal of the lease, shall obtain an affidavit from the tenant
366 or lease confirming the number of persons in the household. This affidavit shall be
367 maintained for a period of 3 years.
368
- 369 b) **Certified Copy of the Previous Year's IRS Tax Returns.** The apartment owner, on an
370 annual basis, shall obtain a certified copy of the all income earners in the household. The
371 apartment owner shall confidentially maintain these certified copy of the returns for at
372 least 3 years.
373
- 374 c) **Floor Plan of Qualifying Unit with Corresponding Unit Number.** The apartment
375 owner shall maintain a floor plan of the leased unit to verify the number of bedrooms for
376 the qualified unit.
377
- 378 d) **Certified Copy of Lease Agreement.** The apartment owner shall maintain the lease
379 agreement for the qualified unit which clearly identifies the tenant or lease and the rental
380 amount and all rental considerations to occupy the said qualified unit.

381 **10. Auditor Provisions and Costs.**

382 The City shall contract with a Certified Public Accountant to conduct an audit to verify the
383 compliance and tax exemption qualification for the Act. The cost of the audit shall be paid for by
384 the apartment owner at the conclusion of the audit and issuance of the Audit Findings Report.

385 **11. Audit Procedures.**

386 a) **Audit Notification, Pre-Audit Meeting and Preparation.**

387 Every January, the City shall issue a "Notice of Intent to Audit Books and Records" to
388 the apartment owner. This Notice shall be sent by certified letter or hand delivered. The
389 Notice of Intent to Audit Books and Records will provide up to 60 days for the apartment
390 owner to prepare for the audit, gather the required documents for review and establish the
391 timeline to conduct the audit.
392

393 It is required the apartment owner, contract CPA and a representative of the City conduct
394 a pre-audit meeting to coordinate the audit, such as ensuring understanding of the audit
395 procedures, understanding of the record requirements and retention, location of the audit
396 to be conducted, etc. The apartment owner shall provide in writing which units, by unit
397 number, that qualify for the tax exemption under the Act. The apartment owner may
398 provide a 60-day waiver to expedite the audit.

399 **b) Audit Review.**

400 On the agreed timeline dates, the apartment owner shall provide a work space on-site for
401 the audit to be conducted. The records shall be provided to the contracted CPA for the
402 units that qualify for the tax exemption under the Act.

403
404 The contract auditor shall be diligent and conduct the review in the most efficient and
405 effective manner. Any missing records, the contract auditor shall issue in writing a
406 request for such missing records or documentation. The apartment owner shall provide
407 those records within 3 business days of the request or communicate in writing that those
408 records are not available.

409 **c) Notice of Proposed audit.**

410 Upon completion of the audit, the contract auditor, in conjunction with the City, shall
411 issue a "Notice of Proposed Audit Findings." This Notice will provide the audit
412 preliminary conclusions of which units qualify or do not qualify under the Act. This
413 Notice will also provide protest and appeal rights and the opportunity for the apartment
414 owner to provide any further documentation to justify the qualification of units.

415
416 The Audit Report shall itemize each unit included in the audit. Under each unit, the audit
417 shall describe the unit number and the number of bedrooms, income verified for the
418 household, and the verified lease amount. If the lease amount changes during the audit
419 period, the auditor shall average the lease amount for the entire year. The auditor shall
420 attach, as an appendix to the audit, all documents justifying the audit conclusions for each
421 unit.

422
423 The Notice of Proposed Audit Findings shall provide a period of 60 calendar days for the
424 apartment owner to provide documentation or to file a protest of the audit. If within 60
425 days, no action has been taken by the apartment owner, the audit findings will become
426 final. If within 60 days the apartment owner does provide additional records or
427 documentation, the contract auditor shall review such records and adjust the proposed
428 audit findings accordingly. If apartment owner disagrees with the audit findings, they
429 must file a protest within 60 days of the Notice of Proposed Audit Findings.

430
431 Once the audit becomes final, the contract auditor, in conjunction with the City shall
432 issue the "Notice of Final Audit Findings." If no protest has been filed, the Notice of

433 Final Audit Findings, along with the records and analysis of the audit report, shall be
434 delivered to the Property Appraiser.

435
436 The Property Appraiser shall make a determination of the findings and make the proper
437 property tax assessment to the apartment owner for the corresponding tax year.

438 **12. Audit Protest**

439 The apartment owner shall, within 60 days of the receipt of the Notice of Proposed Audit
440 Findings may file a written protest to the City Manager. The written protest shall state the
441 audit issues the apartment owner believes that affect the accuracy of the audit findings.
442 Within 30 days of receipt of the written protest, the City Manager shall issue a "Notice of
443 Decision (NOD)." If the apartment owner still disagrees with the NOD, they may file a legal
444 action as they deem appropriate.

