



CITY OF DELAND
REGULAR MEETING OF THE CITY COMMISSION
APRIL 15, 2024 AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

AGENDA

CALL TO ORDER

INVOCATION-Pastor Mike Modica, First Assembly DeLand Church

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATIONS

1. Resolution No. 2024-21, Honoring the Retirement of Bruce Morehouse.
2. Presentation re Fire Department Badge Pinning Ceremony: Chrystal Hayes, William Mathis and Sebastian McCormick.
3. Presentation re Fire Department Promotions/Badge Pinning Ceremony: Jamie Lunsford Promoted to Fire Marshal, New Deputy Fire Marshal Bobby Wu.
4. Employee Years of Service Award.

CONSENT AGENDA

1. Resolution Approving Surplus of Glock Firearm for Lieutenant Bruce Morehouse Upon His Retirement.

It is recommended that the City Commission adopt the Resolution declaring the referenced Glock firearm as surplus and present it to Lt. Bruce Morehouse for his years of service to the City of DeLand.

2. Resolution re Surplus Equipment.

It is recommended that the City Commission adopt the resolution declaring the equipment surplus and authorizing its disposal as set forth therein.

3. Resolution Approving Local Historic Designation for the "Dutton House" Located at 332 West New York Avenue.

This request is for approval to place a commercial building located at 332 West New York Avenue on the local register of historic places for the City of DeLand. On April 4, 2024, the City of DeLand Historic Preservation Board recommended approval of the nomination as it meets the criteria for designation as outlined in Land Development Regulations Section 33-34.02.

4. Resolution Approving Revised Building Permit Fee Schedule.

Resolution Approving Revised Building Permit Fees.

5. Resolution Approving Sidewalk Cafe, Wander Bar Cocktail Lounge, at 208 North Woodland Boulevard.

It is recommended that the City Commission approve the Temporary Sidewalk Cafe License.

6. Resolution Approving the Demolition of a Historic Multi-Family Residence Located at 335 East Rich Avenue.

This property is located within the Downtown Support District and due to the age of the structure, the Historic Preservation Board and the City Commission need to review and either approve or deny a request to demolish this structure. The applicant has definite plans for redevelopment adhering to the R-2 zoning district standards. The Historic Preservation Board recommended approval at their Thursday, April 4, 2024, meeting, consistent with City Staff recommendation of approval.

7. Resolution Approving the Demolition of a Historic Single-Family Residence Located at 141 West Division Street.

It is recommended that the City Commission approve the demolition of the structure.

8. Consideration re Gateway Grant Request for 235 North Amelia Avenue.

The owner of the property located at 235 North Amelia Avenue (Amelia Plaza Investments LLC) has applied for a \$5,000 Gateway Grant for extensive exterior repair and door replacement at the complex.

9. Resolution Approving FY 2023-2024 Budget Amendment.

Presentation of a budget amendment for FY 2023/2024.

10. Consideration re Single Source Procurement with Boulevard Tire Center for Tire Services.

It is recommended that the City Commission award this bid to Boulevard Tire Center in the estimated annual amount of \$100,000 (+/-) for various tire service(s) (rotation, balance, front end alignment, etc..) for a one-year period.

11. Cons re Award of Bid for NiftyLift from Wisecom Technologies Inc.

It is recommended the City Commission award the bid for the NiftyLift from Wisecom Technologies Inc in the amount of \$58,653.86.

12. Consideration re Purchase for Standardization Entry Sign/Feature from Forsite.

Staff recommends that the City Commission approve this Sign Standardization recommendation with Forsite.

13. Consideration re Award of Bid, 2024 Water Main Improvements.

Staff recommends that the City award a contract to construct the FY 2024 Water Main Improvements to General Underground, LLC.

14. Consideration re Approval for Sale and Consumption of Alcoholic Beverages on City Property, Issues Bar Decades- Prom Party Event.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

OLD BUSINESS

1. Second Reading of Ordinance No. 2024-12, Amending Chapter 30, Sanitary Sewer Development Fees.

Approval of ordinance regarding modification of development fees for wastewater development fees.

2. Second Reading of Ordinance No. 2024-13, Adopting Section 1-8, Amending Chapter 2B, Collection of Past Due Fees and Charges.

Ordinance providing for the collection of past due fees and charges.

NEW BUSINESS

1. First Reading of Ordinance Amending and Restating the Summit Place Planned Development Agreement (Continued).

It is recommended that the City Commission continue first reading of the rezoning of this property from Summit Place PD to First Amended And Restated Summit Place Planned Development to the Commission's May 6th meeting.

2. First Reading of Ordinance Amending and Restating the Gateway East Planned Development Agreement (Continued).

It is recommended that the City Commission continue first reading of the rezoning of this property from Gateway East PD to Amended & Restated Gateway East Planned Development to the Commission's May 6th meeting.

3. First Reading of Ordinance Amending Chapter 33, Related to Parking Standards for Passive Recreation Areas and Stand Alone Emergency Rooms.

Planning staff are proposing text amendments to the Land Development Regulations to modify the parking requirements for passive recreation, open space, and trailheads; paving requirements for passive recreation facilities; add a parking requirement for stand-alone emergency rooms; and add associated definitions.

4. Resolution Denying a Special Exception Request for a Daycare Facility Located at 337 Old Daytona Road.

It is recommended that the City Commission deny the request for the Special Exception to reconstruct and enlarge the day care facility.

5. Discussion re 2050 Vision Update.

No formal action is required. Discussion only.

CITY COMMISSION REPORTS

1. Report re Elected Officials Round Table.
2. Report re River-to-Sea TPO.
3. Report re River of Lakes Heritage Corridor.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

CITY CLERK REPORT

CITY COMMISSION

ADJOURNMENT

The DeLand City Commission holds its regular meetings on the first and third Mondays of each month at 7:00 p.m. in the DeLand City Commission Chambers, 120 South Florida Avenue, DeLand. Notice of special meetings, workshops, changes in dates, times or locations are provided by separate Public Notices, which are posted at City Hall and on the City's web site.

The City of DeLand may take action on any matter during this meeting, including items that are not set forth within this agenda.

Public participation is encouraged on any matter on the agenda. If you desire to be recognized by the Mayor, please fill out a Speaker's Card and present it to the City Clerk.

Minutes of the DeLand City Commission meetings are not transcribed verbatim. If any person decides to appeal a decision made by the City Commission with respect to any matter considered at a public meeting or hearing, he/she will need a record of the proceedings including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made by a court reporter, at the person's own expense.

In accordance with the American Disabilities Act, persons needing a special accommodation in order to participate in the proceedings should notify the City Clerk's Office at least 48 hours in advance of the meeting: 626-7132.

Assisted Listening System receivers are available for the hearing impaired, and can be obtained from the City Clerk.

If you wish to obtain information regarding the City Commission's Agenda, please call the City Clerk's Office: 626-7132.

We respectfully request that all pagers and cell phones be turned OFF during City Commission meetings.

Electronic Information! City Commission agendas and short form minutes are now available on the City's web page: www.deland.org.



The CITY OF DELAND

Volusia County, Florida

RESOLUTION NO. 2024-21

A RESOLUTION OF APPRECIATION AND RECOGNITION BY THE CITY COMMISSION OF THE CITY OF DELAND, FLORIDA, TO BRUCE MOREHOUSE UPON HIS RETIREMENT AFTER TWENTY-SEVEN YEARS OF SERVICE TO THE CITY OF DELAND; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Police Lieutenant Bruce Morehouse has dedicated his career to the safety and protection of our community, to the DeLand Police Department, and has been loyal to his fellow officers and the community throughout his career; and

WHEREAS, Lieutenant Bruce Morehouse was hired as a Police Officer by the City of DeLand on February 3, 1997, was promoted to the rank of Sergeant on August 21, 2004 and then to the rank of Lieutenant on September 10, 2011. Lieutenant Morehouse was a member of multiple divisions within the police department during his professional career; to include: Patrol Operations, Special Operations Division, Bike Patrol Unit, and as a Detective in the Criminal Investigations Division.

WHEREAS, throughout his career Lieutenant Morehouse earned numerous letters of appreciation from DeLand residents and businesses, the City Manager, the Mayor, Stetson Public Safety, Blue Lake Elementary, as well as past and present command staff; and

WHEREAS, Lieutenant Bruce Morehouse, after twenty-seven years of service to this community, will retire as a sworn Police Lieutenant and his dedication and commitment to the City of DeLand and to the DeLand Police Department has earned the respect, admiration, and high regard of his superiors and his fellow officers, as well as that of the citizens of this community; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. That the City Commission of the City of DeLand does hereby honor Lieutenant Bruce Morehouse for his twenty-seven years of service to the City of DeLand and the DeLand Police Department for the duty, honor, courage, integrity, caring, respect, and loyalty he has devoted to the community.

Section 2. This resolution shall be spread upon the minutes of the City Commission of the City of DeLand as part of the permanent memento of the City's thanks and appreciation to Lieutenant Bruce Morehouse.

Section 3. This Resolution shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 15th day of April, 2024.

Christopher M. Cloudman
Mayor - Commissioner

Attest:

Julie A. Hennessy, City Clerk - Auditor

CITY OF DELAND
Request for Commission Action
April 15, 2024

SUBJECT: Employee Years of Service Award.

DEPARTMENT: Human Resources

PREPARED BY: Mark Hayward, HR Director

ATTACHMENTS:

APPROVED BY: Michael Pleus, City Manager, April 3, 2024

SUMMARY/HIGHLIGHT:

The City of DeLand is fortunate to have so many dedicated employees who have served the DeLand community for many years. To honor these outstanding employees, the City Commission presents them with a plaque.

10 Years of Service

Ruth Victor, Parks and Recreation

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

N/A

SUSTAINABILITY:

N/A

FISCAL IMPACT:

None

RECOMMENDATION:

It is recommended the City Commission present the service award.

BACKGROUND/DISCUSSION:

N/A

CITY OF DELAND
Request for Commission Action
April 15, 2024

SUBJECT: Resolution Approving Surplus of Glock Firearm for Lieutenant Bruce Morehouse Upon His Retirement.

DEPARTMENT: Police

PREPARED BY: Rebecca Ackerman, Project Cord.

ATTACHMENTS: Glock Resolution- Lt. Morehouse

APPROVED BY: Michael Pleus, City Manager, April 3, 2024

SUMMARY/HIGHLIGHT:

The DeLand Police Department requests the following firearm be declared as surplus: One Glock Model 17, Gen 5, 9mm. This firearm will be presented to Lt. Bruce Morehouse upon his retirement as a token of appreciation in honor of his twenty-seven years of service to the City of DeLand.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government/Maintaining a Safe Community.

SUSTAINABILITY:

Safety and Security.

FISCAL IMPACT:

The cost of this item at the time of purchase was \$500.50.

RECOMMENDATION:

It is recommended that the City Commission adopt the Resolution declaring the referenced Glock firearm as surplus and present it to Lt. Bruce Morehouse for his years of service to the City of DeLand.

BACKGROUND/DISCUSSION:

N/A

RESOLUTION NO. 2024 -

**A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA,
DECLARING ONE GLOCK FIREARM TO BE SURPLUS;
AUTHORIZING RETIREMENT OF THE FIREARM; AND PROVIDING
AN EFFECTIVE DATE.**

WHEREAS, The City of DeLand owns a Glock, Model 17, Gen 5, 9mm gun bearing serial number BTWS778; and

WHEREAS, the City Commission of the City of DeLand wishes to retire this weapon; and

WHEREAS, the City Commission of the City of DeLand wishes to present this weapon as a token of appreciation to Lieutenant Bruce Morehouse for his years of service to the DeLand Police Department.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF
DELAND, FLORIDA AS FOLLOWS:**

Section 1. The Glock, Model 17, Gen 5, 9mm gun bearing serial number BTWS778, is hereby declared surplus and retired.

Section 2. The Glock, Model 17, Gen 5, 9mm gun bearing serial number BTWS778, is hereby presented to Lieutenant Bruce Morehouse as a token of appreciation for his years of service to the DeLand Police Department.

Section 3. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 15th day of April 2024.

Christopher M. Cloudman
Mayor-Commissioner

ATTEST:

Julie A. Hennessy
City Clerk – Auditor

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

CITY OF DELAND
Request for Commission Action
April 15, 2024

SUBJECT: Resolution re Surplus Equipment.

DEPARTMENT: City Clerk

PREPARED BY: Julie Hennessy, City Clerk

ATTACHMENTS: Resolution, Department Head Memo

APPROVED BY: Michael Pleus, City Manager, April 7, 2024

SUMMARY/HIGHLIGHT:

The proposed Resolution declares certain equipment as surplus and authorizes the City Manager to dispose of same. Staff has indicated that the property is either obsolete and the continued use of it is uneconomical or inefficient; that it serves no useful function; and/or that it is irreparable.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government

SUSTAINABILITY:

N/A

FISCAL IMPACT:

The proceeds from the sale of surplus equipment are included as revenue in the budget.

RECOMMENDATION:

It is recommended that the City Commission adopt the resolution declaring the equipment surplus and authorizing its disposal as set forth therein.

BACKGROUND/DISCUSSION:

N/A

RESOLUTION 2024 –

**A RESOLUTION BY THE CITY OF DELAND; FLORIDA, DECLARING CERTAIN
PROPERTY SURPLUS; AUTHORIZING DISPOSAL OF THE PROPERTY; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the disposal of tangible surplus property is authorized by Section 274.06, Florida Statutes;
and

WHEREAS, the City Commission hereby finds that the below property is either: obsolete and the continued use of it is uneconomical or inefficient; that it serves no useful function; and/or that it is irreparable;
and

WHEREAS, the City Commission hereby finds that it is in the best interests of the City to dispose of said surplus property;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF
DELAND, FLORIDA:**

Section 1. The following described property is hereby declared surplus, and the City Manager is hereby authorized to dispose of the surplus property in a manner provided by law and to remove the surplus property from the City's fixed assets:

<u>ADMIN SERVICES</u>	<u>VEHICLE #</u>	<u>MAKE/MODEL</u>	<u>VIN/SERIAL NO.</u>
<u>DEPT/ASSET NO.</u>	<u>CITY WORKS ID</u>		
106-N/A		2008 Detroit 16V-20000G8	53620003836
106-N/A		2008 Magnumax 741RSL4045-39836	162469-0408
106-N/A		2008 Square D-QED2	F82497
106-N/A		2008 City Hall Generator	1000RX6DT2

Section 2. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 15th day of April, 2024.

ATTEST:

Christopher M. Cloudman
Mayor-Commissioner

Julie A. Hennessy
City Clerk-Auditor

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney



City of DeLand
"The Athens of Florida"
120 S. Florida Ave. DeLand, FL 32720
www.deland.org

TO: Julia Hewitt, Deputy City Clerk
FROM: Mike Grebosz, Assistant City Manager *MG*
SUBJECT: Surplus of City Hall Generator
DATE: March 19, 2024

MEMORANDUM

City equipment listed below may be surplus by the City Clerk's Office at their earliest convenience.

SERIAL #	DEPT. #	MODEL/MAKE	ASSET #	YEAR
53620003836	106	Detroit 16V-20000G8	N/A	2008
162469-0408	106	Magnamax 741RSL4045-39836	N/A	2008
F82497	106	Square D-QED2	N/A	2008
1000RX6DT2	106	City Hall Generator	N/A	2008

Respectfully,

Michael Grebosz, ICMA-CM
Assistant City Manager



D AILY
W EEEKLY
M ONTHLY
Q UARTERLY
S EMI-ANNUALLY
A NNUALLY

City Hall Generator
(NAME OF EQUIPMENT)
120 South Florida Avenue
(LOCATION)
5/28/2008
(IMPLEMENTATION DATE)

EQUIPMENT NO.
(Books in Robin's Closet)
SN 1000RX6DT2
PROGRESS ENERGY METER#
2824200

PREVENTIVE				MAINTENANCE				SYSTEM					
DRIVE UNIT				DRIVEN UNIT				COUPLING UNIT					
MAKE	DETROIT		MODEL	16V-2000G8		MAKE	MAGNAMAX		MAKE	TRANSFER SWITCH			
TYPE	DIESEL STANDBY			MODEL	741RSL4045		39836	TYPE	SQUARE D	MODEL	QED2		
SERIAL NO.	5362003836			TYPE	SG			TYPE	20733445-001				
CODE			DESIGN	H		SERIAL NO.	162469-0408		RPM	1800			
FRAME	4 CYL		SerFactor	0.8		GPM	1000 KW		1250 KVA	SERIAL NO.	F82497	PHASE	3
HP	1485	RPM	1800	CYCLES	60	IMPELLER DIA.	12 LEAD HI WYE			VOLTS	480 V	60 HZ	
PHASE	3	SEAL NO	N/A		MATERIAL	BRUSHLESS, ROTATING FIELD			AMPS	2000			
BEARING NOS	REPLACEABLE INSERTS			BEARING NOS				OTHER					
GREASE	MARFAX #2			GREASE	MARFAX #2			FUEL TANK CAPACITY	127 GAL/HR 5,200 GAL				
VOLTS	480	DATE INSTALLED	5/28/2008		DATE INSTALLED	5/28/2008			OTHER				
OIL	15W-40	AMPS	1504		OIL	26.9 GAL - 102 L			(1)				
OTHER				COOLANT	105.6 GALLONS - 400 L								
SCHEDULED				PREVENTIVE				MAINTENANCE					
NO	REF	FREQ	HRS	(DESCRIPTION OF WORK - WEEKS TO BE PERFORMED)						TIME			
1		W		CHECK FOR PROPER OPERATION OF MOTOR AND GEN SET (TUNE UP IF NEEDED)						1-52			
2		W		TEST RUN GENERATOR 1 HOUR (CHECK ALL FLUID LEVELS)						1-52			
3		M		RUN GENERATOR WITH STATION LOADING; CHECK GOVERNOR OIL LEVEL						1-5-9-13-17-21-25-29-33-37-41-45-49			
4		M		INSPECT BATTERY AND TERMINALS. CLEAN OR REPLACE AS NEEDED						1-5-9-13-17-21-25-29-33-37-41-45-49			
5		A		CHANGE OIL AND FILTER (108 QUARTS)						(1)			
6		A		INSPECT BELTS AND HOSES FOR DETERIORATION; REMOVE IF NEEDED						(1)			
7		A		CHECK ENGINE COOLANT LEVEL AND CHANGE EVERY TWO (2) YEARS						(1)			
8		A		CHECK AIR FILTER. REPLACE IF NEEDED						(1)			

3/19/2024

CITY OF DELAND
Request for Commission Action
April 15, 2024

SUBJECT: Resolution Approving Local Historic Designation for the "Dutton House" Located at 332 West New York Avenue.

DEPARTMENT: Planning

PREPARED BY: Carol Kuhn, Planning Director

ATTACHMENTS: Resolution, Staff Report, Aerial - HPB24-039, Florida Master Site File

APPROVED BY: Michael Pleus, City Manager, April 9, 2024

SUMMARY/HIGHLIGHT:

This request is for approval to place the commercial building, located at 332 West New York Avenue, on the local register of historic places for the City of DeLand. On April 4, 2024, the City of DeLand Historic Preservation Board recommended approval of the nomination as it meets the criteria for designation as outlined in Land Development Regulations Section 33-34.02.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

The designation of this property would be consistent with two of the guiding principles adopted by the City that are meant to preserve and enhance the City's distinctive assets: Community and History. This designation will enhance the historic nature of the downtown area by expanding the local register, protecting our neighborhoods, and encouraging historic preservation and restoration efforts.

SUSTAINABILITY:

The architectural features have continued to be repaired and restored throughout the years through different investors and funding sources. The addition of this building to the Local Registry is a benefit to the community and the surrounding properties by enhancing the historic nature of the neighborhood and community. The City's sustainability goals are furthered by continued preservation of historic structures.

FISCAL IMPACT:

The nomination is being initiated by the Applicant, with no direct fiscal impact to the City. However, if added to the local registry, the property would be eligible for the City of DeLand Historic Preservation property tax exemption.

RECOMMENDATION:

It is recommended that the City Commission approve the placement of this structure on the local register of historic places.

BACKGROUND/DISCUSSION:

The nomination of this property, located within the Downtown Support District, has been reviewed per the City's Land Development Regulation Section 33-34.02. The attached staff report includes news articles and supporting documentation which outline the historic significance this building has had on the community, and the historical significance of past residents.

RESOLUTION NO. 2024 –

**A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA,
APPROVING PLACEMENT OF A COMMERCIAL BUILDING ON THE
LOCAL REGISTER OF HISTORIC PLACES, LOCATED 332 WEST NEW
YORK AVENUE; PROVIDING FOR SEVERABILITY AND AN
EFFECTIVE DATE.**

WHEREAS, the applicant, Dutton House Restoration, LLC, has applied for placement on the Local Register of Historic Place; and

WHEREAS, the commercial building known as the “Dutton House”, was constructed around 1911 and is located within the Downtown Support District, Historic Support District, and West DeLand Residential Historic District (National Registry District); and

WHEREAS, on April 4, 2024, the Historic Preservation Board recommended approval of the listing of the commercial building on the Local Register of Historic Places.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF
DELAND, FLORIDA:**

Section 1. The City Commission of the City of DeLand hereby approves placement of a commercial building located 332 West New York Avenue on the Local Register of Historic Places.

Section 2. If any section, sentence, clause or phrase of this resolution is held to be invalid or unconstitutional by any court of competence jurisdiction, that holding shall in no way affect the remaining portions of this resolution.

Section 3. This Resolution shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 15th day of April, 2024.

Christopher M. Cloudman
Mayor-Commissioner

ATTEST:

Julie A. Hennessy
City Clerk – Auditor

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney



DATE: April 4, 2024

TO: Historic Preservation Board

FROM: Emily Kunkel, *Planner II/Historic Resource Coordinator*

RE: **Historic Preservation Review (Local Registry Nomination) for a commercial building at 332 West New York Ave.**
Application No.: HPB24-039
Applicant/Owner: Dutton House Restoration, LLC
Current Use: Vacant
Zoning District: C-1
Florida Master Site File No.: 8VO3601

Original Structure Information *(Provided from Florida Master Site File Structure Form)*

Date of Construction:	+/- 1911	Style:	Neoclassical
Structural System:	Wood: Balloon	Foundation Type:	Continuous: brick
Exterior Fabric(s):	Drop siding	Stories:	2
Roof:	Pantile	Windows:	Queen Anne Casement
Roof Type:	Flat-hip	Chimneys:	1, Brick, W:Slope
Porch:	N/integrated roof, Corinthian columns, full-height/3bays	Secondary Structure:	0

Description of Proposed Work:

This property is located within the Downtown Support District, Historic Support District, and West DeLand Residential Historic District (National Registry District). The applicant is seeking approval to be added on the City of DeLand Historic Local Registry, nomination by the Property Owner.

Staff Analysis

The nomination of this property has been reviewed per the City's Land Development Regulation Section 33-34.02. The news articles and supporting documentation outlines the historic significance this building has had on the community, and the historical significance of the original builder and homeowner, John W. Dutton. The renovation of this structure has been on and off for many years, with multiple different sources of funding/grants and historic professionals involved with the renovations over the years. The addition of this building to the Local Registry is a benefit to the community and the surrounding properties.

Placement on the Local Register

In accordance with section 33-34.02 in the City of DeLand Land Development Regulations, the Historic Preservation Board shall within 60 days review the nomination and write a recommendation thereon. The recommendation shall include specific findings and conclusions as to why the nomination does or does not meet the appropriate criteria outlined in this section along with any owner's objections to the listing. The recommendation shall also include a map that shows the proposed boundaries for any Historic District and any individual historic property recommended for listing. If the 60-day period runs [out] and the board has not prepared and sent a recommendation, and the period has not been extended by mutual consent of the applicant and the board, the nomination may be submitted by the applicant directly to the planning board.

Criteria for listing on the local register

Land Development Regulations Section 33-34.02 outlines the local register of historic places requirements in the City of DeLand.

1. *Any site, building, structure, object or district which is listed on the National Register of Historic Places shall be automatically nominated by the historic preservation board for the local register pursuant to section (c) above.*

Although this building is not individually listed, it is located within the West DeLand Residential District, which is on the National Register of Historic Places as a whole district.

2. *A site, building, structure, object, or district must meet the following criteria before it may be listed on the local register:*
 - a. *It possesses integrity of location, design setting, materials, workmanship, feeling and association; and*

The Florida Master Site File outlines the prominent location along New York Ave., DeLand's "original southern boundary." The original design and style of the home, neoclassical with 2 tiered porches supported by the large exterior Corinthian columns, and Queen Anne-glazed windows make this a very unique historical structure.

- b. *It is associated with events that have made a significant contribution to the broad patterns of our history; or is associated with the lives of persons significant to our past; or embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or have yielded or may be likely to yield information important to history or prehistory.*

The early years of this structure are outlined in the Master Site File, which includes the brief history of the original owner, John Wesley Dutton who built the home for his wife and seven kids. Mr. Dutton was a local successful businessman, who made his livelihood from tapping the local pine trees and selling barrels of turpentine to Naval Store all over the DeLand area of Florida. Gus Lauman was the local contractor who constructed the house, and it was designed by a local Architecture firm, Cairns and Fischner. In the attached excerpt, it states that two of the Dutton daughters, were married in the house parlor. Once the home was no longer occupied by the Dutton Family, it was used a funeral home by Smith-Griffith Funeral Home. Since then it has been attempting to be rehabilitated over many years and multiple different owners and funding sources with hopes to restore to its original condition.

3. *A property located in district shall be designated as contributing to that district if the property is one which, by its location, design, setting, materials, workmanship, feeling and association, adds to the district's sense of time and place and historical development.*

This building if added to the DeLand Local Historic Registry, would be designated as a contributing property for the West DeLand Historic District and the Local Registry.

4. *A property should be considered noncontributing if the property's integrity of location, design, setting materials, workmanship, feeling and association have been so altered that the overall integrity of the property has been irretrievably lost; or the property was built within the past 50 years, unless a strong justification concerning their historical or architectural merit is given or the historical attributes of the district are considered to be less than 50 years old.*

This property would be considered contributing due to the integrity of the design, materials, history and craftsmanship.

Staff Recommendation:

Staff finds that this nomination request is consistent with the City's Land Development Regulation Section 33-34.02 and meets the criteria as outlined. Staff recommends the Historic Preservation Board to approve this nomination application as presented and forward the same recommendation to City Commission for approval.

Attachments:

Vicinity Map

Historical Structure Form (8VO3601)



City of DeLand
HPB24-039
332 W New York Ave



RECORD NUMBER: 137

Page 1

X original
update

**HISTORICAL STRUCTURE FORM
FLORIDA MASTER SITE FILE**

site 8 10 3601

SITE NAME:

HISTORIC CONTEXTS: Boom Times

NAT. REGISTER CATEGORY: Building

OTHER NAMES OR MSF NOS: John W. Dutton House

COUNTY: Volusia **OWNERSHIP TYPE:** Private, Individual

PROJECT NAME: Stetson University + City of DeLand: S+P DHR NO. 2836

LOCATION:

ADDRESS: 332 West New York Avenue

CITY: DeLand

VICINITY OF/ROUTE TO: See attached maps

MULTIPLE 3 TO 43A

SUB: Howry's Addition to DeLand **BLOCK** 5 **LOT** 2

PLAT OR OTHER MAP: Prop. Appraiser Map of Volusia County

TOWNSHIP: 17S **RANGE:** 30E **SECTION:** 17 1/4: 1/4-1/4:

IRREGULAR SEC? y X n **LAND GRANT:** None

USGS 7.5 MAP: DeLand, FL 1964: PR 1980

UTM: ZONE: **EASTING:** **NORTHING:**

COORDINATES: **LATITUDE:** D M S **LONGITUDE:** D M S

HISTORY

ARCHITECT: Cairns and Fitchner

BUILDER: Gus Lauman

CONSTRUCTION DATE: 1911 **RESTORATION DATE(S):**

MODIFICATION DATE(S):

MOVE: DATE: **ORIG. LOCATION:**

ORIGINAL USE (S): Private residence

PRESENT USE (S): Vacant

DESCRIPTION

STYLE: Neoclassical

PLAN: EXTERIOR: Irregular

PLAN: INTERIOR:

NO. STORIES: 2 **OUTBLDGS:** 1 **PORCHES:** 1 **DORMERS:** 0

STRUCTURAL SYSTEM(S): Wood, balloon

EXTERIOR FABRIC(S): Drop siding

FOUNDATION: TYPE: Continuous

MATERIALS: Brick

INFILL:

PORCHES: N/integrated roof, Corinthian columns, full-height/3 bays

ROOF: TYPE: Flat-hip

SURFACING: Pantile

SECONDARY STRUCS:

CHIMNEY: NO.: 1

MATERIALS: Brick

LOCATIONS: W: slope

WINDOWS: Queen Anne casement

EXTERIOR ORNAMENT: Balustrade, eave brackets, wood quoins

CONDITION: Good

SURROUNDINGS: Residential

NARRATIVE:

See Continuation Sheet

SEE SIXTH EDITION FOR
ORIGINAL PHOTO(S) & MAP(S)

RECORD NO: 137
Page 2

FMSF HISTORICAL STRUCTURE FORM

Site 8 V03601

ARCHAEOLOGICAL REMAINS AT THE SITE

FMSF ARCHAEOLOGICAL FORM COMPLETED? y X n
ARTIFACTS OR OTHER REMAINS: None observed

RECORDER'S EVALUATION OF SITE

AREAS OF SIGNIFICANCE: Architecture

ELIGIBLE FOR NAT. REGISTER?	X y	n	likely, need info	insf info
SIGNIF. AS PART OF DISTRICT?	X y	n	likely, need info	insf info
SIGNIFICANT AT LOCAL LEVEL?	X y	n	likely, need info	insf info

SUMMARY OF SIGNIFICANCE

See continuation sheet

* * * * DHR USE ONLY * * * * DHR USE ONLY * * * * *
* DATE LISTED ON NR _____ *
* KEEPER DETERMINATION OF ELIG.(DATE): _YES _NO _ *
* SHPO EVALUATION OF ELIGIBILITY (DATE): _YES _NO _ *
* LOCAL DETERMINATION OF ELIG. (DATE): _YES _NO _ *
* OFFICE _____ *
* * * * DHR USE ONLY * * * * DHR USE ONLY * * * * *

RECORDER INFORMATION: NAME: Sidney Johnston

DATE: 02/01/91 AFFILIATION: Historic Property Associates, Inc.

PHOTOGRAPHS

LOCATION OF NEGATIVES: HPA, Inc., St. Augustine, FL
NEGATIVE NUMBERS: Roll 4, #33

PHOTOGRAPH

M A P

See Attachments

STATEMENT OF SIGNIFICANCE

Architectural Narrative: This two-story frame residential building is located at 332 West New York Avenue. Its Neoclassical styling is expressed by a low-pitched hip roof with cross-gables, modillions, brackets, balustrade, wood quoins, and two tiered porches supported by Corinthian columns. Fenestration consists of Queen Anne-glazed windows. The exterior wall fabric is drop siding. With few alterations, this building has retained most of its architectural integrity.

Architectural Context: The Neoclassical style evolved from a renewed interest in the architectural forms of the ancient Greeks and Romans. The revival of interest in classical models in the United States dates from the World's Columbian Exposition, held in Chicago in 1893. Many of the best known architects of the day designed buildings based on classical precedents for the Exposition. Examples were varied and ranged from monumental copies of Greek temples to smaller models, which drew heavily from designs of Adam, Georgian, and early Classical Revival residences built in the United States in the eighteenth century.

In Florida, the Neoclassical style became a favored design for commercial and government buildings such as banks and courthouses. Its application to residential houses is less common. Some of the characteristics of the style include a symmetrical facade dominated by a full height classical portico or porch supported by Ionic, Tuscan, or Corinthian colonnades. In two story examples, balconies are sometimes located over the center entrance or run the full length of the facade. The gable or hip roofs are finished with boxed eaves frequently accented with dentils or modillions and a wide frieze. Facade doorways usually feature decorative pediments, sidelights or transoms. Fenestration consists of double-hung sash windows, usually with six or nine panes per window frame. One-story examples conventionally have hip roofs with prominent central dormers and an end porch with classical columns, either integrated under the main roof or with a separate flat or shed roof.

Historical Narrative: Located in the Howry's Addition to DeLand, which was surveyed by John W. Howry in 1878, this building embodies many of the architectural characteristics of buildings constructed in DeLand during the Progressive Era of the early twentieth century. Historically known as the John W. Dutton House, named for a local merchant, this building was constructed by Gus Lauman, a local contractor, at a cost of \$25,000. It was designed by Cairns and Fitchner, a local architectural firm. This building was later adapted for use as a funeral home by Smith-Griffith Funeral Home (*DeLand News*, September 16, 1910; *Volusia County Record*, November 18, 1910; *DeLand Sun News*, November 18, 1938; Sanborn Map Company; *DeLand City Directory*, 1911-1941).

Historical Context: DeLand, founded in 1876, was incorporated in 1882 and became the seat of government for Volusia County in 1888. The home of Stetson University, Florida's oldest private university, DeLand developed quickly in the late nineteenth century, largely through the promotional efforts of Henry A. DeLand, the community's namesake. The introduction of the railroad and an economy based on citrus spurred the first period of development. Although devastating freezes in the mid 1890s slowed growth, the commercial and citrus industries became revitalized over the following decade. By 1910, the population had doubled to 2,812. During that interval significant construction began, which resulted in an expanded commercial district, the formation of residential neighborhoods, and the extension of municipal services to many areas of the community. By 1910, Stetson University's campus had become a prominent landscape feature at the north end of DeLand. Although events associated with World War I retarded growth, by 1920 the population had reached 3,324. During the Florida land boom of the 1920s, real estate sales played an important role in the local economy. Numerous subdivisions were platted and buildings constructed. Within five years the population nearly doubled. The collapse of the boom in 1926 brought development to a virtual halt. Together with the rest of the state, DeLand entered a period of economic decline, though moderate construction persisted throughout the Depression decade. Development in DeLand since 1950 has compromised some of the community's irreplaceable historic buildings. Nevertheless, the historic resources that remain represent architectural and cultural legacies worth preserving. Sensitive historic preservation planning and management is needed to ensure their protection.

AVE.

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HOWRY'S ADDITION TO DELAND

1-137

ELLIOT COURT	3-263
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70	80	90	100	110	120	130	140	150	160	170	180	190	200	210	220	230	240	250	260	270	280	290	300	310	320	330	340	350	360	370	380	390	400	410	420	430	440	450	460	470	480	490	500	510	520	530	540	550	560	570	580	590	600	610	620	630	640	650	660	670	680	690	700	710	720	730	740	750	760	770	780	790	800	810	820	830	840	850	860	870	880	890	900	910	920	930	940	950	960	970	980	990	1000						
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The map shows a coastal area with a grid. The left section is labeled "HOURYS ADDITION" and "FADELAND". It contains a grid with numbers 1, 2, 3, 4, 5, 6 and a circled area at the top. The right section is labeled "RUPES" and contains a grid with numbers 1, 2, 3, 4, 5, 6. The map includes latitude and longitude coordinates along the edges.

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7	6	5	4	3	2	7	6	5	4	3	2	1	180	179	178	177
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30	30	15	15	30	30
100	5	4	3	2	112
8	7			4	50
	8	WICK	25		
	9	RESUB			
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	11		30		
	12	2-100	19		
	13		18		
	14		17		
50	15	146	145	16	

HOWRY'S
ADDITION
TO DELAND

48

1-137

23	"	"	"	63	52	52	136
9	8	7	6		4	3	
				5			1
10	11	12	13		14	15	16
62	"	"	"	51 1/2	"	51 1/2	156

W. CARO

25	22					18
		21	20	19	18	17
23						30
18						31
26	25	16	27	28	29	32
148	148	79	"	"	73	165

38	30	30	38	30	74	73	130
18	5	4	3	2	1	10	10
BALLARD				SUB			
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HOWRY'S ADDITION TO DELAND									
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02-16 0013				02-16 0012					
02-16 0014				1-137					
02-16 0015				NOTE BLK. 161 LISTED IN SEC 9 T17 R 3					
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HOWIRY'S ADDITION TO DELAND

07

1-137

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ASTRONOMICAL VISION

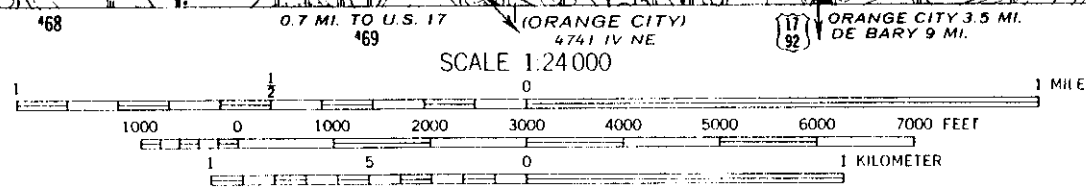
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137. 332 W New York Ave
Deland 1964 PR 1980

V03601



Dutton House restoration slow, but moving along

By MORRIS SULLIVAN

News-Journal Correspondent

Last update: 06 June 2003

DELAND -- Benjamin DiLalla stands in the foyer of a once-grand home on West New York Avenue. It's still early in the morning, but the dust of almost a century already hangs on his clothes.

The South Florida contractor points at a column, at a chip in the white paint where the wood beneath shows through.

"This is mahogany," he said. "I think this whole room is mahogany." DiLalla is working to restore the home, built in 1911 by John Wesley Dutton, a wealthy lumber magnate. He's not the first contractor to work on the restoration; the work has been in progress off and on for a decade or more and is a familiar, changing landmark on the State Road 44 through the city.

"Right now, we're in the cleaning and minor demolition stage," DiLalla said. Eventually he hopes to restore the building to "what was originally here."

State grants to the owner, Historic DeLand Inc., have helped fund the project. The first was for \$225,000 and fixed leaks and the roof. The sunward side of the building was largely rotted away.

"It was eaten up by termites," DiLalla said. "So the first grant went to restore one whole side of the building and the roof."

DiLalla came into the picture after that work had been done. A second grant had been secured to continue the work, but a variety of obstacles and unanticipated serious structural problems put the project on hold.

Lorraine Grefe, Historic DeLand's grants administrator, runs a motion picture equipment business in South Florida. "My best friend lives in DeBary, so I go up there a lot," Grefe said. "I like DeLand, and have property there. I saw the house, and was curious why it was still sitting there in such bad shape."

She had met DiLalla, a Fort Lauderdale custom home builder, when he restored her 1920s house on Hollywood Beach. She took him to see the Dutton house in early 2002.

"Being from South Florida, you see these magnificent homes, and agonize over seeing their deterioration," she said. "Ben fell in love with this house, and wanted to bring her back to the way she should look."

The two started trying to find out what they could about the project. "It took a lot of research, but (DiLalla) finally talked to (Peter) Warrick, who told us about the grants," she said. Time was rapidly running out on the project; the state's deadline for using the second grant of \$325,000 had almost run out. "Fortunately, with support from the city (of DeLand), we got an extension until September" she said.

The second grant will be used to complete the exterior, then "take it as far as I can," DiLalla said. My plan is to get the face back together, at least, so it will look nice when people drive by.

"If the exterior goes well, then I'd like to get the front downstairs opened up, get air and power in here, so it can be used for meetings and to bring people in for fund-raisers and events."

Removing several layers of paint to reveal mahogany woodwork is on the big punch list of items DiLalla wants to get accomplished. That will have to wait, however. For now, DiLalla and his crew have been removing material that used in additions, including a sizable addition to the rear of the house.

Local architects Cairns and Fitcher designed the mansion, and other architects have since worked on additions

and the restoration. The architect now working on the project, Kenneth R. Smith, is a prominent restoration architect who has worked on numerous projects in West Volusia, including buildings at Stetson University, Lake Helen City Hall, and the historic Volusia County Courthouse building in DeLand.

"It's such a significant, unique house: a grand house," Smith said. "It's probably a classic revival, with the Greek columns in the front. There aren't too many of those around."

