CITY OF DELAND
REGULAR MEETING OF THE PLANNING BOARD
MARCH 13, 2024 AT 5:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

VERBAL REPORT ON CITY COMMISSION MEETINGS

MINUTES

1. Approval of the February 14, 2024 meeting minutes.

VARIANCE OLD BUSINESS

VARIANCE NEW BUSINESS

1. Applicant Name: Rachel Whidden
   Project Number: V24-015 - Variance
   Project Location: 606 John Thomas Ave.
   Project Description: Variance to reduce the required number of interior parking spaces from 2 to 0.
   Project Planner: Sam Nelson

PUBLIC PARTICIPATION PROCEEDINGS

PLANNING - OLD BUSINESS

PLANNING - NEW BUSINESS

1. Applicant Name: Surya Sree Rao
   Project Number: SE23-270 – Special Exception
   Project Location: 303 N. Woodland Blvd.
   Project Description: Allow for special exception for a 4COP and 3PS liquor license.
   Project Planner: Sam Nelson

2. Applicant Name: Stacia Hollmann
   Project Number: Z24-009 - Rezoning
   Project Location: 221 & 215 W. Wisconsin Ave.
   Project Description: Rezoning of ±0.90 acres of property from Single-Family Residential (R-1A) to Downtown Commercial (C-2A)
   Project Planner: Kendall Story

3. Applicant Name: Superior Drafting & Engineering Inc.
   Project Number: SE24-016 – Special Exception
   Project Location: 337 Old Daytona Rd.

Project Description: Request to allow for the reconstruction of an existing daycare facility
Project Planner: Kendall Story

4. Applicant Name: Mark Watts
Project Number: CP24-002 - Concept Plan for Highland Homes at Carter Road
Project Location: 1210 Carter Road
Project Description: Concept Plan for 322 single-family homes & townhomes on a 124.18-acre site located on Carter Road.
Project Planner: Belinda Williams-Collins

5. Applicant Name: Mark Watts
Project Number: Z23-250 – Planned Development Amendment
Project Location: SW of Daytona State College, NW corner of I-4 and N. Summit Ave. (County Road 4139) and portion of NE corner of I-4 and N. Summit Ave. (County Road 4139)
Project Description: PD amendment for 66.46 acres of property within the Summit Place PD
Project Planner: Emily Kunkel

6. Applicant Name: A. Posey, Jr.
Project Number: Z23-259 – Planned Development Amendment
Project Location: North of Daytona State College, Along North & South of SR-44, between N. Summit (County Road 4139) and I-4
Project Description: PD amendment and restatement for 65.08 acres of property within the Gateway East PD
Project Planner: Emily Kunkel

7. Applicant Name: N/A
Project Number: LDR24-44– LDR Update
Project Location: N/A
Project Description: Land Development Regulations Update as to Recreation and Parking
Project Planner: Carol Kuhn

OTHER BUSINESS

ADJOURNMENT

CITY OF DELAND

PLANNING BOARD REGULAR MEETING

MINUTES

WEDNESDAY, FEBRUARY 14, 2024 - 5:00 P.M.

CITY HALL

CALL TO ORDER

The meeting began at 5:03p.m.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance – Mr. Owens, Chairperson

ROLL CALL

Henry Thiry	Present
Nora Lewis	Present
Albert Neumann	Absent
Don Liska	Present
Troy Baumgartner	Present
Harper Hill, *Vice Chairperson*	Present
Jeremy Owens, *Chairperson*	Present

Quorum: Yes

Present – Carol Kuhn, Planning Director; Rick Werbiskis, Community Development Director; Darren Elkind, City Attorney; Kendall Story, Senior Planner; Belinda Williams-Collins, Senior Planner; Vivian Ford, Administrative Coordinator; applicants; and members of the public.

MINUTES

1. Mr. Liska moved to approve the January 10, 2024 Meeting Minutes. Ms. Lewis seconded the motion. The board unanimously voted to approve the minutes.

VARIANCE OLD BUSINESS

None.

VARIANCE NEW BUSINESS

None.

PUBLIC PARTICIPATION PROCEEDINGS

Mr. Owens read the Public Participation procedures.

PLANNING – OLD BUSINESS

None.

PLANNING – NEW BUSINESS

1. Applicant Name: Benjamin Thompson
   Project Number: SMLU23-273 - Comprehensive Land Use Amendment
   Project Location: 227 W. Beresford Ave.
   Project Description: Land use change of 0.35 acres of property from Medium Density Residential (MDR) to Mixed Commercial (MC)
   Project Planner: Kendall Story

Public Participation: Benjamin Thompson, as the Applicant, spoke and answered questions from the board.

Ruth Corley appeared on behalf of her brother, to inquire as to the project's impact to her brother's property, as he received a notice. Ms. Kuhn advised that the notice is sent to every neighbor within 500'.

Ms. Lewis moved to approve the request. Mr. Hill seconded the motion. The motion to approve passed unanimously.

2. Applicant Name: Benjamin Thompson
   Project Number: Z23-275 - Rezone
   Project Location: 227 W. Beresford Ave.
   Project Description: Rezoning of 0.35 acres of property from Single-Family Residential (R-1) to Limited Neighborhood Commercial (C-1)
   Project Planner: Kendall Story

Public Participation: Benjamin Thompson, as the Applicant, spoke and answered questions from the board.

Ms. Lewis moved to approve the request. Mr. Hill seconded the motion. The motion to approve passed unanimously.

OTHER BUSINESS

1. Election of Officers –

   a. Chair & Co-Chair –
      i. Chair – Mr. Hill moved to have Mr. Owens remain as Chair of the Planning Board. Ms. Lewis seconded the motion. The motion was approved unanimously.
      ii. Vice-Chair – Mr. Liska moved to have Mr. Hill remain as Vice-Chair of the Planning Board. Mr. Baumgartner seconded the motion. The motion was approved unanimously.

   b. Joint City-County Coordinating Committee ("JCCCC") – Mr. Elkind asked for volunteers to serve on the JCCC. Mr. Liska and Owens volunteered to continue serving on the committee.

Mr. Baumgartner volunteered to fill the 3rd seat. Thee board was unanimously in favor of these 3 volunteers serving on the JCCCC.

2. Mr. Owens inquired as to a presentation being done for former Planning Board member at City Commission, Virginia Comella, for her years of service to the board. Ms. Kuhn advised an update would be provided at the next meeting.

VERBAL REPORT ON CITY COMMISSION MEETINGS (Given at the end of meeting)

Ms. Kuhn provided a verbal report.

ADJOURNMENT

The meeting ended at 5:39 p.m.

PLANNING STAFF
REPORT TO
CITY OF DELAND PLANNING
BOARD

March 13, 2024

A. APPLICATION NO: V24-015

APPLICANT: Rachel Whidden (Applicant/Owner)

REQUEST: To reduce the required number of interior parking spaces from 2 to 0.

APPLICABLE ORDINANCES: Sec. 33-17.04 *R-1B Single-Family Dwelling* **Sec. 33-91.03** *Number and type of parking spaces required.*

B. SITE FACTORS:

LOCATION: 606 John Thomas Ave

PARCEL SIZE: +/- 10,500 Square Feet

EXISTING ZONING/USE: R-1B Single-Family Dwelling

Required Minimum Setbacks in Feet & Parking Requirement				
Front	Rear Setback	Side Setback	Corner lot: Street side Setback	Accessory Uses & Structures
30’	25’	10’	20’	7.5’

Residential Uses	Minimum Off-Street Parking Requirement	Notes
Single-family and duplex	1, 2, 3 bedrooms: 4 spaces per unit 4 or more bedrooms: 5 spaces per unit	Single-family or duplex residential parking spaces may be tandem. In all zoning districts except the Core Gateway District, a minimum of 2 of the required parking spaces for each unit must be indoor spaces. No indoor parking spaces are required within the Core Gateway District. Parking is prohibited on front lawns.

	SURROUNDING USE:	SURROUNDING ZONING:
NORTH:	Single-Family Dwelling	R-1B
SOUTH:	Single-Family Dwelling	R-1A
EAST:	Single-Family Dwelling	R-1B
WEST:	Single-Family Dwelling	R-1B

DOES THE APPLICANT OWN PROPERTY WHICH IS ADJACENT TO THE PROPERTY FORWHICH HE OR SHE SEEKS A VARIANCE? Yes ☐ No ☒

LAND USE PLAN DESIGNATION: Low Density Residential

C. CHRONOLOGY:

The single-family residence constructed in 2002 was initially purchased and utilized by the applicant's family. The property was developed with two interior and two exterior parking spaces in the Summer Woods subdivision. The applicant subsequently purchased the subject property in 2014 from their family to use as a primary residence.

At the time of construction, the required number of parking spaces for single-family residences in the City of DeLand was two. At the May 6, 2019 meeting of the DeLand City Commission the City of DeLand adopted ordinance 2019-10 which required all single-family residences to provide a minimum of four parking spaces, with two of these being interior. The requirement was further amended at the June 19, 2023 meeting of the City Commission, where the requirement to provide two interior parking spaces for single-family residences was waived for properties located within the Core Gateway District only. The total overall parking numeric requirement was maintained. This property is located outside of the Core Gateway District and thus subject to the interior parking requirement.

On October 26, 2023, the applicant applied for a building permit to convert the garage for their three-bedroom single-family residence into a bonus room. (Exhibit 6) The Building Department reviewed the initial submittal and requested additional items. These items were provided on January 25, 2024 and the application was at this time assigned to the Planning Department for review. Subsequently the permit submittal was not accepted by Planning due to the failure to meet the parking requirement (2 interior spaces and 4 total spaces).

The applicant is now requesting a variance to reduce the single-family interior parking requirement from two spaces to zero and provide 4 outside parking spaces.

D. ANALYSIS:

This three-bedroom property located within the R-1B single-family dwelling zoning district maintains a width of 75 feet at the street line and a depth of 140 feet. The area is 10,500 square feet. (Exhibit 1) The property is compliant to R-1B zoning standards. The existing single-family residence is 1,829 square feet in area and compliant with all

R-1B dimensional and size requirements. Sec. 33-91.03 of the Land Development Regulations require all three-bedroom single-family residences to provide four parking spaces, with two of these being interior spaces. Inside of the Core Gateway District the interior requirement is waived. This property is located outside of the Core Gateway District and is thus subject to the interior parking requirement. The property currently provides two interior and two exterior parking spaces.

The applicant is proposing to enclose the existing garage space to create a bonus room. The proposed garage build-out will alter the exterior appearance for the residence when compared with the surrounding neighborhood. (Exhibits 3, 4, 5) Surrounding properties are typically similar in size compared to the subject property, and the single-family residences on these lots are also similar in size to the subject residence. Most existing surrounding residences meet the current interior parking requirement. (Exhibit 3) An unpermitted garage renovation was completed near the subject property recently. (Exhibit 7) The applicant has proposed to expand the existing driveway to accommodate two additional parking spaces thereby meeting the four-parking space requirement for a three-bedroom home. If the variance were to be granted as presented, the applicant would be required to provide two additional parking spaces to meet the required total of four spaces. Some neighboring properties contain expanded driveways similar to the applicant's proposal. (Exhibit 5)

E. **VARIANCE CRITERIA:** Per Section 33-103.03, as amended, the Planning Board will consider the following criteria in making a determination concerning the granting or denial of the requested variance:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district.

   The subject property is complaint with all R-1B dimensional standards and is of standard shape and size. The single-family residence is similarly compliant. Surrounding properties and single-family residences are largely compliant.

2. Granting of the variance request will not confer on the applicant any special privilege that is denied by these Land Development Regulations to other lands, building, or structures in the same zoning district.

   Granting of the variance would confer special privileges when compared with other R-1B district properties located outside of the Core Gateway Area as all other single-family residences within this district are required to meet current parking standards.

3. Literal interpretation and enforcement of these Land Development Regulations will deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these Land Development Regulations, and work unnecessary and undue hardship on the applicant such as natural site conditions, size or shape of lot, or existing structures(s).

The literal interpretation and enforcement of the code would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district as this property is currently conforming by size and not irregularly shaped compared with other properties within the same district.

4. The granting of the variance will be in harmony with the general intent and purpose of these Land Development Regulations and the Comprehensive Plan, as amended, and will not be injurious to the surrounding properties or detrimental to the public welfare.

   The granting of this variance will not be in harmony with the intent and purpose of these Land Development Regulations as the regulations specifically require the existing interior parking to be provided and granted an exception only in the Core Gateway District. Granting of the variance will not be injurious to surrounding properties as there is one other property in the neighborhood with an enclosed garage and several other surrounding properties with expanded driveways. Even with the expanded driveway the maximum impervious requirement will be met.

5. The Variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure.

   If granted, the applicant will be required to provide two additional off-street parking spaces to meet the numeric requirement of the Land Development Regulations thereby expanding the driveway by 360 square feet.

6. The special conditions or circumstances are not the result of actions of the applicant or owner.

   By enclosing the garage, the applicant is removing two interior parking spaces thereby creating the nonconforming situation.

F. STAFF SUMMARY:

The applicant is requesting a variance to reduce the required number of interior parking spaces from two to zero to facilitate a garage conversion. The property is surrounded by similar single-family homes with similar lot sizes. The applicant's property and residence conform to current R-1B zoning standards. The applicant does not meet any of the hardship criteria listed in the Code of Ordinances, however they are willing to provide additional exterior parking spaces to offset the interior parking reduction. If the Planning Board votes to grant this variance as presented, additional exterior parking will be required to be provided to meet the numeric requirement of the code. The Planning Board may choose grant relief from the total parking numeric requirement in addition if it so chooses.

Exhibits

Exhibit 1 – Plot Plan

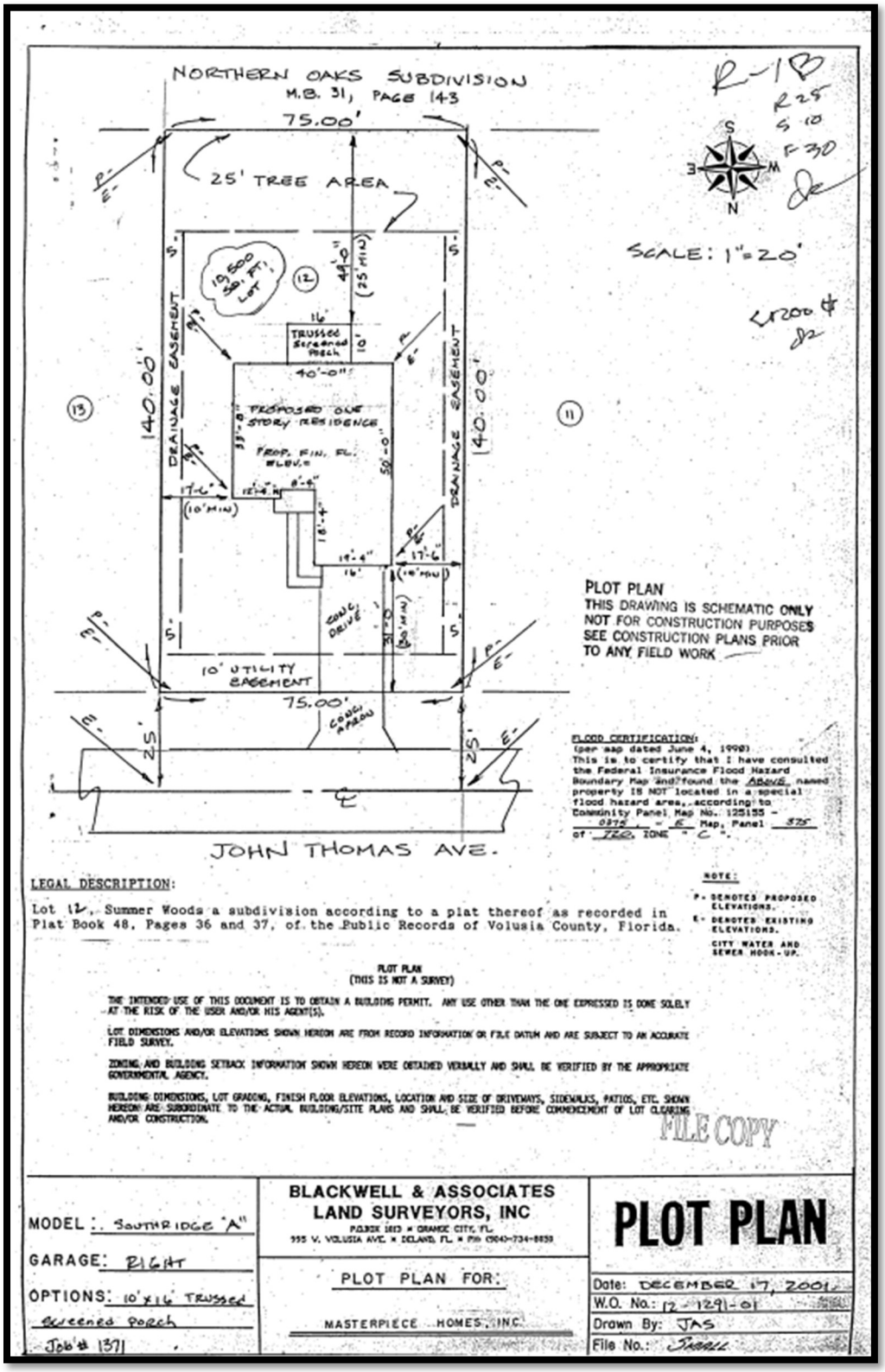


Exhibit 2 – Surrounding Properties

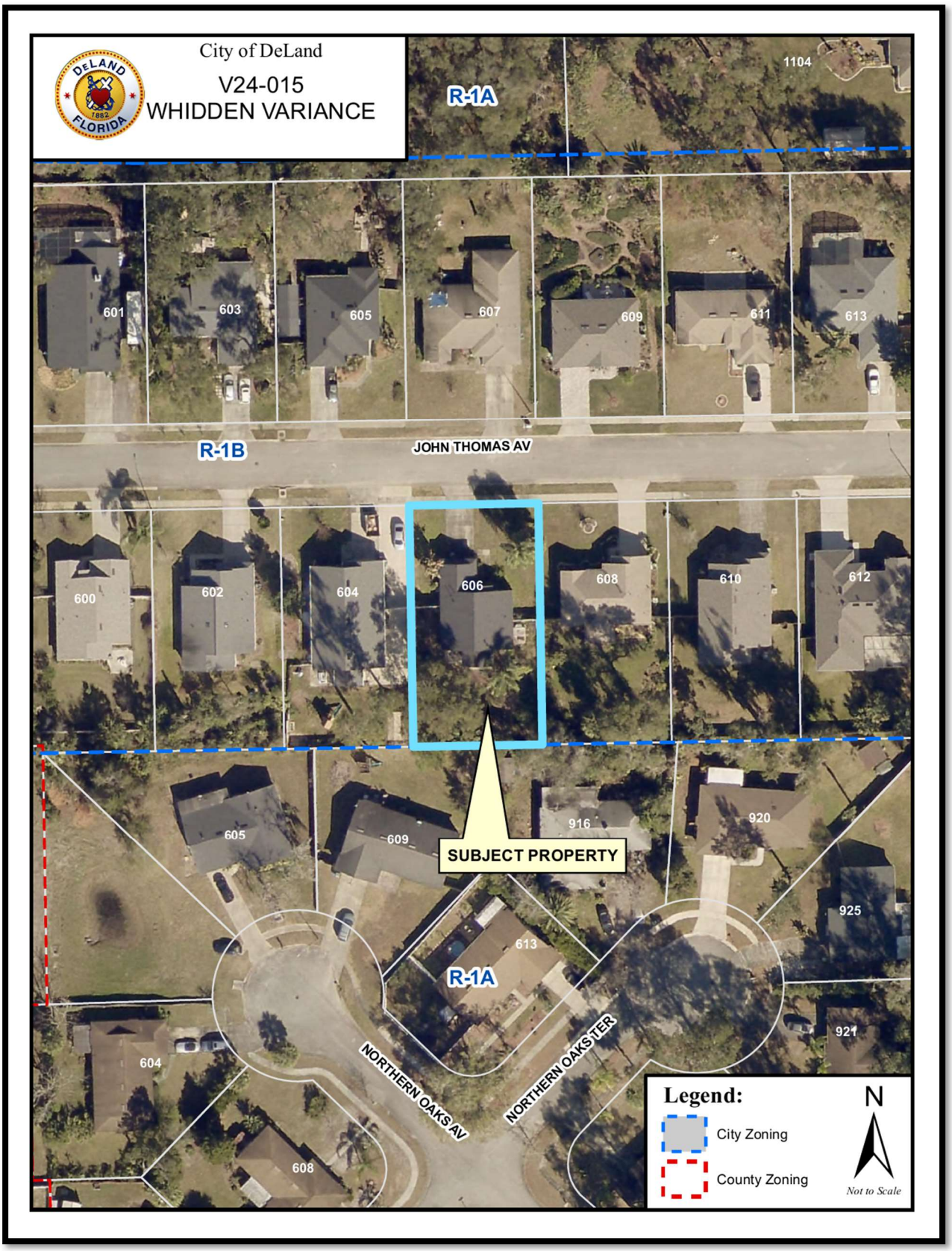


Exhibit 3 – Proposed Bonus Room Elevation

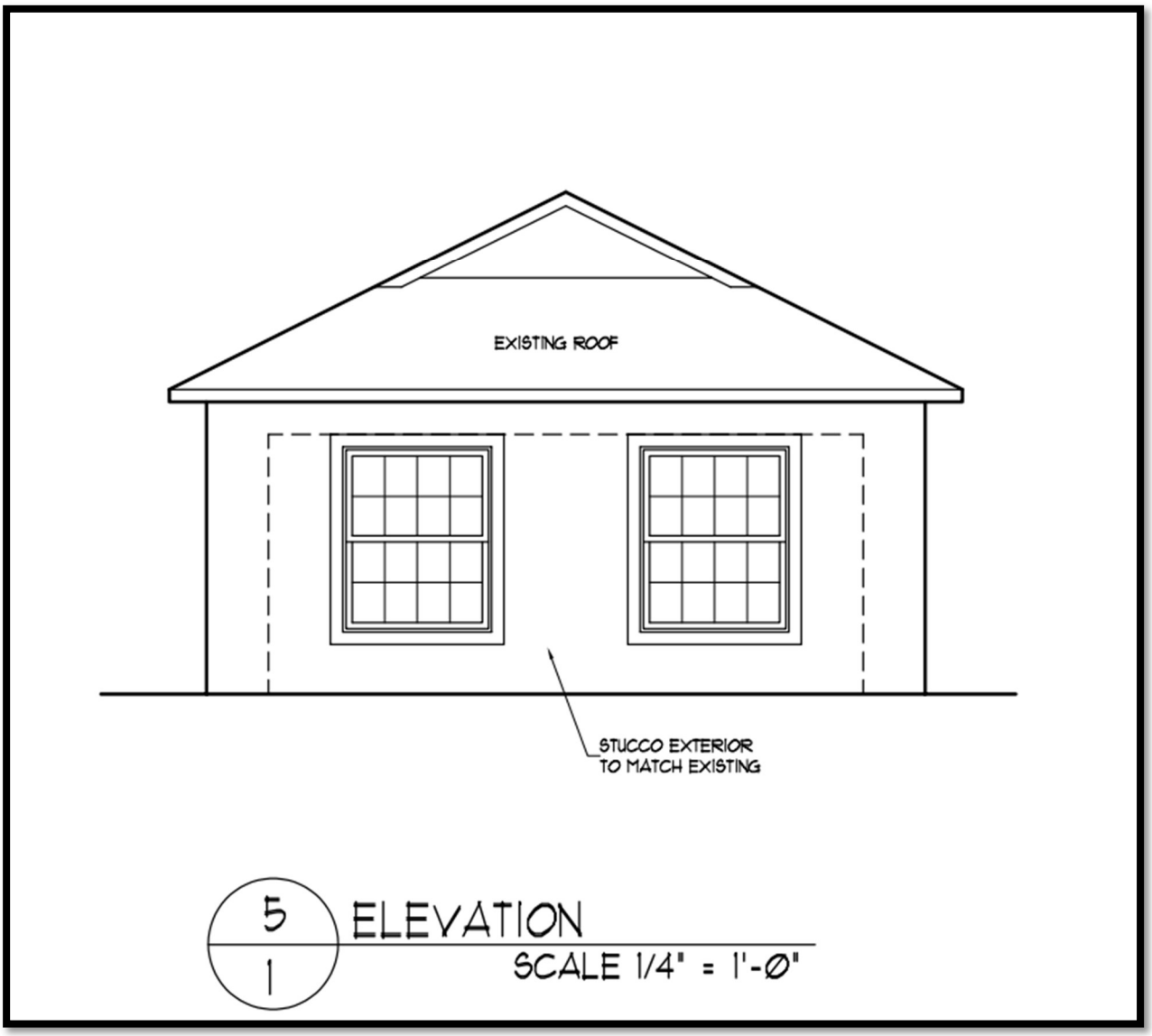


Exhibit 4 – Current Building Street Frontage

Exhibit 5 – Neighboring Properties

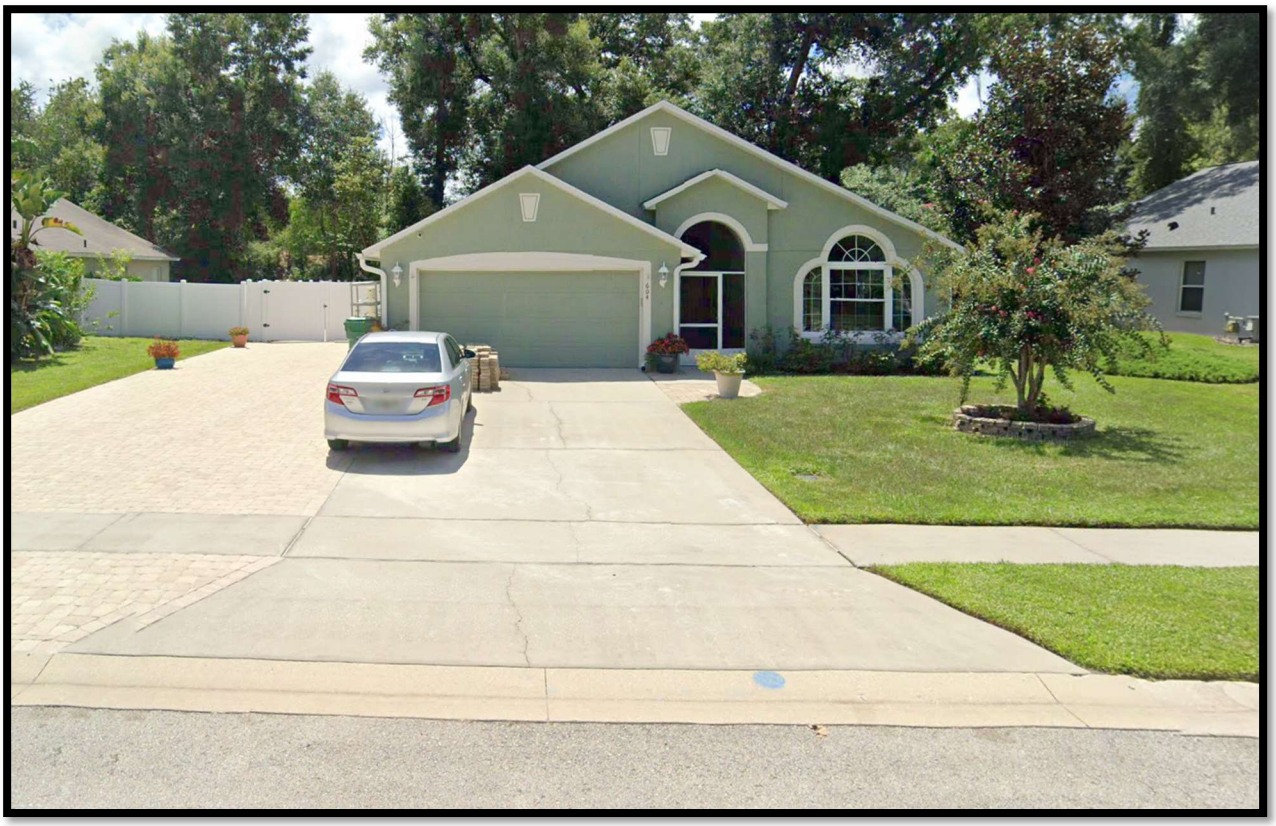


Exhibit 6 – Proposed Bonus Room Floor Plan

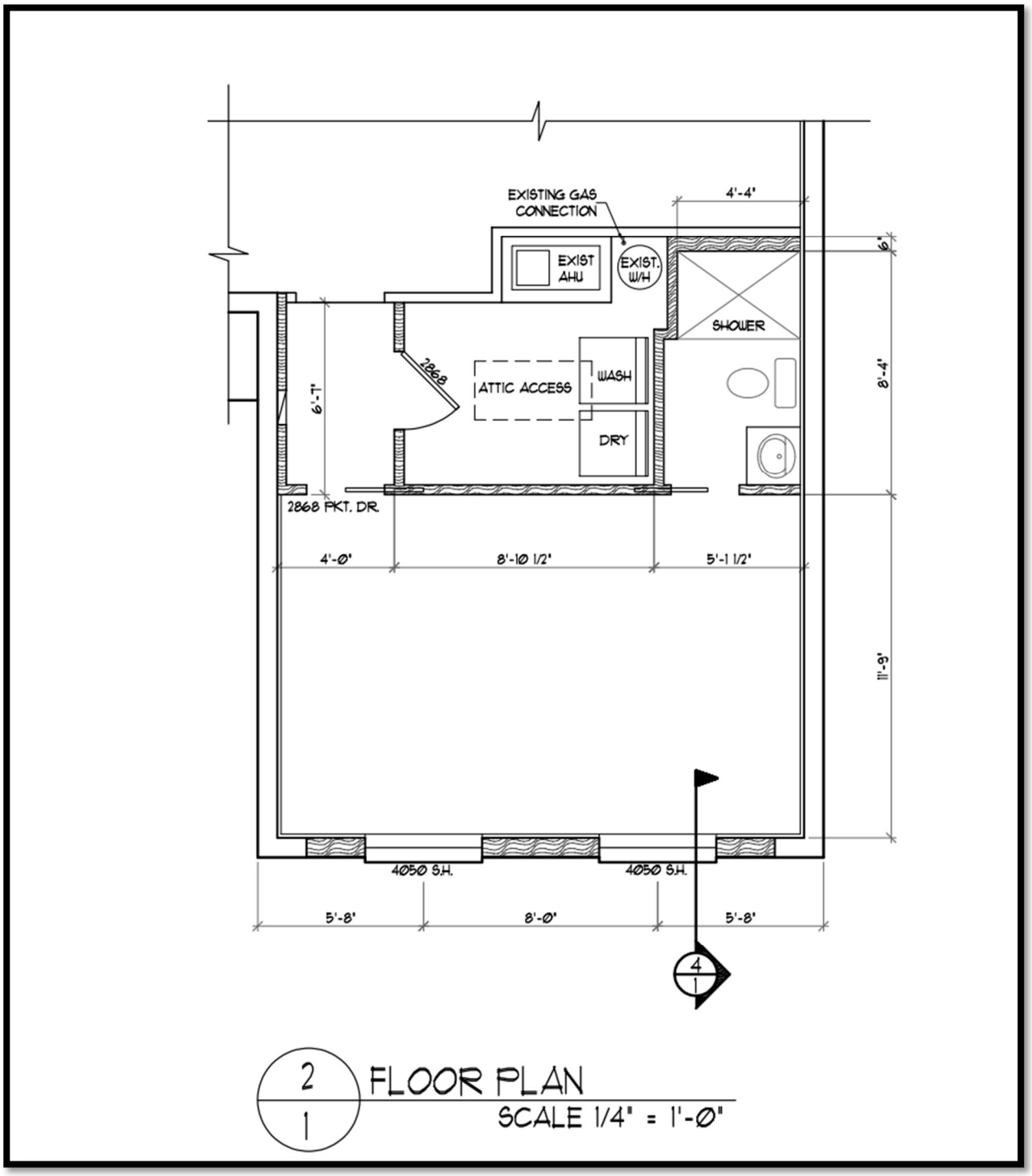
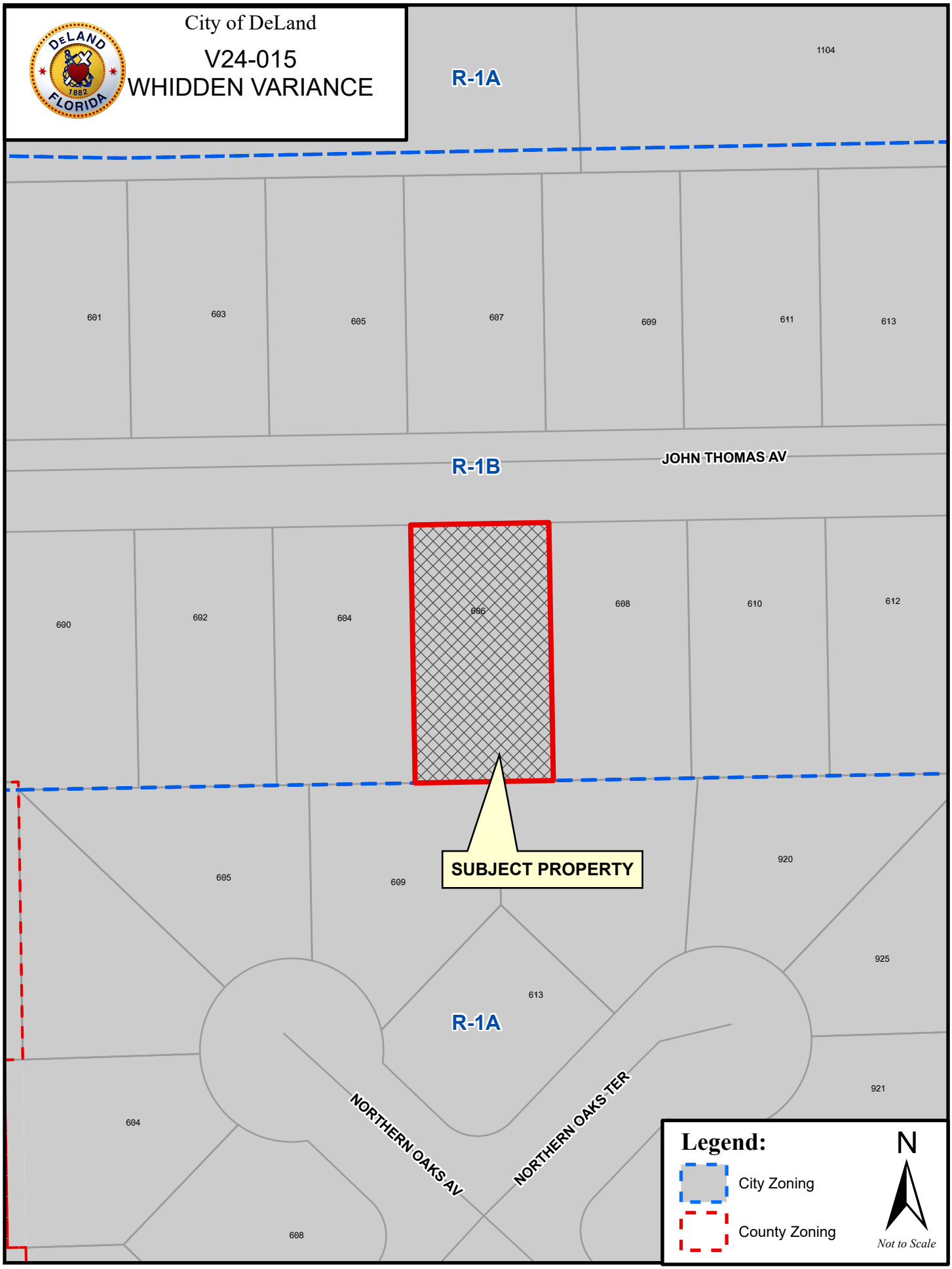
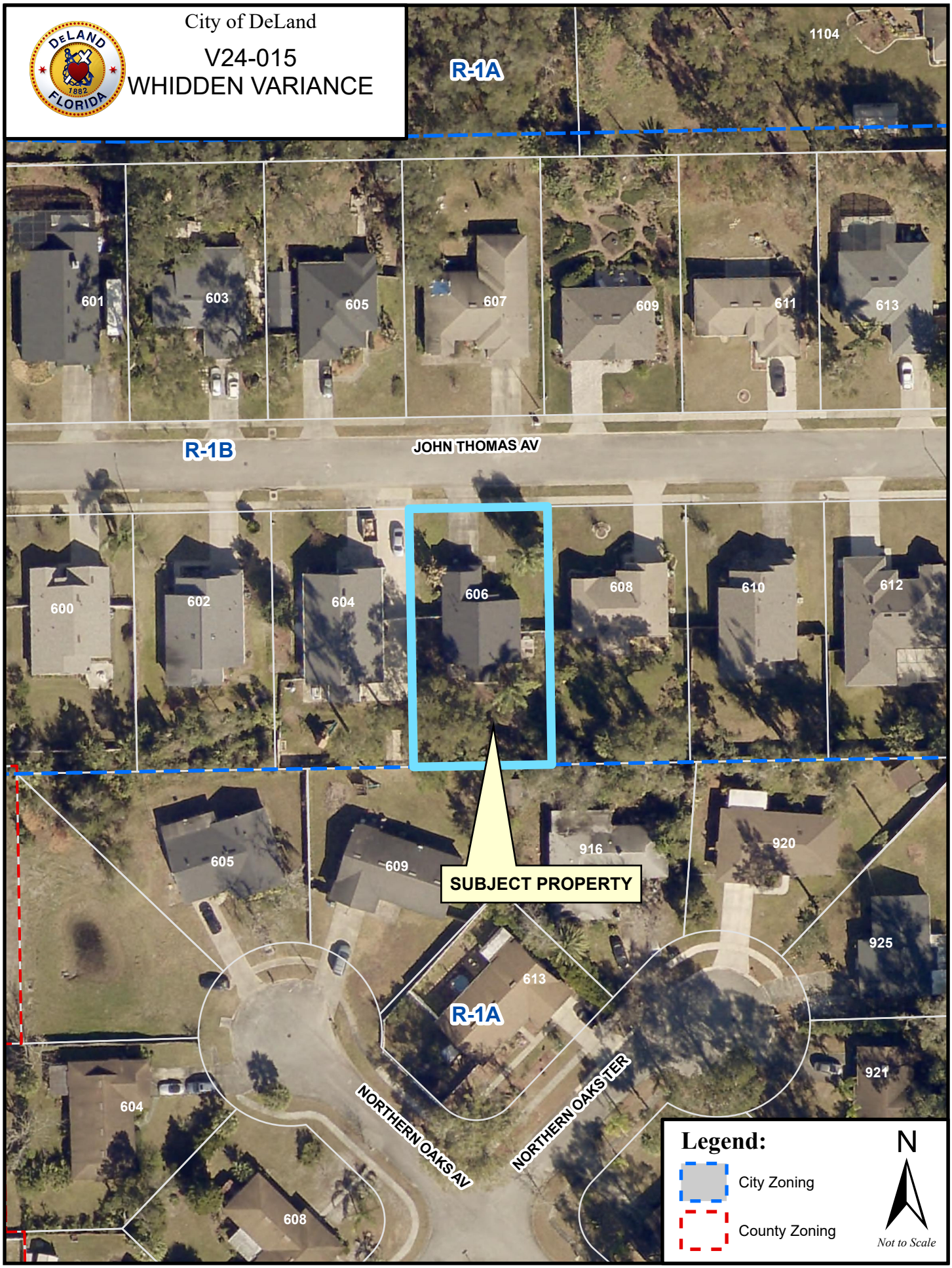


Exhibit 7 – Residence with Unpermitted Renovation


City of DeLand
V24-015
WHIDDEN VARIANCE
R-1A
1104
601
603
605
607
609
611
613
R-1B
JOHN THOMAS AV
600
602
604
606
608
610
612
SUBJECT PROPERTY
605
609
920
925
613
R-1A
921
604
NORTHERN OAKS AV
NORTHERN OAKS TER
608
Legend:
City Zoning
County Zoning
N
Not to Scale


City of DeLand
V24-015
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SUBJECT PROPERTY
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NORTHERN OAKS AV
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Legend:
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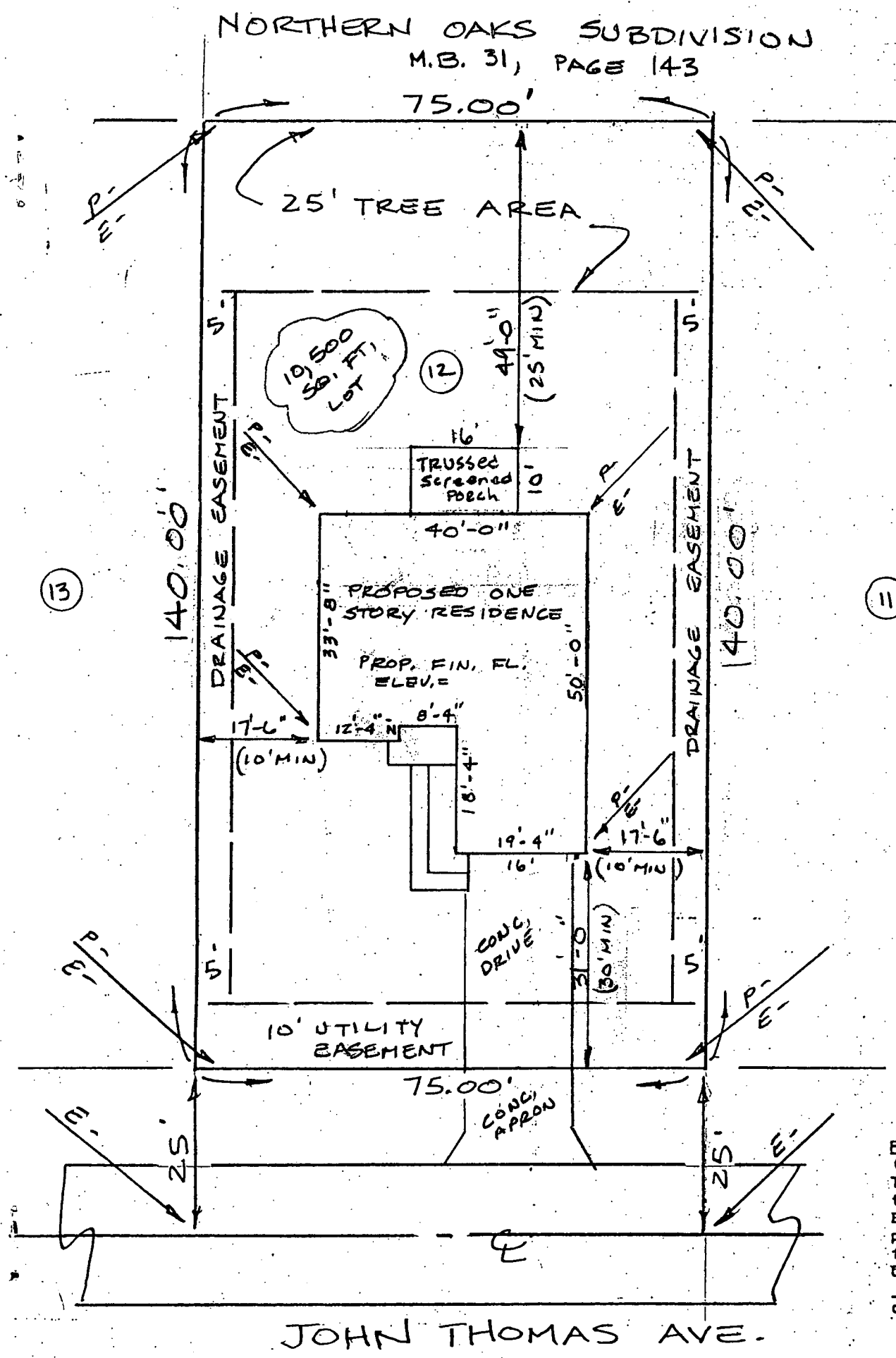
County Zoning
N
Not to Scale



R-1B
R 25
S 10
F 30

SCALE: 1"=20'

$1200 ¢

PLOT PLAN
THIS DRAWING IS SCHEMATIC ONLY
NOT FOR CONSTRUCTION PURPOSES
SEE CONSTRUCTION PLANS PRIOR
TO ANY FIELD WORK

FLOOD CERTIFICATION:
(per map dated June 4, 1990)
This is to certify that I have consulted the Federal Insurance Flood Hazard Boundary Map and found the ABOVE named property IS NOT located in a special flood hazard area, according to Community Panel Map No. 125155 - 0375 - E Map, Panel 375 of 720, ZONE " C ".

LEGAL DESCRIPTION:

Lot 12, Summer Woods a subdivision according to a plat thereof as recorded in Plat Book 48, Pages 36 and 37, of the Public Records of Volusia County, Florida.

NOTE:

P- DENOTES PROPOSED ELEVATIONS.
E- DENOTES EXISTING ELEVATIONS.
CITY WATER AND SEWER HOOK-UP.

PLOT PLAN
(THIS IS NOT A SURVEY)

THE INTENDED USE OF THIS DOCUMENT IS TO OBTAIN A BUILDING PERMIT. ANY USE OTHER THAN THE ONE EXPRESSED IS DONE SOLELY AT THE RISK OF THE USER AND/OR HIS AGENT(S).

LOT DIMENSIONS AND/OR ELEVATIONS SHOWN HEREON ARE FROM RECORD INFORMATION OR FILE DATUM AND ARE SUBJECT TO AN ACCURATE FIELD SURVEY.

ZONING AND BUILDING SETBACK INFORMATION SHOWN HEREON WERE OBTAINED VERBALLY AND SHALL BE VERIFIED BY THE APPROPRIATE GOVERNMENTAL AGENCY.

BUILDING DIMENSIONS, LOT GRADING, FINISH FLOOR ELEVATIONS, LOCATION AND SIZE OF DRIVEWAYS, SIDEWALKS, PATIOS, ETC. SHOWN HEREON ARE SUBORDINATE TO THE ACTUAL BUILDING/SITE PLANS AND SHALL BE VERIFIED BEFORE COMMENCEMENT OF LOT CLEARING AND/OR CONSTRUCTION.

FILE COPY

MODEL: SOUTHRIDGE "A"
GARAGE: RIGHT
OPTIONS: 10'x16' TRUSSED SCREENED PORCH
Job # 1371

BLACKWELL & ASSOCIATES LAND SURVEYORS, INC
P.O.BOX 1013 × ORANGE CITY, FL.
995 W. VOLUSIA AVE. × DELAND, FL. × PH: (904)-734-8050

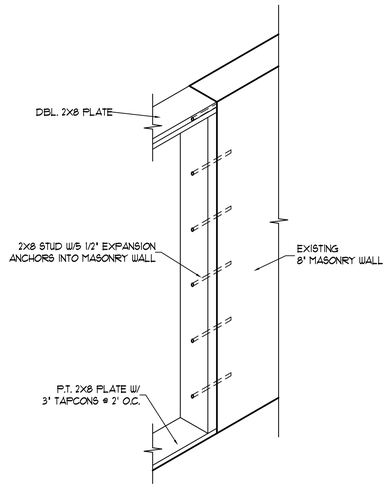
PLOT PLAN FOR:
MASTERPIECE HOMES, INC.

PLOT PLAN

Date: DECEMBER 17, 2001
W.O. No.: 12-1291-01
Drawn By: JAS
File No.: SMALL

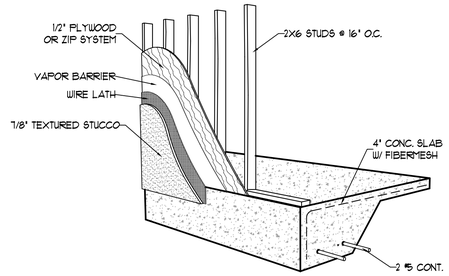
This item has been digitally signed and sealed by Rachel Bouffard, PE
January 5, 2024
Printed copies of this document are not considered signed and sealed and the signature must be verified on electronic copies.

RACHEL BOUFFARD LICENSE No. 78429 STATE OF FLORIDA PROFESSIONAL ENGINEER



ISOMETRIC CONNECTION FRAME TO MASONARY

NOT TO SCALE



STUCCO / EXTERIOR LATH DETAIL

NOT TO SCALE

R703.11 WATER RESISTANCE
THE EXTERIOR WALL ENVELOPE SHALL BE DESIGNED AND CONSTRUCTED IN A MANNER THAT PREVENTS THE ACCUMULATION OF WATER WITHIN THE WALL ASSEMBLY BY PROVIDING A WATER-RESISTANT BARRIER BEHIND THE EXTERIOR VENEER AS REQUIRED BY SECTION R703.2 OF THE FLORIDA RESIDENTIAL CODE 2014 AND A MEANS OF DRAINING TO THE EXTERIOR WATER THAT ENTERS THE ASSEMBLY. PROTECTION AGAINST CONDENSATION IN THE EXTERIOR WALL ASSEMBLY SHALL BE PROVIDED IN ACCORDANCE WITH SECTION R702.7 OF THIS CODE.

NEW WOOD WALL DESIGNATION
NEW BLOCK WALL DESIGNATION
EXISTING WALL DESIGNATION

ELECTRICAL LEGEND

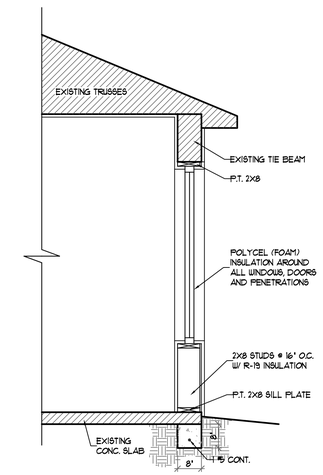
FAN / LIGHT COMBO (ONLY 1 CIRCUIT NEEDED)

- S SINGLE POLE SWITCH
- S2 TWO WAY SWITCH
- S3 THREE WAY SWITCH
- S4 FOUR WAY SWITCH
- SD SWITCH WITH DIMMER
- DUPLEX RECEPT. 12" A.F.F.
- DUPLEX RECEPT. ABOVE COUNTER
- WP DUPLEX RECEPT. WATER PROOF
- 220
- FLOOR OUTLET
- LV LOW VOLTAGE WIRE 12-V
- POWER RECEPT. AS NOTED
- SURFACE MOUNT
- SCONCE
- 2" LED RECESS
- 5" STANDARD RECESS
- UNDER CAB TASK LTS.
- LED STEP LIGHT
- CLOCK BOX
- EXAUST FAN
- SD SMOKE DETECTOR
- CM CARBON MONOXIDE DETECTOR
- FAN / LIGHT UNIT
- HEAT / VENT FAN
- TV T.V. OUTLET
- TELEPHONE
- POWER PANEL
- A/C A/C & HEAT RECOVERY UNIT
- DISCONNECT
- DOOR CHIME
- DOOR BELL
- FLOOD LT.

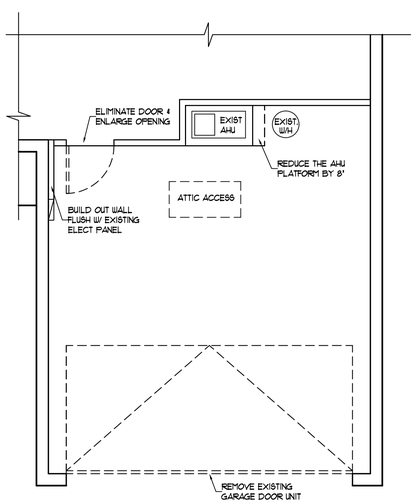
NOTE!
1. ALL BREAKERS ARE TO BE DUEL FUNCTION FOR AF AND GF
2. GFI RECEPTACLES ARE REQUIRED IN WET LOCATIONS BATH, KITCHEN & GARAGE AREAS 210.52 & 210.8

AS PER THE 2017 NATIONAL ELECTRICAL CODE

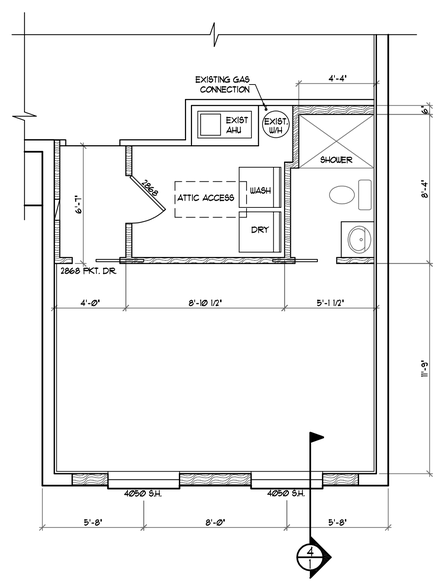
NOTE! THESE PLANS COMPLY WITH THE 2020 FLORIDA RESIDENTIAL CODE.



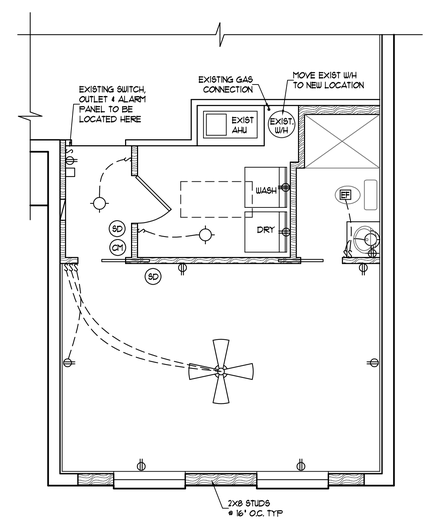
4/1 WALL SECTION
SCALE 1/2" = 1'-0"



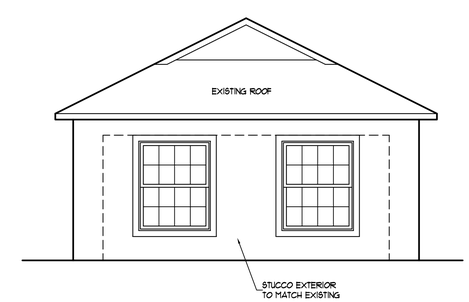
1/1 DEMOLITION PLAN
SCALE 1/4" = 1'-0"



2/1 FLOOR PLAN
SCALE 1/4" = 1'-0"



3/1 ELECTRICAL PLAN
SCALE 1/4" = 1'-0"



5/1 ELEVATION
SCALE 1/4" = 1'-0"

These plans are copyrighted and are subject to copyright protection as an "architectural work" under Sec. 102 of the copyright Act, 17 USCD, as amended December 1990 and known as Architectural Works Copyright Protection Act of 1990 The protection includes but is not limited to the overall form as well as the arrangement and composition of spaces and elements of the design. Under such protection, unauthorized use of these plans, work or home represented, can legally result in the cessation of construction or buildings being seized and / or monetary compensation to PEMBERTON DESIGN

A GARAGE BUILD OUT

FLOOR PLAN

PROJECT NAME

LYNN WHIDDEN

CLIENT NAME

LOCATION

606 JOHN THOMAS
DELAND, FLORIDA

Pemberton Design

REVISIONS
1.
2.
3.
4.
5.
6
7
8

PROJECT NO. 0123

CHECKED BY MP

1 OF 2

PLANNING DEPARTMENT STAFF REPORT
TO
PLANNING BOARD

March 13, 2024

APPLICATION NO: SE23-270

APPLICANT: Surya Sree Rao, Angels Liquor LLC

REQUEST: Special Exception to permit a bar and liquor store utilizing 3PS/4COP liquor license at this location

APPLICABLE REGULATIONS: Section 33-17.23. *Allowed uses in commercial and industrial zoning districts.* **Section 33-18(17).** *Package store or bar, for all land uses requiring either a Department of Business and Professional Regulation "3 PS" liquor license (package sales) or "4 COP" liquor license (bars, lounges, etc.), the following minimum separation requirements shall apply: C-2A—300 feet; BR, C-1, C-2, C-2AC, C-4 and M-1—500 feet.* **Section 33-134.** *Procedure for obtaining a special exception.*

A. SITE FACTORS

Location:	303 N. Woodland Blvd
Parcel ID:	7009-01-11-0090
Parcel Size:	+/- 12,600 sq. ft.
Land Use:	Downtown Commercial
Existing Zoning:	C-2A, Downtown Commercial
Existing Use:	Indoor recreation and bar

SURROUNDING USE:		**SURROUNDING ZONING:**	
North:	Commercial	North:	C-2A
South:	Commercial	South:	C-2A
East:	Multiple-Family Residential	East:	Athens Commons PD
West:	Commercial	West:	C-2A

B. ANALYSIS:

Angels Liquor LLC is requesting a special exception to operate a bar and liquor store utilizing a State 3PS/4COP liquor license at a property in the C-2A zoning district. The State 3PS/4COP license allows for the operation of a bar and liquor store. The current use located at 303 N Woodland Blvd. is an axe-throwing establishment with an accessory beer and wine bar utilizing a 2COP license.