445 **13. Non Compliance**

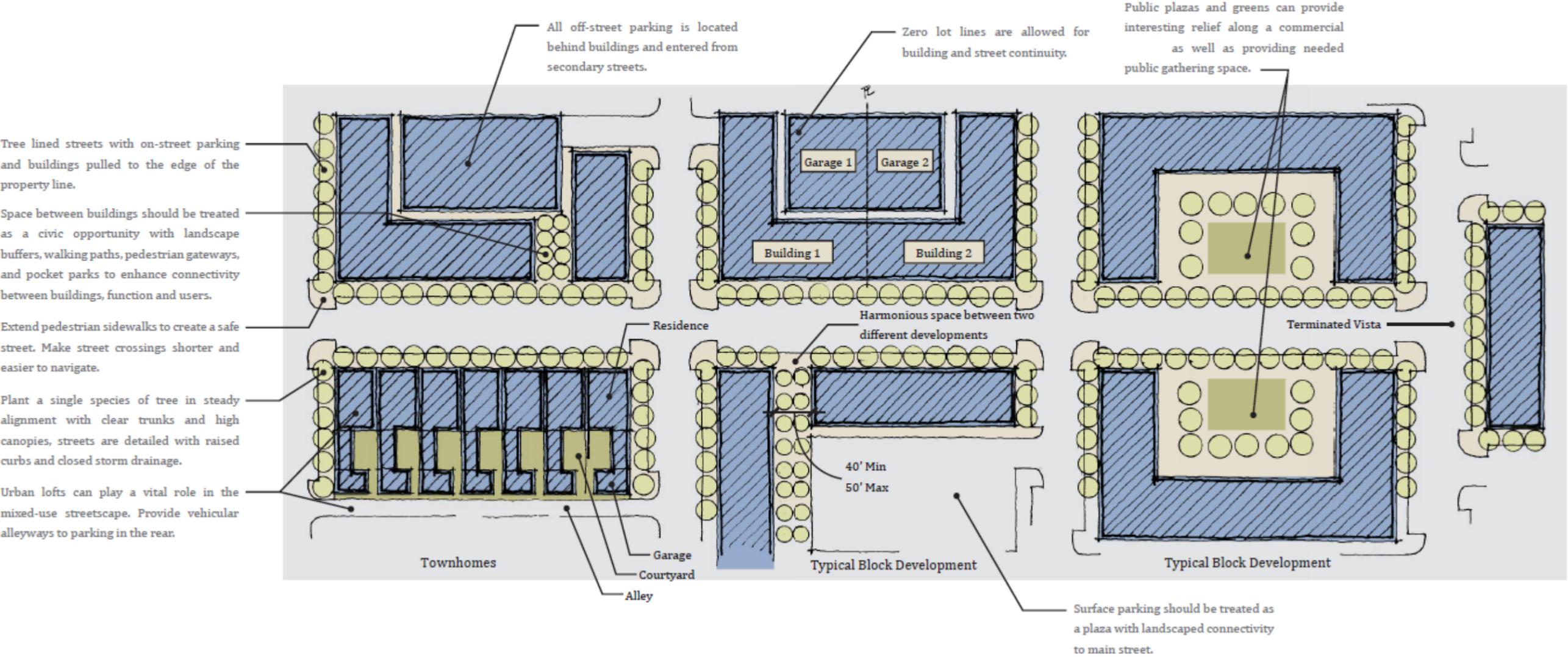
446 If the development does not comply with the Act for 30 years, then the City will consider
447 affordable housing units non-conforming uses and be subject to regulations below.

- 448
- 449 a) In the event that a property loses its qualification for affordability due to a violation of the
450 restrictive covenant, the city may enforce additional design regulations, landscaping
451 requirements, and enhanced amenities to ensure compatibility with surrounding uses.
452
 - 453 b) Should construction on the affordable housing not commence within one year of the
454 issuance of the building permit, the property will be subject to entitlements permitted under
455 its zoning without the advantages provided by the preemptive provisions of F.S.166.04151.
456
 - 457 c) Breaches of the 30-year commitments will incur fines of no less than \$5,000.00 per day for
458 each violation identified in the annual audit. The fine will apply for each day the annual audit
459 is not received by the city after March 1st of each year. The agreement includes an affidavit
460 confirming that such fines will constitute a lien on the property if not settled within 60 days
461 of the city's receipt of the audit by March 1st of each year. Furthermore, there is an
462 agreement to reimburse the city for any legal expenses incurred in enforcing these provisions.

Exhibit "B"

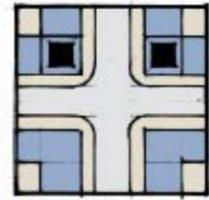
DEBARY TOD DESIGN PRINCIPLES

TYPICAL DEVELOPMENT DIAGRAM



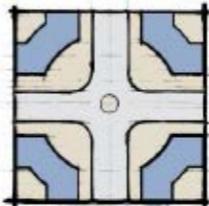
GATEWAY TYPES

GATEWAYS can be used to celebrate, define and mark space. Gateways should be used at key locations and important intersections to create a strong visual identity for the DeBary TOD Gateway elements such as towers may encroach into the established setback and be higher than the maximum allowed height of the building. These diagrams can be built elements or landscaping.



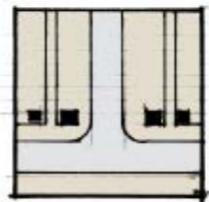
Positive Space

Positive space can be large towers of a building or two large trees marking an entry.



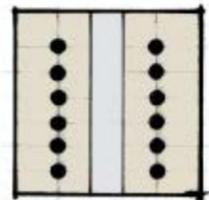
Negative Space

Negative space can be achieved by elements as large as a vehicle roundabout with surrounding buildings or as small as a fountain with hedges around.



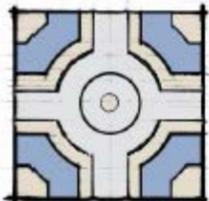
Threshold

Pedestrian gateways are also important to provide a sense of hierarchy to the space.



Rhythm

A gateway can be a rhythmic planting of trees or pylons.



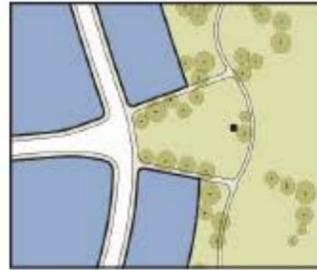
Framed Space

The definition of both the functional (roundabout) and the romantic artistry (the architecture).



Parks/Open Spaces

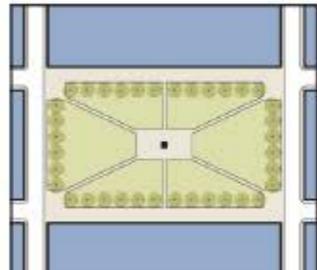
Park A natural preserve available for unstructured recreation. A park may be independent of surrounding building frontages. Its landscape shall consist of paths and trails, meadows, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors.