When finished, the house will be reduced to its original 6,500 square feet. That includes the downstairs "all mahogany" area, in which a huge entryway flows into a pair of matching parlors. All is adorned with ornate woodwork details and intricate plasterwork. The entryway ceiling still has its original rosette and tulip plaster ornamentation in place.

"It's still in pretty good shape, for being 90 years old," DiLalla said.

Stetson University donated a grand piano to the project, which DiLalla hopes to put in one of the large parlors. "I'm calling this the music room," he said.

Upstairs on the second floor, there is a long hallway flanked by rooms. "Dutton had five daughters, and each had her own bedroom," he said. "Then Mr. and Mrs. Dutton had a room, so there are a lot of bedrooms up here."

Each bedroom is connected to a porch. "They kept daybeds on the porch," DiLalla said. "That's where they slept when it was hot."

From a second-floor balcony, the repairs still to be done are more apparent. Yards of plasterwork, much of it using horsehair as a binder, will have to be replaced with contemporary materials that look like the original. Columns, too, will need replacement. "But the company that made the columns is still in business, believe it or not," DiLalla said. "They've been in business since the 1880s."

The third floor was never finished. "It's one huge room, but the girls used it as a playroom," he said. "And there's a stage up there, where they'd put on plays and recitals for their parents and friends."

"Everyone's so happy to see something going on here," DiLalla said. "I've been surprised how many concerned people there are."

Elysha Dunagan, historic resources coordinator for the city of DeLand, agreed that the project is important to the community.

"Restoring any property, especially one significant in its architectural style like (the Dutton house), stimulates the economy and brings tourism into the area," she said. "Also, it helps preserve history for the children."

The state grants require that the building be used as a library, cultural center or historical center, so it will be a nice asset for the community. "There's already a cultural center and library, so what we'll do with it is being debated," Grefe said.

But it already has started becoming a community resource.

"Teen Court is involved with us now," Grefe said. "They allow the kids to work off community service hours there, so a lot of DeLand teenagers that have to do community service are doing it while helping save the Dutton house."

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8 V03601

A House With a Dream

(excerpts from pages 12-16, *Florida Living*, May 1992 issue)

I was built in 1910 by John Wesley Dutton to house his wife, Lilla, and their seven children. John was a prosperous business man, originally from Georgia, who chose DeLand to make his home because of its reputation. It was known across the country as one of the most superior towns in Florida, brimming with intelligence and refinement.

When the finishing touches were put on my stately Corinthian columns in 1911, I was the talk of the town. John spent \$25,000 to have me built, which in those days was a lot of barrels of turpentine. That was John's livelihood, tapping the pine trees and selling the resulting naval stores to people all over this part of Florida.

As the little Duttons grew up, plays melted into parties serenaded by fine orchestras, and the older girls began courting. It wasn't long before two of them, Zada and Lottie, were married in my elegant parlor.

An organization called the Knights of Pythias met in my parlor for a few years. Its ladies' auxiliary, called the Pythian Sisters, made me feel alive then they all came trooping in talking excitedly. They were always planning ways to raise money for the children's home, and it made me feel good to have important work going on within my walls.

Sometime in the 1930s the knights and their ladies started meeting close to downtown, and a man named Griffith bought me. By the way, did I mention I'm situated on New York Avenue, DeLand's original southern boundary? Anyway, Mr. Griffith and his friend, Mr. Smith, were in the funeral business. I was happy to provide comfort for bereaving families, and I think I was pretty good at it. My mahogany columns and intricate plaster wreaths in my ceiling seem to have a soothing effect on people, and my crackling fireplace calmed chilly mourners during the winter.

It is now...years later, and I have been neglected superficially. Don't misunderstand me, I'm still as



Dutton House, DeLand

beautiful as the day I was built underneath the old rugs and drop ceilings. Unfortunately, my present owner, the First Union National Bank, has plans to demolish me unless someone intervenes soon. I have a lot of friends who are volunteering their time to work on my future, and for them I am thankful. Sidney Johnston, a historic surveyor and DeLand native, has included me in the newly documented West DeLand Historic District. He says that I am a landmark in the district and that there are "few designs of my caliber left standing anywhere in Florida." I am honored to be recognized as a unique example of the interest in history and local wealth that were present in DeLand when I was built.

Some of my other friends are Mark Shuttleworth, who worked to have my story published; Tom Scofield, a historic resource planner who appreciates the intricacies of my neoclassical design; Bill Dreggors, a local historian who grew up with me and is now the curator of the Henry

DeLand House; and Janet Bollum, a caring city commissioner who wants me to have a future.

I don't feel old, and I know I could last another 82 years if someone would give me the chance. I often dream that I've been completely restored to my original state--my library has been refurbished and is overflowing with books, my dining room still has its inlaid tile fireplace, and my parlor is glowing with the warmth of friends relaxing after a rewarding day. I imagine a flower-covered wall surrounding me with fragrant color and a peaceful garden filling my backyard.

Perhaps I could be an elegant bed and breakfast inn, greeting weary travelers in the evening and refreshing them overnight with my historic charm and 21st century comforts.

Reprinted by permission from Florida Living. Permission obtained by Historic DeLand, Inc., 535 N. Clara Avenue, DeLand, FL 32720, 904-734-6288.



CITY OF DELAND
Request for Commission Action
April 15, 2024

SUBJECT: Resolution Approving Revised Building Permit Fee Schedule.

DEPARTMENT: Community Development

PREPARED BY: Rick Werbiskis, Community Dev. Director

ATTACHMENTS: Resolution, Exhibit A-Building Fees 2024 , Building Fees 2024 Clean Highlight Redline

APPROVED BY: Michael Pleus, City Manager, April 9, 2024

SUMMARY/HIGHLIGHT:

In 2019, the Florida Building Code was amended to restrict the value of unexpended building permit revenue fees that are carried over from a prior year. The average operating budget for the Building Department for the past four years is \$2,341,568. The unrestricted fund balance, at the end of fiscal year September 30, 2023, was \$4,668,624. Based upon current and proposed expenditures and revenues, it has been determined that the fees should be slightly reduced for a temporary time. The proposed resolution will temporarily reduce all fees, except for the highlighted fees, by 10%.

In addition, the fees will need to be amended to accommodate townhome development where foundation permits and residential unit permits are administered separately. We are also providing for a master building permit process for applicants seeking multiple building permits for residential subdivisions or planned communities.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government

SUSTAINABILITY:

NA

FISCAL IMPACT:

Adoption of this resolution will result in a temporary reduction of fees collected related to the administration of the Florida Building Code.

RECOMMENDATION:

It is recommended that the City Commission approve the resolution.

BACKGROUND/DISCUSSION:

In 2019, FS 553.80(7) was amended to include the following restriction related to unexpended Building Revenue Fees - *A local government may not carry forward an amount exceeding the average of its operating budget for enforcing the Florida Building Code for the previous 4 fiscal years.* Adoption of the proposed resolution will allow for the balance of the unexpended fees to be reduced and brought into conformity with state statute.

RESOLUTION NO. 2024 –

**A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA,
APPROVING A REVISED BUILDING PERMIT FEE SCHEDULE FOR
PERMITS AND OTHER RELATED CHARGES; AND PROVIDING FOR
SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, in 2019, the Florida Building Code was amended to restrict the value of unexpended building permit revenue fees that are carried over from a prior year; and

WHEREAS, the Building Permit Fee schedule, attached hereto as Exhibit “A”, will include two additional fee categories associated with Townhomes and Master files and will reduce all fees collected in relation to the administration of the Florida Building Code.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF
DELAND, FLORIDA:**

Section 1. The City Commission for the City of DeLand, hereby approves the revised Building Permit Fee schedule, for permits and other related charges as attached hereto as Exhibit “A.”

Section 2. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the remaining portions of this Resolution.

Section 3. This Resolution shall become effective on May 1, 2024.

PASSED AND DULY ADOPTED this 15th day of April, 2024.

Christopher M. Cloudman
Mayor-Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

“EXHIBIT A”

BUILDING PERMIT FEES

With the exception of fees highlighted below, all fees shall be reduced by 10%.

Residential Building Fee		
Submittal Fee		\$30.00
Building Permit Fees (additional fees include trades noted below along with Impact Fees and State-required fees)	Based on the Current Edition of the ICC Building Valuation Data Table or actual value, whichever is higher	0.75% of Valuation Minimum \$50

Commercial Building Fees		
Submittal Fee		\$50.00
Building Permit Fee (additional fees include trades noted below along with Impact Fees and State-required fees)	Based on the Current Edition of the ICC Building Valuation Data Table or actual value, whichever is higher	0.75% of Valuation Minimum \$100

Townhome Building Fees		
Submittal Fee		\$30.00
Foundation Fee (separate permit)		\$100.00
Building Permit Fee (per townhome unit) (additional fees include trades noted below along with Impact Fees and State-required fees)	Based on the Current Edition of the ICC Building Valuation Data Table or actual value, whichever is higher	0.75% of Valuation Minimum \$100

Master File		
Residential Submittal Fee		\$30.00
Residential Fee		\$0.40 per \$1,000 total valuation \$40 minimum charge
Commercial and Multiple Family Submittal Fee		\$50.00
Commercial and Multiple Family Fee		\$1.15 per \$1,000 total valuation \$100 minimum charge

Re-Roof Fee		
Minimum Roof Permit Fee		\$90
Residential		\$3 per Square
Commercial		\$7 per Square

Mechanical Fee		
Residential		\$50 plus \$8 per Ton
Commercial		\$75 plus \$10 per Ton

Plumbing Fee		
Residential		\$50 plus \$5 per Fixture
Commercial		\$75 plus \$6 per Fixture

Backflow		\$50 each
Electrical Fee		
Minimum Residential Fee		\$50
Minimum Commercial Fee		\$75
Single Phase		\$0.50 per Amp
Three Phase =< 240 Volt		\$0.75 per Amp
Three Phase > 240 Volt		\$1.00 per Amp
Temp Pole Residential		\$50
Temp Pole Commercial		\$100
Gas Permit Fee		\$50 plus \$6 per outlet
Sign Permit Fee		
New	Per Sign	\$100
Alteration/Repair	Per Sign	\$75
Pool Fee		
Residential (Above Ground)		\$50
Residential (Below Ground)		0.75% of Valuation
Commercial		0.75% of Valuation
Reinspection Fee		
553.80 F.S.		\$50
After-Hours Inspection Fee		\$100/Hour Minimum \$300
Access Drive Permit Fee		\$50 per Driveway
Plan Review Fee (Applications requiring plan review)		
Residential Building	One- and two-family dwellings and structures, mobile home, remodels, additions, alterations, accessory structures, swimming pools and spas	\$0.40 per \$1,000 total valuation \$40 minimum charge
Commercial and Multiple Family	Commercial and multiple family buildings and structures, remodels, additions, alterations, accessory structures,	\$1.15 per \$1,000 total valuation \$100 minimum charge
Plan review fee for third and subsequent reviews	All residential and commercial buildings	\$20 per plan page

NOTES:

- All fees are non-refundable
- Valuation of work shall be based on the Current Edition of the ICC Building Valuation Data Table or actual contractual value, whichever is higher. Signed contracts may be required to be submitted to verify valuations.

DCA State Surcharge fee

(This is a pass-through charge imposed by the State in accordance with 553.721, Florida Statutes. The amount of this surcharge is subject to change whenever the Statutorily-required fee changes.)

BCAI State Surcharge fee

(This is a pass-through charge imposed by the State in accordance with 468.631, Florida Statutes. The amount of this surcharge is subject to change whenever the Statutorily-required fee changes.)

ALTERNATIVE PLANS REVIEW AND INSPECTION SERVICES

In accordance with the provisions of Section 553.791 Florida Statutes, the following cost savings shall be applied to Building Permit fees when an applicant is utilizing a private provider to perform plans review and/or building inspections in lieu of the local building official:

Plans Review – Plans Review fees waived

Building Inspections - \$20.29 credit per required inspection

WORK CONDUCTED WITHOUT A VALID PERMIT

Applicants applying for permits for construction or work started, without a permit for which a permit is required, will be charged a double permit fee for the first occurrence. For the second or any subsequent occurrences an applicant conducts work without a permit, a \$295.00 additional penalty plus the double permit fee will be charged and a complaint filed with the Department of Business and Professional Regulation.

BUILDING PERMIT FEES

With the exception of fees highlighted below, all fees shall be reduced by 10%.

Residential Building Fee		
Submittal Fee		\$30.00
Building Permit Fees (additional fees include trades noted below along with Impact Fees and State-required fees)	Based on the Current Edition of the ICC Building Valuation Data Table or actual value, whichever is higher	0.75% of Valuation Minimum \$50

Commercial Building Fees		
Submittal Fee		\$50.00
Building Permit Fee (additional fees include trades noted below along with Impact Fees and State-required fees)	Based on the Current Edition of the ICC Building Valuation Data Table or actual value, whichever is higher	0.75% of Valuation Minimum \$100

Townhome Building Fees		
Submittal Fee		\$30.00
Foundation Fee (separate permit)		\$100.00
Building Permit Fee (per townhome unit) (additional fees include trades noted below along with Impact Fees and State-required fees)	Based on the Current Edition of the ICC Building Valuation Data Table or actual value, whichever is higher	0.75% of Valuation Minimum \$100

Master File		
Residential Submittal Fee		\$30.00
Residential Fee		\$0.40 per \$1,000 total valuation \$40 minimum charge
Commercial and Multiple Family Submittal Fee		\$50.00
Commercial and Multiple Family Fee		\$1.15 per \$1,000 total valuation \$100 minimum charge

Re-Roof Fee		
Minimum Roof Permit Fee		\$90
Residential		\$3 per Square
Commercial		\$7 per Square

Mechanical Fee		
Residential		\$50 plus \$8 per Ton
Commercial		\$75 plus \$10 per Ton

Plumbing Fee		
Residential		\$50 plus \$5 per Fixture
Commercial		\$75 plus \$6 per Fixture
Backflow		\$50 each

Electrical Fee		
Minimum Residential Fee		\$50
Minimum Commercial Fee		\$75
Single Phase		\$0.50 per Amp
Three Phase =< 240 Volt		\$0.75 per Amp
Three Phase > 240 Volt		\$1.00 per Amp
Temp Pole Residential		\$50
Temp Pole Commercial		\$100

Gas Permit Fee		\$50 plus \$6 per outlet
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Sign Permit Fee		
New	Per Sign	\$100
Alteration/Repair	Per Sign	\$75

Pool Fee		
Residential (Above Ground)		\$50
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Commercial		0.75% of Valuation

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553.80 F.S.		\$50

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Access Drive Permit Fee		\$50 per Driveway
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Plan Review Fee (Applications requiring plan review)		
Residential Building	One- and two-family dwellings and structures, mobile home, remodels, additions, alterations, accessory structures, swimming pools and spas	\$0.40 per \$1,000 total valuation \$40 minimum charge
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Plan review fee for third and subsequent reviews	All residential and commercial buildings	\$20 per plan page

NOTES:

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- Valuation of work shall be based on the Current Edition of the ICC Building Valuation Data Table or actual contractual value, whichever is higher. Signed contracts may be required to be submitted to verify valuations.

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CITY OF DELAND
Request for Commission Action
April 15, 2024

SUBJECT: Resolution Approving Sidewalk Cafe, Wander Bar Cocktail Lounge, at 208 North Woodland Boulevard.

DEPARTMENT: Planning

PREPARED BY: Carol Kuhn, Planning Director

ATTACHMENTS: Resolution, Exhibit A , LA24-065 Staff Memo

APPROVED BY: Michael Pleus, City Manager, April 9, 2024

SUMMARY/HIGHLIGHT:

The owner of an existing business, Wander Bar, a Florida organization, at 208. N Woodland Blvd., has submitted an application for an approximately 80 sq. ft. temporary sidewalk café. The existing business currently has a sidewalk café agreement with the City. However, the Doing Business As (DBA) name has changed from what is reflected in the current agreement. Specifically, the current agreement states the business name as "The Boulevard". Each sidewalk cafe agreement must reflect the current business name. As such, the applicant is requesting to update the existing agreement to reflect the new business name. The configuration of the sidewalk café will not be changed from what was approved originally in November 2018.

The proposed eating area complies with the minimum criteria for a temporary sidewalk café per Section 26-9.5 of the City of DeLand Code of Ordinances as discussed in the attached staff memo. The site plan shows compliance with the required minimum 7-foot pedestrian clearance for all sidewalk cafés located on Woodland Boulevard.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Preserving "Sense of Community" as a key asset by encouraging the development of more "night life" venues.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

The outdoor seating area will continue to have a positive financial impact for the area by attracting people to the downtown area, in keeping with its unique atmosphere.

RECOMMENDATION:

It is recommended that the City Commission approve the Temporary Sidewalk Cafe license.

BACKGROUND/DISCUSSION:

Sidewalk cafés are subject to the requirements set forth in Section 26-9.5 of the Code of Ordinances. This café appears to meet each of the criteria of the code. Additionally, the configuration of this sidewalk café will not change from what was approved in 2018. A breakdown of the criteria and how the proposed sidewalk café is compliant is included in the attached staff memo.

RESOLUTION NO. 2024 –

A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, GRANTING A LIMITED LICENSE AGREEMENT FOR A TEMPORARY SIDEWALK CAFÉ TO CHUCK YOU FARLEY, LLC, FOR ITS BUSINESS, “WANDER BAR COCKTAIL LOUNGE” LOCATED AT 208 NORTH WOODLAND BOULEVARD; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant, Chuck You Farley, LLC, a Florida limited liability company, has submitted a proper and complete application under Section 26-9.5 of the City of DeLand Code of Ordinances (hereinafter the “Code”) for a license agreement for a temporary sidewalk café; and

WHEREAS, the applicant is proposing outdoor seating during normal business operating hours for the establishment doing business as Wander Bar Cocktail Lounge; and

WHEREAS, the City Commission finds that the proposed application for a limited license agreement is consistent with the criteria of the Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. The City Commission hereby grants the Limited License Agreement attached hereto as Exhibit A for a temporary sidewalk café to Chuck You Farley, LLC, a Florida limited liability company for its establishment doing business under the name of “Wander Bar Cocktail Lounge” located at 208 North Woodland Boulevard.

Section 2. This Resolution shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 15th day of April, 2024.

Christopher M. Cloudman
Mayor-Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind

City Attorney

LIMITED LICENSE AGREEMENT

This Agreement is made and entered into at DeLand, Volusia County, Florida, by and between the City of DeLand, a municipal corporation located at 120 South Florida Avenue, DeLand, Florida (the "City") and CHUCK YOU FARLEY, LLC, a Florida limited liability company, for their bar "Wander Bar Cocktail Lounge" located at 208 North Woodland Blvd, DeLand, Florida (the "Licensee"), this ____ day of April, 2024.

WITNESSETH:

WHEREAS, the City recognizes that traditional commercial areas which exhibit high amounts of pedestrian activity can support the vitality of the commercial district by incorporating the sidewalk area into selected commercial activities, and that granting the privilege of using the sidewalk for commercial activity is consistent with the City's comprehensive plan and Land Development Regulations; and

WHEREAS, Licensee acknowledges that, notwithstanding any legal ownership which it may or may not hold to a portion of the sidewalk, the general public and the City of DeLand have a prescriptive easement over the full width of the sidewalk as it now exists by virtue of the public's use of the sidewalk as a walking thoroughfare and the City's maintenance of the sidewalk in years past. Licensee further acknowledges that use of the sidewalk under the terms of this Agreement shall not, in any way, alter the prescriptive easement rights of the general public and the City of DeLand, as use of the subject property under this Agreement is a privilege and not a right and may be revoked at any time; and

WHEREAS, the parties hereto acknowledge that the City possesses right of ownership and/or a prescriptive easement over that portion of the sidewalk located in front of and immediately adjacent to Licensee's business establishment located at 208 North Woodland Boulevard, commonly known as "Wander Bar Cocktail Lounge", and being more particularly described in the attached Exhibit A (hereinafter the "Sidewalk"); and

WHEREAS, Licensee has made proper application to the City under Section 26-9.5 of the Code of Ordinances of the City of DeLand for use of the Sidewalk for the purposes set forth herein, and the prescribed procedures for approval and minimum criteria as set forth in Section 26-9.5 of the Code have been met; and

WHEREAS, it is the desire of the City of DeLand to grant unto Licensee a nonexclusive, limited license to use the Sidewalk for the purposes set forth herein;

NOW, THEREFORE, in consideration of the foregoing and the covenants hereinafter set forth, it is agreed as follows:

Section 1. Grant of nonexclusive, limited license. The City hereby grants unto Licensee nonexclusive, limited license and access to the Sidewalk for use as a "temporary sidewalk cafe" pursuant to the provisions of Section 26-9.5 of the Code of Ordinances of the City of DeLand

(hereinafter the "Code"). This License is non-transferable, non-assignable, and considered temporary in nature.

Section 2. Term of agreement; renewals; termination. This Agreement shall begin upon all parties completing the signature page, and shall continue until and unless otherwise terminated as set forth herein. So long as Licensee is in full compliance with all of the terms, covenants and conditions of this Agreement and Section 26-9.5 of the Code, this Agreement shall renew annually thereafter with the renewal of the Licensee's Business Tax Receipt under the same terms and conditions as the initial term of this Agreement, except as those terms and conditions may be modified in accordance with this Agreement. A new license agreement must be applied for and approved by the City whenever there is a change of ownership of the business, even if the new owner acquires all of the stock or other interest of the Licensee.

Notwithstanding the foregoing, the City may terminate this Agreement for any violation by Licensee of this Agreement or of Section 26-9.5 of the Code, the City will provide written notice of termination to Licensee by certified mail, return receipt requested. The City reserves the right to remove from the Sidewalk any of the Licensee's personal property.

Section 3. Design criteria. Licensee shall observe the following design criteria:

- (a) The design of the sidewalk cafe shall provide for a free flow of pedestrian traffic around the sidewalk cafe area. A minimum clear pedestrian area of seven feet (7') shall be maintained.
- (b) The sidewalk cafe area is limited to the sidewalk area directly adjacent to the restaurant frontage, as shown on the sketch plan attached hereto as Exhibit B.
- (c) The sidewalk cafe area must be clearly delineated from the area to remain open for pedestrian traffic.
- (d) Umbrellas shall be allowed provided that the umbrellas are contained within the sidewalk cafe area and do not impede pedestrian traffic or vision at intersections.
- (e) Additional signs are limited to one (1) additional sign on an outdoor menu board and the restaurant name or advertising on any umbrellas. The outdoor menu board may be two-sided, not to exceed four (4) square feet per side.
- (f) Outdoor lighting, if provided, must be permanently installed in accordance with the City code and be approved as part of the application. Licensee shall take necessary precautions, including illumination, for protection of the public with particular emphasis on the period from sunset to sunrise.

Section 4. Operating standards. Licensee shall observe the following operating standards:

(a) Alcoholic beverages may be temporarily served within the Sidewalk consistent with any alcoholic beverage license in effect for Licensee's restaurant; provided, however, that the sale and consumption of alcoholic beverages shall be in compliance with all state and local laws as related to such use. The provisions of this subsection are a privilege, not a right, and the City Commission of the City of DeLand reserves the right to revoke the privilege of serving alcohol on the Sidewalk.

(b) The hours of operation for the sidewalk cafe may not exceed the operating hours of the restaurant.

(c) Tables, chairs and other furniture shall be brought inside when the sidewalk cafe is not in operation.

(d) The sidewalk café area shall be kept in a clean condition (including regular removal of trash and debris) and the sidewalk area shall be periodically cleaned to remove any stains or other dirt resulting from the sidewalk café operation by the license holder.

Section 5. Public's right of use. The sidewalk cafe shall be open for use by the public and such use shall not be restricted to patrons of Licensee. Neither the use of Licensee's seating area nor the tables and chairs the Licensee places on the Sidewalk shall be limited to the exclusive use of Licensee's patrons. All members of the public shall have the right to use the sidewalk cafe's seating area and the tables and chairs which Licensee places on Sidewalk without charge.

Section 6. Right of inspection. The City Manager or his designee shall have the right to inquire, from time to time, into the conduct of the operations, activities and services of Licensee in order to ensure that the services being provided by Licensee are in conformity with the purpose and intent of this Agreement and the Code of Ordinances.

Section 7. Liability insurance, indemnity and hold harmless. Licensee shall defend, indemnify and hold harmless the City from and against any and all liability, losses, damages, claims, demands, expenses, fees, fines, penalties, suits, proceedings, actions and costs of actions (including attorneys' fees), of whatsoever kind or nature arising out of or in any way related to the use, occupancy, management or control of the premises, or any act or omission of Licensee or its agents, servants, employees, customers, patrons or invitees, whether on the premises or elsewhere.

Contemporaneously with the beginning date of this Agreement, Licensee shall, at its own cost and expense, procure and maintain general liability coverage with an aggregate limit of not less than \$1,000,000.00 from an insurer licensed in the State of Florida which names the City of DeLand as an additional insured, which insurance shall cover the operations of the Licensee which take place within the sidewalk café area.

Section 8. Nonliability of the City to Licensee. The City shall not be liable to Licensee or its agents, representatives, invitees, employees, or any other person, for any injury to or death

of any of them, or for any damage to any of Licensee's property or loss of revenue, caused by any third persons connected with Licensee's use and access to the Sidewalk, whether the injury, death or damage is due to negligence or not. Third persons, as used in this section, shall include the United States of America and the State of Florida, or any of their agencies, and all persons other than the City of DeLand.

Section 9. Permits and licenses. Licensee shall at all times hold any and all permits or licenses required by any proper licensing authority to conduct its business.

Section 10. Compliance with zoning regulations. Licensee shall at all times be in compliance with all applicable zoning regulations as set forth in the City of DeLand Land Development Regulations, and with all other relevant state and local regulations.

Section 11. Non-assignability. Licensee shall not assign this Agreement and any attempted assignment in contravention hereof shall be void.

Section 12. Abandonment of use. Should Licensee voluntarily abandon its use of the subject premises for any reason whatsoever for a period of sixty (60) consecutive days this Agreement shall automatically terminate.

Section 13. Notices. Any notices required by this Agreement shall be made in writing and sent by certified mail, return receipt requested, addressed to the parties as follows:

City Manager
City of DeLand
120 S. Florida Avenue
DeLand, FL 32720

Daniel T. Reed, Jr.
CHUCK YOU FARLEY, LLC
130 N. Clara Avenue
DeLand, FL 32720

Section 14. Construction of agreement. This Agreement shall be construed under the laws of the State of Florida and the Code of Ordinances of the City of DeLand.

Section 15. Amendments to agreement. This Agreement may be amended only in a writing signed by both parties.

Section 16. Complete agreement. This Agreement constitutes the complete and exclusive understanding and agreement between the parties with respect to the subject matter hereof and may only be amended in a writing signed by both parties hereto. This Agreement shall be binding upon and shall inure to the benefit of the parties' heirs, personal representatives, successors and permitted assigns.

*** Signatures on following page ***

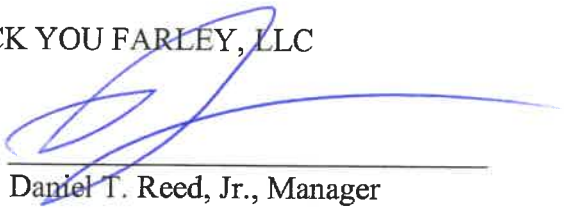
EXECUTED BY THE CITY this ____ day of _____, 2024.

EXECUTED BY LICENSEE this ____ day of _____, 2024.

CITY OF DELAND

CHUCK YOU FARLEY, LLC

By: _____
Michael Pleus, City Manager

By: 
Daniel T. Reed, Jr., Manager

Address: City of DeLand
DeLand, FL 32720

Address: 130 N. Clara Avenue
DeLand, FL 32720

120 S. Florida Avenue

WITNESSES AS TO THE CITY:

(Witness' Signature)

(Print Name)

(Witness' Signature)

(Print Name)

This Instrument Prepared By:

City of DeLand
120 S. Florida Avenue
DeLand, Florida 32720

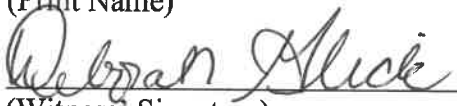
WITNESSES AS TO LICENSEE:



(Witness' Signature)

Sam Nelson

(Print Name)



(Witness' Signature)

Deborah Allick

(Print Name)

EXHIBIT A

A PART OF PARCEL #7009-01-09-0045, MORE PARTICULARLY DESCRIBED AS:

THE NORTH 22.85 FEET OF THE SOUTH 117 FEET OF THE EAST 93.70 FEET LOT 4, BLOCK 9, ROGERS SURVEY OF DELAND, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN DEED BOOK "I", PAGES 201, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND

A PORTION OF THOSE LANDS DESCRIBED IN O.R. BOOK 5573, PAGE 111, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

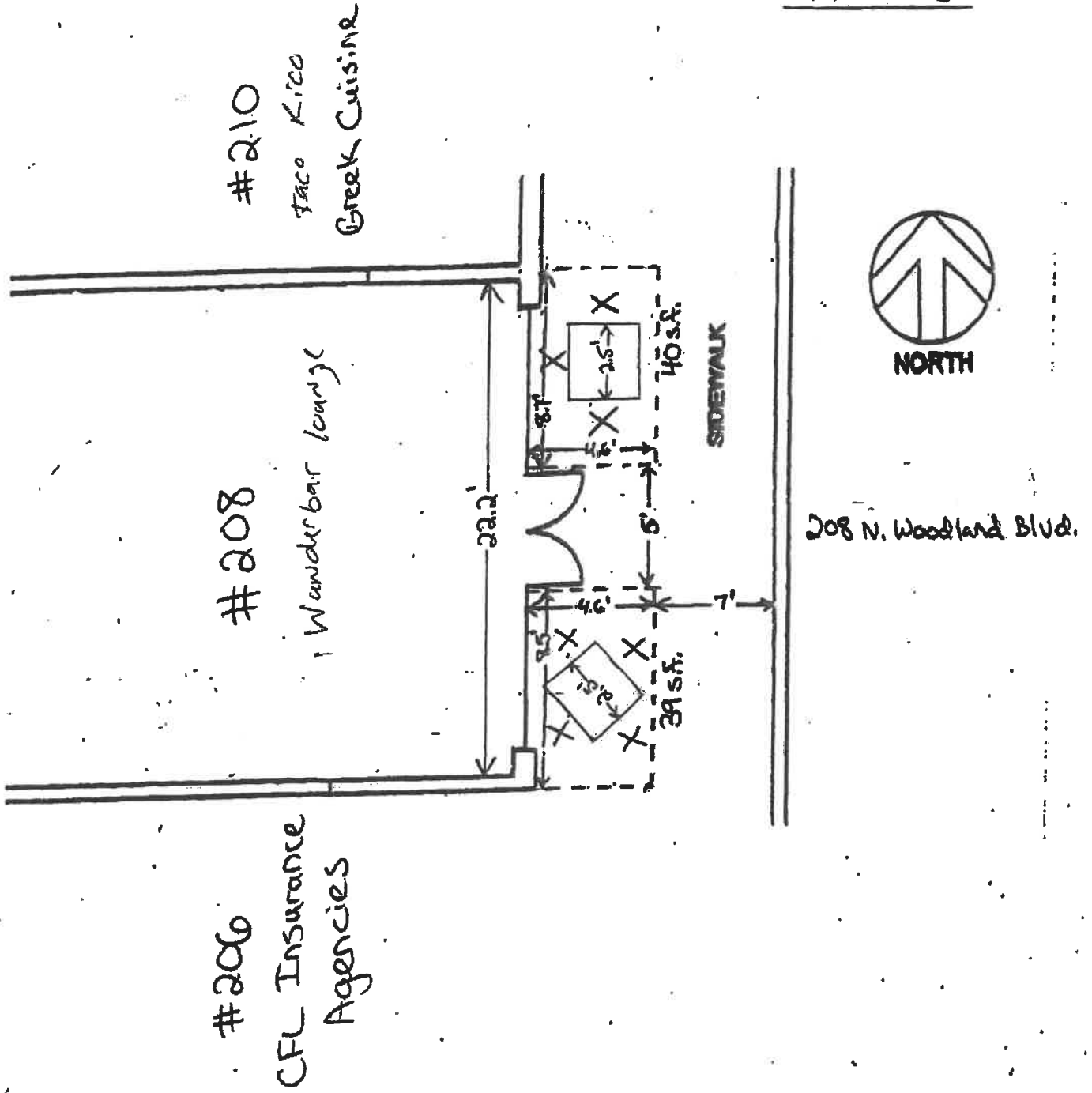
COMMENCE AT THE NORTHWEST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5573, PAGE 111, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN S89°20'14"E, ALONG THE NORTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5573, PAGE 111, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, A DISTANCE OF 13.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S89°20'14"E, A DISTANCE OF 13.60 FEET; THENCE RUN S00°19'57"W, A DISTANCE OF 1.67 FEET; THENCE RUN N89°20'14"W, A DISTANCE OF 13.60 FEET; THENCE RUN N00°19'57"E, A DISTANCE OF 1.67 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING:

A PORTION OF LOT 4, BLOCK 9, ROGERS SURVEY OF DELAND, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN DEED BOOK "I", PAGES 201, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5573, PAGE 111, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN S89°20'14"E ALONG THE NORTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5573, PAGE 111, PUBLIC RECORDS OF VOLUSIA COUNTY, A DISTANCE OF 8.00 FEET TO THE POINT OF BEGINNING; THENCE RUN N00°19'57"E, A DISTANCE OF 4.33 FEET; THENCE RUN S89°20'14"E A DISTANCE OF 5.50 FEET; THENCE RUN S00°19'57"W, A DISTANCE OF 4.33 FEET; THENCE RUN N89°20'14"W, A DISTANCE OF 5.50 FEET TO THE POINT OF BEGINNING.

Exhibit B





Planning Department

Memorandum

TO: Carol Kuhn, Planning Director

DATE: March 20, 2024

FROM: Sam Nelson, Planner I

SUBJECT: Sidewalk Café Application, 208 N. Woodland Blvd (LA24-065)

The owner for an existing business at 208 N. Woodland Blvd, Wander Bar, has submitted a sidewalk café agreement application for an approximately 80 sq. ft. sidewalk café. The existing business currently has a sidewalk café agreement with the City, however the DBA name of the business has changed from what is reflected in the current agreement. The purpose of the new agreement is to accurately reflect the name of the current business. Below are the minimum criteria for a temporary sidewalk café per Section 26-9.5 of the City of DeLand Code of Ordinances. Per the site plan and supporting documentation submitted by the applicant, the following has been determined:

1. The zoning of the subject property permits the operation of a sidewalk café.
The property is zoned C-2A&H, Downtown Commercial, which permits sidewalk cafés.
2. The sidewalk café is adjacent to the front of the building with which it is associated.
Proposed outdoor seating is located adjacent to the building's frontage on North Woodland Boulevard.
3. The sidewalk café is an extension of a permanent restaurant or other establishment lawfully selling food and/or beverage.
Yes, the sidewalk café is an extension of the existing business, Wander Bar.
4. The sidewalk café is auxiliary and will not operate outside the operating hours of the restaurant.
Per applicant, operating hours will be the same as the business.
5. The sidewalk café is temporary in nature; and all tables, chairs, umbrellas, outdoor menu boards, and other such items will be secured indoors during non-operational hours.
Per submitted application, applicant acknowledges this requirement.
6. As it is a temporary sidewalk café, no permanent structures, except for lighting, will be constructed.
No permanent structures are proposed.

7. If proposed, additional permanent outdoor lighting has been indicated on the site plan.

No additional outdoor lighting is proposed.

8. The sidewalk café will not impede pedestrian traffic; meets the minimum clearance requirements for its district.

Site plan shows compliance with the minimum 7-foot pedestrian clearance for all sidewalk cafés located on Woodland Blvd.

9. Alcoholic beverages will only be served or consumed within the proposed sidewalk café area boundary to be approved and only after the appropriate beverage license has been obtained from the Department of Business and Professional Regulation.

The subject property received City Commission approval on June 20, 2016 for a special exception for a 4COP alcohol license. The current business received approval for a sidewalk café on November 13, 2018.

10. Outdoor food preparation, if proposed, is restricted to the area to be licensed; and meets all applicable city, fire, safety, and health codes and all other relevant local and state regulations regarding outdoor food preparation.

No outdoor food preparation has been proposed.

11. The outside seating will not exceed 30% of the establishment's gross floor area, unless additional parking has been approved.

The Proposed outside seating constitutes less than 30% of the indoor restaurant gross floor area.

As the applicant appears to meet all criteria for a temporary sidewalk café; and as the café will not adversely affect public health, safety, or welfare; staff recommends **approval** of said application.

CITY OF DELAND
Request for Commission Action
April 15, 2024

SUBJECT: Resolution Approving the Demolition of a Historic Multi-Family Residence Located at 335 East Rich Avenue.

DEPARTMENT: Planning

PREPARED BY: Carol Kuhn, Planning Director

ATTACHMENTS: Resolution, Staff Report, Existing Conditions Email from Applicant, Florida Master Site File, Proposed New Construction Plans, Aerial - HPB24-041

APPROVED BY: Michael Pleus, City Manager, April 10, 2024

SUMMARY/HIGHLIGHT:

This property, located at 335 E. Rich Avenue, is within the Downtown Support District and, due to the age of the structure, the City Commission needs to review and either approve or deny a request to demolish this structure. The applicant has definite plans for redevelopment adhering to the R-2 zoning district standards. The Historic Preservation Board recommended approval at their Thursday, April 4, 2024, meeting, consistent with City Staff recommendation of approval.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Design and appearance, maintain and improve the aesthetic appearance throughout the City. Allowing a new Single-Family Residence to be built will enhance the streetscape and appearance rather than a vacant structure causing blight.

SUSTAINABILITY:

The demolition of this Multi-Family Residence provides an opportunity for new development on site, contributing to the existing neighborhood.

FISCAL IMPACT:

This demolition is initiated by and will be carried out by the applicant, with no financial cost to the City. Once the new single-family residence is built, it will add ad-valorem taxes instead of being vacant.

RECOMMENDATION:

It is recommended that the City Commission approve the demolition of the structure.

BACKGROUND/DISCUSSION:

This structure was constructed in 1940 per the Volusia County Property Appraiser. Therefore, it is a historic structure as defined in our Land Development Regulations.

RESOLUTION NO. 2024 -

**A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA,
AUTHORIZING DEMOLITION OF A BUILDING CONSTRUCTED
PRIOR TO 1950, LOCATED AT 335 EAST RICH AVENUE; PROVIDING
FOR SEVERABILITY; AND AN EFFECTIVE DATE.**

WHEREAS, the applicant, 335 E. Rich Avenue, LLC, submitted a building permit application for demolition of a building built prior to 1950, located at 335 East Rich Avenue; and

WHEREAS, the property is located within the Downtown Support District; and

WHEREAS, the residence has been vacant and deteriorated over the years; and

WHEREAS, the applicant intends to redevelop the site, adhering to the R-2, two-family dwelling district standards ; and

WHEREAS, on April 4, 2024, the Historic Preservation Board recommended approval for the demolition of the structure located at 335 East Rich Avenue; and

WHEREAS, the City Commission of the City of DeLand finds that it is in the best interests of the citizens of the City of DeLand to demolish the structure.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF
DELAND, FLORIDA:**

Section 1. That the City Commission of the City of DeLand hereby authorizes the demolition of a building constructed prior to 1950, located at 335 East Rich Avenue.

Section 2. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the remaining portions of this Resolution.

Section 3. This Resolution shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 15th day of April, 2024.