The applicant intends to convert the primary use of the building into a bar and liquor store. The interior of the existing building will be renovated to accommodate the new use and is intended to expand the ambience of the downtown area. The existing façade and mural will remain unchanged.

(Exhibit 1) If any exterior modifications are later proposed they will be subject to review by the Historic Preservation Board.

The allowance of establishments utilizing a 3PS/4COP license is regulated by Sec. 33-18(17) of the Land Development Regulations:

Section 33-18(17). ***Package store or bar, for all land uses requiring either a Department of Business and Professional Regulation "3 PS" liquor license (package sales) or "4 COP" liquor license (bars, lounges, etc.), the following minimum separation requirements shall apply: C-2A—300 feet; BR, C-1, C-2, C-2AC, C-4 and M-1—500 feet.***

As the subject property is located within the C-2A zoning district, the 300 feet separation requirement is applicable. The surrounding uses have been reviewed, and it has been determined that there are no other similar uses within the required 300-ft. distance from this site. The closest similar use requiring a 4COP license, "Wander Bar" is located 545.39-ft. from 303. N. Woodland Blvd. (Exhibit 4)

C. CONCLUSION:

The applicant is seeking a special exception to allow the establishment of a bar and liquor store at 303 N. Woodland Blvd. which will utilize a State 3PS/4COP license. The current use of this property utilizes only a "2COP" license (beer and wine). The applicant anticipates that their operation will contribute positively to the City's economy and serve as another attractor to the downtown area, as other similar operations have in this and other similar jurisdictions.

D. STAFF RECOMMENDATION:

Staff finds that the proposal is compliant with the separation criteria set forth in Sec. **33-18(17)** of the code and does not meet the criteria for denial shown below and recommends the Planning Board forward the Special Exception to the City Commission with a recommendation of approval. If it so chooses the Planning Board may forward a recommendation of denial to the City Commission for one or more of the reasons set forth in Sec. 33-134.08:

a. *Reasons for denial. The planning board may recommend denial of any application for any special exception, and the city commission may deny any application for special exception, for one or more of the following reasons:*
    i. It is inconsistent with the findings and intent of this chapter.
        - The request is consistent with the findings and intent of this chapter.
    ii. It is inconsistent with any element of the Comprehensive Plan.
        - The request is consistent with the Comprehensive Plan.
    iii. It will adversely affect the public interest.
        - The request will not adversely affect the public interest.
    iv. It does not meet the requirements of the applicable special exception regulations.
        - The request meets the separation criteria set forth in Sec. 33-18(17).
    v. The applicant will not be able to meet all requirements imposed by federal, state or local government or by the city commission.
        - The applicant must meet State requirements to receive the license.
    vi. It will generate a volume or frequency of traffic, which will substantially interfere with or disrupt the use or enjoyment of properties within 1,000 feet of the use.
        - The use will not significantly alter the volume or frequency of traffic.

vii. It will create a hazard, a public nuisance or be dangerous to individuals or the public.
    - As there are several similar uses in the downtown area, the addition of a bar and liquor store will not create a hazard, public nuisance, or danger to the public.

viii. The proposed use is incompatible with the predominant use of the surrounding property or will materially alter, disrupt or decrease the character or value of the neighborhood.
    - The proposed use is compatible with the predominant uses of the surrounding neighborhood.

ix. It will adversely affect the natural environment, natural resources or scenic beauty, or cause excessive pollution.
    - The use will not adversely affect the natural environment, natural resources, scenic beauty, or cause excessive pollution.

(The City Commission will hold a public hearing on this item at their April 15, 2024 meeting.)

Exhibits

Exhibit 1 – Street Frontages

Wisconsin Frontage

Woodland Frontage

Exhibit 2 – Boundary Survey

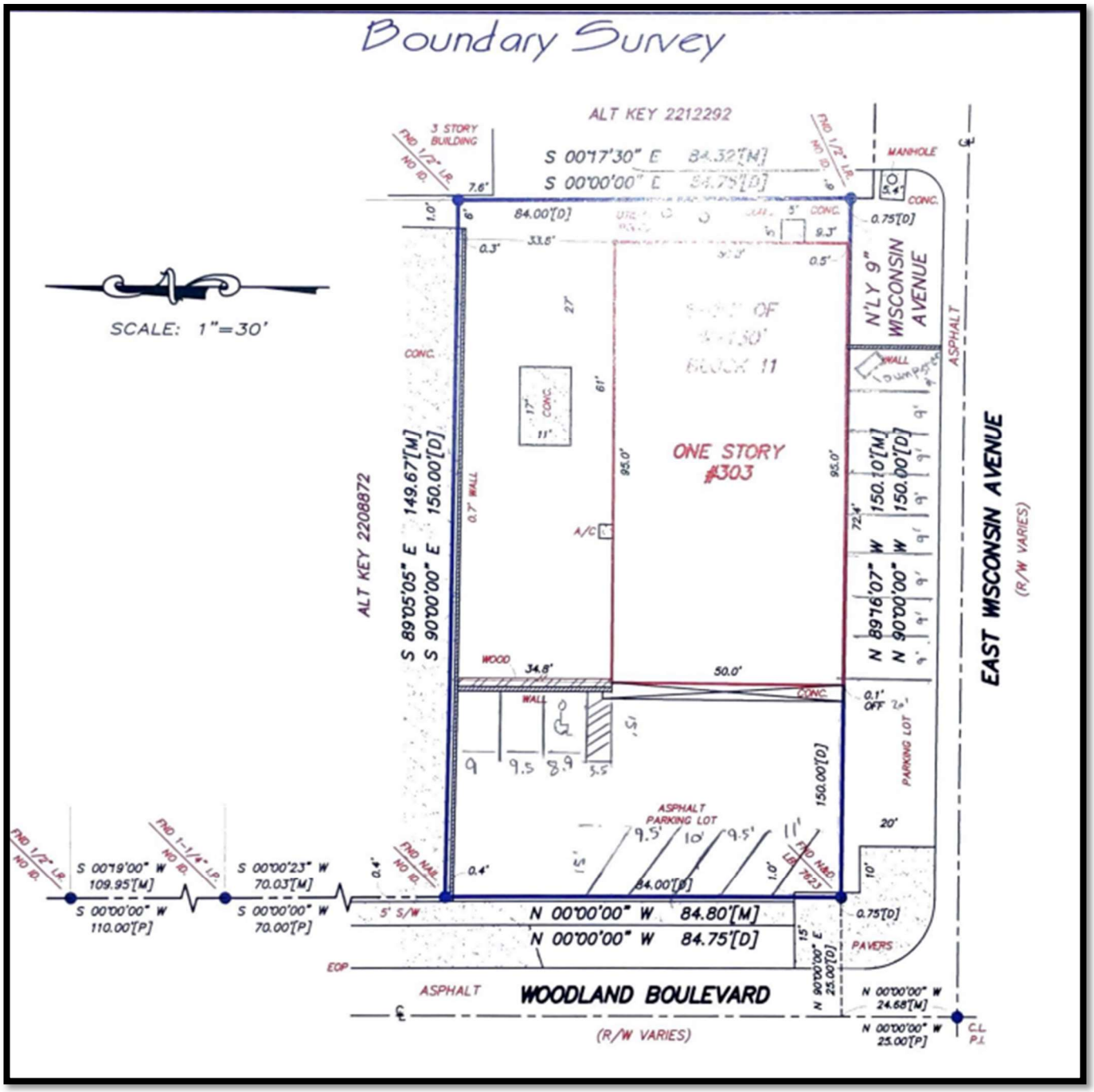


Exhibit 3 – Proposed Interior Renovations

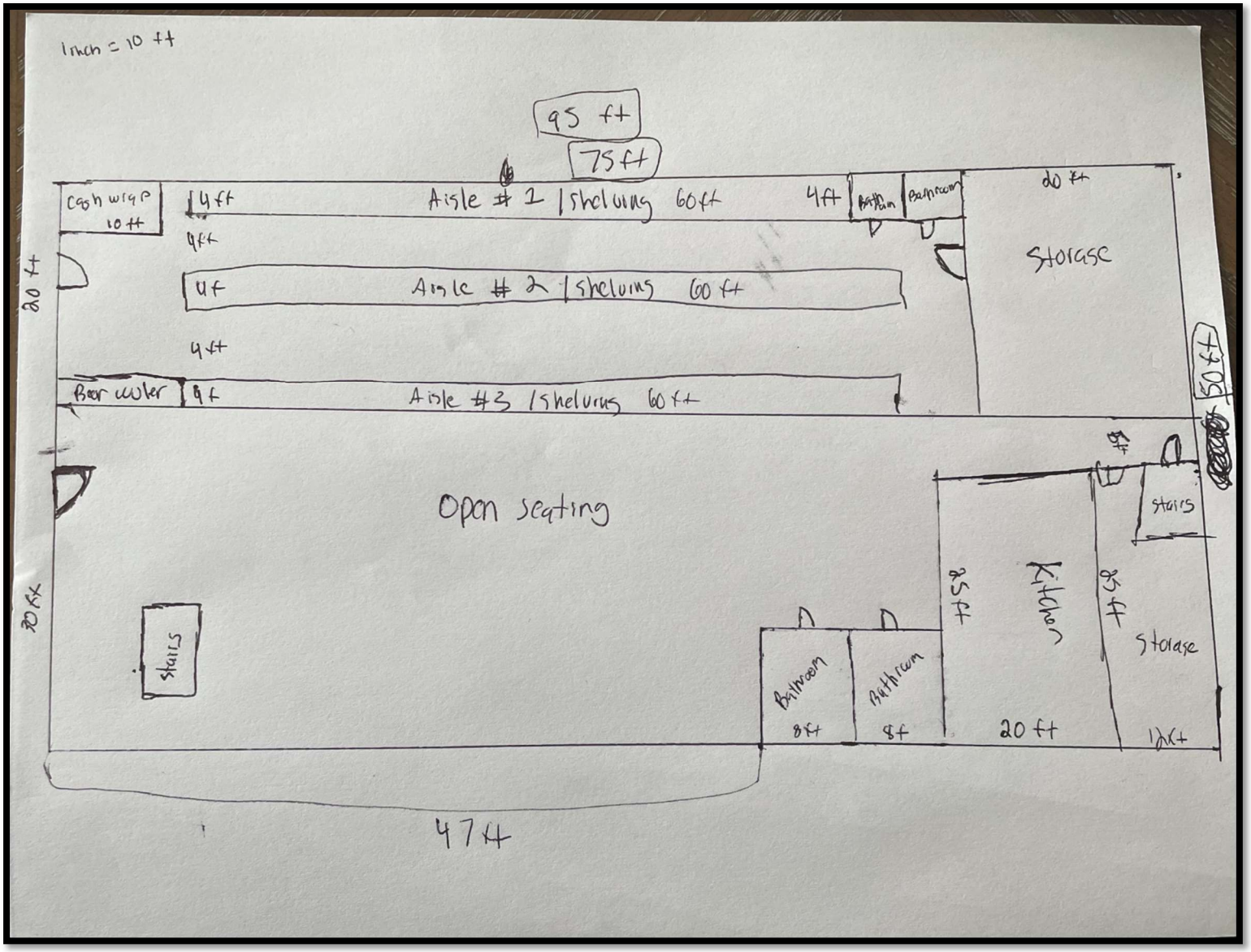
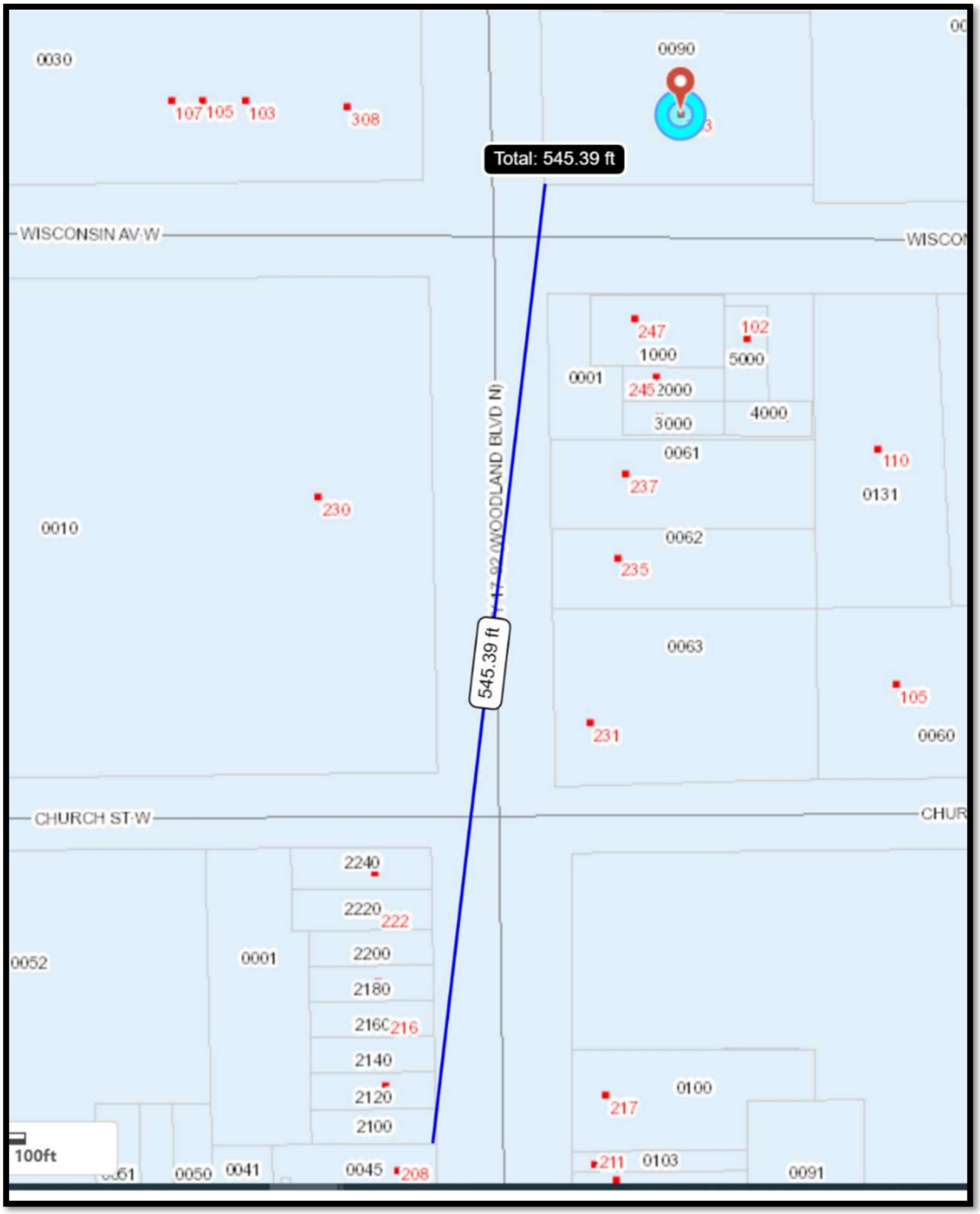


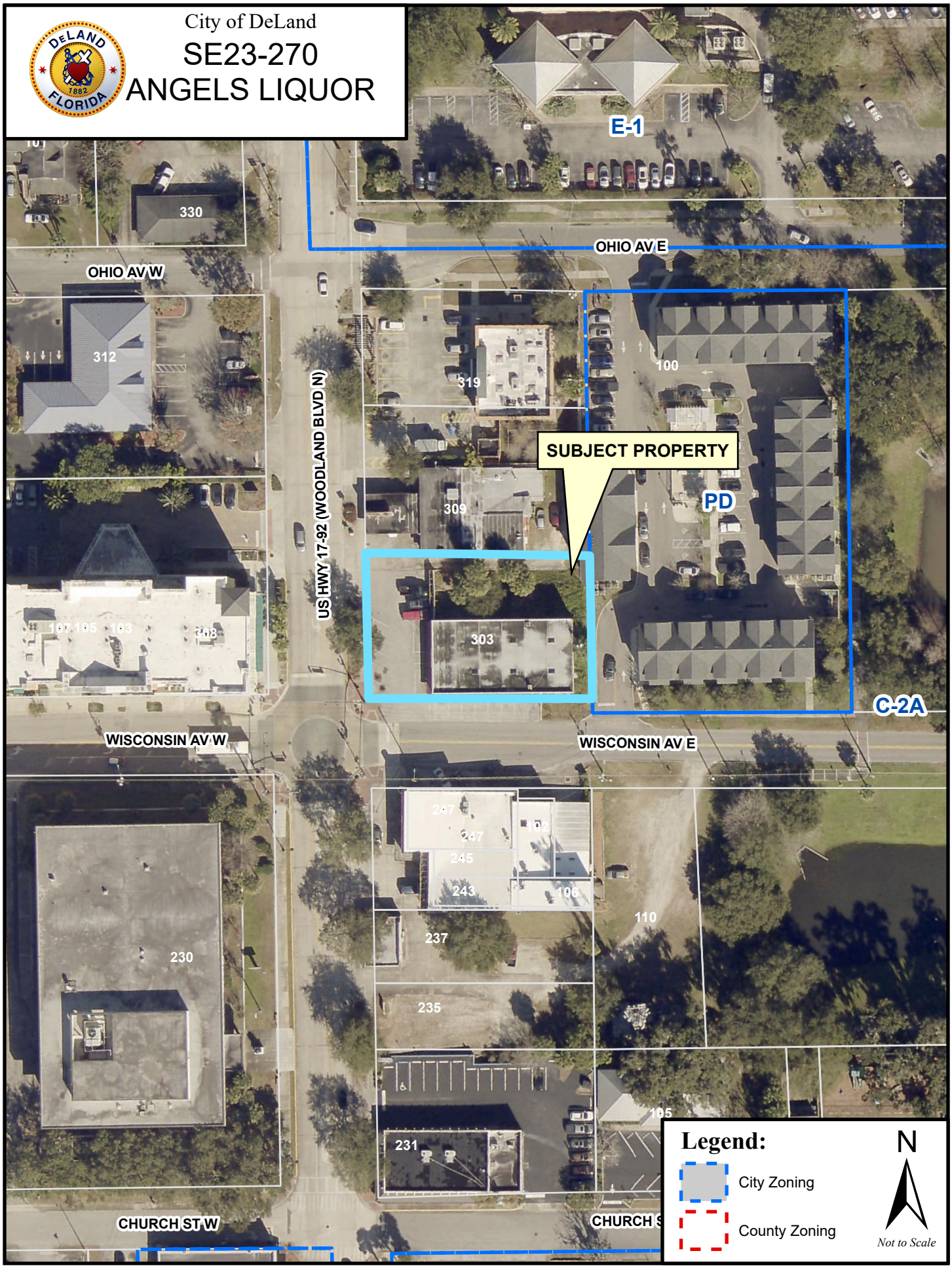
Exhibit 4 – Distance from Nearest Similar Use



City of DeLand
SE23-270
ANGELS LIQUOR
E-1
330
OHIO AV E
OHIO AV W
312
100
319
309
SUBJECT PROPERTY
US HWY 17-92 (WOODLAND BLVD N)
107
105
103
308
303
C-2A
WISCONSIN AV W
WISCONSIN AV E
247
247
102
245
243
106
110
237
230
235
105
231
CHURCH ST W
CHURCH S
Legend:
City Zoning
County Zoning
N
Not to Scale

City of DeLand

SE23-270
ANGELS LIQUOR



303 N Woodland Blvd Deland

General Reasons Why Our Usage is in Harmony:

Deland is a historically beautiful area, with the downtown area being no exception. We believe our proposed use fits into the community for numerous reasons. First, we believe in assisting the local Deland economy. We plan on hiring as many Deland community-members as possible to assist us in creating an incredible experience for Deland locals. We want to ensure that this location, and everyone in it, understands the rich history of Deland and furthers that history with an establishment that is well maintained in every facet. Second, this use furthers the downtown ambiance. Downtown Deland consists of a beautiful blend of various retail establishments, restaurants, and other shops/stores. However, for the longest time, this building was an Ace Hardware and a furniture shop. While there is absolutely nothing wrong with either of those establishments, we're hoping to further the true aesthetically pleasing nature of Downtown Deland in a way that resembles its current status. Third, as current Deland Business-owners, we are already very intertwined in the community and have a solid understanding of what is needed in Downtown Deland. Finally, the current use of the property is a beer/wine bar. We thoroughly believe that adding craft cocktails and changing the ambiance on the inside, while maintaining the integrity of the outside, would mesh perfectly for the locals of Deland.

Harmony with the Land Development Regulations:

- We are attempting to place a 3PS/4COP liquor license at this location. This license would afford us the opportunity to open up a Bar without all the requirements of an SRX license (mainly the 2,500 sqft seating area requirement, having to serve 51% food, and the overall 150+ seating requirement). This license also allows us to operate a package liquor store to sell alcohol for off-premise consumption.
- You will find attached a map with a line measuring roughly 545ft between 303 N Woodland Blvd and the closest bar (Wander Bar:208 N Woodland Blvd) which Is beyond 300 feet.
- We intend on having an occupancy of 49 and under given the smaller nature of the units.
- We have no intention of destroying or impacting the beautiful mural on the side of building.
- The signage on the front will be consistent with the current approved signage.
- Current existing lighting and utilities will be adequate for our usage.
- Overall, we do not plan on changing much, if any, of the exterior of the building, rather we are attempting to utilize the existing space in a manner we believe to be more conducive of current Downtown norms.

Boundary Survey

LEGAL DESCRIPTION: THE NORTHERLY 9 INCHES OF THE RIGHT-OF-WAY OF WISCONSIN AVENUE ADJOINING THE SOUTH 84 FEET OF THE WEST 150 FEET OF BLOCK 11, ROGER'S ADDITION TO DELAND, ACCORDING TO DEED BOOK "I", PAGE 201, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
AND
THE SOUTH 84 FEET OF THE WEST 150 FEET OF BLOCK 11, OF THE ROGER'S SURVEY AND MAP OF DELAND, AS RECORDED IN DEED BOOK "I", PAGE 201, THE SAME BEING BOUND ON THE SOUTH BY WISCONSIN AVENUE, AND ON THE NORTH BY LAND DEEDED TO THE LATE JANE H. FARR, BY DEED IN DEED BOOK 18, PAGE 132, HEREBY INTENDING TO CONVEY THE SAME LAND AS IS DESCRIBED IN DEED OF JULIA C. MEAD AND HER HUSBAND, RECORDED IN DEED BOOK 34, PAGE 634, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

303 WOODLAND BOULEVARD
DELAND, FL.

LONG SURVEYING, INC.

POINTS OF INTEREST
HOUSE WALL OVER THE BOUNDARY LINE
CONC. WALL OVER SIDE LOT LINE

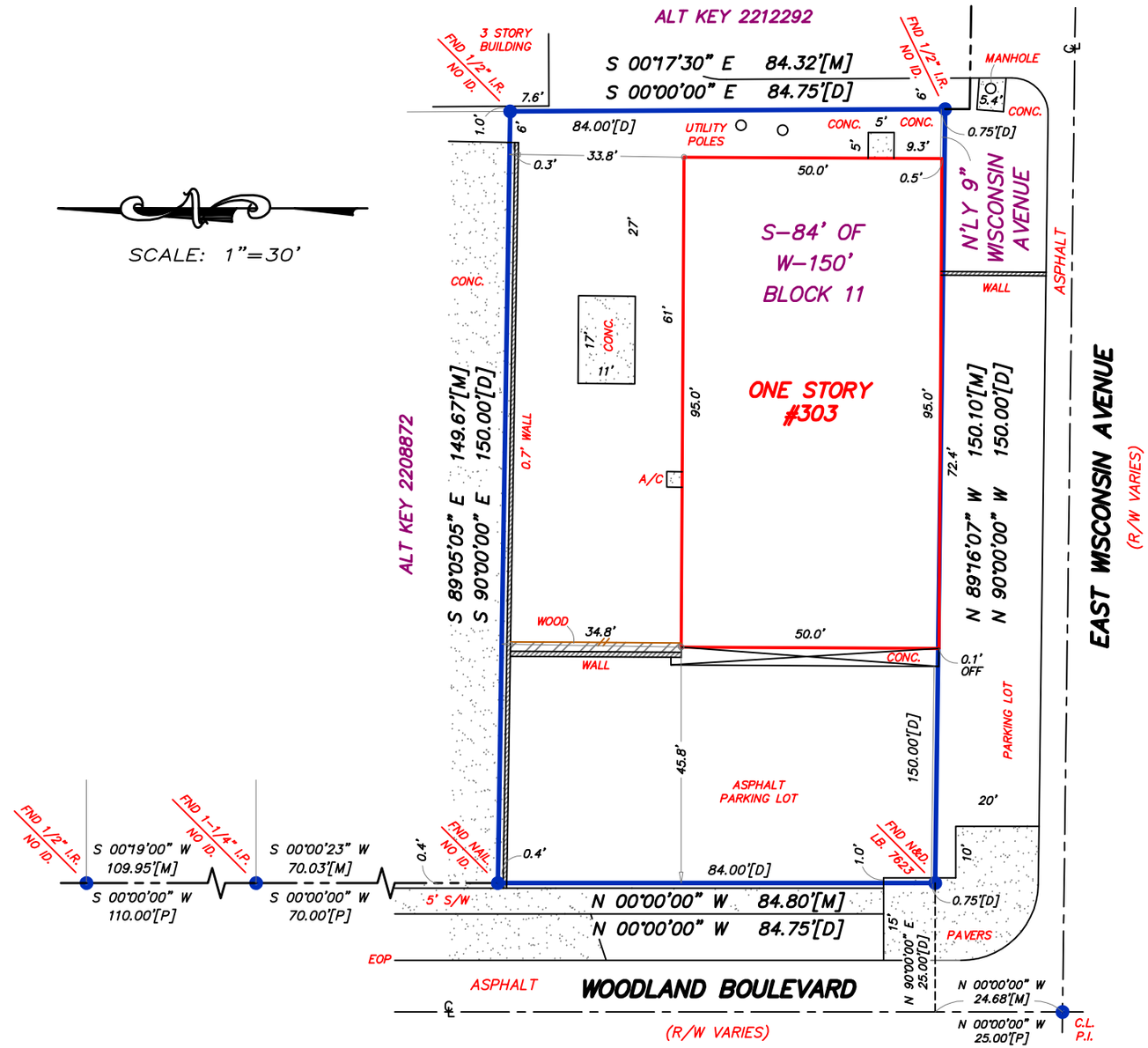
DRAWN BY:	CHECKED BY:
KZR SG	BRETT

CERTIFIED TO:
SREE LOPEZ

COMMUNITY NO: 120307
PANEL: 0470 SUFFIX: H F.I.R.M. DATE: 02/19/14
FLOOD ZONE: X

SURVEY NO.	FIELD DATE:
132293	01/03/24

SCALE: 1"=30'



A/C – AIR CONDITIONER
A.E. – ACCESS EASEMENT
B.C. – BLOCK CORNER
BLK – BLOCK
C.B. – CONCRETE BLOCK
C.B.S. – CONCRETE BLOCK STRUCTURE
C.M. – CONCRETE MONUMENT
CONC. – CONCRETE
D – DEED
D.E. – DRAINAGE EASEMENT
E.O.P. – EDGE OF PAVEMENT
F.C.C. – FOUND CROSS CUT
F.F.E. – FINISHED FLOOR ELEVATION
FND – FOUND
ID. – IDENTIFICATION
I.P. – IRON PIPE
I.R. – IRON ROD
I.R.C. – IRON ROD & CAP
L – ARC LENGTH
L.B. – LAND SURVEYING BUSINESS
L.S. – LAND SURVEYOR
L.E. – LANDSCAPE EASEMENT
M – MEASURED
M.E. – MAINTENANCE EASEMENT
N&D – NAIL AND DISK
P – PLAT
P.E. – PEDESTRIAN EASEMENT
P.C. – POINT OF CURVATURE
P.C.C. – POINT OF COMPOUND CURVATURE
P.C.P. – PERMANENT CONTROL POINT
P.I. – POINT OF INTERSECTION
PK NAIL – PARKER-KALON COMPANY NAIL
P.O.B. – POINT OF BEGINNING
P.O.C. – POINT OF COMMENCEMENT
P.O.L. – POINT ON LINE
P.R.C. – POINT OF REVERSE CURVE
P.R.M. – PERMANENT REFERENCE MONUMENT
P.D.A.E. – PRIVATE DRAINAGE AND ALLEY EASEMENT
P.T. – POINT OF TANGENT
R – RADIUS
R.P. – RADIAL POINT
R/W – RIGHT OF WAY
S/W – SIDEWALK
U.E. – UTILITY EASEMENT
W.F.S. – WOOD FRAME STRUCTURE

RIGHT-OF-WAY LINE
CENTERLINE
BARB WIRE FENCE
WOOD FENCE
CHAIN LINK FENCE
PLASTIC FENCE

BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF WOODLAND BOULEVARD BEING N 00°00'00" W ASSUMED

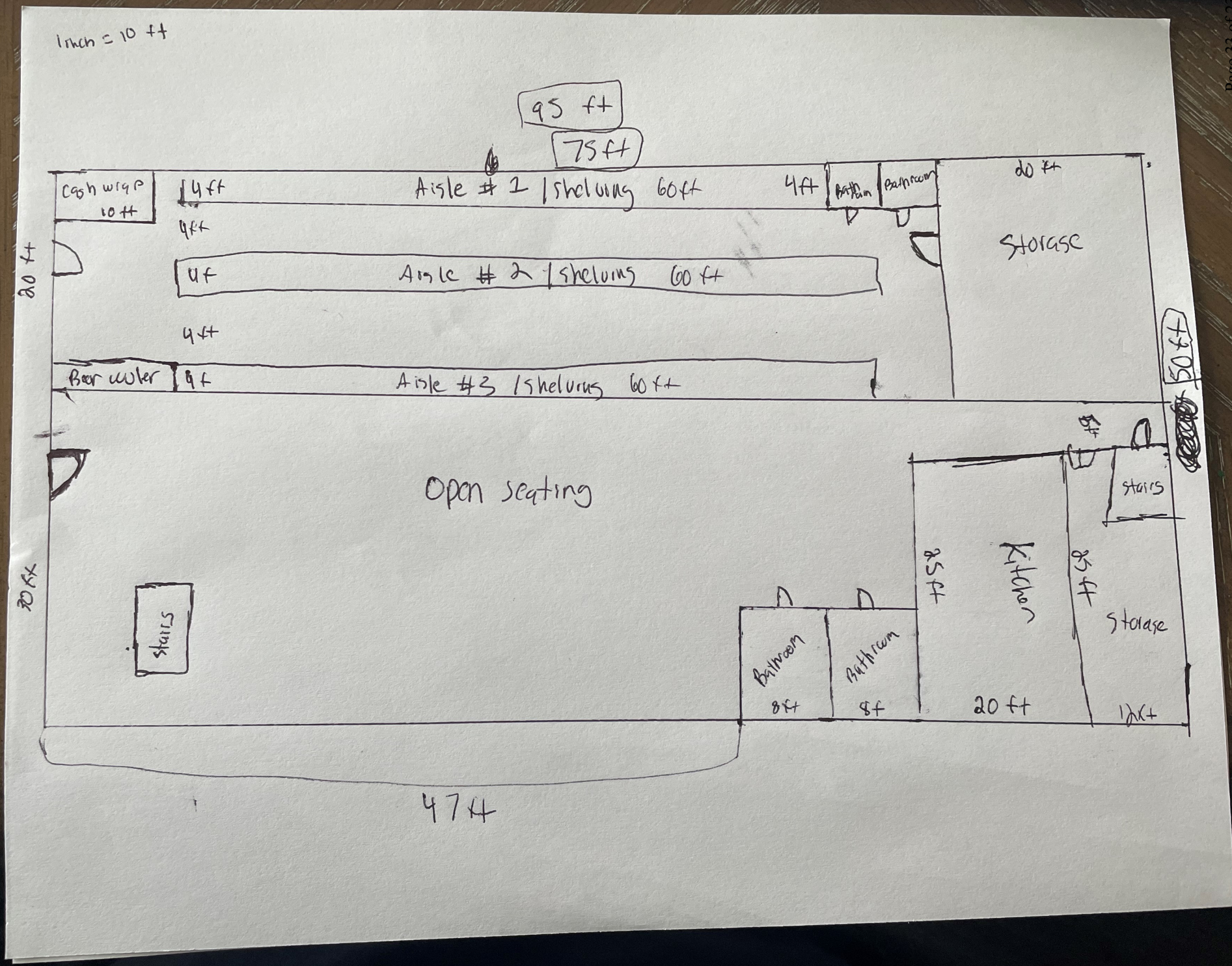
NOTES:
1) This survey is based on the legal description as provided by the Client
2) This Surveyor has not abstracted the land shown hereon for easements, rights of way or restrictions of record which may affect the title or use of the land
3) Do not reconstruct property lines from building ties
4) No footing or overhangs have been located except as shown
5) No improvements or utilities have been located except as shown
6) Not valid without a signature and the authenticated electronic seal or the original raised seal of a Florida licensed Surveyor and Mapper

Long Surveying, Inc.
1061 S. Sun Dr. Ste. #1113
Lake Mary, FL 32746
Office 407-330-9717 Fax 407-330-9775

Certification: I certify that this survey was made under my direction and that it meets the minimum technical standards set forth by the Board of Professional Land Surveyors and Mappers in Chapter 5J-17.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

LOUIS RAMIREZ CERTIFICATE NO. 6304 STATE OF FLORIDA PROFESSIONAL LAND SURVEYOR & MAPPER

LOUIS RAMIREZ L.S. NO. 6304


1 inch = 10 ft
95 ft
75 ft
cash wrap
10 ft
4 ft
Aisle # 1 | shelving 60 ft
4 ft
Bathroom
Bathroom
20 ft
Storage
4 ft
4 ft
Aisle # 2 | shelving 60 ft
4 ft
Beer cooler
4 ft
Aisle #3 | shelving 60 ft
50 ft
20 ft
Open seating
stairs
stairs
Bathroom
8 ft
Bathroom
8 ft
25 ft
Kitchen
20 ft
25 ft
Storage
10 ft
47 ft

PLANNING DEPARTMENT STAFF REPORT
TO
PLANNING BOARD

March 13, 2024

A. APPLICATION NO.: Z24-009

STAFF PLANNER: Kendall Story, CNU-A

APPLICANT: Stacia Hollman, Owner

REQUEST: Rezone from R-1A (Residential), to C-2A (Downtown Commercial)

APPLICABLE REGULATIONS:
Article XII ADMINISTRATION AND ENFORCEMENT
Sec. 33-135 – Procedure for text amendments & rezoning.

B. SITE FACTORS:

Location: 221 & 215 W. Wisconsin Ave.
Parcel ID: 700912000080 (221 W. Wisconsin Ave. - 16,776 square feet); 700912000081 (215 W. Wisconsin Ave. - 20,003.04 square feet)
Land Use: DC, Downtown Commercial
Existing Zoning: R-1A, Single Family Residential
Existing Use: Duplex (2-family dwellings)

	SURROUNDING LAND USE:	SURROUNDING ZONING:
North:	LDR (Low Density Residential)	C-2A (Downtown Commercial)
South:	DC, Downtown Commercial	R-1A (Single Family Residential)
East:	DC, Downtown Commercial	C-2A (Downtown Commercial)
West:	DC, Downtown Commercial	R-1A (Single Family Residential)

C. ANALYSIS:

The subject properties are located at 221 & 215 W. Wisconsin Avenue. The properties are currently zoned R-1A and contain a duplex on each lot. The existing structures were built in 1903 and have a future land use designation of Downtown Commercial. The duplex (2-family residential) use is not permitted in the R-1A (single-family) zone district. Duplexes are allowed only in the R-2, R-8, R-12 and E-1 zone districts. Furthermore, the existing structures do not meet the minimum lot width requirements for R-1A, nor do the properties meet the minimum setbacks for the zone district.

The applicant has requested a rezoning to reduce the non-conforming nature of the properties, make the zone district consistent with the Future Land Use of Downtown Commercial, and allow for future units to be constructed on the long, narrow lots. The proposed C-2A zoning would be consistent with the future land use designation of Downtown Commercial.

Section 33-135 of the Land Development Regulations provides the following criteria, which the Planning Board and City Commission shall utilize in reviewing a rezoning request:

1. **Is the proposed rezoning consistent with the Comprehensive Land Use Plan, the land use, zoning pattern and character of the surrounding area?**

   The development is consistent with the Comprehensive Plan with an underlying land use designation of DC, Downtown Commercial; the DC designation is characterized by a mixture of residential, retail, and office uses. The DC designation does not allow for single-family residential uses.

   The C-2A zoning designation is consistent with the Downtown Commercial future land use and maintains the same general character of the surrounding area which consists of a mix of residential and commercial properties.

2. **Will the proposed rezoning have an impact upon the environment or natural resources?**

   The rezoning of this property should not impact any environmental or natural resources. It is already a developed site. Any future development or redevelopment would be analyzed for environmental impacts at the time of any future development.

3. **Will the proposed rezoning have an impact upon the economy of the affected area?**

   The rezoning will not have an impact upon the economy, as the property is improved with two duplex structures.

4. **Will the proposed rezoning have an impact upon governmental services?**

   The use of the property is anticipated to have little to no impact on governmental services, as the property is already developed and existing services, such as police and fire, are already available.

5. **Are there changes in the circumstances or conditions affecting the area since the original assignment of zoning that will support the proposed zoning?**

   The subject property is located within the Core Area Gateway Overlay District and has a future land use designation of Downtown Commercial. According to section 33-36 of the land development code, the purpose of the Gateway Overlay Districts is to:

   - *Ensure that the main streets and entryways to the City of DeLand are developed into well-landscaped, scenic gateways;*

- *Provides uniform design standards to promote high quality new development;*
- *Promote redevelopment and adaptive reuse of existing properties in a manner consistent with the historic character of the city;*
- *Prevent visual pollution caused by unplanned and uncoordinated uses, buildings and structures;*
- *Utilize natural and transplanted trees to shade and soften the appearance of nonresidential parking areas; and*
- *Maximize pedestrian access and safety.*

If redeveloped, the property will be held to the gateway overlay standards, therefore meeting the intent of said section of the code. No exterior site improvements are proposed at this time. The Downtown Commercial land use permits multi-family residential uses, but not duplex (two-family residential).

6. Was there a mistake in the original classification?

There was no known mistake. However, the existing structures, built in 1903, are inconsistent with the Downtown Commercial Future Land Use designation. C-2A zoning is consistent with the existing future land use designation.

7. Will the proposed rezoning have any effect upon the use or value of the affected area?

The proposed rezoning would allow the established duplexes to remain and would allow for possible future units to be added. The rezoning should not have any effect upon the surrounding area.

8. Will the proposed rezoning have an impact upon public health, safety and welfare?

It is not anticipated that there will be any adverse impacts upon public health, safety, or welfare as a result of this zoning change. This rezoning would make the property more conforming, as C-2A does not have a minimum lot size, minimum lot width, setbacks, or maximum impervious.

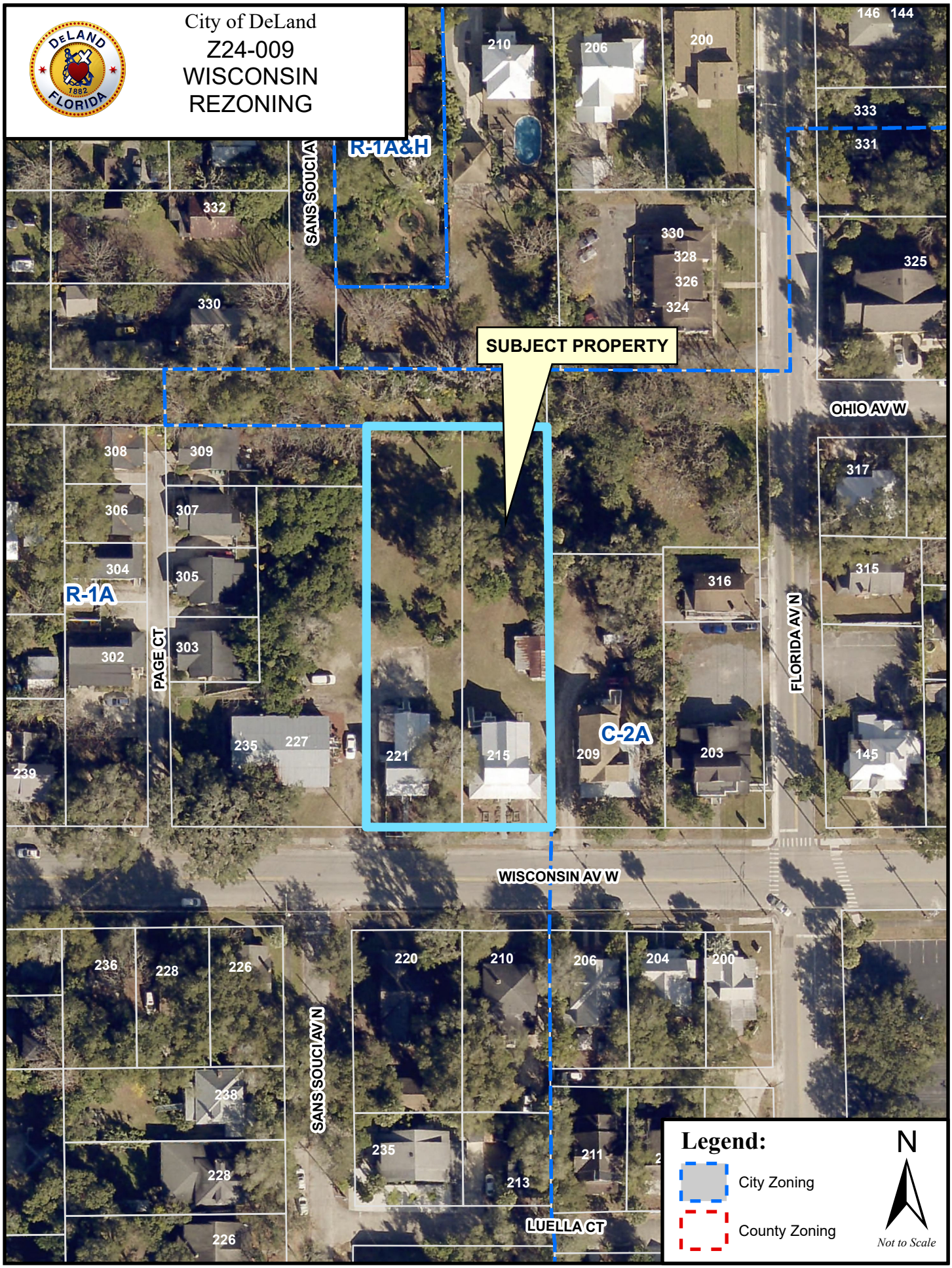
D. CONCLUSION:

The Applicant is proposing to rezone the subject property to the C-2A zoning district which is compatible with the DC (Downtown Commercial) future land use designation, as well as the characteristics of the surrounding area.

E. STAFF RECOMMENDATION:

Staff recommends that the Planning Board forward the application to the City Commission with a recommendation of approval to rezone the subject properties from R-1A (Single Family Residential) to C-2A (Downtown Commercial).

City of DeLand
Z24-009
WISCONSIN
REZONING
E-1&H
E-1
MICHIGAN AV W
SANS SOUCI AV N
FLORIDA AV N
CLARA AV N
OHIO AV W
PAGE CT
COLONIAL CT
SUBJECT PROPERTY
WISCONSIN AV W
C-2A
R-1A
LUELLA CT
IZZETTA
Legend:
City Zoning
County Zoning
N
Not to Scale


City of DeLand
Z24-009
WISCONSIN
REZONING
R-1A&H
SANS SOUCI A
SUBJECT PROPERTY
OHIO AV W
R-1A
PAGE CT
C-2A
FLORIDA AV N
WISCONSIN AV W
SANS SOUCI AV N
LUELLA CT
Legend:
City Zoning
County Zoning
N
Not to Scale

PARCEL A

The West 60 fee of Lot 8, Assessor's Subdivision of Lot 7, Block 10, roger's Deland, according to the plat thereof as recorded in Map Book 3, page 87, Public Records of Volusia County, Florida.

16,776 +/- Square Feet

PARCEL B

The East 72 feet of Lot 8, Assessors Subdivision of Lot 7, Block 1, Rogers DeLand, according to the map thereof as recorded in Map Book 3, Page 87, Public Records of Volusia County, Florida.

20,003.04 +/- Square Feet

BOUNDARY SURVEY OF:

PARCEL A

The West 60 feet of Lot 8, Assessor's Subdivision of Lot 7, Block 10, Roger's Deland, according to the plat thereof as recorded in Map Book 3, page 87, Public Records of Volusia County, Florida.

PARCEL B

The East 72 feet of Lot 8, ASSESSORS SUBDIVISION OF LOT 7, BLOCK 10, RODGERS DELAND, according to the map thereof as recorded in Map Book 3, Page 87, Public Records of Volusia County, Florida.

THIS SURVEY IS CERTIFIED TO:

MARK HOLLMANN

FLOOD CERTIFICATION:

This is to certify that I have consulted the National Flood Insurance Flood Hazard Boundary Map and found the subject property is not within a special flood hazard area, according to Map No. 12127C 0470H, dated 02/19/2014. (ZONE X)

PROPERTY ADDRESS:

215 & 221 W. WISCONSIN AVE., DELAND, FL

BEARINGS BASED ON ASSUMED DATUM--The Westerly line of Lot 8 being N.00°03'28"W.

NOTES:

1) Subject to restrictions, reservations, easements and rights-of-way, if any, appearing of record.
2) Survey performed without the benefit of a title search.
3) Underground utilites and other below ground features, not located, other than shown.

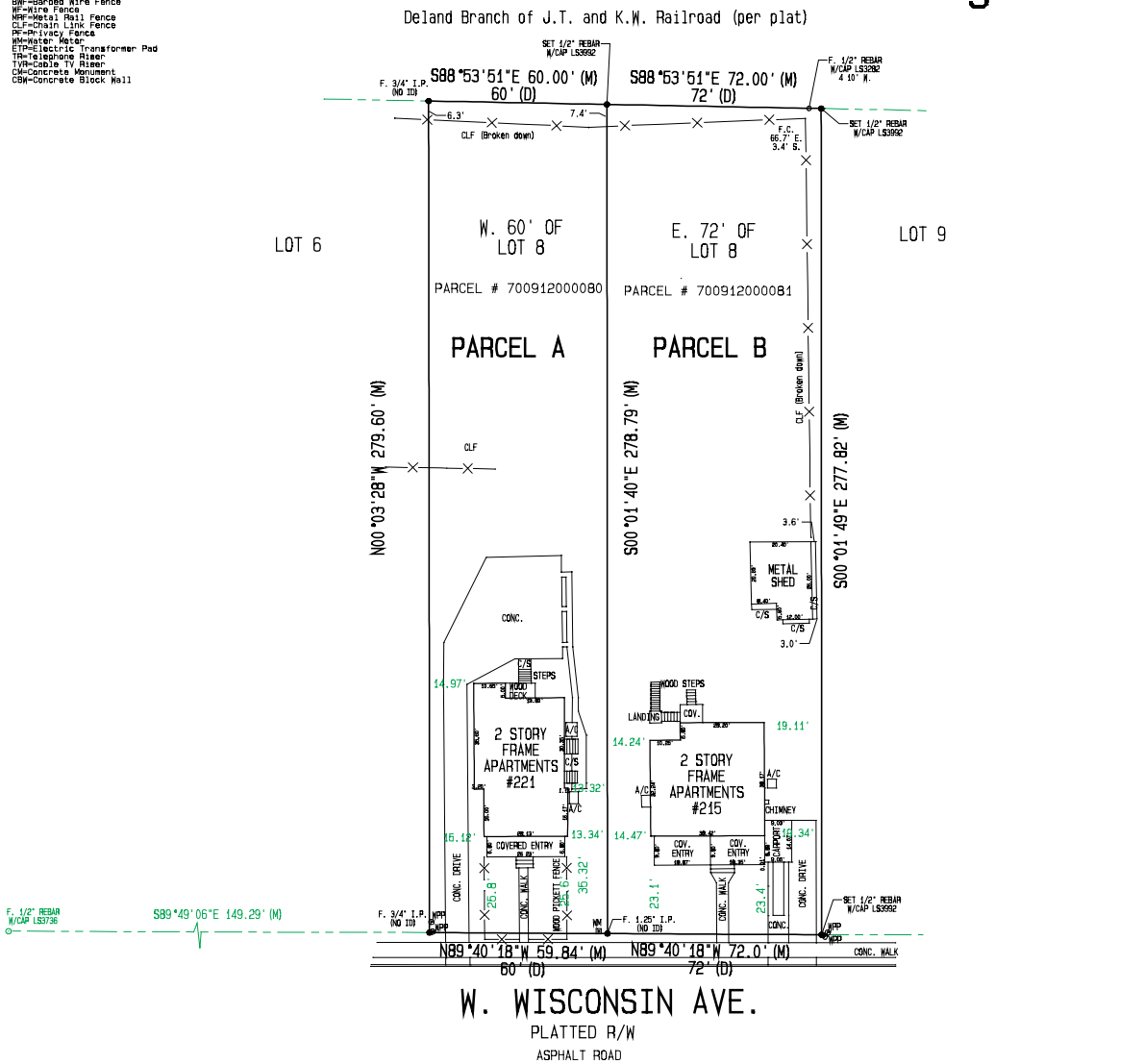
LEGEND:

U.E.=Utility Easement
D.E.=Drainage Easement
U.& D.E.=Utility & Drainage Easement
(P)=Plat data
(D)=Deed data
(M)=Field measured data
(C)=Calculated data
F.=Found
F.C.=Fence corner
P.C.=Point of Curve
P.T.=Point of Tangency
P.C.C.=Point of Compound Curve
P.R.C.=Point of Reverse Curve
R/W=Right of way
LS=Land Surveyor
LB=Licensed Business
PSM=Professional Surveyor & Mapper
C/S=Concrete Slab
WPF=Wood Privacy Fence
WRF=Wood Rail fence
BWF=Barbed Wire Fence
WF=Wire Fence
MRF=Metal Rail Fence
CLF=Chain Link Fence
PF=Privacy Fence
WM=Water Meter
ETP=Electric Transformer Pad
TR=Telephone Riser
TVR=Cable TV Riser
CM=Concrete Monument
CBW=Concrete Block Wall

SCALE 1"=50'

0 50 100

N W E S



This survey is certified to and prepared for the exclusive benefit of the entities and/or individuals shown hereon, valid on the most current date shown, and shall not be relied upon by any other entity or individual whatsoever.

There may be additional restrictions and/or other matters of record not shown on this Survey that may be found in the Public Records of the County or contained within the Title Commitment.

THIS DRAWING IS THE SOLE PROPERTY OF LANGFORD SURVEYING CFL, INC AND CANNOT BE EDITED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF LANGFORD SURVEYING CFL, INC. OTHER THAN THE ORIGINAL CLIENT. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE EXPRESSED WRITTEN PERMISSION OF LANGFORD SURVEYING CFL, INC. ©

Langford Surveying CFL, Inc.
931 N. State Road 434 Ste 1201
Altamonte Springs, FL 32714
407-332-7202 386-738-5080
www.langfordsurveying.com
jim@langfordsurveying.com

NOTE:
Date of survey may differ from date of signature. If so, the date of survey is the applicable date.

JAMES P. LANGFORD CERTIFICATE No. 3992 STATE OF FLORIDA REGISTERED SURVEYOR & MAPPER

DATE SIGNED: 01/22/2024

James P. Langford, P.L.S. 3992 LB7803
VALID ONLY WITH AN AUTHENTICATED ELECTRONIC OR EMBOSSED SURVEYOR'S SEAL & SIGNATURE

Date of Survey:	Drawn by:	Checked by:	Scale:	File name/no.
11/13/2023	JPL	JPL	1"=30'	23-11/

PLANNING DEPARTMENT STAFF REPORT
TO
PLANNING BOARD

March 13, 2024

A. APPLICATION NO.: SE24-016

STAFF PLANNER: Kendall Story, CNU-A

APPLICANT: Timothy Olmstead, Superior Drafting & Engineering Inc.

REQUEST: Special Exception to allow for the reconstruction of an existing daycare facility

APPLICABLE REGULATIONS:

Section 33-134. Procedure for obtaining a special exception; Section 33-18 Special Exceptions; Patterson Park PD Agreement

B. SITE FACTORS:

Location: 337 Old Daytona Rd.
Parcel ID: 603311000470
Parcel Size: ±0.56 acres
Land Use: IND, Industrial/Warehouse
Existing Zoning: PD, Patterson Park Planned Development
Existing Use: Daycare Center

	SURROUNDING LAND USE:	SURROUNDING ZONING:
North:	IND (Industrial/Warehouse)	PD (Patterson Park PD)
South:	HC (Highway Commercial)	C-2 (General Commercial)
East:	VC I (Industrial)	VC I-1 (Light Industrial)
West:	IND (Industrial/Warehouse)	PD (Patterson Park PD)

C. ANALYSIS:

The subject property is located at 337 Old Daytona Rd. and is part of the Patterson Park PD, which was recorded in 1996. The location consists of 0.56 acres of property and neighbors both industrial and commercial uses.

There is an existing daycare center operating at the location, known as the Great Beginnings Learning Center (3,256 sq. ft., 1 story). The applicant intends to demolish the existing structure and construct a larger, two-story building (6,569 square feet). The daycare facility will be open Monday-Friday from 6:30 AM to 6:00 PM.

This PD has provisions for existing, non-conforming structures to remain, but specifies that any development or change of use, whether of an existing vacant lot or of an existing developed lot, shall comply with the relevant provisions of the adopted development plan or the City's Land Development Regulations. In accordance with the PD, all uses within the PD shall comply with the City's Industrial Zoning District, M-1. A daycare or childcare facility is allowed only as a Special Exception in the M-1 zone district. As such, a daycare facility shall (1) not be located within the approach and landing patterns of any airport, (2) shall have a minimum separation of 500 feet from fuel storage and supply plants, and (3) shall have at least a Class B (minimum 15' wide) landscape buffer from all adjacent land uses (Section 33-18.10).

Upon review of the application, it was determined that the subject property is located within the approach and landing pattern of the DeLand Airport, specifically runway 5; and it is unknown whether or not a fuel storage supply plant is within 500 feet of the facility. Additionally, the proposed site plan does not provide the minimum 15' wide landscape buffer required for the approval the special exception.