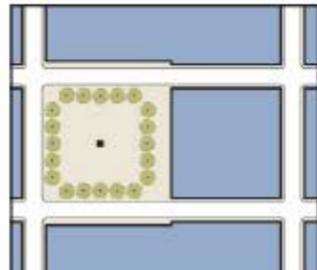
Green An open space, available for unstructured recreation. A green may be spatially defined by landscaping rather than building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed.



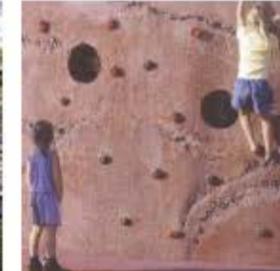
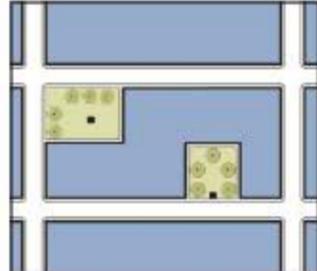
Square An open space available for unstructured recreation and civic purposes. A square is spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important thoroughfares.



Plaza An open space, available for civic purposes and commercial activities. A plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas shall be located at the intersection of important streets.



Neighborhood Park An open space designed and equipped for the recreation of children. A playground may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks and greens.

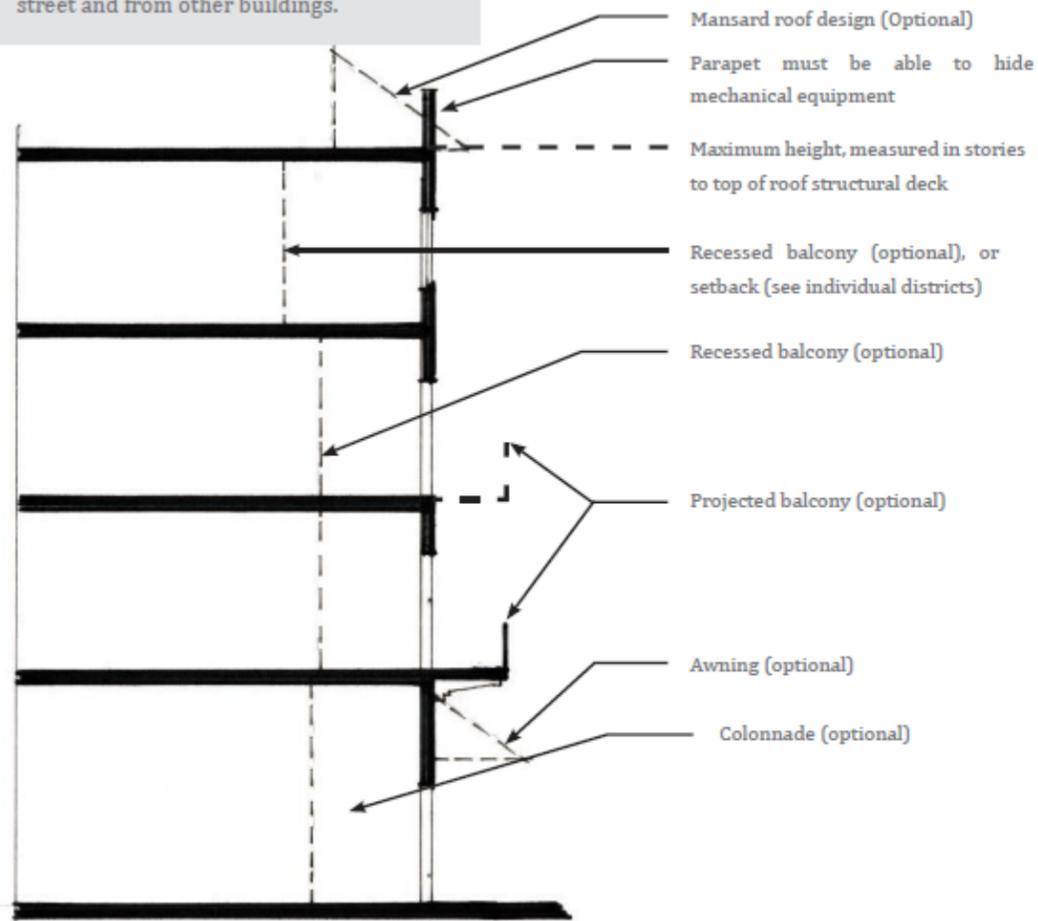


Text, Diagram Credit: Duany Plater-Zyberk & Co.

Buildings/Street Sections

TYPICAL BUILDING SECTION

NOTE: Parapets/mansards must screen all mechanical equipment, satellite dishes, telecommunication systems, etc. from the street and from other buildings.