Christopher M. Cloudman
Mayor-Commissioner

ATTEST:

Julie A. Hennessy
City Clerk – Auditor

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney



City of DeLand
Historic & Cultural Resources
120 S. Florida Ave.
DeLand, FL 32720
Planning@DeLand.org

DATE: April 4, 2024

TO: Historic Preservation Board

FROM: Emily Kunkel, *Planner II / Historic Resource Coordinator*

RE: **Historic Preservation Review (Demolition) for a Multi-Family residence at 335 E. Rich Avenue.**
Application No.: HPB24-041
Applicant/Owner: 335 E. Rich Ave, LLC
Zoning District: R-2
Current Use: Vacant
Florida Master Site File Number: 8VO003776

Original Structure Information *(Provided from Florida Master Site File Structure Form)*

Date of Construction:	+/-1940	Style:	Frame Vernacular
Structural System:	Wood, Balloon	Foundation Type:	Piers, Brick
Exterior Fabric:	Stucco	Stories:	2
Roof:	Composition Shingle	Windows:	Metal awning; jalousie
Roof Type:	Gable	Chimneys:	1, brick, N: slope
Porch:	S/entrance/gable roof, wooden posts/1 bay	Secondary Structure:	None

Description of Proposed Work:

This property is located within the Downtown Support District and due to the age of the structure, the Historic Preservation Board and the City Commission need to review and either approve or deny the demolition of this structure. The residence has been vacant and has deteriorated over the years. The proposed future use of this property is to build a new 2-bed/2-bath single-family residence with a detached 2-bed/2-bath Accessory Dwelling Unit (ADU), contingent upon meeting all required Land Development Regulations and applicable Building Code requirements.

Historical Significance Summary: *(Provided from Master Site File):*

This property is included in the Roger's Map of DeLand which was platted by D.D. Rogers in January 1882, this building embodies many of the architectural characteristics of buildings constructed in DeLand during the Great Depression of the 1930's.

Background on Architectural Style Significance Summary: *(Provided from Master Site File):*

The Frame Vernacular style was a prevalent residential style in Florida. This style was common wood frame construction with lay or self-taught builders because before the Civil War, residents relied upon local materials and their own methods and designs to construct buildings. Frame Vernacular houses are typically one or two stories with wood balloon frame structural systems and

brick pier foundations. Horizontal drop siding and weatherboard are the most common exterior wall surface materials.

Staff Analysis

The demolition of this property, located within the Downtown Support District, has been reviewed per the City's Land Development Regulation Section 33-35. Due to the age of the structure, Historic Preservation Board and City Commission will need to review and either approve or deny the demolition of this structure. Staff finds that the demolition of this residence to be rebuilt with a new Single-Family Residence and Accessory Dwelling Unit (ADU) would benefit the surrounding neighborhood.

In addition, Per Land Development Regulation Section 33-94.04 "*All development **except** single and two-family dwellings within the Historic Design District and the Downtown Support District shall comply with the standards set forth in the most current revision of Design Guidelines for Commercial Building in Downtown DeLand which is incorporated herein by reference.*" Therefore, the new construction of this Single-Family Residence and Accessory Dwelling Unit (ADU) do not require any additional design requirements.

Guidance from DeLand Land Development Regulations

Land Development Regulations Section 33-35 outlines demolitions requirements in the City of DeLand.

33-35.01. Generally.

(a) Purpose and intent. The purpose of this section is to ensure that historic properties are protected from neglect or premature demolition by providing the following procedure for review.

No demolition permit affecting a building or structure in a designated Historic District, a designated historic building or structure, or a building or structure constructed prior to 1950 shall be issued until the applicant has demonstrated that no other feasible alternative to demolition can be found.

1. Issuance of demolition permit shall be guided by the following factors:

a. The historic or architectural significance of the building, structure, or object;

The Florida Master Site File provides very little information regarding the historical and architectural context about this structure. The Architectural context, Frame Vernacular was the prevalent style of residential architecture in Florida before the Civil War due to residents relying on local materials and their own methods and designs to construct buildings. The only Historical context provided outlines the subdivision where the residence was located and platted.

b. The importance of the building, structure, or object to the ambiance of a district;

There are existing Frame Vernacular style homes within the City and in close proximity to this structure. Per the Florida Master Site File, there is no specific historical significance of this structure. It is not located within any of the Historic Districts, only the support district.

c. The difficulty or the impossibility of reproducing such a building, structure or object because of its design, texture, material, detail, or unique location;

It would not be difficult to reproduce this building because the Frame Vernacular style is still a commonly used architectural style. However, it would be difficult to reproduce the building using

similar materials, that were used when originally built due to updated Florida Building Codes. The proposed new Single-Family residence and Accessory Dwelling Unit (ADU) are proposing to match each other using the same materials and style.

d. Whether the building, structure, or object is one of the last remaining examples of its kind in the neighborhood, the county, or the region;

On the same street, there are multiple frame vernacular style residences built within the similar timeframe (1914-1988), including one built in 1895.

e. Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and the effect of those plans on the character of the surrounding properties;

The Applicant is proposing to demolish this structure and construct a new Single-Family Residence (2bed/2bath) with a detached Accessory Dwelling Unit (2bed/2bath) on the same property, contingent upon meeting all applicable Land Development Codes and Florida Building Codes. The new construction shall enhance the surrounding properties as the existing structure is in disrepair and causing danger to life, health and safety of the neighborhood is negatively affecting the surrounding properties.

f. Whether reasonable measures can be taken to save the building, structure, or object from collapse; and

The Applicant has stated they had the home inspected and due to the previous neglect of this structure, previous damage, and the cost to repair, rehabilitation is not the best option. The best option would be to demolish and rebuild.

g. Whether the building, structure, or object is capable of earning reasonable economic return on its value.

As mentioned, if rehabilitated, the estimated cost of the renovation would exceed the value of the structure. Therefore, if demolished and rebuilt the potential outcome would be able to earn return on the investment.

Staff Recommendation:

The request is consistent with the City's Land Development Regulations, Section 33-35.01, and due to the danger to life, health, and safety, staff recommends approval of this demolition application as presented and Staff recommends approval of the development of the new Single-Family residence and Accessory Dwelling Unit (ADU). The redevelopment of this site does not need to follow any additional design criteria (LDR Sec. 33-94.04).

Historic Preservation Board Recommendation: (LDR Section 33-35(b)(6))

The historic preservation board shall use the criteria set forth in subsection (a) above to review the completed application and accompanying submittals. After completing the review of the application and fulfilling the public notice and hearing requirements set forth above, the board shall forward its recommendation to the city commission.

Attachments:

Vicinity Map

Historical Structure Form – Florida Master Site File (1991)

Existing Conditions Letter from Applicant

Proposed New Construction Plans

335 E Rich Avenue DeLand FL 32724

Tyler Spore <tyler.spore@virtechsystems.com>

Thu 3/14/2024 12:21 PM

To:Emily Kunkel <kunkele@deland.org>;

City of DeLand
Attention: Building and Code Enforcement Division
[120 S. Florida Avenue](#)
[DeLand, FL 32720](#)

Subject: Report and Request for Immediate Action Regarding the Dilapidated Condition of [335 E Rich Avenue, DeLand, FL](#) for Demolition

I am writing to formally bring to your attention the deplorable and hazardous state of the property at [335 E Rich Avenue, DeLand, FL](#). As a concerned citizen, it is with a sense of urgency that I report the severe deterioration and potential risks it poses to the immediate neighbors and any passerby.

Over the years, the property has significantly degenerated into a state of disrepair that renders it uninhabitable and beyond any feasible repair. The most concerning damage is the old termite infestation that has compromised the structural integrity of the building. As you are undoubtedly aware, termite damage is not merely cosmetic but affects the framework and stability of structures, leading to potentially catastrophic failures if not addressed.

Moreover, the property has suffered from neglect and previous damage left unattended. These issues range from broken windows and deteriorating roofing to unsafe flooring and weak internal structures. The cumulative effect of these problems has rendered the property a severe safety hazard.

The risk of injury to individuals entering or even merely passing near the property cannot be overstated. In its current state, the property is an accident waiting to happen, potentially causing harm to homeless citizens looking for shelter, children playing in the vicinity, or even emergency responders or inspectors who might need to access the site.

Given the conditions described, I firmly believe the property at 335 E Rich Avenue fails to meet the City of DeLand's safety and habitability standards. It poses a clear and present danger to public safety and welfare, necessitating prompt action.

Therefore, I urge the city to take all necessary measures to allow me to demolish the structure.

I am willing to provide further details or meet with a representative to discuss this matter. Thank you for your attention to this critical issue and for your ongoing efforts to ensure the safety and well-being of our community.

Sincerely,

Juddson Tyler Spore

Tyler Spore
Chief Executive Officer

VirTech Systems
858 W Plymouth Ave
DeLand, FL 32720
Phone: (386) 227-6004
Email: tyler.spore@VirTechSystems.com

www.virtechsystems.com

The content of this email is confidential and intended for the recipient specified in the message only. It is strictly forbidden to share any part of this message with any third party without the written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion to ensure such an error does not occur in the future.

SEE SITE FILE STAFF FOR
ORIGINAL PHOTO(S) OR MAP(S)

RECORD NUMBER: 312

Page 1

X original
update

HISTORICAL STRUCTURE FORM
FLORIDA MASTER SITE FILE

site 8 VO 903776

SITE NAME:

HISTORIC CONTEXTS: Boom Times

NAT. REGISTER CATEGORY: Building

OTHER NAMES OR MSF NOS:

COUNTY: Volusia **OWNERSHIP TYPE:** Private, Individual

PROJECT NAME: Stetson University + City of DeLand: S+P DHR NO. 2836

LOCATION:

ADDRESS: 335 East Rich Avenue

CITY: DeLand

VICINITY OF/ROUTE TO: See attached maps

SUB: Roger's Map of DeLand **BLOCK** 23 **LOT** 5

PLAT OR OTHER MAP: Prop. Appraiser Map of Volusia County

TOWNSHIP: 17S **RANGE:** 30E **SECTION:** 9 1/4: 1/4-1/4:

IRREGULAR SEC? y X n **LAND GRANT:** None

USGS 7.5 MAP: DeLand, FL 1964: PR 1980

UTM: ZONE: **EASTING:** **NORTHING:**

COORDINATES: LATITUDE: D M S LONGITUDE: D M S

HISTORY

ARCHITECT:

BUILDER:

CONSTRUCTION DATE: c 1940 **RESTORATION DATE(S):**

MODIFICATION DATE(S):

MOVE: DATE: **ORIG. LOCATION:**

ORIGINAL USE (S): Private residence

PRESENT USE (S): Private residence

DESCRIPTION

STYLE: Frame Vernacular

PLAN: EXTERIOR: Rectangular

PLAN: INTERIOR:

NO. STORIES: 2 **OUTBLDGS:** 0 **PORCHES:** 1 **DORMERS:** 0

STRUCTURAL SYSTEM(S): Wood, balloon

EXTERIOR FABRIC(S): Stucco

FOUNDATION: TYPE: Piers

MATERIALS: Brick

INFILL:

PORCHES: S/entrance/gable roof, wooden posts/1 bay

ROOF: TYPE: Gable

SURFACING: Composition shingle

SECONDARY STRUCS:

CHIMNEY: NO.: 1

MATERIALS: Brick

LOCATIONS: N: slope

WINDOWS: Metal awning; jalousie

EXTERIOR ORNAMENT:

CONDITION: Good

SURROUNDINGS: Residential

NARRATIVE:

See Continuation Sheet

RECORD NO: 312

Page 2

FMSF HISTORICAL STRUCTURE FORM

Site 8

603776

ARCHAEOLOGICAL REMAINS AT THE SITE

FMSF ARCHAEOLOGICAL FORM COMPLETED? y X n

ARTIFACTS OR OTHER REMAINS: None observed

RECORDER'S EVALUATION OF SITE

AREAS OF SIGNIFICANCE: Architecture

ELIGIBLE FOR NAT. REGISTER?	y	X	n	likely, need info	insf info
SIGNIF. AS PART OF DISTRICT?	y	X	n	likely, need info	insf info
SIGNIFICANT AT LOCAL LEVEL?	X	y	n	likely, need info	insf info

SUMMARY OF SIGNIFICANCE

See continuation sheet

* * * * DHR USE ONLY	* * * * * DHR USE ONLY	* * * * *
DATE LISTED ON NR _____		
KEEPER DETERMINATION OF ELIG. (DATE):	YES _____ NO _____	*
SHPO EVALUATION OF ELIGIBILITY (DATE):	YES _____ NO _____	*
LOCAL DETERMINATION OF ELIG. (DATE):	YES _____ NO _____	*
OFFICE _____		*
* * * * DHR USE ONLY		

RECORDER INFORMATION: NAME: Sidney Johnston

DATE: 02/01/91 AFFILIATION: Historic Property Associates, Inc.

PHOTOGRAPHS

LOCATION OF NEGATIVES: HPA, Inc., St. Augustine, FL

NEGATIVE NUMBERS: Roll 9, #34

PHOTOGRAPH

M A P

See Attachments

STATEMENT OF SIGNIFICANCE

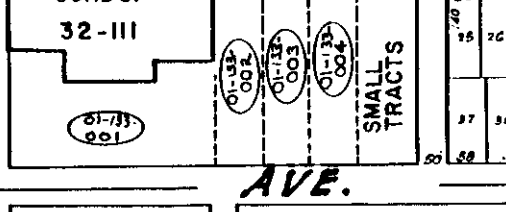
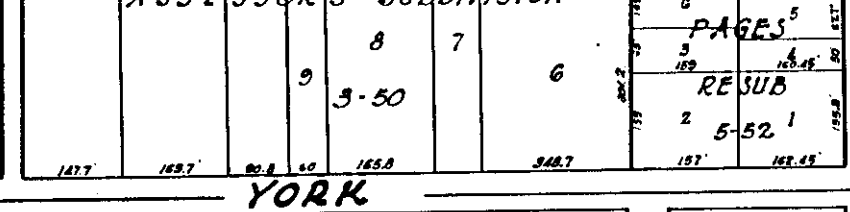
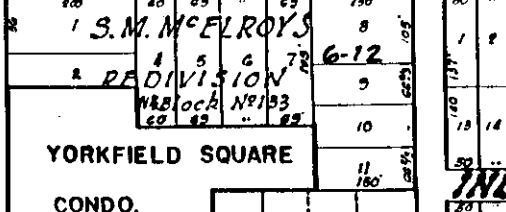
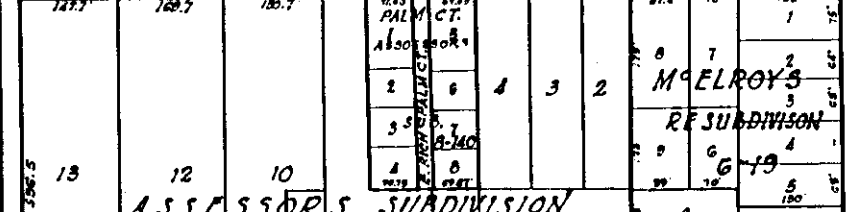
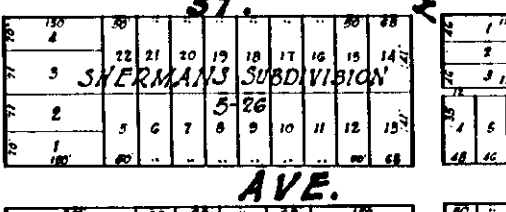
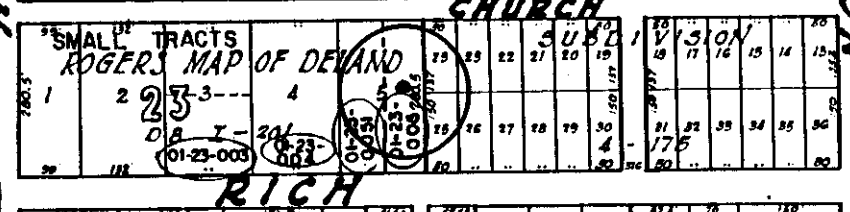
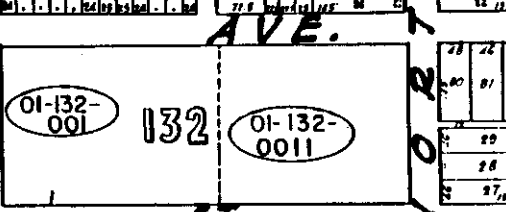
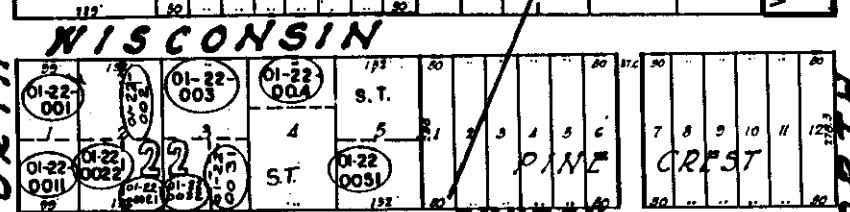
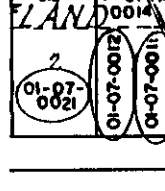
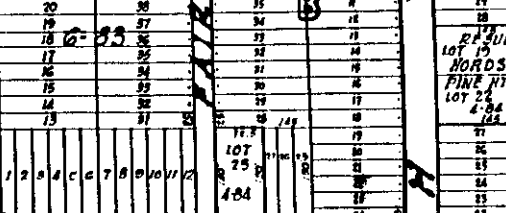
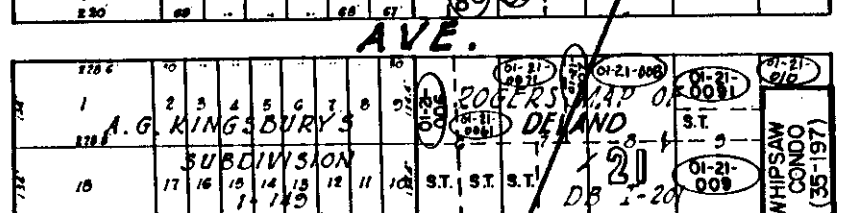
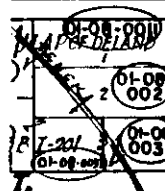
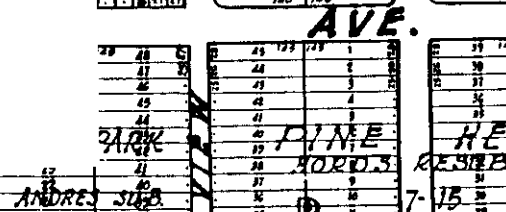
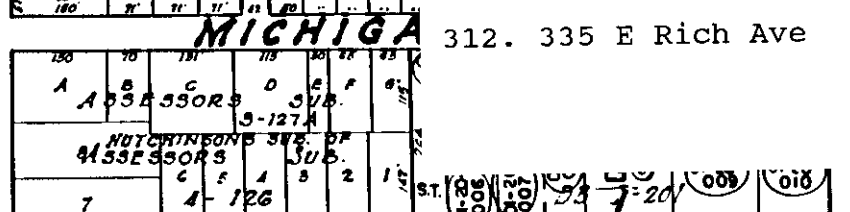
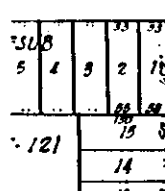
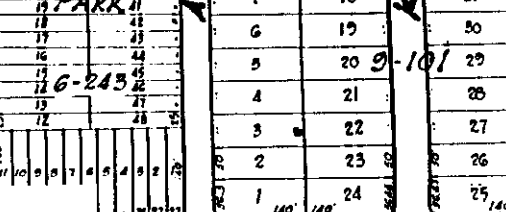
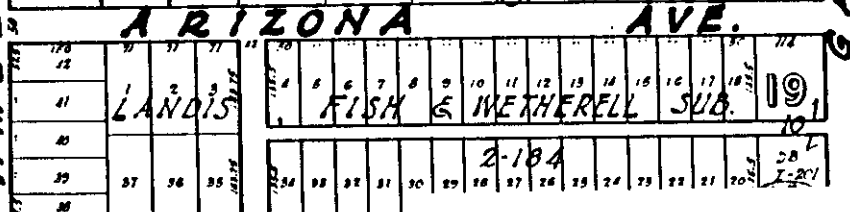
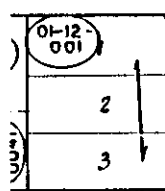
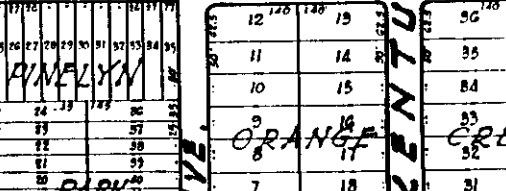
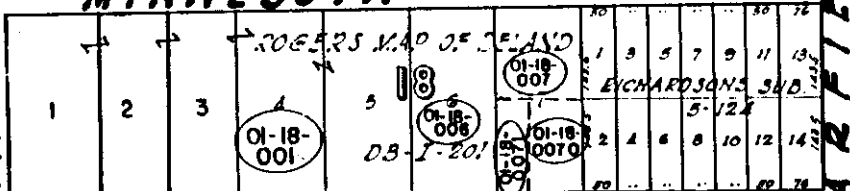
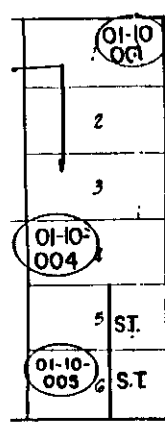
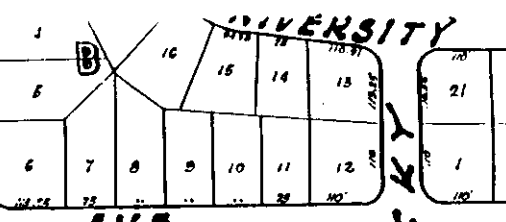
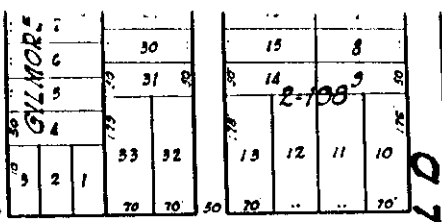
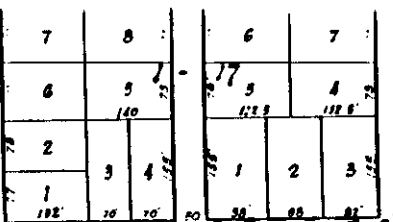
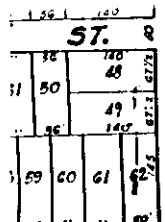
Architectural Narrative: This two-story Frame Vernacular residential building is located at 335 East Rich Avenue. Notable architectural features include a gable roof, exposed rafter ends, and an entrance porch covered by a gable overhang supported by wooden posts. Fenestration consists of metal awning windows and jalousie windows. The exterior wall fabric is stucco. Alterations consist of the metal awning windows and the jalousie windows.

Architectural Context: Frame Vernacular, the prevalent style of residential architecture in Florida, refers to the common wood frame construction technique employed by lay or self-taught builders. Before the Civil War, residents relied upon local materials and their own methods and designs to construct buildings. The Industrial Revolution permitted standardization of building materials and parts and exerted a pervasive influence over vernacular house design. Popular magazines helped to make architectural trends universal throughout the country. The railroad provided cheap and efficient transportation for manufactured building materials. Ultimately, individual builders had access to a myriad of finished architectural products from which to create their own designs.

Frame Vernacular houses are typically one or two stories in height, with wood balloon frame structural systems and brick pier foundations. Plans are usually rectangular, though L-shaped plans were often used to maximize cross-ventilation. Gable or hip roofs usually have steep pitches which accommodate attic space. Horizontal drop siding and weatherboard are the most common exterior wall surface materials. Wood shingles were often used to cover the roofs, but they have nearly always been replaced by composition shingle. Porches, most commonly simple entrance or end porches, are common features of the style. Fenestration is regular, but not always symmetrical. Windows are generally double-hung sash with multi-pane glazing and doors contain recessed wood panels. Exterior decoration is sparse and limited to ornamental woodwork.

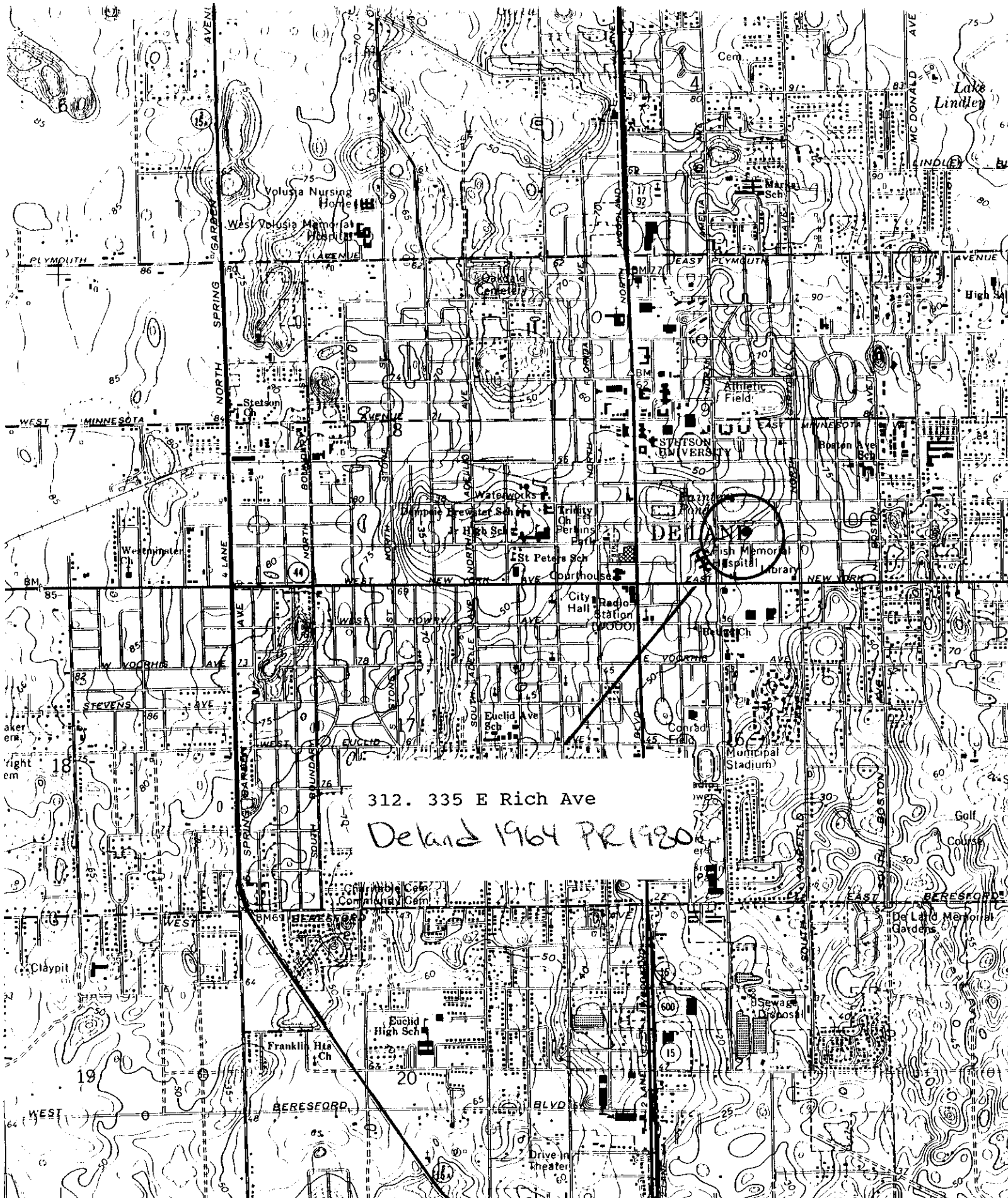
Historical Narrative: Located in the Roger's Map of DeLand, which was platted by D.D. Rogers in January, 1882, this building embodies many of the architectural characteristics of buildings constructed in DeLand during the Great Depression of the 1930s. Evidence compiled from city directory research combined with Sanborn Company maps, which were prepared of DeLand between 1885 and 1950, indicate that the building was constructed about 1940.

Historical Context: DeLand, founded in 1876, was incorporated in 1882 and became the seat of government for Volusia County in 1888. The home of Stetson University, Florida's oldest private university, DeLand developed quickly in the late nineteenth century, largely through the promotional efforts of Henry A. DeLand, the community's namesake. The introduction of the railroad and an economy based on citrus spurred the first period of development. Although devastating freezes in the mid 1890s slowed growth, the commercial and citrus industries became revitalized over the following decade. By 1910, the population had doubled to 2,812. During that interval significant construction began, which resulted in an expanded commercial district, the formation of residential neighborhoods, and the extension of municipal services to many areas of the community. By 1910, Stetson University's campus had become a prominent landscape feature at the north end of DeLand. Although events associated with World War I retarded growth, by 1920 the population had reached 3,324. During the Florida land boom of the 1920s, real estate sales played an important role in the local economy. Numerous subdivisions were platted and buildings constructed. Within five years the population nearly doubled. The collapse of the boom in 1926 brought development to a virtual halt. Together with the rest of the state, DeLand entered a period of economic decline, though moderate construction persisted throughout the Depression decade. Development in DeLand since 1950 has compromised some of the community's irreplaceable historic buildings. Nevertheless, the historic resources that remain represent architectural and cultural legacies worth preserving. Sensitive historic preservation planning and management is needed to ensure their protection.



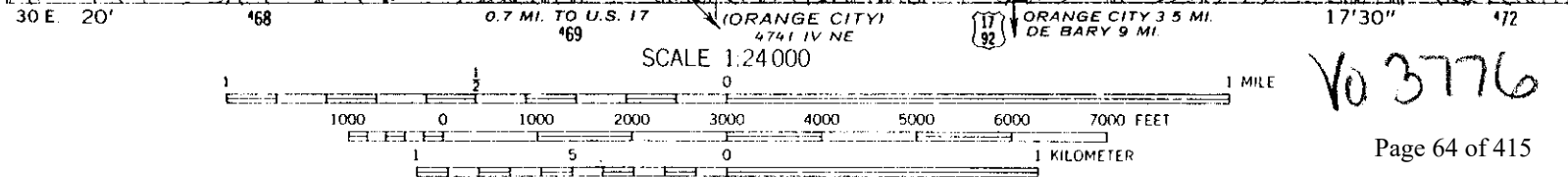
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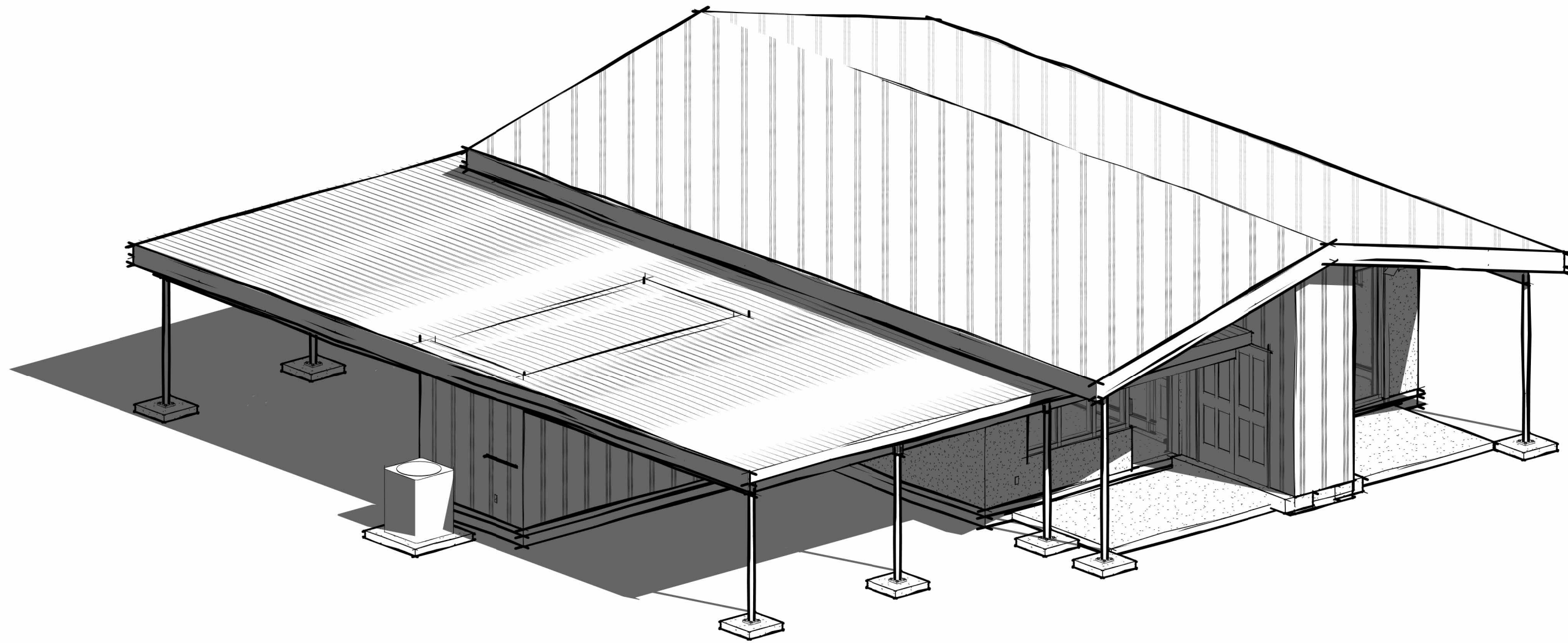


312. 335 E Rich Ave

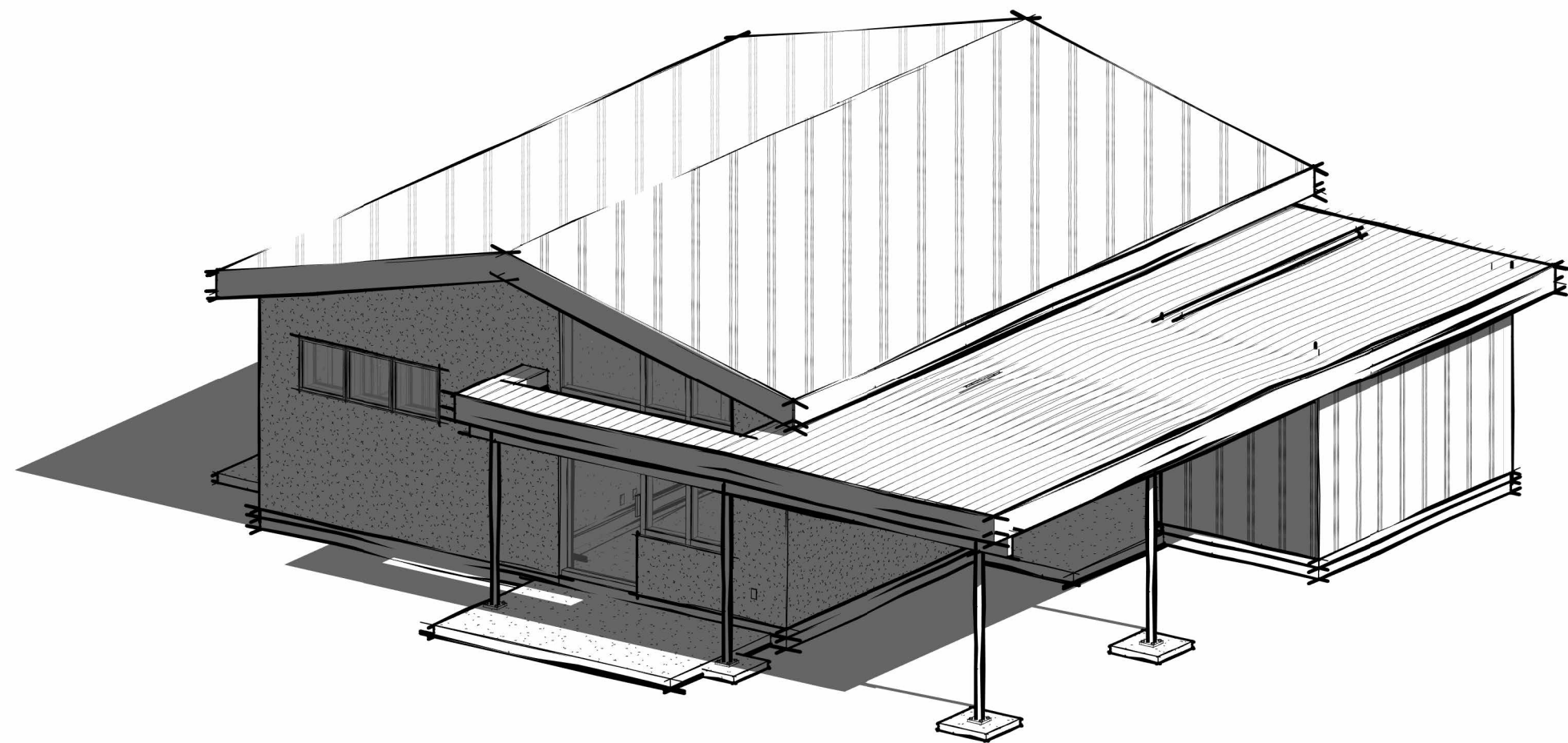
Deland 1964 PR 1980





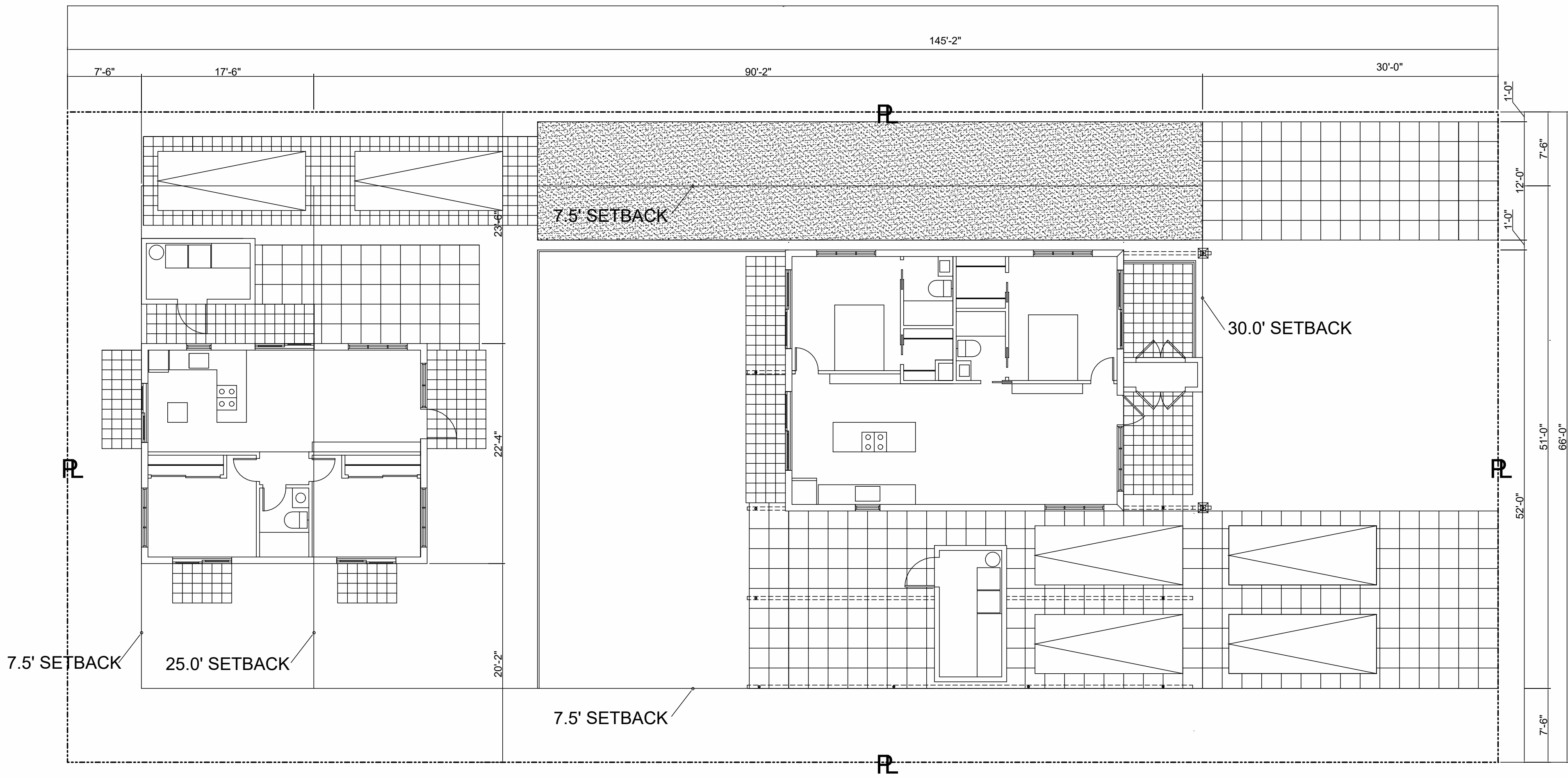


② Primary Building



① Accessory Building

- DESIGN REQUIREMENTS
- A. ROOF LIVE LOAD IS 20 PSF
B. FLOORS LIVE LOAD IS 40 PSF, BALCONIES, DECKS, STAIRS, LIVE LOAD IS 60PSF
- NOTE: THIS STRUCTURE HAS BEEN DESIGNED TO MEET OR EXCEED REQUIREMENTS OF THE (2020) FLORIDA BUILDING CODE (7TH EDITION)
1. WIND EXPOSURE - CATEGORY (B)
2. ULTIMATE WIND SPEED - 140MPH
3. NOMINAL WIND SPEED - 108MPH
4. WIND IMPORTANCE FACTOR - 1.0
5. INTERNAL PRESSURE COEFFICIENT- .18
6. SINGLE FAMILY RESIDENCE TO BE RISK CATEGORY II.