Section 33-91 of the land development code provides a matrix that addresses off-street parking minimums. In the matrix, daycares require 1 parking space per staff member, plus 1 space per every 5 children (or, 1 space per every 10 children, if adequate drop off facilities are provided). The applicant has not provided a student or staff count with this application. Staff has requested the information, but at the time of the staff report, the information has not been provided. At this time, staff is unable to assess whether the parking requirements will be met.

Section 33-134.08 outlines reasons for denial of a special exception request.

> ***The planning board may recommend denial of any application for any special exception, and the city commission may deny any application for special exception, for one or more of the following reasons:***
>
> ***1. It is inconsistent with the findings and intent of this chapter.***
>
> - *Staff finds that the request is inconsistent with the findings and intent of this chapter. Under the existing zoning, the daycare would be allowed to remain, however, the PD specifies that any development or change of use, whether of an existing vacant lot or of an existing developed lot, shall comply with the relevant provisions of the adopted development plan or the City's Land Development Regulations. In accordance with the PD, all uses within the PD shall comply with the City's Industrial Zoning District, M-1. A daycare or childcare facility is allowed only as a Special Exception in the M-1 zone district. subject property is located within the approach and landing pattern of the DeLand Airport, specifically runway 5; and it is unknown whether or not a fuel storage supply plant is within 500 feet of the facility. Additionally, the proposed site plan does not provide the minimum 15' wide landscape buffer required for the approval the special exception.*
>
> ***2. It is inconsistent with the Comprehensive Plan.***

- *The request is inconsistent with the Comprehensive Plan, because daycare facilities are not compatible with the Industrial/Warehouse land use designation.*

3. ***It will adversely affect the public interest.***
   - *The daycare is an existing use within the Patterson Park PD. However, the applicant submitted an application for approval of a Special Exception to allow a new facility to replace the daycare that will double the size of the building and intensity of the use. According to the Patterson Park PD, a new facility must follow the M-1 regulations outlined in the code. In the M-1 zoning district, daycares must follow the specific special exception requirements (Section 33-18.10). The application does not meet two of the three criteria for a special exception. The applicant has not provided information regarding the location of the nearest fuel facility to determine consistency with the 500-foot minimum separation from a fuel storage supply plant.*
4. ***It does not meet the requirements of the applicable special exception regulations.***
   - *The site is located within the approach and landing pattern of the DeLand Municipal Airport, specifically runway 5.*
   - *The special exception regulations require a minimum of a 15' Class B buffer between uses. The applicant is only proposing a 10' wide buffer.*
5. ***The applicant will not be able to meet all requirements imposed by federal, state or local government or by the city commission.***

   - *The City's Land Development Regulations provide criteria for special exception uses. In the M-1 zone district, daycare facilities are not permitted within the approach and landing pattern of an airport. This property is located within the approach and landing pattern of runway 5.*
6. ***It will generate a volume or frequency of traffic, which will substantially interfere with or disrupt the use or enjoyment of properties within 1,000 feet of the use.***
   - *According to the Institute of Transportation Engineers (ITE), the use will not generate more than 1,000 average daily trips.*
7. ***It will create a hazard, a public nuisance or be dangerous to individuals or the public.***
   - *To allow the reconstruction of the building would be an expansion of the non-conformity, and therefore more hazardous, particularly with the additional students and the height increase that comes with adding a second floor.*
8. ***The proposed use is incompatible with the predominant use of the surrounding property and will not alter, disrupt or decrease the character or value of the neighborhood.***
   - *The use is an existing use that has been at the location since the 90's. The applicant will be required to get an approved site plan for the construction of the new building and will be required to meet all development standards to the best of their ability, including landscaping and architecture. Although, the existing facility was "grandfathered" in the PD, the surrounding uses are a mix of light and heavy industrial and manufacturing. Therefore, the surrounding uses are incompatible with a new daycare facility.*
   - *Part 10(b) of the Patterson Park PD agreement addresses new development standards for properties within the PD. It requires all new development and any change of use to comply with the current standard code regulations.*

9. ***It will adversely affect the natural environment, natural resources or scenic beauty, or cause excessive pollution.***
    - *This is an existing site and will not have a negative effect on the natural environment.*

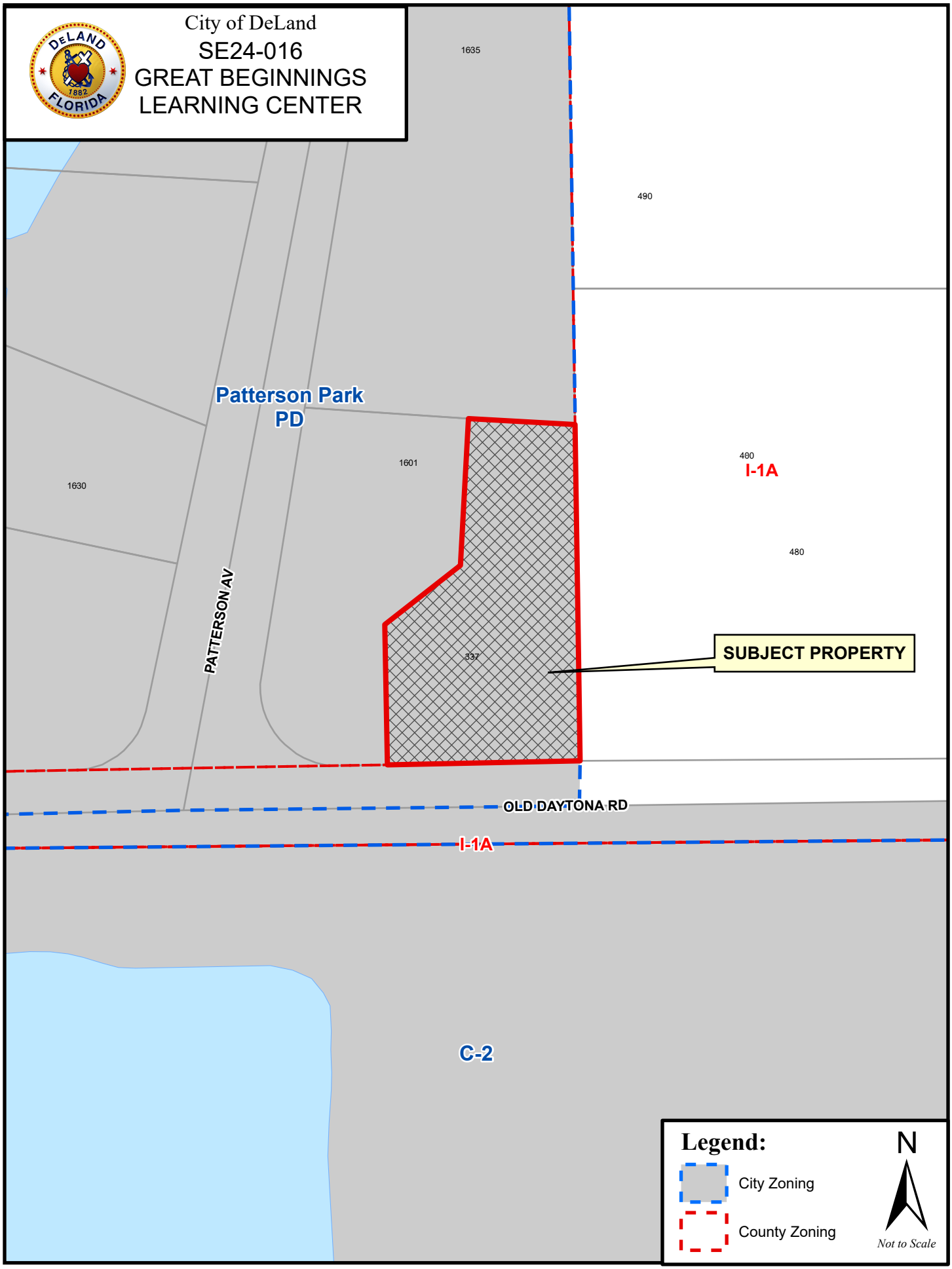
D. CONCLUSION:

The Applicant is requesting approval of a special exception for an existing daycare facility so that they may demolish and rebuild a new, larger, two-story facility in its place.

E. STAFF RECOMMENDATION:

Staff recommends that the Planning Board forward the application to the City Commission with a recommendation of denial due to the findings below:

1. Within the M-1 (Industrial Zone District), daycare facilities are allowed only as a Special Exception.
    a. The daycare facility is located within the approach and landing patterns of the DeLand Municipal Airport;
    b. The proposed daycare facility does not have at least a Class B (minimum 15' wide) landscape buffer from all adjacent land uses (Section 33-18.10)


City of DeLand
SE24-016
GREAT BEGINNINGS
LEARNING CENTER
1635
490
Patterson Park
PD
1601
1630
460
I-1A
480
PATTERSON AV
337
SUBJECT PROPERTY
OLD DAYTONA RD
I-1A
C-2
Legend:
City Zoning
County Zoning
N
Not to Scale

City of DeLand
SE24-016
GREAT BEGINNINGS
LEARNING CENTER
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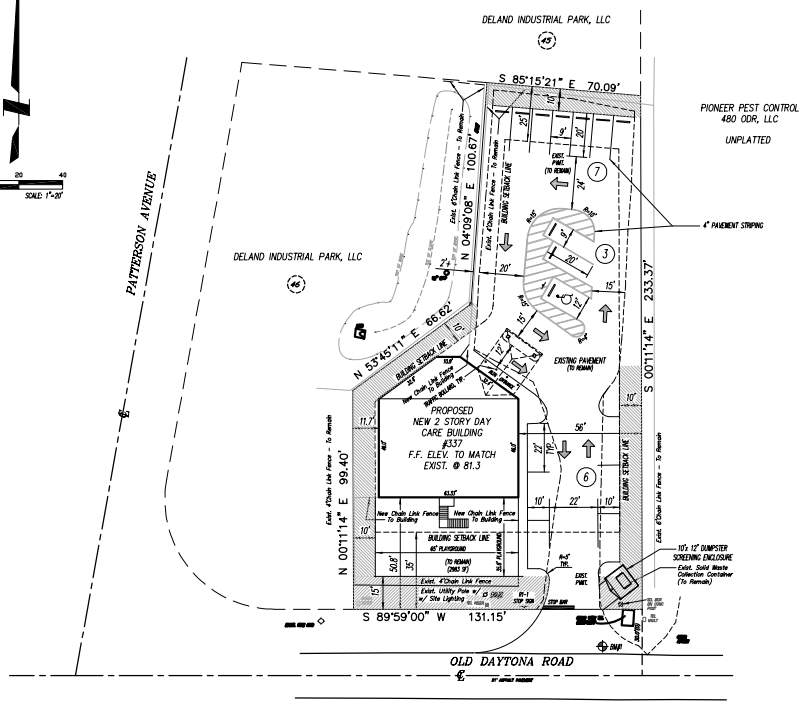


SITE PLAN

SCALE: 1"= 20'

"GREAT BEGINNINGS" DAYCARE– SPECIAL EXCEPTION EXHIBIT

SITE DATA:

LOT 47 DELAND BUSINESS and INDUSTRIAL PARK

ZONING, M–I

BUILDING SETBACKS: FRONT YARD 35'
REAR YARD 25'
SIDE YARD 10'

MAX. ALLOWABLE HEIGHT 45', PROPOSED – 27'–10"

LOT AREA: 24,326 SF / 0.558 AC

MAX. LOT COVERAGE 70% EXISTING IMPERVIOUS 60.70%
PROPOSED IMPERVIOUS 64.08%

PARKING: REQUIRED 11 SPACES
PROVIDED 16 SPACES (1 HC/VAN)

PLAYGROUND: REQUIRED– 45 SF per (½) STUDENT BODY – 2250 SF
PROVIDED 2327 SF

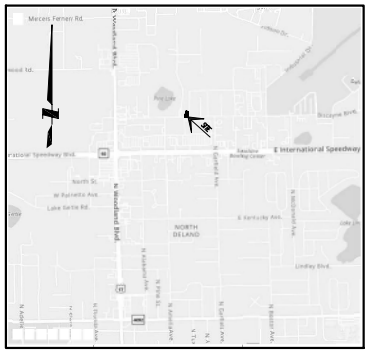
LEGEND:

- INDICATES DIRECTION OF TRAFFIC FLOW
- (3) INDICATES NUMBER OF PARKING STALLS
- INDICATES CONCRETE WHEEL STOP
- INDICATES LANDSCAPE BUFFER

BENCHMARK LEGEND:

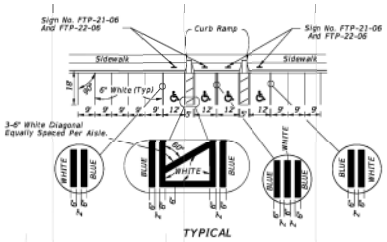
BM#1 – SET N&C LB2791 in PAVEMENT, ELEV= 81.36

BM#2 – SET N&C LB2791 in MUP, ELEV= 82.19



LOCATION MAP N.T.S.

CLASSROOM MATRIX								
SPACE for CHILDREN			STORAGE		RESTROOM		TOTAL sf	
AGE GROUP	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED
TWOs	(11x 35sf) = 385 sf	778 sf	8 sf	17 sf	40 sf	43 sf + 57 sf	433 sf	895 sf
THREEs	(15x 35sf) = 525 sf	1056 sf	8 sf	49 sf	40 sf	42 sf + 49 sf	573 sf	1196 sf
FOURs	(20x 35sf) = 700 sf	711 sf	8 sf	15 sf	40 sf	44 sf + 84 sf	748 sf	854 sf
VPK	(20x 35sf) = 700 sf	1054 sf	8 sf	25 sf	40 sf	40 sf + 40 sf	748 sf	1159 sf
TOTAL	(66x 35sf) = 2310 sf						2502 sf	4104 sf

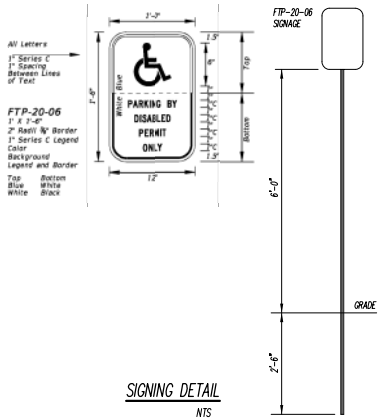


NOTES:

1. Dimensions are to the centerline of markings.
2. An Access Aisle is required for each accessible space when angle parking is used.
3. Criteria for pavement markings only, not public sidewalk curb ramp locations. For ramp locations refer to plans.
4. Tint blue pavement markings to match color 15180 of Federal Standards 595a.
5. Mount FTP-22-06 sign below the FTP-21-06 sign.

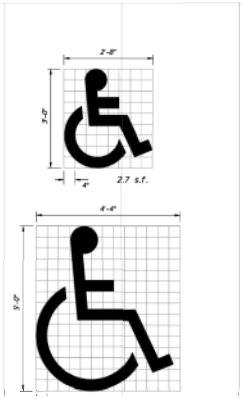
PARKING STRIPING DETAIL

NTS



SIGNING DETAIL

NTS



HANDICAP STALL PVMT MARKING

NTS

Michael J Wojtuniak

Digitally signed by Michael J Wojtuniak
DN: c=US, st=Florida, l=DELAND, o=SUPERIOR DRAFTING & ENGINEERING INC., ou=Michael J Wojtuniak, cn=Michael J Wojtuniak
Date: 2024.11.20 12:20:06 -05'00'

SUPERIOR DRAFTING & ENGINEERING INC.
CERT. OF AUTHORIZATION NO. 30105
MICHAEL WOJTUNIAK P.E.# 60834
PHONE #386-985-3805
#407-406-1492

SUPERIOR DRAFTING & ENGINEERING INC.
1700 PATTERSON AVE., DELAND FLORIDA 32724
www.superiordraftingengineering.com/ email: tosuperiordrafting@gmail.com

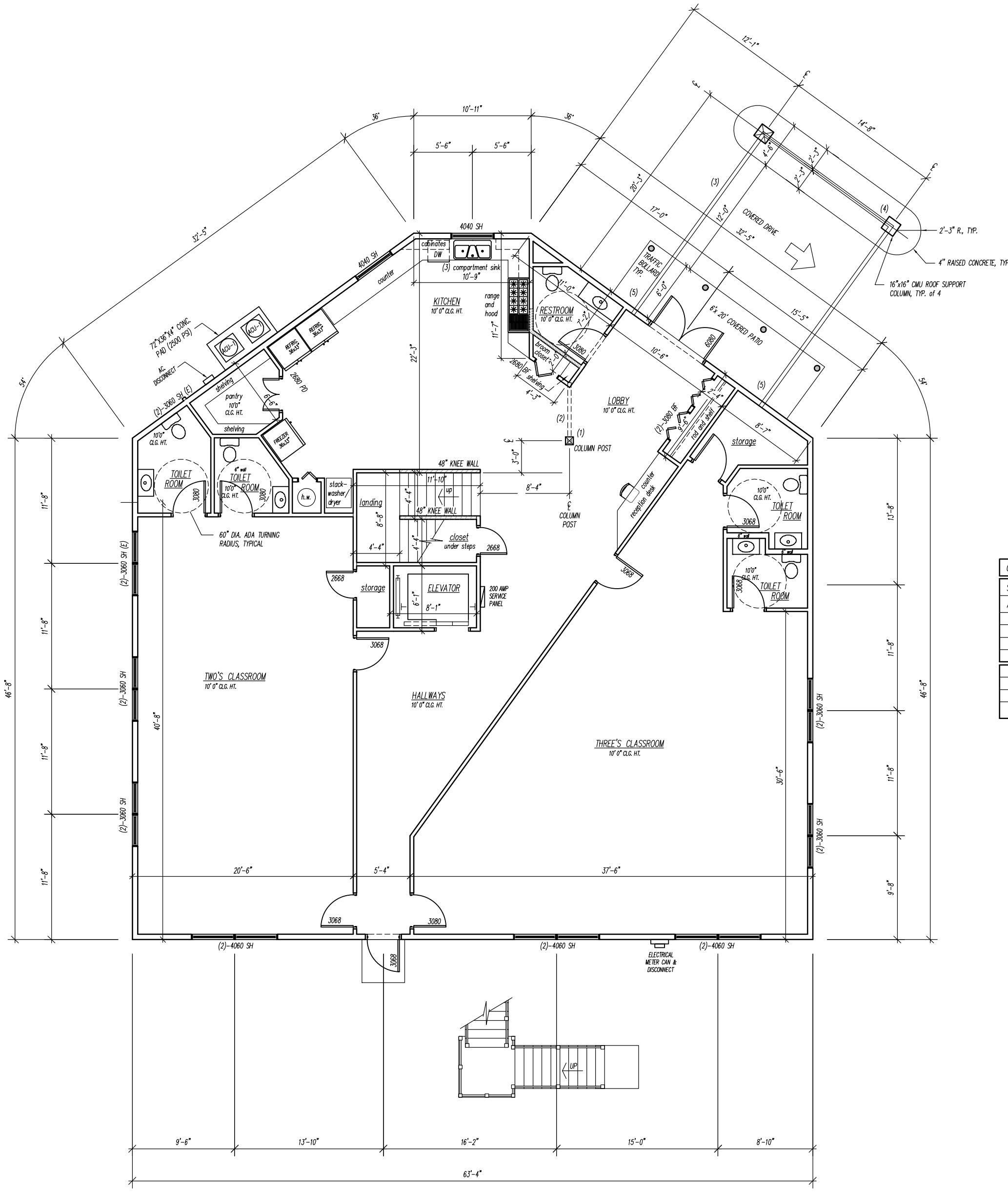
SITE PLAN – NEW DAYCARE BUILDING for: GODFREY CROSS

337 OLD DAYTONA ROAD DELAND, FL

DATE: 12/2/2024 SCALE: NOTED

DRAWN BY: RCDP DRAWING NO. 23-4474 REVISED BY: C.J.W.S.P.E.

PAGE SITE



GROUND LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"

CLASSROOM MATRIX								
SPACE for CHILDREN			STORAGE		RESTROOM		TOTAL sf	
AGE GROUP	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED
TWOs	(11x 35sf) = 385 sf	**778 sf**	8 sf	**17 sf**	40 sf	**43 sf + 57 sf**	433 sf	**895 sf**
THREEs	(15x 35sf) = 525 sf	**1056 sf**	8 sf	**49 sf**	40 sf	**42 sf + 49 sf**	573 sf	**1196 sf**
FOURs	(20x 35sf) = 700 sf	**711 sf**	8 sf	**15 sf**	40 sf	**44 sf + 84 sf**	748 sf	**854 sf**
VPK	(20x 35sf) = 700 sf	**1054 sf**	8 sf	**25 sf**	40 sf	**40 sf + 40 sf**	748 sf	**1159 sf**
TOTAL	(66x 35sf) = 2310 sf						2502 sf	**4104 sf**

BUILDING SQ. FT. UNDER ROOF	
GROUND LEVEL	3662
SECOND LEVEL	2907
TOTAL AREA:	6569

"GREAT BEGINNINGS" DAYCARE – SPECIAL EXCEPTION EXHIBIT

* THESE PLANS ARE DESIGNED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE 2023 RESIDENTIAL AND ARE DESIGNED TO WITHSTAND 140 MPH WIND VELOCITY AND RESIST THE NEG./POS. WIND PRESSURES LISTED IN THE BUILDING DESIGN CRITERIA TABLE (IN THIS PLAN) ACTING IN ANY DIRECTION AND TO ACT NORMAL TO THE SURFACES CONSIDERED.

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PHONE #386-985-3805
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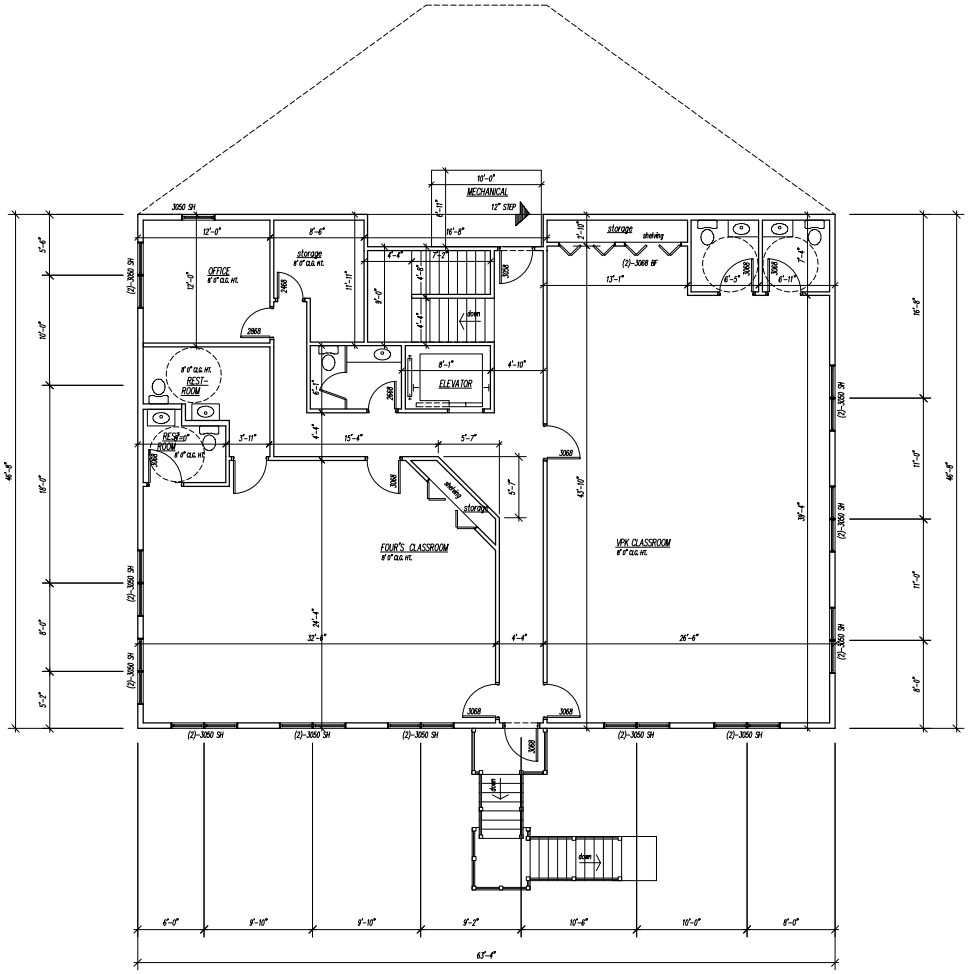
NEW DAYCARE BUILDING for: GODFREY CROSS
337 OLD DAYTONA ROAD DELAND, FL
DRAWN: 2/2/2024
REVISED:
SCALE: NOTED
NO. 23-4474
DRAWN BY: Rclay
REVIEWED BY: T. OLMSTEAD

PAGE A-1



SECOND LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"

CLASSROOM MATRIX								
SPACE for CHILDREN			STORAGE		RESTROOM		TOTAL sf	
AGE GROUP	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED
TWOs	(11x 35sf) = 385 sf	778 sf	8 sf	17 sf	40 sf	43 sf + 57 sf	433 sf	895 sf
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TOTAL	(66x 35sf) = 2310 sf						2502 sf	4104 sf

BUILDING SQ. FT. UNDER ROOF	
GROUND LEVEL	3662
SECOND LEVEL	2907
TOTAL AREA:	6569

"GREAT BEGINNINGS" DAYCARE – SPECIAL EXCEPTION EXHIBIT

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CERT. OF AUTHORIZATION NO. 30105
MICHAEL WOJTUNIAK P.E.# 60834
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NEW DAYCARE BUILDING for: GODFREY CROSS
337 OLD DAYTONA ROAD DELAND, FL
SCALE: NOTED
DRAWN BY: RCRD
REVIEWED BY: M.J. CHECKED
DATE: 2/27/2024
REVISIONS:
NO. 23-4474

PAGE
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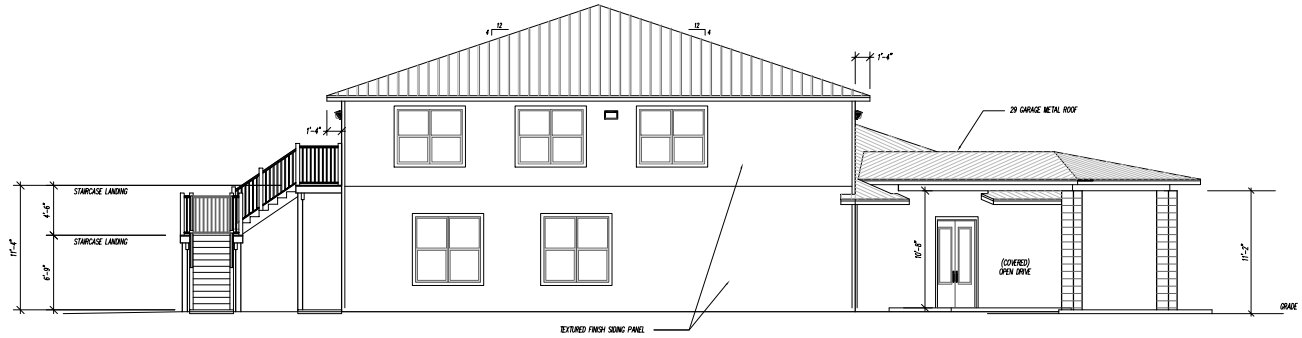
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

"GREAT BEGINNINGS" DAYCARE - SPECIAL EXCEPTION EXHIBIT

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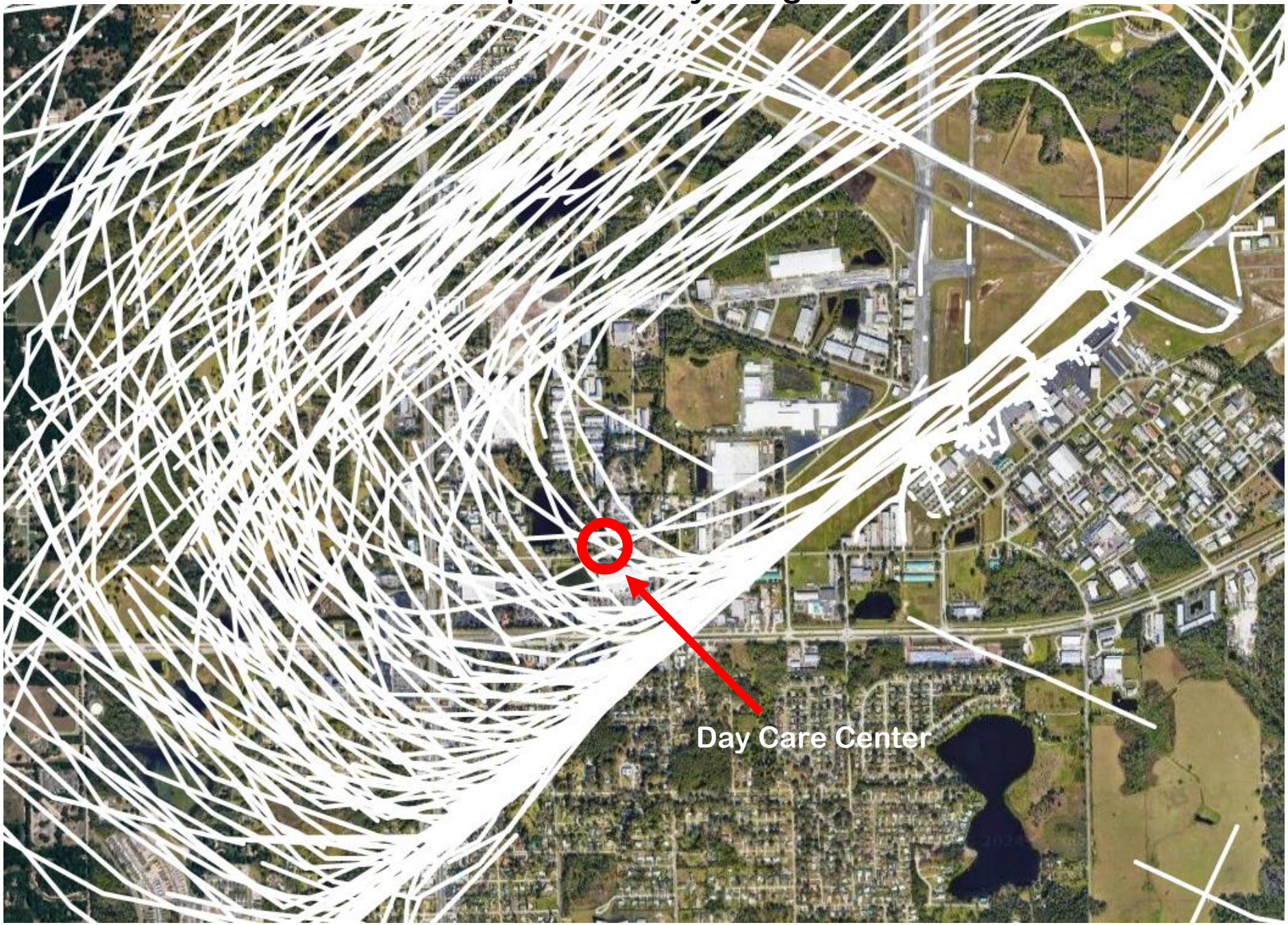
NEW DAYCARE BUILDING for: GODFREY CROSS
337 OLD DAYTONA ROAD DELAND, FL
SCALE: NOTED
DATE: 2/12/2024
DRAWN BY: R. CLAY
DESIGNED BY: C. LORSTAD
NO. 23-474

PAGE
A-3

DeLand Airport Runway 5 Flight Pattern

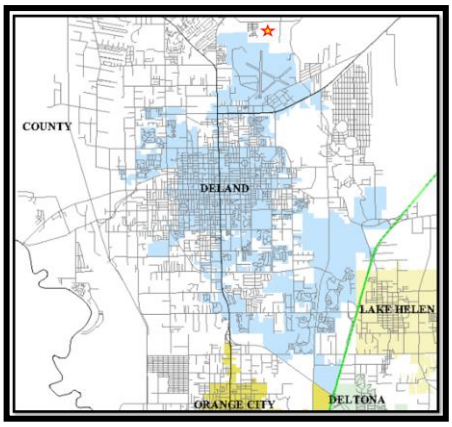


PLANNING DEPARTMENT STAFF REPORT
TO
THE CITY OF DELAND PLANNING BOARD

March 13, 2024

A. APPLICATION NO.: CP24-002, Highland Homes at Carter Road
Applicant: Mark Watts, Cobb Cole
Request: Concept plan review – Development of 322 residential units (single-family and townhouse) on a 124.18-acre parcel
Applicable Ordinance: Article 13, Sec. 33-146.02 Subdivision sketch plans

B. SITE FACTORS
Location: 1210 Carter Rd. (6027-00-00-0160)
Parcel Size: 124.18± acres
Land Use: Volusia County – Agricultural Resource
Zoning: Volusia County – A1A (Prime agriculture)



	SURROUNDING USE:	SURROUNDING ZONING:
North:	VC: AR - Agric. Resource	VC: A-1 (Prime Agriculture)
South:	Industrial	M-1 (Industrial)
East:	VC: AR - Agric. Resource	VC: A-1 (Prime Agriculture)
West:	VC: AR - Agric. Resource, Urban Medium Intensity Industrial	RM – (Residential -Mobile home)

C. ANALYSIS: The project is proposed on property that is currently developed with a single-family structure with a majority of the land designated for agricultural purposes. To the east are rural residential uses on large lots. Located immediately adjacent, to the west, is a mobile home subdivision (Meadowlea) that is in the process of expansion. The site is located in close proximity to the city's municipal airport and adjacent to an abandoned runway. Portions of the property are undeveloped, heavily vegetated with wetlands as well as a small body of water located on the site.

It must be noted that the location of the project lies directly below the flight path for DeLand's Municipal Airport and the future residents will be subject to significant daily noise impacts from the high volume of flights. For example, the attached Overflight Map for this project site shows 239 overflights in single 24-hour period, with all flights 1,000 feet or lower. The project area is identified on the map.

Descriptions of the existing Volusia County land use and zoning designations are as follows:

LAND USE - Agricultural Resource

> **<u>Agricultural Resource (AR)</u>** – This designation consists of lands suited for intensive cultivation, ranching, aquaculture and timber farming. The criteria used to identify these areas includes the soil quality, existing or potential value of production, existing agricultural uses, parcel size, ownership patterns, and investment in farming. In order to protect the agricultural industry, it is important that uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed. In addition, to facilitate a diversification of land uses within AR areas, non-agricultural uses, such as agri-tourism, recreation, disposal and extractive uses may be allowed. However, to

protect the viability of agriculture, such uses should be ancillary to the primary agricultural use of the property.

ZONING - A1

A-1 PRIME AGRICULTURE CLASSIFICATION

Purpose and intent: The purpose and intent of the A-1 Prime Agriculture Classification is to preserve valuable agricultural land for intensive agricultural uses, and to protect land best suited for agricultural uses from the encroachment of incompatible land uses:
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.

The increased density that is being proposed in this area could potentially occur using the Transitional Residential Development (TRD) Designation that has been established within the city's comprehensive plan. The designation is described as follows:

The Transitional Residential Development (TRD) Designation is intended for areas with lower density residential development, with a maximum gross density of up to 2.0 dwelling units per acre. The TRD designation is intended to provide a transition between existing low density residential and agricultural uses within the unincorporated county and low-density suburban residential uses within the city.

In some circumstances, the maximum density may be increased, provided specific performance-based criteria can be met. Higher density residential uses such as townhomes, cluster development, or 2, 3, and 4 family residential units may be considered on a case-by-case basis, and if developed through a cluster development pattern with the preservation of additional open space. In reviewing rezoning requests, the specific density will depend on locational factors, including compatibility with adjacent uses and availability of public facilities. This category will allow existing agricultural zoning and uses to continue.

The TRD Designation is intended to provide larger-lot development options to allow for a gradual transition between existing agricultural and large-lot development areas within the unincorporated areas of the County and the perimeter of the City boundaries. This designation will allow another option for lower density residential development within the City, encourage a more clustered development pattern to preserve a greater amount of open space and natural area and minimize disruption to existing natural habitat.

The density as proposed is 2.59 units per acre which is greater than the 2.0 dwelling units per acre that is allowed under the land use designation, however, as noted above:

"Higher density residential uses such as townhomes, cluster development, or 2, 3, and 4 family residential units may be considered on a case-by-case basis, and if developed through a cluster development pattern with the preservation of additional open space."

Factors relative to this proposal:

- Parks would be public including the area around the pond
- Use of TRD Standards would be applied
- Ballfields are to be built and maintained by the city
- Rear-loaded homes would be provided
- Amenity center
- Walking trails
- Pocket parks
- Park access through the development to the city's sports complex

Additionally, because the applicant has stated intentions to develop the project as a planned district in order to create a unique zoning district, Section 33-32.01 of the land development regulations state the following about PD's:

n. "In return for flexibility in site design and development, planned developments (PDs) are expected to include **exceptional design that preserves critical environmental resources**; provides **above-average open space** and recreational amenities; incorporates **creative design** in the layout of buildings, open space, and circulation; ensures **compatibility with surrounding land uses** and neighborhood character; and, provides **greater efficiency in the layout and provision of roads, utilities, and other infrastructure**."

Development of the property should be based on these standards. The site has a number of attributes that are worthy of protection (i.e. the wetlands that exist in the center of the property). This process should be implemented as a method that encourages development that protects valuable natural resources and fits the context of the existing rural neighborhood. The goal should be to provide a product that meets these requirements while retaining significant natural features and at the same time providing benefits to both the developer and ultimately to the homeowners who will live there.

This aerial depicts the existing natural features of the site including current vegetation, water bodies and wetland areas.

This graphic depicts how existing natural features can be incorporated into a residential development proposal.

The proposal was reviewed by the TRC on February 15, 2024. The committee recommended that the project go forward to the Planning Board as a sketch plan for further review and comment. Because the applicant requests review and comment by the City Commission the project was amended to a Concept Plan. Comments from the TRC meeting are provided below:

Planning:

1. This site is located outside of the city limits and would require annexation, a land use amendment, rezoning, subdivision and site plan review. Verify if this will be a planned development and the land use designation to be requested.

2. The concept plan includes it, but the application details do not include the 10.01-acre parcel #602700000160. The project totals 134.19 acres when it is added.

3. An analysis of the traffic anticipated to be generated by this project will be required. Carter Road capacity issues, Impact fees, Proportionate fair share for road improvements are also to be considered.

4. An analysis of any Environmental issues and resources on-site – vegetation/tree protection area, wildlife, topography/wetlands. Identify all elements to be preserved. Retain natural features as much as possible.

5. Explain any connection/relationship to the Sperling Sports Complex

6. Phasing - Verify how the lots will be developed – timing wise

7. Identify any historic/specimen trees on the property

8. Explain how emergency access will be provided.

9. Low impact development should be considered everywhere possible.

10. Sidewalks should be provided throughout.

11. Verify whether or not on-street parking is to be considered.

12. Verify what the street widths will be and if the roads will be open to the public and maintained by the city.

13. Consider clustering lots around smaller common areas where possible to provide each unit with open spaces closer to the individual lots.

14. Verify if the stormwater ponds are wet or dry ponds, wet ones could serve as an amenity. A preliminary drainage report must be provided with the PD zoning submittal.

15. Verify the depth/anticipated sizes of the 3 types of lots (50, 60 and 20 foot)

16. Verify if there are alleys between the townhouse lots. An alley loaded design is preferred to avoid a predominance of garages on the front facades of the buildings.

17. Provide a more detailed narrative of the thought process for this development, describe the amenities to be offered and include a detailed description of the project's conformance to the PD standards.

18. Provide a map showing the no-fly zone for the airport and its proximity to this site.

Forestry:

1. The following general comments are provided to assist you at the Site Plan stage:
   a. During future submissions, a tree survey, completed tree worksheets, and landscape plan will be required.

   b. At least 15 percent of the site will need to be designated as tree protection area, and a minimum of one tree per 2,500 square feet will need to remain or be planted on the site.

c. Removal of trees will require at least one third diameter replacement. Removal of specimen trees will require 50% replacement of the DBH inches lost. Unhealthy specimen trees, as determined by the city forester, will be replaced at the same rate as non-specimen protected trees.

d. The City's current list of specimen trees can be found in Section 33-57.05(c)1 at: ARTICLE VI. - RESOURCE PROTECTION STANDARDS | Code of Ordinances | DeLand, FL | Municode Library Laurel Oaks (Quercus laurifolia) which are larger than 20" DBH and in deteriorated condition may be replaced by one two-inch DBH (three-inch caliper) minimum sized canopy tree from the "List of Permitted Shrubs and Trees for Landscaping and Tree Protection." An Arborist Report documenting the deteriorated trees will be required to receive reduced replacement. Removal of all other non-specimen protected trees greater than 6" DBH will require the replacement of one third of the DBH inches lost.

e. Any historic tree that is proposed for removal will require a review by this office, recommendation by the City Tree Advisory Committee and approval by City Commission. The developer must demonstrate that the tree is a hazard or that it is not economically or practically feasible to develop the parcel without removing the historic tree. Historic trees are defined as Bald Cypress 20-inches or larger DBH, Live Oak 25-inches or larger DBH, and Red Cedar 25-inches or larger DBH.

f. For historic trees that will be preserved, tree protection fence must be installed by the contractor and inspected by the City Forester prior to any land disturbing activity.

g. Unless the applicant proposes a method of root protection which is acceptable to the City, no construction activity shall take place within an area equal to one and one-half times the area of the drip line.

h. All new Class II and Class III site plans require the following statement: "Tree barricades are required around all trees which have been designated on the site plan to be retained and protected. Prior to any clearing or construction activity occurring on the site, tree barricades shall be constructed by the contractor and approved by the City."

i. A Tree Barricade detail showing how remaining trees will be protected needs to be included on all Site Plans. A barrier needs to be constructed around your Tree Protection Area and at the drip line or ten feet from each tree that will remain, whichever area is larger. An example of a Tree Barricade detail can be found at: Tree Permitting | DeLand, FL

Utilities:

1. Would require a Utility Service Agreement.

2. A lift station and force main would be required for sewer connection on the North Access Airport Rd.

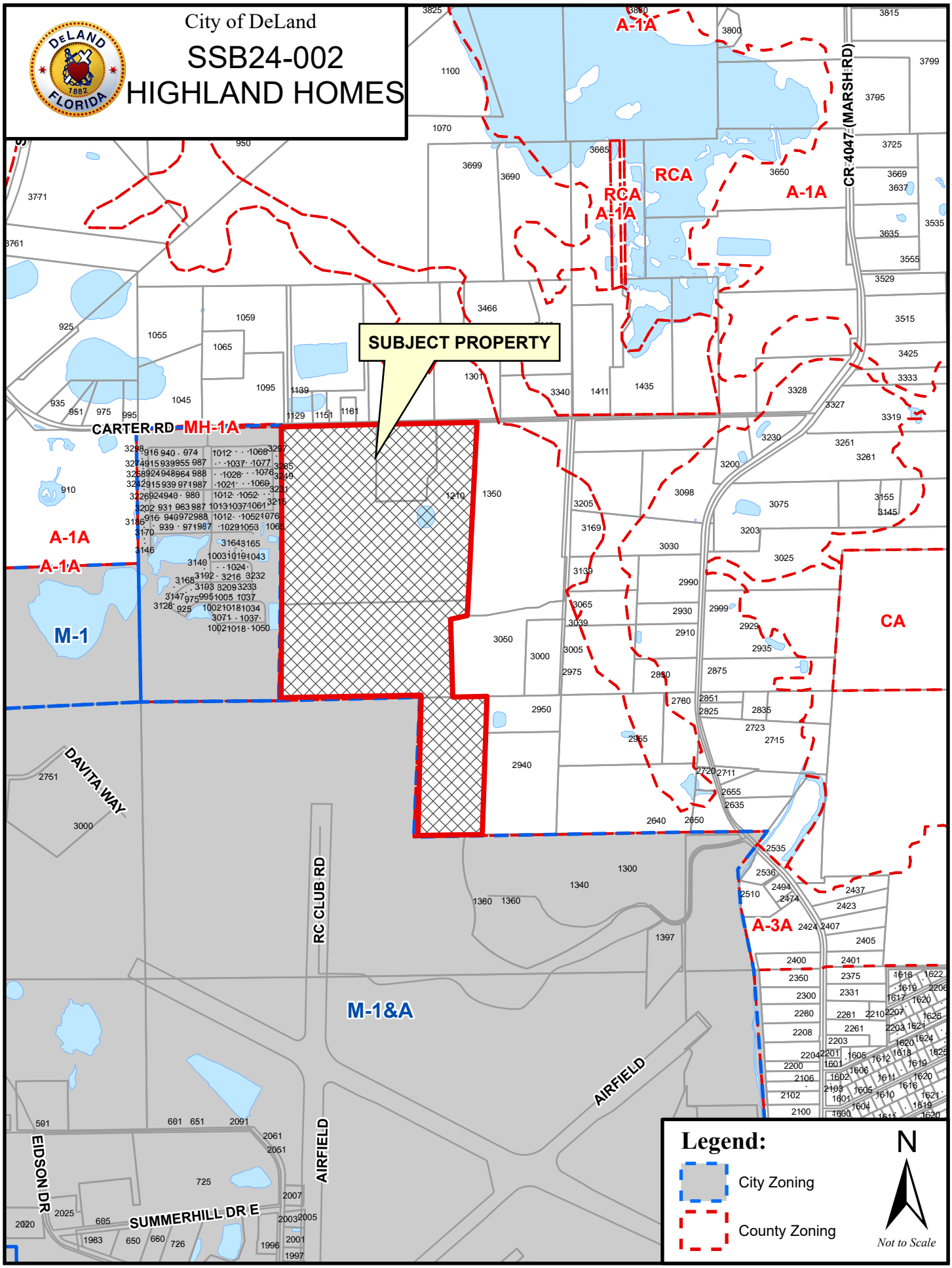
3. A 12" reclaim line is available for use along southern edge of project.

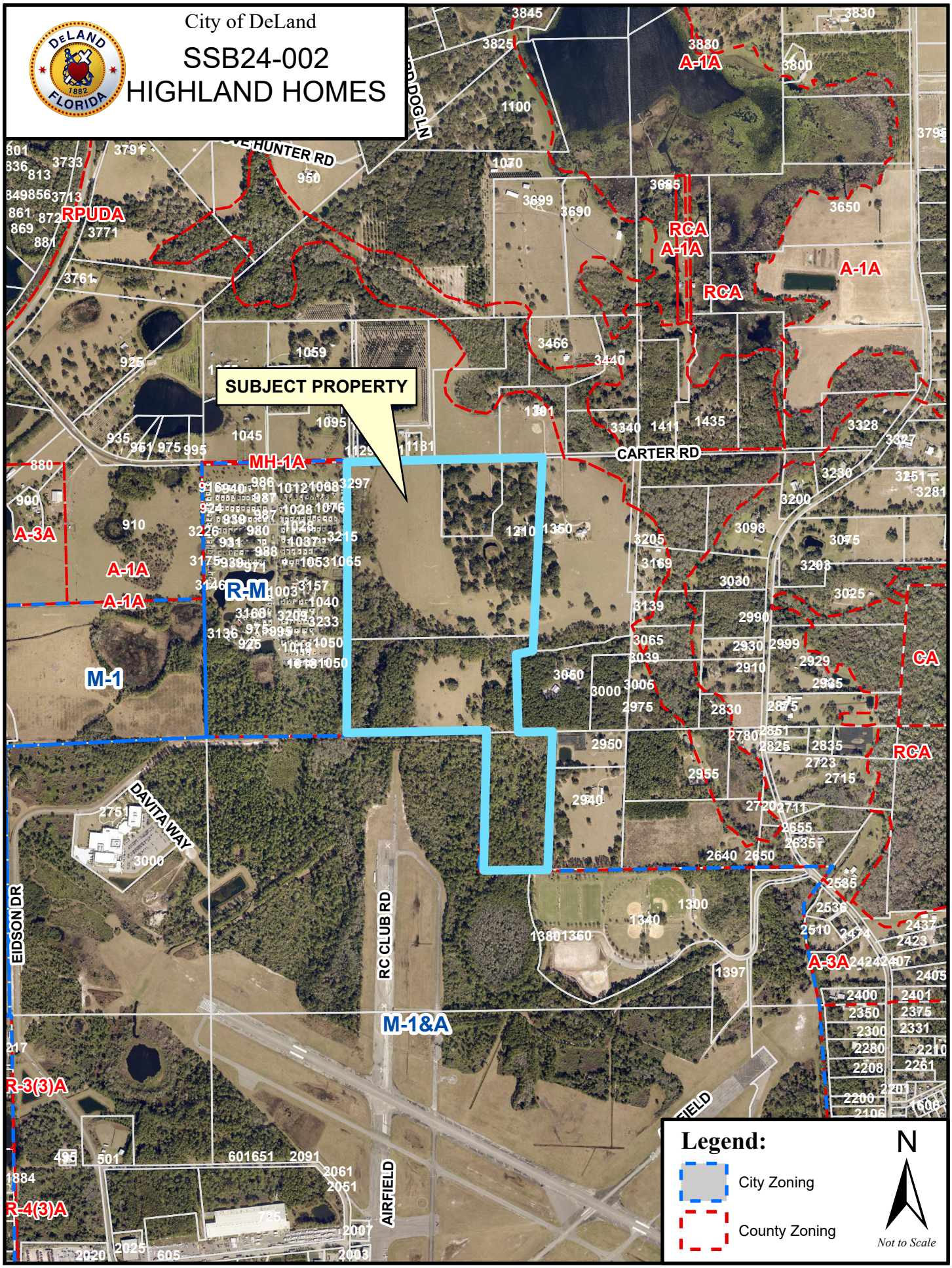
4. A 12" water line is available on Carter Rd.

Engineering:
Portions of the roadway through the sports complex are not sufficiently wide to accommodate two-way traffic. Some improvements may be required to access the new proposed parking area.

The purpose of concept review is to give the developer a chance to receive informal comment from the city commission, planning board, and staff, on the development proposal before a great deal of money is spent on detailed plans. No official action is needed by the board for this application.

It is reiterated that the location of the project lies directly below the flight path for DeLand's Municipal Airport and the future residents will be subject to significant daily noise impacts from the high volume of flights.


City of DeLand
SSB24-002
HIGHLAND HOMES
SUBJECT PROPERTY
A-1A
RCA
CR 4047 (MARSH RD)
CARTER RD
MH-1A
M-1
CA
A-3A
M-1&A
DAVITA WAY
RC CLUB RD
AIRFIELD
EIDSON DR
SUMMERHILL DR E
Legend:
City Zoning
County Zoning
N
Not to Scale


City of DeLand
SSB24-002
HIGHLAND HOMES
SUBJECT PROPERTY
HUNTER RD
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DAVITA WAY
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AIRFIELD
RPUDA
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R-4(3)A
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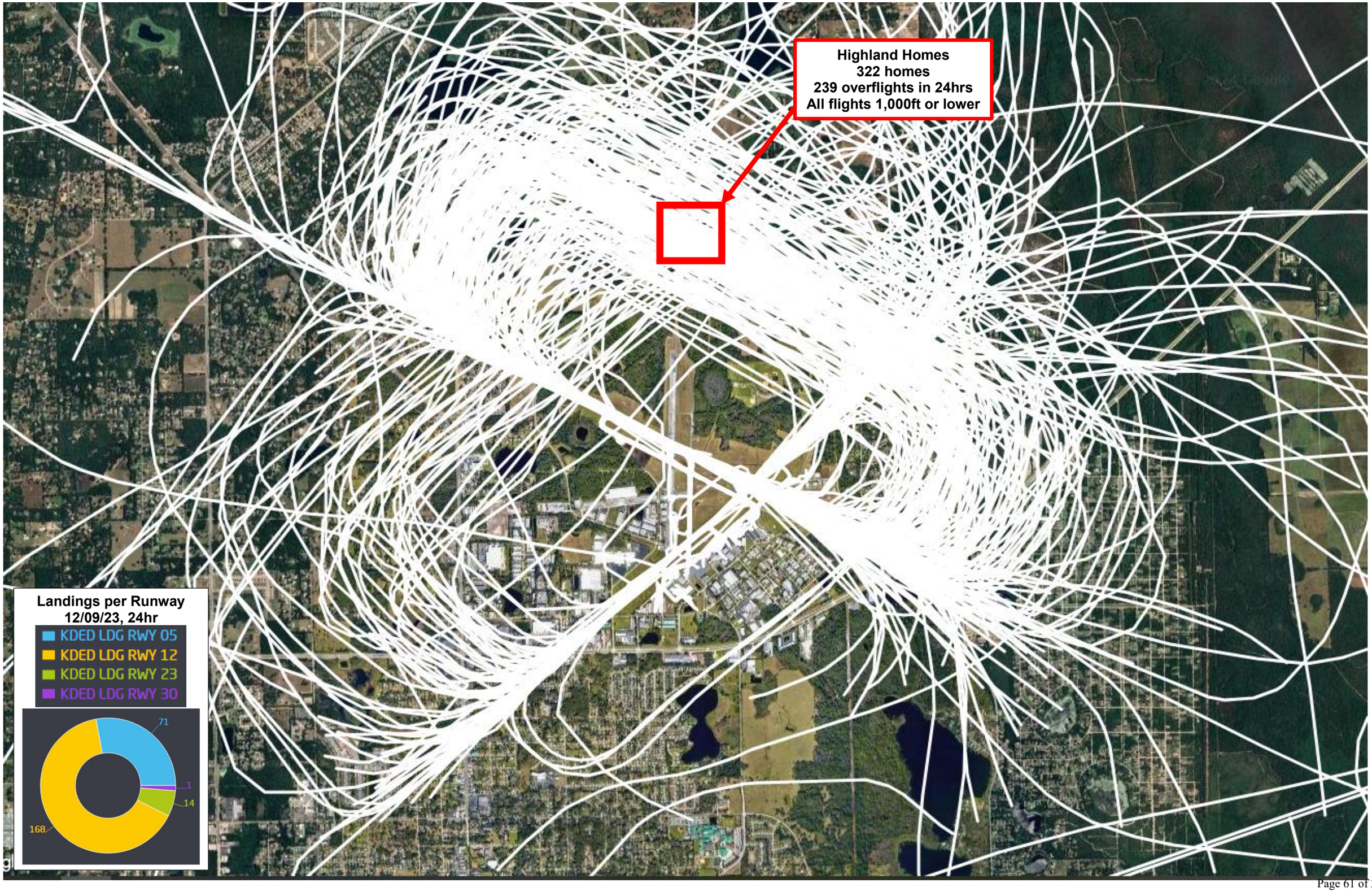
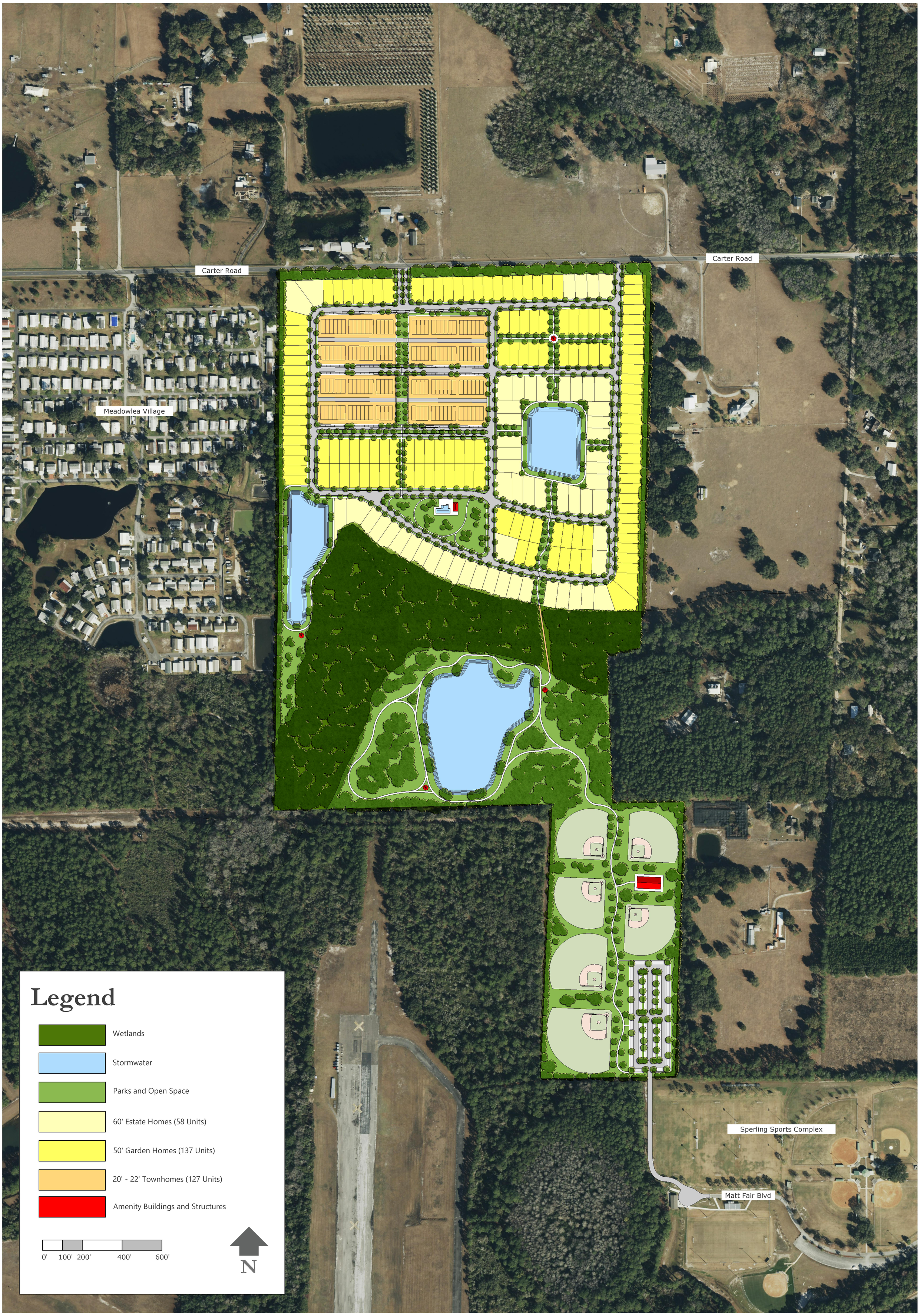

Highland Homes
322 homes
239 overflights in 24hrs
All flights 1,000ft or lower
Landings per Runway
12/09/23, 24hr
KDED LDG RWY 05
KDED LDG RWY 12
KDED LDG RWY 23
KDED LDG RWY 30
71
1
14
168

HIGHLAND HOMES AT CARTER ROAD



November 9, 2023 | VOLUSIA COUNTY, FLORIDA **Highland Homes at Carter Rd 1" = 200'** | P | 01

PLANNING DEPARTMENT STAFF REPORT
TO
PLANNING BOARD

DATE: March 13, 2024

APPLICATION NO.: Z23-250

STAFF PLANNER: Emily Kunkel, *Planner II*

APPLICANT: Mr. Mark Watts, Esq., *Cobb Cole*

REQUEST: Amend the existing zoning designation from City of DeLand's Summit Place PD to City of DeLand's First Amended and Restated Summit Place PD

APPLICABLE REGULATIONS:

Article IV **Overlay and Floating Zones**
Sec. 33-32 – Planned Development District.