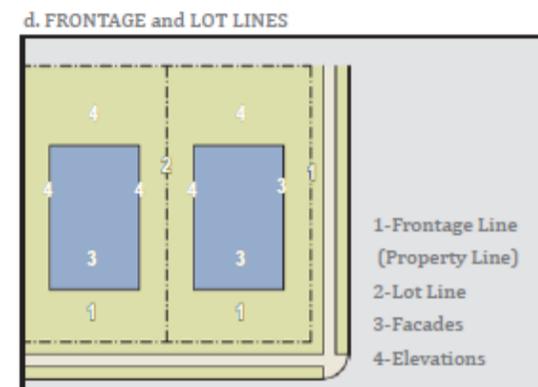
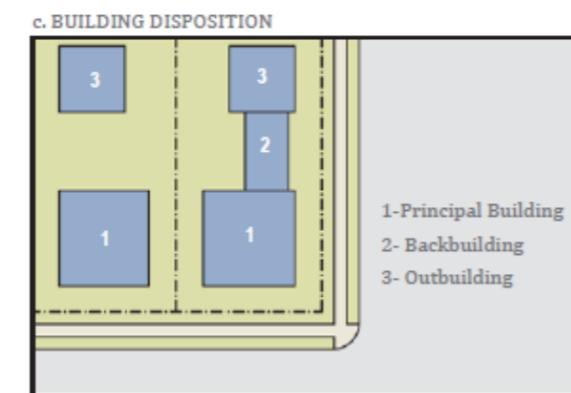
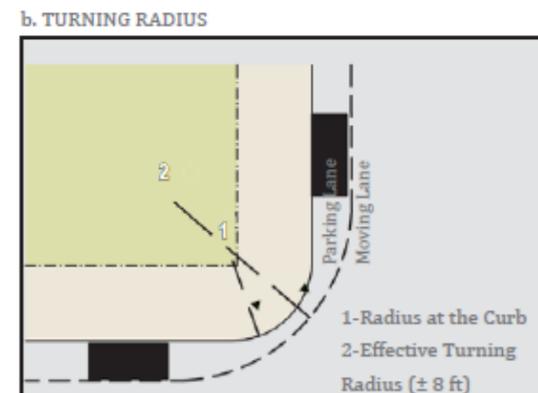
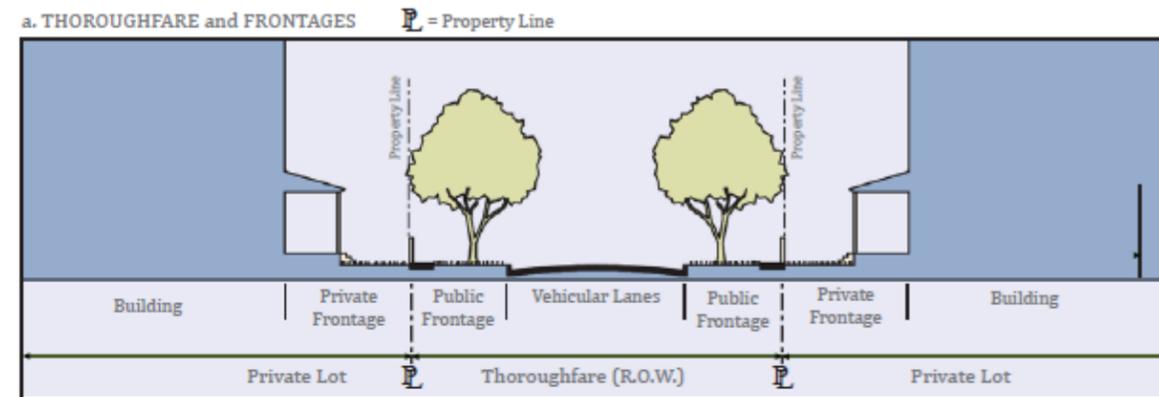


TYPICAL BUILDING SECTION

The above shows a building in section with a combination of articulation, projections and fenestration to the façade. Windowless or an inappropriately small area of window will not be permitted in the public realm. The section is not promoting one solution over another unless otherwise noted. In all cases the section must be followed in terms of maximum building height, site placement, setbacks, stepbacks and hiding the mechanical systems with roof, mansard or parapet.

STREET SECTION AND PLANNING

Definitions Illustrated



These diagrams are general representations of planning principles and nomenclature. Designers should use these diagrams in conjunction with individual TOD requirements to provide proper site placement. However, individual sites and property lines vary throughout the TOD and the design intent is to provide a consistent vision by adjusting the values as required to achieve the desired street sections.

Credit: Dnany Plater-Zyberk and Co.

Building Configurations and Public Frontages

BUILDING CONFIGURATION

This table shows prescribed building heights for each TOD. The vertical extent of a building is measured by number of stories, not including a raised basement or an inhabited attic. Heights are measured from the average grade of the frontage line to the eave of a pitched roof or to the surface of a flat roof. The term “tower” within refers to an attached or detached addition to a building, not to an entire building. See specific TOD for specified height requirements.



CHARACTERISTICS

- Great streets create walkable environments through the inclusion and integration of street trees, on-street parking, traffic calming devices and buildings that address the street with entries, windows, balconies, canopies and planters.
- Green spaces on the street provides a defensible environment for the safety of the pedestrian.
- Streets should be lined with mixed-use shopfront buildings that are positioned at the front of each lot.
- Colonnades, balconies, and awnings are encouraged.
- Balconies, planter boxes, awnings and canopies may extend beyond the property line.
- Stepbacks may be required above the third level to maintain a balance of street-to-building massing.
- Parapets and slope roofs may extend beyond the height limit.
- Towers and cupolas are encouraged in the composition and should be used to highlight and anchor street corners.
- Building fronts are required to provide shelter to pedestrians and relief and articulation to the facade by means of arcades, colonnades, awnings and balconies.
- Facades shall have a traditional base, middle, and top delineated through a change in material, texture, color and traditional expression lines.
- Street lighting shall provide safe lighting levels for the pedestrian and shall be located within 3 feet of the curb at intervals no greater than 50 feet.
- Street furniture shall be provided along the street and shall include benches, trash receptacles, signs and bollards.

PUBLIC FRONTAGES

The Public Frontage is the area between the private lot line (property line) and the edge of the vehicular lanes.

Dimensions are given in the individual districts guiding principles.

| | PLAN | |
|---|------------------|-----------------|
| | LOT | R.O.W. |
| | PRIVATE FRONTAGE | PUBLIC FRONTAGE |
| <p>(SS) (AV) For Standard Streets or Avenues This frontage has raised curbs drained by inlets and wide sidewalks separated from the vehicular lanes by a narrow continuous planter. The landscaping consists of a single tree species aligned in a regularly spaced alley.</p> | | |
| <p>(CS) (AV) For Commercial Streets or Avenues This frontage has raised curbs drained by inlets and very wide sidewalks along both sides separated from the vehicular lanes by a narrow continuous planter or separate tree wells with grates and parking on both sides. The landscaping consists of a single tree species aligned with regular spacing.</p> | | |
| <p>(BV) For Boulevards This frontage consists of raised curbs drained by inlets and sidewalks along both sides, separated from the vehicular lanes by planting areas, planters or individual tree wells. The landscaping consists of double rows of a single tree species aligned in a regularly spaced alley.</p> | | |

Surface Water Retention

Stormwater retention areas should be treated as aesthetic, natural assets rather than mere infrastructure. Simulated natural shorelines, wet ponds with aerating fountains, and incorporation of ponds into park-like pedestrian areas that may include sidewalks, boardwalks or walkways are encouraged. They should never be viewed as a simple square pond to meet a need, and fences should be avoided where possible and should be of an open transparent design in metal painted black where required. Chain link metal fabric fencing shall not be permitted under any circumstances.