SQ. FT. CALCULATIONS
9981 LOT SQ. FT.
IMPERVIOUS GROUND SQ. FT. CALCULATION (5270 SQ. FT. 55% MAX.)
910 SQ. FT. PRIMARY SINGLE FAMILY DWELLING
648 SQ. FT. ACCESSORY DWELLING UNIT
3677 SQ. FT. PAVING/UTILITY ROOMS/STORAGE/GRAVEL
5235 SQ. FT. TOTAL IMPERVIOUS GROUND (54.6%)

ACCESSORY DWELLING UNIT REAR YARD CALCULATION
1850 REAR YARD SQ. FT.
969 (34%) ACCESSORY DWELLING UNIT

SITE PLAN
SCALE 1/8" = 1'-0"

COMPONENT AND CLADDING DESIGN						
WIND PRESSURES (PSF)						
ROOF SURFACE PRESSURES						
Area	2 sf	10 sf	20 sf	75 sf	100 sf	250 sf
Negative Zone 1 & 2e	-32.1	-32.1	-32.1	-13.9	-10.0	-10.0
Negative Zone 2n, 2r & 3e	-46.8	-46.8	-40.4	-28.4	-25.7	-17.4
Negative Zone 3r	-55.6	-55.6	-47.6	-32.4	-29.1	-29.1
Positive All Zones	12.9	10.5	10.0	10.0	10.0	10.0
Overhang Zone 1 & 2e	-36.8	-36.8	-36.8	-24.7	-22.1	-22.1
Overhang Zone 2n & 2r	-51.5	-51.5	-46.7	-37.7	-35.7	-29.4
Overhang Zone 3e	-60.3	-60.3	-52.1	-36.4	-32.9	-22.1
Overhang Zone 3r	-69.1	-69.1	-58.5	-38.2	-33.8	-33.8

WALL SURFACE PRESSURES				
Area	10 sf	100 sf	200 sf	500 sf
NEGATIVE ZONE 4	-18.8	-16.2	-15.4	-14.4
NEGATIVE ZONE 5	-23.2	-18.0	-16.5	-14.4
POSITIVE ZONE 4 & 5	17.4	14.8	14.0	12.9

NOTES:
1) TABLE PRESSURES ARE FOR THE SQUARE FOOT (SF) TRIBUTARY AREA SHOWN. FOR OTHER TRIBUTARY AREAS, LINEARLY INTERPOLATE BETWEEN VALUES SHOWN ABOVE.
2) POSITIVE PRESSURES ACT TOWARD THE BUILDING. NEGATIVE PRESSURES ACT AWAY FROM THE BUILDING.
3) SEE DIAGRAMS FOR LOCATION OF ZONES.
4) PRESSURES SHOWN ARE NOMINAL PRESSURES, DIVIDE BY 0.6 FOR ULTIMATE PRESSURES

Sheet List	
Sheet Number	Sheet Name
A-0.0	Cover Sheet
A-1.0	Design Specs
A-1.1	Primary Building
A-2.1	Accessory Building
A-3.1	Reflected Ceiling Plan
E-1	First Floor Electrical
L-1	Lintel Plan
S-0	Foundation Plan
S-1	Roof Framing
S-2	Details
S-3	Details
S-4	Details

Primary Area Schedule	
Name	Area
Primary Living	912 SF
Under Air	912 SF
Primary Carport	300 SF
Primary Front Porch	208 SF
Primary Lanai	41 SF
Primary Porch	339 SF
Primary Utility	101 SF
Non-A/C	989 SF
Total Under Roof	1901 SF

Accessory Area	
Name	Area
Accessory Living	650 SF
Under Air	650 SF
Accessory Carport	251 SF
Accessory Entry	30 SF
Accessory Utility	77 SF
Non-A/C	358 SF
Total Under Roof	1008 SF

No.	Description	Date

Cover Sheet

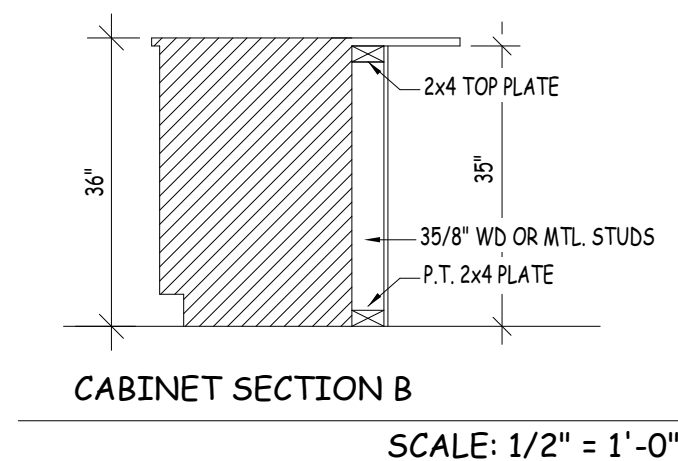
A CUSTOM DESIGN FOR:
Solomon Greene

335 East Rich Ave. Deland FL

DESIGN STATEMENT: THIS STRUCTURE HAS BEEN DESIGNED TO MEET OR EXCEED THE REQUIREMENTS OF THE 2020 FLORIDA BUILDING CODE (7TH EDITION) AND ALL APPLICABLE LOCAL ORDINANCES. THE DESIGN CRITERIA ARE AS FOLLOWS:
WIND SPEED: 139mph (ULTIMATE) (108mph (NOMINAL))
WIND IMPORTANCE FACTOR: 1.0
BUILDING CATEGORY: II
WIND EXPOSURE: B
INTERNAL PRESSURE COEFFICIENT: R/C

SCALE: 1/8" = 1'-0"
PROJECT NO.: 007-GRERIC-V1-R23
DATE: 05/10/2023
DRAWN BY: RJC

SHEET NO.: A-0.0



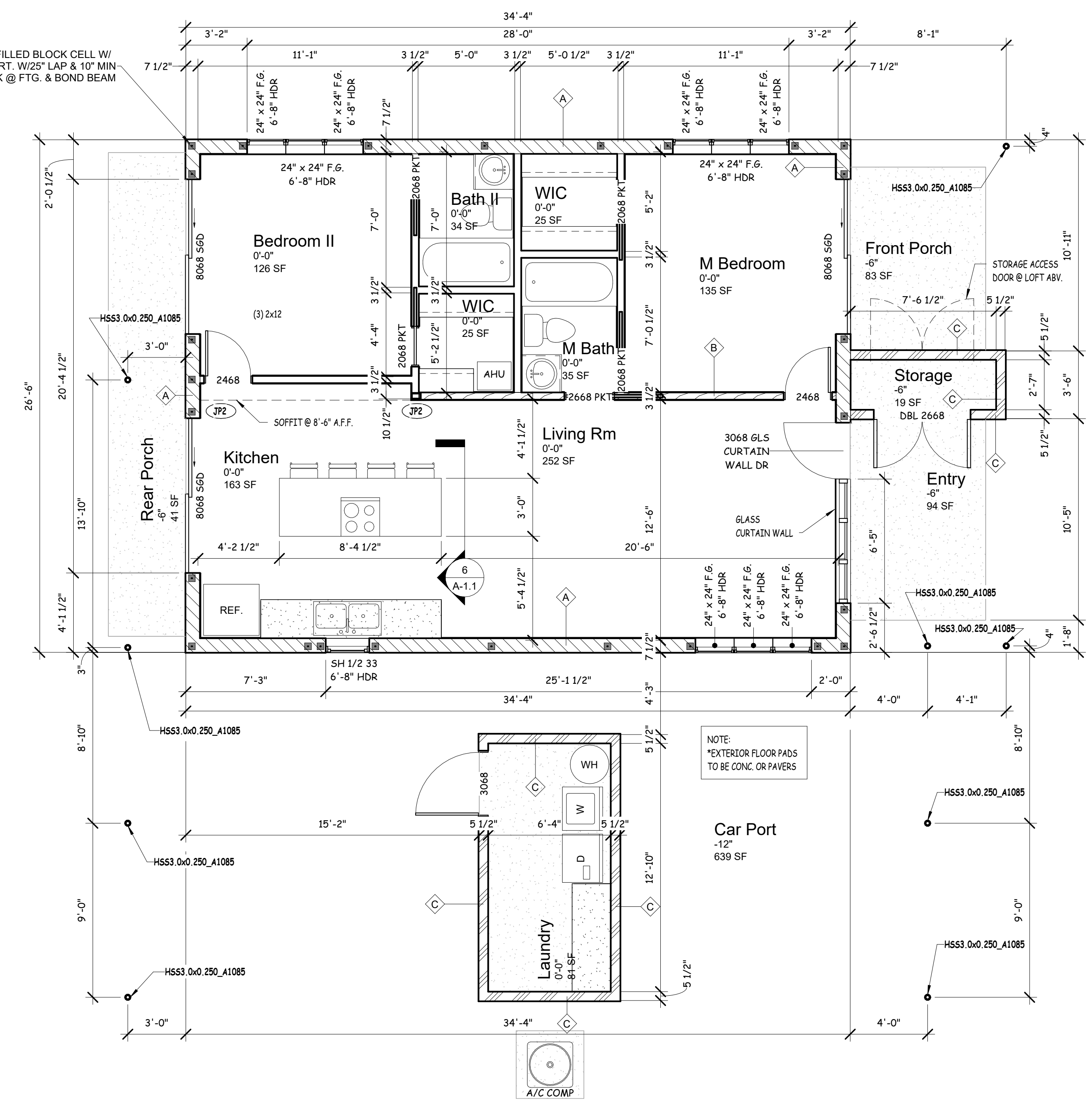
Door - Primary
1'-0"

JACK POST SCHEDULE	
JP1	(2) STUDS w/ SPI AT BOTTOM OF EACH STUD & (2) HTS-12 AT TOP.
JP2	(3) STUDS WITH HT-4 AT BOTTOM w/ 5/8" A.B. DRILLED AND EPOXIED MIN. 5" (TO CMU OR CONCRETE BELOW) & (2) HTS-20 AT TOP.

WHERE APPLICABLE, PROVIDE 1/2" MIN FELT (MOISTURE BARRIER) BETWEEN WOOD POST & CONCRETE / MASONRY - OPTIONAL BARRIER: PROVE T. MATERIAL BETWEEN WOOD POSTS (w/ HTT-5) WITH A (MIN) 5" A.B. EMBEDMENT.

	TYPE	BEAR. HT. (A.F.F.)	LOCATION
A	C.M.U. 	8'-4"	EXTERIOR
B	FRAME 	11'-6"	INTERIOR
C	FRAME 	6'-9"	EXTERIOR
D	FRAME 	10'-11"	INTERIOR

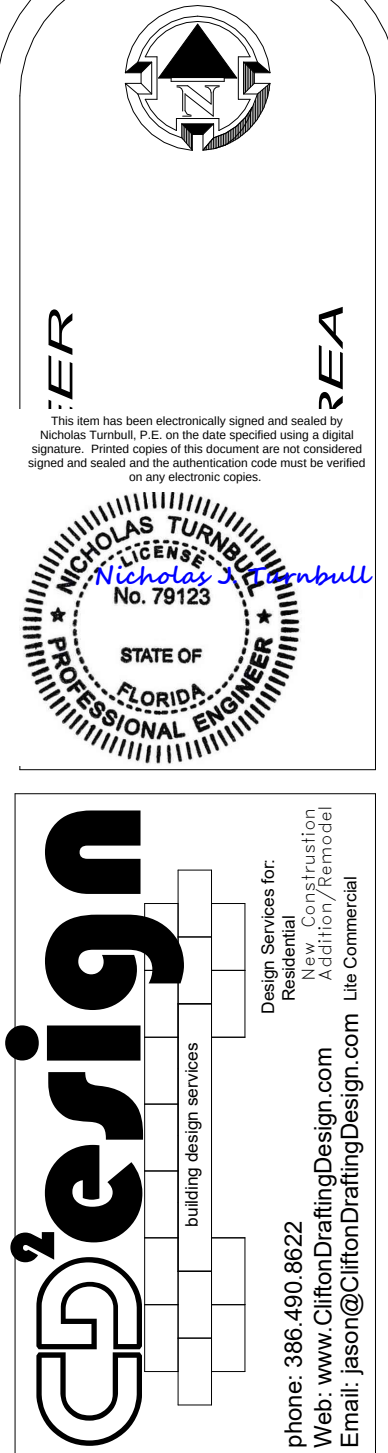
Name	Area
Primary Living	912 SF
Under Air	912 SF
Primary Carport	300 SF
Primary Front Porch	208 SF
Primary Lanai	41 SF
Primary Porch	339 SF
Primary Utility	101 SF
Non-A/C	989 SF
Total Under Roof	1901 SF



Door - Primary
1'-0"



Door - Primary
1'-0"

[illegible]

Primary Building

A CUSTOM DESIGN FOR
Solomon Greene

335 East Rich Ave. Deland FL

DESIGN STATEMENT: THIS STRUCTURE HAS BEEN DESIGNED IN ACCORDANCE WITH THE FLORIDA RESIDENTIAL CODE, 2007th EDITION AND NRC 2014 WITH ALL REVISIONS THERETO. THE DESIGN CRITERIA ARE AS FOLLOWS:

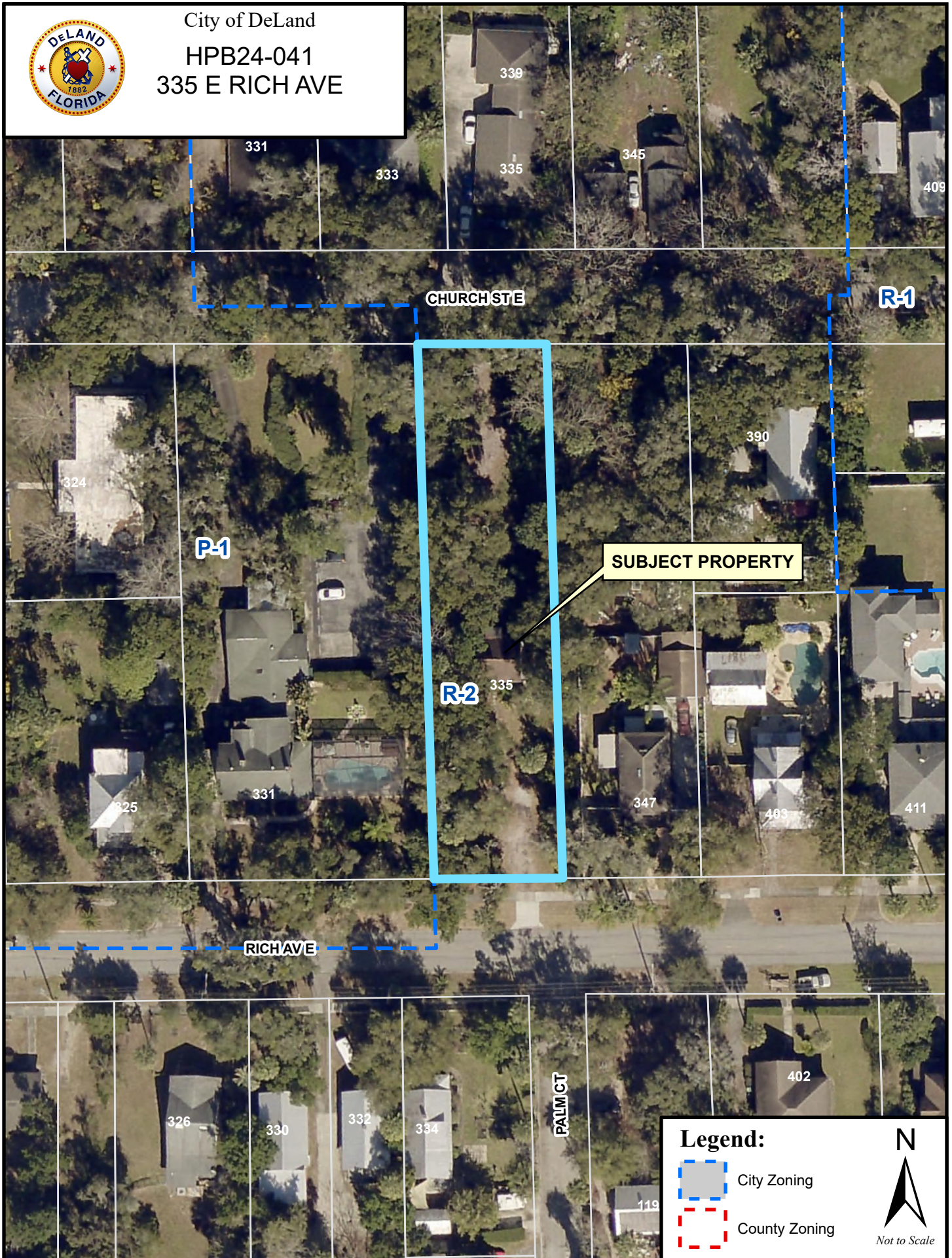
WIND SPEED:	139mph (ULTIMATE) 108mph (NOMINAL)
WIND IMPORTANCE FACTOR:	I BUILDING CATEGORY:
WIND EXPOSURE:	B INTERNAL PRESSURE COEFFICIENT:

SCALE:	1/4" = 1'-0"
PROJECT NO.:	007-GRERIC-V1-R23
DATE:	05/10/2023
DRAWN BY:	RJC

SHEET NO.:
A-1.1



City of DeLand
HPB24-041
335 E RICH AVE



CITY OF DELAND
Request for Commission Action
April 15, 2024

SUBJECT: Resolution Approving the Demolition of a Historic Single-Family Residence Located at 141 West Division Street.

DEPARTMENT: Planning

PREPARED BY: Carol Kuhn, Planning Director

ATTACHMENTS: Resolution, Staff Report_HPB24-034_141 W. Division_04042024, Home Inspection Report, Florida Master Site File_8VO004026, Proposed New Construction - Exterior Renderings, Aerial - 141 W Division

APPROVED BY: Michael Pleus, City Manager, April 10, 2024

SUMMARY/HIGHLIGHT:

This property at 141 W. Division Street is located within the Downtown Support District. Due to the age of the structure, the City Commission must review and either approve or deny any request to demolish the structure. The residential structure sustained previous hurricane damage, and has deteriorated over the years. The proposed future use of this property is to build a new single-family residence, using the existing footprint, contingent upon meeting all required Land Development Regulations and applicable Building Code requirements. The Historic Preservation Board recommended approval at their Thursday, April 4, 2024, meeting, consistent with City Staff recommendation of approval.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Design and appearance, maintain and improve the aesthetic appearance throughout the City. Allowing a new single-family residence to be built will enhance the streetscape and appearance rather than a damaged deteriorated structure resulting in blight.

SUSTAINABILITY:

The demolition of this single-family residence provides an opportunity for new development on site, contributing to the existing neighborhood.

FISCAL IMPACT:

This demolition is initiated by and will be carried out by the applicant, with no financial cost to the City.

RECOMMENDATION:

It is recommended that the City Commission approve the demolition of the structure.

BACKGROUND/DISCUSSION:

This structure was constructed in 1925 per the Volusia County Property Appraiser. Therefore, it is a historic structure as defined in our Land Development Regulations. A Professional Building Inspector inspected the property and deemed the structure unsafe and provided the attached report, recommending that the best use of the property would be to demolish and rebuild.

RESOLUTION NO. 2024 -

**A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA,
AUTHORIZING DEMOLITION OF A BUILDING CONSTRUCTED
PRIOR TO 1950, LOCATED AT 141 WEST DIVISION STREET;
PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.**

WHEREAS, the applicant, Paul Judson, of DSW Homes, on behalf of the owner, Maritza Gonzalez, submitted a building permit application for demolition of a building built prior to 1950, located at 141 West Division Street; and

WHEREAS, the property is located within the Downtown Support District; and

WHEREAS, the residential structure sustained previous hurricane damage and has deteriorated over the years, and after the demolition, the owners intend to build a new single-family residence, using the existing footprint; and

WHEREAS, on April 4, 2024, the Historic Preservation Board recommended approval for the demolition of the structure located at 141 West Division Street; and

WHEREAS, the City Commission of the City of DeLand finds that it is in the best interests of the citizens of the City of DeLand to demolish the structure due to a Professional Building Inspector deeming the structure as unsafe.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF
DELAND, FLORIDA:**

Section 1. That the City Commission of the City of DeLand hereby authorizes the demolition of a building constructed prior to 1950, located at 141 West Division Street.

Section 2. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the remaining portions of this Resolution.

Section 3. This Resolution shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 15th day of April, 2024.

Christopher M. Cloudman
Mayor-Commissioner

ATTEST:

Julie A. Hennessy
City Clerk – Auditor

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney



City of DeLand
Historic & Cultural Resources
120 S. Florida Ave.
DeLand, FL 32720
Planning@DeLand.org

DATE: April 4, 2024

TO: Historic Preservation Board

FROM: Emily Kunkel, *Planner II / Historic Resource Coordinator*

RE: **Historic Preservation Review (Demolition) for Single-Family at 141 West Division St.**
Application No.: HPB24-034
Applicant: Paul Judson, *DSW Homes*
Owner: Maritza Gonzalez
Zoning District: R-1
Current Use: Residential
Florida Master Site File No.: 8VO004026

Original Structure Information *(Provided from Florida Master Site File Structure Form)*

Date of Construction:	1925	Style:	Bungalow
Structural System:	Wood, Balloon	Foundation Type:	Piers, Brick
Siding:	Drop Siding; asbestos shingle	Stories:	1
Roof:	Metal, 3-v crimp	Windows:	Double-hung sash, 1/1 lights
Roof Type:	Gable	Chimneys:	1, brick, E: end, interior
Porch:	S/entrance/gable roof, wooden posts/1 bay	Secondary Structure:	None

Description of Proposed Work:

This property is located within the Downtown Support District and due to the age of the structure, the Historic Preservation Board and the City Commission need to review and either approve or deny the demolition of this structure. The residence sustained previous hurricane damage, and has deteriorated over the years. The proposed future use of this property is to build a new single-family residence, using the existing footprint, contingent upon meeting all required Land Development Regulations and applicable Building Code requirements.

Historical Significance Summary: *(Provided from Master Site File):*

This property is included in the Albee's Resubdivision, which was platted by E.E Albee in 1920, this building embodies many of the architectural characteristics of buildings constructed in DeLand during the Florida Land Boom of the 1920's.

Background on Architectural Style Significance Summary: *(Provided from Master Site File):*

The Bungalow was the most popular residential building design in Florida during the first three decades of the twentieth century. The bungalow is typically a one or one and one-half story building with a low-pitched gable (occasionally hipped) roof with wide unenclosed eave

overhangs. The roof rafters are usually exposed and false brackets or beams are commonly added under the gables.

Staff Analysis

The demolition of this property, located within the Downtown Support District, has been reviewed per the City's Land Development Regulation Section 33-35. Due to the age of the structure, Historic Preservation Board and City Commission will need to review and either approve or deny the demolition of this structure. The Property Inspection report, attached, provided by the applicant states that "...any type of rehab to the house is not a viable option due to the structural deficiencies. Multiple issues are present that would not meet today's housing quality standards. The cost for upgrades/replacement of existing systems and components would exceed the value of the structure." Staff finds that the demolition of this residence to be rebuilt with another single-family residence would benefit the surrounding neighborhood.

In addition, Per Land Development Regulation Section 33-94.04 "*All development except single and two-family dwellings within the Historic Design District and the Downtown Support District shall comply with the standards set forth in the most current revision of Design Guidelines for Commercial Building in Downtown DeLand which is incorporated herein by reference.*" Therefore, the new construction of this single-family residence does not require any additional design requirements.

Guidance from DeLand Land Development Regulations

Land Development Regulations Section 33-35 outlines demolitions requirements in the City of DeLand.

33-35.01. Generally.

(a) Purpose and intent. The purpose of this section is to ensure that historic properties are protected from neglect or premature demolition by providing the following procedure for review. No demolition permit affecting a building or structure in a designated Historic District, a designated historic building or structure, or a building or structure constructed prior to 1950 shall be issued until the applicant has demonstrated that no other feasible alternative to demolition can be found.

1. Issuance of demolition permit shall be guided by the following factors:

a. The historic or architectural significance of the building, structure, or object;

The Florida Master Site File provides very little information regarding the historical and architectural context about this structure. The Architectural context, Bungalow was the most popular residential building design in Florida during the first three decades of the twentieth century. The only Historical context provided outlines the subdivision where the residence was located and platted.

b. The importance of the building, structure, or object to the ambiance of a district;

On the same segment of this street (S. Florida to Woodland Blvd.), there are 4 bungalow style homes, built between 1925-1949 they all face W. Division street with the same or similar dominant front porch. In the same block, there are majority bungalow style homes all built within the same timeframe as this residence. The proposed new construction will include a front porch to the right of front façade, similar in style to the existing and surrounding structures. However, it will not be a predominant front porch, as found in the existing structure.

c. The difficulty or the impossibility of reproducing such a building, structure or object because of its design, texture, material, detail, or unique location;

It would not be difficult to reproduce this building because the bungalow style is still a commonly used architectural style. However, it would be difficult to reproduce the building using similar materials, that were used when originally built due to updated Florida Building Codes. The proposed residence using concrete masonry units (CMU) (a.k.a cinder blocks) is a more commonly used material for longevity and adhering to the applicable Florida Building Code(s).

d. Whether the building, structure, or object is one of the last remaining examples of its kind in the neighborhood, the county, or the region;

In the immediate surrounding block, there are multiple bungalow style residences built within the same timeframe (1925-1949), including on the same street.

e. Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and the effect of those plans on the character of the surrounding properties;

The applicant has submitted proposed plans for a new 1,164 S.F., 3/2 single-family residence with a 65 S.F. covered front porch to be placed in the same footprint as existing residence.

f. Whether reasonable measures can be taken to save the building, structure, or object from collapse; and

The provided property inspection report states that due to the structural damage, these issues would not meet today's housing quality standards and the cost of upgrading/replacement would exceed the value of the structure.

g. Whether the building, structure, or object is capable of earning reasonable economic return on its value.

As mentioned, if restored, the estimated cost of the renovation would exceed the value of the structure. Therefore, if demolished and rebuilt would be capable of earning reasonable economic return on its return.

Staff Recommendation:

The request is consistent with the City's Land Development Regulations, Section 33-35, and due to the danger to life, health, and safety, staff recommends approval of this demolition application as presented and Staff recommends approval of the development of the new Single-Family residence. The redevelopment of this site does not need to follow any additional design criteria (LDR Sec. 33-94.04).

Historic Preservation Board Recommendation: (LDR Section 33-35(b)(6))

The historic preservation board shall use the criteria set forth in subsection (a) above to review the completed application and accompanying submittals. After completing the review of the application and fulfilling the public notice and hearing requirements set forth above, the board shall forward its recommendation to the city commission.

Attachments:

Vicinity Map

Historical Structure Form – Florida Master Site File (1991)

Structural Report

Demolition Plans/Proposed new single-family residence plans

Historic Preservation Board Staff Report – 141 West Division St.

Page 3 of 3



Volusia County Community Services

Property Inspection Report

Property Address:
141 W Division St
DeLand FL 32720



Chief Inspection Services

www.chiefinspections.com

Professional Building Consultants

CGC058361 - HI725 - CCC1328940 - CMC1250122



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[1 Structural / Exterior Components.....4](#)



Date: 8/25/2022	Time:	Report ID: Gonzalez
Property: 141 W Division St DeLand FL 32720	Customer: Volusia County Community Assistance	Real Estate Professional:

Comment Key or Definitions

The following definitions of comment descriptions represent this inspection report. All comments by the inspector should be considered before purchasing this home. Any recommendations by the inspector to repair or replace suggests a second opinion or further inspection by a qualified contractor. All costs associated with further inspection fees and repair or replacement of item, component or unit should be considered before you purchase the property.

Inspected (IN) = I visually observed the item, component or unit and if no other comments were made then it appeared to be functioning as intended allowing for normal wear and tear.

Not Inspected (NI) = I did not inspect this item, component or unit and made no representations of whether or not it was functioning as intended and will state a reason for not inspecting.

Not Present (NP) = This item, component or unit is not in this home or building.

Repair or Replace (RR) = The item, component or unit is not functioning as intended, or needs further inspection by a qualified contractor. Items, components or units that can be repaired to satisfactory condition may not need replacement.

This report is performed to the Standards of Practice as defined by the Florida Association of Building Inspectors and the requirements defined in FS Chapter 468 regarding Professional Home Inspections. For a detailed explanation of the standards, please visit www.FABI.org for more information.

In Attendance:

Homeowner / Tenant

Type of building:

Single Family (1 story)

Approximate age of building:

Built 1925

Weather:

Clear, 83

Recent rainfall:

Rained within last 3 days

1. Structural / Exterior Components

Styles & Materials

Foundation / Floor: Wood Joists on Masonry Piers	Wall Structure: Wood Framed	Exterior Finishes: Wood Siding
Floor Structure: Wood joists	Roof / Ceiling Structure: Plank Sheathing Conventional Framed Rafters	Columns or Piers: Masonry Piers

Items

1.0 GENERAL INFORMATION

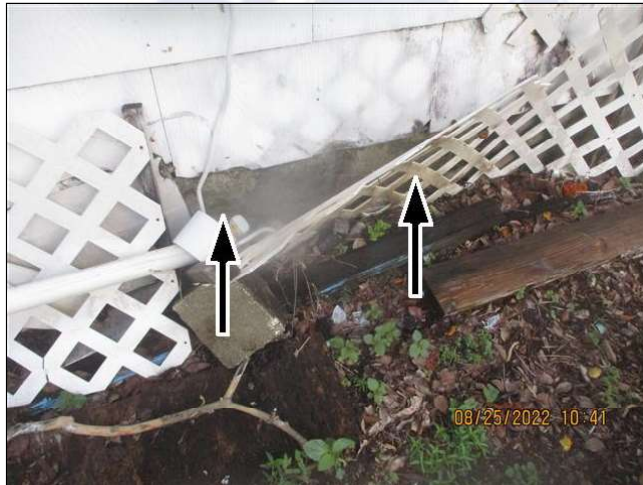
Comments: Inspected



The subject house is a 97 year old wood framed building. The house has too many deficiencies to list individually. Some of the more significant issues observed at the time if inspection include:

1. The foundation piers are shifted and leaning over 30 degrees out of plumb
2. Wall openings without any type of cover were noted
3. Wood rot / moisture damage was noted at multiple locations
4. Wood decking is deteriorated / soft
5. Multiple location were observed where the wood floor inside the house has failed and is open to the crawl space. (Areas are covered with rugs)
6. The kitchen area is unsanitary due to insect contamination
7. Galvanized (outdated) water supply piping was observed
8. Missing shingles / roof leaks were observed in various locations
9. Siding is missing at random locations
10. Windows do not function
11. The plumbing drains are improperly installed without proper venting and slope on drain lines
12. Outdated / unsafe electrical was observed at various locations

In the opinion of the inspector, any type of rehab to the house is not a viable option due to the structural deficiencies. Multiple issues are present that would not meet today's housing quality standards. The cost for upgrades / replacements of existing systems and components would exceed the value of the structure. Recommend house is considered for the Rebuild program.



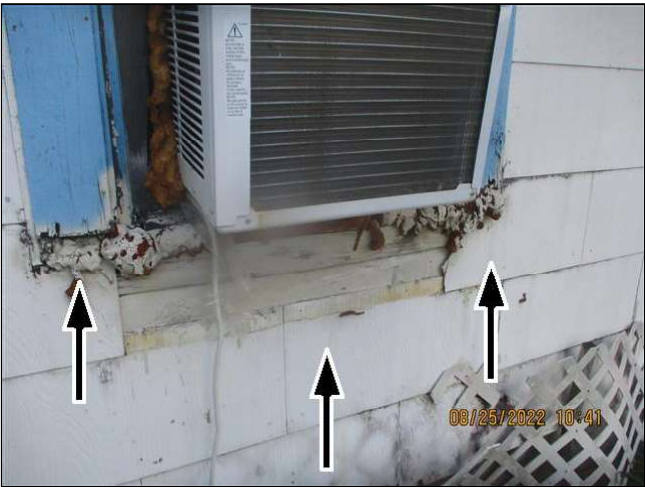
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1.0 Item 2(Picture)



1.0 Item 3(Picture)



1.0 Item 4(Picture)



1.0 Item 5(Picture)



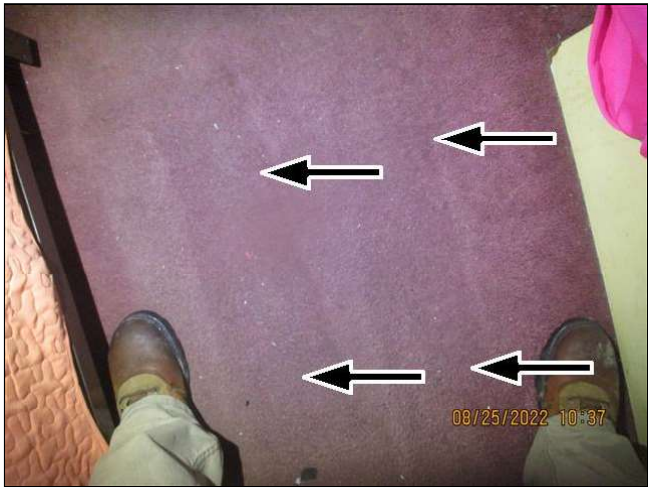
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1.0 Item 8(Picture)



1.0 Item 9(Picture)



1.0 Item 10(Picture)



1.0 Item 11(Picture)



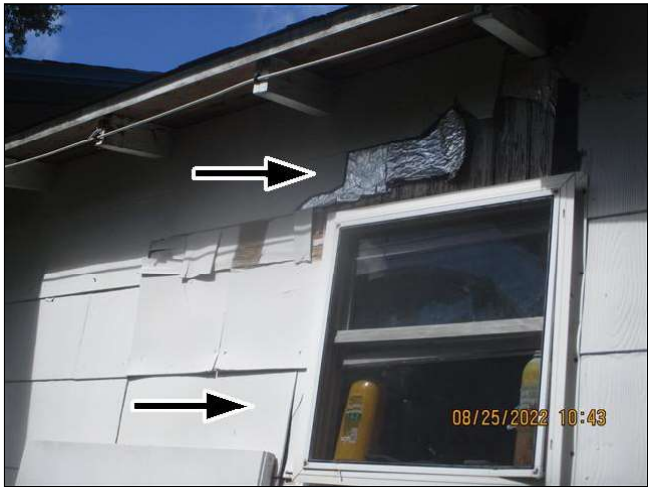
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1.0 Item 13(Picture)



1.0 Item 14(Picture)



1.0 Item 15(Picture)



1.0 Item 16(Picture)



1.0 Item 17(Picture)

SEE SITE FILE STAFF FOR
ORIGINAL PHOTO(S) OR MAP(S)

RECORD NUMBER: 564

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X original
update

HISTORICAL STRUCTURE FORM
FLORIDA MASTER SITE FILE

Site 8VO 004026

SITE NAME:

HISTORIC CONTEXTS: Boom Times

NAT. REGISTER CATEGORY: Building

OTHER NAMES OR MSF NOS:

COUNTY: Volusia **OWNERSHIP TYPE:** Private, Individual

PROJECT NAME: Stetson University + City of DeLand: S+P DHR NO. 2836

LOCATION:

ADDRESS: 141 West Division Street

CITY: DeLand

VICINITY OF/ROUTE TO: See attached maps

SUB: Albee's Resubdivision

BLOCK

LOT 20

PLAT OR OTHER MAP: Prop. Appraiser Map of Volusia County

TOWNSHIP: 17S **RANGE:** 30E **SECTION:** 16 1/4: 1/4-1/4:

IRREGULAR SEC? y X n **LAND GRANT:** None

USGS 7.5 MAP: DeLand, FL 1964: PR 1980

UTM: ZONE: **EASTING:** **NORTHING:**

COORDINATES: LATITUDE: D M S LONGITUDE: D M S

HISTORY

ARCHITECT:

BUILDER:

CONSTRUCTION DATE: c 1925 **RESTORATION DATE(S):**

MODIFICATION DATE(S):

MOVE: DATE: **ORIG. LOCATION:**

ORIGINAL USE (S): Private residence

PRESENT USE (S): Private residence

DESCRIPTION

STYLE: Bungalow

PLAN: EXTERIOR: Rectangular

PLAN: INTERIOR:

NO. STORIES: 1 **OUTBLDGS:** 0 **PORCHES:** 1 **DORMERS:** 0

STRUCTURAL SYSTEM(S): Wood, balloon

EXTERIOR FABRIC(S): Drop siding; asbestos shingle

FOUNDATION: TYPE: Piers

MATERIALS: Brick

INFILL:

PORCHES: S/entrance/gable roof, wooden posts/1 bay

ROOF: TYPE: Gable

SURFACING: Metal, 3-V crimp

SECONDARY STRUCS:

CHIMNEY: NO.: 1

MATERIALS: Brick

LOCATIONS: E: end, interior

WINDOWS: Double-hung sash, 1/1 lights

EXTERIOR ORNAMENT:

CONDITION: Good

SURROUNDINGS: Residential

NARRATIVE:

See Continuation Sheet

RECORD NO: 564

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FMSF HISTORICAL STRUCTURE FORM

Site 8 V64026

ARCHAEOLOGICAL REMAINS AT THE SITE

FMSF ARCHAEOLOGICAL FORM COMPLETED? y X n

ARTIFACTS OR OTHER REMAINS: None observed

RECORDER'S EVALUATION OF SITE

AREAS OF SIGNIFICANCE: Architecture

ELIGIBLE FOR NAT. REGISTER?	y	X	n	likely, need info	insf	info
SIGNIF. AS PART OF DISTRICT?	y	X	n	likely, need info	insf	info
SIGNIFICANT AT LOCAL LEVEL?	X	y	n	likely, need info	insf	info

SUMMARY OF SIGNIFICANCE

See continuation sheet

* * * * DHR USE ONLY * * * * DHR USE ONLY * * * * *

* DATE LISTED ON NR _____ *

* KEEPER DETERMINATION OF ELIG.(DATE): _YES _____ _NO _____ *

* SHPO EVALUATION OF ELIGIBILITY (DATE): _YES _____ _NO _____ *

* LOCAL DETERMINATION OF ELIG. (DATE): _YES _____ _NO _____ *

* OFFICE _____ *

* * * * DHR USE ONLY * * * * DHR USE ONLY * * * * *

RECORDER INFORMATION: NAME: Sidney Johnston

DATE: 02/01/91 AFFILIATION: Historic Property Associates, Inc.

PHOTOGRAPHS

LOCATION OF NEGATIVES: HPA, Inc., St. Augustine, FL

NEGATIVE NUMBERS: Roll 17, #6

PHOTOGRAPH

M A P

See Attachments

STATEMENT OF SIGNIFICANCE

Architectural Narrative: This one-story frame residential building is located at 141 West Division Street. Its Bungalow styling is expressed by a front-facing gable roof and an entrance porch covered by a gable roof supported by wooden posts. Fenestration consists of 1/1 double hung sash windows. The exterior wall fabric is asbestos shingle siding and drop siding. Alterations consist of the asbestos shingle siding.