Article XII **Administrative and Enforcement**
Sec. 33-135 – Procedure for text amendments & rezoning.

City of DeLand Comprehensive Plan
Chapter 1 – Future Land Use Element
Local Plans - Lake Winnemissett Gateway Corridor Plan

A. SITE FACTORS:

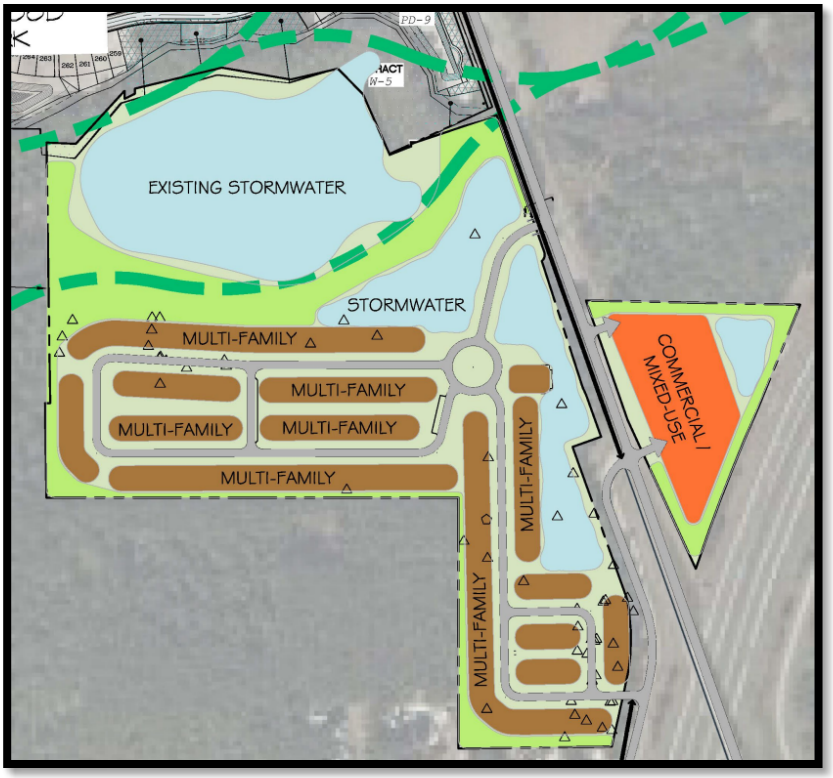
Location: SW of Daytona State College, NW corner of I-4 and N. Summit Ave. (County Road 4139) and portion of NE corner of I-4 and N. Summit Ave. (County Road 4139)
Parcel Size: ± 66.46 acres
Land Use: Gateway/Activity Center
Existing Zoning: PD (Planned Development)
Existing Use: Vacant

	SURROUNDING USE:	SURROUNDING ZONING:
North:	Low Density Residential	Park Lake Estates PD
South:	VC: Rural	VC: A-2 & VC: A-3
East:	VC: Public/Semi Public (NE) & VC: Rural (SE)	VC: P (NE) & VC: A-1 (SE)
West:	Low Density Residential	R-1A

B. BACKGROUND: In 1994, the City of DeLand Planning Board and City Commission approved the rezoning from Volusia County A-3, *Transitional Agriculture* & R-3, *Urban Single Family* to City of DeLand Planned Development, Twelve Oaks PD and Royal Oaks PD. The two Planned Developments had verbiage complimenting each other and tying them together as "sister" PD's through shared commercial uses, maximum number of residential units, buffer requirements and connectivity. The 1994 version of the Twelve Oaks PD (446.9 acres) was proposed to be a mixed-use development, consisting of open space, single family residential, institutional, commercial and industrial land uses.

The Royal Oaks PD (489.5 acres) was proposed to be a mixed-use development, consisting of open space, residential, commercial and industrial land uses, and City of DeLand property (fire station/water pumping station). In 2010, both the Royal Oaks and Twelve Oaks PD's expired due to no development applications submitted.

In 2014, the Planning Board and City Commission approved to rezone of a portion of the Royal Oaks PD (+/-66.46 acres) to Summit Place PD and a portion of the Twelve Oaks PD (+/- 65.08 acres) to Gateway East PD. The two Planned Developments still retained verbiage complimenting each other and tying them together as "sister" PD's through shared commercial uses, maximum number of residential units, buffer requirements and connectivity.



The applicant is now requesting to amend the existing Summit Place PD (approved in 2014) to First Amended and Restated Summit Place PD and sever the connection to Gateway East PD (approved in 2014), therefore no longer being "sister" PD's. However, the City of DeLand Comprehensive Plan Future Land Use Element, the Lake Winnemissett Gateway Corridor Plan still connects the two PD's. Therefore, the new amendments are held to the maximum 480 units through this Comprehensive Plan element, that can be split amongst the two PD's. The proposed First Amended and Restated Summit Place PD will retain majority of the number of units (302 multifamily units) with some commercial/mixed uses.

C. ANALYSIS:

The proposed development consists of ± 66.46 acres of vacant, wooded land, located SW of Daytona State College, NW corner of I-4 and N. Summit Ave. (County Road 4139) and portion of NE corner of I-4 and N. Summit Ave. (County Road 4139). The applicant is requesting to rezone the subject property from City of DeLand's Summit Place PD to City of DeLand's First Amended and Restated Summit Place Planned Development.

The proposed PD Development Agreement allows a maximum of 302 multi-family units that will be developmend on the west side of CR 4139. The east side of CR 4139 will be developed as commercial/mixed use.

In general, unless otherwise stated in the PD Agreement, the development standards will be similar to the City's Multiple-Family Dwelling Districts and General Commercial District (C-2) from the City's Land Development Regulations.

As required by section 33-57.07(b) of the Land Development Regulations, a minimum of 15% of the subject property will be dedicated as Tree Protection Area (TPA). The development will be required to maintain a minimum buffer of 25' in width, except along the interstate where there shall be a 15' wide buffer. Special attention and effort shall be given to the preservation of the Tatum Lake ecosystem.

D. **School Concurrency:** A school concurrency letter dated April 13, 2023 was provided by the School Board with the proposed use of a 300-unit Multi-Family development. This letter from the school board offers no objections to the development. An updated school concurrency application, reflecting the newly proposed number of units/type of residential, is still under review by the School Board. Once complete the applicant will need to submit the letter to City staff for review, prior to City Commission approval.

E. **Stormwater:** The development has been laid out in a manner to best accommodate the existing topography and drainage conditions identified on the property. The existing Lake Tatum is located at the North of the site, and two additional new Stormwater ponds are proposed South East of Lake Tatum. In addition to these Stormwater ponds, the Summit Place PD includes elements of low impact development (LID) design. Supplemental plantings will enhance the functionality and aesthetics of these retention areas using predominantly Florida-Friendly Landscaping.

F. Applicable City of DeLand Development Regulations

Sec. 33-32 – Planned Development District of the Land Development Regulations is intended to provide a method for consideration and approval of unique zoning districts for individual Planned Developments (PD) which are not provided for or allowed in the zoning districts otherwise established by this chapter.

The proposed Planned Development rezoning will allow for a mixed-use of commercial and residential to be developed. The criteria and standards to be met for approval have been reviewed and Staff finds the outlined consistencies and inconsistencies as outlined below.

The proposed development would utilize the natural topography and existing drainage to develop the site therefore; proposing to cluster the buildings to allow for separation amongst development and existing natural conditions. A multi-modal trail is proposed in front of the development to allow for variety of transportation alternatives to surrounding uses, such as Daytona State College and future development of the area.

Sec. 33-135 – Procedure for text amendments & rezoning of the Land Development Regulations provides the following factors to consider during the review of each application for rezoning or for changes in permitted uses, among the factors to be considered are the following:

1. **Whether it is consistent with the Comprehensive Plan, and the land use, zoning patterns and character of the surrounding area.**

The proposed Planned Development zoning is consistent with the Comprehensive Plan, specifically the Lake Winnemissett Gateway Corridor Plan that outlines standards that the original Royal Oaks and Twelve Oaks Planned Developments were to follow. These standards are being carried forward with these new amended and restated versions as well as the residential unit maximum of 480 dwelling units to be shared amongst the two PD's.

The proposed development of the site is also consistent with Comprehensive Plan's intent to reduce urban sprawl and pursue smart growth principles as referenced in the DeLand 2050 Vision Plan. In 2023, the City acquired +/- 128.06 acres to the West, adjacent to the Summit Place Planned Development for conservation land. At the time of subdivision review, the City and Developer may explore options for acquisition of Lake Tatum and access between the two properties.

2. **The impact upon the environment or natural resources.**

The subject site is heavily wooded and the proposed development would reduce the tree coverage significantly. However, the PD Agreement and associated plan will ensure that tree preservation areas, buffering and other tree requirements are identified and meet the minimum requirements of the Land Development Regulations,

State & Federal regulations. Special attention and effort shall also be given to the preservation of the Tatum Lake ecosystem. The impervious surface for the entire project site, shall not exceed 70%, which shall not include Lake Tatum. Additionally, the presence of listed species needs to be determined and addressed at the time of subdivision or Site Plan process.

3. **The impact upon the economy of any affected area.**

The site is currently undeveloped; therefore, the development of multi-family development and small portion of commercial/mixed use (6.63 AC) in this area should have a positive economic impact on the City and the surrounding area. This development, having majority multi-family development in close proximity to Daytona State College campus, could have the potential for housing students and facility. This development could potentially raise overall home values by creating additional jobs, shopping, and convenience.

4. **The impact upon governmental services.**

Volusia County Schools provided a School Concurrency Determination, dated April 13, 2023. Per the letter, the proposed 300-unit multi-family project will generate 39 full-time students. This projected increase in students, will not exceed the adopted Level of Service (LOS) at any school level, therefore the School Board has no objections to the proposed project. However, the letter was not based upon 302 proposed townhome units. Therefore, the applicant must submit an updated concurrency letter from the School Board prior to City Commission approval.

Governmental services such as potable water, reclaimed water, sewer, code enforcement, police, and fire are available for the subject property and will be provided by the City. In 2022, at the Sketch Plan review, the City's Utilities Department indicated, that a Utility Service Agreement will be required for this project, a 12" water line will need to be extended from the NE corner to the SE corner, and stubbed out to the South parcel as well as Sewer and reclaimed water lines will need to be extended from the Gas Easement on Summit Ave.

5. **Any changes in circumstances or conditions affecting the area since the original assignment of zoning.**

The subject property abuts a small portion of less dense, rural, unincorporated residential land to the South, as well as incorporated Lakewood Park (434 single-family lots) to the North. The proposed development is within the City's Employment Center overlay and to retain existing zoning; according to the DeLand 2050 Land Use guide. This area is to remain with the existing zoning and may allow increased density if it conforms to specific criteria, such as appropriate location and sustainability. The proposed zoning change will facilitate site improvements, and it is consistent with the previously approved surrounding land uses and zoning. The development of multi-family units and mixed-use commercial in close proximity to Interstate-4 is an appropriate location by encouraging higher intensity along select corridors or major centers will encourage transit and lessen traffic congestion.

6. **Any mistakes in the original classification.**

There were no mistakes in the original classification.

7. **The effect upon the use or value of the affected area.**

The proposed development abuts the Lakewood Park residential Planned Development to the North, with Lake Tatum being in the middle. City owned acreage to the to the west; Volusia County School Board owned acreage to the south; and Daytona State Community College to the East. The nearby Lakewood Park plats to the North have lot sizes averaging around 40-65 ft. in width, with houses actively being built since 2021.

8. **The impact upon the public health, safety and welfare.**

There is no indication at this time that the new proposal will create additional impacts upon public health, safety and welfare, other than traffic generation. All provided services have the capacity needed to accommodate the proposed development, although the Developer will be required to have a Utility Service Agreement and extend the necessary sewer and reclaimed water lines to the site. Impacts if any, to the

surrounding County roadway network will be required to be mitigated proportionally by the developer. The proposed construction of Beresford Avenue extension from Blue Lake Avenue to SR-44 will positively facilitate truck and traffic movement. A Transportation Facility Analysis (TFA) was submitted for this rezoning dated February 2024 and the proposed development will not cause any of the study area roadway segments to exceed their capacity, except the SR-44 segment from Blue Lake Avenue to Summit Avenue, which is already operating beyond capacity.

CITY OF DELAND COMPREHENSIVE PLAN CHAPTER 1 – FUTURE LAND USE ELEMENT

Local Plans - Lake Winnemissett Gateway Corridor Plan

Development within the Lake Winnemissett Gateway Corridor shall be consistent with the goals, objectives, and policies enumerated below. These goals, objectives, and policies shall not be interpreted, either individually or collectively, as relieving compliance with other elements of the Comprehensive Plan and/or other City land development regulations. Rather, it is the purpose of these goals, objectives, and policies to supplement, not substitute or supersede, the Comprehensive Plan and other land development regulations.

f14.1.7 w Encourage unified design of new development that enhances the area as a mixed use gateway into the City of DeLand.

The development of this Planned Development having residential on one side of CR 4139 and mixed-use commercial on the other side of the road enhances the area as a mixed-use gateway into the City of DeLand.

f14.3.2 w Developments shall be designed to integrate wetlands and other environmentally sensitive lands into an open space network. This network should be linked to similar systems on the same property or adjacent properties, including parcels outside of the gateway.

The Planned Development rezoning is proposing to integrate the existing Lake Tatum and proposed wildlife corridor into the development by creating a connected open space system.

f14.3.3 w Protect original clusters of historic trees as designated in Twelve Oaks and Royal Oaks PD and any other historic trees located in the LWGC.

The concept plan shows an existing historic tree where a multi-family building is proposed. A full and complete tree survey will be required at time of development submittal, and it is recommended that this Historic Tree and any others be preserved.

f14.4.6 w In order to delay the school capacity determination until a residential development is proposed in the new Local Plan, Lake Winnemissett Gateway Corridor; the plan is limited to only 480 multi-family dwelling units, unless the Local Plan is amended and a school capacity agreement is approved between the School Board and the developer.

The original Planned Developments, Twelve Oaks and Royal Oaks split the maximum 480 dwelling units between the two PD's. The First Amended and Restated Summit Place PD is proposing to be unlinked from Gateway East PD, while still retaining maximum 480-unit count to be split between the two PD's. The First Amended and Restated Summit Place PD is proposing to develop 302 of these units. An updated school concurrency letter will need to be submitted prior to final approval, ensuring that adequate school capacity can be met.

f14.5.1 w In conjunction with affected landowners, local governments and Florida Department of Transportation; the City of DeLand shall assure that necessary transportation improvements for the thoroughfares/roadways identified in the original Traffic Impact Analysis for the combined PD's of Twelve Oaks and Royal Oaks are re-evaluated to determine appropriate mitigation. The specific segments that need to be re-evaluated are:

Kepler/MLK from US 92 to SR-472
Beresford from Blue Lake to SR-44 (extension)
US 92 from Woodland to Kepler

SR-44 from Voorhis to I-4
Summit from SR-44 to I-4
Blue Lake from Plymouth to SR-44

A Transportation Facility Analysis (TFA) was submitted for this rezoning dated February 2024. The TFA outlines majority of the segments above, with some additional segments included. A trip generation analysis, was calculated using information published in the Institute of Transportation Engineers (ITE), Trip Generation Manual (11th Edition) that outlines the previously proposed development of 300-unit townhomes and 40,000 square foot of commercial space. The analysis states that 4,125 net new external trips per day, which 379 trips would occur during the PM peak hour. The applicant will need to submit an updated traffic study reflecting the newly proposed 302-units rather than 300-units.

The proposed project is on the West & East sides of N. Summit Avenue, which is categorized as an urban minor collector road. Per the latest Volusia County Traffic Counts (2021), this portion of N. Summit Ave (SR-44 to Main St.), is operating at a Daily Level of Service (LOS) of "C" with an allowable LOS of "E". This segment can handle an additional 11,390 daily trips before reaching capacity.

North of the proposed property is SR-44, the portion of SR-44 from Summit Ave. to I-4, is considered a Principal Arterial roadway. Per the latest Volusia County Traffic Counts (2021), this portion is operating at a Daily Level of Service (LOS) of "C" with an allowable LOS of "D". This segment can handle an additional 18,800 daily trips before reaching capacity.

The existing segment of SR-44 from Blue Lake Avenue to Summit Avenue currently operates in excess of its capacity, and will continue to exceed its capacity (Horizon Year 2029) whereas all other segments analyzed operate adequately. The addition of this proposed development, will not specifically cause any of the study area roadway segments to exceed their capacity. A full Traffic Impact Analysis (TIA) will be required because the projected average daily trips exceed 1,000 trips. Any impacts to the offsite roadway network caused by the development will be addressed through Volusia County's process.

f14.7.7 w Residential development adjacent to a school site will ensure public access, including vehicular, bicycle and pedestrian traffic, will be integrated between the school and the residential community.

A multi-modal trail is proposed in front of the development to allow for variety of transportation alternatives to surrounding uses, such as Daytona State College and future development of the area. At the time of subdivision review, the City and Developer may also explore options City acquisition of Lake Tatum for access between this proposed development and the City owned conservation land (+/- 128.06 acres) to the West.

G. CONCLUSION:

The Applicant is proposing a rezoning from City of DeLand's Summit Place PD to City of DeLand's First Amended and Restated Summit Place PD in order to develop the subject property as a mixed -use development consisting of 302 multi-family units and 6.36 acres of commercial/mixed use portion. Submittal of a preliminary and final plat and site plan(s) for the proposed Commercial will be required to ensure the provisions of the Planned Development Agreement are satisfied, as determined by TRC Staff, Planning Board, and City Commission.

H. STAFF RECOMMENDATION:

Staff recommends that the Planning Board forward the zoning request to the City Commission with a recommendation for approval of this rezoning request from City of DeLand's Summit Place PD to City of DeLand's First Amended and Restated Summit Place PD.

PLANNED DEVELOPMENT AGREEMENT

IN THE CITY COMMISSION OF THE

CITY OF DELAND, FLORIDA

IN RE: _____, Application of

D.R. Horton, Inc.

ORDINANCE # _____

ORDER AND RESOLUTION

GRANTING A REQUEST FOR CHANGE OF ZONING FROM SUMMIT PLACE PD

TO

THE FIRST AMENDED AND RESTATED SUMMIT PLACE PD (PLANNED DEVELOPMENT)

The application of D.R. Horton, Inc., hereinafter, "Applicant," for rezoning was heard by and before the City Commission, DeLand Florida, on _____. Based upon the verified Application and other supporting documents, maps, charts, overlays, other evidence and instruments; the advice, report, and recommendations of the Community Development, and other Departments and agencies of DeLand, Florida; and the testimony adduced and evidence received at the Public Hearing on this Application by the Planning Board on _____, and otherwise being fully advised, the City Commission does hereby find and determine as follows:

2nd Submittal (1/18/24)

~~*Any build to rent productor residential project that requires a site plan shall meet the overall impervious surface site standard of 70%~~

GENERAL FINDINGS

A. That the application of D.R. Horton, Inc. was duly and properly filed herein on _____ as required by law.

B. That all fees and costs which are by law, regulation, or Ordinance required to be borne and paid by the applicant have been paid.

C. That the applicant is the contract purchaser of a 59.9 acre parcel. This application also includes a 6.36 acre parcel, for a total of 66.46 +/- acres of land which is situated in DeLand, Florida. This parcel of land is described more particularly in the survey and legal description, a true copy of which is attached hereto as Composite Exhibit "A".

D. That the Applicant has complied with the "Due Public Notice" requirements of the City Commission, Land Development Regulations Ordinance #2013-11, as amended.

E. That the owner of the property, DEPROP, LLC agrees with the provisions of the Development Agreement.

2nd Submittal (1/18/24)

~~*Any build to rent productor residential project that requires a site plan shall meet the overall impervious surface site standard of 70%~~

FINDINGS REGARDING REZONING

A. That the Applicant has applied for a change of zoning from the present zoning classification of the parcel described in Composite Exhibit "A" from Summit Place PD to First Amended and Restated Summit Place PD (Planned Development).

B. That the said rezoning to First Amended and Restated Summit Place PD is consistent with both the City of DeLand Comprehensive Plan Ordinance #1990-04, as amended, and the intent and purpose of the City of DeLand Land Development Regulations Ordinance #2013-11, as amended, and does promote the public health, safety, morals, general welfare and orderly growth of the area affected by the rezoning request.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF DELAND, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY COMMISSION CHAMBERS, 120 SOUTH FLORIDA AVENUE, DELAND, FLORIDA, THIS _____ DAY OF _____, A.D., _____, AS FOLLOWS:

A. That the Application of D.R. Horton, Inc. for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Composite Exhibit "A" attached hereto is hereby amended from Summit Place PD to First Amended and Restated

~~*Any build to rent productor residential project that requires a site plan shall meet the overall impervious surface site standard of 70%~~

2nd Submittal (1/18/24)

Summit Place PD as described in Article VII of the City of DeLand, Land Development Regulations Ordinance #2013-11, as amended.

C. That the Official Zoning Map of the City of DeLand, is hereby amended to show the rezoning of said parcel to First Amended and Restated Summit Place PD.

D. That the City of DeLand Land Development Regulations Ordinance #2013-11, as amended, is consistent with the provisions of the "Development Agreement" as hereinafter set forth in this Ordinance and with respect to any conflict between Land Development Regulations Ordinance #2013-11, as amended, and the "Development Agreement", the provisions of the "Development Agreement" shall govern. Ordinance #2013-11, as amended, shall govern with respect to any matter not covered by the "Development Agreement." The City of DeLand, the Applicant or Unified Owner(s) will ensure overall compliance with this Ordinance.

E. Nothing in this Ordinance shall abridge the requirements of any City of DeLand Ordinance other than Ordinance #2013-11, as amended. Timing and review procedures contained in this Order and Resolution may be modified to comply with the City of DeLand Land Development Regulations, Ordinance #2013-11, as amended. Further, nothing in the Development Agreement is intended to abridge the requirements of Ordinance #2013-11, as amended, and any other City Ordinances.

2nd Submittal (1/18/24)

~~*Any build to rent productor residential project that requires a site plan shall meet the overall impervious surface site standard of 70%~~

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DEVELOPMENT AGREEMENT

A. Development Concept The property shall be developed as a PD substantially in accordance with the Planned Development Plan as defined below. The Planned Development Plan shall govern the development of the property as a PD and shall regulate the future land use of this parcel.

The purpose and intent of the First Amended and Restated Summit Place PD is to create a scenic entryway to the City of DeLand along CR 4139 with a balanced mixture of urban land uses to protect and enhance the natural and built environment. The goal is to attract a mix of high-quality office, retail, residential and ancillary support commercial uses so that complementary uses can be located in close proximity to facilitate walking, bicycling and the use of local roads for trips from home to work or school and shopping. This First Amended and Restated Summit Place PD severs the previously connected two development agreements known as the "Summit Place PD" and the "Gateway East PD"

1. Planned Development Plan The Planned Development Plan shall consist of the Development Plan Map prepared by Zev Cohen & Associates, Inc. and updated on August 23,

2nd Submittal (1/18/24)

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2023 and this Development Agreement. The Planned Development Plan is hereby approved and incorporated in this Ordinance by reference as Exhibit "“B”". The Planned Development Plan shall be filed and retained for public inspection in the Planning Department and it shall constitute a supplement to the Official Zoning Map of the City of DeLand.

2. Amendments. All amendments of the Planned Development Plan, other than those deemed by the Planning Department to be minor amendments, which include any modifications to the Development Plan Map that do not change the density, intensity, or updates to the phasing of the project as long as it is consistent with the Development Plan Map, or lot development criteria as set forth below, shall require the review and recommendation of the Planning Board and action by the City Commission in the same manner as a rezoning of the parcel.

3. Subdivision Approval. After the Planned Development Plan is recorded, and prior to any construction, including clearing and landfill, a preliminary and/or a final plat of the area to be subdivided shall be submitted for review and approval in the manner required by Article 13 of the City of DeLand Land Development Regulations, Ordinance #2013-11, as amended.

4. Final Site Plan Approval. For development activity that requires site plan review and approval in addition to subdivision, a Final Site Plan shall be prepared and submitted for review and approval in the manner required by Article 12 of the City of DeLand, Land Development Regulations Ordinance #2013-11, as amended prior to any construction, including clearing and mass grading.

5. Easements for Public and Private Facilities. Planning, design and construction of all connections and extensions to potable water, sanitary sewer and electrical power lines shall be

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2nd Submittal (1/18/24)

the responsibility of the Developer and shall be reviewed and approved by the City as part of the subdivision or site plan application process. Nothing contained herein precludes the Developer from seeking impact fee credits as allowed by the City of DeLand or Volusia County. Consistent with the applicable standards from the City of DeLand, all subdivisions or site plans shall make accommodations for the provision of easements to the applicable maintenance agency. Private systems, such as stormwater management areas and facilities, shall be maintained by the property owner or a property owners association. Stormwater management areas and facilities may be subject to easements required by the City of DeLand and/or the St. Johns River Water Management District.

B. Unified Ownership. The Applicant or his successors shall maintain unified ownership of the subject parcel until after issuance of a Final Development Order Plat(s) or Final Site Plan Development Order for any portion of the property proposed for development.

C. Phases of Development. Development of the Property may be accomplished in multiple phases consistent with the conceptual phasing plan attached as Exhibit "C". As part of the subdivision process for a particular phase of development, the Applicant shall ensure that all future phases for the Property will be serviced with public utilities and right-of-way access necessary to stand alone for development. The Applicant shall provide all necessary easements for development and infrastructure servicing a particular phase proposed for subdivision, including identifying any shared facilities such as stormwater systems and internal driveways, if proposed. Notwithstanding the forgoing, phasing boundaries identified on the conceptual phasing plan attached as Exhibit "C" may be reconfigured during the subdivision process, and individual phases may be developed and

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2nd Submittal (1/18/24)

constructed simultaneously and/or in any order, however, subdivision approval shall be required for each phase and the restrictions of this Agreement shall apply to each phase of development.

D. Uses Allowed Within the PD. The following uses shall be allowed as permitted principal uses and structures along with their customary accessory uses and structures:

Residential Area:

- Family day care home.
- Mini and neighborhood parks.
- Multiple-family dwellings.
- Private clubs and lodges.
- Other uses approved by the city commission after review and recommendation by the planning board, which are unquestionably similar to those uses permitted herein.
- Community residential homes, single-family.
- Community residential homes, multifamily.
- Community and regional parks.
- Community gardens.
- Governmental and public building and land uses.
- Nursing (convalescent) homes, adult congregate-living facilities.
- Private parks.

Commercial Area:

- General/Professional Offices.
- Financial Institutions.
- Medical office.
- Drugstores and pharmacies.
- Laboratories, hospitals and clinics.
- Medical clinics.
- Nursing homes and adult congregate living facilities.
- Mailbox and shipping shops.
- Office equipment sales and service.
- Copying, printing and lithography.
- Beauty salons, barbershops and day spas.
- Day care facilities, adult or child.
- Dry cleaning and laundry, retail.
- Tailor shops and shoe repair.

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2nd Submittal (1/18/24)

- Banquet facilities.
- Bed and breakfast inn.
- Catering services.
- Craft Food and Beverage Producer.
- Hotels or motels and associated accessory uses including restaurant and conference facilities.
- Restaurants including fast food and/or drive through facilities.
- Virtual kitchen.
- Bakery, pastry, gourmet, coffee and specialty beverage shops (retail).
- Convenience stores without gas pumps.
- Retail sales.
- Museums.
- Music, dance, gymnasium, art school or studio, excluding discotheques.
- Parks, mini and neighborhood.
- Research and development facilities.
- Corporate headquarters.
- Veterinary clinics allowing inside overnight boarding for clinical care.
- Veterinary clinics and pet grooming shops with overnight and/or outdoor boarding facilities and runs.
- Uses requiring a DBPR 3PS liquor license (package sales) or 4COP liquor license (bars, lounges, etc.).
- Restaurants and establishments serving alcohol requiring a DBPR 2COP, 3PS or 4COP license with special class.
- Convenience stores with gas pumps.
- Multiple-family dwellings compliant with R-16 standards.
- Residential dwelling units above the first floor or one residential unit on the first-floor accessory to an office or commercial use.
- Parks, community and regional.
- Moving, packing and storage companies.
- Manufacturing ~~-~~ – Craftsman shop.
- Manufacturing – Limited.
- Warehousing and commercial storage.

E. Development Standards. Unless otherwise provided herein, all definitions, development standards or dimensional criteria shall be as set forth in the City of DeLand Land Development Regulations, Ordinance #2013-11, as amended. In addition, unless otherwise stated herein, the development shall meet the applicable City of DeLand Land Development Regulations and the Lake Winnemissett Gateway Corridor standards. Deviations from minimum lot size or set

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2nd Reading (4/13/24)

back requirements may be required at the time of final site plan or subdivision approval to protect environmentally sensitive lands and provide better connectivity to pedestrian, bikeway and vehicular access areas.

The following shall apply to all development within the First Amended and Restated Summit Place PD:

Residential Structures:

1. Minimum lot area: 1,886 SF (interior townhome (TH) unit)
2. Minimum lot width: 20.0 FT (interior TH unit)
3. Minimum building setbacks:
   - a. Front yard: 25 FT
   - b. Rear yard: 10 FT
   - c. Side yard:
     - i. Interior side yard: 0 FT
     - ii. Exterior side yard: 7.5 FT
4. Minimum floor area: 900 SF
5. Maximum building coverage for individual townhome lots ~~lots~~: 85%*
6. Maximum building height: 35 FT
7. Maximum number of units: 302
8. Off-Street Parking: Parking shall adhere to the City of DeLand Land Development Regulations Ordinance #2013-11, as amended, except, guest parking shall be at a rate

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2nd Submittal (1/18/24)

of 0.25 parking spaces per unit.~~.~~ Enforcement of parking and maintenance of the access road shall be the responsibility of the property owners' association.

*Any build to rent or residential project that requires a site plan shall meet the overall impervious surface site standard of 70%

Commercial Structures:

1. Minimum lot area: 9,000 s.f.
2. Minimum lot width: 75 feet
3. Minimum building setbacks:
   a. Front yard: 20 ft.
   b. Rear yard
      - abutting residential zoning: 25 ft.
      -not abutting residential zoning: 10 ft.
   c. Side yard
      - abutting residential zoning: 25 ft.
      -not abutting residential zoning:10 ft.
   d. Between buildings
   (side to side): 15 ft.
   e. Between buildings 40 ft.
   (front to front or rear to rear):
   g. Maximum building coverage for commercial: 70~~85~~ %
   h. Maximum building height: 80 ft.

2nd Submittal (1/18/24)

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4. Off-Street Parking: Parking shall adhere to the City of DeLand Land Development Regulations Ordinance #2013-11, as amended.

DEVELOPMENT STANDARDS FOR ENTIRE SITE:

1. Landscaping and buffer requirements: The development shall comply with the requirements for preservation of environmental resources as set forth in the Land Development Regulations Ordinance No. 2013-11, as amended. The development has been laid out in a manner to best accommodate the existing topography and drainage conditions identified on the property. However, the actual location and layout of the developed areas within the development shall be determined during subdivision and site plan review. In addition, all landscaping, including buffers, shall predominantly utilize Florida-Friendly Landscaping, as defined by the University of Florida/Institute of Food and Agricultural Sciences ("UF/IFAS") Center for Landscape Conservation and Ecology, native, or low-water plant material. The development shall include landscape designs such that plants will serve environmentally friendly functions including, but not limited to, cooling, privacy screening, shade, aesthetics, wildlife habitat, runoff pollution prevention, and directing traffic flow onto and within the community, such as low impact development standards. All mulching will be conducted in accordance with the most current version of the Florida Green Industries Best Management Practices (BMPs) handbook guidelines. Mowing in common areas shall be done in accordance with the most current version of the Florida Green Industries

2nd Submittal (1/18/24)

*Any build to rent producter residential project that requires a site plan shall meet the overall impervious surface site standard of 70%

BMPs handbook and by certified landscaping contractors. Mowing adjacent to swales shall be performed such that no clippings are deposited into any swales or water bodies. All clippings that may have been deposited on impervious surfaces will be swept back into the vegetated area. All pesticide applications in common areas shall be done by a certified professional in accordance with the most current version of the Florida Green Industries BMPs handbook.

1.

A buffer standard "C" as per the City of DeLand Land Development Regulations, shall apply to the perimeter of the First Amended and Restated Summit Place PD at a width of 25 feet, except along the interstate where there shall be a 15-foot buffer at a buffer standard of "B".

2. Community Design Standards. The community design standards within the City of DeLand Land Development Regulations, Ordinance No. 2013-11, as amended shall apply to the First Amended and Restated Summit Place PD.

3. Signage: Signage for the First Amended and Restated Summit Place PD shall be provided per the City of DeLand Land Development Regulations, Ordinance No. 2013-11, as amended, except as provided herein. The entry signage for the development shall be located at the northern and southern entrances for the residential portion of the development. The signage for both the residential area and the commercial area shall primarily consist of one or more, or a mix, of the following materials and colors: wood, stucco, metal,

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2nd Submittal (1/18/24)

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stone and white, grey, black, brown, or beige.

~~3.~~

4. Impervious surface: Impervious surface for the **entire** First Amended and Restated Summit Place PD shall not exceed 70%. With each site plan or plat submittal, a~~A~~pplicant shall provide a calculation of the impervious surface amount and note the same on the applicable plans. The impervious surface calculation shall not include Lake Tatum. Common green space and a pedestrian walking trail, as depicted on the Development Plan Map, shall be provided throughout the subdivision. The following are permitted, but not required uses for the green space and amenity areas: clubhouse, pool, cabana, pedestrian trail system.

F. Environmental Considerations.

1. The development shall comply with the requirements for preservation of environmental resources as set forth in the Land Development Regulations Ordinance # 2013-11, as amended. The actual location and layout of the developed areas within the First Amended and Restated Summit Place PD property shall be determined during subdivision or site plan review. All required environmental and ecological studies shall be completed for the entirety of the First Amended and Restated Summit Place PD property as described in Exhibit "A", even if development is proposed for only a portion of the property, prior to subdivision review or site plan approval, if no subdivision review is required.

2. Tree Protection Areas preserving a minimum of 15% of the overall site,

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2nd Submittal (1/18/24)

~~*Any build to rent producter residential project that requires a site plan shall meet the overall impervious surface site standard of 70%~~

excluding any required right-of-way dedication areas, shall be maintained as shown on Exhibit "B".

3. All Tree Protection Areas shall be maintained by the property owners' association.

4. Special attention and effort shall be given to the preservation of the Tatum Lake ecosystem.

5. Property adjacent to the First Amended and Restated Summit Place PD has been acquired by the City for conservation land. The City and developer may agree to provide any access or secondary access to such area as may be required or deemed appropriate by the City during subdivision review.

6. The development of this Property shall be clustered such that it avoids and minimizes impacts to wetlands and other environmentally sensitive areas.

7. All master lighting on the Property shall be DarkSky compliant light fixtures, to the degree feasible. This type of lighting is specifically designed to reduce light pollution by restricting the amount of upward-directed light, avoiding glare, avoiding over-lighting, utilizing dimming and other appropriate lighting controls, and minimizing short-wavelength (bluish) light in the nighttime environment.

8. Low impact development design standards shall be used throughout the development where possible.

G. Sewage Disposal and Potable Water. Provision for sewage disposal and potable water needs of the First Amended and Restated Summit Place PD will be provided in accordance with the Comprehensive Plan, Ordinance #1990-04, as amended, the Land Development Regulations

2nd Submittal (1/18/24)

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Ordinance #2009-09, as amended, and State of Florida Administrative Code 64E-6.

H. Stormwater Drainage. Provision for stormwater retention shall be in accordance with the Land Development Regulations Ordinance #2013-11, as amended and any applicable governmental regulations. .

I. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the Land Development Regulations, Ordinance #2013-11, as amended. The parcel shall be developed in substantial accordance with the following access and transportation system improvements:

1. Access. Specific points of ingress and egress to the site are generally described on Exhibit "“B”".

2. Transportation System Improvements. Transportation system improvements will be provided as required by permitting agencies. The Traffic Impact Analysis will include projected trips from the Lake Winnemissett Gateway Corridor land not included within this development agreement.

J. Building or Property Owners Association. The Applicant shall create a building or property owner’s association for the residential portion of the development. The charter and by-laws of said association and any other agreements, covenants, easements or restrictions shall be furnished to the City of DeLand at the time of creation. The Applicant shall be responsible for recording said information in the Public Records of Volusia County, Florida. Also, the Applicant shall bear and pay all costs for recording all of the aforementioned documents.

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2nd Submittal (1/18/24)

With respect to the enforcement of said agreements, covenants, easements or restrictions entered into between the applicant and the owners or occupiers of property within the First Amended and Restated Summit Place PD, the City of DeLand shall only enforce the provisions of the ""Development Agreement"" and City of DeLand Land Development Regulations Ordinance #2013-11, as amended, whichever is applicable, and not the private agreements entered into between the aforementioned parties.

K. Reverter Provision: The development rights herein shall vest once any portion of this project has received a development order. The City Commission may rezone any portion of the project which has not met this Section within 10 years of approval of this Development Agreement.

L. Binding Effect of Plans; Recording; and Effective Date. The Planned Development Plan, including any and all amendments shall bind and inure to the benefit of the Applicant and his successor in title or interest. The First Amended and Restated Summit Place PD zoning, provisions of the "Development Agreement," and all approved plans shall run with the land and shall be administered in a manner consistent with Article 12 of the City of DeLand Land Development Regulations Ordinance #2013-11, as amended.

This Ordinance and all subsequent amendments shall be filed with the Clerk of the Court and recorded within forty-five (45) days following execution of the document by the City Commission, in the Official Records of Volusia County, Florida. One copy of the document, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Planning Department for placement in the public file. The date of recording of this document shall

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2nd Submittal (1/18/24)

constitute the effective date of the PD or its subsequent amendments. The applicant shall pay all filing costs for recording documents.

DONE and ORDERED by the City Commission, City of DeLand, Florida, this ____ day of _____ , 202~~3~~4.

2nd Submittal (1/18/24)

ATTEST: City Commission of DeLand Florida

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_____ _____

Michael Pleus Christopher M. Cloudman
City Manager Mayor

STATE OF FLORIDA

CITY OF DELAND

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2024~~3~~, by Michael Pleus and Christopher M. Cloudman, as City Manager and Mayor, City of DeLand, respectively, on behalf of the City of DeLand, and who are personally known to me.

NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

_____

Commission #:_____

My Commission Expires:_____

2nd Submittal (1/18/24)

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WITNESSES:

D.R. Horton, Inc.

_____ By: _____

Print Name _____ _____, Manager

_____

Print Name _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2024~~3~~, by _____, as Manager of D.R. Horton, Inc., who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC, STATE OF _____

Type or Print Name:

_____

Commission #:_____

My Commission Expires:_____

Revised March 7, 2024~~January 19, 2024January 18, 2024,January 12, 2024~~ u/p/zone/pd_doc

2nd Submittal (1/18/24)

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WITNESSES:

DEPROP, LLC

_____ By: _____

Print Name _____ _____, Manager

_____

Print Name _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2024~~3~~, by _____, as Manager of DEPROP, LLC, who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC, STATE OF _____

Type or Print Name:

_____

Commission #:_____

My Commission Expires:_____

2nd Submittal (1/18/24)

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2nd Submittal (1/18/24)

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EXHIBIT "A"

Legal Description

A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCE AT SOUTHEAST CORNER OF THE NORTH 7 CHAINS OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 17 SOUTH, RANGE 30 EAST, AND RUN SOUTH 00°22'01" EAST ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 17 SOUTH, RANGE 30 EAST, A DISTANCE OF 97.23 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID WEST LINE, RUN NORTH 89° 34'48" EAST, A DISTANCE OF 115.05 FEET; THENCE RUN NORTH 39°30'34" EAST, A DISTANCE OF 234.81 FEET; THENCE RUN NORTH 73°26'58" EAST, A DISTANCE OF 328.99 FEET; THENCE RUN SOUTH 83°07'08" EAST, A DISTANCE OF 228.92 FEET; THENCE RUN NORTH 73°54'21" EAST, A DISTANCE OF 159.10 FEET; THENCE RUN SOUTH 47°20'56" EAST, A DISTANCE OF 117.55 FEET; THENCE RUN SOUTH 26°45'29" EAST, A DISTANCE OF 216.76 FEET; THENCE RUN NORTH 65°29'38" EAST, A DISTANCE OF 327.31 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD 4139 AS RECORDED ON RIGHT OF WAY MAP SECTIONS 79070-2505 AND 79110 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN THE FOLLOWING 6 COURSES ALONG SAID WESTERLY RIGHT OF WAY: SOUTH 19°57'26" EAST, A DISTANCE OF 1100.55 FEET; SOUTH 70°04'49" WEST, A DISTANCE OF 14.60 FEET; SOUTH 19°57'36" EAST, A DISTANCE OF 50.00 FEET; SOUTH 70°02'24" WEST; A DISTANCE OF 124.00 FEET; SOUTH 19°57'36" EAST, A DISTANCE OF 495.89 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 522.96 FEET AND A CENTRAL ANGLE OF 35°32'20", THENCE RUN SOUTHEAST ALONG THE ARC OF SAID CURVE A DISTANCE OF 324.38 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, RUN SOUTH 89°59'28" WEST ALONG THE NORTH LINE OF THE SOUTH 235.00 FEET OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE AFOREMENTIONED SECTION 24, A DISTANCE OF 517.99 FEET TO A POINT ON THE EAST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 24; THENCE RUN NORTH 00°45'20" WEST ALONG SAID EAST LINE, A DISTANCE OF 791.90 FEET; THENCE DEPARTING SAID EAST LINE, RUN NORTH 89°53'53" WEST, A DISTANCE OF 1342.71 FEET TO A POINT ON THE AFORESAID WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 24, TOWNSHIP 17 SOUTH, RANGE 30 EAST; THENCE RUN NORTH 00°22'01" WEST ALONG SAID WEST LINE, A DISTANCE OF 1119.50 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT ANY LAND CONTAINED IN THE WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 5551, PAGE 2688, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

TOGETHER WITH

A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

FOR A POINT OF REFERENCE, BEGIN AT THE INTERSECTION OF THE WESTERLY RIGHT-OF WAY LINE OF INTERSTATE HIGHWAY 4, AND THE EASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 4139, AND RUN NORTH 24°27'12" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 434.81 FEET; THENCE RUN NORTH 19°05'23" WEST, CONTINUTING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 99.02 FEET; THENCE RUN NORTH 20°00'50" WEST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 371.26 FEET; THENCE RUN SOUTH 89°00'48" EAST, DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 671.24 FEET, TO THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY INE OF

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2nd Submittal Original

INTERSTATE HIGHWAY 4 AND A POINT ON A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 5879.65 FEET AND A CHORD WHICH BEARS SOUTH 21°51'47" WEST, FOR A DISTANCE OF 890.73 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°41'18" FOR A LENGTH OF 891.59 FEET TO THE POINT OF BEGINNING.

2nd Submittal (1/18/24)

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EXHIBIT "B"

PD Plan

2nd Submittal (1/18/24)

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EXHIBIT "C"

Phasing Plan

2nd Submittal (1/18/24)

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PLANNED DEVELOPMENT AGREEMENT

IN THE CITY COMMISSION OF THE

CITY OF DELAND, FLORIDA

IN RE: ~~(Case #),~~_____, Application of

~~DeProp, LLC~~D.R. Horton, Inc.

ORDINANCE # _____

~~(# to be Provided After Commission Approval)~~

ORDER AND RESOLUTION

GRANTING A REQUEST FOR CHANGE OF ZONING FROM ~~ROYAL OAKS~~SUMMIT PLACE PD

TO

THE FIRST AMENDED AND RESTATED SUMMIT PLACE PD (PLANNED DEVELOPMENT)

The application of ~~DeProp, LLC,~~D.R. Horton, Inc., hereinafter, "Applicant~~", ~~," for rezoning was heard by and before the City Commission, DeLand Florida, on ~~August 18, 2014.~~_____. Based upon the verified Application and other supporting documents, maps, charts, overlays, other evidence and instruments; the advice, report, and recommendations of the Community Development, and other Departments and agencies of DeLand, Florida; and the testimony adduced and evidence received at the Public Hearing on this Application by the Planning Board on ~~July 16, 2014,~~_____, and otherwise being fully advised, the City Commission does hereby find and determine as follows:

1st Submittal (12/26/23)

GENERAL FINDINGS

A. That the application of ~~DeProp, LLC~~D.R. Horton, Inc. was duly and properly filed herein on ~~May 19, 2014~~_____ as required by law.

B. That all fees and costs which are by law, regulation, or Ordinance required to be borne and paid by the applicant have been paid.

C. That the applicant is the ~~owner~~contract purchaser of a 59.9 acre parcel. This application also includes a 6.36 acre parcel, for a total of 66.46 +/- acres of land which is situated in DeLand, Florida. This parcel of land is described more particularly in the survey and legal description, a true copy of which is attached hereto as Composite Exhibit "A".

D. That the Applicant has complied with the "Due Public Notice" requirements of the City Commission, Land Development Regulations Ordinance #-2013-11-, as amended.

E. That the owner of the property, ~~DeProp~~DEPROP, LLC~~,~~ agrees with the provisions of the Development Agreement.

1st Submittal (12/26/23)

FINDINGS REGARDING REZONING

A. That the Applicant has applied for a change of zoning from the present zoning classification~~(s)~~ of the parcel described in Composite Exhibit "A" from ~~Royal Oaks~~Summit Place PD to Summit Place PD (Planned Development).

B. That the said rezoning to Summit Place PD is consistent with both the City of DeLand Comprehensive Plan Ordinance #~~-~~1990-04, as amended, and the intent and purpose of the City of DeLand Land Development Regulations Ordinance #~~-~~2013-11, as amended, and does promote the public health, safety, morals, general welfare and orderly growth of the area affected by the rezoning request.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF DELAND, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY COMMISSION CHAMBERS, 120 SOUTH FLORIDA AVENUE, DELAND, FLORIDA, THIS ~~(public hearing date)~~_____ DAY OF _____, A.D., _____, AS FOLLOWS:

A. That the Application of ~~DeProp, LLC~~D.R. Horton, Inc. for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Composite Exhibit "A" attached hereto is hereby amended from ~~Royal Oaks~~Summit Place PD to Summit Place PD

1st Submittal (12/26/23)

as described in Article VII of the City of DeLand, Land Development Regulations Ordinance # 2013-11, as amended.

C. That the Official Zoning Map of the City of DeLand, is hereby amended to show the rezoning of said parcel to Summit Place PD.

D. That the City of DeLand Land Development Regulations Ordinance #-2013-11, as amended, is consistent with the provisions of the "Development Agreement" as hereinafter set forth in this Ordinance and with respect to any conflict between Land Development Regulations Ordinance #–2013-11, as amended, and the "Development Agreement", the provisions of the "Development Agreement" shall govern. Ordinance #–2013-11, as amended, shall govern with respect to any matter not covered by the "Development Agreement." The City of DeLand, the Applicant or Unified Owner(s) will ensure overall compliance with this Ordinance.

E. ~~Unless otherwise provided for herein the City of DeLand, Land Development Regulations Ordinance # 2013-11, as amended, shall apply to the PD in the same manner as the R-16 and C-2 zoning classifications; provided, however, that the maximum residential density in the combined Summit Place PD and Gateway East PD shall not exceed 480 multifamily dwelling units.~~

~~F.~~ Nothing in this Ordinance shall abridge the requirements of any City of DeLand Ordinance other than Ordinance #-2013-11, as amended. Timing and review procedures contained in this Order and Resolution may be modified to comply with the City of DeLand Land

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Development Regulations, Ordinance #–2013-11, as amended. Further, nothing in the Development Agreement is intended to abridge the requirements of Ordinance #–2013-11, as amended, and any other City Ordinances.

DEVELOPMENT AGREEMENT

A. Development Concept The property shall be developed as a PD substantially in accordance with the Planned Development Plan as defined below. The Planned Development Plan shall govern the development of the property as a PD and shall regulate the future land use of this parcel.

The purpose and intent of Summit Place PD is to create a scenic entryway to the City of DeLand along CR 4139 with a balanced mixture of urban land uses to protect and enhance the natural and built environment. The goal is to attract a mix of high-quality office, retail, residential and ancillary support commercial uses so that complementary uses can be located in close proximity to facilitate walking, bicycling and the use of local roads for trips from home to work or school and shopping.

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1. Planned Development Plan The Planned Development Plan shall consist of the Development Plan Map prepared by ~~Lassiter Transportation Group~~Zev Cohen & Associates, Inc. and ~~dated May 21, 2014~~updated on August 23, 2023 and this ~~development agreement~~Development Agreement. The Planned Development Plan is hereby approved and incorporated in this Ordinance by reference as Exhibit "B". The Planned Development Plan shall be filed and retained for public inspection in the Planning Department and it shall constitute a supplement to the Official Zoning Map of the City of DeLand.

2. Amendments. All amendments of the Planned Development Plan, other than those deemed by the Planning Department to be minor amendments ~~as set out in Ordinance # 2013-11, as amended~~, which include any modifications to the Development Plan Map that do not change the density, intensity, or updates to the phasing of the project as long as it is consistent with the Development Plan Map, or lot development criteria as set forth below, shall require the review and recommendation of the Planning Board and action by the City Commission in the same manner as a rezoning of the parcel.

3. Subdivision Approval. After the Planned Development Plan is recorded, and prior to any construction, including clearing and landfill, a preliminary and/or a final plat of the area to be subdivided shall be submitted for review and approval in the manner required by Article 13 of the City of DeLand Land Development Regulations, Ordinance #~~-~~2013-11, as amended.

4. Final Site Plan Approval. For development activity that requires site plan review and approval in addition to subdivision, a Final Site Plan shall be prepared and submitted for review and approval in the manner required by Article 12 of the City of DeLand, Land Development Regulations Ordinance #~~-~~2013-11, as amended prior to any construction, including

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clearing and mass grading.

5. Easements for Public and Private Facilities. Planning, design and construction of all connections and extensions to potable water, sanitary sewer and electrical power lines shall be the responsibility of the Developer and shall be reviewed and approved by the City as part of the subdivision or site plan application process. Nothing contained herein precludes the Developer from seeking impact fee credits as allowed by the City of DeLand or Volusia County. Consistent with the applicable standards from the City of DeLand, all subdivisions or site plans shall make accommodations for the provision of easements to the applicable maintenance agency. Private systems, such as stormwater management areas and facilities, shall be maintained by the property owner or a property owners association. Stormwater management areas and facilities may be subject to easements required by the City of DeLand and/or the St. Johns River Water Management District.

B. Unified Ownership. The Applicant or his successors shall maintain unified ownership of the subject parcel until after issuance of a Final Development Order Plat(s) -or- Final Site Plan Development Order for any portion of the property proposed for development~~ in accordance with Paragraph L below~~.

~~C. Phases of Development. The PD does not include any phasing at this time, but the Applicant reserves the right to develop a phasing plan for the project in the future. The expiration of this Development Agreement shall be ten years from the effective date of this Ordinance unless otherwise amended by future phasing plans. Phasing plans for the project shall be processed as amendments to the PD Development.~~

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C. Phases of Development. Development of the Property may be accomplished in multiple phases consistent with the conceptual phasing plan attached as Exhibit "C". As part of the subdivision process for a particular phase of development, the Applicant shall ensure that all future phases for the Property will be serviced with public utilities and right-of-way access necessary to stand alone for development. The Applicant shall provide all necessary easements for development and infrastructure servicing a particular phase proposed for subdivision, including identifying any shared facilities such as stormwater systems and internal driveways, if proposed. Notwithstanding the forgoing, phasing boundaries identified on the conceptual phasing plan attached as Exhibit "C" may be reconfigured during the subdivision process, and individual phases may be developed and constructed simultaneously and/or in any order, however, subdivision approval shall be required for each phase and the restrictions of this Agreement shall apply to each phase of development.