Typical Pavers

PAVER PATTERNS

Plaza



STYLE English Edge Full Range

Parallel Parking



STYLE English Edge Buff
English Edge Ironspot

Crosswalk



STYLE English Edge Ironspot

Street



STYLE English Edge Autumn



MANUFACTURER (Basis of Design)

Pine Hall Brick

2701 Shorefair Drive
Winston Salem, NC 27116

1-800-334-8689
www.pinehallbrick.com

PAVER MATERIALS AND COLORS



English Edge Full Range



English Edge Ironspot



English Edge Buff



English Edge Autumn

PAVER INFORMATION



Paving changes help to define a plaza or unique space from a typical sidewalk. Different colors and textures in earth tone ranges are encouraged to help create a sense of place.



New sidewalks and crosswalks should be constructed of high quality pavers, brick or stone. Design should be consistent along the same street.



Street Furnishings

PLANTERS



Robinson Iron



DuMor 115 Planter



Haddonstone
Clarence Urn

Pots and urns for planting come in a variety of shapes, sizes, and colors. The following are a few of the options that the City could use. Pots and urns should be Terra Cotta in color and groupings of three are encouraged with drip irrigation. Urns should be of a historical context. Made out of cast stone or architectural concrete.



MAILBOXES



QualArc Regency Collection
Decorative Cluster Box Unit
Budgetmailboxes.com
Majesticmailboxes.com



QualArc Regency Collection
Decorative Cluster Box Unit
Budgetmailboxes.com
Majesticmailboxes.com

ACCESSORIES



DuMor 83 Bike Rack



Reliance Foundry
R-7530-39
Bollard



Fountain

Landscaping Guidelines



Cathedral Oak
(*Quercus virginiana* "Cathedral")
12'-14' Height, 6'-7' Spread
2.5"-3" Caliper
(canopy)



"Little Gem" Magnolia
(*Magnolia g.* "Little Gem")
10' Height
4'-5' Spread
2" Caliper
(understory)



Parson's Juniper
(*Juniperus parsoni*)
8" Height
12" Spread
24" o.c.
(small)



Shumard Oak
(*Quercus shumardii*)
18'-20' Height
8'-10' Spread
4" Caliper
(canopy)



Japanese Privet
(*Ligustrum japonicum*)
8' Height
7' Spread
Multi-Trunk, 3 minimum
(understory)



Japanese Privet Topiary
(*Eugenia*)
6' Height
(accent)



Live Oak
(*Quercus virginiana*)
18'-20' Height
8'-10' Spread
4" Caliper or Field Grown
(canopy)



Crape Myrtle
(*Lagerstromia indica*)
10' Height
5' Spread
2" Caliper
(understory)



'Big Blue' Liriope
(*Liriope muscari* 'Big Blue')
12" Height, 4-6 bpp
18" o.c.
(small)



Highrise Live Oak
(*Quercus virginiana* 'QVTLA' highrise)
18'-20' Height, 8'-10' Spread
4" Caliper or Field Grown
(medium)



Sandankwa Viburnum
(*Viburnum suspensum*)
24" Height
24" Spread
3" o.c.
(medium)



Lorapetalum (or any cultivar)
(*Lorapetalum Chinese rubrum*)
16" Height, 20" Spread
30" o.c. (large and medium)



Drake Elm
(*Ulmus parvifolia* 'Drake')
10'-12' Height
5'-6' Spread
2" Caliper
(understory)



Cardboard Palm
(*Zamia fururacea*)
18" Height
18" Spread
(accent)



White African Iris
(*Moraea iridioides*)
18" o.c.
(small)



Allee Elm 'Elmer II'
(*Ulmus parvifolia* 'Elmer II')
12'-14' Height
5'-6' Spread
3" Caliper
(medium)



Plumbago
(*Plumbago Capensis*)
18" Height
18" Spread
30" o.c.
(shrub)



Southern Yew
(*Podocarpus macrophyllus*)
3' Height x 18" Spread
24"-30" o.c.
(large)



Bald Cypress
(*Taxodium distichum*)
12' Height
6' Spread
3.5"-4" Caliper
(medium)



Dwarf Buford Holly
(*Ilex cornuta* 'Dwarf Buford')
18" Height
18" Spread
24" o.c.
(medium)



Azalea
(*Rhododendron* "Duc De Rohan")
24" Height x 24" Spread
3' o.c.
(large and medium)



Southern Magnolia
(*Magnolia grandiflora*)
12'-14' Height
5'-6' Spread
3" Caliper
(canopy)



Dwarf Yaupon Holly
(*Ilex vomitoria* 'Stokes Dwarf')
18" Height
18" Spread
24" o.c.
(small)



Firecracker
(*Russelia Equisetiformis*)
18" Height
18" Spread
24" o.c.
(shrub)



Nellie R. Stevens Holly
(*Ilex 'Nellie R. Stevens'*)
10' Height
6' Spread
2" Caliper
(medium)



Ground Cover Jasmine
(*Trach. Jasmingides 'asiaticum' minima*)
24" runners
30" o.c.
(vine)



Sabal Palm
(*Sabal Palmetto*)
8'-18' Clear Trunk
Straight, no burn marks
(palm)

LANDSCAPE

The design of the landscape is as important to the success of "place" as the built environment or the streets that feed it. The landscape and the planting of a space should be a deliberate act.

* Christopher Alexander-A Pattern Language



LANDSCAPE GENERAL REQUIREMENTS

All shrub beds to be mulched to a minimum depth of 3 inches. Flower and ground cover beds shall be mulched as required to provide cover to the bare earth and to encourage propagation of ground cover.