Architectural Context: The Bungalow was the most popular residential building design in Florida during the first three decades of the twentieth century. Its name was derived from the Bengalese bangla, a low house with porches, used as a wayside shelter by travellers in India during the eighteenth and nineteenth centuries. Although the name and some of the general characteristics of the Bungalow have their origins in India, the Japanese had the most profound influence on the style. Japanese construction techniques exhibited at the California Mid-Winter Exposition of 1894 emphasized the interplay of angles and planes and extensive display of structural members that became integral components of American Bungalow design.

The earliest American buildings which were consciously bungalows appeared in California and New England in the 1890s. They generally were large residences designed by architects. However, by the turn of the century publications like *Bungalow Magazine* and *The Craftsman* flooded the building market with plans for inexpensive bungalows. Featured in these magazines were articles about the economical use of space, interior decoration, and landscaping. It was this scaled down version of the Bungalow which became so pervasive in Florida during the early twentieth century.

The Bungalow is typically a one or one and one-half story building with a low-pitched gable (occasionally hipped) roof with wide unenclosed eave overhangs. The roof rafters are usually exposed and false brackets or beams are commonly added under the gables. The porch is often the most dominant architectural feature of the Bungalow. They are generally either full or partial width, with the roof supported by tapered square columns that frequently extend to ground level or sit on massive brick piers.

Historical Narrative: Located in the Albee's Resubdivision, which was platted by E.W. Albee in 1920, this building embodies many of the architectural characteristics of buildings constructed in DeLand during the Florida Land Boom of the 1920s. According to Sanborn Company maps, which were prepared of DeLand between 1885 and 1950, this building was constructed about 1925.

Historical Context: DeLand, founded in 1876, was incorporated in 1882 and became the seat of government for Volusia County in 1888. The home of Stetson University, Florida's oldest private university, DeLand developed quickly in the late nineteenth century, largely through the promotional efforts of Henry A. DeLand, the community's namesake. The introduction of the railroad and an economy based on citrus spurred the first period of development. Although devastating freezes in the mid 1890s slowed growth, the commercial and citrus industries became revitalized over the following decade. By 1910, the population had doubled to 2,812. During that interval significant construction began, which resulted in an expanded commercial district, the formation of residential neighborhoods, and the extension of municipal services to many areas of the community. By 1910, Stetson University's campus had become a prominent landscape feature at the north end of DeLand. Although events associated with World War I retarded growth, by 1920 the population had reached 3,324. During the Florida land boom of the 1920s, real estate sales played an important role in the local economy. Numerous subdivisions were platted and buildings constructed. Within five years the population nearly doubled. The collapse of the boom in 1926 brought development to a virtual halt. Together with the rest of the state, DeLand entered a period of economic decline, though moderate construction persisted throughout the Depression decade. Development in DeLand since 1950 has compromised some of the community's irreplaceable historic buildings. Nevertheless, the historic resources that remain represent architectural and cultural legacies worth preserving. Sensitive historic preservation planning and management is needed to ensure their protection.

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DELAND BLK 142

CLARA

FLORIDA

SOUTH

WOODLAND

ABAM

AL

U-3-1

BERESFORD

E UCLID

HUBBARD

U-3-1

DUGGERS RESUB

E. W. ALBEE'S RESUB

MORRIS SUB

OSTEEN SUBDIVISION

SHIMERS ADDITION

SCHUMANS SUB

HOWRY SUB

HOWRY SUB

EUREKA SUBDIVISION

GREENWICH

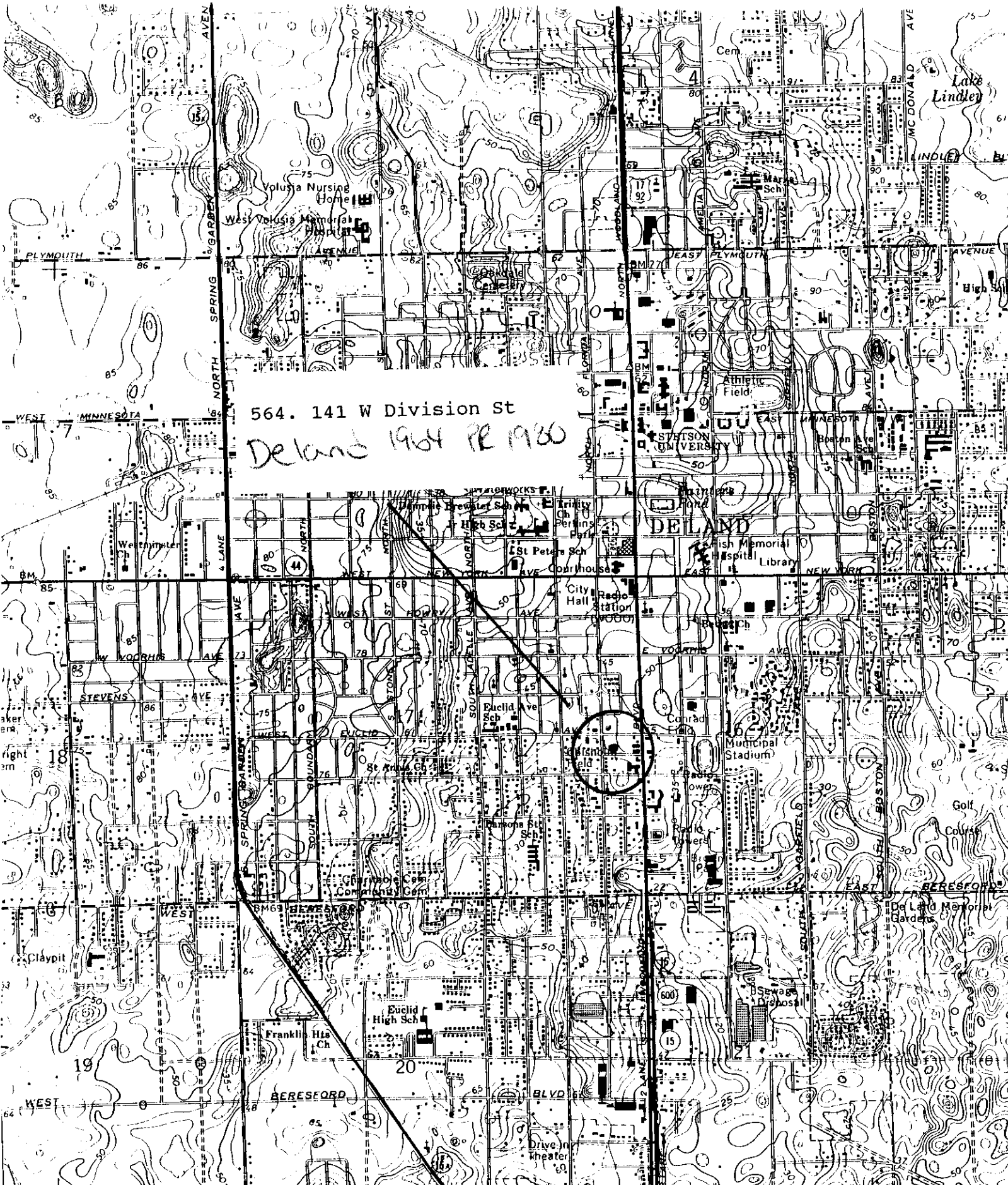
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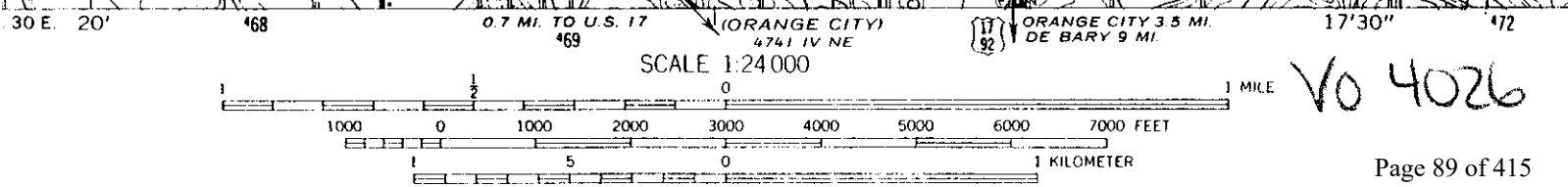
SUBDIVISION

VILLAGE

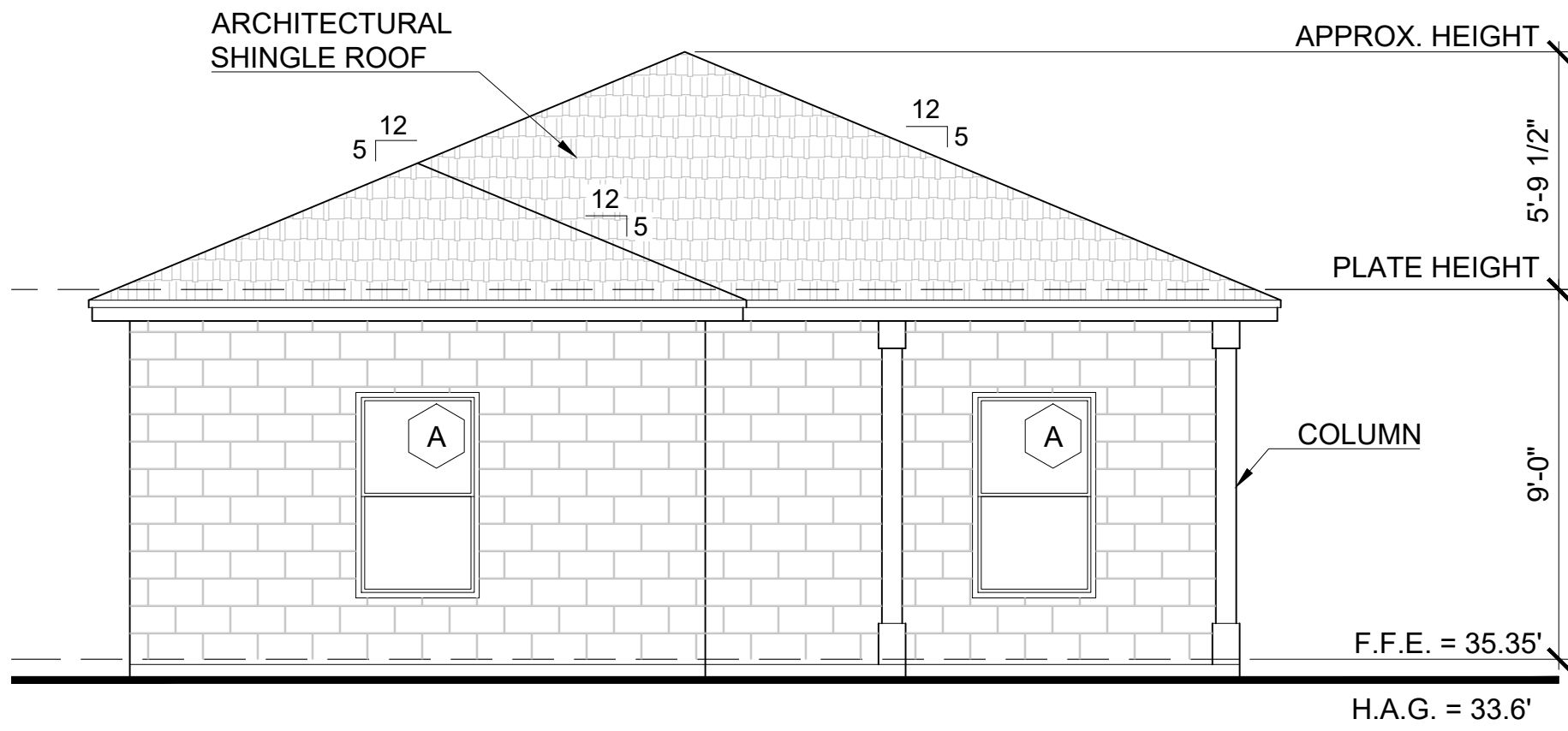
564. 141 W Division St



564. 141 W Division St
Deland 1964 PR 1960

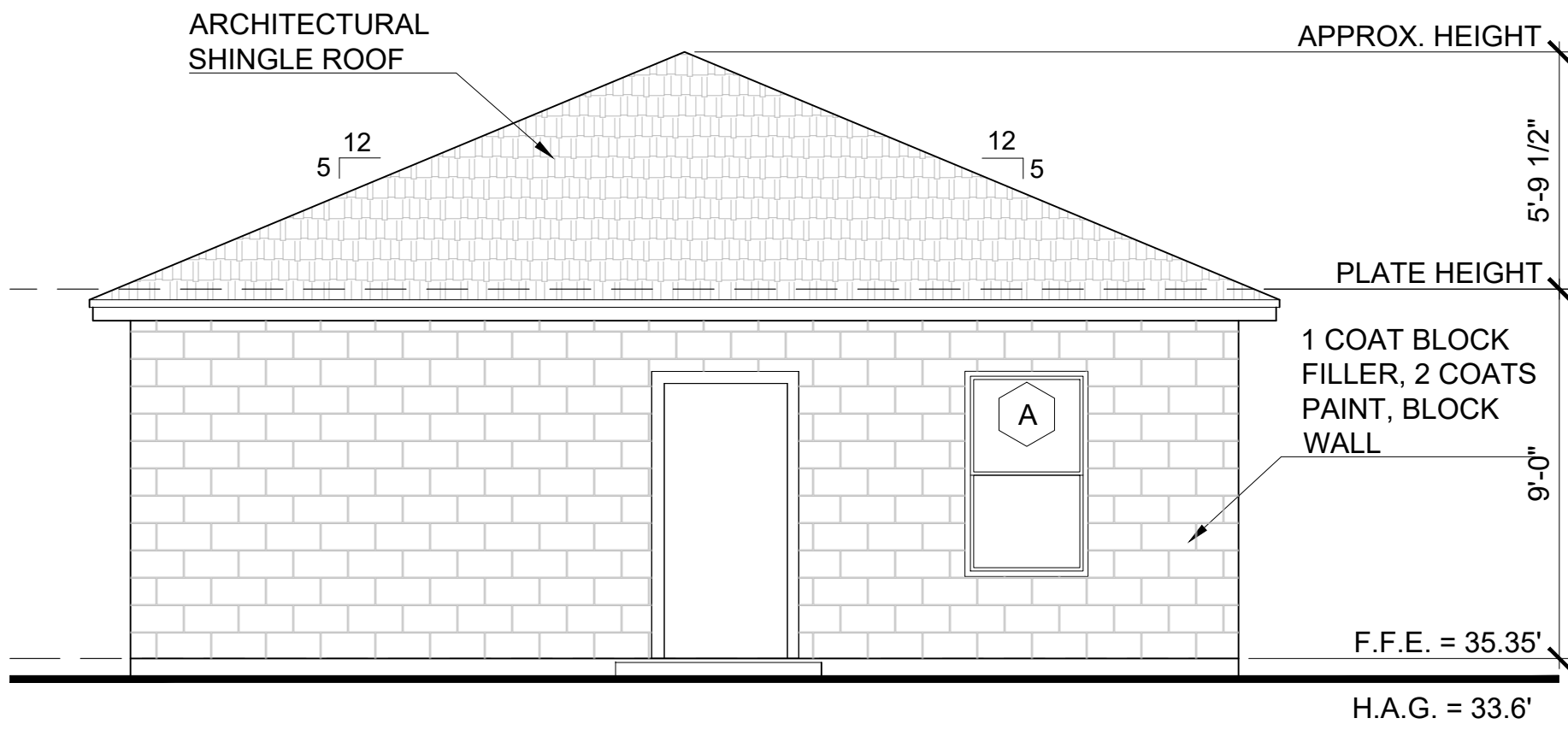






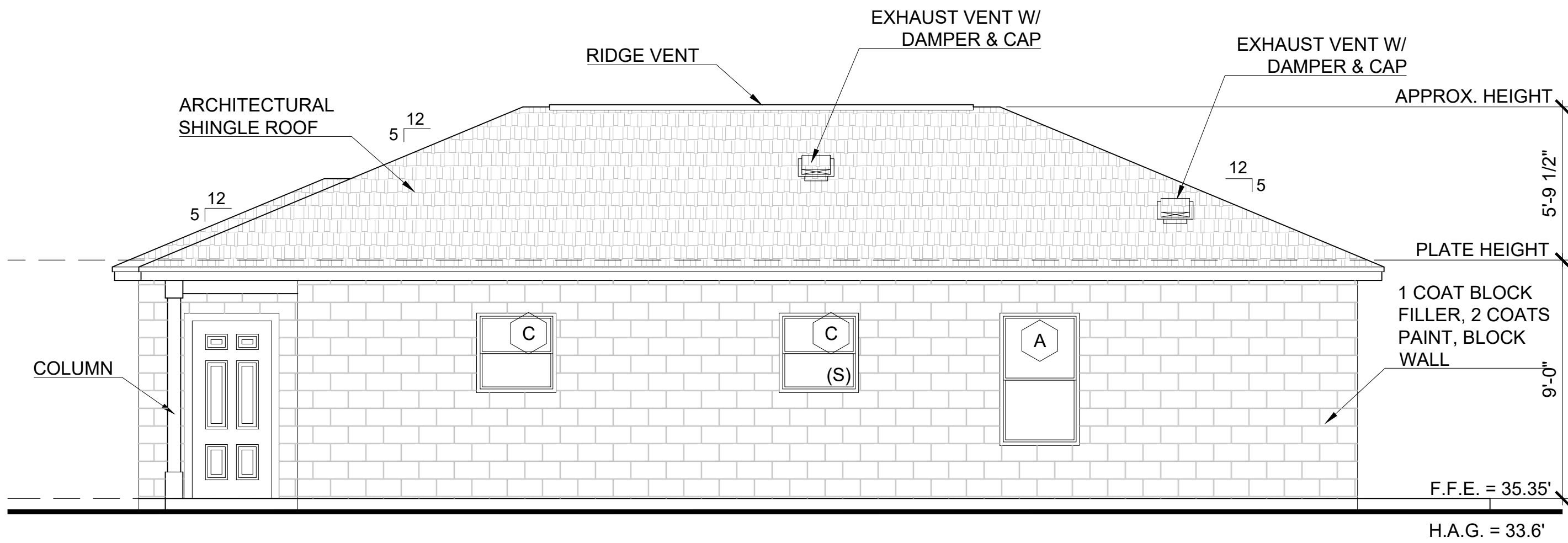
01 FRONT ELEVATION (STANDARD)

OPTION 3



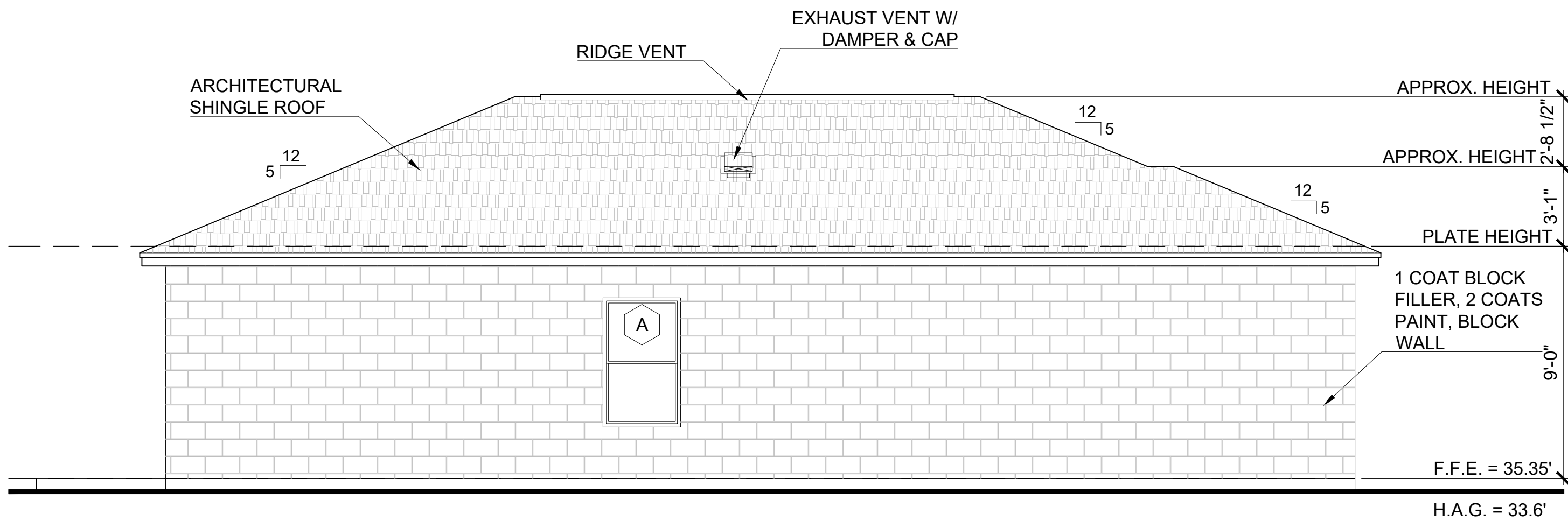
02 REAR ELEVATION (STANDARD)

OPTION 3



03 RIGHT ELEVATION (STANDARD)

OPTION 3



04 LEFT ELEVATION (STANDARD)

OPTION 3

ATTIC VENTILATION CALCULATION	
AREA	SQUARE FOOTAGE
TOTAL AREA	1,379 S.F.
TOTAL REQUIRED VENTED AREA (1/150)	9.20 S.F.
REQUIRED RIDGE (HIP) VENTILATION	4.60
REQUIRED SOFFIT VENTILATION	4.60

NOTES

- WINDOWS USED FOR EGRESS SHALL HAVE A NET CLEAR OPENING OF NOT LESS THAN 5.7 S.F. WITH A MINIMUM HEIGHT OF 24" AND A MINIMUM WIDTH OF 20" PER THE INTERNATIONAL RESIDENTIAL CODE.
- PLAIN HALF-ROUND 6" WIDE AND 4" DIAMETER DOWNSPOUT, MINIMUM 22-GAUGE GALVANIZED STEEL, PREFINISHED. OR STANDARD K-STYLE 6" WIDE AND 4"x5" DOWNSPOUT, MINIMUM 22-GAUGE GALVANIZED STEEL, PREFINISHED.
- ALL DOWNSPOUTS TO HAVE SPLASH BLOCK.
- ALL MATERIALS BELOW BFE AND/OR DFE SHALL BE FLOOD RESISTANT MATERIAL INCLUDING, BUT NOT LIMITED TO TREATED FRAMING MATERIAL. SEE FEMA TECHNICAL BULLETIN 2, FLOOD DAMAGE RESISTANT MATERIALS REQUIREMENTS (2008).
- RAIN DIVERTER STRIP IS REQUIRED OVER A/C UNIT AND ENTRANCES.
- ATTIC ACCESS TO HAVE A PULL DOWN STAIRWAY WITH A MINIMUM WIDTH OF 22".
- GRAB BARS TO BE INSTALLED PER CONTRACTOR WHERE REQUIRED.

Revisions:		
#	DATE	DESCRIPTION OF CHANGE
0	12/11/2023	ISSUE FOR CONSTRUCTION

ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR UTILIZED IN ANY FORM WITHOUT PRIOR WRITTEN AUTHORIZATION OF "COBALT".

THIS ITEM HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY CURTIS HAMPTON ON THE DATE SPECIFIED. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

Curtis Hampton

NOTE: SIGNATURES VALID FOR ONE YEAR ONLY AFTER DATE OF SIGNATURES

ENGINEERING AND INSPECTIONS, LLC
phone: 409-354-5925 email: info@cobalt-engineering.com

CLIENT:
DSW

PROJECT LOCATION OR ADDRESS:
141 West Division Street
Deland, Florida 32720

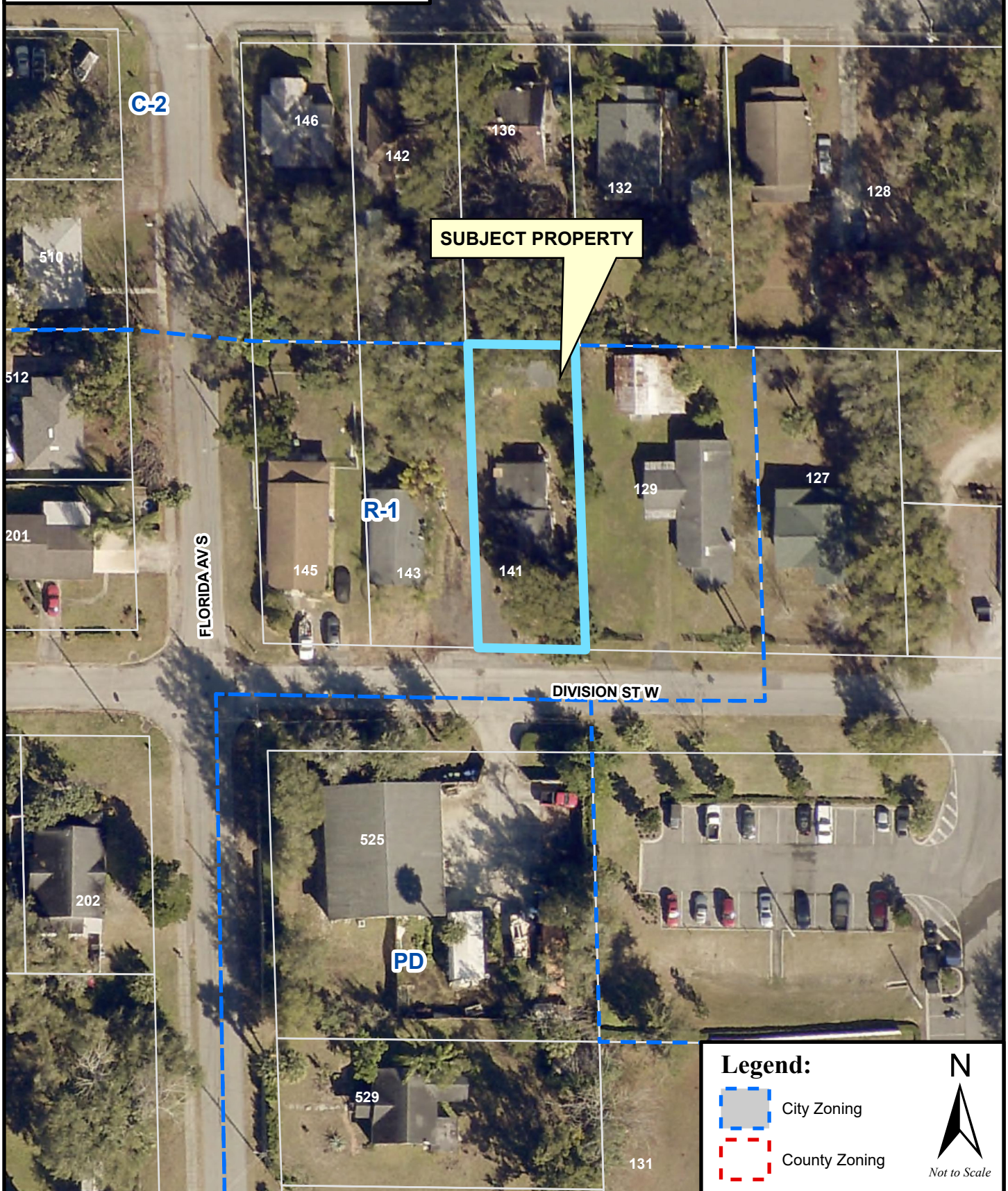
EL PASO
EXTERIOR ELEVATIONS
OPTION 3 (STANDARD)

DRAWN BY:	DAS	CHECKED BY:	CCH
PROJECT #:	23-0373-01	SCALE:	1/4" = 1'-0"
DATE:	12/11/2023	23-0373	A-2.00



City of DeLand
HPB24-034
141 W DIVISION

R 4108 (EUCLID AV W)



CITY OF DELAND
Request for Commission Action
April 15, 2024

SUBJECT: Consideration re Gateway Grant Request for 235 North Amelia Avenue.

DEPARTMENT: Community Development

PREPARED BY: Nick Conte, Economic Dev. Manager

ATTACHMENTS: Amelia Plaza

APPROVED BY: Michael Pleus, City Manager, April 8, 2024

SUMMARY/HIGHLIGHT:

The owner of the property located at 235 N. Amelia Ave. (Amelia Plaza Investments LLC) has applied for a \$5,000 Gateway Grant for extensive exterior repair and door replacement at the complex. This project is eligible to receive up to 50% of the total project cost as a reimbursement for expenditures with a grant not to exceed \$5,000. The total estimated cost for the improvements is \$15,647. The grant application has been reviewed by the Main Street DeLand grant committee who has recommended its approval.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Preserving "Sense of Community" as a key asset

SUSTAINABILITY:

N/A

FISCAL IMPACT:

There is \$72,000 in the current budget for Gateway Grants.

RECOMMENDATION:

Staff recommends that the City Commission approve the Gateway Grant request for \$5,000.

BACKGROUND/DISCUSSION:

The property is generally known as Ameila Square Shopping Center and is home to a number of small businesses. Since the acquisition of the property, Amelia Plaza Investments has initiated a number of projects aimed at improving the overall quality and appearance of the property. The applicant is undertaking a substantial investment in exterior renovations in accordance with the grant's eligible improvements category.

GATEWAY GRANT APPLICATION 2024 - 2025

Property Address: 235 N. Amelia Ave. Deland FL 32724

Project Description: Revitalization of Amelia Square Shopping Center

Owner's Name: Amelia Plaza Investments, LLC ("API")

Owner's Address: 145 N. Garfield Ave. Deland, FL 32724

Phone: 386-848-9920

E-Mail Address: natasha.watts01@gmail.com

Applicant's Name: Amelia Plaza Investments, LLC ("API")

Applicant's Address: 145 N. Garfield Ave. Deland, FL 32724

Phone: 386-848-9920

E-Mail Address: natasha.watts01@gmail.com

Type of Improvement Planned: The Property is generally known as Amelia Square Shopping Center and is home to a number of small businesses. Since acquisition of the property, API has initiated a number of projects aimed at improving the overall quality and appearance of the Property. Several key projects have included the removal of a defunct fuel station canopy, pumps and underground storage tanks, renovation of the prior convenience store site to house an existing small business (Woodland & Rich), installation of updated guardrails, sealing and restriping the existing parking lot and numerous improvements or upgrades to existing signage. In an effort to continue improvements to the Property, API has contracted with Seldom Seen Construction to finalize a scope of work aimed at improving the appearance of the Property. A copy of the current work order/invoice for the work to be done is attached and includes the following work which we believe qualifies for a Core Gateway Grant:

- Stucco repair and related painting, including removal of old signs and banners - \$1,200.00
- Repair of deteriorating sidewalk and retaining wall to facilitate new restaurant - \$9,687.00
- Repair roof and gutters located adjacent to current gym - \$1,585.00
- Repair concrete behind existing laundromat - \$1,000
- Replace rotten front doors for units located at 227-231 North Amelia Avenue - \$2,175.00
- Pictures of all

Estimated Cost of Project: \$15,647.00

Amount Requested \$ \$5,000.00

(Maximum grant award of \$5,000; cannot be more than 50% of project cost) Attach detailed outline of proposed work, including:

1. Photographs clearly showing existing conditions.
2. Detailed drawing to approximate scale, showing proposed improvements.

3. Samples of proposed colors to be used on building and signs, if applicable.
4. Landscape plans, if applicable.
5. Project budget with at least three (3) contractor estimates.

AGREEMENT

I understand that in order for my request for funding to be approved, I must agree to follow the recommendations of the City Commission and comply with the following:

1. Gateway grants apply only to those commercial structures and buildings within the designated gateway areas.
2. Only projects which have not received grant funds within the past FIVE (5) years will be given consideration.
3. It is the responsibility of the owner or APPLICANT to obtain all required permits from the city **BEFORE** beginning any work. No reimbursements will be made without the proper permits before work begins.
4. Project work must begin within 45 days after the building permit is issued.
5. Monies are for improvements only and will be reimbursed upon completion of work. In Kind expenses are not reimbursable.
6. For projects where the applicant is not the property owner, the applicant must obtain approval in writing that the property owner concurs with the execution of the proposed work.

NO PROJECT WORK MAY BEGIN WITHOUT:

1. City Commission approval.
2. Signed Contract Documents.
3. All required development orders and permits.
4. Unapproved deviations from the approved proposal will void funding.

Grantees are responsible for meeting with the City Planning Officials and/or Building Officials prior to grant application to find out the legal needs, permits, etc. Grantee must comply with all relevant requirements. Grantee is responsible for making certain that their contractors have pulled the proper permits.

Applicant

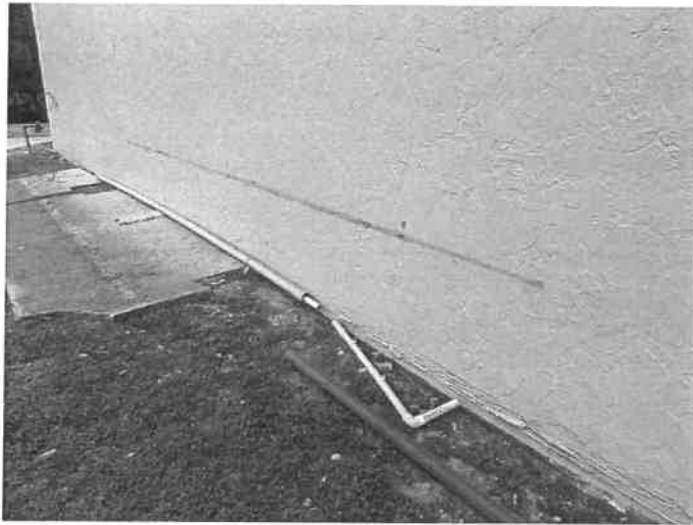
Amelia Plaza Investments, LLC

/s/ Natasha Watts

Date

2/29/24

Photos of Proposed Areas of Work





INVOICE

Seldom Seen Construction

150 New York Ave.
Lake Helen, FL 32744

seldomseenconstructioninc@gmail.c

om
+1 (386) 748-1540

Aaron Underwood:Woodland and Rich

Bill to

Aaron Underwood
Underwood Acquisitions
143 N. Woodland Blvd
DeLand, Florida 32724

Ship to

Aaron Underwood
Underwood Acquisitions
143 N. Woodland Blvd
DeLand, Florida 32724

Invoice details

Invoice no.: 1361
Terms: Due on receipt
Invoice date: 02/27/2024
Due date: 02/27/2024

#	Date	Product or service	SKU	Qty	Rate	Amount
1.		Sub- contracted service Stucco repair around entire building- removing old signs and patching holes		1	\$1,200.00	\$1,200.00
2.		Sub- contracted service Repair front concrete pad in front of 257 and landing. Including 4 feet wider		1	\$9,687.00	\$9,687.00
3.		Sub- contracted service Update all electric in unit 229 & 231		2	\$4,620.00	\$9,240.00
4.		Sub- contracted service Repair roof and gutters by MMA gutters @247 \$215,roof repair \$750, Gutter \$620		1	\$1,585.00	\$1,585.00
5.		Sub- contracted service Repair concrete behind laundry mat		1	\$1,000.00	\$1,000.00
6.		Labor Replace rotten front wood doors on units 231, 229, & 227		3	\$725.00	\$2,175.00
7.		Sales 15% Contractor fee		1	\$3,733.00	\$3,733.00

Ways to pay**Total****\$28,620.00**

CITY OF DELAND
Request for Commission Action
April 15, 2024

SUBJECT: Resolution Approving FY 2023-2024 Budget Amendment.

DEPARTMENT: Finance

PREPARED BY: Daniel Stauffer, Finance Director

ATTACHMENTS: Resolution, FY23-24 Budget Amendment Details

APPROVED BY: Michael Pleus, City Manager, April 7, 2024

SUMMARY/HIGHLIGHT:

The budget amendments proposed are detailed in the attached summary and recommended after review of actual expenditures to date. The amendments proposed are primarily revisions to reflect anticipated actual revenues and expenditures.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

N/A

SUSTAINABILITY:

N/A

FISCAL IMPACT:

The Resolution amends the budget to reflect recommended changes with the impact on each fund itemized in the attached summary.

Operating Contingency balances after these amendments are as follows:

General Fund	\$143,934
Water & Sewer Fund	\$147,566
Airport Fund	\$0
Stormwater Fund	\$0
Permits & Inspections Fund	\$0

RECOMMENDATION:

Staff recommends the City Commission adopt the Resolution amending the FY 23/24 budget as presented.

BACKGROUND/DISCUSSION:

The significant budget amendments include increased appropriations to modernize the elevators at Melching Field (\$93,417) and Bill Dreggors (\$65,782), in accordance with state requirements. These will be funded by capital reserves from the General Fund. There is an increased appropriation for a Vulnerability Assessment/Adaptation Plan (\$185,000) which is funded by an FDEP grant agreement.

The budget amendment also includes a couple of personnel changes. The first being the elimination of the

Public Services Director position (-\$192,274) and the addition of two Capital Improvement Project Manager positions, one in Engineering (\$118,464) and one in Utilities (\$118,464). The second is the addition of an Entry Level Plans Examiner in Permits and Inspections (\$67,883).