D. Uses Allowed Within the PD. The following uses shall be allowed as permitted principal uses and structures along with their customary accessory uses and structures:

~~1. All primary uses and structures allowed in the R-16 Zoning District~~**Residential Area:**

- Family day care home.
- Mini and neighborhood parks.

Multiple~~:~~

- ~~2. All conditional uses allowed in the R-16 Zoning District except for single family and two~~-family dwellings.
- ~~3. All~~Private clubs and lodges.

Other uses ~~allowed~~approved by ~~special exception in~~ the ~~R-16 Zoning District except for golf courses and their related structures~~city commission after review and ~~cemeteries.~~

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- ~~4. All primary~~recommendation by the planning board, which are unquestionably similar to those uses ~~and structures allowed in the C-2 Zoning District except for hospitals, self-service dry cleaning and laundry, mortuary, funeral homes and crematoriums, used materials, sales, thrift or pawn shops, boarding houses, bowling alleys, billiard parlors, skating rinks and indoor recreational and amusement facilities, swimming pool sales, installation and service, upholstering and reupholstering, and stand alone commercial parking lots~~permitted herein.

~~5. All conditional uses allowed in the C-2 Zoning District except for tattoo parlors and related uses, wholesale bakeries, automobile service station, marine repair, towing and wrecker service, flea markets and merchandising barns, electrical, gas, plumbing and HVAC sales/service, outdoor advertising signs, and shade structures.~~

~~6. All uses allowed by special exception in the C-2 Zoning District except for automobile repair, truck stops, vehicle sales and rentals including new and used automobiles, boats, motorcycles, trailers and trucks, retail sales of storage sheds, microwave, radio, telephone and television facilities and transmission towers, and outdoor advertising signs.~~

- ~~7.~~ Community residential homes, single-family.
- Community residential homes, multifamily.
- Community and regional parks.
- Community gardens.
- Governmental and public building and land uses.
- Nursing (convalescent) homes, adult congregate-living facilities.
- Private parks.

Commercial Area:

- General/Professional Offices.
- Financial Institutions.
- Medical office.
- Drugstores and pharmacies.
- Laboratories, hospitals and clinics.
- Medical clinics.
- Nursing homes and adult congregate living facilities.
- Mailbox and shipping shops.
- Office equipment sales and service.

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- Copying, printing and lithography.
- Beauty salons, barbershops and day spas.
- Day care facilities, adult or child.
- Dry cleaning and laundry, retail.
- Tailor shops and shoe repair.
- Banquet facilities.
- Bed and breakfast inn.
- Catering services.
- Craft Food and Beverage Producer.
- Hotels or motels and associated accessory uses including restaurant and conference facilities.
- Restaurants including fast food and/or drive through facilities.
- Virtual kitchen.
- Bakery, pastry, gourmet, coffee and specialty beverage shops (retail).
- Convenience stores without gas pumps.
- Retail sales.
- Museums.
- Music, dance, gymnasium, art school or studio, excluding discotheques.
- Parks, mini and neighborhood.
- Research and development facilities.
- ~~8.~~ Corporate headquarters.

~~All of the foregoing uses shall be treated as permitted principal uses within the PD, notwithstanding their designation as conditional uses or special exceptions in the R-16 and C-2 Zoning Districts.~~

- Veterinary clinics allowing inside overnight boarding for clinical care.
- Veterinary clinics and pet grooming shops with overnight and/or outdoor boarding facilities and runs.
- Uses requiring a DBPR 3PS liquor license (package sales) or 4COP liquor license (bars, lounges, etc.).
- Restaurants and establishments serving alcohol requiring a DBPR 2COP, 3PS or 4COP license with special class.
- Convenience stores with gas pumps.
- Multiple-family dwellings compliant with R-16 standards.
- Residential dwelling units above the first floor or one residential unit on the first-floor accessory to an office or commercial use.
- Parks, community and regional.
- Moving, packing and storage companies.
- Manufacturing - Craftsman shop.
- Manufacturing – Limited.
- Warehousing and commercial storage.

E. Development Standards. Unless otherwise provided herein, all definitions,

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development standards or dimensional criteria shall be as set forth in the City of DeLand Land Development Regulations, Ordinance # ~~2013-11, as amended.~~2013-11, as amended. In addition, unless otherwise stated herein, the development shall meet the applicable City of DeLand Land Development Regulations and the Lake Winnemissett Gateway Corridor standards. Deviations from minimum lot size or set back requirements may be required at the time of final site plan or subdivision approval to protect environmentally sensitive lands and provide better connectivity to pedestrian, bikeway and vehicular access areas.

The following shall apply to all development within Summit Place PD:

~~1. Existing natural topography and site features shall be respected, or when modified shall improve the overall appearance of the site. Extreme changes in grade shall be avoided.~~

~~2. Building design, scale and details shall be such that architectural interest is created from both the pedestrian and the vehicular (street) point of view. Building design shall be undertaken in a manner which excludes box and rectangular structures composed entirely of blank walls.~~

Residential Structures:

1. Minimum lot area: 1,886 SF (interior townhome (TH) unit)
2. Minimum lot width: 20.0 FT (interior TH unit)
3. Minimum building setbacks:
   a. Front yard: 25 FT

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b. Rear yard: 10 FT

c. Side yard:

i. Interior side yard: 0 FT

ii. Exterior side yard: 7.5 FT

4. Minimum floor area: 900 SF

5. Maximum building coverage: 85%

6. Maximum building height: 35 FT

7. Maximum number of units: 302

8. Off-Street Parking: Parking shall adhere to the City of DeLand. ~~3. Variations in rooflines shall be used to add interest to and reduce the massing of buildings. Pitched or sloped roofs are the preferred method of covering a building. Roof features shall be in scale with the building's mass and complement the character of adjoining and/or adjacent buildings and neighborhoods.~~

~~4. Spacing and siting of multiple buildings on a single site shall provide for a variety of spacing between structures. While architectural design continuity for multiple structures on a single site is encouraged, monotonous repetition of identical structures on a single site shall be avoided.~~

~~5. The following architectural styles are the preferred styles: Classical Revival, Mediterranean Revival, Colonial Revival, Craftsman Bungalow and Commercial Style, Chicago School.~~

~~6. Building mechanical equipment, service, delivery, and work areas shall be visually screened from pedestrian areas and from public view. These areas shall be located as far as reasonably possible from adjoining residential uses.~~

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7. All lighting shall be downward and of the full cut-off shield variety in which the light source is recessed and shielded in a manner which prohibits upward light overspill into the night sky, except as otherwise permitted by the Land Development Regulations Ordinance #–2013-11, as amended. Enforcement of parking and maintenance of the access road shall be the responsibility of the property owners' association.

Commercial Structures:

1. Minimum lot area: 9,000 s.f.
2. Minimum lot width: 75 feet
3. 8. Any fence, wall or visual screen which is visible from any public right-of-way shall be designed as an integral feature of the design of the principal structure, expressing similar character through the use of materials, colors, or textures, excluding the use of shade cloth and woven slats.

9. Accessory structures and uses shall be consistent in design character with the principal structure. Outdoor storage areas shall be located behind the front façade of the main building and shall be fully screened from view from both vehicular and pedestrian traffic from both side and front view vantage points by structural means, vegetative means, or a combination of earthen berms and vegetation. Where screening is accomplished by structural means, the structure shall be compatible in design and color with the main building.

10. All development shall meet or exceed the signage and landscaping requirements for the Emerging Gateway District as described

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~~in the~~Minimum building setbacks:

a. Front yard: 20 ft.

b. Rear yard

- abutting residential zoning: 25 ft.

-not abutting residential zoning: 10 ft.

c. Side yard

- abutting residential zoning: 25 ft.

-not abutting residential zoning:10 ft.

d. Between buildings

(side to side): 15 ft.

e. Between buildings 40 ft.

(front to front or rear to rear):

g. Maximum building coverage: 85 %

h. Maximum building height: 80 ft.

4. Off-Street Parking: Parking shall adhere to the City of DeLand Land Development Regulations~~,~~ Ordinance #-2013-11, as amended.

~~11. Nothing herein shall be deemed to relieve any development within the Summit Place PD from complying with all applicable code requirements in effect at the time of such development related to architectural appearance and design. The requirements set forth herein are intended to be in addition to any code requirements.~~

DEVELOPMENT STANDARDS FOR ENTIRE SITE:

1. Landscaping and buffer requirements: The development shall comply with

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the requirements for preservation of environmental resources as set forth in the Land Development Regulations Ordinance No. 2013-11, as amended. The development has been laid out in a manner to best accommodate the existing topography and drainage conditions identified on the property. However, the actual location and layout of the developed areas within the development shall be determined during subdivision and site plan review. In addition, all landscaping, including buffers, shall predominantly utilize Florida-Friendly Landscaping, as defined by the University of Florida/Institute of Food and Agricultural Sciences ("UF/IFAS") Center for Landscape Conservation and Ecology, native, or low-water plant material. The development shall include landscape designs such that plants will serve environmentally friendly functions including, but not limited to, cooling, privacy screening, shade, aesthetics, wildlife habitat, runoff pollution prevention, and directing traffic flow onto and within the community, such as low impact development standards. All mulching will be conducted in accordance with the most current version of the Florida Green Industries Best Management Practices (BMPs) handbook guidelines. Mowing in common areas shall be done in accordance with the most current version of the Florida Green Industries BMPs handbook and by certified landscaping contractors. Mowing adjacent to swales shall be performed such that no clippings are deposited into any swales or water bodies. All clippings that may have been deposited on impervious surfaces will be swept back into the vegetated area. All pesticide applications in common areas shall be done

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by a certified professional in accordance with the most current version of the Florida Green Industries BMPs handbook.

A buffer standard "C" as per the City of DeLand Land Development Regulations, shall apply to the perimeter of the Summit Place PD at a width of 25 feet, except along the interstate where there shall be a 15-foot buffer at a buffer standard of "B".

2. Community Design Standards. The community design standards within the City of DeLand Land Development Regulations, Ordinance No. 2013-11, as amended shall apply to the Summit Place PD.

3. Signage: Signage for the Summit Place PD shall be provided per the City of DeLand Land Development Regulations, Ordinance No. 2013-11, as amended, except as provided herein. The entry signage for the development shall be located at the northern and southern entrances for the residential portion of the development. The signage for both the residential area and the commercial area shall primarily consist of one or more, or a mix, of the following materials and colors: wood, stucco, metal, stone and white, grey, black, brown, or beige.

4. Impervious surface: Impervious surface for the Summit Place PD shall not exceed 70%. Common green space and a pedestrian walking trail, as depicted on the Development Plan Map, shall be provided throughout the subdivision. The following are permitted, but not required uses for the green space and amenity areas: clubhouse, pool, cabana, pedestrian trail system.

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F. Environmental Considerations.

1. The development shall comply with the requirements for preservation of environmental resources as set forth in the Land Development Regulations Ordinance # 2013-11, as amended. The actual location and layout of the developed areas within the Summit Place PD property shall be determined during subdivision or site plan review~~, as the case may be, consistent with the requirements of Section L of this Agreement.~~. All required environmental and ecological studies shall be completed for the entirety of the Summit Place PD property as described in Exhibit "A", even if development is proposed for only a portion of the property, prior to subdivision review or site plan approval, if no subdivision review is required.

~~2. Tree Protection Areas shall satisfy the requirement to preserve at least 15% of the total project area within the Tree Protection Areas. Gaps of sufficient width (not to be included in the Tree Protection Area calculations) may be provided through the Tree Protection Areas to allow for access between public rights of way and the various stormwater retention areas in order to service and maintain said areas. Clearance of underbrush within the Tree Protection Areas shall be permitted as necessary to protect the public health, safety and welfare.~~

~~3. Tree Protection Areas and required open space, except roadway and residential buffers and the area(s) protecting historic trees, may be shifted between Summit Place PD and Gateway East PD to provide greater protection for the historic bald cypress stand and associated wetlands surrounding Tatum Lake in Summit Place PD than would otherwise be required by the City of DeLand Land Development Regulation Ordinance # 2013-11, as amended. In the event of such shifting, environmental and~~

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~~ecological studies referenced in Section F.1. of this Agreement shall be conducted for the entirety of both PD's.~~

~~4. All Tree Protection and Habitat Preservation Areas shall be maintained by the property owners' association.~~

~~5~~ 2. Tree Protection Areas preserving a minimum of 15% of the overall site, excluding any required right-of-way dedication areas, shall be maintained as shown on Exhibit "B".

3. All Tree Protection Areas shall be maintained by the property owners' association.

4. Special attention and effort shall be given to the preservation of the Tatum Lake ecosystem.

5. Property adjacent to the Summit Place PD has been acquired by the City for conservation land. The City and developer may agree to provide any access or secondary access to such area as may be required or deemed appropriate by the City during subdivision review.

6. The development of this Property shall be clustered such that it avoids and minimizes impacts to wetlands and other environmentally sensitive areas.

7. All master lighting on the Property shall be DarkSky compliant light fixtures, to the degree feasible. This type of lighting is specifically designed to reduce light pollution by restricting the amount of upward-directed light, avoiding glare, avoiding over-lighting, utilizing dimming and other appropriate lighting controls, and minimizing short-wavelength (bluish) light in the nighttime environment.

8. Low impact development design standards shall be used throughout the development where possible.

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G. Sewage Disposal and Potable Water. Provision for sewage disposal and potable water needs of the Summit Place PD will be provided in accordance with the Comprehensive Plan, Ordinance #-1990-04, as amended, the Land Development Regulations Ordinance #-2009-09, as amended, and State of Florida Administrative Code 64E-6.

H. Stormwater Drainage. Provision for stormwater retention shall be in accordance with the Land Development Regulations Ordinance #-2013-11, as amended.

I. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the Land Development Regulations, Ordinance #-2013-11, as amended. The parcel shall be developed in substantial accordance with the following access and transportation system improvements:

1. Access. Specific points of ingress and egress to the site are generally described on Exhibit "B".

2. Transportation System Improvements. ~~Beresford Avenue is to be extended from Blue Lake Avenue to SR 44 to reduce the amount of traffic on SR 44~~Transportation system improvements will be provided as required by permitting agencies. The Traffic Impact Analysis will include projected trips from the Lake Winnemissett Gateway Corridor land not included within this development agreement.

~~Until construction of the Beresford Avenue extension has commenced, total combined traffic impacts from the Summit Place and Gateway East PD's shall not exceed 25,537 two-way daily external trips on a weekday basis. This requirement shall be~~

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~~revisited and potentially updated with the submission of the required Traffic Impact Analysis for the entire Lake Winnemissett Gateway Corridor as specified in Policy fl4.6.2 w. of the City of DeLand Future Land Use Comprehensive Plan.~~

~~3. Responsible Parties. Prior to approval of development, the Developer shall submit a monitoring/modeling program for the combined Summit Place and Gateway East PDs for review and approval by the City of DeLand and Volusia County. If the parties cannot agree as to the methodology of the monitoring/modeling study, the City of DeLand shall be the final arbiter.~~

~~4. Required Transportation Impact Analysis. In accordance with the Lake Winnemissett Gateway Corridor policies in the Future Land Use Element, an updated Traffic Impact Analysis (TIA) shall be required when cumulative traffic generated by new development occurring within the Gateway East or Summit Place PDs is projected to exceed 1,000 two-way, daily, external trips on a weekday basis, per the requirements of the River to Sea (R2C) TPO TIA Guidelines. The City shall require that applications for development approval within the Gateway East and Summit Place PDs include trip generation calculations in order to project the amount of two-way, daily, external trips on a weekday basis generated by the proposed development. Trip generation and internal capture rates shall be calculated in accordance with the R2C TIA Guidelines. The City shall monitor the trips generated by development projects within the Lake Winnemissett Gateway Corridor and shall require the completion of the updated TIA when the cumulative existing, vested, reserved and projected trips exceed the limit of 1,000 two-way, daily, external, weekday trips. The calculation of existing, vested, reserved and projected trips shall also include lands within the Lake Winnemissett Gateway Corridor~~

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~~that are not subject to the Gateway East and Summit Place PDs.~~

~~J. Internal Roadways. Internal access between uses developed in the Gateway East or Summit Place PDs shall include travel lanes with sufficient width to accommodate bicycle/pedestrian traffic, as well as automobile/truck traffic. Access shall be accomplished through dedication of public roads, private ingress-egress easements and cross-access easements. Internal circulation between uses shall be encouraged, as will be shared parking arrangements between businesses/uses within the PDs. Planning, design and construction of these elements internal to the site shall be required of the developer seeking approval of the subdivision or site plan within the PDs. Private facilities shall be owned and maintained by either the private landowner or property owners association, if such an organization is created. All public facilities will be constructed in accordance with City of DeLand standards.~~

~~K~~J. Building or Property Owners Association. The ~~applicant~~Applicant shall create a building or property owner's association for the residential portion of the development. The charter and by-laws of said association and any other agreements, covenants, easements or restrictions shall be furnished to the City of DeLand at the time of creation. The ~~applicant~~Applicant shall be responsible for recording said information in the Public Records of Volusia County, Florida. Also, the ~~applicant~~Applicant shall bear and pay all costs for recording all of the aforementioned documents.

With respect to the enforcement of said agreements, covenants, easements or restrictions entered into between the applicant and the owners or occupiers of property within the Summit

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Place PD, the City of DeLand shall only enforce the provisions of the "Development Agreement" and City of DeLand Land Development Regulations Ordinance #-2013-11, as amended, whichever is applicable, and not the private agreements entered into between the aforementioned parties.

~~L. Comprehensive Compliance with Design Requirements. This Planned Development Plan does not include a detailed map depicting the overall layout of the property, location of uses, access points, etc. Prior to the issuance of any final development orders for the property, and regardless of whether the first development application for the property is a preliminary plat or site plan, the City shall be entitled to require that such plat or site plan, as the case may be, will provide a layout for the entire PD showing general use locations, access points, and a general drainage design for the entire site, even though such information may not otherwise be required by City Code. In the event that development is only proposed for a portion of the PD property lying solely on the east side or west side of Summit Avenue, then the aforesaid layout information may only be required for that portion of the property lying on the side of Summit Avenue on which development is being proposed.~~

~~M~~K. Reverter Provision: The development rights herein shall vest once any portion of this project has received a development order. The City Commission may rezone any portion of the project which has not ~~secured a final site plan or final plat approval on or before~~met this Section within 10 years ~~from the effective date of this ordinance as may be necessary or appropriate to protect adjoining properties or the public health, safety and welfare, unless~~

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~~the City Commission, for good cause shown, shall extend the time period indicated in this paragraph.~~of approval of this Development Agreement.

~~N~~L. Binding Effect of Plans; Recording; and Effective Date. The Planned Development Plan, including any and all amendments shall bind and inure to the benefit of the Applicant and his successor in title or interest. The Summit Place PD zoning, provisions of the "Development Agreement," and all approved plans shall run with the land and shall be administered in a manner consistent with Article 12 of the City of DeLand Land Development Regulations Ordinance # 2013-11, as amended.

This Ordinance and all subsequent amendments shall be filed with the Clerk of the Court and recorded within forty-five (45) days following execution of the document by the City Commission, in the Official Records of Volusia County, Florida. One copy of the document, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Planning Department for placement in the public file. The date of recording of this document shall constitute the effective date of the PD or its subsequent amendments. The applicant shall pay all filing costs for recording documents.

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DONE and ORDERED by the City Commission, City of DeLand, Florida, this ____ day of _____ , ~~2014.~~2023.

ATTEST: City Commission of DeLand Florida

_____ _____

Michael Pleus ~~Robert Apgar~~Christopher M. Cloudman
City Manager Mayor

STATE OF FLORIDA

CITY OF DELAND

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, ~~2014~~2023, by Michael Pleus and ~~Robert Apgar~~Christopher M. Cloudman, as City Manager and Mayor, City of DeLand, respectively, on behalf of the City of DeLand, and who are personally known to me.

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NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

_____

Commission #:_____

My Commission Expires:_____

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WITNESSES:

~~DeProp, LLC~~
D.R. Horton, Inc.

_____ By: _____
Print Name _____ ~~Aboud Samawi,~~ _____,
Manager

_____
Print Name _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, ~~2014~~2023, by ~~Aboud Samawi,~~ _____, as Manager of ~~DeProp, LLC,~~D.R. Horton, Inc., who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC, STATE OF _____
Type or Print Name:
_____
Commission #:_____
My Commission Expires:_____

Revised March 7, 2024 u/p/zone/pd_doc

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WITNESSES:

_____ DEPROP, LLC

_____ By: _____

Print Name _____ _____, Manager

_____

_____

Print Name _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2023, by _____, as Manager of DEPROP, LLC, who is personally known to me or who has produced _____ as identification.

_____ NOTARY PUBLIC, STATE OF _____

Type or Print Name:

_____

Commission #:_____

My Commission Expires:_____

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EXHIBIT "A"

Legal Description

A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCE AT SOUTHEAST CORNER OF THE NORTH 7 CHAINS OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 17 SOUTH, RANGE 30 EAST, AND RUN SOUTH 00°22'01" EAST ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 17 SOUTH, RANGE 30 EAST, A DISTANCE OF 97.23 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID WEST LINE, RUN NORTH 89° 34'48" EAST, A DISTANCE OF 115.05 FEET; THENCE RUN NORTH 39°30'34" EAST, A DISTANCE OF 234.81 FEET; THENCE RUN NORTH 73°26'58" EAST, A DISTANCE OF 328.99 FEET; THENCE RUN SOUTH 83°07'08" EAST, A DISTANCE OF 228.92 FEET; THENCE RUN NORTH 73°54'21" EAST, A DISTANCE OF 159.10 FEET; THENCE RUN SOUTH 47°20'56" EAST, A DISTANCE OF 117.55 FEET; THENCE RUN SOUTH 26°45'29" EAST, A DISTANCE OF 216.76 FEET; THENCE RUN NORTH 65°29'38" EAST, A DISTANCE OF 327.31 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD 4139 AS RECORDED ON RIGHT OF WAY MAP SECTIONS 79070-2505 AND 79110 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN THE FOLLOWING 6 COURSES ALONG SAID WESTERLY RIGHT OF WAY: SOUTH 19°57'26" EAST, A DISTANCE OF 1100.55 FEET; SOUTH 70°04'49" WEST, A DISTANCE OF 14.60 FEET; SOUTH 19°57'36" EAST, A DISTANCE OF 50.00 FEET; SOUTH 70°02'24" WEST; A DISTANCE OF 124.00 FEET; SOUTH 19°57'36" EAST, A DISTANCE OF 495.89 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 522.96 FEET AND A CENTRAL ANGLE OF 35°32'20", THENCE RUN SOUTHEAST ALONG THE ARC OF SAID CURVE A DISTANCE OF 324.38 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, RUN SOUTH 89°59'28" WEST ALONG THE NORTH LINE OF THE SOUTH 235.00 FEET OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE AFOREMENTIONED SECTION 24, A DISTANCE OF 517.99 FEET TO A POINT ON THE EAST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 24; THENCE RUN NORTH 00°45'20" WEST ALONG SAID EAST LINE, A DISTANCE OF 791.90 FEET; THENCE DEPARTING SAID EAST LINE, RUN NORTH 89°53'53" WEST, A DISTANCE OF 1342.71 FEET TO A POINT ON THE AFORESAID WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 24, TOWNSHIP 17 SOUTH, RANGE 30 EAST; THENCE RUN NORTH 00°22'01" WEST ALONG SAID WEST LINE, A DISTANCE OF 1119.50 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT ANY LAND CONTAINED IN THE WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 5551, PAGE 2688, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

TOGETHER WITH

A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

FOR A POINT OF REFERENCE, BEGIN AT THE INTERSECTION OF THE WESTERLY RIGHT-OF WAY LINE OF INTERSTATE HIGHWAY 4, AND THE EASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 4139, AND RUN NORTH 24°27'12" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 434.81 FEET; THENCE RUN NORTH 19°05'23" WEST, CONTINUTING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 99.02 FEET; THENCE RUN NORTH 20°00'50" WEST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 371.26 FEET; THENCE RUN SOUTH 89°00'48" EAST, DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 671.24 FEET, TO THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY INE OF INTERSTATE HIGHWAY 4 AND A POINT ON A NON-TANGENT CURVE CONCAVE

1st Submittal 12/26/2023

TO THE SOUTHEAST, HAVING A RADIUS OF 5879.65 FEET AND A CHORD WHICH BEARS SOUTH 21°51'47" WEST, FOR A DISTANCE OF 890.73 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°41'18" FOR A LENGTH OF 891.59 FEET TO THE POINT OF BEGINNING.

1st Submittal (12/26/23)

EXHIBIT "B"

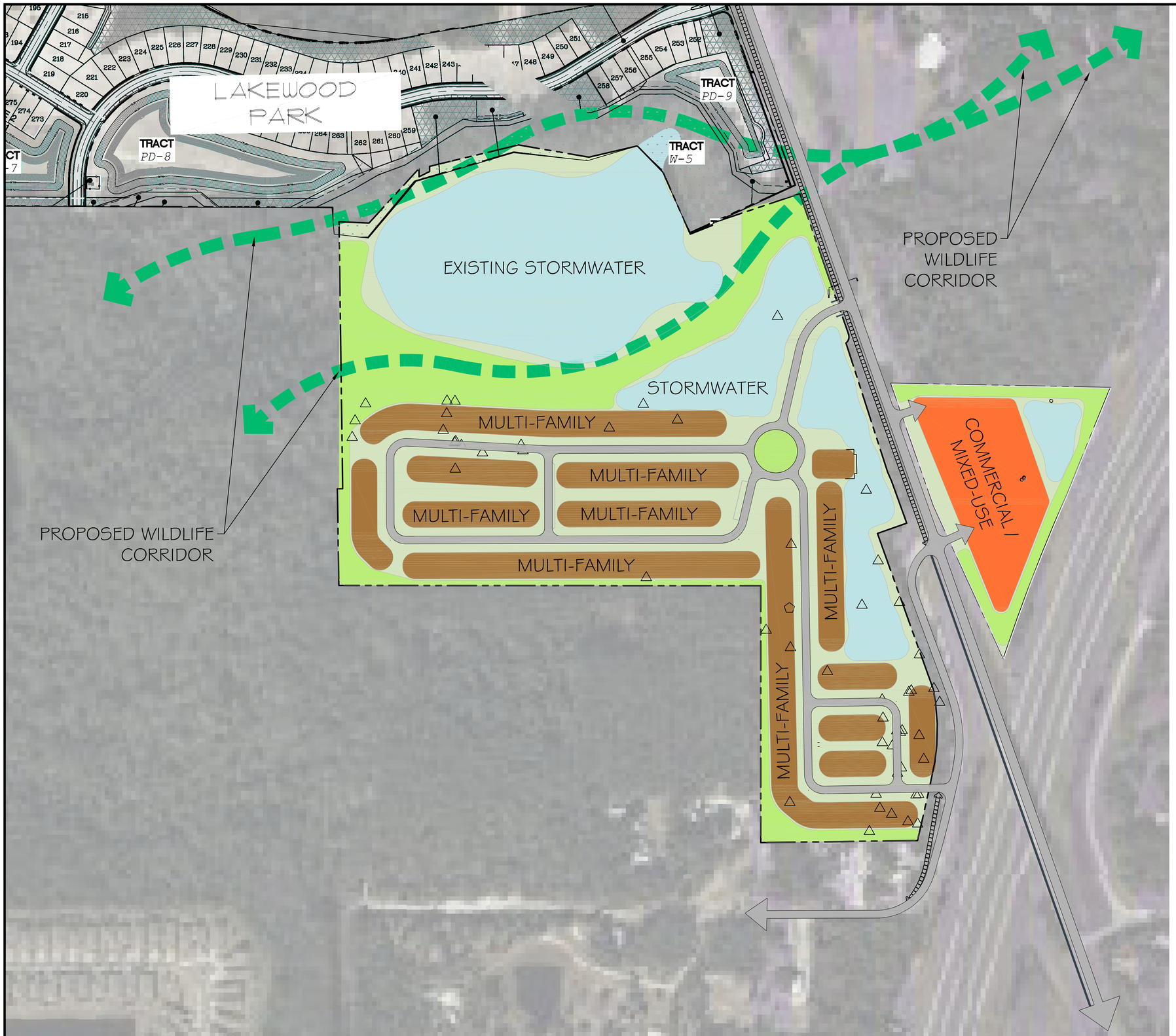
PD Plan

1st Submittal (12/26/23)

EXHIBIT "C"

Phasing Plan

1st Submittal (12/26/23)



CONCEPT GRAPHICS SCHEDULE

2023-05-25 08:15

- EXISTING SPECIMEN TREE
- EXISTING HISTORIC TREE
- WILDLIFE CORRIDOR
- MULTI-MODAL TRAIL

ZONING SCHEDULE

2023-07-24 14:56

SYMBOL	NOTES	ACRES
	STORMWATER AREA	3.14
	MULTI-FAMILY	300 UNITS
	COMMERCIAL/ MIXED-USE	75,000 SF
	OPEN SPACE	10.25
	SIDEWALK	

0 125 250 275 500

SCALE : 1" = 250'

CONCEPTUAL PLAN NOTES:

1. EXISTING ZONING: PLANNED DEVELOPMENT
2. THIS CONCEPTUAL PLAN WAS COMPLETED WITHOUT THE BENEFIT OF BOUNDARY, TOPOGRAPHICAL, WETLAND OR TREE SURVEY INFORMATION. SURVEY WILL BE REQUIRED FOR SITE PLAN APPROVAL AS DESCRIBED WITHIN THE CITY OF DELAND LDC.
3. THIS CONCEPT PLAN REPRESENTS A POTENTIAL LAYOUT THAT WILL BE USED FOR ASSESSING THE TRAFFIC IMPACTS THAT COULD RESULT FROM DEVELOPMENT OF THE PROPERTY.
4. THIS CONCEPTUAL PLAN IS NOT INTENDED TO IMPLY OWNERSHIP OF THE LAND SHOWN HEREON.
5. THIS CONCEPTUAL PLAN HAS BEEN PREPARED USING THE INFORMATION COMPILED FROM THE FOLLOWING SOURCES: BOUNDARY INFORMATION BASED ON G.I.S. DATA BY VOLUSIA COUNTY, DATED 2022.
6. DEPROP, LLC WILL HAVE THE RIGHT TO REVIEW AND COMMENT UPON THE DESIGN AND LOOK OF ALL PROPOSED STRUCTURES AND LANDSCAPE DESIGNS. ARCHITECTURAL REVIEW IS TO ENSURE A HIGH END UNIFORMITY TO FURTHER DELINEATE THE DISTRICT BOUNDARIES.THE CITY OF DELAND WILL REVIEW AND COMMENT ON THE SAME TO ASSURE CONFORMITY WITH ALL APPLICABLE CODE, PLANNED DEVELOPMENT, AND COMPREHENSIVE PLAN REQUIREMENTS.
7. THE STORMWATER MANAGEMENT SYSTEM ON THIS CONCEPTUAL PLAN IS PRELIMINARY BASED ON THE BEST AVAILABLE INFORMATION AND IS SUBJECT TO CHANGE.
8. THIS PLAN HAS BEEN DEVELOPED AT THE REQUEST OF THE CITY, THE SPECIFIC USES SHOWN ON THIS CONCEPT PLAN ARE CONCEPTUAL AND ARE SUBJECT TO CHANGE, OR MODIFICATION, DEPENDING ON MARKET DEMANDS AND MARKET CONDITIONS, AS DETERMINED BY DEPROP, LLC.
9. SIDEWALK WILL BE PROVIDED ADJACENT TO ALL FRONTAGE ROADS/CONNECTOR ROADS. SIDEWALK HAS NOT BEEN SHOWN DUE TO GRAPHIC CONSTRAINTS.
10. PLEASE REFER TO LAKE WINNEMISSETT GATEWAY CORRIDOR LOCAL PLAN AND RESPECTIVE PLANNED DEVELOPMENT AGREEMENTS FOR SPECIFIC DESIGN REQUIREMENTS THAT MAY EXCEED THE REQUIREMENTS IN THE CITYS LAND DEVELOPMENT REGULATIONS.

ZEV COHEN & ASSOCIATES, INC.
300 INTERCHANGE BLVD., STE. C
DAYTONA BEACH, FL 32114
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION
(LC 26)
(EB 4498)

NO.	DATE	REVISIONS	BY
01	3/24/23	REVISED PER CLIENT COMMENT	JES
02	5/31/23	REVISED PER CLIENT COMMENT	
03	7/22/23	REVISED PER CITY COMMENTS	
04	8/23/23	REVISED PER CITY COMMENTS	

FOR REVIEW ONLY NOT FOR CONSTRUCTION

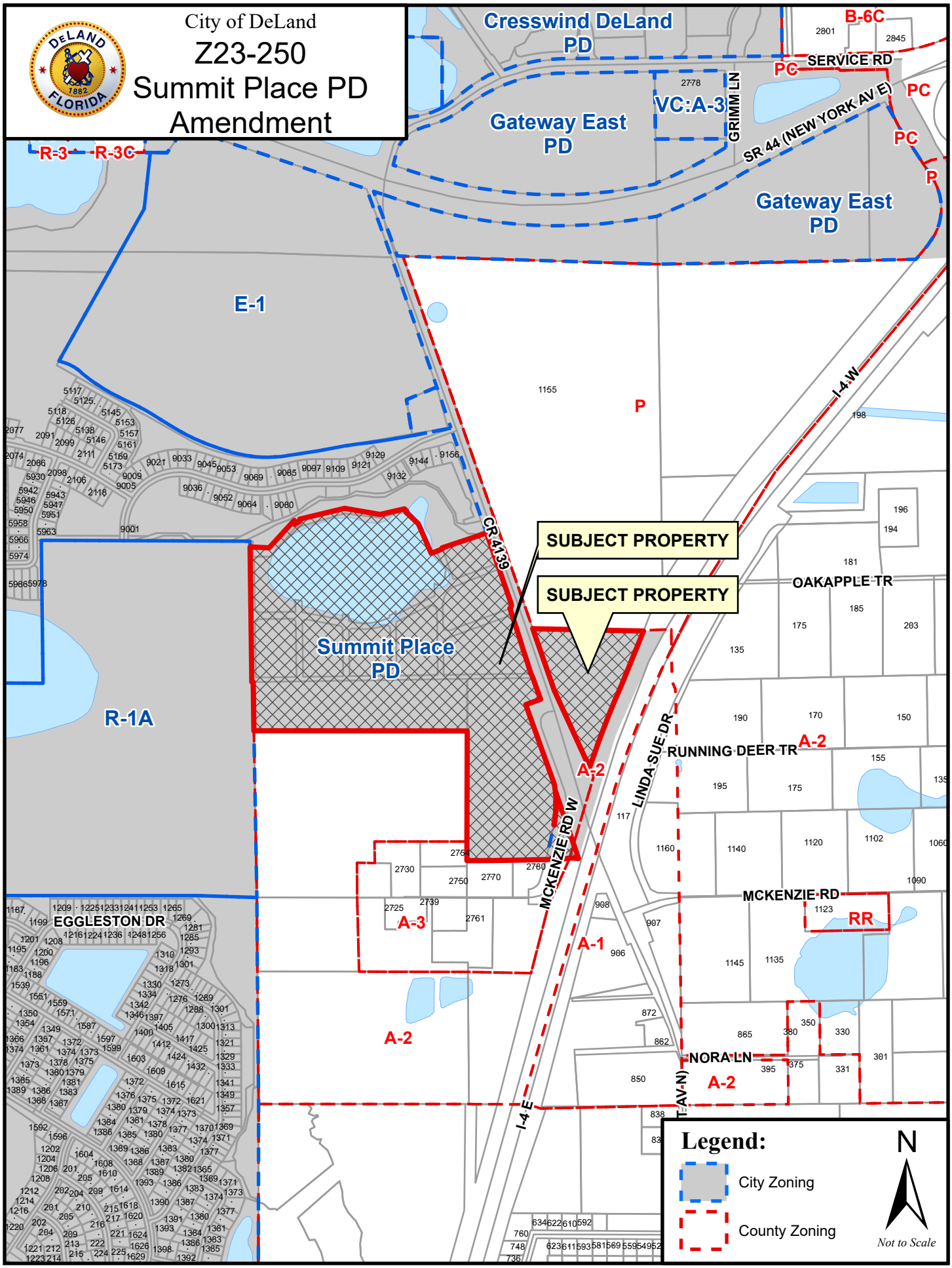
DELAND GATEWAY / DEPROP
TIA
CONCEPTUAL PLAN

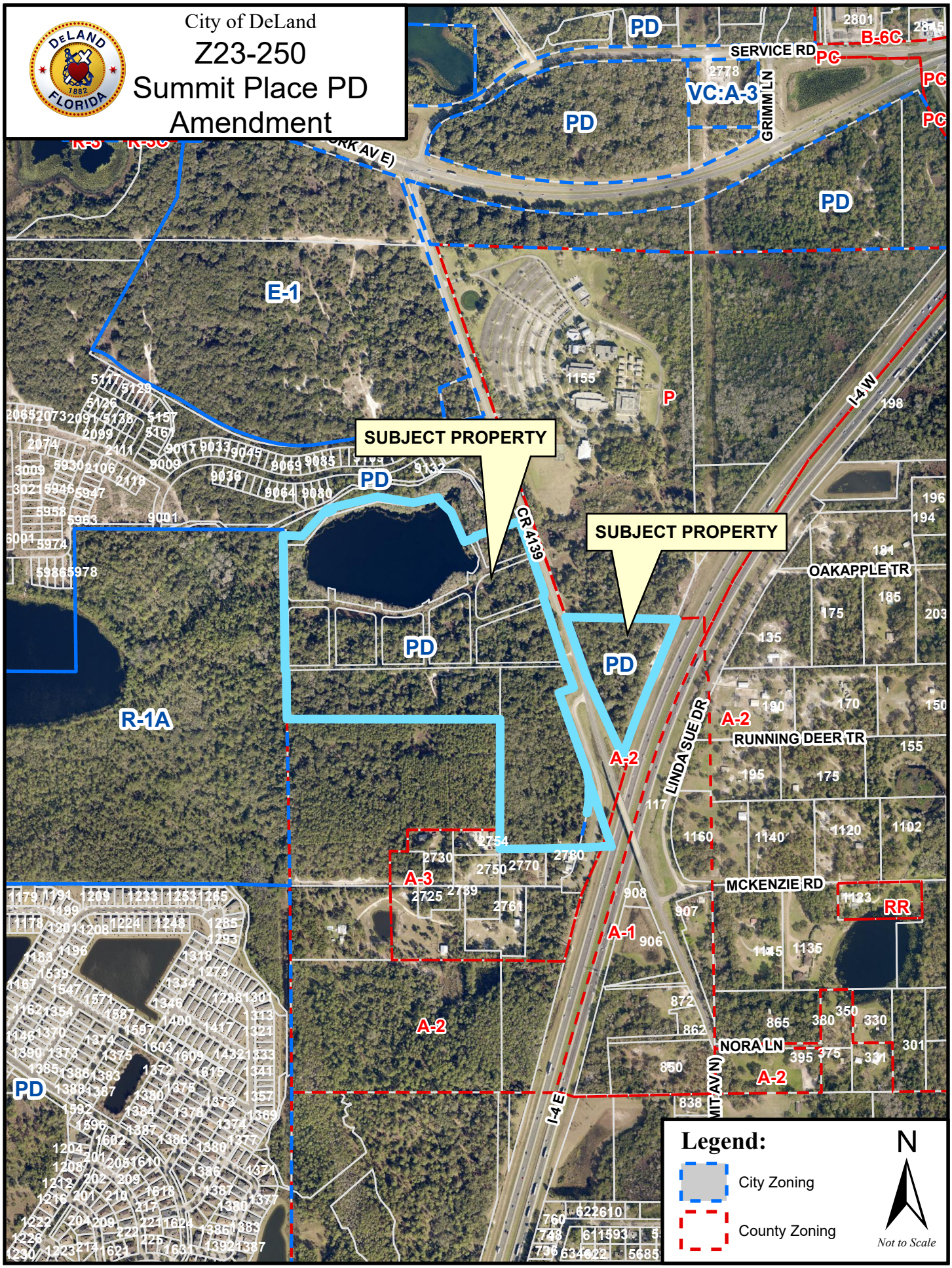
VOLUSIA COUNTY, FLORIDA

CIT OF DELAND

PROJECT NO: 21187
ISSUE DATE: 5/31/23
DESIGNED BY: JES
DRAFTED BY: JES
CHECKED BY: MK
DRAWING FILE: 21187 CONCEPT
XREFS:
XREFS:

SCALE: 1" = 150'
SHEET: EX1 OF 2


City of DeLand
Z23-250
Summit Place PD
Amendment
Cresswind DeLand PD
Gateway East PD
VC:A-3
GRIMM LN
SR 44 (NEW YORK AV E)
SERVICE RD
B-6C
PC
P
R-3
R-3C
E-1
R-1A
Summit Place PD
SUBJECT PROPERTY
SUBJECT PROPERTY
CR 4139
MCKENZIE RD W
LINDA SUE DR
I-4 W
I-4 E
OAKAPPLE TR
RUNNING DEER TR
MCKENZIE RD
NORA LN
EGGLESTON DR
A-2
A-3
A-1
RR
Legend:
City Zoning
County Zoning
N
Not to Scale


City of DeLand
Z23-250
Summit Place PD
Amendment
SUBJECT PROPERTY
SUBJECT PROPERTY
PD
VC:A-3
B-6C
PC
SERVICE RD
GRIMM LN
E-1
P
I-4 W
CR 4139
OAKAPPLE TR
R-1A
A-2
A-3
A-1
RR
LINDA SUE DR
RUNNING DEER TR
MCKENZIE RD
NORA LN
MIT AV N
I-4 E
Legend:
City Zoning
County Zoning
N
Not to Scale

PLANNING DEPARTMENT STAFF REPORT
TO
PLANNING BOARD

DATE: March 13, 2024

APPLICATION NO.: Z23-259

STAFF PLANNER: Emily Kunkel, *Planner II*

APPLICANT: Mr. Joseph Posey, Jr., *Storch Law Firm*

REQUEST: Amend the existing zoning designation from City of DeLand's Gateway East PD to City of DeLand's Amended and Restated Gateway East PD (Planned Development)

APPLICABLE REGULATIONS:

Article IV **Overlay and Floating Zones**
Sec. 33-32 – Planned Development District.

Article XII **Administrative and Enforcement**
Sec. 33-135 – Procedure for text amendments & rezoning.

City of DeLand Comprehensive Plan
Chapter 1 – Future Land Use Element
Local Plans - Lake Winnemissett Gateway Corridor Plan

A. SITE FACTORS:

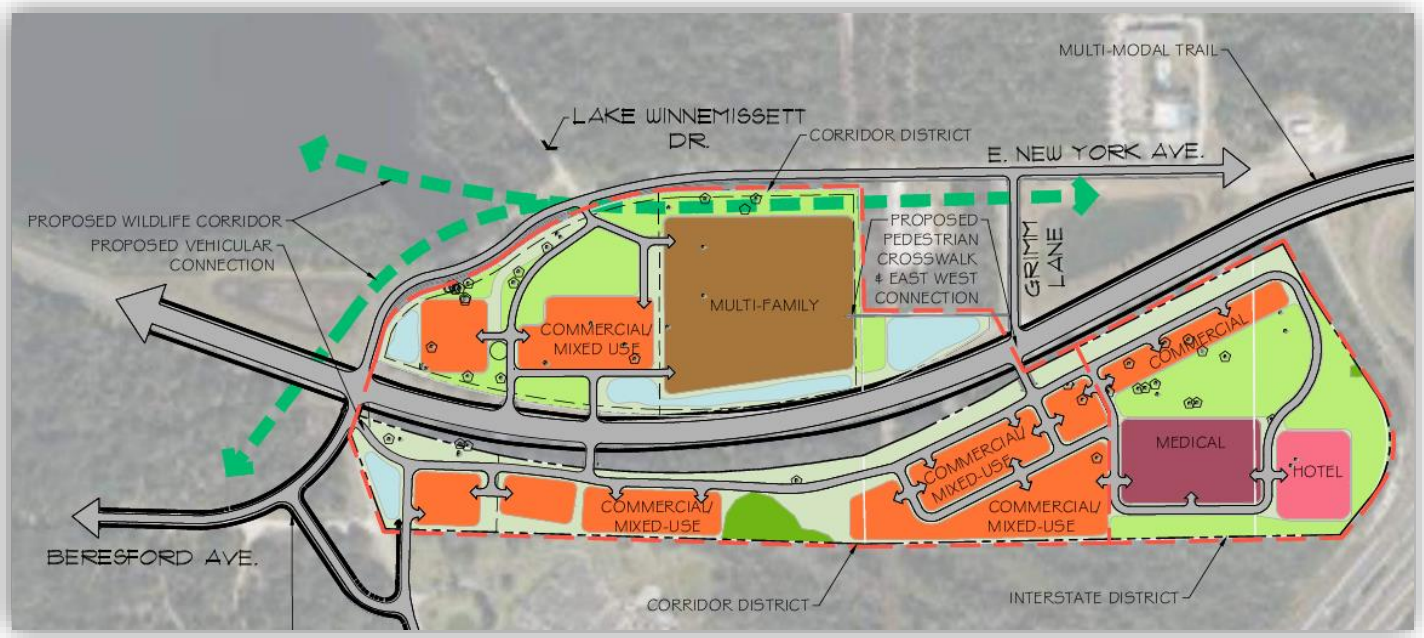
Location: North of Daytona State College, Along North & South of SR-44, between N. Summit (County Road 4139) and I-4
Parcel Size: ± 65.08 acres
Land Use: Gateway/Activity Center
Existing Zoning: PD (Planned Development)
Existing Use: Vacant

	SURROUNDING USE:	SURROUNDING ZONING:
North:	Low Density Residential	VC: A-3 (NE) & CITY: Cresswind PD
South:	VC: Public/Semi-Public	VC: P
East:	VC: Federal Highway	VC: PC
West:	Educational	E-1 (SW) & Twelve Oaks PD (NW)

B. BACKGROUND: In 1994, the City of DeLand Planning Board and City Commission approved the rezoning from Volusia County A-3, *Transitional Agriculture* & R-3, *Urban Single Family* to City of DeLand Planned Development, Twelve Oaks PD and Royal Oaks PD. The two Planned Developments had verbiage complimenting each other and tying them together as "sister" PD's through shared commercial uses, maximum number of residential units, buffer requirements and connectivity. The 1994 version of the Twelve Oaks PD (Ord.94-3) (446.9 acres) was proposed to be a mixed-use development, consisting of open space, single family residential, institutional, commercial and industrial land uses. The Royal Oaks PD (Ord. 94-2) (489.5 acres) was proposed to be a mixed-use

development, consisting of open space, residential, commercial and industrial land uses, and City of DeLand property (fire station/water pumping station). In 2010, both the Royal Oaks and Twelve Oaks PD's expired due to no development applications submitted.

In 2014, the Planning Board and City Commission approved to rezone of a portion of the Royal Oaks PD (+/-66.46 acres) to Summit Place PD (Ord. 2014-20) and a portion of the Twelve Oaks PD (+/-65.08 acres) to Gateway East PD (Ord. 2014-21). The two Planned Developments still retained verbiage complimenting each other and tying them together as "sister" PD's through shared commercial uses, maximum number of residential units, buffer requirements and connectivity.



The applicant is now requesting to amend the existing Gateway East PD (approved in 2014) to the Amended and Restated Gateway East PD and sever the connection to Summit Place PD (approved in 2014), therefore no longer being "sister" PD's. However, the City of DeLand Comprehensive Plan Future Land Use Element, the Lake Winnemissett Gateway Corridor Plan still connects the two PD's.

Therefore, the new amendments are still held to the maximum 480 units through this Comprehensive Plan element, that can be split amongst the two PD's. The First Amended and Restated Summit Place PD will retain majority of the multi-family units (302) with a small commercial/mixed-use portion. The proposed Amended and Restated Gateway East PD will retain the remaining multi-family units (178 units) along with a mix of commercial uses.

C. ANALYSIS:

The proposed development consists of ± 65.08 acres of vacant, wooded land, located North of Daytona State College, along North & South of SR-44, between N. Summit (County Road 4139) and I-4. The applicant is requesting to rezone the subject property from City of DeLand's Gateway East PD to City of DeLand's Amended and Restated Gateway East PD (Planned Development).

The proposed PD Development Agreement allows a maximum of 178 multi-family units that will be developed on the north side of SR-44, to the east of the multi-family units will be commercial/mixed use. Additional commercial/mixed-use will be developed on the south side of SR-44, and hotel and medical uses are proposed along the I-4 corridor.

In general, unless otherwise stated in the PD Agreement, the development standards will be similar to the City's Multiple-Family Dwelling Districts and General Commercial District (C-2) from the City's Land Development Regulations.

As required by section 33-57.07(b) of the Land Development Regulations, a minimum of 15% of the subject property will be dedicated as Tree Protection Area (TPA). The development will be required to maintain a minimum buffer of 25' in width, except along the interstate where there shall be a 15' wide buffer. Special attention and effort shall be given to the preservation of the Tatum Lake ecosystem.

D. **School Concurrency:** An updated school concurrency application, reflecting the newly proposed number of units/type of residential, is still under review by the School Board. Once complete the applicant will need to submit the letter to City staff for review, prior to City Commission approval.

E. **Stormwater:** The existing natural topography and site features shall be respected, or when modified shall improve the overall appearance of the site. The existing Lake Tatum is located off-site and toward the south, but toward the NW of this site is the existing Lake Winnemisett, also located off-site but in close proximity. This PD amendment is proposing elements of low impact development (LID) design to accomidate the surrounding wetland and ecosystem. Supplemental plantings will enhance the functionality and aesthetics of these retention areas using predominantly Florida-Friendly Landscaping.

F. Applicable City of DeLand Development Regulations

Sec. 33-32 – Planned Development District of the Land Development Regulations is intended to provide a method for consideration and approval of unique zoning districts for individual Planned Developments (PD) which are not provided for or allowed in the zoning districts otherwise established by this chapter.

The proposed Planned Development rezoning will allow for a mixed-use of commercial and residential to be developed. The criteria and standards to be met for approval have been reviewed and Staff finds the outlined consistencies and inconsistencies as outlined below.

The proposed development would utilize the natural topography and existing drainage to develop the site therefore; proposing to allow more open space and storm retention areas on the north sector in close proximity to Lake Winnemissett. A pedestrian crosswalk is proposed to allow pedestrian connectivity between the north and south sectors. The development of this proposed project shall be clustered to avoids and minimize the impacts to wetlands and other environmentally sensitive areas, such as Lake Winnemissett ecosystem.

Sec. 33-135 – Procedure for text amendments & rezoning of the Land Development Regulations provides the following factors to consider during the review of each application for rezoning or for changes in permitted uses, among the factors to be considered are the following:

1. **Whether it is consistent with the Comprehensive Plan, and the land use, zoning patterns and character of the surrounding area.**

The proposed Planned Development zoning is consistent with the Comprehensive Plan, specifically the Lake Winnemissett Gateway Corridor Plan that outlines standards that the original Royal Oaks and Twelve Oaks Planned Developments were to follow. These standards are being carried forward with these new amended and restated versions as well as the residential unit maximum of 480 dwelling units to be shared amongst the two PD's. The proposed development of the site is also consistent with Comprehensive Plan's intent to reduce urban sprawl and pursue smart growth principles as referenced in the DeLand 2050 Vision Plan.

2. **The impact upon the environment or natural resources.**

The subject site is heavily wooded and the proposed development would reduce the tree coverage significantly. However, the PD Agreement and associated plan will ensure that tree preservation areas, buffering and other tree requirements are identified and meet the minimum requirements of the Land Development Regulations, State & Federal regulations. Special attention and effort shall also be given to the preservation of the Tatum Lake ecosystem. The impervious surface for the entire project site, shall not exceed 70%. Additionally, the presence of listed species needs to be determined and addressed at the time of subdivision and Site Plan(s) process.

3. **The impact upon the economy of any affected area.**

The sites are currently undeveloped; therefore, the development of multi-family, commercial/mixed-use, medical and a hotel in this area, with close proximity to I-4, and surrounding residential neighborhoods should have a positive economic impact on the City and the surrounding area. This development could potentially raise overall home values by creating additional jobs, shopping, and convenience.

4. **The impact upon governmental services.**

Governmental services such as potable water, reclaimed water, sewer, code enforcement, police, and fire are available for the subject property and will be provided by the City. The City's Utilities Department indicated, that a reclaimed water will be required for irrigation for this project.

An updated school concurrency application, reflecting the newly proposed number of units/type of residential, is still under review by the School Board. Once complete the applicant will need to submit the letter to City staff for review, prior to City Commission approval.

5. **Any changes in circumstances or conditions affecting the area since the original assignment of zoning.**

The proposed development is within the City's Employment Center overlay and to remain existing zoning; according to the DeLand 2050 Land Use guide. This area is to remain with the existing zoning and may allow increased density if it conforms to specific criteria, such as appropriate location and sustainability. The proposed zoning change will facilitate site improvements, and it is consistent with the previously approved surrounding land uses and zoning. The development of multi-family units and mixed-use commercial in close proximity to Interstate-4 is an appropriate location by encouraging higher intensity along select corridors or major centers will encourage transit and lessen traffic congestion.

6. **Any mistakes in the original classification.**

There were no mistakes in the original classification.

7. **The effect upon the use or value of the affected area.**

This site existing has vacant undeveloped, improvement of this site is anticipated to increase the value of the area and benefit the surrounding growth of the area. The proposed development abuts the Cresswind residential Planned Development (452 single-family lots) to the North, this development started in 2002 and is being completed in phases. Daytona State College is existing and located South of this proposed rezoning. Lakewood Park residential Planned Development (434 single-family lots) to the SW has lot sizes averaging around 40-65 ft. in width, with houses actively being built since 2021.

8. **The impact upon the public health, safety and welfare.**

There is no indication at this time that the new proposal will create additional impacts upon public health, safety and welfare, other than traffic generation. All provided services have the capacity needed to accommodate the proposed development. Impacts if any, to the surrounding County roadway network will be required to be mitigated proportionally by the developer. The proposed construction of Beresford Avenue extension from Blue Lake Avenue to SR-44 will positively facilitate truck and traffic movement. A

Transportation Facility Analysis (TFA) was submitted for this rezoning dated February 2024 and the proposed development will not specifically cause any of the study area roadway segments to exceed their capacity. The existing segment of SR-44 from Blue Lake Avenue to Summit Avenue currently operates in excess of its capacity, and will continue to exceed its capacity (Horizon Year 2029) whereas all other segments analyzed operate adequately.

CITY OF DELAND COMPREHENSIVE PLAN CHAPTER 1 – FUTURE LAND USE ELEMENT

Local Plans - Lake Winnemissett Gateway Corridor Plan

Development within the Lake Winnemissett Gateway Corridor shall be consistent with the goals, objectives, and policies enumerated below. These goals, objectives, and policies shall not be interpreted, either individually or collectively, as relieving compliance with other elements of the Comprehensive Plan and/or other City land development regulations. Rather, it is the purpose of these goals, objectives, and policies to supplement, not substitute or supersede, the Comprehensive Plan and other land development regulations.

f14.1.7 w Encourage unified design of new development that enhances the area as a mixed use gateway into the City of DeLand.

The development of this Planned Development having residential mixed with some commercial/mixed-use on the North side of SR-44, and the remaining commercial/mixed-use, medical use, and hotel use on the South side, enhances the area as a mixed-use gateway into the City of DeLand.

f14.3.2 w Developments shall be designed to integrate wetlands and other environmentally sensitive lands into an open space network. This network should be linked to similar systems on the same property or adjacent properties, including parcels outside of the gateway.