All hedges along primary building street frontages to be installed at a minimum height of 24 inches and maintained at a maximum height of 42 inches. Hedges located along secondary (side and rear) building street frontages shall be maintained at a maximum height of 72 inches.

All exterior mechanical, electrical and plumbing equipment to be located at the rear half of the property or in another location that provides screening from public view. Screening from direct view shall be provided in all cases through the use of shrubs, hedges, permanent walls or a fence. Placement and Screening shall be reviewed by the City of DeBary Department of Community Development.

Placement and appropriate screening of pad mounted and above grade utility equipment required to be accessible for service and use shall be coordinated between the building Owner, utility company and the City of DeBary Community Development Department.

Off-street parking adjacent to a street to be discouraged but when necessary it shall be screened from view with a painted metal or wood picket fence and a minimum 5 foot buffer area with a planting height of no less than 42 inches tall 24 months after initial installation.

All parking next to an adjacent lot shall be screened by a landscape buffer that includes a continuous hedge at least 42 inches tall no more than 24 months after installation or a fence no less than 72 inches tall and 8 inches thick. Required landscape buffer shall be a minimum of 5-foot in width.

When multiple lots are interlinked through a cross access easement for combined parking these design standards call for the parking area to be separated from the building by a landscape buffer and shall be screened from street views by a 5-foot wide landscape buffer with a continuous hedge that is 42 inches in height no less than 24 months after installation.

NOTE: CALIPER MEASUREMENTS TAKEN FROM 1 FOOT ABOVE FINISHED DIRT.

Inspiration Images



Commercial/Mixed-Use

TOP MATERIALS Brick, Stucco, Glass Fiber Reinforced Concrete (GFRC), Hardi Board, Painted Metal, Copper, Tile, Simulated or Authentic Slate, Cast Stone.

FORMS Entablatures, Cupolas, Parapets of Various Heights, Gable Ends, Sloped Mansard Roof Features of Various Heights, Spires, Vents, Tile Medallions, Ornamental, Light Fixtures, Dormers, Towers and Turrets.

Note: No Exterior Insulation Finish System (EIFS) allowed
Styrofoam shapes will be permitted as a backer only if 3-coat stucco is applied over the shapes.



MIDDLE MATERIALS The body of the building, window/door headers and sill can be: Brick, Stucco, Glass Fiber Reinforced Concrete (GFRC), Hardi Board, Wood and Metal, Tile, Cast Stone, and Architectural Precast Concrete.

FORMS Punched Window and Door Openings, Curtain Wall Windows with Spandrel Glass or Metal Panels (Ornate) Spanning Multiple Floors, Projecting and Recessed Balconies with Ornate FRC, Wood or Metal Details, Awnings, Tile Medallions, Ornamental Light Fixtures, Flower Boxes.

Note: No Exterior Insulation Finish System (EIFS) allowed
Styrofoam shapes will be permitted as a backer only if 3-coat stucco is applied over the shapes.



BASE MATERIALS Granite, Marble, Limestone, Cast Stone, Brick, Stucco, Hardi Board, Canvas Awnings, Metal and Glass Marques, Windows, and Doors - Wood or Metal.

FORMS Water Table Recessed Porticos, Expression Lines at Floor-to-Floor Change (Cornice), Large Retail/Commercial Windows, Controlled Size and Type of Signage, Window and Door Headers and Sills, Awnings and Marques, Ornamental Light Fixtures, Flower Boxes.

Note: No Exterior Insulation Finish System (EIFS) allowed
Styrofoam shapes will be permitted as a backer only if 3-coat stucco is applied over the shapes.



Residential

TOP MATERIALS Brick, Stucco, Fiber Reinforced Concrete (FRC), Hardi Board, Painted Metal, Copper, Tile, Simulated or Authentic Slate, Architectural Grade Asphaltic Shingles, Cast Stone.

FORMS Entablatures, Cupolas, Parapets of Various Heights, Gable Ends, Sloped Mansard Roof Features of Various Heights, Spires, Vents, Tile Medallions, Ornamental, Light Fixtures, Dormers, Towers and Turrets.

Note: No Exterior Insulation Finish System (EIFS) allowed
Styrofoam shapes will be permitted as a backer only if 3-coat stucco is applied over the shapes.



MIDDLE MATERIALS The body of the building and window/door headers and sill can be: Brick, Stucco, Glass Fiber Reinforced Concrete (GFRC), Hardi Board, Wood and Metal, Tile, Cast Stone, and Architectural Precast Concrete.

FORMS Punched Window and Door Openings, Projecting and Recessed Balconies with Ornate FRC, Wood or Metal Details, Canvas Awnings, Tile Medallions, Ornamental Light Fixtures, Flower Boxes, Shutters, Columns.

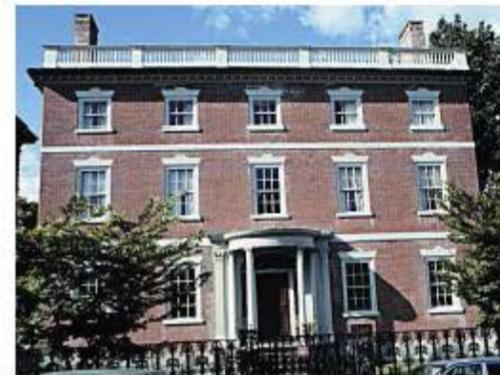
Note: No Exterior Insulation Finish System (EIFS) allowed
Styrofoam shapes will be permitted as a backer only if 3-coat stucco is applied over the shapes.



BASE MATERIALS Granite, Marble, Limestone, Cast Stone, Brick, Stucco, Hardi Board, Canvas Awnings, Windows, and Doors - Wood or Metal. Storefront allowed in Artisan, Lyman districts.

FORMS Water Table Recessed Porticos, Expression Lines at Floor-to-Floor Change (Cornice), Window and Door Headers and Sills, Awnings, Ornamental Light Fixtures, Flower Boxes.