RESOLUTION NO. 2024 -

A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE BUDGET FOR THE GENERAL FUND, GRANT AND SPECIAL REVENUE FUND, CAPITAL FUND, WATER AND SEWER FUND, AND PERMITS AND INSPECTIONS FUND FOR THE FISCAL YEAR 2023-2024; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary to amend the budget for the City of DeLand for fiscal year 2023-2024; and

WHEREAS, the City Commission is vested by the Charter of the City of DeLand with the authority to amend the budget.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. The budget of the City of DeLand for fiscal year 2023-2024 is amended in the following manner:

GENERAL FUND

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
REVENUES		50,304,542	200,532	38,455	50,466,619
	Other Sources Revenue				
001-0000-366-000	DONATIONS FROM PRIVATE SOURCES	19,000	300	0	19,300
001-0000-369-920	INSURANCE PROCEEDS	69,310	2,578	0	71,888
001-0000-380-000	USE OF RESERVES	2,474,705	159,199	38,455	2,595,449
	Transfers				
001-9998-382-401	CONTRIBUTION FROM W&S FUND	803,591	38,455	0	842,046
EXPENDITURES		50,304,542	179,315	17,238	50,466,619
	City Commission				
001-0100-554-100	BOOKS & MEMBERSHIPS	17,582	1,011	0	18,593
	Fire Prevention				
001-1223-549-100	OTHER OBLIGATIONS	600	2,578	0	3,178
	Sanborn Center				
001-1407-546-300	A/C MAINTENANCE	3,168	6,000	0	9,168
	Chisholm Center				
001-1410-552-100	OPERATING SUPPLIES	28,940	300	0	29,240
	Conrad/Melching				
001-1412-546-300	A/C MAINTENANCE	0	10,227	0	10,227
	Transfers				
001-9999-991-300	TRANSFER TO CAPITAL PROJECT FUND	6,127,220	159,199	0	6,286,419
	Contingency				
001-9990-999-100	CONTINGENCY	161,172	0	17,238	143,934

GRANT AND SPECIAL REVENUE FUND

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
EXPENDITURES		4,744,643	1,700	1,700	4,744,643
	Parks				
190-1226-531-100	PROFESSIONAL SERVICES	0	1,700	0	1,700
190-1226-664-000-PD2314	JAG 2023 - INTERVIEW TECHNOLOGY PLATFORM	17,479	0	1,700	15,779

CAPITAL FUND

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
REVENUES		11,751,474	159,199	0	11,910,673
	Other Sources Revenue				
300-9999-381-001	TRANSFER FROM GENERAL FUND	6,127,220	159,199	0	6,286,419
EXPENDITURES		11,751,474	160,905	1,706	11,910,673
	Parks and Recreation				
300-1403-662-000-PR2303	REPLACE CARPET THROUGHOUT WAYNE SANBORN	47,590	1,706	0	49,296
300-1403-664-000-PR2405	MODERNIZE ELEVATOR AT MELCHING FIELD	75,583	93,417	0	169,000
300-1403-664-000-PR2406	MODERNIZE ELEVATOR AT BILL DREGGORS	81,218	65,782	0	147,000
300-1403-664-000-PR2411	REPLACE WACKPACKER/ROLLER 143-WR-001	35,980	0	1,706	34,274

WATER & SEWER FUND

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
REVENUES		137,014,662	185,000	0	137,199,662
	Other Sources Revenue				
401-0000-389-310	FDEP GRANT REVENUE	0	185,000	0	185,000
EXPENDITURES		137,014,662	464,258	279,258	137,199,662
	Utilities Administration				
401-4201-411-100	EXECUTIVE SALARIES	155,002	0	155,002	0
401-4201-412-100	REGULAR SALARIES & WAGES	645,648	95,000	0	740,648
401-4201-415-100	SPECIAL PAY	23,420	914	1,492	22,842
401-4201-421-100	FICA TAXES	63,041	7,337	11,972	58,406
401-4201-422-100	RETIREMENT CONTRIBUTIONS	140,554	7,194	15,500	132,248
401-4201-423-100	LIFE & HEALTH INSURANCE	91,408	8,019	8,308	91,119
401-4201-543-200	WATER/SEWER/GARBAGE/SW	0	1,075	0	1,075
	Engineering				
401-4202-412-100	REGULAR SALARIES & WAGES	724,795	95,000	0	819,795
401-4202-415-100	SPECIAL PAY	12,209	914	0	13,123
401-4202-421-100	FICA TAXES	56,625	7,337	0	63,962
401-4202-422-100	RETIREMENT CONTRIBUTIONS	89,719	7,194	0	96,913
401-4202-423-100	LIFE & HEALTH INSURANCE	85,929	8,019	0	93,948
401-4202-531-100	PROFESSIONAL SERVICES	109,500	185,000	0	294,500
	Utilities Maintenance				
401-4206-664-000-UT2329	#269 F250 PICK UP WITH UTILITY BED	63,739	25	0	63,764
401-4206-664-000-UT2423	L/S #80 REPLACEMENT & PANEL BOX	81,919	2,775	0	84,694
	Transfers				
401-9998-992-001	CONTRIBUTION TO GENERAL FUND	803,591	38,455	0	842,046
	Contingency				
401-9990-999-100	CONTINGENCY	234,550	0	86,984	147,566

PERMITS & INSPECTIONS FUND

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
REVENUES		4,655,456	70,883	0	4,726,339
480-0000-380-000	USE OF RESERVES	2,179,200	70,883	0	2,250,083
EXPENDITURES		4,655,456	70,883	0	4,726,339
480-4800-412-100	REGULAR SALARIES & WAGES	1,410,252	51,480	0	1,461,732
480-4800-415-100	SPECIAL PAY	45,930	495	0	46,425
480-4800-421-100	FICA TAXES	112,451	3,976	0	116,427
480-4800-422-100	RETIREMENT CONTRIBUTIONS	111,599	3,898	0	115,497
480-4800-423-100	LIFE & HEALTH INSURANCE	207,667	8,034	0	215,701
480-4800-549-100	OTHER OBLIGATIONS	810	3,000	0	3,810

Section 2. In all other respects the Budget of the City of DeLand, Florida for fiscal year 2023-2024 is hereby ratified and confirmed as adopted by Resolutions 2023-68, 2023-102, 2024-06 and 2024-22.

Section 3. This Resolution shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 15th day of April, 2024.

Christopher M. Cloudman
Mayor-Commissioner

ATTEST:

Julie A. Hennessy
City Clerk-Auditor

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

FY 22-23 Budget Amendment Details

ACCOUNT	Account Description	Increase	Decrease	Description
GENERAL FUND				
REVENUES		200,532	38,455	
001-0000-366-000	DONATIONS FROM PRIVATE SOURCES	300		increase funding for donation from Advent Health for Health Fair
001-0000-369-920	INSURANCE PROCEEDS	2,578		increase funding for deductible billing
001-0000-380-000	USE OF RESERVES	159,199	38,455	increase funding for Use of Reserves
001-9998-382-401	CONTRIBUTION FROM W&S FUND	38,455		increase funding for Contribution from W&S Fund
EXPENDITURES		179,315	17,238	
001-0100-554-100	BOOKS & MEMBERSHIPS	1,011		increase appropriation for City Commission Books and Memberships
001-1223-549-100	OTHER OBLIGATIONS	2,578		increase appropriation for deductible billing
001-1407-546-300	A/C MAINTENANCE	6,000		increase appropriation for A/C repairs
001-1410-552-100	OPERATING SUPPLIES	300		increase appropriation for Health Fair from donation from Advent Health
001-1412-546-300	A/C MAINTENANCE	10,227		increase appropriation for 3 mini split A/C units
001-9999-991-300	TRANSFER TO CAPITAL PROJECT FUND	159,199		increase appropriations for Elevator Modernization at Melching Field (\$93,417) and Bill Dreggors (\$65,782)
001-9990-999-100	CONTINGENCY		17,238	decrease appropriation for City Commission Books and Memberships (\$1,011), Sanborn A/C Repairs (\$6,000) and 3 mini split A/C units (\$10,227)
GRANTS & SPECIAL REVENUE FUND				
REVENUES		0	0	
EXPENDITURES		1,700	1,700	
190-1226-531-100	PROFESSIONAL SERVICES	1,700		increase appropriation for consulting
190-1226-664-000-PD2314	JAG 2023 - INTERVIEW TECHNOLOGY PLATFORM		1,700	decrease appropriation for consulting
CAPITAL PROJECT FUND				
REVENUES		159,199	0	
300-9999-381-001	TRANSFER FROM GENERAL FUND	159,199		increase appropriations for Elevator Modernization at Melching Field (\$93,417) and Bill Dreggors (\$65,782)
EXPENDITURES		160,905	1,706	
300-1403-662-000-PR2303	REPLACE CARPET THROUGHOUT WAYNE SANBORN	1,706		increase appropriation for carpet at Sanborn Center
300-1403-664-000-PR2405	MODERNIZE ELEVATOR AT MELCHING FIELD	93,417		increase appropriation for Elevator Modernization at Melching Field
300-1403-664-000-PR2406	MODERNIZE ELEVATOR AT BILL DREGGORS	65,782		increase appropriation for Elevator Modernization at Bill Dreggors
300-1403-664-000-PR2411	REPLACE WACKPACKER/ROLLER 143-WR-001		1,706	decrease appropriation for Wackpacker

FY 22-23 Budget Amendment Details

ACCOUNT	Account Description	Increase	Decrease	Description
WATER & SEWER FUND				
REVENUES		185,000	0	
401-0000-389-310	FDEP GRANT REVENUE	185,000		increase funding for Vulnerability Assessment/Adaptation Plan
EXPENDITURES		464,258	279,258	
401-4201-411-100	EXECUTIVE SALARIES		155,002	decrease appropriation for Director of Public Services/City Engineer
401-4201-415-100	SPECIAL PAY		1,492	decrease appropriation for Director of Public Services/City Engineer
401-4201-421-100	FICA TAXES		11,972	decrease appropriation for Director of Public Services/City Engineer
401-4201-422-100	RETIREMENT CONTRIBUTIONS		15,500	decrease appropriation for Director of Public Services/City Engineer
401-4201-423-100	LIFE & HEALTH INSURANCE		8,308	decrease appropriation for Director of Public Services/City Engineer
401-4201-412-100	REGULAR SALARIES & WAGES	95,000		increase appropriation for new Utilities Capital Improvement Manager
401-4201-415-100	SPECIAL PAY	914		increase appropriation for new Utilities Capital Improvement Manager
401-4201-421-100	FICA TAXES	7,337		increase appropriation for new Utilities Capital Improvement Manager
401-4201-422-100	RETIREMENT CONTRIBUTIONS	7,194		increase appropriation for new Utilities Capital Improvement Manager
401-4201-423-100	LIFE & HEALTH INSURANCE	8,019		increase appropriation for new Utilities Capital Improvement Manager
401-4201-543-200	WATER/SEWER/GARBAGE/SW	1,075		increase appropriation for new meter at UAB Building
401-4202-412-100	REGULAR SALARIES & WAGES	95,000		increase appropriation for new Engineering Capital Improvement Manager
401-4202-415-100	SPECIAL PAY	914		increase appropriation for new Engineering Capital Improvement Manager
401-4202-421-100	FICA TAXES	7,337		increase appropriation for new Engineering Capital Improvement Manager
401-4202-422-100	RETIREMENT CONTRIBUTIONS	7,194		increase appropriation for new Engineering Capital Improvement Manager
401-4202-423-100	LIFE & HEALTH INSURANCE	8,019		increase appropriation for new Engineering Capital Improvement Manager
401-4202-531-100	PROFESSIONAL SERVICES	185,000		increase appropriation for Vulnerability Assessment/Adaptation Plan
401-4206-664-000-UT2329	#269 F250 PICK UP WITH UTILITY BED	25		increase appropriation for F250 Pickup
401-4206-664-000-UT2423	L/S #80 REPLACEMENT & PANEL BOX	2,775		increase appropriation for L/S #80 Service Rack disconnect
401-9998-992-001	CONTRIBUTION TO GENERAL FUND	38,455		increase appropriation for Contribution to General Fund
401-9990-999-100	CONTINGENCY		86,984	decrease appropriation for Ford F250 Pickup (\$25), new meter at UAB Building (\$1,075), net change from Director Public Services/City Engineer to Utilities Capital Improvement Manager and Engineering Capital Improvement Manager (\$83,109), L/S #80 Service Rack Disconnect (\$2,775)
PERMITS & INSPECTIONS FUND				
REVENUES		70,883	0	
480-0000-380-000	USE OF RESERVES	70,883		increase funding for Plans Examiner Internship (\$67,883) and Other Obligations (\$3,000)
EXPENDITURES		70,883	0	
480-4800-412-100	REGULAR SALARIES & WAGES	51,480		increase appropriation for Plans Examiner Internship
480-4800-415-100	SPECIAL PAY	495		increase appropriation for Plans Examiner Internship
480-4800-421-100	FICA TAXES	3,976		increase appropriation for Plans Examiner Internship
480-4800-422-100	RETIREMENT CONTRIBUTIONS	3,898		increase appropriation for Plans Examiner Internship
480-4800-423-100	LIFE & HEALTH INSURANCE	8,034		increase appropriation for Plans Examiner Internship
480-4800-549-100	OTHER OBLIGATIONS	3,000		increase appropriation for Other Obligations

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
GENERAL FUND					
REVENUES		50,304,542	200,532	38,455	50,466,619
	Other Sources Revenue				
001-0000-366-000	DONATIONS FROM PRIVATE SOURCES	19,000	300	0	19,300
001-0000-369-920	INSURANCE PROCEEDS	69,310	2,578	0	71,888
001-0000-380-000	USE OF RESERVES	2,474,705	159,199	38,455	2,595,449
	Transfers				
001-9998-382-401	CONTRIBUTION FROM W&S FUND	803,591	38,455	0	842,046
EXPENDITURES		50,304,542	179,315	17,238	50,466,619
	City Commission				
001-0100-554-100	BOOKS & MEMBERSHIPS	17,582	1,011	0	18,593
	Fire Prevention				
001-1223-549-100	OTHER OBLIGATIONS	600	2,578	0	3,178
	Sanborn Center				
001-1407-546-300	A/C MAINTENANCE	3,168	6,000	0	9,168
	Chisholm Center				
001-1410-552-100	OPERATING SUPPLIES	28,940	300	0	29,240
	Conrad/Melching				
001-1412-546-300	A/C MAINTENANCE	0	10,227	0	10,227
	Transfers				
001-9999-991-300	TRANSFER TO CAPITAL PROJECT FUND	6,127,220	159,199	0	6,286,419
	Contingency				
001-9990-999-100	CONTINGENCY	161,172	0	17,238	143,934
GRANT AND SPECIAL REVENUE FUND					
REVENUES		4,744,643	0	0	4,744,643
	Other Sources Revenue				
190-9999-381-001-PR2201	MELCHING FIELD RENOVATION & EXPANSION	87,903	0	0	87,903
EXPENDITURES		4,744,643	1,700	1,700	4,744,643
	Parks				
190-1403-663-000-PR2201	MELCHING FIELD RENOVATION & EXPANSION	87,903	0	0	87,903
190-1226-531-100	PROFESSIONAL SERVICES	0	1,700	0	1,700
190-1226-664-000-PD2314	JAG 2023 - INTERVIEW TECHNOLOGY PLATFORM	17,479	0	1,700	15,779

Account Number	Account Description	Current Budget	Increase	Decrease	Revised Budget
CAPITAL FUND					
REVENUES		11,751,474	159,199	0	11,910,673
	Other Sources Revenue				
300-9999-381-001	TRANSFER FROM GENERAL FUND	6,127,220	159,199	0	6,286,419
EXPENDITURES		11,751,474	160,905	1,706	11,910,673
	Parks and Recreation				
300-1403-662-000-PR2303	REPLACE CARPET THROUGHOUT WAYNE SANBORN	47,590	1,706	0	49,296
300-1403-664-000-PR2405	MODERNIZE ELEVATOR AT MELCHING FIELD	75,583	93,417	0	169,000
300-1403-664-000-PR2406	MODERNIZE ELEVATOR AT BILL DREGGORS	81,218	65,782	0	147,000
300-1403-664-000-PR2411	REPLACE WACKPACKER/ROLLER 143-WR-001	35,980	0	1,706	34,274
WATER & SEWER FUND					
REVENUES		137,014,662	185,000	0	137,199,662
	Other Sources Revenue				
401-0000-389-310	FDEP GRANT REVENUE	0	185,000	0	185,000
EXPENDITURES		137,014,662	464,258	279,258	137,199,662
	Utilities Administration				
401-4201-411-100	EXECUTIVE SALARIES	155,002	0	155,002	0
401-4201-412-100	REGULAR SALARIES & WAGES	645,648	95,000	0	740,648
401-4201-415-100	SPECIAL PAY	23,420	914	1,492	22,842
401-4201-421-100	FICA TAXES	63,041	7,337	11,972	58,406
401-4201-422-100	RETIREMENT CONTRIBUTIONS	140,554	7,194	15,500	132,248
401-4201-423-100	LIFE & HEALTH INSURANCE	91,408	8,019	8,308	91,119
401-4201-543-200	WATER/SEWER/GARBAGE/SW	0	1,075	0	1,075
	Engineering				
401-4202-412-100	REGULAR SALARIES & WAGES	724,795	95,000	0	819,795
401-4202-415-100	SPECIAL PAY	12,209	914	0	13,123
401-4202-421-100	FICA TAXES	56,625	7,337	0	63,962
401-4202-422-100	RETIREMENT CONTRIBUTIONS	89,719	7,194	0	96,913
401-4202-423-100	LIFE & HEALTH INSURANCE	85,929	8,019	0	93,948
401-4202-531-100	PROFESSIONAL SERVICES	109,500	185,000	0	294,500
	Utilities Maintenance				
401-4206-664-000-UT2329	#269 F250 PICK UP WITH UTILITY BED	63,739	25	0	63,764
401-4206-664-000-UT2423	L/S #80 REPLACEMENT & PANEL BOX	81,919	2,775	0	84,694
	Transfers				
401-9998-992-001	CONTRIBUTION TO GENERAL FUND	803,591	38,455	0	842,046
	Contingency				
401-9990-999-100	CONTINGENCY	234,550	0	86,984	147,566
PERMITS & INSPECTIONS FUND					
REVENUES		4,655,456	70,883	0	4,726,339
480-0000-380-000	USE OF RESERVES	2,179,200	70,883	0	2,250,083

Account Number	Account Description	Current Budget	Increase
SPRING HILL CRA FUND			
REVENUES		820,064	0
160-0000-380-200	FUNDS C/O FROM PRIOR YEAR	13,073	0
EXPENDITURES		820,064	0
160-1600-545-100	INSURANCE	4,074	0
160-9999-991-300	TRANSFER TO CAPITAL PROJECT FUND	23,498	0
160-9990-999-200	RESERVE CONTINGENCY	472,929	0
COMMUNITY REDEVELOPMENT TRUST FUND			
REVENUES		719,157	0
180-9999-381-170	TRANSFER FROM GIFT FUND	0	0
EXPENDITURES		719,157	0
180-1800-545-100	INSURANCE	36,113	0
180-1800-663-000-DT2104	PARKING LOT - 201 W. HOWRY AVE	0	0
180-9990-999-200	RESERVE CONTINGENCY	35,018	0

Decrease	Revised Budget	
		2,860
0	820,064	
0	13,073	
2,860	817,204	
0	4,074	
0	23,498	
2,860	470,069	
		23,387
0	719,157	
0	0	
23,387	695,770	
0	36,113	
0	0	
23,387	11,631	

Div	-
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Row Labels	Sum of Amended Budget
1	(33,754,653)
109	(20,008)
120	(315,825)
160	(1,224,449)
170	(1,265,069)
180	(628,095)
190	(3,831,028)
200	(2,003,030)
300	(12,117,163)
401	(34,178,380)
404	(11,734,208)
410	-
430	(3,564,286)
440	(4,000,200)
450	(2,169,031)
480	(2,516,967)
2	-
432	-
452	-
462	-
Grand Total	(113,322,392)

***ties to Budget Status Report 6/19/20 - HV*
check airport showcase revenue accounts for

variances (430-301-xxx-xxxxxx)

Row Labels	Sum of Amended Budget	Sum of Expended YTD	Sum of Encumbered
0	-113322392	-79301564.61	0
100	117430	93398.82	0
101	328961	320924.02	0
102	307278	281840.15	72
103	814198	756192.24	9078.61
104	313660	428627.89	4690.62
106	2549931	2474490.33	940.61
109	20008	3701.04	0
110	3848974	2288712.7	864397.98
115	537712	559036.47	12459.7
117	365035	355544.6	0
118	825814	577405.37	215770
119	122079	77475.15	1046.16
121	1987214	1740212.77	258213.39
122	13456091	6711340.47	6114398.44
125	67305	67327.77	0
126	11244408	9204414.95	1382837.44
127	0	0	0
128	47778	46815.43	0
131	407962	375750.42	0
132	2529802	2008203.93	79208.34
133	704853	594155.88	10365
134	731896	640663.48	94.75
136	598904	577515.12	56.8
141	275882	274905.01	94.19
142	317425	255733.87	0
143	3230443	2127499.61	850413.25
144	19767	16409.42	0
145	13584	14556.32	0
146	32581	19120.13	0
147	351908	304514.06	0
148	125165	122410.08	6975
149	58765	9460.03	0
150	337533	302069.75	0
151	5576485	3347060.16	56700
160	1157924	1091485.48	9884.55
161	66525	0	0
170	1265069	1011921.96	0
180	402970	254035.71	71726.58
190	0	0	0
201	5880405	4969933.69	34497.86
202	1002486	802683.17	56310.71
203	6609528	1328991.2	371507.1
204	3965775	3158229.8	156840.11
205	9126399	3107932.59	307167.9
206	2367827	2123673.94	-3477.68
208	868477	808678.65	770.25
209	1227188	1090914.73	1325.92
210	3080295	1379194.57	1277904.94
252	50000	18.62	0
300	3478847	1747206.35	324787.46
301	80006	37902.19	16874
351	5433	60869.39	0
404	11734208	4934020.5	3470584.58
440	4000200	3988979.22	0
450	2068849	1590528.01	31603.18
451	0	0	0
452	100182	0	0
480	1342642	1241978.73	22564
(blank)	-1	-7102019.74	15996119.74
Grand Total	-1174327	-14696918.41	32014803.48

Sum of Avail w/ Encumbrance	IN BA	Total	
-34020827.39			
24031.18			
8036.98			
25365.85			
48927.15			
-119658.51	125500	5841.49	
74500.06			
16306.96			
695863.32			
-33784.17	82310	48525.83	
9490.4			
32638.63			
43557.69			
-11212.16	15000	3787.84	
630352.09			
-22.77	MOVE		
657155.61			
0			
962.57			
32211.58			
442389.73			
100332.12			
91137.77			
21332.08			
882.8			
61691.13			
252530.14			
3357.58			
-972.32	2300	1327.68	
13460.87			
47393.94			
-4220.08	14100	9879.92	
49304.97			
35463.25			
2172724.84			
56553.97			
66525			
253147.04			
77207.71			
0			
875973.45			
143492.12			
4909029.7			
650705.09			
5711298.51			
247630.74			
59028.1			
134947.35			
423195.49			
49981.38			
1406853.19			
25229.81			
-55436.39			
3329602.92			
11220.78			
446717.81			
0			
100182			
78099.27			
-8894101			
-18492212.07			

PERIOD ENDING 03/31/2024

GL NUMBER	FUND	ACCOUNT TYPE
190-1303-552-120	190	Expenditure
190-0106-531-100	190	Expenditure
190-0106-546-100	190	Expenditure
190-0106-549-100	190	Expenditure
190-0110-552-100	190	Expenditure
190-0110-552-200	190	Expenditure
190-1117-534-100	190	Expenditure
190-1222-664-000	190	Expenditure
190-1226-552-100	190	Expenditure
190-1226-664-000	190	Expenditure
190-1302-534-100	190	Expenditure
190-1302-663-000	190	Expenditure
190-1302-663-000-PW2304	190	Expenditure
190-1302-663-000-PW2409	190	Expenditure
190-1303-531-100	190	Expenditure
190-1303-664-000	190	Expenditure
190-1303-664-000-PW2211	190	Expenditure
190-1403-531-100	190	Expenditure
190-1403-546-100	190	Expenditure
190-1403-663-000	190	Expenditure
190-1403-663-000-PR1803	190	Expenditure
190-1403-664-000	190	Expenditure
190-1410-552-200	190	Expenditure
190-9990-999-300	190	Expenditure
190-1222-552-200	190	Expenditure
190-1226-664-000-PD2314	190	Expenditure
190-1303-664-000-PW2303	190	Expenditure
190-1403-664-000-PR2401	190	Expenditure
190-1403-664-000-PR2421	190	Expenditure
190-1303-664-000-PW2214	190	Expenditure
190-1403-663-000-PR2201	190	Expenditure
190-1403-664-000-PR2302	190	Expenditure

DESCRIPTION	PROJECT DESCRIPTION	2023-24		YTD BALANCE	ENCUMBERED	UNENCUMBERED
		ORIGINAL BUDGET	2023-24 AMENDED BUDGET			
OPERATING SUPPLIES-TREE RESERVE		25,000.00	25,000.00	20,757.33	4,500.00	(257.33)
PROFESSIONAL SERVICES		0.00	0.00	0.00	0.00	0.00
BUILDING MAINTENANCE		0.00	0.00	0.00	0.00	0.00
OTHER OBLIGATIONS		0.00	0.00	0.00	0.00	0.00
OPERATING SUPPLIES		0.00	0.00	0.00	0.00	0.00
OPERATING CAPITAL		0.00	0.00	0.00	0.00	0.00
CONTRACTUAL SERVICES		0.00	0.00	0.00	0.00	0.00
EQUIPMENT		0.00	0.00	0.00	0.00	0.00
OPERATING SUPPLIES		0.00	0.00	0.00	0.00	0.00
EQUIPMENT		0.00	0.00	0.00	0.00	0.00
CONTRACTUAL SERVICES		0.00	0.00	0.00	0.00	0.00
INFRASTRUCTURE		0.00	0.00	0.00	0.00	0.00
INFRASTRUCTURE	CDBG 2023 - ROW ADA SIDEWALK IMPROV	0.00	161,213.00	0.00	161,213.00	0.00
INFRASTRUCTURE	CDBG 21&22 - TRA THOMAS PARK IMPROVEMENT	0.00	0.00	0.00	0.00	0.00
PROFESSIONAL SERVICES		0.00	0.00	0.00	0.00	0.00
EQUIPMENT		0.00	0.00	0.00	0.00	0.00
EQUIPMENT	BUCKET TRUCK 1330145	0.00	0.00	0.00	0.00	0.00
PROFESSIONAL SERVICES		0.00	26,826.00	10,747.95	16,078.05	0.00
BUILDING MAINTENANCE		0.00	0.00	0.00	0.00	0.00
INFRASTRUCTURE		0.00	0.00	0.00	0.00	0.00
INFRASTRUCTURE	SPERLING SOCCER/FBALL GOALS	0.00	0.00	0.00	0.00	0.00
EQUIPMENT		0.00	0.00	0.00	0.00	0.00
OPERATING CAPITAL		0.00	0.00	0.00	0.00	0.00
SAVINGS CONTINGENCY		0.00	0.00	0.00	0.00	0.00
OPERATING CAPITAL		0.00	53,416.00	53,415.60	0.00	0.40
EQUIPMENT	JAG 2023 - INTERVIEW TECHNOLOGY PLATFORM	0.00	17,479.00	8,675.00	8,324.88	479.12
EQUIPMENT	NEW SOLAR CHARGING STATION FOR NURSERY	0.00	95,518.00	93,132.56	0.00	2,385.44
EQUIPMENT	CDBG 2024 - CHISHOLM REPLACE SCOREBOARD	6,000.00	6,000.00	0.00	0.00	6,000.00
EQUIPMENT	CDBG 2024 - CHISHOLM ADD 2ND SCOREBOARD	6,000.00	6,000.00	0.00	0.00	6,000.00
EQUIPMENT	SCAG ZTURN 48' REPLACE 133-MO-27	0.00	9,038.00	0.00	0.00	9,038.00
INFRASTRUCTURE	MELCHING FIELD RENOVATION & EXPANSION	0.00	87,903.00	0.00	76,500.00	11,403.00
EQUIPMENT	CDBG 2023 - CHISHOLM MARQUEE BOARD	0.00	20,000.00	0.00	0.00	20,000.00

11/01/2023

EXPENDITURE REPORT FOR CITY OF DELAND
PERIOD ENDING 09/30/2023

GL NUMBER	2022-23	2022-23	YTD BALANCE
	ORIGINAL BUDGET	AMENDED BUDGET	09/30/2023
0100 - CITY COMMISSION	151,312.00	150,119.00	110,621.12
0101 - CITY MANAGER	362,829.88	362,829.88	346,814.98
0102 - CITY CLERK	393,846.00	411,346.00	388,685.56
0103 - FINANCE	1,056,788.13	1,058,936.13	959,621.90
0104 - LEGAL	509,452.45	509,452.45	441,623.31
0106 - ADMINISTRATIVE SERVICE	2,028,756.45	4,016,856.45	3,424,471.18
0110 - INFORMATION TECHNOLOGY	2,504,559.51	2,989,563.51	2,219,194.06
0115 - HUMAN RESOURCES	596,520.15	596,520.15	571,735.92
1117 - COMMUNITY DEVELOPMENT	399,038.80	505,513.80	365,400.33
1118 - PLANNING	826,203.02	888,082.02	796,342.65
1119 - LICENCES & ENFORCEMENT	165,603.40	165,603.40	89,669.75
1120 - HOMELESSNESS	621,308.00	619,328.00	594,177.43
1222 - FIRE	8,746,374.82	11,317,475.82	9,042,214.24
1223 - FIRE PREVENTION	355,966.00	488,343.00	438,833.84
1226 - POLICE	12,814,728.32	13,565,267.32	12,174,301.99
1228 - PARKING SERVICES	82,494.44	82,494.44	69,153.57
1229 - CONFISCATED FUNDS	3,000.00	3,000.00	0.00
1301 - PUBLIC WORKS ADMIN	661,187.92	680,559.92	475,048.12
1302 - STREETS	6,328,996.90	6,852,081.90	3,040,886.50
1303 - TREES	771,834.85	1,026,555.85	689,902.07
1304 - URBAN BEAUTIFICATION	1,073,546.02	1,170,206.02	918,708.97
1306 - VEHICLE MAINTENANCE	576,814.90	576,814.90	439,009.91
1401 - PARKS & REC ADMIN	350,337.45	401,661.45	359,061.87
1402 - RECREATION	426,216.80	436,216.80	365,026.66
1403 - PARKS	10,492,514.52	16,220,574.52	7,973,538.50
1404 - INTERMODAL TRANSPORTATION	18,319.00	18,319.00	13,958.42
1405 - TRAILER PARK	16,119.00	44,740.00	42,259.16
1406 - DELAND HOUSE	13,816.00	16,816.00	15,978.34
1407 - SANBORN ACTIVITY CENTER	435,660.75	445,490.75	413,210.36
1408 - STADIUM	133,430.00	148,930.00	157,245.19
1409 - SPECIAL EVENTS	61,065.00	61,065.00	20,171.03
1410 - CHISHOLM CENTER	401,393.52	406,393.52	387,178.42
1411 - SPERLING SPORTS COMPLEX	95,088.00	106,088.00	98,825.93
1412 - CONRAD/MELCHING	33,250.00	76,908.00	74,056.39
1600 - SPRING HILL CRA	274,939.00	314,589.00	210,469.72
1700 - GIFT	0.00	0.00	0.00
1800 - DOWNTOWN CRA	1,207,208.00	2,465,788.00	383,278.18
4201 - UTILITIES ADMIN	5,146,188.62	22,968,581.62	7,021,724.76
4202 - ENGINEERING	1,000,913.24	1,022,713.24	889,556.08
4203 - WATER PRODUCTION	1,940,655.22	6,186,713.22	1,927,334.40

4204 - WATER DISTRIBUTION	4,346,848.18	7,039,060.18	3,908,519.15
4205 - WASTEWATER TREATMEI	39,217,841.48	91,836,735.48	7,037,101.20
4206 - UTILITIES MAINTENANCE	2,896,462.72	3,521,987.72	3,110,691.62
4208 - FACILITIES MAINTENANCI	1,054,908.08	1,159,015.08	975,611.85
4209 - CUSTOMER SERVICE	1,574,553.80	1,874,553.80	1,397,845.20
4210 - WASTEWATER COLLECTIC	6,152,227.66	2,196,324.66	1,067,532.50
4230 - WATER TRUST FUND	429,925.00	6,482,369.00	1,271,582.24
4240 - WATER & WW TRUST	3,500,000.00	4,564,584.00	287,126.41
4300 - AIRPORT	6,189,274.00	10,008,572.00	4,814,407.68
4400 - REFUSE	4,153,088.00	5,018,888.00	4,961,677.09
4500 - STORMWATER	2,560,969.00	3,361,156.00	1,456,784.35
4800 - PERMITS & INSPECTIONS	2,536,296.00	3,114,795.00	2,384,165.29
5000 - HICC	537,100.00	537,100.00	512,751.27
5100 - WORKERS' COMP	788,741.00	788,741.00	733,650.95
6510 - GENERAL RETIREMENT	0.00	0.00	2,813,914.28
6520 - POLICE RETIREMENT	0.00	0.00	2,232,598.76
6530 - FIRE RETIREMENT	0.00	0.00	1,336,140.52
6550 - OPEB TRUST FUND	0.00	0.00	0.00
9500 - GOVERNMENT WIDE	0.00	0.00	(1,422,000.29)
9990 - CONTINGENCY	4,688,023.00	2,249,824.00	0.00
9995 - FIXED ASSETS	0.00	0.00	11,180.00
9998 - CONTRIBUTIONS	1,782,093.00	2,142,393.00	1,999,741.32
9999 - TRANSFERS	7,809,033.00	16,164,172.00	8,592,890.51
TOTAL EXPENDITURES - ALL FUN	153,295,660.00	261,438,809.00	107,433,202.71

ENCUMBERED YEAR-TO-DATE	UNENCUMBERED BALANCE
15,000.00	24,497.88
0.00	16,014.90
0.00	22,660.44
3,600.00	95,714.23
49,852.77	17,976.37
299,386.81	292,998.46
17,829.00	752,540.45
0.00	24,784.23
0.00	140,113.47
13,434.48	78,304.89
0.00	75,933.65
0.00	25,150.57
36,876.50	2,238,385.08
0.00	49,509.16
709,436.97	681,528.36
0.00	13,340.87
0.00	3,000.00
51,736.00	153,775.80
49,787.89	3,761,407.51
88,632.56	248,021.22
0.00	251,497.05
0.00	137,804.99
6,589.11	36,010.47
0.00	71,190.14
2,686,774.34	5,560,261.68
0.00	4,360.58
0.00	2,480.84
0.00	837.66
0.00	32,280.39
0.00	(8,315.19)
0.00	40,893.97
0.00	19,215.10
0.00	7,262.07
0.00	2,851.61
0.00	104,119.28
0.00	0.00
269,400.10	1,813,109.72
14,125,003.50	1,821,853.36
1,604.00	131,553.16
441,050.15	3,818,328.67

CO

1,456,196.12	1,674,344.91
82,831,758.22	1,967,876.06
266,898.27	144,397.83
0.00	183,403.23
0.00	476,708.60
203,720.61	925,071.55
2,844,725.04	2,366,061.72
2,562,970.99	1,714,486.60
3,935,995.78	1,258,168.54
0.00	57,210.91
330,298.43	1,574,073.22
151,690.14	578,939.57
0.00	24,348.73
0.00	55,090.05
0.00	(2,813,914.28)
0.00	(2,232,598.76)
0.00	(1,336,140.52)
0.00	0.00
0.00	1,422,000.29
0.00	2,249,824.00
0.00	(11,180.00)
0.00	142,651.68
0.00	7,571,281.49
113,450,247.78	40,555,358.51

11/01/2023

EXPENDITURE REPORT FOR CITY OF DELAND
PERIOD ENDING 09/30/2023

GL NUMBER	2022-23 AMENDED BUDGET	YTD BALANCE 09/30/2023
PERSONNEL	70,124.00	70,453.48
OPERATING EXPENSES	79,995.00	40,167.64
0100 - CITY COMMISSION	150,119.00	110,621.12
PERSONNEL	342,665.88	334,538.61
OPERATING EXPENSES	20,164.00	12,276.37
CAPITAL OUTLAY	0.00	0.00
0101 - CITY MANAGER	362,829.88	346,814.98
PERSONNEL	353,192.00	346,327.07
OPERATING EXPENSES	58,154.00	42,358.49
0102 - CITY CLERK	411,346.00	388,685.56
PERSONNEL	870,701.13	861,628.71
OPERATING EXPENSES	188,235.00	97,993.19
0103 - FINANCE	1,058,936.13	959,621.90
PERSONNEL	85,897.45	84,144.55
OPERATING EXPENSES	423,555.00	357,478.76
0104 - LEGAL	509,452.45	441,623.31
PERSONNEL	858,694.45	839,324.97
OPERATING EXPENSES	2,341,247.00	2,202,709.59
CAPITAL OUTLAY	302,700.00	0.00
DEBT SERVICE	514,215.00	382,436.62
0106 - ADMINISTRATIVE SERVICES	4,016,856.45	3,424,471.18
PERSONNEL	811,247.51	720,249.94
OPERATING EXPENSES	1,440,312.00	1,130,370.57
CAPITAL OUTLAY	698,404.00	328,976.19
DEBT SERVICE	39,600.00	39,597.36
0110 - INFORMATION TECHNOLOGY	2,989,563.51	2,219,194.06
PERSONNEL	465,775.15	468,996.92
OPERATING EXPENSES	130,745.00	102,739.00
0115 - HUMAN RESOURCES	596,520.15	571,735.92
PERSONNEL	292,728.80	287,460.29
OPERATING EXPENSES	117,785.00	69,940.04
CAPITAL OUTLAY	0.00	0.00
GRANTS AND AIDS	95,000.00	8,000.00
1117 - COMMUNITY DEVELOPMENT	505,513.80	365,400.33
PERSONNEL	766,691.02	755,179.39
OPERATING EXPENSES	121,391.00	41,163.26
1118 - PLANNING	888,082.02	796,342.65
PERSONNEL	77,607.40	80,640.98
OPERATING EXPENSES	54,996.00	9,028.77
CAPITAL OUTLAY	33,000.00	0.00

1119 - LICENCES & ENFORCEMENT	165,603.40	89,669.75
OPERATING EXPENSES	619,328.00	594,177.43
1120 - HOMELESSNESS	619,328.00	594,177.43
PERSONNEL	7,108,940.82	7,078,167.71
OPERATING EXPENSES	934,395.00	793,596.50
CAPITAL OUTLAY	2,514,645.00	410,957.28
DEBT SERVICE	759,495.00	759,492.75
1222 - FIRE	11,317,475.82	9,042,214.24
PERSONNEL	402,163.00	370,340.61
OPERATING EXPENSES	45,215.00	27,528.73
CAPITAL OUTLAY	40,965.00	40,964.50
1223 - FIRE PREVENTION	488,343.00	438,833.84
PERSONNEL	9,889,188.32	9,780,307.88
OPERATING EXPENSES	1,952,558.00	1,669,020.58
CAPITAL OUTLAY	1,456,334.00	457,787.07
DEBT SERVICE	267,187.00	267,186.46
1226 - POLICE	13,565,267.32	12,174,301.99
PERSONNEL	61,899.44	51,775.44
OPERATING EXPENSES	20,595.00	17,378.13
1228 - PARKING SERVICES	82,494.44	69,153.57
OPERATING EXPENSES	3,000.00	0.00
1229 - CONFISCATED FUNDS	3,000.00	0.00
PERSONNEL	371,053.92	362,257.22
OPERATING EXPENSES	116,754.00	77,409.15
CAPITAL OUTLAY	45,836.00	0.00
DEBT SERVICE	146,916.00	35,381.75
1301 - PUBLIC WORKS ADMIN	680,559.92	475,048.12
PERSONNEL	808,832.90	656,942.88
OPERATING EXPENSES	4,915,542.00	1,998,012.21
CAPITAL OUTLAY	1,127,707.00	385,931.41
1302 - STREETS	6,852,081.90	3,040,886.50
PERSONNEL	442,758.85	333,255.96
OPERATING EXPENSES	185,096.00	110,963.11
CAPITAL OUTLAY	398,701.00	245,683.00
1303 - TREES	1,026,555.85	689,902.07
PERSONNEL	719,165.02	567,069.18
OPERATING EXPENSES	240,135.00	160,639.80
CAPITAL OUTLAY	210,906.00	190,999.99
1304 - URBAN BEAUTIFICATION	1,170,206.02	918,708.97
PERSONNEL	497,191.90	357,225.73
OPERATING EXPENSES	57,291.00	63,820.68
CAPITAL OUTLAY	22,332.00	17,963.50
1306 - VEHICLE MAINTENANCE	576,814.90	439,009.91
PERSONNEL	323,872.45	294,050.78
OPERATING EXPENSES	77,789.00	65,011.09
1401 - PARKS & REC ADMIN	401,661.45	359,061.87
PERSONNEL	311,556.80	254,481.80