The Planned Development rezoning is proposing to have open space/stormwater pond along the portion abutting existing Lake Winnemissett and proposed wildlife corridor into the development creates the connected open space system.

f14.3.3 w Protect original clusters of historic trees as designated in Twelve Oaks and Royal Oaks PD and any other historic trees located in the LWGC.

The concept plan shows multiple existing historic trees where commercial/mixed-use is proposed. A full and complete tree survey will be required at time of development submittal, and it is recommended that all Historic Trees are to be preserved.

f14.4.6 w In order to delay the school capacity determination until a residential development is proposed in the new Local Plan, Lake Winnemissett Gateway Corridor; the plan is limited to only 480 multi-family dwelling units, unless the Local Plan is amended and a school capacity agreement is approved between the School Board and the developer.

The original Planned Developments, Twelve Oaks and Royal Oaks split the maximum 480 dwelling units between the two PD's. The Gateway East is proposing to be unlinked from First Amended and Restated Summit Place PD, while still retaining maximum 480-unit count to be split between the two PD's. The Amended and Restated Gateway East PD is proposing to develop 178 of these units. An updated school concurrency letter will need to be submitted prior to final approval, ensuring that adequate school capacity can be met.

f14.5.1 w In conjunction with affected landowners, local governments and Florida Department of Transportation; the City of DeLand shall assure that necessary transportation improvements for the thoroughfares/roadways identified in the original Traffic Impact Analysis for the combined PD's of Twelve Oaks and Royal Oaks are re-evaluated to determine appropriate mitigation. The specific segments that need to be re-evaluated are:

Kepler/MLK from US 92 to SR-472
Beresford from Blue Lake to SR-44 (extension)

US 92 from Woodland to Kepler
SR-44 from Voorhis to I-4
Summit from SR-44 to I-4
Blue Lake from Plymouth to SR-44

A Transportation Facility Analysis (TFA) was submitted for this rezoning dated February 2024. The TFA outlines majority of the segments above, with some additional segments included. A trip generation analysis, was calculated using information published in the Institute of Transportation Engineers (ITE), Trip Generation Manual (11th Edition) that outlines the previously proposed development of 180-unit apartments, 220-room hotel, 150,000 square foot of medical office space, and 260,000 square foot of commercial space.

The analysis states that 13,583 net new external trips per day, which 1,249 trips would occur during the PM peak hour. The applicant will need to submit an updated traffic study reflecting the newly proposed 178-units rather than 180-units, which will decrease the number of trips slightly.

The proposed project is on the North and South sides of State Road 44, which is categorized as an Urban Principal Arterial road. Per the latest Volusia County Traffic Counts (2021), this portion of State Road 44 (N. Summit Ave. to I-4), is operating at a Daily Level of Service (LOS) of "C" with an allowable LOS of "D". This segment can handle an additional 18,800 daily trips before reaching capacity.

The existing segment of SR-44 from Blue Lake Avenue to Summit Avenue currently operates in excess of its capacity, and will continue to exceed its capacity (Horizon Year 2029) whereas all other segments analyzed operate adequately. The addition of this proposed development, will not specifically cause any of the study area roadway segments to exceed their capacity. A full Traffic Impact Analysis (TIA) will be required because the projected average daily trips exceed 1,000 trips. Any impacts to the offsite roadway network caused by the development will be addressed through Volusia County's process.

f14.7.7 w Residential development adjacent to a school site will ensure public access, including vehicular, bicycle and pedestrian traffic, will be integrated between the school and the residential community.

A multi-modal trail is proposed from this site to the South to allow for variety of transportation alternatives to surrounding uses, such as Daytona State College and future development of the area.

G. CONCLUSION:

The Applicant is proposing a rezoning from City of DeLand's Gateway East PD to City of DeLand's Amended and Restated Gateway East PD in order to develop the subject property as a mixed -use development consisting of 178 multi-family units, 220-room hotel, 225,000SF commercial/mixed-use, and 150,000SF medical space. Submittal of a preliminary and final plat and site plan(s) for the proposed Commercial will be required to ensure the provisions of the Planned Development Agreement are satisfied, as determined by TRC Staff, Planning Board, and City Commission.

H. STAFF RECOMMENDATION:

Staff recommends that the Planning Board forward the zoning request to the City Commission with a recommendation for approval of this rezoning request from City of DeLand's Gateway East PD to City of DeLand's Amended and Restated Gateway East PD.

PLANNED DEVELOPMENT AGREEMENT

IN THE CITY COMMISSION OF THE

CITY OF DELAND, FLORIDA

IN RE: _____, Application of

D.R. Horton, Inc.

ORDINANCE # _____

ORDER AND RESOLUTION

GRANTING A REQUEST FOR CHANGE OF ZONING FROM GATEWAY EAST PD

TO

AMENDED AND RESTATED GATEWAY EAST PD (PLANNED DEVELOPMENT)

The application of DEPROP, LLC, hereinafter, "Applicant," for rezoning was heard by and before the City Commission, DeLand Florida, on _____. Based upon the verified Application and other supporting documents, maps, charts, overlays, other evidence and instruments; the advice, report, and recommendations of the Community Development, and other Departments and agencies of DeLand, Florida; and the testimony adduced and evidence received at the Public Hearing on this Application by the Planning Board on _____, and otherwise being fully advised, the City Commission does hereby find and determine as follows:

2nd Submittal (2/12/24)

GENERAL FINDINGS

A. That the application of DEPROP, LLC, Inc. was duly and properly filed herein on _____ as required by law.

B. That all fees and costs which are by law, regulation, or Ordinance required to be borne and paid by the applicant have been paid.

C. That the applicant is the owner of a +/- 65.08 acre parcel of land which is situated in DeLand, Florida. This parcel of land is described more particularly in the survey and legal description, a true copy of which is attached hereto as Composite Exhibit "A".

D. That the Applicant has complied with the "Due Public Notice" requirements of the City Commission, Land Development Regulations Ordinance #2013-11, as amended.

E. That the owner of the property, DEPROP, LLC agrees with the provisions of the Development Agreement.

2nd Submittal (2/12/24)

FINDINGS REGARDING REZONING

A. That the Applicant has applied for a change of zoning from the present zoning classification of the parcel described in Composite Exhibit "A" from Gateway East PD to Gateway East PD (Planned Development).

B. That the said rezoning to Gateway East PD is consistent with both the City of DeLand Comprehensive Plan Ordinance #1990-04, as amended, and the intent and purpose of the City of DeLand Land Development Regulations Ordinance #2013-11, as amended, and does promote the public health, safety, morals, general welfare and orderly growth of the area affected by the rezoning request.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF DELAND, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY COMMISSION CHAMBERS, 120 SOUTH FLORIDA AVENUE, DELAND, FLORIDA, THIS _____ DAY OF _____, A.D., _____, AS FOLLOWS:

A. That the Application of DEPROP, LLC for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Composite Exhibit "A" attached hereto is hereby amended from Gateway East PD to Gateway East PD as described in Article VII of the City of DeLand, Land Development Regulations Ordinance #2013-11, as amended.

2nd Submittal (2/12/24)

C. That the Official Zoning Map of the City of DeLand, is hereby amended to show the rezoning of said parcel to Gateway East PD.

D. That the City of DeLand Land Development Regulations Ordinance #2013-11, as amended, is consistent with the provisions of the "Development Agreement" as hereinafter set forth in this Ordinance and with respect to any conflict between Land Development Regulations Ordinance #2013-11, as amended, and the "Development Agreement", the provisions of the "Development Agreement" shall govern. Ordinance #2013-11, as amended, shall govern with respect to any matter not covered by the "Development Agreement." The City of DeLand, the Applicant or Unified Owner(s) will ensure overall compliance with this Ordinance.

E. Nothing in this Ordinance shall abridge the requirements of any City of DeLand Ordinance other than Ordinance #2013-11, as amended. Timing and review procedures contained in this Order and Resolution may be modified to comply with the City of DeLand Land Development Regulations, Ordinance #2013-11, as amended. Further, nothing in the Development Agreement is intended to abridge the requirements of Ordinance #2013-11, as amended, and any other City Ordinances.

2nd Submittal (2/12/24)

AMENDED AND RESTATED DEVELOPMENT AGREEMENT

The City Commission of the City of DeLand, Florida, a chartered municipal corporation located in Volusia County, Florida, previously approved a development agreement on October 20, 2014, binding DeProp, LLC, a Florida limited liability company, and their successors and assigs, to the terms and provision of the Gateway East PD (Planned Development) adopted by Ordinance # 2014-21. This Amended and Restated Development Agreement applies to the same property as in Ordinance # 2014-21, which is more particularly described in the attached Exhibit "A".

The Parties hereto hereby agree to modify, amend, and restate, in whole, said development agreement with the following provisions:

A. Development Concept. This Development Agreement has been drafted to sever the property from the Summit Place PD (Planned Development) and amend and restate the entitlements for the property with a new planned development agreement known as the Amended and Restated Gateway East PD (Planned Development). The property shall be developed as a PD substantially in accordance with the Planned Development Plan as defined below. The Planned Development Plan shall govern the development of the property as a PD and shall regulate the future land use of this parcel.

The purpose and intent of the Gateway East PD is to create a scenic entryway to the City of DeLand along CR 4139 with a balanced mixture of urban land uses to protect and enhance the natural and built environment. The goal is to attract a mix of high-quality office, retail, residential and ancillary support commercial uses so that complementary uses can be located in close proximity

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to facilitate walking, bicycling and the use of the local roads for trips from home to work or school and shopping.

1. Planned Development Plan. The Planned Development Plan shall consist of the Development Plan Map prepared by Zev Cohen & Associates, Inc. and dated _____ and this Development Agreement. The Planned Development Plan is hereby approved and incorporated in this Ordinance by reference as Exhibit "B". The Planned Development Plan shall be filed and retained for public inspection in the Planning Department and it shall constitute a supplement to the Official Zoning Map of the City of DeLand.

2. Amendments. All amendments of the Planned Development Plan, other than those deemed by the Planning Department to be minor amendments, which include any modifications to the Development Plan Map that do not change the density, intensity, or updates to the phasing of the project as long as it is consistent with the Development Plan Map, or lot development criteria as set forth below, shall require the review and recommendation of the Planning Board and action by the City Commission in the same manner as a rezoning of the parcel.

3. Subdivision Approval. After the Planned Development Plan is recorded, and prior to any construction, including clearing and landfill, a preliminary and/or a final plat of the area to be subdivided shall be submitted for review and approval in the manner required by Article 13 of the City of DeLand Land Development Regulations, Ordinance #2013-11, as amended.

4. Final Site Plan Approval. For development activity that requires site plan review and approval in addition to subdivision, a Final Site Plan shall be prepared and submitted for review and approval in the manner required by Article 12 of the City of DeLand, Land Development Regulations Ordinance #2013-11, as amended prior to any construction, including clearing and mass grading.

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5. Easements for Public and Private Facilities. Planning, design and construction of all connections and extensions to potable water, sanitary sewer and electrical power lines shall be the responsibility of the Developer and shall be reviewed and approved by the City as part of the subdivision or site plan application process. Nothing contained herein precludes the Developer from seeking impact fee credits as allowed by the City of DeLand or Volusia County. Consistent with the applicable standards from the City of DeLand, all subdivisions or site plans shall make accommodations for the provision of easements to the applicable maintenance agency. Private systems, such as stormwater management areas and facilities, shall be maintained by the property owner or a property owners association. Stormwater management areas and facilities may be subject to easements required by the City of DeLand and/or the St. Johns River Water Management District.

B. Unified Ownership. The Applicant or his successors shall maintain unified ownership of the subject parcel until after issuance of a Final Development Order Plat(s) or Final Site Plan Development Order for any portion of the property proposed for development.

C. Phases of Development. The Gateway PD may be developed and subdivided in one or multiple phases, consistent with the Planned Development Plan, so long as such subdivision complies with the provisions of this Agreement. As part of the subdivision process for a particular phase of development, the Applicant shall ensure that all future phases for the Property will be serviced with public utilities and right-of-way access necessary to stand alone for development. The Applicant shall provide all necessary easements for development and infrastructure servicing a particular phase proposed for subdivision, including identifying any shared facilities such as stormwater systems and internal driveways, if proposed. Notwithstanding the forgoing, boundaries

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identified on the Planned Development Plan may be reconfigured during the subdivision process, and individual phases may be developed and constructed simultaneously and/or in any order, however, subdivision approval shall be required for each phase and the restrictions of this Agreement shall apply to each phase of development.

D. Uses Allowed Within the PD. The following uses shall be allowed as permitted principal uses and structures along with their customary accessory uses and structures:

Residential Area:

- Family day care home.
- Mini and neighborhood parks.
- Multiple-family dwellings.
- Private clubs and lodges.
- Other uses approved by the city commission after review and recommendation by the planning board, which are unquestionably similar to those uses permitted herein.
- Community residential homes, single-family.
- Community residential homes, multifamily.
- Community and regional parks.
- Community gardens.
- Governmental and public building and land uses.
- Nursing (convalescent) homes, adult congregate-living facilities.
- Private parks.

Commercial Area:

The following uses shall be permitted within the Corridor District as depicted on the Planned Development Plan:

- General/Professional Offices.
- Financial Institutions.
- Medical office.
- Drugstores and pharmacies.
- Laboratories, hospitals and clinics.
- Medical clinics.
- Nursing homes and adult congregate living facilities.

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- Mailbox and shipping shops.
- Office equipment sales and service.
- Copying, printing and lithography.
- Beauty salons, barbershops and day spas.
- Day care facilities, adult or child.
- Dry cleaning and laundry, retail.
- Tailor shops and shoe repair.
- Banquet facilities.
- Bed and breakfast inn.
- Catering services.
- Craft Food and Beverage Producer.
- Hotels or motels and associated accessory uses including restaurant and conference facilities.
- Restaurants including fast food and/or drive through facilities.
- Virtual kitchen.
- Bakery, pastry, gourmet, coffee and specialty beverage shops (retail).
- Convenience stores without gas pumps.
- Retail sales.
- Museums.
- Music, dance, gymnasium, art school or studio, excluding discotheques.
- Parks, mini and neighborhood.
- Research and development facilities.
- Corporate headquarters.
- Veterinary clinics allowing inside overnight boarding for clinical care.
- Veterinary clinics and pet grooming shops with overnight and/or outdoor boarding facilities and runs.
- Uses requiring a DBPR 3PS liquor license (package sales) or 4COP liquor license (bars, lounges, etc.).
- Restaurants and establishments serving alcohol requiring a DBPR 2COP, 3PS or 4COP license with special class.
- Convenience stores with gas pumps.
- Multiple-family dwellings compliant with R-16 standards.
- Residential dwelling units above the first floor or one residential unit on the first-floor accessory to an office or commercial use.
- Parks, community and regional.
- Moving, packing and storage companies.
- Manufacturing - Craftsman shop.
- Manufacturing – Limited.
- Warehousing and commercial storage.

The following uses shall be permitted within the Interstate District as depicted on the Planned Development Plan:

- General/Professional Offices.
- Financial Institutions.

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2nd Reading (2/12/24)

- Medical office.
- Drugstores and pharmacies.
- Laboratories, hospitals and clinics.
- Medical clinics.
- Nursing homes and adult congregate living facilities.
- Mailbox and shipping shops.
- Office equipment sales and service.
- Copying, printing and lithography.
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- Veterinary clinics allowing inside overnight boarding for clinical care.
- Veterinary clinics and pet grooming shops with overnight and/or outdoor boarding facilities and runs.
- Uses requiring a DBPR 3PS liquor license (package sales) or 4COP liquor license (bars, lounges, etc.).
- Restaurants and establishments serving alcohol requiring a DBPR 2COP, 3PS or 4COP license with special class.
- Convenience stores with gas pumps.
- Residential dwelling units above the first floor or one residential unit on the first-floor accessory to an office or commercial use.
- Parks, community and regional.
- Manufacturing - Craftsman shop.
- Manufacturing – Limited.

E. Development Standards. Unless otherwise provided herein, all definitions,

development standards or dimensional criteria shall be as set forth in the City of DeLand Land Development Regulations, Ordinance #2013-11, as amended. In addition, unless otherwise stated herein, all development shall meet the applicable City of DeLand Land Development Regulations Ordinance #2013-11, as amended, and the Lake Winnemissett Gateway Corridor standards, City of DeLand Comprehensive Plan, Ordinance #1990-04, as amended. Deviations from minimum lot size or set back requirements may be required at the time of final site plan or subdivision approval to protect environmentally sensitive lands and provide better connectivity to pedestrian, bikeway and vehicular access areas.

The following shall apply to all development within Gateway East PD:

Overall Property:

1. Existing natural topography and site features shall be respected, or when modified shall improve the overall appearance of the site. Extreme changes in grade shall be avoided.

2. Building design, scale and details shall create architectural interest from both the pedestrian and the vehicular (street) point of view. Building design shall be undertaken in a manner which excludes box and rectangular structures composed entirely of blank walls.

3. Variations in rooflines shall be used to add interest to and reduce the massing of buildings. Pitched or sloped roofs are the preferred method of covering a building. Roof features shall be in a scale with the building's mass and complement the character of adjoining and/or adjacent buildings and neighborhoods.

4. Spacing and site of multiple buildings on a single site shall provide for a variety of spacing between structures. While architectural design for multiple structures on a single site is encouraged, monotonous repetition of identical structures on a single site shall be avoided.

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5. The overall architectural theme, including colors, materials, signage, building orientation, shall be consistent with the Lake Winnemissett Gateway Corridor, City of DeLand Comprehensive Plan, Ordinance #1990-04, as amended. The signage for both the residential area and the commercial area shall primarily consist of one or more, or a mix, of the following materials and colors: wood, stucco, metal, stone and white, grey, black, brown, or beige.

6. Building mechanical equipment, service, delivery, and work areas shall be visually screened from pedestrian areas and from public view. These areas shall be located as far as reasonably possible from adjoining residential uses.

7. All lighting shall comply with International Dark Sky standards, expect as otherwise permitted by City of DeLand Land Development Regulations Ordinance #2013-11, as amended. This type of lighting is specifically designed to reduce light pollution by restricting the amount of upward-directed light, avoiding glare, avoiding over-lighting, utilizing dimming and other appropriate lighting controls, and minimizing short-wavelength (bluish) light in the nighttime environment.

8. Any fence, wall or visual screen which is visible from any public right-of-way shall be designed as an integral feature of the design of the principal structure, expressing similar character through the use of materials, colors, or textures, including the use of shade cloth and woven slats.

9. Accessory structures and uses shall be consistent in design character with the principal structure. Outdoor storage areas shall be located behind the front façade of the main building and shall be fully screened from view from both the side and front view vantage points by structural means, vegetative means, or a combination of earthen berms and vegetation. Where screening is accomplished by structural means, the structure shall be compatible in design and color

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with the main building.

10. The development shall comply with the requirements for preservation of environmental resources as set forth in the Land Development Regulations Ordinance No. 2013-11, as amended. All landscaping, including buffers, shall predominantly utilize Florida-Friendly Landscaping, as defined by the University of Florida/Institute of Food and Agricultural Sciences ("UF/IFAS") Center for Landscape Conservation and Ecology, native, or low-water plant material. The development shall include landscape designs such that plants will serve environmentally friendly functions including, but not limited to, cooling, privacy screening, shade, aesthetics, wildlife habitat, runoff pollution prevention, and directing traffic flow onto and within the community, such as low impact development standards. All mulching will be conducted in accordance with the most current version of the Florida Green Industries Best Management Practices (BMPs) handbook guidelines. Mowing in common areas shall be done in accordance with the most current version of the Florida Green Industries BMPs handbook and by certified landscaping contractors. Mowing adjacent to swales shall be performed such that no clippings are deposited into any swales or water bodies. All clippings that may have been deposited on impervious surfaces will be swept back into the vegetated area. All pesticide applications in common areas shall be done by a certified professional in accordance with the most current version of the Florida Green Industries BMPs handbook.

11. The community design standards within the City of DeLand Land Development Regulations, Ordinance No. 2013-11, as amended shall apply to the Gateway East PD.

12. Unless otherwise specified, signage for the Gateway East PD shall be provided per the City of DeLand Land Development Regulations, Ordinance No. 2013-11, as amended.

13. Low impact development design standards shall be used throughout the development where possible.

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Residential:

1.	Minimum lot area:	7,500 sq. ft.
2.	Minimum lot width:	75 ft.
3.	Minimum building setbacks:	
	a. Front yard:	30 ft.
	b. Rear yard:	40 ft. when adjacent to a single-family residential district (may be reduced to 20 ft. if an eight-foot wall is used for visual screening) 20 ft. adjacent to all other districts
	c. Side yard:	40 ft. when adjacent to single-family residential district (may be reduced to 20 ft. if an eight-foot wall is used for visual screening) 20 ft. adjacent to all other districts In instances where the residential building is being subdivided into units for individual ownership, the interior side setback shall be reduced to 0 ft.
4.	Minimum floor area:	900 sq. ft.
6.	Maximum building height:	65 ft.
7.	Maximum number of units:	178
8.	Maximum impervious surface:	50%

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9. Off-Street Parking: Parking shall adhere to the City of DeLand Land Development Regulations Ordinance #2013-11, as amended. Enforcement of parking and maintenance of the access road shall be the responsibility of the property owners' association.

10. Unless otherwise specified, the development standards of the R-16 – Multifamily Dwelling District, the City of DeLand Land Development Regulations Ordinance #2013-11, as amended, shall apply to those residential uses listed in Paragraph D.

Commercial:

1. Minimum lot area: 9,000 s.f.
2. Minimum lot width: 75 ft.
3. Minimum building setbacks:
   a. Front yard: 20 ft.
   b. Rear yard: 25 ft. when abutting residentially zoned property
      10 ft. adjacent to all other ~~districts~~
   c. Side yard: 25 ft. when abutting residentially zoned property
      20 ft. when abutting a street
      10 ft. adjacent to all other ~~districts~~
4. Maximum building height: 80 ft.
5. Maximum impervious surface: 70%
6. Off-Street Parking: Parking shall adhere to the City of DeLand Land Development

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Regulations Ordinance #2013-11, as amended, however, the visitor/guest off-street parking requirement for cluster/multifamily development shall be a minimum of 0.25 spaces per unit.

7. Unless otherwise specified, the development standards of the C-2 – General Commercial District, the City of DeLand Land Development Regulations Ordinance #2013-11, as amended, shall apply to those commercial uses listed in Paragraph D.

F. Environmental Considerations.

1. The development shall comply with the requirements for preservation of environmental resources as set forth in the Land Development Regulations Ordinance # 2013-11, as amended. The actual location and layout of the developed areas within the Gateway East PD property shall be determined during subdivision or site plan review. All required environmental and ecological studies shall be completed for the entirety of the Gateway PD property as described in Exhibit "A", even if development is proposed for only a portion of the property, prior to subdivision review or site plan approval, if no subdivision review is required.

2. Tree Protection Areas preserving a minimum of 15% of the overall site, excluding any required right-of-way dedication areas, shall be maintained as shown on the Planned Development Plan.

3. All Tree Protection Areas shall be maintained by the property owners' association.

4. Special attention and effort shall be given to the preservation of the Tatum Lake ecosystem.

5. The development of this Property shall be clustered such that it avoids and

2nd Submittal (2/12/24)

minimizes impacts to wetlands and other environmentally sensitive areas.

G. Sewage Disposal and Potable Water. Provision for sewage disposal and potable water needs of the Gateway East PD will be provided in accordance with the Comprehensive Plan, Ordinance #1990-04, as amended, the Land Development Regulations Ordinance #2009-09, as amended, and State of Florida Administrative Code 64E-6.

H. Stormwater Drainage. Provision for stormwater retention shall be designed in accordance with all required governmental regulations and the Land Development Regulations Ordinance #2013-11, as amended.

I. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the Land Development Regulations, Ordinance #2013-11, as amended. The parcel shall be developed in substantial accordance with the following access and transportation system improvements:

1. Access. Specific points of ingress and egress to the site are generally described on the Planned Development Plan.

2. Transportation System Improvements. Transportation system improvements will be provided as required by permitting agencies. The Traffic Impact Analysis will include projected trips from the Lake Winnemissett Gateway Corridor land not included within this development agreement.

Notwithstanding the foregoing, a traffic impact analysis has been provided for future impacts of the development; however, the City recognizes that the actual development impacts may change

2nd Submittal (2/12/24)

due to the mixed-use nature of the project and projected future growth of the area. Therefore, in order to accommodate unanticipated development changes, Developer may allocate equivalent traffic trips identified within the traffic impact analysis approved by the City from one use category to another use, consistent with the use and entitlement restrictions in this Agreement. Equivalent traffic trips shall be based on trip generation rates in the latest Institute of Transportation Engineers (ITE) Trip Generation Manual.

K. Building or Property Owners Association. The Applicant shall create a building or property owner's association for the residential portion of the development. The charter and by-laws of said association and any other agreements, covenants, easements or restrictions shall be furnished to the City of DeLand at the time of creation. The Applicant shall be responsible for recording said information in the Public Records of Volusia County, Florida. Also, the Applicant shall bear and pay all costs for recording all of the aforementioned documents.

With respect to the enforcement of said agreements, covenants, easements or restrictions entered into between the applicant and the owners or occupiers of property within the Gateway East PD, the City of DeLand shall only enforce the provisions of the "Development Agreement" and City of DeLand Land Development Regulations Ordinance #2013-11, as amended, whichever is applicable, and not the private agreements entered into between the aforementioned parties.

L. Reverter Provision: The development rights herein shall vest once any portion of this project has received a development order. The City Commission may rezone any portion of the project which has not met this Section within 10 years of approval of this Development Agreement.

2nd Submittal (2/12/24)

M. Binding Effect of Plans; Recording; and Effective Date. The Planned Development Plan, including any and all amendments shall bind and inure to the benefit of the Applicant and his successor in title or interest. The Gateway East PD zoning, provisions of the "Development Agreement," and all approved plans shall run with the land and shall be administered in a manner consistent with Article 12 of the City of DeLand Land Development Regulations Ordinance #2013-11, as amended.

This Ordinance and all subsequent amendments shall be filed with the Clerk of the Court and recorded within forty-five (45) days following execution of the document by the City Commission, in the Official Records of Volusia County, Florida. One copy of the document, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Planning Department for placement in the public file. The date of recording of this document shall constitute the effective date of the PD or its subsequent amendments. The applicant shall pay all filing costs for recording documents.

2nd Submittal (2/12/24)

DONE and ORDERED by the City Commission, City of DeLand, Florida, this ____ day of _____ , 2024.

ATTEST: City Commission of DeLand Florida

_____ _____

Michael Pleus Christopher M. Cloudman
City Manager Mayor

STATE OF FLORIDA
CITY OF DELAND

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2024, by Michael Pleus and Christopher M. Cloudman, as City Manager and Mayor, City of DeLand, respectively, on behalf of the City of DeLand, and who are personally known to me.

NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:
_____
Commission #:_____
My Commission Expires:_____

2nd Submittal (2/12/24)

WITNESSES:

DEPROP, LLC

_____ By: _____

Print Name _____ _____, Manager

_____

Print Name _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2024, by _____, as Manager of DEPROP, LLC, who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC, STATE OF _____
Type or Print Name:
_____
Commission #:_____
My Commission Expires:_____

2nd Submittal (2/12/24)

PLANNED DEVELOPMENT AGREEMENT

IN THE CITY COMMISSION OF THE

CITY OF DELAND, FLORIDA

IN RE: _____, Application of

D.R. Horton, Inc.

ORDINANCE # _____

ORDER AND RESOLUTION

GRANTING A REQUEST FOR CHANGE OF ZONING FROM GATEWAY EAST PD

TO

AMENDED AND RESTATED GATEWAY EAST PD (PLANNED DEVELOPMENT)

The application of DEPROP, LLC, hereinafter, "Applicant," for rezoning was heard by and before the City Commission, DeLand Florida, on _____. Based upon the verified Application and other supporting documents, maps, charts, overlays, other evidence and instruments; the advice, report, and recommendations of the Community Development, and other Departments and agencies of DeLand, Florida; and the testimony adduced and evidence received at the Public Hearing on this Application by the Planning Board on _____, and otherwise being fully advised, the City Commission does hereby find and determine as follows:

1st Submittal (12/27/24)

GENERAL FINDINGS

A. That the application of DEPROP, LLC, Inc. was duly and properly filed herein on _____ as required by law.

B. That all fees and costs which are by law, regulation, or Ordinance required to be borne and paid by the applicant have been paid.

C. That the applicant is the owner of a +/- 65.08 acre parcel of land which is situated in DeLand, Florida. This parcel of land is described more particularly in the survey and legal description, a true copy of which is attached hereto as Composite Exhibit "A".

D. That the Applicant has complied with the "Due Public Notice" requirements of the City Commission, Land Development Regulations Ordinance #2013-11, as amended.

E. That the owner of the property, DEPROP, LLC agrees with the provisions of the Development Agreement.

1st Submittal (12/27/24)

FINDINGS REGARDING REZONING

A. That the Applicant has applied for a change of zoning from the present zoning classification of the parcel described in Composite Exhibit "A" from Gateway East PD to Gateway East PD (Planned Development).

B. That the said rezoning to Gateway East PD is consistent with both the City of DeLand Comprehensive Plan Ordinance #1990-04, as amended, and the intent and purpose of the City of DeLand Land Development Regulations Ordinance #2013-11, as amended, and does promote the public health, safety, morals, general welfare and orderly growth of the area affected by the rezoning request.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF DELAND, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY COMMISSION CHAMBERS, 120 SOUTH FLORIDA AVENUE, DELAND, FLORIDA, THIS _____ DAY OF _____, A.D., _____, AS FOLLOWS:

A. That the Application of DEPROP, LLC for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Composite Exhibit "A" attached hereto is hereby amended from Gateway East PD to Gateway East PD as described in Article VII of the City of DeLand, Land Development Regulations Ordinance #2013-11, as amended.

1st Submittal (12/27/24)

C. That the Official Zoning Map of the City of DeLand, is hereby amended to show the rezoning of said parcel to Gateway East PD.

D. That the City of DeLand Land Development Regulations Ordinance #2013-11, as amended, is consistent with the provisions of the "Development Agreement" as hereinafter set forth in this Ordinance and with respect to any conflict between Land Development Regulations Ordinance #2013-11, as amended, and the "Development Agreement", the provisions of the "Development Agreement" shall govern. Ordinance #2013-11, as amended, shall govern with respect to any matter not covered by the "Development Agreement." The City of DeLand, the Applicant or Unified Owner(s) will ensure overall compliance with this Ordinance.

E. Nothing in this Ordinance shall abridge the requirements of any City of DeLand Ordinance other than Ordinance #2013-11, as amended. Timing and review procedures contained in this Order and Resolution may be modified to comply with the City of DeLand Land Development Regulations, Ordinance #2013-11, as amended. Further, nothing in the Development Agreement is intended to abridge the requirements of Ordinance #2013-11, as amended, and any other City Ordinances.

1st Submittal (12/27/24)

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to facilitate walking, bicycling and the use of the local roads for trips from home to work or school and shopping.

1. Planned Development Plan. The Planned Development Plan shall consist of the Development Plan Map prepared by Zev Cohen & Associates, Inc. and dated _____ and this Development Agreement. The Planned Development Plan is hereby approved and incorporated in this Ordinance by reference as Exhibit "B". The Planned Development Plan shall be filed and retained for public inspection in the Planning Department and it shall constitute a supplement to the Official Zoning Map of the City of DeLand.

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4. Final Site Plan Approval. For development activity that requires site plan review and approval in addition to subdivision, a Final Site Plan shall be prepared and submitted for review and approval in the manner required by Article 12 of the City of DeLand, Land Development Regulations Ordinance #2013-11, as amended prior to any construction, including clearing and mass grading.

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5. Easements for Public and Private Facilities. Planning, design and construction of all connections and extensions to potable water, sanitary sewer and electrical power lines shall be the responsibility of the Developer and shall be reviewed and approved by the City as part of the subdivision or site plan application process. Nothing contained herein precludes the Developer from seeking impact fee credits as allowed by the City of DeLand or Volusia County. Consistent with the applicable standards from the City of DeLand, all subdivisions or site plans shall make accommodations for the provision of easements to the applicable maintenance agency. Private systems, such as stormwater management areas and facilities, shall be maintained by the property owner or a property owners association. Stormwater management areas and facilities may be subject to easements required by the City of DeLand and/or the St. Johns River Water Management District.

B. Unified Ownership. The Applicant or his successors shall maintain unified ownership of the subject parcel until after issuance of a Final Development Order Plat(s) or Final Site Plan Development Order for any portion of the property proposed for development.

C. Phases of Development. The Gateway PD may be developed and subdivided in one or multiple phases, consistent with the Planned Development Plan, so long as such subdivision complies with the provisions of this Agreement. As part of the subdivision process for a particular phase of development, the Applicant shall ensure that all future phases for the Property will be serviced with public utilities and right-of-way access necessary to stand alone for development. The Applicant shall provide all necessary easements for development and infrastructure servicing a particular phase proposed for subdivision, including identifying any shared facilities such as stormwater systems and internal driveways, if proposed. Notwithstanding the forgoing, boundaries

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identified on the Planned Development Plan may be reconfigured during the subdivision process, and individual phases may be developed and constructed simultaneously and/or in any order, however, subdivision approval shall be required for each phase and the restrictions of this Agreement shall apply to each phase of development.

D. Uses Allowed Within the PD. The following uses shall be allowed as permitted principal uses and structures along with their customary accessory uses and structures:

Residential Area:

- Family day care home.
- Mini and neighborhood parks.
- Multiple-family dwellings.
- Private clubs and lodges.
- Other uses approved by the city commission after review and recommendation by the planning board, which are unquestionably similar to those uses permitted herein.
- Community residential homes, single-family.
- Community residential homes, multifamily.
- Community and regional parks.
- Community gardens.
- Governmental and public building and land uses.
- Nursing (convalescent) homes, adult congregate-living facilities.
- Private parks.

Commercial Area:

- General/Professional Offices.
- Financial Institutions.
- Medical office.
- Drugstores and pharmacies.
- Laboratories, hospitals and clinics.
- Medical clinics.
- Nursing homes and adult congregate living facilities.
- Mailbox and shipping shops.
- Office equipment sales and service.
- Copying, printing and lithography.

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- Beauty salons, barbershops and day spas.
- Day care facilities, adult or child.
- Dry cleaning and laundry, retail.
- Tailor shops and shoe repair.
- Banquet facilities.
- Bed and breakfast inn.
- Catering services.
- Craft Food and Beverage Producer.
- Hotels or motels and associated accessory uses including restaurant and conference facilities.
- Restaurants including fast food and/or drive through facilities.
- Virtual kitchen.
- Bakery, pastry, gourmet, coffee and specialty beverage shops (retail).
- Convenience stores without gas pumps.
- Retail sales.
- Museums.
- Music, dance, gymnasium, art school or studio, excluding discotheques.
- Parks, mini and neighborhood.
- Research and development facilities.
- Corporate headquarters.
- Veterinary clinics allowing inside overnight boarding for clinical care.
- Veterinary clinics and pet grooming shops with overnight and/or outdoor boarding facilities and runs.
- Uses requiring a DBPR 3PS liquor license (package sales) or 4COP liquor license (bars, lounges, etc.).
- Restaurants and establishments serving alcohol requiring a DBPR 2COP, 3PS or 4COP license with special class.
- Convenience stores with gas pumps.
- Multiple-family dwellings compliant with R-16 standards.
- Residential dwelling units above the first floor or one residential unit on the first-floor accessory to an office or commercial use.
- Parks, community and regional.
- Moving, packing and storage companies.
- Manufacturing - Craftsman shop.
- Manufacturing – Limited.
- Warehousing and commercial storage.

E. Development Standards. Unless otherwise provided herein, all definitions, development standards or dimensional criteria shall be as set forth in the City of DeLand Land Development Regulations, Ordinance #2013-11, as amended. In addition, unless otherwise stated herein, all development shall meet the applicable City of DeLand Land Development Regulations

Ordinance #2013-11, as amended, and the Lake Winnemissett Gateway Corridor standards, City of DeLand Comprehensive Plan, Ordinance #1990-04, as amended. Deviations from minimum lot size or set back requirements may be required at the time of final site plan or subdivision approval to protect environmentally sensitive lands and provide better connectivity to pedestrian, bikeway and vehicular access areas.

The following shall apply to all development within Gateway East PD:

Overall Property:

1. Existing natural topography and site features shall be respected, or when modified shall improve the overall appearance of the site. Extreme changes in grade shall be avoided.

2. Building design, scale and details shall create architectural interest from both the pedestrian and the vehicular (street) point of view. Building design shall be undertaken in a manner which excludes box and rectangular structures composed entirely of blank walls.

3. Variations in rooflines shall be used to add interest to and reduce the massing of buildings. Pitched or sloped roofs are the preferred method of covering a building. Roof features shall be in a scale with the building's mass and complement the character of adjoining and/or adjacent buildings and neighborhoods.

4. Spacing and site of multiple buildings on a single site shall provide for a variety of spacing between structures. While architectural design for multiple structures on a single site is encouraged, monotonous repetition of identical structures on a single site shall be avoided.

5. The overall architectural theme, including colors, materials, signage, building orientation, shall be consistent with the Lake Winnemissett Gateway Corridor, City of DeLand Comprehensive Plan, Ordinance #1990-04, as amended. The signage for both the residential area and

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the commercial area shall primarily consist of one or more, or a mix, of the following materials and colors: wood, stucco, metal, stone and white, grey, black, brown, or beige.

6. Building mechanical equipment, service, delivery, and work areas shall be visually screened from pedestrian areas and from public view. These areas shall be located as far as reasonably possible from adjoining residential uses.

7. All lighting shall comply with International Dark Sky standards, expect as otherwise permitted by City of DeLand Land Development Regulations Ordinance #2013-11, as amended. This type of lighting is specifically designed to reduce light pollution by restricting the amount of upward-directed light, avoiding glare, avoiding over-lighting, utilizing dimming and other appropriate lighting controls, and minimizing short-wavelength (bluish) light in the nighttime environment.

8. Any fence, wall or visual screen which is visible from any public right-of-way shall be designed as an integral feature of the design of the principal structure, expressing similar character through the use of materials, colors, or textures, including the use of shade cloth and woven slats.

9. Accessory structures and uses shall be consistent in design character with the principal structure. Outdoor storage areas shall be located behind the front façade of the main building and shall be fully screened from view from both the side and front view vantage points by structural means, vegetative means, or a combination of earthen berms and vegetation. Where screening is accomplished by structural means, the structure shall be compatible in design and color with the main building.

10. The development shall comply with the requirements for preservation of environmental resources as set forth in the Land Development Regulations Ordinance No. 2013-11,

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as amended. All landscaping, including buffers, shall predominantly utilize Florida-Friendly Landscaping, as defined by the University of Florida/Institute of Food and Agricultural Sciences ("UF/IFAS") Center for Landscape Conservation and Ecology, native, or low-water plant material. The development shall include landscape designs such that plants will serve environmentally friendly functions including, but not limited to, cooling, privacy screening, shade, aesthetics, wildlife habitat, runoff pollution prevention, and directing traffic flow onto and within the community, such as low impact development standards. All mulching will be conducted in accordance with the most current version of the Florida Green Industries Best Management Practices (BMPs) handbook guidelines. Mowing in common areas shall be done in accordance with the most current version of the Florida Green Industries BMPs handbook and by certified landscaping contractors. Mowing adjacent to swales shall be performed such that no clippings are deposited into any swales or water bodies. All clippings that may have been deposited on impervious surfaces will be swept back into the vegetated area. All pesticide applications in common areas shall be done by a certified professional in accordance with the most current version of the Florida Green Industries BMPs handbook.

11. The community design standards within the City of DeLand Land Development Regulations, Ordinance No. 2013-11, as amended shall apply to the Gateway East PD.

12. Unless otherwise specified, signage for the Gateway East PD shall be provided per the City of DeLand Land Development Regulations, Ordinance No. 2013-11, as amended.

13. Low impact development design standards shall be used throughout the development where possible.

Residential:

1.	Minimum lot area:	7,500 sq. ft.
2.	Minimum lot width:	75 ft.

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3. Minimum building setbacks:

a.	Front yard:	30 ft.
b.	Rear yard:	40 ft. when adjacent to a single-family residential district (may be reduced to 20 ft. if an eight-foot wall is used for visual screening) 20 ft. adjacent to all other districts
c.	Side yard:	40 ft. when adjacent to single-family residential district (may be reduced to 20 ft. if an eight-foot wall is used for visual screening) 20 ft. adjacent to all other districts

4. Minimum floor area: 900 sq. ft.

6. Maximum building height: 65 ft.

7. Maximum number of units: 178

8. Maximum impervious surface: 50%

9. Off-Street Parking: Parking shall adhere to the City of DeLand Land Development Regulations Ordinance #2013-11, as amended. Enforcement of parking and maintenance of the access road shall be the responsibility of the property owners' association.

10. Unless otherwise specified, the development standards of the R-16 – Multifamily Dwelling District, the City of DeLand Land Development Regulations Ordinance #2013-11, as amended, shall apply to those residential uses listed in Paragraph D.

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Commercial:

1. Minimum lot area: 9,000 s.f.
2. Minimum lot width: 75 ft.
3. Minimum building setbacks:
   a. Front yard: 20 ft.
   b. Rear yard: 25 ft. when adjacent to a single-family residential district
      10 ft. adjacent to all other districts
   c. Side yard: 25 ft. when adjacent to a single-family
      20 ft. when abutting a street
      10 ft. adjacent to all other districts
4. Maximum building height: 80 ft.
5. Maximum impervious surface: 70%
6. Off-Street Parking: Parking shall adhere to the City of DeLand Land Development Regulations Ordinance #2013-11, as amended.
7. Unless otherwise specified, the development standards of the C-2 – General Commercial District, the City of DeLand Land Development Regulations Ordinance #2013-11, as amended, shall apply to those commercial uses listed in Paragraph D.

F. Environmental Considerations.

1. The development shall comply with the requirements for preservation of environmental resources as set forth in the Land Development Regulations Ordinance # 2013-11, as

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amended. The actual location and layout of the developed areas within the Gateway East PD property shall be determined during subdivision or site plan review. All required environmental and ecological studies shall be completed for the entirety of the Gateway PD property as described in Exhibit "A", even if development is proposed for only a portion of the property, prior to subdivision review or site plan approval, if no subdivision review is required.

2. Tree Protection Areas preserving a minimum of 15% of the overall site, excluding any required right-of-way dedication areas, shall be maintained as shown on the Planned Development Plan.

3. All Tree Protection Areas shall be maintained by the property owners' association.

4. Special attention and effort shall be given to the preservation of the Tatum Lake ecosystem.

5. The development of this Property shall be clustered such that it avoids and minimizes impacts to wetlands and other environmentally sensitive areas.

G. Sewage Disposal and Potable Water. Provision for sewage disposal and potable water needs of the Gateway East PD will be provided in accordance with the Comprehensive Plan, Ordinance #1990-04, as amended, the Land Development Regulations Ordinance #2009-09, as amended, and State of Florida Administrative Code 64E-6.

H. Stormwater Drainage. Provision for stormwater retention shall be in accordance with the Land Development Regulations Ordinance #2013-11, as amended.

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I. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the Land Development Regulations, Ordinance #2013-11, as amended. The parcel shall be developed in substantial accordance with the following access and transportation system improvements:

1. Access. Specific points of ingress and egress to the site are generally described on the Planned Development Plan.

2. Transportation System Improvements. Transportation system improvements will be provided as required by permitting agencies. The Traffic Impact Analysis will include projected trips from the Lake Winnemissett Gateway Corridor land not included within this development agreement.

Notwithstanding the foregoing, a traffic impact analysis has been provided for future impacts of the development; however, the City recognizes that the actual development impacts may change due to the mixed-use nature of the project and projected future growth of the area. Therefore, in order to accommodate unanticipated development changes, Developer may allocate equivalent traffic trips identified within the traffic impact analysis approved by the City from one use category to another use, consistent with the use and entitlement restrictions in this Agreement. Equivalent traffic trips shall be based on trip generation rates in the latest Institute of Transportation Engineers (ITE) Trip Generation Manual.

K. Building or Property Owners Association. The Applicant shall create a building or property owner's association for the residential portion of the development. The charter and by-laws of said association and any other agreements, covenants, easements or restrictions shall be furnished to the City of DeLand at the time of creation. The Applicant shall be responsible for recording said

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information in the Public Records of Volusia County, Florida. Also, the Applicant shall bear and pay all costs for recording all of the aforementioned documents.

With respect to the enforcement of said agreements, covenants, easements or restrictions entered into between the applicant and the owners or occupiers of property within the Gateway East PD, the City of DeLand shall only enforce the provisions of the "Development Agreement" and City of DeLand Land Development Regulations Ordinance #2013-11, as amended, whichever is applicable, and not the private agreements entered into between the aforementioned parties.

L. Reverter Provision: The development rights herein shall vest once any portion of this project has received a development order. The City Commission may rezone any portion of the project which has not met this Section within 10 years of approval of this Development Agreement.

M. Binding Effect of Plans; Recording; and Effective Date. The Planned Development Plan, including any and all amendments shall bind and inure to the benefit of the Applicant and his successor in title or interest. The Gateway East PD zoning, provisions of the "Development Agreement," and all approved plans shall run with the land and shall be administered in a manner consistent with Article 12 of the City of DeLand Land Development Regulations Ordinance #2013-11, as amended.

This Ordinance and all subsequent amendments shall be filed with the Clerk of the Court and recorded within forty-five (45) days following execution of the document by the City Commission, in the Official Records of Volusia County, Florida. One copy of the document, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Planning Department for placement in the public file. The date of recording of this document shall

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constitute the effective date of the PD or its subsequent amendments. The applicant shall pay all filing costs for recording documents.

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DONE and ORDERED by the City Commission, City of DeLand, Florida, this ____ day of _____ , 2024.

ATTEST: City Commission of DeLand Florida

_____ _____

Michael Pleus Christopher M. Cloudman
City Manager Mayor

STATE OF FLORIDA
CITY OF DELAND

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2024, by Michael Pleus and Christopher M. Cloudman, as City Manager and Mayor, City of DeLand, respectively, on behalf of the City of DeLand, and who are personally known to me.

NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:
_____
Commission #:_____
My Commission Expires:_____

1st Submittal (12/27/24)

WITNESSES:

DEPROP, LLC

_____ By: _____

Print Name _____ _____, Manager

_____

Print Name _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2024, by _____, as Manager of DEPROP, LLC, who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC, STATE OF _____

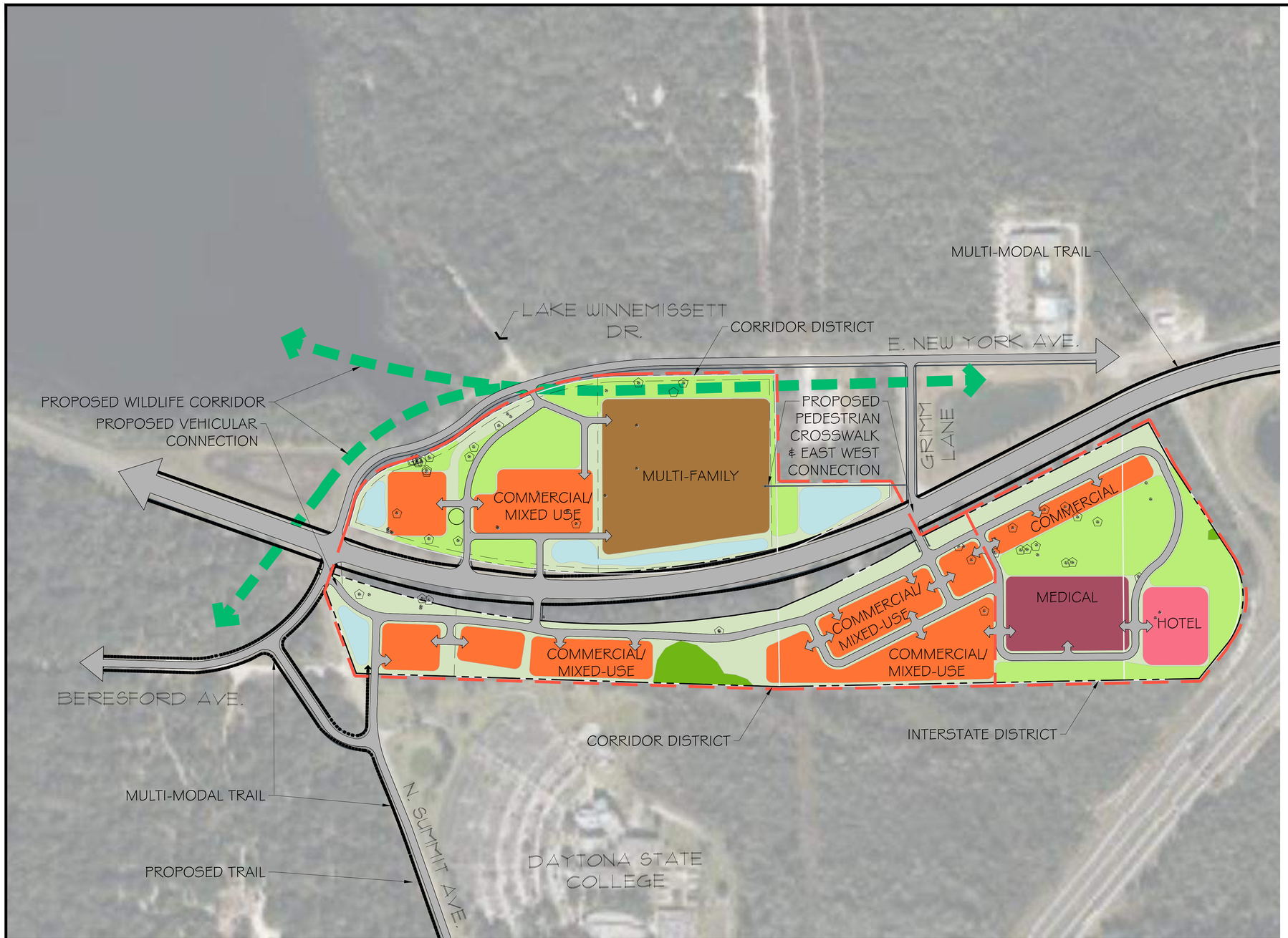
Type or Print Name:

_____

Commission #:_____

My Commission Expires:_____

1st Submittal (12/27/24)



CONCEPT GRAPHICS SCHEDULE

2023-05-25 08:15

- EXISTING SPECIMEN TREE
- EXISTING HISTORIC TREE
- WILDLIFE CORRIDOR
- MULTI-MODAL TRAIL

ZONING SCHEDULE

2023-07-24 12:56

SYMBOL	NOTES	ACRES
	STORMWATER AREA	3.14
	HOTEL	220 ROOMS
	MULTI-FAMILY/ TOWNHOMES	178 UNITS
	WETLAND	0.92
	COMMERCIAL/ MIXED-USE	225,000 SF
	OPEN SPACE	13.20
	MEDICAL	150,000 SF
	SIDEWALK	

0 100 200 300 400

SCALE : 1" = 200'

CONCEPTUAL PLAN NOTES:

1. EXISTING ZONING: PLANNED DEVELOPMENT
2. THIS CONCEPTUAL PLAN WAS COMPLETED WITHOUT THE BENEFIT OF BOUNDARY, TOPOGRAPHICAL, WETLAND OR TREE SURVEY INFORMATION. SURVEY WILL BE REQUIRED FOR SITE PLAN APPROVAL AS DESCRIBED WITHIN THE CITY OF DELAND LDC.
3. THIS CONCEPT PLAN REPRESENTS A POTENTIAL LAYOUT THAT WILL BE USED FOR ASSESSING THE TRAFFIC IMPACTS THAT COULD RESULT FROM DEVELOPMENT OF THE PROPERTY.
4. THIS CONCEPTUAL PLAN IS NOT INTENDED TO IMPLY OWNERSHIP OF THE LAND SHOWN HEREON.
5. THIS CONCEPTUAL PLAN HAS BEEN PREPARED USING THE INFORMATION COMPILED FROM THE FOLLOWING SOURCES: BOUNDARY INFORMATION BASED ON G.I.S. DATA BY VOLUSIA COUNTY, DATED 2022.
6. DEPROP, LLC WILL HAVE THE RIGHT TO REVIEW AND COMMENT UPON THE DESIGN AND LOOK OF ALL PROPOSED STRUCTURES AND LANDSCAPE DESIGNS. ARCHITECTURAL REVIEW IS TO ENSURE A HIGH END UNIFORMITY TO FURTHER DELINEATE THE DISTRICT BOUNDARIES.THE CITY OF DELAND WILL REVIEW AND COMMENT ON THE SAME TO ASSURE CONFORMITY WITH ALL APPLICABLE CODE, PLANNED DEVELOPMENT, AND COMPREHENSIVE PLAN REQUIREMENTS.
7. THE STORMWATER MANAGEMENT SYSTEM ON THIS CONCEPTUAL PLAN IS PRELIMINARY BASED ON THE BEST AVAILABLE INFORMATION AND IS SUBJECT TO CHANGE.
8. THIS PLAN HAS BEEN DEVELOPED AT THE REQUEST OF THE CITY, THE SPECIFIC USES SHOWN ON THIS CONCEPT PLAN ARE CONCEPTUAL AND ARE SUBJECT TO CHANGE, OR MODIFICATION, DEPENDING ON MARKET DEMANDS AND MARKET CONDITIONS, AS DETERMINED BY DEPROP, LLC.
9. SIDEWALK WILL BE PROVIDED ADJACENT TO ALL FRONTAGE ROADS/CONNECTOR ROADS. SIDEWALK HAS NOT BEEN SHOWN DUE TO GRAPHIC CONSTRAINTS.
10. PLEASE REFER TO LAKE WINNEMISSETT GATEWAY CORRIDOR LOCAL PLAN AND RESPECTIVE PLANNED DEVELOPMENT AGREEMENTS FOR SPECIFIC DESIGN REQUIREMENTS THAT MAY EXCEED THE REQUIREMENTS IN THE CITY'S LAND DEVELOPMENT REGULATIONS.