Note: No Exterior Insulation Finish System (EIFS) allowed
Styrofoam shapes will be permitted as a backer only if 3-coat stucco is applied over the shapes.



Landscape Style Italian Mediterranean

The essential element is contrast: contrasting hard, structured surfaces with soft, unstructured foliage and blooms. Envision tumbling vines atop high stone walls. Paved walkways next to climbing roses. Clipped hedges fronting tall, slender cypress trees.

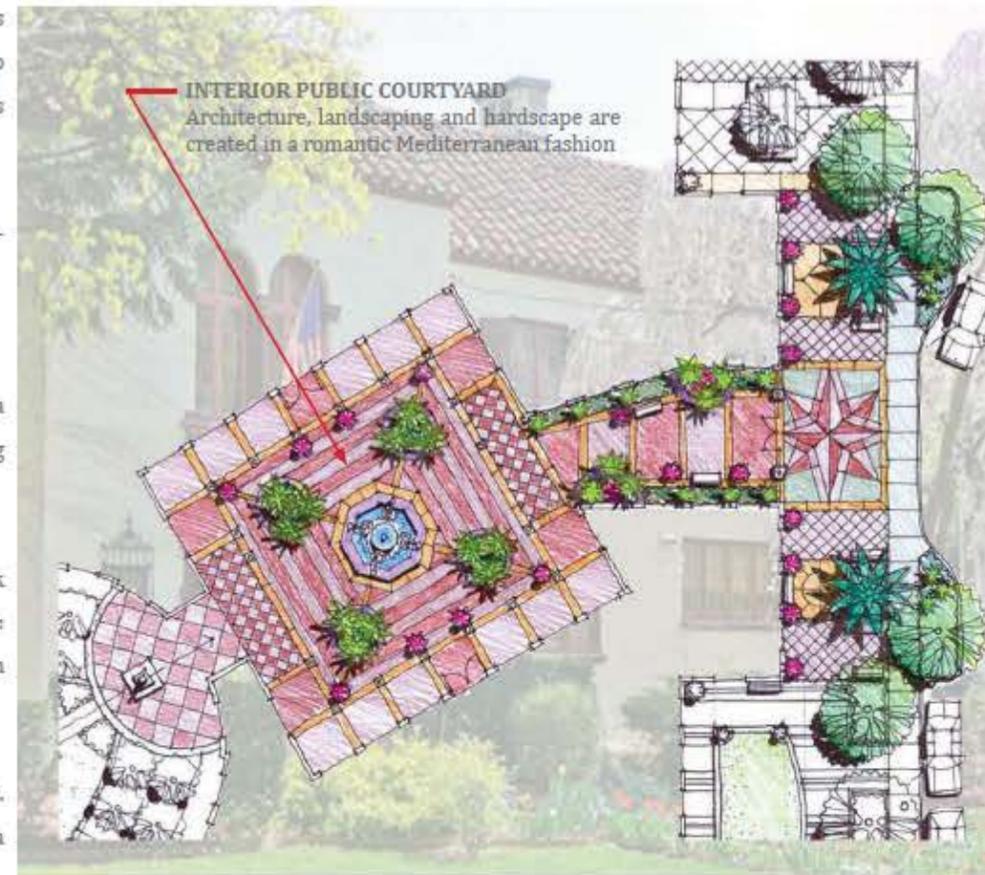
Twining vines and cascading climbers look fabulous in the Mediterranean-style garden. Try climbing roses and grapevines.

Tall, stately cypress trees are ubiquitous in the Mediterranean landscape. Stone makes for great "bones" in a garden, and it's essential in a Mediterranean-style garden. Paved walkways and stone walls also paving stones in your walkways.

Container plants look good pretty much everywhere; however, they look particularly lovely in Mediterranean-style gardens. Preferred pot type: terracotta. Very budget-friendly, indeed. Many of the typical Mediterranean plants are suitable for the semi-tropical climate of Central Florida.

Create a focal point with one large or clusters at odd numbered planters. Paths that lead somewhere, some sort of focal point: a fountain, a pond, a mosaic, a small courtyard, a pergola, an arbor.

Inspiration Images



Inground planters planters engaging the architecture



Fountain in courtyard



Planters and Landscaping throughout public spaces



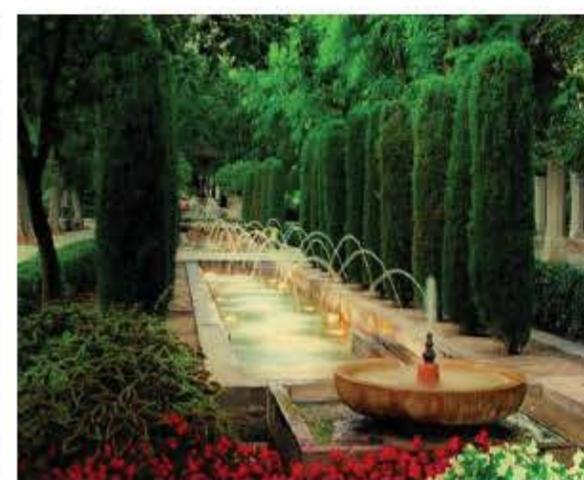
Public seating



Typical pots and planters
Detail of surface textures



View of public courtyard



Inspirational architectural detailing at interior courtyard



Texture paths and walkways

Architectural Style Florida Vernacular

Late in the 19th century, with the expansion of the railroad system across the United States, the railways made it possible for the delivery of all aspects of the industrial revolution to the smaller cities. Acquiring the commercial goods, technological advances and news of the latest artistic styles and trends became easy. This new era of quick and cheap transportation ushered in an architectural movement where home builders and owners alike transformed existing buildings, adding elements of Victorian or Gothic Vernacular simply by attaching these readily available mass-produced ornamental trim to their traditional folk houses.