OPERATING EXPENSES	124,660.00	110,544.86
1402 - RECREATION	436,216.80	365,026.66
PERSONNEL	1,638,954.52	1,513,158.67
OPERATING EXPENSES	479,723.00	406,969.68
CAPITAL OUTLAY	13,400,963.00	5,746,147.93
DEBT SERVICE	700,934.00	307,262.22
1403 - PARKS	16,220,574.52	7,973,538.50
OPERATING EXPENSES	18,319.00	13,958.42
1404 - INTERMODAL TRANSPORTATION	18,319.00	13,958.42
OPERATING EXPENSES	44,740.00	42,259.16
1405 - TRAILER PARK	44,740.00	42,259.16
OPERATING EXPENSES	16,816.00	15,978.34
GRANTS AND AIDS	0.00	0.00
1406 - DELAND HOUSE	16,816.00	15,978.34
PERSONNEL	307,627.75	292,066.53
OPERATING EXPENSES	137,863.00	121,143.83
1407 - SANBORN ACTIVITY CENTER	445,490.75	413,210.36
OPERATING EXPENSES	148,930.00	157,245.19
1408 - STADIUM	148,930.00	157,245.19
PERSONNEL	10,765.00	593.85
OPERATING EXPENSES	50,300.00	19,577.18
1409 - SPECIAL EVENTS	61,065.00	20,171.03
PERSONNEL	279,950.52	262,852.89
OPERATING EXPENSES	126,443.00	124,325.53
1410 - CHISHOLM CENTER	406,393.52	387,178.42
OPERATING EXPENSES	106,088.00	98,825.93
1411 - SPERLING SPORTS COMPLEX	106,088.00	98,825.93
OPERATING EXPENSES	76,908.00	74,056.39
1412 - CONRAD/MELCHING	76,908.00	74,056.39
PERSONNEL	186,069.00	136,325.58
OPERATING EXPENSES	108,520.00	62,522.26
CAPITAL OUTLAY	0.00	11,621.88
GRANTS AND AIDS	20,000.00	0.00
1600 - SPRING HILL CRA	314,589.00	210,469.72
OPERATING EXPENSES	0.00	0.00
1700 - GIFT	0.00	0.00
PERSONNEL	0.00	0.00
OPERATING EXPENSES	441,199.00	367,898.18
CAPITAL OUTLAY	1,957,089.00	15,380.00
GRANTS AND AIDS	67,500.00	0.00
1800 - DOWNTOWN CRA	2,465,788.00	383,278.18
PERSONNEL	920,265.62	916,354.12
OPERATING EXPENSES	3,861,548.00	3,504,425.90
CAPITAL OUTLAY	18,186,768.00	2,600,944.74
4201 - UTILITIES ADMIN	22,968,581.62	7,021,724.76
PERSONNEL	905,074.24	812,185.11
OPERATING EXPENSES	86,104.00	77,370.97

CAPITAL OUTLAY	31,535.00	0.00
4202 - ENGINEERING	1,022,713.24	889,556.08
PERSONNEL	608,020.22	611,195.94
OPERATING EXPENSES	1,168,680.00	1,040,782.17
CAPITAL OUTLAY	4,410,013.00	275,356.29
4203 - WATER PRODUCTION	6,186,713.22	1,927,334.40
PERSONNEL	1,927,424.18	1,821,757.72
OPERATING EXPENSES	2,366,039.00	1,974,897.81
CAPITAL OUTLAY	2,745,597.00	111,863.62
4204 - WATER DISTRIBUTION	7,039,060.18	3,908,519.15
PERSONNEL	1,165,991.48	1,025,207.78
OPERATING EXPENSES	1,830,831.00	1,739,612.19
CAPITAL OUTLAY	88,839,913.00	4,272,281.23
4205 - WASTEWATER TREATMENT	91,836,735.48	7,037,101.20
PERSONNEL	1,600,534.72	1,505,275.39
OPERATING EXPENSES	762,695.00	716,825.07
CAPITAL OUTLAY	1,158,758.00	888,591.16
4206 - UTILITIES MAINTENANCE	3,521,987.72	3,110,691.62
PERSONNEL	895,080.08	806,533.32
OPERATING EXPENSES	74,946.00	65,709.53
CAPITAL OUTLAY	188,989.00	103,369.00
4208 - FACILITIES MAINTENANCE	1,159,015.08	975,611.85
PERSONNEL	1,136,277.80	1,045,772.29
OPERATING EXPENSES	414,276.00	349,092.54
CAPITAL OUTLAY	324,000.00	2,980.37
4209 - CUSTOMER SERVICE	1,874,553.80	1,397,845.20
PERSONNEL	578,220.66	523,992.34
OPERATING EXPENSES	201,554.00	164,750.47
CAPITAL OUTLAY	1,416,550.00	378,789.69
4210 - WASTEWATER COLLECTION	2,196,324.66	1,067,532.50
OPERATING EXPENSES	0.00	0.00
CAPITAL OUTLAY	6,482,369.00	1,271,582.24
4230 - WATER TRUST FUND	6,482,369.00	1,271,582.24
OPERATING EXPENSES	400.00	329.72
CAPITAL OUTLAY	4,564,184.00	286,796.69
4240 - WATER & WW TRUST	4,564,584.00	287,126.41
PERSONNEL	526,349.00	505,285.08
OPERATING EXPENSES	577,237.00	399,949.87
CAPITAL OUTLAY	8,904,986.00	3,909,172.73
4300 - AIRPORT	10,008,572.00	4,814,407.68
OPERATING EXPENSES	5,018,888.00	4,961,677.09
4400 - REFUSE	5,018,888.00	4,961,677.09
PERSONNEL	1,030,762.00	857,782.86
OPERATING EXPENSES	371,552.00	228,469.49
CAPITAL OUTLAY	1,958,842.00	370,532.00
4500 - STORMWATER	3,361,156.00	1,456,784.35
PERSONNEL	1,888,039.00	1,642,574.84

OPERATING EXPENSES	833,177.00	630,981.44
CAPITAL OUTLAY	393,579.00	110,609.01
4800 - PERMITS & INSPECTIONS	3,114,795.00	2,384,165.29
OPERATING EXPENSES	537,100.00	512,751.27
DEBT SERVICE	0.00	0.00
5000 - HICC	537,100.00	512,751.27
PERSONNEL	701,471.00	676,568.17
OPERATING EXPENSES	87,270.00	57,082.78
5100 - WORKERS' COMP	788,741.00	733,650.95
OPERATING EXPENSES	0.00	2,813,914.28
6510 - GENERAL RETIREMENT	0.00	2,813,914.28
OPERATING EXPENSES	0.00	2,232,598.76
6520 - POLICE RETIREMENT	0.00	2,232,598.76
OPERATING EXPENSES	0.00	1,336,140.52
6530 - FIRE RETIREMENT	0.00	1,336,140.52
OPERATING EXPENSES	0.00	0.00
6550 - OPEB TRUST FUND	0.00	0.00
OPERATING EXPENSES	0.00	0.00
DEBT SERVICE	0.00	(1,422,000.29)
9500 - GOVERNMENT WIDE	0.00	(1,422,000.29)
TRANSFERS, CONTRIBUTIONS AND CONTINGE	2,249,824.00	0.00
9990 - CONTINGENCY	2,249,824.00	0.00
OPERATING EXPENSES	0.00	11,180.00
CAPITAL OUTLAY	0.00	0.00
9995 - FIXED ASSETS	0.00	11,180.00
TRANSFERS, CONTRIBUTIONS AND CONTINGE	2,142,393.00	1,999,741.32
9998 - CONTRIBUTIONS	2,142,393.00	1,999,741.32
TRANSFERS, CONTRIBUTIONS AND CONTINGE	16,164,172.00	8,592,890.51
9999 - TRANSFERS	16,164,172.00	8,592,890.51
 TOTAL EXPENDITURES - ALL FUNDS	 261,438,809.00	 107,433,202.71

ENCUMBERED YEAR-TO-DATE	UNENCUMBERED BALANCE
0.00	(329.48)
15,000.00	24,827.36
15,000.00	24,497.88
0.00	8,127.27
0.00	7,887.63
0.00	0.00
0.00	16,014.90
0.00	6,864.93
0.00	15,795.51
0.00	22,660.44
0.00	9,072.42
3,600.00	86,641.81
3,600.00	95,714.23
0.00	1,752.90
49,852.77	16,223.47
49,852.77	17,976.37
0.00	19,369.48
8,386.81	130,150.60
291,000.00	11,700.00
0.00	131,778.38
299,386.81	292,998.46
0.00	90,997.57
17,829.00	292,112.43
0.00	369,427.81
0.00	2.64
17,829.00	752,540.45
0.00	(3,221.77)
0.00	28,006.00
0.00	24,784.23
0.00	5,268.51
0.00	47,844.96
0.00	0.00
0.00	87,000.00
0.00	140,113.47
0.00	11,511.63
13,434.48	66,793.26
13,434.48	78,304.89
0.00	(3,033.58)
0.00	45,967.23
0.00	33,000.00

0.00	75,933.65
0.00	25,150.57
0.00	25,150.57
0.00	30,773.11
36,876.50	103,922.00
0.00	2,103,687.72
0.00	2.25
36,876.50	2,238,385.08
0.00	31,822.39
0.00	17,686.27
0.00	0.50
0.00	49,509.16
0.00	108,880.44
46,135.00	237,402.42
663,301.97	335,244.96
0.00	0.54
709,436.97	681,528.36
0.00	10,124.00
0.00	3,216.87
0.00	13,340.87
0.00	3,000.00
0.00	3,000.00
0.00	8,796.70
5,900.00	33,444.85
45,836.00	0.00
0.00	111,534.25
51,736.00	153,775.80
0.00	151,890.02
35,685.67	2,881,844.12
14,102.22	727,673.37
49,787.89	3,761,407.51
0.00	109,502.89
(4,500.00)	78,632.89
93,132.56	59,885.44
88,632.56	248,021.22
0.00	152,095.84
0.00	79,495.20
0.00	19,906.01
0.00	251,497.05
0.00	139,966.17
0.00	(6,529.68)
0.00	4,368.50
0.00	137,804.99
0.00	29,821.67
6,589.11	6,188.80
6,589.11	36,010.47
0.00	57,075.00

0.00	14,115.14
0.00	71,190.14
0.00	125,795.85
26,826.00	45,927.32
2,659,948.34	4,994,866.73
0.00	393,671.78
2,686,774.34	5,560,261.68
0.00	4,360.58
0.00	4,360.58
0.00	2,480.84
0.00	2,480.84
0.00	837.66
0.00	0.00
0.00	837.66
0.00	15,561.22
0.00	16,719.17
0.00	32,280.39
0.00	(8,315.19)
0.00	(8,315.19)
0.00	10,171.15
0.00	30,722.82
0.00	40,893.97
0.00	17,097.63
0.00	2,117.47
0.00	19,215.10
0.00	7,262.07
0.00	7,262.07
0.00	2,851.61
0.00	2,851.61
0.00	49,743.42
0.00	45,997.74
0.00	(11,621.88)
0.00	20,000.00
0.00	104,119.28
0.00	0.00
0.00	0.00
0.00	0.00
0.00	73,300.82
269,400.10	1,672,308.90
0.00	67,500.00
269,400.10	1,813,109.72
0.00	3,911.50
111,902.88	245,219.22
14,013,100.62	1,572,722.64
14,125,003.50	1,821,853.36
0.00	92,889.13
1,604.00	7,129.03

0.00	31,535.00
1,604.00	131,553.16
0.00	(3,175.72)
30,914.52	96,983.31
410,135.63	3,724,521.08
441,050.15	3,818,328.67
0.00	105,666.46
347,963.52	43,177.67
1,108,232.60	1,525,500.78
1,456,196.12	1,674,344.91
0.00	140,783.70
142,298.46	(51,079.65)
82,689,459.76	1,878,172.01
82,831,758.22	1,967,876.06
0.00	95,259.33
2,227.14	43,642.79
264,671.13	5,495.71
266,898.27	144,397.83
0.00	88,546.76
0.00	9,236.47
0.00	85,620.00
0.00	183,403.23
0.00	90,505.51
0.00	65,183.46
0.00	321,019.63
0.00	476,708.60
0.00	54,228.32
986.61	35,816.92
202,734.00	835,026.31
203,720.61	925,071.55
0.00	0.00
2,844,725.04	2,366,061.72
2,844,725.04	2,366,061.72
0.00	70.28
2,562,970.99	1,714,416.32
2,562,970.99	1,714,486.60
0.00	21,063.92
8,767.67	168,519.46
3,927,228.11	1,068,585.16
3,935,995.78	1,258,168.54
0.00	57,210.91
0.00	57,210.91
0.00	172,979.14
30,064.20	113,018.31
300,234.23	1,288,075.77
330,298.43	1,574,073.22
0.00	245,464.16

53,725.00	148,470.56
97,965.14	185,004.85
151,690.14	578,939.57
0.00	24,348.73
0.00	0.00
0.00	24,348.73
0.00	24,902.83
0.00	30,187.22
0.00	55,090.05
0.00	(2,813,914.28)
0.00	(2,813,914.28)
0.00	(2,232,598.76)
0.00	(2,232,598.76)
0.00	(1,336,140.52)
0.00	(1,336,140.52)
0.00	0.00
0.00	0.00
0.00	0.00
0.00	1,422,000.29
0.00	1,422,000.29
0.00	2,249,824.00
0.00	2,249,824.00
0.00	(11,180.00)
0.00	0.00
0.00	(11,180.00)
0.00	142,651.68
0.00	142,651.68
0.00	7,571,281.49
0.00	7,571,281.49
113,450,247.78	40,555,358.51

Updated 6/18/2020

Account Number					Description
300-106-519-641819	300	106	641819	0	Replace City Hall Chiller
300-117-552-641819	300	117	641819	0	FY18-19 Equipment - Comm. Dev.
300-122-522-642002	300	122	642002	0	Firefighters' Bunker Gear
300-132-541-612001	300	132	612001	0	Beresford Ave Ext - Land Purch
300-136-519-641901	300	136	641901	0	Unleaded Fuel Tank
190-143-572-641901	190	143	641901	0	Generator - Sanborn Center
180-180-552-642001	180	180	642001	0	Street Banner Poles
401-203-533-611902	401	203	611902	0	WP Land Purchase
401-204-533-642005	401	204	642005	0	Awning for outside supplies
401-210-535-631904	401	210	631904	0	Utility Relocation Orange Camp
430-300-542-631902	430	300	631902	0	GA Complex Apron Expansion
450-450-541-642003	450	450	642003	0	New claw excavator grapple att

Adopted Budget		Amended Budget		Expended YTD		Encumbered		Avail w/ Encumbrance
\$	-	\$	215,960.00	\$	207,184.51	\$	28,880.00	\$ (20,104.51)
\$	-	\$	23,657.00	\$	23,775.30	\$	-	\$ (118.30)
\$	32,422.00	\$	32,422.00	\$	32,422.57	\$	-	\$ (0.57)
\$	-	\$	188,000.00	\$	200,867.11	\$	-	\$ (12,867.11)
\$	-	\$	80,267.00	\$	1,766.99	\$	78,500.03	\$ (0.02)
\$	-	\$	38,450.00	\$	34,956.60	\$	8,739.08	\$ (5,245.68)
\$	-	\$	-	\$	-	\$	62,349.00	\$ (62,349.00)
\$	-	\$	-	\$	20,956.93	\$	-	\$ (20,956.93)
\$	-	\$	-	\$	-	\$	15,300.00	\$ (15,300.00)
\$	100,000.00	\$	134,287.00	\$	8,333.60	\$	1,213,811.30	\$ (1,087,857.90)
\$	-	\$	158,967.00	\$	128,447.70	\$	47,364.13	\$ (16,844.83)
\$	32,611.00	\$	32,710.00	\$	29,510.00	\$	9,906.46	\$ (6,706.46)

Run Reports

Add Report
 Delete Report
 Edit
 Rename
 Audit
 Tools

Report

Category: General Ledger Reports

Name: Revenue and Expenditure Report Report Options...

Destination: Screen Select Spreadsheet

Number of Copies: 1 Margins/Fonts...

Current Printer: \\codprint1\CH-226-MFP Printer Settings...

☐ Show Sample Reports

Run Report Close

Revenue And Expenditure Report - Options

Report Format: YTD FOR BA SPEADSHEET

Columns... New... Save... Delete...

Period Ending: 03/31/2021 ☐ Show Only Quarter Ending

Filters

Select Funds... Select Departments...

Selected Funds: All Funds Selected Departments: All Depts

Select Accounts... Select Projects...

Selected Accounts: All Accounts Selected Projects: All Projects

Account Types: Revenues And Expenditures

☒ Skip Accounts W/ Zero Balance/Activity ☐ Roll Projects Up To Master GL Number

Subtotals

☐ Fund
 ☐ Department
 ☐ Account Category
 ☐ Function
 ☐ Classifications: Account Classification

☐ Account Type
 ☐ Show Totals Only
 Code:

☒ Double-Space When Showing Totals Only ☐ Subtotal Classification Level: 4

Misc Options

Print: Complete GL Number ☐ Print Fund Balance Information

Grouping: Detail by GL# ☐ Show % Fiscal Year Completed

Page Break: After Each Fund Advanced Options... Custom Headers...

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03/24/2022

REVENUE AND EXPENDITURE REPORT FOR CITY OF DELAND
PERIOD ENDING 02/28/2022

GL NUMBER	FUND	ACCOUNT TYPE	DESCRIPTION	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET
001-0106-552-400	001	Expenditure	GAS/OIL	7,724.00	7,724.00
001-0110-552-400	001	Expenditure	GAS/OIL	129.00	129.00
001-1117-552-400	001	Expenditure	GAS/OIL	21.00	21.00
001-1119-552-400	001	Expenditure	GAS/OIL	1,208.00	1,208.00
001-1222-552-400	001	Expenditure	GAS/OIL	32,530.00	32,530.00
001-1223-552-400	001	Expenditure	GAS/OIL	0.00	0.00
001-1226-552-400	001	Expenditure	GAS/OIL	150,796.00	150,796.00
001-1301-552-400	001	Expenditure	GAS/OIL	2,583.00	2,583.00
001-1302-552-400	001	Expenditure	GAS/OIL	24,755.00	24,755.00
001-1303-552-400	001	Expenditure	GAS/OIL	14,852.00	14,852.00
001-1304-552-400	001	Expenditure	GAS/OIL	11,660.00	11,660.00
001-1306-552-400	001	Expenditure	GAS/OIL	3,167.00	3,167.00
001-1403-552-400	001	Expenditure	GAS/OIL	23,177.00	23,177.00
401-4201-552-400	401	Expenditure	GAS/OIL	1,000.00	1,000.00
401-4202-552-400	401	Expenditure	GAS/OIL	3,500.00	3,500.00
401-4203-552-400	401	Expenditure	GAS/OIL	22,724.00	22,724.00
401-4204-552-400	401	Expenditure	GAS/OIL	42,416.00	42,416.00
401-4205-552-400	401	Expenditure	GAS/OIL	15,900.00	15,900.00
401-4206-552-400	401	Expenditure	GAS/OIL	53,451.00	53,451.00
401-4208-552-400	401	Expenditure	GAS/OIL	6,290.00	6,290.00
401-4209-552-400	401	Expenditure	GAS/OIL	7,000.00	7,000.00
401-4210-552-400	401	Expenditure	GAS/OIL	31,565.00	31,565.00
430-4300-552-400	430	Expenditure	GAS/OIL	13,209.00	13,209.00
450-4500-552-400	450	Expenditure	GAS/OIL	25,786.00	25,786.00
480-4800-552-400	480	Expenditure	GAS/OIL	5,707.00	5,707.00

YTD BALANCE	YTD BALANCE		
01/31/2022	02/28/2022		
6,100.43	6,150.43	350.00	1,223.57
0.00	0.00	0.00	129.00
0.00	0.00	0.00	21.00
72.07	108.36	254.03	845.61
19,663.64	23,606.88	27,602.68	(18,679.56)
0.00	0.00	0.00	0.00
70,687.75	88,710.15	126,156.80	(64,070.95)
235.47	328.64	652.19	1,602.17
9,845.00	12,561.01	19,012.07	(6,818.08)
3,265.54	4,447.82	8,275.96	2,128.22
4,802.93	6,046.16	8,702.61	(3,088.77)
874.75	1,229.31	2,481.92	(544.23)
8,058.60	10,241.26	15,278.62	(2,342.88)
753.08	888.55	948.29	(836.84)
1,619.93	2,033.93	2,898.00	(1,431.93)
7,336.51	8,467.87	7,919.52	6,336.61
20,466.73	26,473.53	42,047.60	(26,105.13)
5,060.65	6,559.91	10,494.82	(1,154.73)
17,459.34	21,912.44	31,171.70	366.86
2,615.28	3,163.41	3,836.91	(710.32)
3,717.36	4,725.74	7,058.66	(4,784.40)
8,543.63	11,083.60	17,779.79	2,701.61
2,450.11	3,660.51	8,472.80	1,075.69
11,085.42	14,279.65	22,359.61	(10,853.26)
2,970.86	3,797.29	5,785.01	(3,875.30)

GL #	DESCRIPTION
001-0000-369-920	INSURANCE PROCEEDS
001-0000-380-000	USE OF RESERVES
001-0000-380-200	FUNDS C/O FROM PRIOR YEAR

EXPENDITURES

[illegible]

HOMELESSNESS FUND

REVENUES

120-0000-366-000 DONATIONS FROM PRIVATE SOURCES

EXPENDITURES120-1120-545-100 INSURANCE

GOVERNMENT IMPACT FEES TRUST FUND

REVENUES

170-0000-380-130	USE OF RESERVES - GEN GOV'T
170-0000-380-140	USE OF RESERVES - P&R
170-0000-380-200	FUNDS C/O FROM PRIOR YEAR

EXPENDITURES

170-1226-664-000-PD2301	NEW POLICE CAR FOR NEW OFFICER
170-1403-663-000-PR2216	ECHO - ALABAMA GREENWAY TRAIL DESIGN
170-9999-991-180	TRANSFER TO DOWNTOWN CRA FUND

GRANTS & SPECIAL REVENUE FUND

REVENUES

190-9999-381-001	TRANSFER FROM GENERAL FUND
190-9999-381-001	TRANSFER FROM GENERAL FUND

EXPENDITURES

190-1222-552-200	OPERATING CAPITAL
190-1302-553-100	ROAD MATERIALS & SUPPLIES

CAPITAL PROJECT FUND

REVENUES

300-9999-381-001	TRANSFER FROM GENERAL FUND
300-9999-381-160	TRANSFER FROM SH CRA FUND
300-9999-381-401	TRANSFER FROM W&S FUND
300-9999-381-430	TRANSFER FROM AIRPORT FUND
300-9999-381-450	TRANSFER FROM STORMWATER FUND
300-9999-381-480	TRANSFER FROM P&I FUND

EXPENDITURES

300-0106-664-000-AD2301	CITY HALL CHRISTMAS TREE REPLACEMENT
300-0110-663-000-IT2201	FORTIGATE ENTERPRISE BUNDLE SERVICE PACK
300-0110-663-000-IT2306	POLICE IN-SYNC SOFTWARE
300-0110-663-000-IT2310	P&R CIVREC SOFTWARE
300-0110-664-000-IT1806	SANBORN CENTER AVI
300-1222-663-000-FR2405	REPLACEMENT GATE STATION 81
300-1222-664-000-FR2403	ALS ZOLL MONITOR
300-1222-664-000-FR2404	COMMAND VEHICLE RADIO-LIGHT PACKAGE
300-1226-663-110-PD2402	LEFTA PRODUCT SUITE
300-1226-664-000-PD2410	FALCON LICENSE PLATE READER CAMERAS
300-1226-664-000-PD2412	DRONE
300-1226-664-000-PD2413	AXON IN-CAR CAMERA 10 YEAR BUNDLE
300-1403-664-000-PR2408	REPLACE 2004 FORD TRUCK 1430025
300-1403-664-000-PR2409	REPLACE 2006 FORD TRUCK 1430028
300-1403-664-000-PR2410	REPLACE MAINTENANCE BOX TRUCK 1430054
300-1403-664-000-PR2414	REPLACE 2013 JOHN DEERE ZERO TURN MOWER
300-1403-664-000-PR2418	REPLACE 1 OF 2 PROJECTOR AT SANBORN
300-1403-664-000-PR2420	REPLACE 2 OF 2 PROJECTOR AT SANBORN
300-1403-664-000-PR2422	NETTING AT MELCHING FIELD

WATER & SEWER FUND

REVENUES

401-0000-343-310	WATER OPERATING INCOME
401-0000-389-700	COST SHARE FROM DELTONA
401-0000-389-710	COST SHARE FROM ORANGE CITY
401-0000-389-720	COST SHARE FROM VOLUSIA COUNTY
401-0000-380-200	FUNDS C/O FROM PRIOR YEAR

EXPENDITURES

401-4201-531-100	PROFESSIONAL SERVICES
401-4201-534-100	CONTRACTUAL SERVICES
401-4201-545-100	INSURANCE
401-4201-549-100	OTHER OBLIGATIONS
401-4201-664-000-UT2301	VEHICLE # 298 - 2022 CHEVY TRAVERSE
401-4202-531-100	PROFESSIONAL SERVICES
401-4203-531-100	PROFESSIONAL SERVICES
401-4203-664-000-UT2303	#279 VEHICLE REPLACEMENT - FORD F250
401-4204-663-000-UT2346	SR44/KEPLER ROUNDABOUT UTIL RELOCATION
401-4204-664-000-UT2413	HYDRAULIC 6" PUMP
401-4204-664-000-UT2437	HYDRAULIC 6" TRAILER
401-4206-664-000-UT2320	L/S #7 REPLACEMENT & PANEL BOX
401-4206-664-000-UT2322	L/S #10 REPLACEMENT & PANEL BOX
401-4206-664-000-UT2323	L/S #65 REPLACEMENT & PANEL BOX
401-4206-664-000-UT2430	NEW FORD TRANSIT VAN
401-4208-664-000-FM2405	REPLACE 208-LIFT-003 ELEC SCISSOR LIFT
401-4209-664-000-CS2201	NEPTUNE AMI PILOT
401-4210-664-000-UT2338	#275 VEHICLE REHABILITATION TRUCK
401-9999-991-300	TRANSFER TO CAPITAL PROJECT FUND
401-9990-999-200	RESERVE CONTINGENCY

WATER TRUST FUND**REVENUES****EXPENDITURES**

403-4230-661-000-WW2201	NORTHFIELD WELLFIELD ACQUISTION
403-4230-663-000-WW2201	#N/A

WASTEWATER TRUST FUND**REVENUES**

#N/A

EXPENDITURES

#N/A

AIRPORT FUND**REVENUES**

430-0000-389-320-AP2001
430-0000-380-000
430-0000-380-200

FDOT - T-HANGARS & ELEC GATE
USE OF RESERVES
FUNDS C/O FROM PRIOR YEAR

EXPENDITURES

430-4300-546-200
430-4300-662-000-AP2001
430-4300-663-000-AP2304
430-9999-991-300
430-9990-999-100

PEST CONTROL
FDOT - T-HANGARS & ELEC GATE
FAA/FDOT-CONSTRUCT MID SECTION TAXIWAY A
TRANSFER TO CAPITAL PROJECT FUND
CONTINGENCY

**REFUSE COLLECTION FUND
REVENUES**

#N/A

EXPENDITURES

#N/A
#N/A
#N/A

**STORMWATER FUND
REVENUES**

450-0000-380-000
450-0000-380-200

USE OF RESERVES
FUNDS C/O FROM PRIOR YEAR

EXPENDITURES

450-4500-663-000-SW2304
450-4500-663-000-SW2305
450-4500-663-000-SW2306
450-4500-663-000-SW2411
450-9999-991-300

MISC SW IMPROVEMENTS (NEIGHBORHOOD)
JACOBS ROAD DRAINAGE IMPROVEMENTS
FIRE STATION PUMP STATION DESIGN
GEORGIA AVENUE DRAINAGE
TRANSFER TO CAPITAL PROJECT FUND

**PERMITS & INSPECTIONS FUND
REVENUES**

480-0000-380-200

FUNDS C/O FROM PRIOR YEAR

EXPENDITURES

480-9999-991-300

TRANSFER TO CAPITAL PROJECT FUND

DR	CR
64,230	
63,655	
22,050	
265,220	115,285
	3,000
	8,257
	30,000
50,000	
	1,965
8,743	
	3,630
	3,800
	5,000
1,320	
	300
	420
	600
	8,743
	50,000
	22,000
	16,050
	6,000
	62,600
	4,513
	1,200
	27,568
	9,574
55,222	
1,325	0
1,325	
0	1,325
	1,325
326,570	0
306,000	
18,200	
2,370	
0	326,570

	2,370
	18,200
	306,000
8,743	0
8,743	
50,000	
8,743	#REF!
	8,743
	50,000
159,549	0
149,505	
139	
8,797	
277	
208	
623	
15,244	174,793
	22,000
	26,094
3,950	
	6,000
9,820	
	62,600
	1
	4,513
	3,950
	1,200
	1
	27,568
475	
	30
	1,442
999	
	4,910
	4,910
	9,574

303,867	0
230,600	
36,840	
9,210	
18,420	
8,797	

707,659	1,011,526
	92,100
	780,000
	58,725
	10,422
	130
	1,100
	24,339
	156
	10,000
	20,432
20,432	
	313
	891
	322
	2,682
	355
	212
	550
	8,797
687,227	

0	0
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343,023	0
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277,157	
65,589	
277	
348,813	5,790
	90
	346,446
	2,000
	277
5,790	
0	0
0	0
61,625	0
61,417	
208	
319,869	258,244
58,244	
	58,244
200,000	
	261,417
	208
623	0
623	
0	623
	623

Account Number	Account Description	Current Budget	Increase
REVENUES		42,630,445	159,199
	Other Sources Revenue		
001-0000-380-000	USE OF RESERVES	2,474,705	159,199
001-9998-382-480	CONTRIBUTION FROM P&I FUND	794,217	0
EXPENDITURES		46,826,291	199,158
	Admin Services		
001-0106-599-100-IAN 22	#N/A	0	0
	Fire Prevention		
001-1223-412-100	REGULAR SALARIES & WAGES	274,945	0
001-1223-413-100	OTHER SALARIES & WAGES	81,757	0
001-1223-421-100	FICA TAXES	30,494	0
001-1223-422-100	RETIREMENT CONTRIBUTIONS	140,682	0
001-1223-552-000	HARDWARE/SOFTWARE	0	0
	Police		
001-1226-552-100	OPERATING SUPPLIES	137,193	0
001-1226-552-200	OPERATING CAPITAL	227,328	0
	Streets		
001-1302-552-100	OPERATING SUPPLIES	96,985	0
	Vehicle Maintenance		
001-1306-552-100	OPERATING SUPPLIES	38,420	0
	Recreation		
001-1402-546-400	EQUIPMENT MAINTENANCE	10,500	0
001-1402-552-100	OPERATING SUPPLIES	60,910	0
	Chisholm Center		
001-1410-552-100	OPERATING SUPPLIES	28,940	300
001-1410-552-200	OPERATING CAPITAL	3,500	0
	Conrad/Melching		
001-1412-546-100	BUILDING MAINTENANCE	47,573	0

Account Number	Account Description	Current	Increase
EXPENDITURES		46,826,291	199,158
	Transfers		
001-9999-991-190	TRANSFER TO GRANTS & SPEC REV	841,384	0
001-9999-991-300	TRANSFER TO CAPITAL PROJECT FUND	6,127,220	159,199
001-9999-991-430	TRANSFER TO AIRPORT FUND	0	0
	Contingency		
001-9990-999-100	CONTINGENCY	161,172	0

GRANTS & SPECIAL REVENUE FUND			
Account Number	Account Description	Current	Increase
REVENUES		4,005,009	0
190-0000-331-200	DOJ - JAG GRANT - PUBLIC SAFETY	0	0
190-1222-334-200-FR2306	#N/A	0	0
190-9999-381-001	TRANSFER FROM GENERAL FUND	753,481	0
EXPENDITURES		4,005,009	0
	Fire		
190-1222-664-000-FR2306	#N/A	0	0
	Police		
190-1226-552-100	OPERATING SUPPLIES	0	0

CAPITAL FUND			
Account Number	Account Description	Current Budget	Increase
REVENUES		9,986,625	159,199
	Other Sources Revenue		
300-9999-381-001	TRANSFER FROM GENERAL FUND	6,127,220	159,199
300-9999-381-480	TRANSFER FROM P&I FUND	62,047	0
300-0000-380-000	USE OF RESERVES	764,849	0
EXPENDITURES		9,986,625	0
	Information Technology		
300-0110-663-000-IT2101	#N/A	0	0
	Streets		
300-1302-664-000-PW2317	#N/A	0	0
	Vehicle Maintenance		
300-1306-664-000-PW2318	#N/A	0	0
	Parks		
300-1403-662-000-PR2220	#N/A	0	0
300-1403-662-000-PR2306	#N/A	0	0
300-1403-663-000-PR2220	#N/A	0	0
WATER & SEWER FUND			
Account Number	Account Description	Current Budget	Increase
REVENUES		112,555,220	0
401-0000-380-200	FUNDS C/O FROM PRIOR YEAR	23,966,442	0
401-0000-389-400	OTHER GRANTS & DONATIONS	0	0
EXPENDITURES		112,555,220	0
	Water Distribution		
401-4204-552-130	OPERATING SUPPLIES-METERS	1,379,735	0
401-4204-663-000-UT2306	#N/A	0	0
401-4204-664-000-UT2306	#N/A	0	0
	Wastewater Treatment		
401-4205-662-000-UT2222	NASH WRF ENG, PLANNING & CONSTRUCTION	538,860	0
	Utilities Maintenance		
401-4206-664-000-UT2342	#N/A	0	0
	Wastewater Collection		
401-4210-663-000-UT2344	#N/A	0	0
	Contingency		
401-9990-999-100	CONTINGENCY	234,550	0
WATER TRUST FUND			
Account Number	Account Description	Current	Increase
REVENUES		1,600,000	0
EXPENDITURES		1,600,000	0
	Water Distribution		
403-4230-663-000-WA2303	BLUE SPRING WATER MAIN EXTENSION	450,000	0
403-4230-663-000-WW2203	2022 DELEON SPRINGS WATER MAIN IMPROV	509,017	0
AIRPORT FUND			

Account Number	Account Description	Current	Increase
REVENUES		13,403,742	1,760,974
	Grant Revenue		
430-0000-389-200-AP1903	REHAB E&W APRON & ELEC HOMERUN	2,763,710	0
430-0000-389-200-AP2205	REPLACEMENT OF ELECTRICAL HOMERUNS	26,900	616,050
430-0000-389-320-AP1903	REHAB E&W APRON & ELEC HOMERUN	245,664	0
430-0000-389-320-AP2001	T-HANGARS & ELEC GATE	2,082,621	800,000
430-0000-389-320-AP2205	REPLACEMENT OF ELECTRICAL HOMERUNS	2,391	54,760
430-0000-389-320-AP2301	EAST HANGAR COMPLEX - PHASE 1B	1,650,000	30,000
	Other Sources Revenue		
430-0000-380-000	USE OF RESERVES	598,966	237,500
430-9999-381-001	TRANSFER FROM GENERAL FUND	622,843	22,664

Account Number	Account Description	Current	Increase
EXPENDITURES		13,403,742	1,752,509
430-4300-662-000-AP2001	T-HANGARS & ELEC GATE	2,565,776	1,037,500
430-4300-662-000-AP2301	EAST HANGAR COMPLEX - PHASE 1B	4,200,000	0
430-4300-663-000-AP1903	REHAB E&W APRON & ELEC HOMERUN	6,141,580	0
430-4300-663-000-AP1904	NW INDUSTRIAL BUS PK ACCESS RD	977,947	22,664
430-4300-663-000-AP2205	REPLACEMENT OF ELECTRICAL HOMERUNS	29,889	684,500
430-4300-664-000-AP2309	ZEROTURN MOWER	26,093	0
430-4300-664-000-AP2310	RUNWAY BLOWER WITH AIR DEFLECTOR	0	7,845

PERMITS & INSEPCTIONS FUND

REVENUES		2,093,854	70,883
	Other Sources Revenue		
480-0000-380-000	USE OF RESERVES	2,179,200	70,883
EXPENDITURES		2,093,854	0
480-4800-663-000-PI2203	ACCELA CIVIC PLATFORM ENHANCEMENTS	140,914	0
480-9998-992-001	CONTRIBUTION TO GENERAL FUND	794,217	0
480-9999-991-300	TRANSFER TO CAPITAL PROJECT FUND	62,047	0

Decrease	Revised Budget		
38,455	42,751,189	200,532	38,455
38,455	2,595,449		
0	794,217		
74,761	46,950,688	179,315	17,238
0	0		
0	274,945		
0	81,757		
0	30,494		
0	140,682		
0	0		
0	137,193		
0	227,328		
0	96,985		
0	38,420		
0	10,500		
0	60,910		
0	29,240		
0	3,500		
0	47,573		

Decrease	Revised
74,761	46,950,688
0	841,384
0	6,286,419
0	0
17,238	143,934

		0	#REF!	#REF!
Decrease	Revised			
0	4,005,009			
0	0			
0	0			
0	753,481			
0	4,005,009			
0	0			
0	0			

		159,199
Decrease	Revised Budget	
0	10,145,824	
0	6,286,419	
0	62,047	
0	764,849	
0	9,986,625	
0	0	
0	0	
0	0	
0	0	
0	0	
0	0	
		86,984
Decrease	Revised Budget	
0	112,555,220	
0	23,966,442	
0	0	
86,984	112,468,236	
0	1,379,735	
0	0	
0	0	
0	538,860	
0	0	
0	0	
86,984	147,566	322215
		0
Decrease	Revised	
0	1,600,000	
0	1,600,000	
0	450,000	
0	509,017	
		0

Decrease	Revised
4,124,600	11,040,116
2,763,710	0
0	642,950
245,664	0
0	2,882,621
0	57,151
830,000	850,000

285,226	551,240
0	645,507

Decrease	Revised
4,116,135	11,040,116
0	3,603,276
1,037,500	3,162,500
3,070,790	3,070,790
0	1,000,611
0	714,389
7,845	18,248
0	7,845

70,883

0	2,164,737
0	2,250,083
0	2,093,854
0	140,914
0	794,217
0	62,047

CITY OF DELAND
Request for Commission Action
April 15, 2024

SUBJECT: Consideration re Single Source Procurement with Boulevard Tire Center for Tire Services.

DEPARTMENT: Public Works

PREPARED BY: Ray Underwood, Public Works Director

ATTACHMENTS: Tire Services Price Sheet

APPROVED BY: Michael Pleus, City Manager, April 8, 2024

SUMMARY/HIGHLIGHT:

In the recent past, the City of DeLand (City) has used Boulevard Tire Center service contract to purchase tires and for associated tire service(s). After governmental contracts either have: unfavorable prices for tire service(s); lacked the bid requirements to provide the various services (tire rotations, tire balancing, front end alignments, etc...) or otherwise could not be used due to the escalating cost(s) for tire services.

For several years staff has produced documents and advertised a competitive bid just to go unanswered. In order to streamline the process and reduce opportunity loss, the Finance Department suggested a single-source procurement. Attached is the pricing received from Boulevard Tire Center, based upon our identification of service(s) needed within a fiscal year.

Staff is recommending that Boulevard Tire Center be awarded a one-year agreement using the unit prices to provide various tire services (rotation, balance, alignments, etc...) for the City fleet. The services therein have been used in previous years by the fleet division of Public Works while maintaining the City fleet.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government.

SUSTAINABILITY:

Maintain City Fleet.

FISCAL IMPACT:

Approval of this Single source contract will allow Boulevard Tire Center to provide various tire services to all City owned and maintained vehicles and equipment, with the estimated annual cost for these services to be \$100,000.00 (+/-); plus, any additional charges that may be incurred. The cost for vehicle and equipment maintenance is a budgeted item within the various City Departments equipment maintenance budgets.

RECOMMENDATION:

It is recommended that the City Commission approve a single-source procurement with Boulevard Tire Center in the estimated annual amount of \$100,000.00 (+/-) for various tire service(s) (rotation, balance, front end alignment, etc..) for a one-year period.

BACKGROUND/DISCUSSION:

N/A



Boulevard Tire Center

3/4/24

Description of Service		Cost Each
A. Balancing		
1. Automobile Tires		\$18.00
2. Buses		\$40.00
3. Light Truck Tires [17", 18", 20"]		\$18.00
4. Medium Truck Tires [18" and up]		\$25.00
5. Heavy Truck Tires [20" and up]		\$40.00
B. Tire Mounting		
1. Automobile [15" thru 20"]		\$N/C
2. Light Truck & Equipment [17 through 20"]		\$N/C
3. Truck & Equipment [18" through 24.5"]		\$45.00
4. Turf, Trailer, and ATV [6" through 14"]		\$10.00
5. Agricultural Tractors		\$45.00
C. Patch Tire Repair		
1. Automobile [15" through 20"]		\$30.00
2. Light Truck & Equipment [17 through 20"]		\$22.00
3. Truck & Equipment [18" through 24.5"]		\$50.00
4. Turf, Trailer, and ATV [6" through 14"]		\$25.00
5. Agricultural Tractors		\$50.00
6. Boots		\$12.00
7. O-Rings		\$12.00
8. Flaps		\$12.00
9. Rubber Valve Stems		\$ 3.95
10. Metal Valve Stems		\$ 4.95
D. Service Calls		
1. Normal business Hours		\$ 95.00
2. After Normal Business Hours		\$125.00
E. Tire Purchases		
1. Tires not on Florida State Contract or Florida Sheriffs Association Contract		
Manufacturer:	Cooper	MSRP Discount 10%
Manufacturer:	Starfire	MSRP Discount 10%
Manufacturer:	General	MSRP Discount 20%
Manufacturer:	Continental	SRP Discount 20%
Manufacturer:	Toyo	MSRP Discount 15%
Manufacturer:		MSRP Discount %

CITY OF DELAND
Request for Commission Action
April 15, 2024

SUBJECT: Cons re Award of Bid for NiftyLift from Wisecom Technologies Inc.