ZEV COHEN & ASSOCIATES, INC.
300 INTERCHANGE BLVD., STE. C
DAYTONA BEACH, 32114
WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

(LC 42)
(EB 6516)

NO.	DATE	REVISIONS	BY
01	3/2/23	REVISED PER CLIENT COMMENT	JES
02	5/31/23	REVISED PER CLIENT COMMENT	
03	7/22/23	REVISED PER CITY COMMENTS	
04	9/22/23	REVISED PER CITY COMMENTS	
05	1/23/24	REVISED PER CITY COMMENTS	
06	2/22/24	REVISED PER CITY COMMENTS	

FOR REVIEW ONLY NOT FOR CONSTRUCTION

DELAND GATEWAY / DEPROP
TIA
CONCEPTUAL PLAN

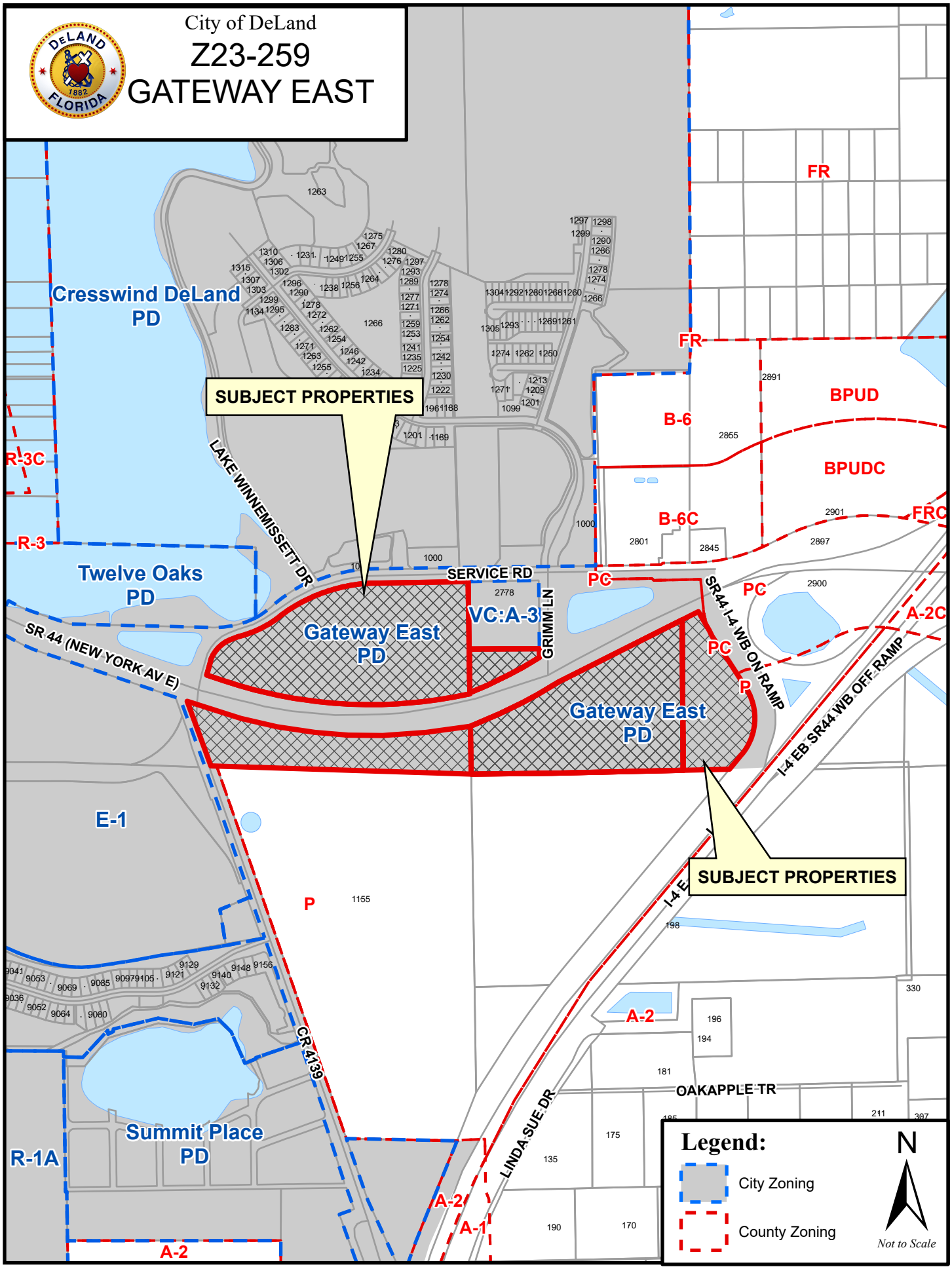
CIT OF DELAND

VOLUSIA COUNTY, FLORIDA

PROJECT NO: 21187
ISSUE DATE: 5/31/23
DESIGNED BY: JES
DRAFTED BY: JES
CHECKED BY: MK
DRAWING FILE: 21187 CONCEPT
XREF'S:
XREF'S:

SCALE: 1" = 200'

SHEET: EX2 OF 2


City of DeLand
Z23-259
GATEWAY EAST
Cresswind DeLand PD
Twelve Oaks PD
Gateway East PD
VC:A-3
Gateway East PD
Summit Place PD
SUBJECT PROPERTIES
SUBJECT PROPERTIES
LAKE WINNEMISSETT DR
SERVICE RD
GRIMM LN
SR 44 (NEW YORK AV E)
SR44 I-4 WB ON RAMP
I-4 EB SR44 WB OFF RAMP
CR 4139
LINDA SUE DR
OAKAPPLE TR
FR
FR
BPUD
BPUDC
FRC
B-6
B-6C
PC
PC
PC
P
P
A-2C
A-2
A-2
A-1
R-3C
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City Zoning
County Zoning
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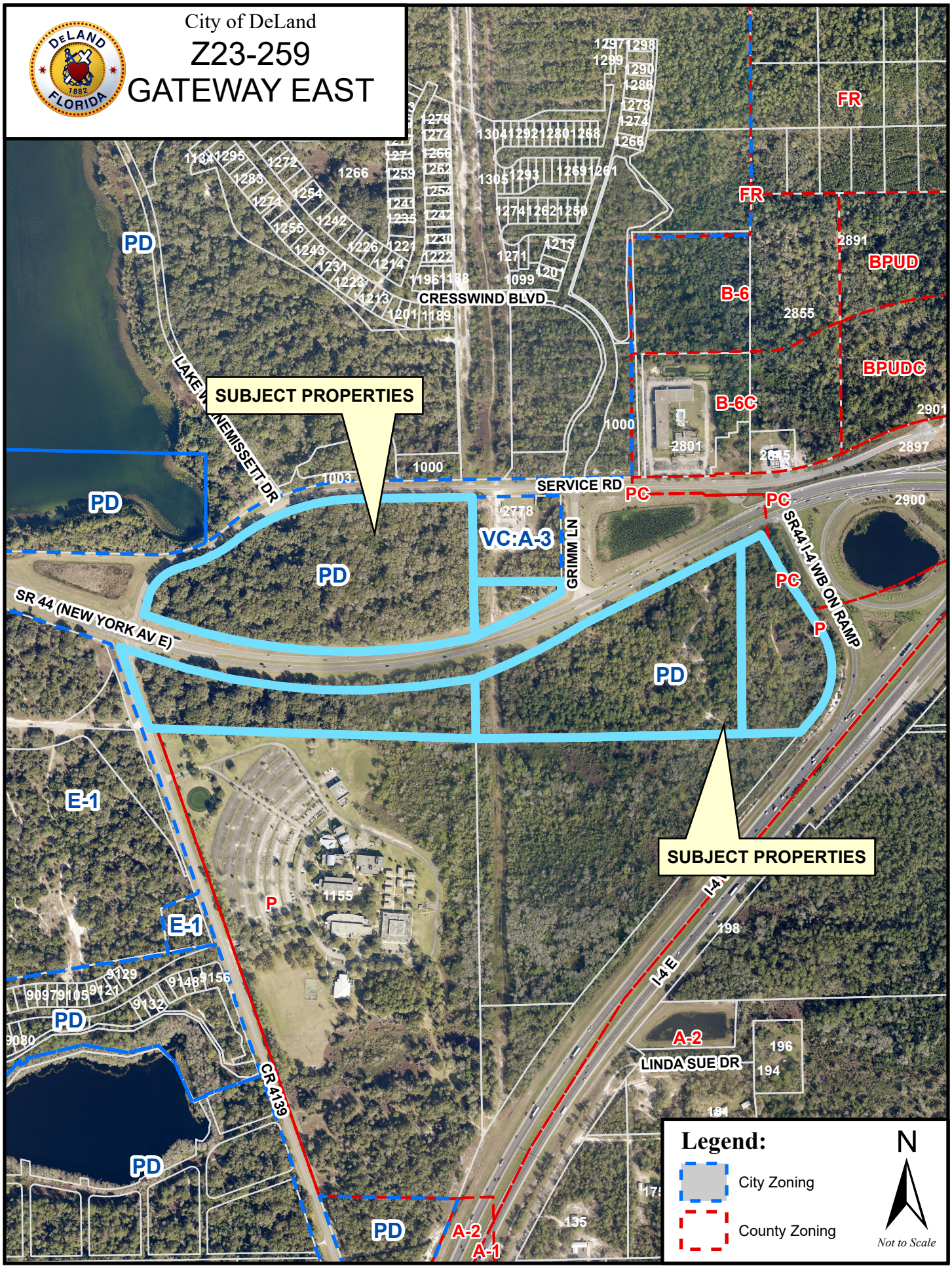
Not to Scale


City of DeLand
Z23-259
GATEWAY EAST
SUBJECT PROPERTIES
SUBJECT PROPERTIES
CRESSWIND BLVD
LAKE WINNEMISSETT DR
SERVICE RD
GRIMM LN
SR 44 (NEW YORK AV E)
SR44 I-4 WB ON RAMP
CR 4139
LINDA SUE DR
I-4 E
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VC:A-3
E-1
P
PC
FR
B-6
B-6C
BPUD
BPUDC
A-2
A-1
Legend:
City Zoning
County Zoning
N
Not to Scale

CITY OF DELAND
Request for Commission Action
March 13, 2024

SUBJECT: Applicant Name: City of DeLand
Project Number: LDR24-44– LDR Update
Project Location: City-wide
Project Description: City-Initiated Text Amendment to Modify the Parking Requirements for Passive Recreation, Open Space, and Trailheads; Paving Requirements for Passive Recreation Facilities; and Add a Parking Requirement for Stand-alone Emergency Rooms
Project Planner: Carol Kuhn

DEPARTMENT: Planning

PREPARED BY: Carol Kuhn, Planning Director

ATTACHMENTS: Staff Report - LDR24-44 - Paving Parking & SSER, Parking Table 33-91, Paving 33-91-06(d)g, Zoning Districts - Paving Exception

APPROVED BY: Carol Kuhn, Planning Director, March 8, 2024

SUMMARY/HIGHLIGHT:

PLANNING STAFF REPORT
CITY OF DELAND PLANNING BOARD
March 13, 2024

APPLICATION NO: LDR24-44

APPLICANT: City of DeLand

REQUEST: City-Initiated Land Development Regulations Text Amendment to Modify the Parking Requirements for Passive Recreation, Open Space, and Trailheads; Paving Requirements for Passive Recreation Facilities; and Add a Parking Requirement for Stand-alone Emergency Rooms

APPLICABLE ORDINANCES: *Sec. 33-135. Procedure for text amendments.*

> *33-135.01(a)* Amendments to the text of this chapter may be initiated by the city or upon application of any interested person.
>
> *33-135.12(b)* The Planning Board shall review proposed changes in this chapter, which shall make a recommendation to the City Commission prior to final action adopting or not adopting the amendment. However, at the request of the Planning Board or the City Commission, or in the discretion of the City Manager, proposed amendments may be taken directly to the City Commission for action.

LOCATION: City-wide

STAFF SUMMARY:
The current Land Development Regulations provide for off-street parking and loading requirements for specific land uses. The parking matrix includes a variety of uses, but is not an all-inclusive list. As new uses are created over time, the parking matrix must be updated to reflect these new uses.

Typically, emergency rooms are associated with hospitals. However, over the last 10 years, stand-alone emergency rooms have become more common. These uses typically have a different parking demand than hospitals or clinics. The City's Land Development Regulations currently have a parking requirement for a medical service category that includes medical and dental offices and clinics, hospitals, veterinary hospitals and clinics, and doggie daycare facilities were parked at the same rate – 1 space/150 square feet of net floor area.

However, staff has reviewed other cities' regulations and found that the hospital and medical clinic parking requirement in the City's development regulations is much higher than that anticipated for a stand-alone emergency room. Staff is proposing to add a separate line in the parking matrix for stand-alone emergency rooms and require that ***1 space per two beds or exam rooms (whichever is greater) plus one space per employee on maximum shift*** be added to the parking matrix.

The Land Development Regulations also do not have specific requirements for passive

recreational uses. Uses such as natural open space areas, passive parks, and trailheads have a lower parking demand than active recreational uses such as amenitized parks and playgrounds. Staff is proposing to add a line to the parking matrix for passive recreation, open space, and trailheads and set a minimum parking requirement of 3 spaces, at least one of which must be ADA accessible. A provision would be added to allow the Planning Director to require more spaces if the passive recreational area or the anticipated parking demand will be greater than normal.

33-91.03(f) Parking Matrix

Health Services	**Minimum off-street parking requirement**	**Notes**
Convalescent, elder housing and nursing homes		
Medical and dental offices and clinics, hospitals, veterinary hospitals, doggie daycare, and clinics	1 space/150 square feet of net floor area*	*Computations per section 33-91-01(c)3.
Freestanding emergency room	**1 space per two beds or exam rooms (whichever is greater) plus one space per employee on maximum shift**	
Entertainment and Recreation	**Minimum off-street parking requirement**	**Notes**
Arcades, games	1 space/200 square feet of net floor area*	*Computations per section 33-91-01(c)3.
Bowling alleys/billiard halls	4 spaces/alley plus 2 for each billiard table plus required parking for other uses on site	
Commercial stables	1 space/5 horses boarded on site	
Driving range (golf)	1 space/tee plus required parking for other uses on the site	
Golf course (regulation)	6 spaces/hole plus required parking for any other uses on the site	
Health club	1 space/150 square feet of net floor area*	*Computations per section 33-91-01(c)3.
Miniature golf	3 space/hole plus required parking for any other uses on the site	
Parks (public and private)	To be determined by city commission	Parking study to be provided by developer.
Passive recreation, open space, and trailheads	**A minimum of 3 parking spaces, one of which must meet ADA requirements, or as determined by the Planning Director**	
Skating rinks	1 space/100 square feet of net floor area*	Skating rink shall be counted as floor area. *Computations per section 33-91-01(c)3.
Tennis, handball, and	2 spaces/court plus required parking for	

racquetball facilities	additional uses on the site	
Theaters, move, multiscreen	1 space/3 seats plus 5 spaces for employees	
Theaters, move, single screen	1 space/2 seats plus 5 spaces for employees	

The Land Development Regulations, requires that all parking areas be paved, except in specific circumstances as outlined in Section 33-91.06(d). Staff is proposing to add passive recreation, open space, and trailheads to the list of paving exceptions.

33-91.06(d) Paving.

1. Except as provided in [subsections] 3. and 5. below, all areas reserved for off-street parking spaces, loading zones and/or vehicle use areas, in accordance with the requirements of this section, shall have one of the following surface treatments: (a) concrete; (b) asphalt concrete; or (c) an industry recognized porous paving system such as Turf Stone*, porous concrete, Grass Pave*, or other types of paver blocks. All surface treatments shall be installed to comply with all relevant industry standards and the standards of the City of DeLand. Manufacturer's data providing product details shall be submitted to the city engineer. The city engineer shall determine the percent impervious value of the proposed material accordingly.

*Indicates specific proprietary paving system.

2. Parking spaces shall be delineated in accordance with the regulations of this section and arranged to allow ingress and egress to each space.

3. In the following circumstances, paving of parking spaces is not required:
   a. In all zoning districts, 50 percent of the parking spaces in excess of the minimum number of parking spaces required by this section may be unpaved.
   b. For all churches and places of public assembly, those spaces in excess of the sum of handicapped spaces and those spaces needed on a Monday-through-Friday basis may be unpaved.
   c. When a residential dwelling is converted to an office use in the P-1 professional residential zoning district, with the exception of handicapped parking spaces, the parking spaces may be unpaved.
   d. When the parking is solely for the purpose of long-term storage of vehicles, "long-term storage" shall mean that vehicles are left in place for periods exceeding seven days.
   e. For all bed and breakfast homestays and bed and breakfast inns.
   f. Overflow parking as determined by the city during the site plan design and review process. Overflow parking stalls may be unpaved where the traffic movement lanes servicing the unpaved parking are paved. The unpaved parking needs to be stabilized in a manner allowing for both private vehicle use and access and use by emergency vehicles. Stalls shall be planted with grass or sod of a variety durable under such use and may be fitted with wheel stops designating individual spaces. Overflow parking shall be segregated from regular parking by landscaping or other divider (fencing, berms, gates, etc.) and curbs and wheel cuts need to be installed and secured in a manner which discourages casual use of these areas. Stormwater management for overflow and holiday parking must be included and addressed in the site's stormwater permit. Examples of overflow parking include parking for sports events and parking for holiday peak utilization.
   g. Passive Recreation, Open Space, and Trailheads.

Each of the zone districts (Section 33-17 Zoning Districts) also contain specific **Minimum Requirements for Driveways and Parking** in each of the Zone District Standards tables. Staff is proposing to revise each of these of these sections to reference the paving exceptions found in 33-91.06(d)3.

Specifically, "Parking on grass and sidewalks is prohibited. Vehicle use areas must be paved or improved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer, **except as listed in 33-91.06(d)3g**. Areas paved with impervious material must be included in the site's impervious surface calculation." Each of the Zoning District table has been attached to this staff report.

These proposed changes will provide a specific parking standard for the newer use of Stand-Alone Emergency Room and provide for reduced parking standards for passive recreational facilities in the City.

STAFF RECOMMENDATION: Staff recommends that the Planning Board forward this proposed text amendment, project number LDR24-44, Text Amendment Text Amendment to Modify the Parking Requirements for Passive Recreation, Open Space, and Trailheads; Paving Requirements for Passive Recreation Facilities; and Add a Parking Requirement for Stand-alone Emergency Rooms, to the City Commission for review and approval.

33-91.03(f) Parking Matrix

Health Services	Minimum off-street parking requirement	Notes
Convalescent, elder housing and nursing homes		
Medical and dental offices and clinics, hospitals, veterinary hospitals, doggie daycare, and clinics	1 space/150 square feet of net floor area*	*Computations per section 33-91-01(c)3.
Freestanding emergency room	**1 space per 2 beds or exam rooms, whichever is greater, and one space per employee on maximum shift**	
Entertainment and Recreation	**Minimum off-street parking requirement**	**Notes**
Arcades, games	1 space/200 square feet of net floor area*	*Computations per section 33-91-01(c)3.
Bowling alleys/billiard halls	4 spaces/alley plus 2 for each billiard table plus required parking for other uses on site	
Commercial stables	1 space/5 horses boarded on site	
Driving range (golf)	1 space/tee plus required parking for other uses on the site	
Golf course (regulation)	6 spaces/hole plus required parking for any other uses on the site	
Health club	1 space/150 square feet of net floor area*	*Computations per section 33-91-01(c)3.
Miniature golf	3 space/hole plus required parking for any other uses on the site	
Parks (public and private)	To be determined by city commission	Parking study to be provided by developer.
Passive recreation, open space, and trailheads	**A minimum of 3 parking spaces, one of which must meet ADA requirements, or as determined by the Planning Director**	
Skating rinks	1 space/100 square feet of net floor area*	Skating rink shall be counted as floor area. *Computations per section 33-91-01(c)3.
Tennis, handball, and racquetball facilities	2 spaces/court plus required parking for additional uses on the site	
Theaters, move, multiscreen	1 space/3 seats plus 5 spaces for employees	
Theaters, move, single screen	1 space/2 seats plus 5 spaces for employees	

33-91.06(d) *Paving.*

1. Except as provided in [subsections] 3. and 5. below, all areas reserved for off-street parking spaces, loading zones and/or vehicle use areas, in accordance with the requirements of this section, shall have one of the following surface treatments: (a) concrete; (b) asphalt concrete; or (c) an industry recognized porous paving system such as Turf Stone*, porous concrete, Grass Pave*, or other types of paver blocks. All surface treatments shall be installed to comply with all relevant industry standards and the standards of the City of DeLand. Manufacturer's data providing product details shall be submitted to the city engineer. The city engineer shall determine the percent impervious value of the proposed material accordingly.

   *Indicates specific proprietary paving system.

2. Parking spaces shall be delineated in accordance with the regulations of this section and arranged to allow ingress and egress to each space.

3. In the following circumstances, paving of parking spaces is not required:

   a. In all zoning districts, 50 percent of the parking spaces in excess of the minimum number of parking spaces required by this section may be unpaved.

   b. For all churches and places of public assembly, those spaces in excess of the sum of handicapped spaces and those spaces needed on a Monday-through-Friday basis may be unpaved.

   c. When a residential dwelling is converted to an office use in the P-1 professional residential zoning district, with the exception of handicapped parking spaces, the parking spaces may be unpaved.

   d. When the parking is solely for the purpose of long-term storage of vehicles, "long-term storage" shall mean that vehicles are left in place for periods exceeding seven days.

   e. For all bed and breakfast homestays and bed and breakfast inns.

   f. Overflow parking as determined by the city during the site plan design and review process. Overflow parking stalls may be unpaved where the traffic movement lanes servicing the unpaved parking are paved. The unpaved parking needs to be stabilized in a manner allowing for both private vehicle use and access and use by emergency vehicles. Stalls shall be planted with grass or sod of a variety durable under such use and may be fitted with wheel stops designating individual spaces. Overflow parking shall be segregated from regular parking by landscaping or other divider (fencing, berms, gates, etc.) and curbs and wheel cuts need to be installed and secured in a manner which discourages casual use of these areas. Stormwater management for overflow and holiday parking must be included and addressed in the site's stormwater permit. Examples of overflow parking include parking for sports events and parking for holiday peak utilization.

   g. Passive Recreation, Open Space, and Traiheads.

4. All redevelopment projects that require Class II, III or IV site plans shall be required to meet the paving requirements of Section 3903 to the fullest extent possible. Due to site limitations the technical review committee, planning board or the city commission, depending on the type of site plan may allow modifications that still meet the intent of the regulations. For redevelopment, alternative pavement may be proposed for a portion of the required off street parking where:

   a. The alternative pavement is crushed concrete or equivalent, excludes mulch and other vegetative and/or readily degraded material, is approved by the city engineer and is accessed by a paved drive lane.

b. Acceptable applications may include: pick up and drop off travel lanes for schools and day care facilities; continued use of existing gravel parking that is currently well maintained and in good repair; in the rear of buildings for employee parking; overflow and overnight fleet parking; conversion of a historic residential building to nonresidential; and where low traffic volume uses such as appointment only beauty salons and similar personal service facilities with three or less stations are proposed (excluding such uses as medical offices, utility collection services and other high traffic turnover uses).

c. In the event a land use change(s) is proposed at a site utilizing approved alternative pavement for on-site parking, and the proposed new use does not meet the criteria in [subsection] b. above and/or the new use requires additional parking not currently provided, the previously allowed alternative pavement parking needs to be upgraded to meet the general pavement requirements in effect at that time.

5. The city must approve the design of unpaved parking areas and stormwater must be based upon the assumption that all parking spaces, drives, and aisles are paved. All plans for unpaved parking and all stormwater calculations shall be properly signed and sealed by a Florida registered professional engineer.

6. Vehicle overhang areas may be paved or unpaved, but, if unpaved, may not be counted as landscape area. The vehicle overhang area is that area, not to exceed two feet in depth, between the wheel stop and end of the parking space.

33-17.01. *R-R—Rural Residential.*

(a) *Statement of intent.* The purpose and intent of this R-R Rural Residential District is to provide a gradual transition between agricultural and urban and single-family development plans.

R-R RURAL RESIDENTIAL	
ALLOWED USES	
PRIMARY USES AND STRUCTURES	
Bed and breakfast homestay, accessory use only (See also section 33-27.03.)	
Family day care home.	
Mini and neighborhood parks.	
Single-family dwellings, except mobile homes.	
Colleges and universities—Colleges and universities, including class rooms, libraries, art centers, laboratories, offices, administration building and other university uses of a similar nature.	
Other uses—Other uses must be approved by the city commission after review and recommendation by the planning board, which are unquestionably similar to those uses permitted therein.	
CONDITIONAL USES (See also Chapter 33, Section 33-19)	
Community residential homes, single-family.	
Accessory dwelling units.	
SPECIAL EXCEPTIONS (See also Chapter 33, Section 33-18)	
Cemeteries.	
Churches, houses of worship—Churches, houses of worship and religious institutions with their customary accessory educational and recreational uses and buildings.	
Community and regional parks.	
Community gardens.	
Golf courses—Golf courses and appurtenant structures connected thereto, including but not limited to the clubhouse, storage rooms and locker rooms.	
Government and public buildings and land uses.	
Private clubs and lodges.	
Private parks.	
Veterinary clinics/hospitals and pet grooming—Veterinary clinics, animal hospitals and pet grooming with outdoor boarding facilities and runs.	
Home occupations are permitted in structures used as a residence without a development permit when conducted in accordance with section 33-27.01. Regulations governing other accessory uses appear in article III.	
MAXIMUM DENSITY ALLOWED	
Dwelling units per gross acre.	1.09
MINIMUM LOT DIMENSIONS	
MINIMUM WIDTH	100 feet
MINIMUM SIZE	40,000 square feet
Lots fronting on a curve must have a minimum 50-foot width at the street line.	
Corner lots must be 15 percent greater in width and area than the minimum requirement for interior lots.	

Lots fronting on a cul-de-sac must have a minimum 25-foot lot width at the street line and must meet the minimum lot width at the building set back line.	
SETBACKS/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS	
Maximum impervious surface	30 percent
Front setback	40 feet
Rear setback	40 feet
Interior side setback	15 feet
Street side setback	40 feet
BUILDING DIMENSIONS	
Maximum height	35 feet
Minimum floor area under heat and air	900 square feet
ADDITIONAL REQUIREMENTS	
MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING	
The minimum separation required between vehicle use areas and the property line is one foot for one- and two-family residences and ten feet for all other uses. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent.	
Parking on grass and sidewalks is prohibited. Vehicle use areas must be paved or improved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer, except as listed in 33-91.06(d)3g. Areas paved with impervious material must be included in the site's impervious surface calculation.	
MINIMUM REQUIREMENT FOR STORMWATER MANAGEMENT	
Stormwater generated by, during and after construction or improvement must be contained on-site or within a communal stormwater collection and management system permitted by the state.	
MINIMUM REQUIREMENTS FOR WATER AND SEWER	
Application for and connection to municipal water and sewer is required within areas served by the city.	
MINIMUM REQUIREMENTS FOR LOTS WHERE SEPTIC TANKS ARE USED	
SEWER/WATER SYSTEM	LOT AREA
Septic or aerobic tank with individual well	1-acre per unit
Septic tank with public water supply	½-acre per unit
MINIMUM REQUIREMENTS FOR TREE COVERAGE	
Each lot must have at a minimum one front yard tree and one tree for every 2,500 square feet of lot area.	
Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in article VI of chapter 33, may not be removed without application and approval of a permit by the city.	
LANDSCAPING	
Landscaped buffers are required along street frontages where developments are proposed (article VIII of chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (article IV of chapter 33).	
AGRICULTURE	
Low intensity agriculture is permitted, provided the use is consistent with the Comprehensive Plan and the requirements of section 33-27.05.	
ACCESSORY STRUCTURES	

Permits are required for the placement and installation of accessory structures such as pools, storage sheds fences and similar structures. Additional information is contained within article III, section 33-28, accessory structures.

33-17.02. *R-R1—Suburban Single-Family Residential District.*

(a) *Statement of intent.* The purpose of the R-R1 Suburban Single-Family Residential District is to provide a transitional area between rural residential and urban development patterns. The intent of the district is to allow and encourage future single-family development in these transitional areas and to preserve the character of existing suburban residential developments of a similar nature.

R-R1 SUBURBAN SINGLE-FAMILY RESIDENTIAL DISTRICT	
ALLOWED USES	
PRIMARY USES AND STRUCTURES	
Bed and breakfast homestay, accessory use only (See also section 33-27.03.)	
Family day care home.	
Mini and neighborhood parks.	
Single-family dwellings, except mobile homes.	
Other uses—Other uses must be approved by the city commission after review and recommendation by the planning board, which are unquestionably similar to those uses permitted therein.	
CONDITIONAL USES (See also chapter 33, section 33-19)	
Community residential homes, single-family.	
Accessory dwelling units.	
SPECIAL EXCEPTIONS (See also chapter 33, section 33-18)	
Bed and Breakfast homestay, as allowed for in Section 33-27.03	
Cemeteries.	
Churches, houses of worship—Churches, houses of worship and religious institutions with their customary accessory educational and recreational uses and buildings.	
Community and regional parks.	
Community gardens.	
Golf courses—Golf courses and appurtenant structures connected thereto, including but not limited to the clubhouse, storage rooms and locker rooms.	
Government and public buildings and land uses.	
Private clubs and lodges.	
Private parks.	
Home occupations are permitted in structures used as a residence without a development permit when conducted in accordance with section 33-27.01. Regulations governing other accessory uses appear in article III.	
MAXIMUM DENSITY ALLOWED	
Dwelling units per gross acre.	2.18
MINIMUM LOT DIMENSIONS	
MINIMUM WIDTH	100 feet
MINIMUM SIZE	20,000 square feet

Lots fronting on a curve must have a minimum 50-foot width at the street line.	
Corner lots must be 15 percent greater in width and area than the minimum requirement for interior lots.	
Lots fronting on a cul-de-sac must have a minimum 25-foot lot width at the street line and must meet the minimum lot width at the building set back line.	
SETBACKS/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS	
Maximum impervious surface	35 percent
Front setback	30 feet
Rear setback	20 percent of lot depth, but not less than 20 feet. For residences, where 60% of neighboring residential structures within 500 feet have an existing lesser setback staff may approve a matching setback.
Interior side setback	12 feet
Street side setback	30 feet
BUILDING DIMENSIONS	
Maximum height	35 feet
Minimum floor area under heat and air	900 square feet
ADDITIONAL REQUIREMENTS	
MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING	
The minimum separation required between vehicle use areas and the property line is one foot for one- and two-family residences and 10 feet for all other uses. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent.	
Parking on grass and sidewalks is prohibited. Vehicle use areas must be paved or improved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer, except as listed in 33-91.06(d)3g.. Areas paved with impervious material must be included in the site's impervious surface calculation.	
MINIMUM REQUIREMENT FOR STORMWATER MANAGEMENT	
Stormwater generated by, during and after construction or improvement must be contained on-site or within a communal stormwater collection and management system permitted by the state.	
MINIMUM REQUIREMENTS FOR WATER AND SEWER	
Application for and connection to municipal water and sewer is required within areas served by the city.	
MINIMUM REQUIREMENTS FOR LOTS WHERE SEPTIC TANKS ARE USED	
SEWER/WATER SYSTEM	LOT AREA
Septic or aerobic tank with individual well	1-acre per unit
Septic tank with public water supply	½-acre per unit
MINIMUM REQUIREMENTS FOR TREE COVERAGE	
Each lot must have at a minimum one front yard tree and one tree for every 2,500 square feet of lot area.	
Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in article VI of chapter 33, may not be removed without application and approval of a permit by the city.	
LANDSCAPING	

Landscaped buffers are required along street frontages where developments are proposed (article VIII of chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (article IV of chapter 33).
AGRICULTURE
Low intensity agriculture is permitted, provided the use is consistent with the Comprehensive Plan and the requirements of section 33-27.05.
ACCESSORY STRUCTURES
Permits are required for the placement and installation of accessory structures such as pools, storage sheds, fences and similar structures. Additional information is contained within article III, section 33-28, accessory structures.

33-17.03. *R-1AA—Single-Family Dwelling District.*

(a) *Statement of intent.* The purpose and intent of the R-1AA Single-Family Residential District is to provide and encourage low-density residential neighborhoods in an urban setting for both existing and proposed developments.

R-1AA SINGLE-FAMILY DWELLING
ALLOWED USES
PRIMARY USES AND STRUCTURES
Bed and breakfast homestay, accessory use only. (See also section 33-27.03.)
Family day care home.
Mini and neighborhood parks.
Single-family dwellings, except mobile homes.
Other uses approved by the city commission after review and recommendation by the planning board, which are unquestionably similar to those uses permitted herein.
CONDITIONAL USES (See also chapter 33, section 33-19)
Community residential homes, single-family.
Garden community (section 33-19.14).
Accessory dwelling units.
SPECIAL EXCEPTIONS (See also chapter 33, section 33-18)
Bed and Breakfast homestay, as allowed for in Section 33-27.03
Cemeteries.
Churches, houses of worship, and religious institutions, with their customary accessory educational and recreational uses and buildings.
Community and regional parks.
Community gardens.
Golf courses and appurtenant structures connected thereto, including but not limited to the clubhouse, storage rooms and locker rooms.
Governmental and public building and land uses.
Private parks.
Home occupations are permitted in structures used as a residence without a development permit when conducted in accordance with section 33-27.01. Regulations governing other accessory uses appear in article III.

MAXIMUM DENSITY ALLOWED	
Dwelling units per gross acre	4.36
MINIMUM LOT DIMENSIONS	
MINIMUM WIDTH	100 feet
MINIMUM SIZE	10,000 square feet
Lots fronting on a curve must have a minimum 50-foot width at the street line.	
Corner lots must be 15 percent greater in width and area than the minimum requirement for interior lots.	
Lots fronting on a cul-de-sac must have a minimum 25-foot lot width at the street line and must meet the minimum lot width at the building set back line.	
SETBACKS/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS	
Maximum impervious surface	40 percent
Front setback	30 feet
Rear setback	25 feet. For residences, where 60 percent of neighboring residential structures within 500 feet have an existing lesser setback staff may approve a matching setback.
Side setback	15 feet
Street side setback	20 feet, provided the corner lot faces the same as all other lots on the street.
BUILDING DIMENSIONS	
Maximum height	35 feet
Minimum floor area under heat and air	1,050 square feet
	Two story: Ground floor: 600 square feet
ADDITIONAL REQUIREMENTS	
MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING	
The minimum separation required between vehicle use areas and the property line is one foot for one- and two-family residences and ten feet for all other uses. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent.	
Parking on grass and sidewalks is prohibited. Vehicle use areas must be paved or improved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer, except as listed in 33-91.06(d)3g. Areas paved with impervious material must be included in the site's impervious surface calculation.	
MINIMUM REQUIREMENT FOR STORMWATER MANAGEMENT	
Stormwater generated by, during and after construction or improvement must be contained on-site or within a communal stormwater collection and management system permitted by the state.	
MINIMUM REQUIREMENTS FOR WATER AND SEWER	
Application for and connection to municipal water and sewer is required within areas served by the city.	
MINIMUM REQUIREMENTS FOR LOTS WHERE SEPTIC TANKS ARE USED	
SEWER/WATER SYSTEM	LOT AREA
Septic or aerobic tank with individual well	1 acre per unit
Septic tank with public water supply	½ acre per unit

MINIMUM REQUIREMENTS FOR TREE COVERAGE
Each lot must have at a minimum one front yard tree and one tree for every 2,500 square feet of lot area. Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in article VI of chapter 33, may not be removed without application and approval of a permit by the city.
LANDSCAPING
Landscaped buffers are required along street frontages where developments are proposed (article VIII of chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (article IV of chapter 33).
AGRICULTURE
Low intensity agriculture is permitted only as an accessory to single-family dwellings, provided the use is consistent with the Comprehensive Plan and the requirements of section 33-27.05.
ACCESSORY STRUCTURES
Permits are required for the placement and installation of accessory structures such as pools, storage sheds, fences and similar structures. Additional information is contained within article III, section 33-28, accessory structures.

33-17.031. *R-1A—Single-Family Dwelling District.*

(a) *Statement of intent.* The purpose and intent of the R-1A Single-Family Residential District is to provide low density residential neighborhoods in an urban setting with less stringent development standards than the R-1AA district.

R-1A SINGLE-FAMILY DWELLING
ALLOWED USES
PRIMARY USES AND STRUCTURES
Bed and breakfast homestay, accessory use only. (See also section 33-27.03.)
Family day care home.
Mini and neighborhood parks.
Single-family dwellings, except mobile homes.
Other uses approved by the city commission after review and recommendation by the planning board, which are unquestionably similar to those uses permitted herein.
CONDITIONAL USES (See also chapter 33, section 33-19)
Community residential homes, single-family.
Garden community (section 33-19.14).
Accessory dwelling units.
SPECIAL EXCEPTIONS (See also chapter 33, section 33-18)
Bed and Breakfast homestay, as allowed for in Section 33-27.03
Cemeteries.
Churches, houses of worship, and religious institutions, with their customary accessory educational and recreational uses and buildings.
Community and regional parks.
Community gardens.

Golf courses and appurtenant structures connected thereto, including but not limited to the clubhouse, storage rooms and locker rooms.	
Governmental and public building and land uses.	
Private parks.	
Home occupations are permitted in structures used as a residence without a development permit when conducted in accordance with section 33-27.01. Regulations governing other accessory uses appear in article III.	
MAXIMUM DENSITY ALLOWED	
Dwelling units per gross acre	5.28
MINIMUM LOT DIMENSIONS	
MINIMUM WIDTH	75 feet corner lots must be 15 percent greater in width and area than the minimum requirement for interior lots. Lots fronting on a curve must have a minimum 50-foot width at the street line.
MINIMUM SIZE	8,250 square feet
SETBACKS/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS	
Maximum impervious surface	40 percent
Front setback	30 feet
Rear setback	25 feet. For residences, where 60 percent of neighboring residential structures within 500 feet have an existing lesser setback staff may approve a matching setback.
Side setback	12.5 feet
Corner lot: Street side setback	20 feet, provided the corner lot faces the same as all other lots on the street.
BUILDING DIMENSIONS	
Maximum height	35 feet
Minimum floor area under heat and air	1,050 square feet.
	Two story: Ground floor: 600 square feet
ADDITIONAL REQUIREMENTS	
MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING	
The minimum separation required between vehicle use areas and the property line is one foot for one- and two-family residences and ten feet for all other uses. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent.	
Parking on grass and sidewalks is prohibited. Vehicle use areas must be paved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer, except as listed in 33-91.06(d)3g. Paved areas must be included in the site's impervious surface calculation.	
MINIMUM REQUIREMENT FOR STORMWATER MANAGEMENT	
Stormwater generated by, during and after construction or improvement must be contained on-site or within a communal stormwater collection and management system permitted by the state.	
MINIMUM REQUIREMENTS FOR WATER AND SEWER	
Application for and connection to municipal water and sewer is required within areas served by the city.	
MINIMUM REQUIREMENTS FOR LOTS WHERE SEPTIC TANKS ARE USED	

SEWER/WATER SYSTEM	LOT AREA
Septic or aerobic tank with individual well	1 acre per unit
Septic tank with public water supply	½ acre per unit
MINIMUM REQUIREMENTS FOR TREE COVERAGE	
Each lot must have at a minimum one front yard tree and one tree for every 2,500 square feet of lot area. Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in article VI of chapter 33, may not be removed without application and approval of a permit by the city.	
LANDSCAPING	
Landscaped buffers are required along street frontages where developments are proposed (article VIII of chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (article IV of chapter 33).	
AGRICULTURE	
Low intensity agriculture is permitted only as an accessory to single-family dwellings, provided the use is consistent with the Comprehensive Plan and the requirements of section 33-27.05.	
ACCESSORY STRUCTURES	
Permits are required for the placement and installation of accessory structures such as pools, storage sheds, fences and similar structures. Additional information is contained within article III, section 33-28, accessory structures.	

33-17.04. *R-1B—Single-Family Dwelling District.*

(a) *Statement of intent.* The purpose and intent of the R-1B Single-Family Residential District is to provide affordable, low density residential neighborhoods in an urban setting with less stringent development standards and minimum floor area requirements than the R-1A district.

R-1B SINGLE-FAMILY DWELLING
ALLOWED USES
PRIMARY USES AND STRUCTURES
Bed and breakfast homestay, accessory use only. (See also section 33-27.03.)
Family day care home.
Mini and neighborhood parks.
Single-family dwellings, except mobile homes.
Other uses approved by the city commission after review and recommendation by the planning board, which are unquestionably similar to those uses permitted herein.
CONDITIONAL USES (See also chapter 33, section 33-19)
Community residential homes, single-family.
Garden community (section 33-19.14).
Accessory dwelling units.
SPECIAL EXCEPTIONS (See also chapter 33, section 33-18)
Bed and Breakfast homestay, as allowed for in Section 33-27.03
Cemeteries.

Churches, houses of worship, and religious institutions, with their customary accessory educational and recreational uses and buildings.	
Community and regional parks.	
Community gardens.	
Golf courses and appurtenant structures connected thereto, including, but not limited to, the clubhouse, storage rooms and locker rooms.	
Governmental and public building and land uses.	
Private parks.	
Home occupations are permitted in structures used as a residence without a development permit when conducted in accordance with section 33-27.01. Regulations governing other accessory uses appear in article III.	
MAXIMUM DENSITY ALLOWED	
Dwelling units per gross acre	5.81
MINIMUM LOT DIMENSIONS	
MINIMUM WIDTH	75 feet. Lots fronting on a curve must have a minimum 50-foot width at the street line. Corner lots must be 15 percent greater in width and area than the minimum requirement for interior lots. Lots fronting on a cul-de-sac must have a minimum 25-foot lot width at the street line and must meet the minimum lot width at the building set back line.
MINIMUM SIZE	7,500 square feet
SETBACKS/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS	
Maximum impervious surface	45 percent
Front setback	30 feet
Rear setback	25 feet. For residences, where 60 percent of neighboring residential structures within 500 feet have an existing lesser setback staff may approve a matching setback.
Side setback	10 feet
Corner lot: Street side setback	20 feet, provided the corner lot faces the same as all other lots on street.
BUILDING DIMENSIONS	
Maximum height	35 feet
Minimum floor area under heat and air	900 square feet
	Two story: Ground floor: 600 square feet.
ADDITIONAL REQUIREMENTS	
MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING	
The minimum separation required between vehicle use areas and the property line is one foot for one- and two-family residences and ten feet for all other uses. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent.	
Parking on grass and sidewalks is prohibited. Vehicle use areas must be paved or improved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer,	

except as listed in 33-91.06(d)3g. Areas paved with impervious material must be included in the site's impervious surface calculation.
MINIMUM REQUIREMENT FOR STORMWATER MANAGEMENT
Stormwater generated by, during and after construction or improvement must be contained on-site or within a communal stormwater collection and management system permitted by the state.
MINIMUM REQUIREMENTS FOR WATER AND SEWER
Application for and connection to municipal water and sewer is required within areas served by the city.
MINIMUM REQUIREMENTS FOR LOTS WHERE SEPTIC TANKS ARE USED

SEWER/WATER SYSTEM	LOT AREA
Septic or aerobic tank with individual well	1 acre per unit
Septic tank with public water supply	½ acre per unit

MINIMUM REQUIREMENTS FOR TREE COVERAGE
Each lot must have at a minimum one front yard tree and one tree for every 2,500 square feet of lot area. Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in article VI of chapter 33, may not be removed without application and approval of a permit by the city.
LANDSCAPING
Landscaped buffers are required along street frontages where developments are proposed (article VIII of chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (article IV of chapter 33).
AGRICULTURE
Low intensity agriculture is permitted only as an accessory to single-family dwellings, provided the use is consistent with the Comprehensive Plan and the requirements of section 33-27.05.
ACCESSORY STRUCTURES
Permits are required for the placement and installation of accessory structures such as pools, storage sheds, fences and similar structures. Additional information is contained within article III, Section 33-28, accessory structures.

33-17.05. *R-1—Single-Family Dwelling District.*

(a) *Statement of intent.* The purpose and intent of the R-1 Single-Family Residential District is to provide medium density residential neighborhoods in an urban setting along with other limited nonresidential uses.

R-1 SINGLE-FAMILY DWELLING
ALLOWED USES
PRIMARY USES AND STRUCTURES
Bed and breakfast homestay, accessory use only. (See also section 33-27.03.)
Colleges and universities, including classrooms, libraries, art centers, laboratories, offices, administrative buildings and other university uses of a similar nature.
Family day care home.
Mini and neighborhood parks.
Single-family dwellings, except mobile homes.

Other uses approved by the city commission after review and recommendation by the planning board, which are unquestionably similar to those uses permitted herein.	
CONDITIONAL USES (See also Chapter 33, Section 33-19)	
Community residential homes, single-family.	
Garden community (section 33-19.14).	
Accessory dwelling units.	
SPECIAL EXCEPTIONS (See also Chapter 33, Section 33-18	
Bed and Breakfast homestay, as allowed for in Section 33-27.03	
Cemeteries, churches, houses of worship, and religious institutions, with their customary accessory educational and recreational uses and buildings.	
Community and regional parks.	
Community gardens.	
Golf courses and appurtenant structures connected thereto, including but not limited to the clubhouse, storage rooms and locker rooms.	
Governmental and public building and land uses.	
Private parks.	
Home occupations are permitted in structures used as a residence without a development permit when conducted in accordance with section 33-27.01. Regulations governing other accessory uses appear in article III.	
MAXIMUM DENSITY ALLOWED	
Dwelling units per gross acre	6.7
MINIMUM LOT DIMENSIONS	
MINIMUM WIDTH	60 feet
MINIMUM SIZE	6,500 square feet. Lots fronting on a curve must have a minimum 50-foot width at the street line. Corner lots must be 15 percent greater in width and area than the minimum requirement for interior lots. Lots fronting on a cul-de-sac must have a minimum 25-foot lot width at the street line and must meet the minimum lot width at the building set back line.
SETBACKS/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS	
Maximum impervious surface	50 percent
Front setback	30 feet
Rear setback	25 feet. For residences, where 60 percent of neighboring residential structures within 500 feet have an existing lesser setback staff may approve a matching setback.
Side setback	7.5 feet
Corner lot: Street side setback	15 feet—Provided the corner lot faces the same as all other lots on street.
BUILDING DIMENSIONS	
Maximum height	35 feet
Minimum floor area under heat and air	750 square feet

	Two story: Ground floor: 600 square feet
ADDITIONAL REQUIREMENTS	
MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING	
The minimum separation required between vehicle use areas and the property line is one foot for one- and two-family residences and ten feet for all other uses. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent.	
Parking on grass and sidewalks is prohibited. Vehicle use areas must be paved or improved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer, except as listed in 33-91.06(d)3g. Areas paved with impervious material must be included in the site's impervious surface calculation.	
MINIMUM REQUIREMENT FOR STORMWATER MANAGEMENT	
Stormwater generated by, during and after construction or improvement must be contained on-site or within a communal stormwater collection and management system permitted by the state.	
MINIMUM REQUIREMENTS FOR WATER AND SEWER	
Application for and connection to municipal water and sewer is required within areas served by the city.	
MINIMUM REQUIREMENTS FOR LOTS WHERE SEPTIC TANKS ARE USED	
SEWER/WATER SYSTEM	LOT AREA
Septic or aerobic tank with individual well	1 acre per unit
Septic tank with public water supply	½ acre per unit
MINIMUM REQUIREMENTS FOR TREE COVERAGE	
Each lot must have at a minimum one front yard tree and one tree for every 2,500 square feet of lot area. Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in article VI of chapter 33, may not be removed without application and approval of a permit by the city.	
LANDSCAPING	
Landscaped buffers are required along street frontages where developments are proposed (article VIII of chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (article IV of chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (article IV of chapter 33).	
AGRICULTURE	
Low intensity agriculture is permitted only as an accessory to single-family dwellings, provided the use is consistent with the Comprehensive Plan and the requirements of section 33-27.05.	
ACCESSORY STRUCTURES	
Permits are required for the placement and installation of accessory structures such as pools, storage sheds, fences and similar structures. Additional information is contained within article II, section 33-28, accessory structures.	

33-17.06. *Reserved.*

Editor's note(s)—Ord. No. 2019-10, § 3, adopted May 6, 2019, deleted § 33-17.06 entitled "R-1C—Single-Family Dwelling District."

33-17.07. *R-2—Two-Family Dwelling District.*

(a) *Statement of intent.* The purpose and intent of the R-2 Two-Family Residential District is to provide medium density multifamily residential neighborhoods in an urban setting with a mixture of single-family, two-family, and limited nonresidential development.

R-2 TWO-FAMILY DWELLING	
ALLOWED USES	
PRIMARY USES AND STRUCTURES	
Bed and breakfast homestay, accessory use only. (See also section 33-27.03.)	
Family day care home.	
Mini and neighborhood parks.	
Two-family dwellings and duplexes.	
Other uses approved by the city commission after review and recommendation by the planning board, which are unquestionably similar to those uses permitted herein.	
CONDITIONAL USES (See also Chapter 33, Section 33-19)	
Community residential homes, single-family.	
Single-family dwellings, development must comply with R-1 standards.	
Garden community (section 33-19.14).	
SPECIAL EXCEPTIONS (See also Chapter 33, Section 33-18)	
Cemeteries, churches, houses of worship, and religious institutions, with their customary accessory educational and recreational uses and buildings.	
Community and regional parks.	
Community gardens.	
Golf courses and appurtenant structures connected thereto, including but not limited to the clubhouse, storage rooms and locker rooms.	
Governmental and public building and land uses.	
Private parks.	
Home occupations are permitted in structures used as a residence without a development permit when conducted in accordance with section 33-27.01. Regulations governing other accessory uses appear in article III.	
MAXIMUM DENSITY ALLOWED	
Dwelling units per gross acre	11.62
MINIMUM LOT DIMENSIONS	
MINIMUM WIDTH Lots fronting on a curve must have a minimum 50-foot width at the street line. Corner lots must be 15 percent greater in width and area than the minimum requirement for interior lots. Lots fronting on a cul-de-sac must have a minimum 25-foot lot width at the street line and must meet the minimum lot width at the building setback line.	Single-family dwelling: 60 feet.
	Duplex: 75 feet. Where the duplex is subdivided for individual ownership; each unit in the duplex shall have a minimum lot width of 37.5 feet.
MINIMUM SIZE	Single-family dwelling: 6,500 square feet.
	Duplex: 7,500 square feet.

	Where the duplex is subdivided for individual ownership, each unit in the duplex shall have a minimum lot area of 3,750 square feet.
SETBACKS/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS	
Maximum impervious surface	50 percent
Front setback	30 feet
Rear setback	25 feet. For residences, where 60 percent of neighboring residential structures within 500 feet have an existing lesser setback staff may approve a matching setback.
Side setback	7.5 feet
	In instances where the duplex is being subdivided for individual ownership, the interior side setback shall be reduced to 0 feet.
Corner lot: Street side setback	15 feet, provided the corner lot faces the same as all other lots on street.
BUILDING DIMENSIONS	
Maximum height	35 feet
Minimum floor area under heat and air: single-family	750 square feet
	Single-family—Ground floor: 600 square feet
Minimum floor area under heat and air: Duplex	One story: 900 square feet
	Ground floor: 600 square feet
ADDITIONAL REQUIREMENTS	
MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING	
The minimum separation required between vehicle use areas and the property line is one foot for one- and two-family residences and ten feet for all other uses. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent.	
Parking on grass and sidewalks is prohibited. Vehicle use areas must be paved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer, except as listed in 33-91.06(d)3g. Paved areas must be included in the site's impervious surface calculation.	
MINIMUM REQUIREMENT FOR STORMWATER MANAGEMENT	
Stormwater generated by, during and after construction or improvement must be contained on-site or within a communal stormwater collection and management system permitted by the state.	
MINIMUM REQUIREMENTS FOR WATER AND SEWER	
Application for and connection to municipal water and sewer is required within areas served by the city.	
MINIMUM REQUIREMENTS FOR LOTS WHERE SEPTIC TANKS ARE USED	
SEWER/WATER SYSTEM	LOT AREA
Septic or aerobic tank with individual well	1 acre per unit
Septic tank with public water supply	½ acre per unit
MINIMUM REQUIREMENTS FOR TREE COVERAGE	
Each lot must have at a minimum one front yard tree and one tree for every 2,500 square feet of lot area. Historic trees and trees utilized to meet the minimum tree protection requirement or trees	

located inside a designated tree protection area, as defined in article VI of chapter 33, may not be removed without application and approval of a permit by the city.
LANDSCAPING
Landscaped buffers are required along street frontages where developments are proposed (article VIII of chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (article IV of chapter 33).
ACCESSORY STRUCTURES
Permits are required for the placement and installation of accessory structures such as pools, storage sheds, fences and similar structures. Additional information is contained within article III, section 33-28, accessory structures.
COMMUNITY DESIGN STANDARDS
Site and building aesthetics need to comply with the Community Design Standards (article VIII, section 33-94).

33-17.08. *R-8—Multiple-Family Dwelling District.*

(a) *Statement of intent.* The purpose and intent of this district is to provide for a variety of multiple-family residential developments in an urban, medium density residential setting.

R-8 MULTIPLE-FAMILY DWELLING
ALLOWED USES
PRIMARY USES AND STRUCTURES
Bed and breakfast homestay, accessory use only. (See also section 33-27.03.)
Family day care home.
Mini and neighborhood parks.
Multiple-family dwellings.
Other uses approved by the city commission after review and recommendation by the planning board, which are unquestionably similar to those uses permitted herein.
CONDITIONAL USES (See also CHAPTER 33, section 33-19)
Community residential homes, single-family.
Community residential homes, multifamily.
Single-family dwellings including multiple single-family dwellings on a single lot.
Two-family dwellings.
SPECIAL EXCEPTIONS (See also Chapter 33, Section 33-18)
Cemeteries.
Churches, houses of worship, and religious institutions, with their customary accessory educational and recreational uses and buildings.
Community and regional parks.
Community gardens.
Golf courses and appurtenant structures connected thereto, including but not limited to the clubhouse, storage rooms and locker rooms.
Governmental and public building and land uses.
Nursing (convalescent) homes, adult congregate-living facilities.
Private parks.

Home occupations are permitted in structures used as a residence without a development permit when conducted in accordance with section 33-27.01. Regulations governing other accessory uses appear in article III.	
MAXIMUM DENSITY ALLOWED	
Dwelling units per gross acre.	
MINIMUM LOT DIMENSIONS	
MINIMUM WIDTH Lots fronting on a curve must have a minimum 50-foot width at the street line. Corner lots must be 15 percent greater in width and area than the minimum requirement for interior lots. Lots fronting on a cul-de-sac must have a minimum 25-foot lot width at the street line and must meet the minimum lot width at the building set back line.	Single-family dwelling: 60 feet
	Two-Family: 75 feet In instances where the two-family is being subdivided for individual ownership, each unit in the two-family shall have a minimum lot width of 37.5 feet.
	Multi-family: 75 feet.
MINIMUM SIZE	Single-family dwelling: 6,500 square feet Two-Family 7,500
	In instances where the two-family is being subdivided for individual ownership, each unit in the two-family shall have a minimum lot area of 3,750 square feet.
	Multi-family site: 10,000 square feet for first three units plus 5,500 square feet for each additional unit.
SETBACKS/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS	
Maximum impervious surface: Single-family/Two-Family	50 percent
Maximum impervious surface: Multifamily	One-, two-, three-story: 50 percent.
	Four-story: 45 percent
	Five-story: 40 percent
	Six-story: 35 percent
SETBACKS: MULTIFAMILY	
Front	30 feet from project perimeter lot line.
Rear and side	20 feet from project perimeter lot line.
	40 feet from the project perimeter lot line when adjacent to single-family residential district. May be reduced to 20 feet if an eight-foot wall is used for visual screening.
Interior	All buildings shall be set back at least ten feet from all interior private roads and common parking areas. An additional set back from private roads of one foot shall be required for every two feet of height for structures exceeding 35 feet.