CHARACTERISTICS

- **PLAN** Regular, rectangular; irregular also common.
- **FOUNDATION** Piers, wood. Tabby or coquina, brick, concrete
- **HEIGHT** One to two and one-half stories, sometimes three
- **PRIMARY EXTERIOR MATERIAL** Horizontal wood siding; to form, wood shingles, board and batten
- **ROOF TYPE** Gable end, less common hip, pyramidal; false front on commercial buildings
- **ROOF MATERIAL** Wood shingles-19th century; metal-late 19th century
- **DETAILING** Simple: usually jig-sawn woodwork on porches, around eaves, corbelling on chimneys
- **WINDOWS** Double-hung, one over one, two over one or three over one

ELEMENTS OF STYLE

1. Roof: metal or wood shingle
2. L-shaped or gable front plan, cornice brackets, details
3. Simpler details and basic, asymmetrical floor plans
4. Porches with spindle work detailing
5. Latticed base of skirt
6. Porches full width of the main mass often wrapping the sides
7. Brackets, kicker and rafter tails
8. Regularly spaced bays and symmetrical layout
9. Wide front windows and wide front steps
10. Raised seam metal roofs typical
11. Stucco, wood siding or hardie board
12. Wood, metal or metal-clad wood windows

Inspiration Images



Characteristics



Elements of Style



Architectural Style

Colonial Revival

The Colonial Revival building is often a combination of various Colonial styles and contemporary elements. Generally the Revival style is a larger building than its Colonial counterpart and some of the individual elements are exaggerated with other parts of the building. Some Revival buildings, however, are executed with such historical accuracy that they are difficult to distinguish from original period buildings.

Initially inspired by the 1876 Philadelphia Centennial, architects studied colonial styles throughout New England, and it became a dominant style for domestic buildings nationwide 1910-1940s. English, Georgian and Adam styles were the backbone of revival ideas, with a secondary influence of Dutch Colonial.

CHARACTERISTICS

- **PLAN** Simple, straightforward symmetrical plans with side wings and porches added to make more complex shapes large porches and porticos
- **HEIGHT** One to four stories
- **PRIMARY EXTERIOR MATERIALS** Clapboard, red brick, scored stucco with hand struck joints
- **ROOF TYPE** Gable, often with dormers, gambrel, hipped
- **ROOF MATERIAL** Slates tiles, wood shingles, flat clay tiles, asphalt shingles
- **DETAILING** Orderly, symmetrical relationship between windows, doors, and building mass

ELEMENTS OF STYLE

1. Simplified versions of Classical details and columns
2. Low pitched roof
3. Cornice usually emphasized by decorative moldings, with dentils
4. Symmetrical arrayed windows (6 over 6, 9 over 9) with louvered shutters
5. Entry decorated with, sidelights, transoms, swans, fanlight, pediments supported by pilasters that may extend forward and be supported on columns so as form an entry porch, voussoirs
6. Punched openings

Inspiration Images



Characteristics



Elements of Style



Picket fence accentuating a formal entry

Traditional siding, punched-hung windows with lights

Gable ends and porch

Formal massing with traditional style

Architectural Style Arts and Crafts

The Arts and Crafts Movement began primarily as a search for authentic and meaningful styles for the 19th century and as a reaction to the eclectic revival of historic styles of the Victorian era. Some of the protagonists of this movement turned entirely away from the use of machines and towards handcraft, which tended to concentrate their productions in the hands of sensitive but well-heeled patrons.

CHARACTERISTICS

- **PLAN** Regular, rectangular
- **FOUNDATION** Brick pier, continuous brick, smooth or rusticated cast stone or stone base
- **HEIGHT** One to four stories
- **PRIMARY EXTERIOR MATERIAL** Horizontal wood siding; shingles less frequently, blown stucco, brick
- **ROOF TYPE** Gable main roof over gable porch roof; shed dormers frequent secondary roof type; less frequent secondary roof type; less frequent multiple gable, belvedere
- **ROOF MATERIAL** Slate, wood shingles, sheet metal, asphalt shingles
- **DETAILING** Simple; exposed structural elements (ridge beams, truss work, rafters, purlins); knee braces; battered porch piers; tapered chimneys

ELEMENTS OF STYLE

1. Low-pitched, gabled roof
2. Wide overhang of eaves
3. Exposed rafters tails under eaves
4. Decorative brackets (knee braces or corbels)
5. Incised porch (beneath main roof)
6. Tapered or square columns supporting roof or porch
7. Hand-crafted stone, masonry or woodwork, often mixed materials
8. Bungalows can either be front-gabled (side-gabled or cross-gabled)

Inspiration Images



Characteristics



Elements of Style



Typical porch



Stairs lead to porch



Colorful elements and details



Typical inviting entrance way

Architectural Style

Modern/Contemporary

The foundation of modern architecture is the liberation of artistic expression beyond the confines of traditional style. The primary philosophy is the simple natural and honest expression of the essence of the building systems and materials where the relationship between the internal and exterior environment are interrelated. A key tenant of Modern Architecture is that the building plan and its function are the driver of expression.

CHARACTERISTICS

- **PLAN** Expressive of function, free flowing space. The relationship of the interior to the exterior environment.
- **PRIMARY EXTERIOR MATERIAL** Primary exterior material, smooth wall surface, often stucco; smooth-faced stone and metal; polychromy, often with vivid colors
- **FORMS** Simplified and streamlined; geometric designs including zigzags, chevrons; towers and other vertical projections, presenting a vertical emphasis, abstract shapes and forms
- **MACHINED MATERIALS** Machined and often metallic construction materials for decorative features.

ELEMENTS OF STYLE

1. Horizontal orientation
2. Jewel tone colors
3. Corner windows
4. Glass block walls
5. Mirrored panels
6. Ribbon or band of windows with metal frames
7. Flat roof
8. Curved canopy
9. Smooth wall finish
10. Aluminum and stainless steel often are used for door and window trim, railings and balusters
11. Punched openings

Inspiration Images



Characteristics



Elements of Style



Large glass openings



Clean walls



Cantilevered roof planes



Simple profiles



Formal entry



Formal entry



Large windows



Detail of glass