Spacing between buildings	The following minimum spacing shall be maintained between buildings: 25 feet between sides of buildings; 25 feet between sides and rear of adjacent buildings and 50 feet between any combination of fronts or rears of adjacent buildings.
SETBACKS: SINGLE-FAMILY AND TWO-FAMILY	
Front	30 feet
Rear	25 feet. For residences, where 60% of neighboring residential structures within 500 feet have an existing lesser setback staff may approve a matching setback
Side	7.5 feet. In instances where the two-family is being subdivided for individual ownership, the interior side setback shall be reduced to 0 feet.
Corner lot: Side street	15 feet, provided the corner lot faces the same as all other lots on the street.
Spacing between buildings (Multiple single-family dwellings on a single lot)	12 Feet
BUILDING DIMENSIONS	
Maximum height	Single and Two-Family: 35 feet Multi-family: 65 feet
Maximum length	150 feet
Minimum floor area under heat and air: Single-family	750 square feet Ground floor: 600 square feet
Minimum floor area under heat and air: Two-Family	750 square feet Ground floor: 600 square feet
Minimum floor area multifamily	Efficiency, no separate bedroom: 425 square feet
	One bedroom: 575 square feet
	Two + bedroom: 725 square feet plus 150 square feet per each additional bedroom
MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING	
The minimum separation required between vehicle use areas and the property line is one foot for one- and two-family residences and 10 feet for all other uses. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent.	
Parking on grass and sidewalks is prohibited. Vehicle use areas must be paved with concrete, asphalt, concrete or industry recognized porous paving approved by the city's engineer, except as listed in 33-91.06(d)3g. Paved areas must be included in the site's impervious surface calculation.	
MINIMUM REQUIREMENTS FOR WATER AND SEWER	
Application for and connection to municipal water and sewer is required within areas served by the city.	
MINIMUM REQUIREMENTS FOR LOTS WHERE SEPTIC TANKS ARE USED	
SEWER/WATER SYSTEM	LOT AREA

Septic or aerobic tank with individual well	1-acre per unit
Septic tank with public water supply	½-acre per unit
MINIMUM REQUIREMENTS FOR TREE COVERAGE	
Each lot must have at a minimum one front yard tree and one tree for every 2,500 square feet of lot area. In instances where a multiple-family structure is being subdivided for individual ownership, required trees may be located within common areas of the project which are adjacent to the structures. Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in article VI of chapter 33, may not be removed without application and approval of a permit by the city.	
LANDSCAPING	
Landscaped buffers are required along street frontages where developments are proposed (article VIII of chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (article IV of chapter 33).	
TRAFFIC IMPACT ANALYSIS	
Calculation and submittal of average annual daily trips is required for all developments. The developer of any development which will generate 1,000 or more average annual daily trip (AADT) ends per day, as determined by reference to the Institute of Traffic Engineers Trip Generation Manual or to locally derived trip generation rates accepted by the city as accurate, shall provide the city with a traffic impact analysis prepared by a qualified traffic engineer at the time application is made for approval of a site plan or preliminary plat. See also section [33-41.04(a)1.].	
ACCESSORY STRUCTURES	
Permits are required for the placement and installation of accessory structures such as pools, storage sheds, fences and similar structures. Additional information is contained within article III, section 33-28, accessory structures.	
COMMUNITY DESIGN STANDARDS	
Site and building aesthetics need to comply with the Community Design Standards (article VIII, section 33-94).	

33-17.09. *R-12—Multiple-Family Dwelling District.*

(a) *Statement of intent.* The purpose and intent of this district is to provide for a variety of multiple-family residential developments in an urban, medium density residential setting.

R-12 MULTIPLE-FAMILY DWELLING
ALLOWED USES
PRIMARY USES AND STRUCTURES
Bed and breakfast homestay, accessory use only. (See also section 33-27.03.)
Family day care home.
Mini and neighborhood parks.
Multiple-family dwellings.
Other uses approved by the city commission after review and recommendation by the planning board, which are unquestionably similar to those uses permitted herein.
CONDITIONAL USES (See also Chapter 33, Section 33-19)
Community residential homes, single-family.
Community residential homes, multifamily.

Single-family dwellings.	
Two-family dwellings.	
SPECIAL EXCEPTIONS (See also Chapter 33, Section 33-18)	
Cemeteries.	
Churches, houses of worship, and religious institutions, with their customary accessory educational and recreational uses and buildings.	
Community and regional parks.	
Community gardens.	
Golf courses and appurtenant structures connected thereto, including but not limited to the clubhouse, storage rooms and locker rooms.	
Governmental and public building and land uses.	
Nursing (convalescent) homes, adult congregate-living facilities.	
Private parks.	
Home occupations are permitted in structures used as a residence without a development permit when conducted in accordance with section 33-27.01. Regulations governing other accessory uses appear in article III.	
MAXIMUM DENSITY ALLOWED	
Dwelling units per gross acre.	12
MINIMUM LOT DIMENSIONS	
MINIMUM WIDTH	
Lots fronting on a curve must have a minimum 50-foot width at the street line. Corner lots must be 15 percent greater in width and area than the minimum requirement for interior lots. Lots fronting on a cul-de-sac must have a minimum 25-foot lot width at the street line and must meet the minimum lot width at the building set back line.	Single-family dwelling: 60 feet
	Two-Family: 75 feet
	In instances where the two-family is being subdivided for individual ownership; each unit in the two-family shall have a minimum lot width of 37.5 feet.
	Multi-family: 75 feet.
MINIMUM SIZE	Single-family dwelling: 6,500 square feet
	Two-Family: 7,500
	In instances where the two-family is being subdivided for individual ownership; each unit in the two-family shall have a minimum lot area of 3,750 square feet.
	Multi-family sites: 10,000 square feet for first three units plus 3,700 square feet for each additional unit.
SETBACKS/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS	
Maximum impervious surface: Single-family and two-family	50 percent
Maximum impervious surface: Multifamily	One-, two-, three-story: 50 percent
	Four-story: 45 percent
	Five-story: 40 percent
	Six-story: 35 percent

SETBACKS: MULTIFAMILY	
Front	30 feet from project perimeter lot line
Rear and side	20 feet from project perimeter lot line
	40 feet from the project perimeter lot line when adjacent to single-family residential district. May be reduced to 20 feet if an eight-foot wall is used for visual screening.
	In instances where the duplex is being subdivided for individual ownership, the interior side setback shall be reduced to 0 feet.
Interior	All buildings shall be set back at least ten feet from all interior private roads and parking areas. An additional set back from private roads of one foot shall be required for every two feet of height for structures exceeding 35 feet.
Spacing between buildings	The following minimum spacing shall be maintained between buildings: 25 feet between sides of buildings; 25 feet between sides and rear of adjacent buildings and 50 feet between any combination of fronts or rears of adjacent buildings.
SETBACKS: SINGLE-FAMILY AND TWO-FAMILY	
Front	30 feet
Rear	25 feet. For residences, where 60% of neighboring residential structures within 500 feet have an existing lesser setback staff may approve a matching setback
Side	7.5 feet In instances where the two-family is being subdivided for individual ownership, the interior side setback shall be reduced to 0 feet.
Corner lot: Side street	15 feet, provided the corner lot faces the same as all other lots on street.
Spacing between buildings (Multiple single-family dwellings on a single lot)	12 Feet
BUILDING DIMENSIONS	
Maximum height	Single and Two-Family: 35 feet Multi-family: 65 feet
Maximum length	150 feet
Minimum floor area under heat and air: Single-family	750 square feet Ground floor: 600 square feet
Minimum floor area under heat and air: Two-Family	750 square feet Ground floor: 600 square feet

Minimum floor area under heat and air: Multifamily	Efficiency, no separate bedroom: 425 square feet One bedroom: 575 square feet Two + bedroom: 725 square feet plus 150 square feet per each additional bedroom
ADDITIONAL REQUIREMENTS	
MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING	
The minimum separation required between vehicle use areas and the property line is one foot for one- and two-family residences and 10 feet for all other uses. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent.	
Parking on grass and sidewalks is prohibited. Vehicle use areas must be paved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer, except as listed in 33-91.06(d)3g. Paved areas must be included in the site's impervious surface calculation.	
MINIMUM REQUIREMENTS FOR WATER AND SEWER	
Application for and connection to municipal water and sewer is required within areas served by the city.	
MINIMUM REQUIREMENTS FOR LOTS WHERE SEPTIC TANKS ARE USED	
SEWER/WATER SYSTEM	LOT AREA
Septic or aerobic tank with individual well	1-acre per unit
Septic tank with public water supply	½-acre per unit
MINIMUM REQUIREMENTS FOR TREE COVERAGE	
Each lot must have at a minimum one front yard tree and one tree for every 2,500 square feet of lot area. In instances where a multiple-family structure is being subdivided for individual ownership, required trees may be located within common areas of the project which are adjacent to the structures. Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in article VI of chapter 33, may not be removed without application and approval of a permit by the city.	
LANDSCAPING	
Landscaped buffers are required along street frontages where developments are proposed (article VIII of chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (article IV of chapter 33).	
TRAFFIC IMPACT ANALYSIS	
Calculation and submittal of average annual daily trips is required for all developments. The developer of any development which will generate 1,000 or more average annual daily trip (AADT) ends per day, as determined by reference to the Institute of Traffic Engineers Trip Generation Manual or to locally derived trip generation rates accepted by the city as accurate, shall provide the city with a traffic impact analysis by a qualified traffic engineer at the time application is made for approval of a site plan or preliminary plat. See also section [33-41.04(a)1.].	
ACCESSORY STRUCTURES	
Permits are required for the placement and installation of accessory structures such as pools, storage sheds, fences and similar structures. Additional information is contained within article III, section 33-28, accessory structures.	
COMMUNITY DESIGN STANDARDS	
Site and building aesthetics need to comply with the Community Design Standards (article VIII, section 33-94).	

33-17.10. *R-16—Multiple-Family Dwelling District.*

(a) *Statement of intent.* The purpose and intent of this district is to provide for high-density multifamily residential living within the city in the older developed sections of DeLand, catering to the needs of those citizens desiring a spacious, well maintained and natural on-site environment near the city's downtown shopping area.

R-16 MULTIPLE-FAMILY DWELLING	
ALLOWED USES	
PRIMARY USES AND STRUCTURES	
Bed and breakfast homestay, accessory use only. (See also section 33-27.03.)	
Family day care home.	
Mini and neighborhood parks.	
Multiple-family dwellings.	
Private clubs and lodges.	
Other uses approved by the city commission after review and recommendation by the planning board, which are unquestionably similar to those uses permitted herein.	
CONDITIONAL USES (See also Chapter 33, Section 33-19)	
Community residential homes, single-family.	
Community residential homes, multifamily.	
Single-family dwellings.	
Two-family dwellings.	
SPECIAL EXCEPTIONS (See also Chapter 33, Section 33-18)	
Cemeteries.	
Churches, houses of worship, and religious institutions, with their customary accessory educational and recreational uses and buildings.	
Community and regional parks.	
Community gardens.	
Golf courses and appurtenant structures connected thereto, including but not limited to the clubhouse, storage rooms and locker rooms.	
Governmental and public building and land uses.	
Nursing (convalescent) homes, adult congregate-living facilities. Private parks.	
Home occupations are permitted in structures used as a residence without a development permit when conducted in accordance with section 33-27.01. Regulations governing other accessory uses appear in article III.	
MAXIMUM DENSITY ALLOWED	
Dwelling units per gross acre.	16
MINIMUM LOT DIMENSIONS	
MINIMUM WIDTH	
Lots fronting on a curve must have a minimum 50-foot width at the street line. Lots fronting on a cul-de-sac must have a minimum 25-foot lot	100 feet
	Multi-family: 75 feet

width at the street line and must meet the minimum lot width at the building setback line.	
MINIMUM SIZE	2,722.5 square feet per dwelling unit
	Multi-family sites: 10,000 aquare feet for first three units plus 2,725 square feet for each additional unit.
SETBACKS/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS	
Maximum impervious surface: Multifamily	One-, two-, three-story: 50 percent
	Four-story: 45 percent
	Five-story: 40 percent
	Six-story: 35 percent
SETBACKS: MULTIFAMILY	
Front	30 feet from project perimeter lot line
Rear and side	20 feet from project perimeter lot line
	40 feet from the project perimeter lot line when adjacent to single-family residential district. May be reduced to 20 feet if an eight-foot wall is used for visual screening.
	In instances where the duplex is being subdivided for individual ownership, the interior side setback shall be reduced to 0 feet.
Interior	All buildings shall be set back at least ten feet from all interior private roads and common parking areas. An additional set back from private roads of one foot shall be required for every two feet of height for structures exceeding 35 feet.
Spacing between buildings	The following minimum spacing shall be maintained between buildings: 25 feet between sides of buildings; 25 feet between sides and rear of adjacent buildings and 50 feet between any combination of fronts or rears of adjacent buildings.
BUILDING DIMENSIONS	
Maximum height	65 feet
Maximum length	150 feet
Minimum floor area under heat and air: Multifamily	Efficiency, no separate bedroom: 425 square feet
	One bedroom: 575 square feet
	Two + bedroom: 725 square feet plus 150 square feet per each additional bedroom
ADDITIONAL REQUIREMENTS	
MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING	

The minimum separation required between vehicle use areas and the property line is one foot for one- and two-family residences and 10 feet for all other uses. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent.	
Parking on grass and sidewalks is prohibited. Vehicle use areas must be paved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer, except as listed in 33-91.06(d)3g. Paved areas must be included in the site's impervious surface calculation.	
MINIMUM REQUIREMENTS FOR WATER AND SEWER	
Application for and connection to municipal water and sewer is required within areas served by the city.	
MINIMUM REQUIREMENTS FOR LOTS WHERE SEPTIC TANKS ARE USED	
SEWER/WATER SYSTEM	LOT AREA
Septic or aerobic tank with individual well	1-acre per unit
Septic tank with public water supply	½-acre per unit
MINIMUM REQUIREMENTS FOR TREE COVERAGE	
Each lot must have at a minimum one front yard tree and one tree for every 2,500 square feet of lot area. In instances where a multiple-family structure is being subdivided for individual ownership, required trees may be located within common areas of the project which are adjacent to the structures. Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in article VI of chapter 33, may not be removed without application and approval of a permit by the city.	
LANDSCAPING	
Landscaped buffers are required along street frontages where developments are proposed (article VIII of chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (article IV of chapter 33).	
TRAFFIC IMPACT ANALYSIS	
Calculation and submittal of average annual daily trips is required for all developments. The developer of any development which will generate 1,000 or more average annual daily trip (AADT) ends per day, as determined by reference to the Institute of Traffic Engineers Trip Generation Manual or to locally derived trip generation rates accepted by the city as accurate, shall provide the city with a traffic impact analysis prepared by a qualified traffic engineer at the time application is made for approval of a site plan or preliminary plat. See also section [33-41.04(a)1.].	
ACCESSORY STRUCTURES	
Permits are required for the placement and installation of accessory structures such as pools, storage sheds, fences and similar structures. Additional information is contained within article III, Section 33-28 Accessory Structures.	
COMMUNITY DESIGN STANDARDS	
Site and building aesthetics need to comply with the Community Design Standards (article VIII, section 33-94).	

33-17.11. *R-M—Residential Mobile Home District.*

(a) *Statement of intent.* The mobile home is recognized as a specific form of housing for which accommodations should be provided. The R-M Mobile Home Park District is intended to apply to areas to be used for mobile home parks and provides appropriate standards as to density,

spacing, and use. No building, structure or part thereof shall be erected, altered, used on land or water, or used in whole or in part for other than mobile home parks unless and until the requirements of this district are met.

R-M RESIDENTIAL MOBILE HOME DISTRICT	
ALLOWED USES	
PRIMARY USES AND STRUCTURES	
Mobile homes for tenant residence, lease or rental. Mobile home sales of on-site lots or units. Buildings containing recreation or laundry facilities. Park management office buildings.	
Mini and neighborhood parks.	
Public, private or parochial schools.	
Other uses approved by the city commission after review and recommendation by the planning board, which are unquestionably similar to those uses permitted herein.	
CONDITIONAL USES (See also Chapter 33, Section 33-19)	
Community residential homes, single-family.	
SPECIAL EXCEPTIONS (See also Chapter 33, Section 33-18)	
Cemeteries.	
Churches, houses of worship, and religious institutions, with their customary accessory educational and recreational uses and buildings.	
Community and regional parks.	
Community gardens.	
Golf courses and appurtenant structures connected thereto, including but not limited to the clubhouse, storage rooms and locker rooms.	
Governmental and public building and land uses.	
MAXIMUM DENSITY ALLOWED	
Dwelling units per gross acre.	6
MINIMUM LOT DIMENSIONS FOR INDIVIDUAL LOTS, SUBDIVISIONS	
MINIMUM WIDTH	50 feet
MINIMUM DEPTH	75 feet
MINIMUM SIZE	5,000 square feet
IF IRREGULAR LOT SHAPE	A minimum width of 25 feet shall apply, provided a minimum building line width of 50 feet is met at the required front yard setback line. Lots fronting on a curve must have a minimum 50-foot width at the street line. Corner lots must be 15 percent greater in width and area than the minimum requirement for interior lots. Lots fronting on a cul-de-sac must have a minimum 25-foot lot width at the street line and must meet the minimum lot width at the building set back line.
MINIMUM SPACE DIMENSIONS FOR PARKS	
MINIMUM WIDTH	30 feet
MINIMUM DEPTH	80 feet

Separation between units	15 feet
Separation from accessory units	7½ feet from mobile homes
SETBACKS FROM BOUNDARIES/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS	
Maximum impervious surface:	50 percent
Perimeter setback	All mobile homes or accessory structures shall be located at least 40 feet from any project perimeter property line.
Other setbacks	All mobile homes shall be located at least 15 feet from any other property line.
Accessory structure setbacks	No mobile home accessory structure shall be closer than 7½ feet to any rear or side mobile home lot line, provided that when mobile homes are placed end to end and the opposing rear wall are staggered, there shall be a minimum clearance of ten feet.
Setbacks from internal streets	A minimum distance of ten feet. Permits are required for the placement and installation of accessory structures such as pools, storage sheds, fences and similar structures. Additional information is contained within article II, section 33-28, accessory structures.
MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING	
Parking on grass and sidewalks is prohibited. The minimum separation required between vehicle use areas and the property line is one foot for one- and two-family residences and 10 feet for all other uses. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent.	
Vehicle use areas must be paved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer, except as listed in 33-91.06(d)3g. Paved areas must be included in the site's impervious surface calculation.	
Visitor parking shall be provided at 0.5 spaces per unit.	
MINIMUM REQUIREMENT FOR STORMWATER MANAGEMENT	
Stormwater generated by, during and after construction or improvement must be contained on-site or within a communal stormwater collection and management system permitted by the state.	
MINIMUM REQUIREMENTS FOR WATER AND SEWER	
Application for and connection to municipal water and sewer is required within areas served by the city.	
MINIMUM REQUIREMENTS FOR LOTS WHERE SEPTIC TANKS ARE USED	
SEWER/WATER SYSTEM	LOT AREA
Septic or aerobic tank with individual well	1-acre per unit
Septic tank with public water supply	½-acre per unit
MINIMUM REQUIREMENT FOR TREE COVERAGE	
Each lot must have at a minimum one tree for every 2,500 square feet of lot area. Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated	

tree protection area, as defined in article VI of chapter 33, may not be removed without application and approval of a permit by the city.
LANDSCAPING
Landscaped buffers are required along street frontages where developments are proposed (article VIII of chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (article IV of chapter 33).
TRAFFIC IMPACT ANALYSIS
Calculation and submittal of average annual daily trips is required for all developments. The developer of any development which will generate 1,000 or more average annual daily trip (AADT) ends per day, as determined by reference to the Institute of Traffic Engineers Trip Generation Manual or to locally derived trip generation rates accepted by the city as accurate, shall provide the city with a traffic impact analysis prepared by a qualified traffic engineer at the time application is made for approval of a site plan or preliminary plat. See also section [33-41.04(a)1.].
COMMUNITY DESIGN STANDARDS
Site and building aesthetics need to comply with the Community Design Standards (article VIII, section 33-94).

33-17.12. *E-1—Educational District.*

(a) *Statement of intent.* The purpose and intent of this district is to provide the varied land uses associated with public and private primary and secondary schools and institutions of higher learning.

E-1 EDUCATIONAL DISTRICT
ALLOWED USES
PRIMARY USES AND STRUCTURES
Dormitories.
Single-family dwelling, except mobile homes.
Two-family dwellings.
Multifamily residential dwellings.
College and university land uses, including sorority and fraternity houses, recreational, athletic and other normal accessory uses of such colleges and universities.
Government facilities and land uses normally associated with the provision of government services, including city, county and state parks and recreation areas.
Public, private or parochial primary and secondary schools.
Day care facilities.
Private clubs and lodges.
Mini and neighborhood parks.
Communication towers per section 33-23.
Churches, houses of worship, and religious institutions, with their customary accessory educational and recreational uses and buildings.
Other uses approved by the city commission after review and recommendation by the planning board, which are unquestionably similar to those uses permitted herein.
CONDITIONAL USES (See also Chapter 33, Section 33-19)

Communication towers per section 32-24.	
Community residential homes, single-family.	
Community residential homes, multifamily.	
Garden community (section 33-19.14).	
Printing and lithography establishments, not to exceed 2,000 square feet of floor area.	
Accessory dwelling units to single or two-family dwelling.	
SPECIAL EXCEPTIONS (See also Chapter 33, Section 33-18)	
Communication towers per section 32-24.	
Community and regional parks.	
Community gardens.	
Golf courses and appurtenant structures connected thereto, including but not limited to the clubhouse, storage rooms and locker rooms.	
Microwave, radio, telephone and television facilities and transmission towers.	
Regulations governing other accessory uses appear in article III.	
Shade structures over 800 square feet.	
MAXIMUM DENSITY ALLOWED	
Dwelling units per gross acre.	Single-family development, 4.3 two-family developments, 4.8 multi-family dwellings, 8.0.
MINIMUM LOT DIMENSIONS	
MINIMUM WIDTH Lots fronting on a curve must have a minimum 50-foot width at the street line. Corner lots must be 15 percent greater in width and area than the minimum requirement for interior lots. Lots fronting on a cul-de-sac must have a minimum 25-foot lot width at the street line and must meet the minimum lot width at the building set back line.	Single- and Two-family dwelling: 75 feet
	Multi-family: 75 feet
	Nonresidential: No standards
MINIMUM SIZE	Single and Two-family dwelling: 7,500 square feet Multi-family sites: 10,000 square feet for first three units plus 2,725 square feet for each additional unit
SETBACKS/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS	
Maximum impervious surface: Educational	50 percent
Maximum impervious surface: Single-family, two family	50 percent
Maximum impervious surface: Multifamily	One-, two-, three-story: 50 percent
	Four-story: 45 percent
	Five-story: 40 percent
	Six-story: 30 percent
SETBACKS: EDUCATIONAL	
Front yard (building)	30 feet

Front yard (parking, slabs, courts and wall or fence not in excess of 6 feet in height	20 feet
Side yard	0 feet
Side yard (abutting residentially zoned property)	15 feet
Rear yard	30 feet
SETBACKS: MULTIFAMILY	
Front	30 feet from project perimeter lot line
Rear and side	20 feet from project perimeter lot line
Interior	All buildings shall be set back at least ten feet from all interior private roads and common parking areas. An additional set back from private roads of one foot shall be required for every two feet of height for structures exceeding 35 feet.
Spacing between buildings	The following minimum spacing shall be maintained between buildings: 25 feet between sides of buildings; 25 feet between sides and rear of adjacent buildings and 50 feet between any combination of fronts or rears of adjacent buildings.
SETBACKS: SINGLE AND TWO-FAMILY	
Front	30 feet
Rear	25 feet. For residences, where 60 percent of neighboring residential structures within 500 feet have an existing lesser setback staff may approve a matching setback.
Side	15 feet
Corner lot: Side street	15 feet, provided the corner lot faces the same as all other lots on street.
Spacing between buildings (Multiple single-family dwellings on a single lot)	12 Feet
BUILDING DIMENSIONS	
Maximum height	65 feet
Minimum floor area under heat and air: Single-family	One story: 900 square feet
	Two story: Ground floor: 750 square feet
	Second floor: 500 square feet
MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING	
The minimum separation required between vehicle use areas and the property line is one foot for one- and two-family residences and ten feet for all other uses. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent.	
Parking on grass and sidewalks is prohibited. Vehicle use areas must be paved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer, except as listed in 33-91.06(d)3g. Paved areas must be included in the site's impervious surface calculation.	
MINIMUM REQUIREMENTS FOR WATER AND SEWER	

Application for and connection to municipal water and sewer is required within areas served by the city.	
MINIMUM REQUIREMENTS FOR LOTS WHERE SEPTIC TANKS ARE USED	
SEWER/WATER SYSTEM	LOT AREA
Septic or aerobic tank with individual well	1 acre per unit
Septic tank with public water supply	½ acre per unit
MINIMUM REQUIREMENTS FOR TREE COVERAGE—RESIDENTIAL	
Each lot must have at a minimum one front yard tree and one tree for every 2,500 square feet of lot area. In instances where a multiple-family structure is being subdivided for individual ownership, required trees may be located within common areas of the project which are adjacent to the structures. Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in article VI of chapter 33, may not be removed without application and approval of a permit by the city. In a campus setting, the overall 15 percent tree preservation area must be maintained and may be used to meet this requirement.	
LANDSCAPING	
Landscaped buffers are required along street frontages where developments are proposed (article VIII of chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (article IV of chapter 33).	
OUTDOOR STORAGE AND DISPLAY PROHIBITED	
No outdoor storage or display of equipment, supplies, merchandise, or personal property is permitted regardless of the nature of the principal development. (See also section 33-27.04.)	
TRAFFIC IMPACT ANALYSIS	
Calculation and submittal of average annual daily trips is required for all non-private residence developments. The developer of any development which will generate 1,000 or more average annual daily trip (AADT) ends per day, as determined by reference to the Institute of Traffic Engineers Trip Generation Manual or to locally derived trip generation rates accepted by the city as accurate, shall provide the city with a traffic impact analysis prepared by a qualified traffic engineer at the time application is made for approval of a site plan or preliminary plat. See also section [33-41.04(a)1.].	
COMMUNITY DESIGN STANDARDS	
Site and building aesthetics need to comply with the Community Design Standards (article VIII, section 33-94).	

33-17.13. *P-1—Professional-Residential District.*

(a) *Statement of intent.*

1. It is the intent of this section to provide a zoning district wherein certain types of residential and professional uses are permitted such residential and other permitted uses are to be harmonious in appearance and have ample open space, which is extensively landscaped.

2. Further, this district is formulated to: (1) permit the conversion of certain older residential areas to combination of residences and restricted services; (2) provide a transition between existing commercial uses and adjacent residential areas but yet not adversely affected areas; and (3) encourage comprehensively planned professional residential office developments.

P-1 PROFESSIONAL-RESIDENTIAL DISTRICT		
ALLOWED USES: Uses allowed in this district appear in Table 33-17.23		
MAXIMUM DENSITY ALLOWED		
Dwelling units per gross acre.	The maximum nonresidential density is 10,000 square feet of building per acre.	
DIMENSIONAL REQUIREMENTS		
MINIMUM LOT DIMENSIONS		
MINIMUM WIDTH	Single-family dwelling: 75 feet	
	Nonresidential: No standards	
MINIMUM SIZE	Single-family dwelling: 7,500 square feet	
	Nonresidential: No standards	
Lots fronting on a curve must have a minimum 50-foot width at the street line.		
Corner lots must be 15 percent greater in width and area than the minimum requirement for interior lots.		
Lots fronting on a cul-de-sac must have a minimum 25-foot lot width at the street line and must meet the minimum lot width at the building setback line.		
SETBACKS/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS		
Maximum impervious surface	60 percent	
SETBACKS	Dwellings	Other uses
Front yard	30	35
Side yard	10	15
Side yard (abutting street)	15	20
Rear yard	25	25
Accessory structure	Five feet to any property line	
BUILDING DIMENSIONS		
Maximum height	Residential: 35 feet	
	Nonresidential: 65 feet	
MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING		
The minimum separation required between vehicle use areas and the property line is one foot for one- and two-family residences and 10 feet for all other uses. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent.		
A minimum of two, off-street parking spaces compliant with section 33-91.05(b) are required per residential unit.		
Parking on grass and sidewalks is prohibited. Vehicle use areas must be paved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer, except as listed in 33-91.06(d)3g. Paved areas must be included in the site's impervious surface calculation.		
MINIMUM REQUIREMENT FOR STORMWATER MANAGEMENT		
Stormwater generated by, during and after construction or improvement must be contained on-site or within a communal stormwater collection and management system permitted by the state.		
MINIMUM REQUIREMENTS FOR WATER AND SEWER		
Application for and connection to municipal water and sewer is required within areas served by the city.		

MINIMUM REQUIREMENTS FOR LOTS WHERE SEPTIC TANKS ARE USED	
SEWER/WATER SYSTEM	LOT AREA
Septic or aerobic tank with individual well	1-acre per unit
Septic tank with public water supply	½-acre per unit
MINIMUM REQUIREMENTS FOR TREE COVERAGE—RESIDENTIAL	
Each lot must have at a minimum one front yard tree and one tree for every 2,500 square feet of lot area.	
Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in article VI of chapter 33, may not be removed without application and approval of a permit by the city.	
LANDSCAPING	
Landscaped buffers are required along street frontages where developments are proposed (article VIII of chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (article IV of chapter 33).	
OUTDOOR STORAGE AND DISPLAY PROHIBITED	
No outdoor storage or display of equipment, supplies, merchandise, or personal property is permitted regardless of the nature of the principal development. (See also section 33-27.04.)	
TRAFFIC IMPACT ANALYSIS	
Calculation and submittal of average annual daily trips is required for all developments. The developer of any development which will generate 1,000 or more average annual daily trip (AADT) ends per day, as determined by reference to the Institute of Traffic Engineers Trip Generation Manual or to locally derived trip generation rates accepted by the city as accurate, shall provide the city with a traffic impact analysis prepared by a qualified traffic engineer at the time application is made for approval of a site plan or preliminary plat. See also section [33-41.04(a)1.].	
COMMUNITY DESIGN STANDARDS	
Site and building aesthetics need to comply with the Community Design Standards (article VIII, section 33-94).	

33-17.14. *BR—Business Retail District.*

(a) *Statement of intent.* The purpose of this district is to provide for the retail and service needs of the DeLand area. This district does not provide for residential uses.

BR—BUSINESS RETAIL DISTRICT	
ALLOWED USES: Uses allowed in this district appear in Table 33-17.23	
DIMENSIONAL REQUIREMENTS	
MINIMUM LOT DIMENSIONS	
MINIMUM WIDTH	75 feet
	9,000 square feet
SETBACKS/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS	
Maximum impervious surface	70 percent
Front setback	20 feet
Side setback, abutting residentially zoned property	25 feet

Side setback, other	10 feet
Rear setback, abutting residentially zoned property	25 feet
Rear setback, other	10 feet
BUILDING DIMENSIONS	
Maximum height	80 feet
Floor area ratio	0.25
ADDITIONAL REQUIREMENTS	
MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING	
The minimum separation required between vehicle use areas and the property line is 10 feet. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent.	
Off-street parking spaces compliant with section 33-91 are required.	
Parking on grass and sidewalks is prohibited. Vehicle use areas must be paved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer, except as listed in 33-91.06(d)3g. Paved areas must be included in the site's impervious surface calculation.	
MINIMUM REQUIREMENT FOR STORMWATER MANAGEMENT	
Stormwater generated by, during and after construction or improvement must be contained on-site or within a communal stormwater collection and management system permitted by the state.	
MINIMUM REQUIREMENTS FOR WATER AND SEWER	
Application for and connection to municipal water and sewer is required within areas served by the city.	
MINIMUM REQUIREMENTS FOR LOTS WHERE SEPTIC TANKS ARE USED	
SEWER/WATER SYSTEM	LOT AREA
Septic tank with individual well	1-acre per unit
Aerobic tank with individual well	1-acre per unit
Septic tank with public water supply	½-acre per unit
REQUIREMENTS FOR TREE COVERAGE	
Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in article VI of chapter 33, may not be removed without application and approval of a permit by the city. Dedication of 15 percent of the property for tree preservation is required.	
LANDSCAPING AND SIGNS	
Landscaped buffers are required along street frontages where developments are proposed (article VIII of chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (article IV of chapter 33).	
OUTDOOR STORAGE AND DISPLAY	
Unless otherwise prohibited in the list of primary, conditional or special-exception uses for each zoning district, outdoor display of equipment, supplies, merchandise, or personal property is permitted in compliance with section 33-27.04.	
TRAFFIC IMPACT ANALYSIS	
Calculation and submittal of average annual daily trips is required for all developments. The developer of any development which will generate 1,000 or more average annual daily trip (AADT) ends per day, as determined by reference to the Institute of Traffic Engineers Trip Generation Manual	

or to locally derived trip generation rates accepted by the city as accurate, shall provide the city with a traffic impact analysis prepared by a qualified traffic engineer at the time application is made for approval of a site plan or preliminary plat. See also section [33-41.04(a)1.].
COMMUNITY DESIGN STANDARDS
Site and building aesthetics need to comply with the Community Design Standards (article VIII, section 33-94).

33-17.15. *C-1—Limited Neighborhood Commercial District.*

(a) *Statement of intent.* The purpose of this district is to provide for the retail and service needs of adjacent residential areas. It permits both residential and nonresidential land uses, either freestanding or combined in a shared structure.

C-1 LIMITED NEIGHBORHOOD COMMERCIAL DISTRICT	
ALLOWED USES: Uses allowed in this district appear in Table 33-17.23	
MAXIMUM DENSITY ALLOWED	
Dwelling units per gross acre.	12
DIMENSIONAL REQUIREMENTS	
MINIMUM LOT DIMENSIONS	
MINIMUM WIDTH Lots fronting on a curve must have a minimum 50-foot width at the street line. Corner lots must be 15 percent greater in width and area than the minimum requirement for interior lots. Lots fronting on a cul-de-sac must have a minimum 25-foot lot width at the street line and must meet the minimum lot width at the building set back line.	Single-family dwelling: 60 feet Duplex: 75 feet
MINIMUM SIZE	Single-family dwelling: 6,500 square feet Duplex: 7,500 square feet.
SETBACKS/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS	
Maximum impervious surface, single-family, duplex and commercial	60 percent
NONRESIDENTIAL SETBACKS	
Front	30 feet
Side, abutting residentially zoned property	15 feet
Side, other	None
Rear, abutting residentially zoned property	30 feet
SINGLE-FAMILY AND DUPLEX SETBACKS	
Front	30 feet
Rear	25 feet
Side	7.5 feet. Corner lot treatment: On corner lots, the front yard setback of 30 feet must be maintained, but a 15-foot side yard setback will be permitted

	on the side street provided the corner lot faces the same as all other lots on the street.
BUILDING DIMENSIONS	
Maximum height	35 feet
Minimum floor area under heat and air: Single-family	1,000 square feet
Two-story	Ground floor: 800 square feet
Minimum floor area under heat and air: Duplex	1,200 square feet
Two-story	Ground floor: 900 square feet
MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING	
The minimum required between vehicle use areas and the property line is one foot for one- and two-family residences and 10 feet for all other uses. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent.	
Off-street parking spaces compliant with section 33-91 are required.	
Parking on grass and sidewalks is prohibited. Vehicle use areas must be paved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer, except as listed in 33-91.06(d)3g. Paved areas must be included in the site's impervious surface calculation.	
MINIMUM REQUIREMENT FOR STORMWATER MANAGEMENT	
Stormwater generated by, during and after construction or improvement must be contained on-site or within a communal stormwater collection and management system permitted by the state.	
MINIMUM REQUIREMENTS FOR WATER AND SEWER	
Application for and connection to municipal water and sewer is required within areas served by the city.	
MINIMUM REQUIREMENTS FOR LOTS WHERE SEPTIC TANKS ARE USED	
SEWER/WATER SYSTEM	LOT AREA
Septic tank with individual well	1-acre per unit
Aerobic tank with individual well	1-acre per unit
Septic tank with public water supply	½-acre per unit
REQUIREMENTS FOR TREE COVERAGE	
Each lot must have at a minimum one front yard tree and one tree for every 2,500 square feet of lot area. Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in article VI of chapter 33, may not be removed without application and approval of a permit by the city. Dedication of 15 percent of the property for tree preservation is required.	
LANDSCAPING AND SIGNS	
Landscaped buffers are required along street frontages where developments are proposed (article VIII of chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (article IV of chapter 33).	
OUTDOOR STORAGE AND DISPLAY PROHIBITED	
No outdoor storage or display of equipment, supplies, merchandise, or personal property is permitted regardless of the nature of the principal development. (See also section 33-27.04.)	
TRAFFIC IMPACT ANALYSIS	
Calculation and submittal of average annual daily trips is required for all developments. The developer of any development which will generate 1,000 or more average annual daily trip (AADT)	

ends per day, as determined by reference to the Institute of Traffic Engineers Trip Generation Manual or to locally derived trip generation rates accepted by the city as accurate, shall provide the city with a traffic impact analysis prepared by a qualified traffic engineer at the time application is made for approval of a site plan or preliminary plat. See also section [33-41.04(a)1.].
COMMUNITY DESIGN STANDARDS
Site and building aesthetics need to comply with the Community Design Standards (article VIII, section 33-94).

33-17.16. *C-2—General Commercial District.*

(a) *Statement of intent.* The purpose of this zoning district is to provide for the general retail and service needs of the DeLand area. The uses that are permitted will draw from a wider area than the uses allowed in the neighborhood commercial zoning district.

C-2—GENERAL COMMERCIAL DISTRICT	
ALLOWED USES: Uses allowed in this district appear in Table 33-17.23	
MAXIMUM DENSITY ALLOWED	
Dwelling units per gross acre.	16
DIMENSIONAL REQUIREMENTS	
MINIMUM LOT DIMENSIONS	
MINIMUM WIDTH	75 feet
MINIMUM SIZE	9,000 square feet.
SETBACKS/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS	
Maximum impervious surface	60 (Mixed Use) to 70 (Highway Commercial) percent (dictated by land use designation)
Front setback	20 feet
Side setback, abutting residentially zoned property	25 feet
Side setback, abutting street	20 feet
Side setback, other	10 feet
Rear setback, abutting residentially zoned property	25 feet
Rear setback, other	10 feet
BUILDING DIMENSIONS	
Maximum height	80 feet
ADDITIONAL REQUIREMENTS	
MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING	
The minimum separation required between vehicle use areas and the property line is 10 feet. Off-street parking spaces compliant with section 33-91 are required. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent. Off-street parking spaces compliant with section 33-91 are required.	
Parking on grass and sidewalks is prohibited. Vehicle use areas must be paved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer, except as listed in 33-91.06(d)3g.	

Visitor parking shall be provided at 0.5 spaces per unit.	
MINIMUM REQUIREMENT FOR STORMWATER MANAGEMENT	
Stormwater generated by, during and after construction or improvement must be contained on-site or within a communal stormwater collection and management system permitted by the state.	
MINIMUM REQUIREMENTS FOR WATER AND SEWER	
Application for and connection to municipal water and sewer is required within areas served by the city.	
MINIMUM REQUIREMENTS FOR LOTS WHERE SEPTIC TANKS ARE USED	
SEWER/WATER SYSTEM	LOT AREA
Septic tank with individual well	1-acre per unit
Aerobic tank with individual well	1-acre per unit
Septic tank with public water supply	½-acre per unit
REQUIREMENTS FOR TREE COVERAGE	
Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in article VI of chapter 33, may not be removed without application and approval of a permit by the city. Dedication of 15 percent of the property for tree preservation is required.	
LANDSCAPING AND SIGNS	
Landscaped buffers are required along street frontages where are proposed (article VIII of chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (article IV of chapter 33).	
OUTDOOR STORAGE AND DISPLAY	
Unless otherwise prohibited in the list of primary, conditional or special-exception uses for each zoning district, outdoor display of equipment, supplies, merchandise, or personal property is permitted in compliance with section 33-27.04.	
TRAFFIC IMPACT ANALYSIS	
Calculation and submittal of average annual daily trips is required for all developments. The developer of any development which will generate 1,000 or more average annual daily trip (AADT) ends per day, as determined by reference to the Institute of Traffic Engineers Trip Generation Manual or to locally derived trip generation rates accepted by the city as accurate, shall provide the city with a traffic impact analysis prepared by a qualified traffic engineer at the time application is made for approval of a site plan or preliminary plat. See also section [33-41.04(a)1.].	
COMMUNITY DESIGN STANDARDS	
Site and building aesthetics need to comply with the Community Design Standards (article VIII, section 33-94).	

33-17.17. *C-2A—Downtown Commercial District.*

(a) *Statement of intent.* The purpose of this zoning district is to provide for residential, retail, and service needs of the Central Business District (CBD). The list of permitted uses contains those land uses that are oriented to the downtown area.

C-2A DOWNTOWN COMMERCIAL DISTRICT
ALLOWED USES: Uses allowed in this district appear in Table 33-17.23
MAXIMUM DENSITY ALLOWED

The maximum density allowed in this district is 20 dwelling units per gross acre.	
DIMENSIONAL REQUIREMENTS	
MINIMUM LOT DIMENSIONS	
MINIMUM WIDTH	None
MINIMUM SIZE	None
SETBACKS/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS	
Maximum impervious surface	None
Setbacks	None
BUILDING DIMENSIONS	
Maximum height	80 feet
MINIMUM FLOOR AREA UNDER HEAT AND AIR: MULTIFAMILY	
Efficiency (no separate bedroom)	No Minimum
One bedroom	No Minimum
Two + bedroom	No Minimum
ADDITIONAL REQUIREMENTS	
MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING	
The minimum separation required between vehicle use areas and the property line is 5 feet. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent.	
Parking on grass and sidewalks is prohibited. Vehicle use areas must be paved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer, except as listed in 33-91.06(d)3g. Paved areas must be included in the site's impervious surface calculation.	
MINIMUM REQUIREMENT FOR STORMWATER MANAGEMENT	
Stormwater generated by, during and after construction or improvement must be contained on-site or within a communal stormwater collection and management system permitted by the state.	
MINIMUM REQUIREMENTS FOR WATER AND SEWER	
Application for and connection to municipal water and sewer is required within areas served by the city.	
REQUIREMENTS FOR TREE COVERAGE	
Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in article VI of chapter 33, may not be removed without application and approval of a permit by the city.	
LANDSCAPING AND SIGNS	
Sign requirements apply to developments within and/or along special overlay districts (article IV of chapter 33). Landscaped buffers are not required along street frontages	
OUTDOOR STORAGE AND DISPLAY	
Unless otherwise prohibited in the list of primary, conditional or special-exception uses for each zoning district, outdoor display of equipment, supplies, merchandise, or personal property is permitted in compliance with section 33-27.04.	
TRAFFIC IMPACT ANALYSIS	
Calculation and submittal of average annual daily trips is required for all developments. The developer of any development which will generate 1,000 or more average annual daily trip (AADT) ends per day, as determined by reference to the Institute of Traffic Engineers Trip Generation Manual or to locally derived trip generation rates accepted by the city as accurate, shall provide the city with	

a traffic impact analysis prepared by a qualified traffic engineer at the time application is made for approval of a site plan or preliminary plat. See also section [33-41.04(a)1.].
COMMUNITY DESIGN STANDARDS
Site and building aesthetics need to comply with the Community Design Standards (article VIII, section 33-94).
HISTORICAL DESIGNATION
A portion of the C-2A zoning district lies within the DeLand historical overlay. Additional criteria may apply to development and/or redevelopment in these areas.

33-17.18. *C-2AC—Commercial Activity Core zoning category.*

(a) *Statement of intent.* The Commercial Activity Core zoning category is designed to provide an activity core of regional-scale development with a variety of land uses. These districts are designed to create incentives for in fill development and redevelopment of existing commercial lease space. Aesthetics are of critical importance along these entry corridors, which are located along major arterial roadways. The purpose of this zoning category is to provide flexibility in the use of commercial lease space in local shopping centers, particularly those with low occupancy rates.

C-2AC COMMERCIAL ACTIVITY CORE ZONING CATEGORY	
ALLOWED USES: Uses allowed in this district appear in Table 33-17.23	
MAXIMUM DENSITY ALLOWED	
Dwelling units per gross acre.	20
DIMENSIONAL REQUIREMENTS	
MINIMUM LOT DIMENSIONS	
MINIMUM WIDTH	None
MINIMUM SIZE	None
Lots fronting on a curve must have a minimum 50-foot width at the street line.	
Corner lots must be 15 percent greater in width and area than the minimum requirement for interior lots. Lots fronting on a cul-de-sac must have a minimum 25-foot lot width at the street line and must meet the minimum lot width at the building setback line.	
SETBACKS/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS	
Maximum impervious surface	75 percent
Front setback	20 feet
Side setback, abutting residentially zoned property	25 feet
Side setback, abutting street	20 feet
Side setback, other	10 feet
Rear setback, abutting residentially zoned property	25 feet
Rear setback, other	10 feet
BUILDING DIMENSIONS	
Maximum height	55 feet
ADDITIONAL REQUIREMENTS	

MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING	
A minimum ten-foot separation is required between vehicle use areas and the property line. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent.	
Parking on grass and sidewalks is prohibited. Vehicle use areas must be paved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer, except as listed in 33-91.06(d)3g. Paved areas must be included in the site's impervious surface calculation.	
MINIMUM REQUIREMENT FOR STORMWATER MANAGEMENT	
Stormwater generated by, during and after construction or improvement must be contained on-site or within a communal stormwater collection and management system permitted by the State.	
MINIMUM REQUIREMENTS FOR WATER AND SEWER	
Application for and connection to municipal water and sewer is required within areas served by the city.	
MINIMUM REQUIREMENTS FOR LOTS WHERE SEPTIC TANKS ARE USED	
SEWER/WATER SYSTEM	LOT AREA
Septic tank with individual well	1-acre per unit
Aerobic tank with individual well	1-acre per unit
Septic tank with public water supply	½-acre per unit
REQUIREMENTS FOR TREE COVERAGE	
Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in article VI of chapter 33, may not be removed without application and approval of a permit by the city.	
Dedication of 15 percent of the property for tree preservation is required.	
LANDSCAPING AND SIGNS	
Landscaped buffers are required along street frontages where developments are proposed (article VIII of chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (article IV of chapter 33).	
OUTDOOR STORAGE AND DISPLAY	
Unless otherwise prohibited in the list of primary, conditional or special-exception uses for each zoning district, outdoor display of equipment, supplies, merchandise, or personal property is permitted in compliance with section 33-27.04.	
TRAFFIC IMPACT ANALYSIS	
Calculation and submittal of average annual daily trips is required for all developments. The developer of any development which will generate 1,000 or more average annual daily trip (AADT) ends per day, as determined by reference to the Institute of Traffic Engineers Trip Generation Manual or to locally derived trip generation rates accepted by the city as accurate, shall provide the city with a traffic impact analysis prepared by a qualified traffic engineer at the time application is made for approval of a site plan or preliminary plat. See also section [33-41.04(a)1.].	
COMMUNITY DESIGN STANDARDS	
Site and building aesthetics need to comply with the Community Design Standards (article VIII, section 33-94).	

33-17.19. *C-3—Rail Spur Commercial District.*

(a) *Statement of intent.* The purpose of the C-3 district is to provide for limited commercial land uses which may not adversely affect nearby dwellings or properties due to truck traffic, excess automobile traffic, or any use that causes the emission of excess noise, vibrations, odors, fumes, dust, dirt, gas, or intrusive artificial lighting. Due to its proximity to residential neighborhoods, increased buffering between adjacent residential uses is provided.

C-3 RAIL SPUR COMMERCIAL DISTRICT	
ALLOWED USES: Uses allowed in this district appear in Table 33-17.23	
MAXIMUM DENSITY ALLOWED	
None	
DIMENSIONAL REQUIREMENTS	
MINIMUM LOT DIMENSIONS	
MINIMUM WIDTH	None
MINIMUM SIZE	None
SETBACKS/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS	
Maximum impervious surface	60 percent (dictated by land use designation)
Front setback, abutting residentially zoned property	25 feet
Front setback, other	10 feet
Side setback, abutting residentially zoned property	25 feet
Side setback, abutting street	20 feet
Side setback, other	10 feet
Rear setback, abutting residentially zoned property	25 feet
Rear setback, other	10 feet
Maximum height	
Adjacent to residential	20 feet
Adjacent to nonresidential	35 feet
ADDITIONAL REQUIREMENTS	
MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING	
A minimum ten-foot separation is required between vehicle use areas and the property line. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent.	
Parking on grass and sidewalks is prohibited. Vehicle use areas must be paved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer, except as listed in 33-91.06(d)3g. Paved areas must be included in the site's impervious surface calculation. Compacted gravel or milled asphalt may be proposed for overflow parking in accordance with section 33-91.06(d)3.f.	
MINIMUM REQUIREMENT FOR STORMWATER MANAGEMENT	
Stormwater generated by, during and after construction or improvement must be contained on-site or within a communal stormwater collection and management system permitted by the state.	
MINIMUM REQUIREMENTS FOR WATER AND SEWER	

Application for and connection to municipal water and sewer is required within areas served by the city.	
MINIMUM REQUIREMENTS FOR LOTS WHERE SEPTIC TANKS ARE USED	
SEWER/WATER SYSTEM	LOT AREA
Septic tank with individual well	1-acre per unit
Aerobic tank with individual well	1-acre per unit
Septic tank with public water supply	½-acre per unit
REQUIREMENTS FOR TREE COVERAGE	
Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in article VI of chapter 33, may not be removed without application and approval of a permit by the city. Dedication of 15 percent of the property for tree preservation is required.	
LANDSCAPING AND SIGNS	
Landscaped buffers are required along street frontages where developments proposed (article VIII of chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (article IV of chapter 33).	
OUTDOOR STORAGE AND DISPLAY PROHIBITED	
No outdoor storage or display of equipment, supplies, merchandise, or personal property is permitted regardless of the nature of the principal development. (See also section 33-27.04.)	
TRAFFIC IMPACT ANALYSIS	
Calculation and submittal of average annual daily trips is required for all developments. The developer of any development which will generate 1,000 or more average annual daily trip (AADT) ends per day, as determined by reference to the Institute of Traffic Engineers Trip Generation Manual or to locally derived trip generation rates accepted by the city as accurate, shall provide the city with a traffic impact analysis prepared by a qualified traffic engineer at the time application is made for approval of a site plan or preliminary plat. See also section [33-41.04(a)1.].	
COMMUNITY DESIGN STANDARDS	
Site and building aesthetics need to comply with the Community Design Standards (article VIII, section 33-94).	

33-17.20. *C-4—Wholesale Commercial District.*

(a) *Statement of intent.* The purpose of this zoning district is to provide for the heavy commercial, limited manufacturing, warehousing, and contractor office needs of the city.

C-4 WHOLESALE COMMERCIAL DISTRICT	
ALLOWED USES: Uses allowed in this district appear in Table 33-17.23	
DIMENSIONAL REQUIREMENTS	
MINIMUM LOT DIMENSIONS	
MINIMUM WIDTH	None
MINIMUM SIZE	None
SETBACKS/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS	
Maximum impervious surface	60 percent

Front setback, abutting residentially zoned property	25 feet
Front setback, other	10 feet
Side setback, abutting residentially zoned property	25 feet
Side setback, abutting street	20 feet
Side setback, other	10 feet
Rear setback, abutting residentially zoned property	25 feet
Rear setback, other	10 feet
BUILDING DIMENSIONS	
Maximum height	65 feet
ADDITIONAL REQUIREMENTS	
MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING	
A minimum ten-foot separation is required between vehicle use areas and the property line. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent.	
Parking on grass and sidewalks is prohibited. Vehicle use areas must be paved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer, except as listed in 33-91.06(d)3g. Paved areas must be included in the site's impervious surface calculation.	
MINIMUM REQUIREMENT FOR STORMWATER MANAGEMENT	
Stormwater generated by, during and after construction or improvement must be contained on-site or within a communal stormwater collection and management system permitted by the state.	
MINIMUM REQUIREMENTS FOR WATER AND SEWER	
Application for and connection to municipal water and sewer is required within areas served by the city.	
MINIMUM REQUIREMENTS FOR LOTS WHERE SEPTIC TANKS ARE USED	
SEWER/WATER SYSTEM	LOT AREA
Septic tank with individual well	1-acre per unit
Aerobic tank with individual well	1-acre per unit
Septic tank with public water supply	½-acre per unit
REQUIREMENTS FOR TREE COVERAGE	
Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in article VI of chapter 33, may not be removed without application and approval of a permit by the city. Dedication of 15 percent of the property for tree preservation is required.	
LANDSCAPING AND SIGNS	
Landscaped buffers are required along street frontages where developments are proposed (article VIII of chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (article IV of chapter 33).	
OUTDOOR STORAGE AND DISPLAY	
Unless otherwise prohibited in the list of primary, conditional or special-exception uses for each zoning district, outdoor display of equipment, supplies, merchandise, or personal property is permitted in compliance with section 33-27.04.	

TRAFFIC IMPACT ANALYSIS
Calculation and submittal of average annual daily trips is required for all developments. The developer of any development which will generate 1,000 or more average annual daily trip (AADT) ends per day, as determined by reference to the Institute of Traffic Engineers Trip Generation Manual or to locally derived trip generation rates accepted by the city as accurate, shall provide the city with a traffic impact analysis prepared by a qualified traffic engineer at the time application is made for approval of a site plan or preliminary plat. See also section [33-41.04(a)1.].
COMMUNITY DESIGN STANDARDS
Site and building aesthetics need to comply with the Community Design Standards (article VIII, section 33-94).

33-17.21. *M-1—Industrial District.*

(a) *Statement of intent.* The purpose of this zoning district is to provide for the general wholesale, warehousing, and industrial needs of the city. Retail activities are permitted only as accessory to primary uses.

M-1 INDUSTRIAL DISTRICT	
ALLOWED USES: Uses allowed in this district appear in Table 33-17.23	
DIMENSIONAL REQUIREMENTS	
MINIMUM LOT DIMENSIONS	
MINIMUM WIDTH	75 feet—Standard does not apply to the aviation overlay
MINIMUM SIZE	9,000 square feet
SETBACKS/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS	
Maximum impervious surface	70 percent
Front setback, abutting US 92	50 feet
Front setback, other	35 feet
Side setback, abutting street	30 feet
Side setback, other	10 feet
Rear setback	25 feet
BUILDING DIMENSIONS	
Maximum height	65 feet
ADDITIONAL REQUIREMENTS	
MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING	
A minimum ten-foot separation is required between vehicle use areas and the property line. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent.	
Parking on grass and sidewalks is prohibited. Vehicle use areas must be paved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer, except as listed in 33-91.06(d)3g. Paved areas must be included in the site's impervious surface calculation.	
MINIMUM REQUIREMENT FOR STORMWATER MANAGEMENT	
Stormwater generated by, during and after construction or improvement must be contained on-site or within a communal stormwater collection and management system permitted by the state.	

MINIMUM REQUIREMENTS FOR WATER AND SEWER	
Application for and connection to municipal water and sewer is required within areas served by the city.	
MINIMUM REQUIREMENTS FOR LOTS WHERE SEPTIC TANKS ARE USED	
SEWER/WATER SYSTEM	LOT AREA
Septic tank with individual well	1-acre per unit
Aerobic tank with individual well	1-acre per unit
Septic tank with public water supply	½-acre per unit
REQUIREMENTS FOR TREE COVERAGE	
Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in article VI of chapter 33, may not be removed without application and approval of a permit by the city. Dedication of 15 percent of the property for tree preservation is required.	
LANDSCAPING AND SIGNS	
Landscaped buffers are required along street frontages where developments are proposed (article VIII of chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (article IV of chapter 33).	
OUTDOOR STORAGE AND DISPLAY	
Unless otherwise prohibited in the list of primary, conditional or special-exception uses for each zoning district, outdoor display of equipment, supplies, merchandise, or personal property is permitted in compliance with section 33-27.04.	
TRAFFIC IMPACT ANALYSIS	
Calculation and submittal of average annual daily trips is required for all developments. The developer of any development which will generate 1,000 or more average annual daily trip (AADT) ends per day, as determined by reference to the Institute of Traffic Engineers Trip Generation Manual or to locally derived trip generation rates accepted by the city as accurate, shall provide the city with a traffic impact analysis prepared by a qualified traffic engineer at the time application is made for approval of a site plan or preliminary plat. See also section [33-41.04(a)1.].	
COMMUNITY DESIGN STANDARDS	
Site and building aesthetics need to comply with the Community Design Standards (article VIII, section 33-94).	