DEPARTMENT: Public Works

PREPARED BY: Ray Underwood, Public Works Director

ATTACHMENTS: Bid Tabulation, Quote-Wisecom Tech

APPROVED BY: Michael Pleus, City Manager, April 8, 2024

SUMMARY/HIGHLIGHT:

The current fiscal year budget contains a capital line item to purchase a new NiftyLift. This new unit will allow City staff to safely access hard to reach areas that require an aerial lift city-wide. Since this unit is also electric it can be used indoors.

Bid documents for this project were developed by City staff. The project was advertised in the local news media and via internet-based DemandStar system. A total of three bids were received and are tabulated on the attached bid form. Bids range from a low of \$58,653.86 to \$69,995.00 for a new unit.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government.

SUSTAINABILITY:

Environmentally Friendly/Electric Equipment.

FISCAL IMPACT:

The lowest responsive bid received for the NiftyLift is from Wisecom Technologies Inc in the amount of \$58,653.86. Sufficient funds are budgeted in the Public Works Facilities Department to pay for this equipment.

RECOMMENDATION:

It is recommended the City Commission award the bid for the NiftyLift from Wisecom Technologies Inc in the amount of \$58,653.86.

BACKGROUND/DISCUSSION:

N/A



120 S. Florida Ave.
DeLand, FL 32720
Phone: 386-626-7000
Fax: 386-626-7140

TABULATION SHEET

Title: 2023 Niftylift TM50HGET

No: Q-24-01

OPENING DATE & TIME: November 30, 2023 @ 3:00 PM

POSTING DATE: December 4, 2023

POSTED BY: Corey McMillen

Vendor	City/State	Amount
Wisecom Technologies inc.	Landover, MD	\$58,653.86
All Around Access LLC	Fort Lauderdale, FL	\$53,546.00
Warrior Supply Depot	Jacksonville, FL	\$69,995.00

***Note: All bids are subject to review and tabulation is not final. All Around Access LLC & Warrior Supply Depot could not provide E-Verify.**

Bid tabulations with award recommendations are posted to DemandStar at www.demandstar.com & VendorLink at www.vendorlink.com.

WISECOM TECHNOLOGIES INC
3341 75TH AVE, STE GG
LANDOVER, Maryland, 20785-1516
United States
Tel: 1-888-340-4487 / 240-630-5099

Quote No. WCT-227745
Date 03/20/2024
Validity 04/19/2024
Sales Rep. Harry Martin
Payment Terms Net-30

URL: www.wisecomtech.com

Customer ID:-

Bill to Address

Accounts Payable
City of Deland
120 SOUTH FLORIDA AVENUE
DeLand, FL, 32720-5422
United States

Tel: 386-626-7078

Ship to Address

PUBLIC WORKS
City of Deland
1102 S. GARFIELD AVE.
DeLand, FL, 32720-5422
United States

Fax: -

Tel: 386-626-7195

Reference to your query for supply of equipment, WISECOM TECHNOLOGIES INC is pleased to provide you with the following quote:

Sr.#	Part# Description	Condition	ETA	Qty	Unit Price	Amount
1	TM50TGE NEW 2023 NIFTYLIFT TM50TGE, Bi-energy, traction Drive/2WD Assist	New	6 months	1	54,816.68	54,816.68

SUB TOTAL	54,816.68
SALE TAX (6.00%)	0.00
FREIGHT	0.00
HANDLING	3,837.18
FEE	0.00
DISCOUNT	0.00
GRAND TOTAL USD	58,653.86

TERMS AND CONDITIONS

Quoted Equipment include:

Green Color
Bi-energy
Traction Drive/2WD Assist-

All Quotations/Sale Orders and subsequent orders are subject to compliance to our standard terms & conditions unless stated otherwise.

- See Terms and Conditions of sale at www.wisecomtech.com/terms

- No returns accepted without prior authorization. See Return Policy at www.wisecomtech.com/return-policy

POPULAR BRANDS - WE DEAL WITH



Experience State of the Art Online Business REGISTER as customer at www.wisecomtech.com

CITY OF DELAND
Request for Commission Action
April 15, 2024

SUBJECT: Consideration re Purchase for Standardization Entry Sign/Feature from Forsite.

DEPARTMENT: Public Works

PREPARED BY: Ray Underwood, Public Works Director

ATTACHMENTS: Quotation

APPROVED BY: Michael Pleus, City Manager, April 8, 2024

SUMMARY/HIGHLIGHT:

The company Forsite has been the sole designer and manufacturer of all of our recent signage in the downtown area. This would include the pedestrian wayfinding signs, vehicular wayfinding signs and the City Commission approved design for the gateway signs. Forsite has spent considerable time designing and redesigning this sign with no cost to the city at any time. Public Works would like to utilize their design and maintain a sign standardization.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Sense of Community

SUSTAINABILITY:

Green Infrastructure

FISCAL IMPACT:

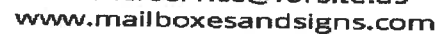
The Cost to manufacture (4) four signs is \$51,398.56. Funds are currently available as part of this capital improvement project.

RECOMMENDATION:

Staff recommends that the City Commission approve this Sign Standardization recommendation with Forsite.

BACKGROUND/DISCUSSION:

When first tasked with this assignment, staff reached out to several companies to gauge their interest. Most replied that they were not interested or it was outside their scope of work. Forsite had already completed several other projects for the City utilizing a similar design and was interested in this project as well.



Form Name: FFL #53

Contact Name _____

PO No.		Telephone	
Signature		Email:	
Print Name	Ray Underwood	Bill To	Same as above unless noted
Date	3-19-24	Address	
		Contact Name	
		Email	

DISCLOSURE STATEMENT
* Prices valid for 30 days. * Not responsible for typographical errors. This quotation covers only those items listed above.
No other uses, specifications, abilities or guarantees are to be implied other than which is stated in writing from Forsite.
This document contains confidential and proprietary information that is the property of Forsite. It may not be shared, copied or used in whole or in part with third parties without the expressed written consent of Forsite.
Forsite is not responsible for checking local municipal codes. Please verify specifications with your municipality before placing an order.
INSTALLATIONS: If any obstacles (sub-surface or otherwise) are encountered that impede the progress of the job more than 15 minutes, the contractor will inform client and request that a change order be executed on a time and material basis
Hourly rate will be specified on this change order. Furthermore, Forsite will not be held responsible for any damage to the following:
shrubby, decorative plants, underground sprinkler heads, irrigation, television/phone cables, septic tanks, or unmarked buried utilities.

CITY OF DELAND
Request for Commission Action
April 15, 2024

SUBJECT: Consideration re Award of Bid, 2024 Water Main Improvements.

DEPARTMENT: Utilities

PREPARED BY: Jim Ailes, Deputy Public Serv. Director/Utilities Director

ATTACHMENTS: B2405 Tabulation

APPROVED BY: Michael Pleus, City Manager, April 7, 2024

SUMMARY/HIGHLIGHT:

In October 2022, the City Commission authorized design of 4 separate water main improvements to be constructed as one project. Locations included: Garfield Avenue and Clearview Avenue (Part A), West Palmetto/ North Street/North Clara/North Florida Water Main Reinforcement (Part B), Lake Ruby/Krinklewood Drive/Ridge Boulevard Water Main Reinforcements (Part C), Wilmhurst Rd and Shane Drive Water Main Reinforcement (Part D), West Parkway/Oleander Rd/W. Orange Rd W. Park Rd (Part E), and Shell Rd/Candy Lane/ Fishing Lane Water Main Reinforcement (Part F). Part A and Part F were designed by City Staff.

This project was advertised for bids in the local newspaper and via the internet-based DemandStar System. Bids were received from 4 contractors as indicated on the attached Bid Tabulation.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government

SUSTAINABILITY:

N/A

FISCAL IMPACT:

Bids received ranged from a high bid of \$3,046,795.94 to lowest bid of \$2,075,420.00. Award of bid to low bidder, General Underground, LLC will result in an obligation of \$2,075,420.00. Funds of \$2,408,124 are available in the FY 23/24 Budget to cover this project.

RECOMMENDATION:

Staff recommends that the City award a contract to construct the FY 2024 Water Main Improvements to General Underground, LLC.

BACKGROUND/DISCUSSION:

The low bidder, General Underground, LLC. has satisfactorily completed projects of similar scope for the City without Contractor initiated Change Orders.

B-24-05 Tabulation
2024 Water Main Improvements
2024 Water Main Improvements, PART B
(Drawings C-100 through C-108)

Item No.	Item Description	Estimated Quantity	Units	Built - Rite Construction		ClearWater Solutions		General Underground		ThadCon	
				Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
1	Mobilization & Demobilization (Not to exceed 5% of Items 3-20)	1	LS	\$32,000.00	\$32,000.00	\$30,248.01	\$30,248.01	\$20,000.00	\$20,000.00	\$15,000.00	\$15,000.00
2	Indemnification	1	LS	\$100.00	\$100.00	\$1,176.00	\$1,176.00	\$2,000.00	\$2,000.00	\$100.00	\$100.00
3	Connect to Existing WM @ Lake Gerlie & Palmetto	1	EA	\$7,000.00	\$7,000.00	\$6,952.29	\$6,952.29	\$4,500.00	\$4,500.00	\$2,500.00	\$2,500.00
4	Connect to Existing WM @ Palmetto & N Woodland	1	EA	\$12,710.00	\$12,710.00	\$20,602.25	\$20,602.25	\$4,500.00	\$4,500.00	\$7,500.00	\$7,500.00
5	Connect to Existing WM @ North & N Florida	1	EA	\$13,266.00	\$13,266.00	\$14,645.35	\$14,645.35	\$4,500.00	\$4,500.00	\$7,500.00	\$7,500.00
6	Connect to Existing WM @ N Clara & Lake Gerlie	1	EA	\$13,870.00	\$13,870.00	\$14,396.79	\$14,396.79	\$4,500.00	\$4,500.00	\$7,500.00	\$7,500.00
7	Connect to Existing WM @ N Clara & Lake Gerlie	1	EA	\$14,005.00	\$14,005.00	\$14,071.12	\$14,071.12	\$4,500.00	\$4,500.00	\$8,006.80	\$8,006.80
8	Furnish and Install 6" PVC Potable Water Main	180	LF	\$105.00	\$18,900.00	\$50.86	\$9,154.80	\$55.00	\$9,900.00	\$75.00	\$13,500.00
9	Furnish and Install 6" HDPE Potable Water Main	3880	LF	\$82.00	\$318,160.00	\$65.34	\$253,519.20	\$50.00	\$194,000.00	\$97.64	\$378,843.20
10	Miscellaneous Ductile Iron Fittings	4000	LBS	\$8.00	\$32,000.00	\$6.59	\$26,360.00	\$3.00	\$12,000.00	\$2.50	\$10,000.00
11	Furnish & Install Fire Hydrants	9	EA	\$7,000.00	\$63,000.00	\$7,570.54	\$68,134.86	\$6,500.00	\$58,500.00	\$8,800.00	\$79,200.00
12	Furnish & Install 6-inch Gate Valves	9	EA	\$2,500.00	\$22,500.00	\$2,500.08	\$22,500.72	\$2,000.00	\$18,000.00	\$2,750.00	\$24,750.00
13	Furnish & Install Short Side Single Water Service Connection	34	EA	\$1,500.00	\$51,000.00	\$1,391.77	\$47,320.18	\$1,150.00	\$39,100.00	\$1,000.00	\$34,000.00
14	Furnish & Install Long Side Single Water Service Connection	32	EA	\$2,200.00	\$70,400.00	\$1,820.11	\$58,243.52	\$1,300.00	\$41,600.00	\$1,975.00	\$63,200.00
15	Concrete Sidewalk Restoration	100	SY	\$75.00	\$7,500.00	\$183.55	\$18,355.00	\$70.00	\$7,000.00	\$47.00	\$4,700.00
16	Concrete Driveway Restoration	100	SY	\$80.00	\$8,000.00	\$183.55	\$18,355.00	\$25.00	\$2,500.00	\$67.00	\$6,700.00
17	Asphalt Pavement Restoration	100	SY	\$95.00	\$9,500.00	\$147.00	\$14,700.00	\$25.00	\$2,500.00	\$97.00	\$9,700.00
18	Dirt Road Restoration	100	SY	\$50.00	\$5,000.00	\$37.44	\$3,744.00	\$10.00	\$1,000.00	\$15.00	\$1,500.00
19	Electronic Marker Balls Programmable	40	EA	\$45.00	\$1,800.00	\$49.22	\$1,968.80	\$50.00	\$2,000.00	\$65.00	\$2,600.00
20	Electronic Marker Balls Non-Programmable	80	EA	\$32.00	\$2,560.00	\$34.52	\$2,761.60	\$30.00	\$2,400.00	\$40.00	\$3,200.00
21	Record Drawings (Not less than 1% of Items 3-20)	1	LS	\$8,000.00	\$8,000.00	\$17,640.00	\$17,640.00	\$20,000.00	\$20,000.00	\$15,000.00	\$15,000.00
SUBTOTAL				\$711,271.00		\$664,849.49		\$455,000.00		\$695,000.00	

2024 Water Main Improvements, PART C
(Drawings C-200 thru C-207)

Item No.	Item Description	Estimated Quantity	Units	Built - Rite Construction		ClearWater Solutions		General Underground		ThadCon	
				Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
22	Mobilization & Demobilization (Not to exceed 5% of Items 24-42)	1	LS	\$35,000.00	\$35,000.00	\$36,673.35	\$36,673.35	\$25,000.00	\$25,000.00	\$21,725.00	\$21,725.00
23	Indemnification	1	LS	\$100.00	\$100.00	\$1,029.00	\$1,029.00	\$2,000.00	\$2,000.00	\$100.00	\$100.00
24	Connect to Existing WM @ Lake Ruby Road & Existing 12" Stubout	1	EA	\$6,000.00	\$6,000.00	\$6,568.84	\$6,568.84	\$5,000.00	\$5,000.00	\$2,750.00	\$2,750.00
25	Furnish & Install 2" Poly Potable Water Main	40	LF	\$23.00	\$920.00	\$95.58	\$3,823.20	\$40.00	\$1,600.00	\$67.00	\$2,680.00
26	Furnish & Install 6" PVC Potable Water Main	40	LF	\$68.00	\$2,720.00	\$125.84	\$5,033.60	\$55.00	\$2,200.00	\$75.00	\$3,000.00
27	Furnish & Install 6" HDPE Potable Water Main	1560	LF	\$82.00	\$127,920.00	\$70.78	\$110,416.80	\$50.00	\$78,000.00	\$91.00	\$141,960.00
28	Furnish & Install 12" PVC Potable Water Main	100	LF	\$159.00	\$15,900.00	\$111.63	\$11,163.00	\$99.00	\$9,900.00	\$150.00	\$15,000.00
29	Furnish & Install 12" HDPE Potable Water Main	2480	LF	\$128.00	\$317,440.00	\$139.30	\$344,464.00	\$99.00	\$245,520.00	\$133.00	\$329,840.00
30	Miscellaneous Ductile Iron Fittings	4000	LBS	\$8.00	\$32,000.00	\$9.03	\$36,120.00	\$5.00	\$20,000.00	\$2.50	\$10,000.00
31	Furnish & Install Fire Hydrants	10	EA	\$7,000.00	\$70,000.00	\$7,465.14	\$74,651.40	\$7,500.00	\$75,000.00	\$8,800.00	\$88,000.00
32	Furnish & Install 6-inch Gate Valves	3	EA	\$2,500.00	\$7,500.00	\$2,756.61	\$8,269.83	\$2,000.00	\$6,000.00	\$2,750.00	\$8,250.00
33	Furnish & Install 12-inch Gate Valves	3	EA	\$4,729.00	\$14,187.00	\$5,888.94	\$17,666.82	\$6,500.00	\$19,500.00	\$7,700.00	\$23,100.00
34	Water Main Blow Off	3	EA	\$1,700.00	\$5,100.00	\$2,060.29	\$6,180.87	\$3,500.00	\$10,500.00	\$7,000.00	\$21,000.00
35	Furnish & Install Short Side Single Water Service Connection	22	EA	\$1,500.00	\$33,000.00	\$1,416.40	\$31,160.80	\$1,150.00	\$25,300.00	\$1,000.00	\$22,000.00
36	Furnish & Install Long Side Single Water Service Connection	18	EA	\$2,200.00	\$39,600.00	\$1,841.50	\$33,147.00	\$1,300.00	\$23,400.00	\$1,975.00	\$35,550.00
37	Concrete Sidewalk Restoration	100	SY	\$75.00	\$7,500.00	\$187.23	\$18,723.00	\$25.00	\$2,500.00	\$47.00	\$4,700.00
38	Concrete Driveway Restoration	100	SY	\$80.00	\$8,000.00	\$187.23	\$18,723.00	\$25.00	\$2,500.00	\$67.00	\$6,700.00
39	Asphalt Pavement Restoration	100	SY	\$95.00	\$9,500.00	\$147.00	\$14,700.00	\$25.00	\$2,500.00	\$97.00	\$9,700.00
40	Dirt Road Restoration	100	SY	\$50.00	\$5,000.00	\$42.58	\$4,258.00	\$10.00	\$1,000.00	\$15.00	\$1,500.00
41	Electronic Marker Balls Programmable	40	EA	\$45.00	\$1,800.00	\$49.22	\$1,968.80	\$50.00	\$2,000.00	\$65.00	\$2,600.00
42	Electronic Marker Balls Non-Programmable	80	EA	\$32.00	\$2,560.00	\$34.52	\$2,761.60	\$30.00	\$2,400.00	\$40.00	\$3,200.00
43	Record Drawings (Not less than 1% of Items 24-42)	1	LS	\$10,000.00	\$10,000.00	\$15,435.00	\$15,435.00	\$25,000.00	\$25,000.00	\$17,000.00	\$17,000.00
SUBTOTAL				\$751,747.00		\$803,937.91		\$586,820.00		\$770,355.00	

2024 Water Main Improvements, PART D (Drawings C-300 thru C-307)											
Item No.	Item Description	Estimated Quantity	Units	Built - Rite Construction		ClearWater Solutions		General Underground		ThadCon	
				Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
44	Mobilization & Demobilization (Not to exceed 5% of Items 46-61)	1	LS	\$23,000.00	\$23,000.00	\$23,007.89	\$23,007.89	\$15,000.00	\$15,000.00	\$11,994.00	\$11,994.00
45	Indemnification	1	LS	\$100.00	\$100.00	\$1,029.00	\$1,029.00	\$2,000.00	\$2,000.00	\$100.00	\$100.00
46	Connect to Existing @ Wilmhurst & Glenwood	1	EA	\$11,675.00	\$11,675.00	\$13,966.75	\$13,966.75	\$5,000.00	\$5,000.00	\$7,000.00	\$7,000.00
47	Connect to Existing @ Wilmhurst & Mercers Ferry	1	EA	\$12,000.00	\$12,000.00	\$14,449.46	\$14,449.46	\$5,000.00	\$5,000.00	\$7,700.00	\$7,700.00
48	Furnish & Install 6" PVC Potable Water Main	200	LF	\$95.00	\$19,000.00	\$43.34	\$8,668.00	\$55.00	\$11,000.00	\$75.00	\$15,000.00
49	Furnish & Install 6" HDPE Potable Water Main	2960	LF	\$82.00	\$242,720.00	\$65.82	\$194,827.20	\$50.00	\$148,000.00	\$86.00	\$254,560.00
50	Miscellaneous Ductile Iron Fittings	2000	LBS	\$8.00	\$16,000.00	\$13.68	\$27,360.00	\$3.00	\$6,000.00	\$2.50	\$5,000.00
51	Furnish & Install Fire Hydrants	9	EA	\$7,000.00	\$63,000.00	\$7,570.54	\$68,134.86	\$6,500.00	\$58,500.00	\$8,780.00	\$79,020.00
52	Furnish & Install 6-inch Gate Valves	6	EA	\$2,500.00	\$15,000.00	\$3,114.21	\$18,685.26	\$2,000.00	\$12,000.00	\$2,750.00	\$16,500.00
53	Furnish & Install Short Side Single Water Service Connection	18	EA	\$1,500.00	\$27,000.00	\$1,389.57	\$25,012.26	\$1,150.00	\$20,700.00	\$1,000.00	\$18,000.00
54	Furnish & Install Long Side Single Water Service Connection	20	EA	\$2,200.00	\$44,000.00	\$1,807.25	\$36,145.00	\$1,300.00	\$26,000.00	\$2,000.00	\$40,000.00
55	Furnish & Install Long Side Double Water Service Connection	1	EA	\$2,694.00	\$2,694.00	\$2,656.20	\$2,656.20	\$2,100.00	\$2,100.00	\$3,800.00	\$3,800.00
56	Concrete Sidewalk Restoration	100	SY	\$75.00	\$7,500.00	\$174.73	\$17,473.00	\$25.00	\$2,500.00	\$47.00	\$4,700.00
57	Concrete Driveway Restoration	100	SY	\$80.00	\$8,000.00	\$174.73	\$17,473.00	\$25.00	\$2,500.00	\$67.00	\$6,700.00
58	Asphalt Driveway Restoration	100	SY	\$95.00	\$9,500.00	\$147.00	\$14,700.00	\$25.00	\$2,500.00	\$97.00	\$9,700.00
59	Dirt Road Restoration	100	SY	\$50.00	\$5,000.00	\$37.44	\$3,744.00	\$10.00	\$1,000.00	\$15.00	\$1,500.00
60	Electronic Marker Balls Programmable	30	EA	\$45.00	\$1,350.00	\$52.89	\$1,586.70	\$50.00	\$1,500.00	\$65.00	\$1,950.00
61	Electronic Marker Balls Non-Programmable	60	EA	\$32.00	\$1,920.00	\$38.19	\$2,291.40	\$30.00	\$1,800.00	\$40.00	\$2,400.00
62	Record Drawings (Not less than 1% of Items 46-61)	1	LS	\$10,000.00	\$10,000.00	\$15,435.00	\$15,435.00	\$15,000.00	\$15,000.00	\$10,000.00	\$10,000.00
SUBTOTAL				\$519,459.00		\$506,644.98		\$338,100.00		\$495,624.00	

2024 Water Main Improvements, PART E (Drawings C-400 thru C-405)											
Item No.	Item Description	Estimated Quantity	Units	Built - Rite Construction		ClearWater Solutions		General Underground		ThadCon	
				Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
63	Mobilization & Demobilization (Not to exceed 5% of Items 65-80)	1	LS	\$19,800.00	\$19,800.00	\$19,831.52	\$19,831.52	\$13,500.00	\$13,500.00	\$15,000.00	\$15,000.00
64	Indemnification	1	LS	\$100.00	\$100.00	\$735.00	\$735.00	\$2,000.00	\$2,000.00	\$100.00	\$100.00
65	Connect to Existing @ 3rd & Oleander	1	EA	\$4,000.00	\$4,000.00	\$4,811.22	\$4,811.22	\$5,000.00	\$5,000.00	\$2,900.00	\$2,900.00
66	Connect to Existing @ 3rd & W Orange	1	EA	\$4,000.00	\$4,000.00	\$4,811.22	\$4,811.22	\$5,000.00	\$5,000.00	\$2,916.00	\$2,916.00
67	Connect to Existing @ 3rd & W Park	1	LF	\$11,500.00	\$11,500.00	\$9,760.41	\$9,760.41	\$5,000.00	\$5,000.00	\$2,900.00	\$2,900.00
68	Furnish & Install 6" PVC Potable Water Main	120	LF	\$83.00	\$9,960.00	\$54.49	\$6,538.80	\$55.00	\$6,600.00	\$75.00	\$9,000.00
69	Furnish & Install 6" HDPE Potable Water Main	2800	LF	\$82.00	\$229,600.00	\$66.29	\$185,612.00	\$50.00	\$140,000.00	\$99.00	\$277,200.00
70	Miscellaneous Ductile Iron Fittings	2000	LBS	\$8.00	\$16,000.00	\$9.26	\$18,520.00	\$3.00	\$6,000.00	\$2.50	\$5,000.00
71	Furnish & Install Fire Hydrants	5	EA	\$7,000.00	\$35,000.00	\$7,772.12	\$38,860.60	\$6,500.00	\$32,500.00	\$8,800.00	\$44,000.00
72	Furnish & Install 6-inch Gate Valves	4	EA	\$2,500.00	\$10,000.00	\$2,917.24	\$11,668.96	\$2,000.00	\$8,000.00	\$2,750.00	\$11,000.00
73	Furnish & Install Short Side Single Water Service Connection	18	EA	\$1,500.00	\$27,000.00	\$1,389.57	\$25,012.26	\$1,150.00	\$20,700.00	\$1,000.00	\$18,000.00
74	Furnish & Install Long Side Single Water Service Connection	22	EA	\$2,200.00	\$48,400.00	\$1,830.95	\$40,280.90	\$1,300.00	\$28,600.00	\$1,975.00	\$43,450.00
75	Concrete Sidewalk Restoration	100	SY	\$75.00	\$7,500.00	\$174.73	\$17,473.00	\$25.00	\$2,500.00	\$47.00	\$4,700.00
76	Concrete Driveway Restoration	100	SY	\$80.00	\$8,000.00	\$174.73	\$17,473.00	\$25.00	\$2,500.00	\$67.00	\$6,700.00
77	Asphalt Driveway Restoration	100	SY	\$95.00	\$9,500.00	\$147.00	\$14,700.00	\$25.00	\$2,500.00	\$97.00	\$9,700.00
78	Dirt Road Restoration	100	SY	\$50.00	\$5,000.00	\$42.58	\$4,258.00	\$10.00	\$1,000.00	\$15.00	\$1,500.00
79	Electronic Marker Balls Programmable	30	EA	\$45.00	\$1,350.00	\$52.89	\$1,586.70	\$50.00	\$1,500.00	\$65.00	\$1,950.00
80	Electronic Marker Balls Non-Programmable	60	EA	\$32.00	\$1,920.00	\$38.19	\$2,291.40	\$30.00	\$1,800.00	\$40.00	\$2,400.00
81	Record Drawings (Not less than 1% of Items 65-80)	1	LS	\$10,000.00	\$10,000.00	\$11,025.00	\$11,025.00	\$13,500.00	\$13,500.00	\$10,000.00	\$10,000.00
SUBTOTAL				\$458,630.00		\$435,249.99		\$298,200.00		\$468,416.00	

N. Clearview Avenue & HWY 92 Water Main Loop											
Item No.	Item Description	Estimated Quantity	Units	Built - Rite Construction		ClearWater Solutions		General Underground		ThadCon	
				Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
82	Mobilization & Demobilization (Not to exceed 5% of Items 84-91)	1	LS	\$3,400.00	\$3,400.00	\$5,979.50	\$5,979.50	\$2,700.00	\$2,700.00	\$3,000.00	\$3,000.00
83	Indemnification	1	LS	\$100.00	\$100.00	\$147.00	\$147.00	\$2,000.00	\$2,000.00	\$100.00	\$100.00
84	Connect to Existing WM west of Clearview Avenue	1	EA	\$6,000.00	\$6,000.00	\$7,521.87	\$7,521.87	\$4,000.00	\$4,000.00	\$2,500.00	\$2,500.00
85	Connect to Existing WM north side of HWY 92	1	EA	\$14,000.00	\$14,000.00	\$18,705.41	\$18,705.41	\$10,000.00	\$10,000.00	\$9,786.00	\$9,786.00
86	Furnish & Install 8" PVC Potable Water Main	20	LF	\$100.00	\$2,000.00	\$250.23	\$5,004.60	\$70.00	\$1,400.00	\$100.00	\$2,000.00
87	Furnish & Install 8" HDPE Potable Water Main	240	LF	\$95.00	\$22,800.00	\$117.73	\$28,255.20	\$70.00	\$16,800.00	\$194.00	\$46,560.00
88	Miscellaneous Ductile Iron Fittings	1000	LBS	\$8.00	\$8,000.00	\$6.08	\$6,080.00	\$3.00	\$3,000.00	\$2.50	\$2,500.00
89	Asphalt Pavement Restoration	100	SY	\$95.00	\$9,500.00	\$147.00	\$14,700.00	\$150.00	\$15,000.00	\$97.00	\$9,700.00
90	Electronic Marker Balls Programmable	5	EA	\$45.00	\$225.00	\$82.22	\$411.10	\$50.00	\$250.00	\$65.00	\$325.00
91	Electronic Marker Balls Non-Programmable	10	EA	\$32.00	\$320.00	\$67.52	\$675.20	\$30.00	\$300.00	\$40.00	\$400.00
92	Record Drawings (Not less than 1% of Items 84-91)	1	LS	\$1,500.00	\$1,500.00	\$2,205.00	\$2,205.00	\$2,700.00	\$2,700.00	\$3,000.00	\$3,000.00
SUBTOTAL				\$67,845.00		\$89,684.88		\$58,150.00		\$79,871.00	

Pine Tree Road – Padrick Avenue Water Main Improvements											
Item No.	Item Description	Estimated Quantity	Units	Built - Rite Construction		ClearWater Solutions		General Underground		ThadCon	
				Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
93	Mobilization & Demobilization (Not to exceed 5% of Items 95-109)	1	LS	\$11,000.00	\$11,000.00	\$11,022.39	\$11,022.39	\$7,000.00	\$7,000.00	\$10,000.00	\$10,000.00
94	Indemnification	1	LS	\$100.00	\$100.00	\$441.00	\$441.00	\$2,000.00	\$2,000.00	\$100.00	\$100.00
95	Furnish & Install 6" PVC Potable Water Main	40	EA	\$79.00	\$3,160.00	\$199.80	\$7,992.00	\$55.00	\$2,200.00	\$75.00	\$3,000.00
96	Furnish & Install 6" HDPE Potable Water Main	1520	EA	\$82.00	\$124,640.00	\$71.54	\$108,740.80	\$50.00	\$76,000.00	\$101.00	\$153,520.00
97	Miscellaneous Ductile Iron Fittings	2000	LF	\$8.00	\$16,000.00	\$6.06	\$12,120.00	\$3.00	\$6,000.00	\$2.50	\$5,000.00
98	Furnish & Install Fire Hydrants	3	LF	\$7,000.00	\$21,000.00	\$7,756.78	\$23,270.34	\$6,500.00	\$19,500.00	\$8,800.00	\$26,400.00
99	Furnish & Install 6" Gate Valves	4	LBS	\$2,500.00	\$10,000.00	\$2,806.99	\$11,227.96	\$2,000.00	\$8,000.00	\$2,750.00	\$11,000.00
100	Furnish & Install Short Side Single Water Service Connection	3	EA	\$1,500.00	\$4,500.00	\$1,510.52	\$4,531.56	\$1,150.00	\$3,450.00	\$1,000.00	\$3,000.00
101	Furnish & Install Long Side Single Water Service Connection	3	EA	\$2,200.00	\$6,600.00	\$1,768.82	\$5,306.46	\$1,300.00	\$3,900.00	\$2,000.00	\$6,000.00
102	Furnish & Install Short Side Double Water Service Connection	2	EA	\$1,800.00	\$3,600.00	\$1,911.91	\$3,823.82	\$1,800.00	\$3,600.00	\$3,250.00	\$6,500.00
103	Furnish & Install Long Side Double Water Service Connection	2	EA	\$2,700.00	\$5,400.00	\$3,415.66	\$6,831.32	\$2,100.00	\$4,200.00	\$4,000.00	\$8,000.00
104	Furnish & Install Blowoff	1	EA	\$1,800.00	\$1,800.00	\$4,075.75	\$4,075.75	\$3,500.00	\$3,500.00	\$5,269.00	\$5,269.00
105	Concrete Driveway Restoration	100	SY	\$75.00	\$7,500.00	\$174.73	\$17,473.00	\$25.00	\$2,500.00	\$47.00	\$4,700.00
106	Asphalt Driveway Restoration	100	SY	\$80.00	\$8,000.00	\$147.00	\$14,700.00	\$25.00	\$2,500.00	\$97.00	\$9,700.00
107	Dirt Road Restoration	100	SY	\$50.00	\$5,000.00	\$37.44	\$3,744.00	\$10.00	\$1,000.00	\$15.00	\$1,500.00
108	Electronic Marker Balls Programmable	20	EA	\$45.00	\$900.00	\$60.22	\$1,204.40	\$50.00	\$1,000.00	\$65.00	\$1,300.00
109	Electronic Marker Balls Non-Programmable	40	EA	\$32.00	\$1,280.00	\$45.52	\$1,820.80	\$30.00	\$1,200.00	\$40.00	\$1,600.00
110	Record Drawings (Not less than 1% of Items 95-109)	1	LS	\$6,000.00	\$6,000.00	\$6,615.00	\$6,615.00	\$7,000.00	\$7,000.00	\$5,000.00	\$5,000.00
SUBTOTAL				\$236,480.00		\$244,940.60		\$154,550.00		\$261,589.00	
S. Salisbury Avenue Water Main Improvements											
Item No.	Item Description	Estimated Quantity	Units	Built - Rite Construction		ClearWater Solutions		General Underground		ThadCon	
				Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
111	Mobilization & Demobilization (Not to exceed 5% of Items 113-124)	1	LS	\$13,000.00	\$13,000.00	\$12,888.25	\$12,888.25	\$8,500.00	\$8,500.00	\$7,500.00	\$7,500.00
112	Indemnification	1	LS	\$100.00	\$100.00	\$588.00	\$588.00	\$2,000.00	\$2,000.00	\$100.00	\$100.00
113	Connection to Existing WM at W. Voohris Avenue	1	EA	\$12,000.00	\$12,000.00	\$14,964.21	\$14,964.21	\$5,000.00	\$5,000.00	\$8,062.00	\$8,062.00
114	Connection to Existing WM at W. Euclid Avenue	1	EA	\$11,000.00	\$11,000.00	\$13,753.67	\$13,753.67	\$5,000.00	\$5,000.00	\$7,500.00	\$7,500.00
115	Furnish & Install 6" PVC Potable Water Main	40	EA	\$79.00	\$3,160.00	\$125.84	\$5,033.60	\$55.00	\$2,200.00	\$75.00	\$3,000.00
116	Furnish & Install 6" HDPE Potable Water Main	1400	EA	\$82.00	\$114,800.00	\$71.81	\$100,534.00	\$50.00	\$70,000.00	\$84.00	\$117,600.00
117	Miscellaneous Ductile Iron Fittings	2000	LF	\$8.00	\$16,000.00	\$7.22	\$14,440.00	\$3.00	\$6,000.00	\$2.50	\$5,000.00
118	Furnish & Install Fire Hydrants	3	LF	\$7,000.00	\$21,000.00	\$7,662.21	\$22,986.63	\$6,500.00	\$19,500.00	\$8,000.00	\$24,000.00
119	Furnish & Install Short Side Single Water Service Connection	12	EA	\$1,500.00	\$18,000.00	\$1,396.46	\$16,757.52	\$1,150.00	\$13,800.00	\$1,000.00	\$12,000.00
120	Furnish & Install Long Side Single Water Service Connection	13	EA	\$2,200.00	\$28,600.00	\$1,785.02	\$23,205.26	\$1,300.00	\$16,900.00	\$1,900.00	\$24,700.00
121	Concrete Driveway Restoration	100	SY	\$75.00	\$7,500.00	\$174.73	\$17,473.00	\$70.00	\$7,000.00	\$67.00	\$6,700.00
122	Concrete Sidewalk Restoration	200	SY	\$80.00	\$16,000.00	\$174.73	\$34,946.00	\$25.00	\$5,000.00	\$47.00	\$9,400.00
123	Asphalt Pavement Restoration	100	SY	\$95.00	\$9,500.00	\$147.00	\$14,700.00	\$130.00	\$13,000.00	\$97.00	\$9,700.00
124	Electronic Marker Balls Programmable	20	EA	\$45.00	\$900.00	\$49.22	\$984.40	\$50.00	\$1,000.00	\$65.00	\$1,300.00
125	Electronic Marker Balls Non-Programmable	40	EA	\$32.00	\$1,280.00	\$34.52	\$1,380.80	\$30.00	\$1,200.00	\$40.00	\$1,600.00
126	Record Drawings (Not less than 1% of Items 113-124)	1	LS	\$5,000.00	\$5,000.00	\$8,820.00	\$8,820.00	\$8,500.00	\$8,500.00	\$4,000.00	\$4,000.00
SUBTOTAL				\$277,840.00		\$303,455.34		\$184,600.00		\$242,162.00	
GRAND TOTAL				Built - Rite Construction \$3,023,272.00		ClearWater Solutions \$3,046,795.94		General Underground \$2,075,420.00		ThadCon \$3,013,017.00	

CITY OF DELAND
Request for Commission Action
April 15, 2024

SUBJECT: Consideration re Approval for Sale and Consumption of Alcoholic Beverages on City Property, Issues Bar Decades- Prom Party Event.

DEPARTMENT: Admin Services

PREPARED BY: Michael Grebosz, Asst. City Manager

ATTACHMENTS: Site Map for Prom Party

APPROVED BY: Michael Pleus, City Manager, April 7, 2024

SUMMARY/HIGHLIGHT:

The Issues Bar Decades: Prom Party is a new event hosted by The Issues Bar. This event will be held on Fri., May 10, 2024.

The organizers are requesting closure of Lot #5. They are requesting the authorization for the sale and consumption of liquor, beer and wine. In accordance with City policy Section 3-15, "on any other City property other than parks, an applicant for the consumption of alcoholic beverages must have specific City Commission approval."

The proposal to use the proposed event footprint for this activity has been reviewed and initially approved by the Police Department. The area for sale and consumption will be blocked off by barricades to ensure that people consuming alcohol do not leave the defined area.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

N/A

SUSTAINABILITY:

N/A

FISCAL IMPACT:

None

RECOMMENDATION:

It is recommended that the City Commission approve the sale and consumption of alcohol beverages in Parking Lot #5 during the Issues Decades: Prom Party Event scheduled for Fri., May 10, 2024. Such consumption will be confined to the area designated by the site plan attached to this RCA.

BACKGROUND/DISCUSSION:

The event organizer is asking permission for alcoholic beverage sale and consumption in Parking Lot #5 during a special event.

DECADES - A Prom PARTY

LOTS

40X40 Tent w/walls
DJ, FOOD, BAR

Issues

CITY OF DELAND
Request for Commission Action
April 15, 2024

SUBJECT: Second Reading of Ordinance No. 2024-12, Amending Chapter 30, Sanitary Sewer Development Fees.

DEPARTMENT: Legal

PREPARED BY: Darren Elkind, City Attorney

ATTACHMENTS: ORD-2024-12 Utilities, Ordinance 2023-05, Business Impact Estimate Collections

APPROVED BY: Michael Pleus, City Manager, April 7, 2024

SUMMARY/HIGHLIGHT:

This ordinance increases the per fixture unit charge for wastewater development fees from \$169.20 to \$216.02 effective upon the adoption of this ordinance, and to a rate of \$262.85 beginning on October 1, 2024. This is being done to make fixture unit rate correspond to the ERU (equivalent residential unit) rate.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High value government.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

This change will increase the amount that is collected for development fees for sanitary sewer from new construction. The exact amount of the additional revenue is largely dependent upon whether development stays steady, slows even further than it has since interest rates increased last year, or accelerates.

RECOMMENDATION:

It is recommended that the City Commission approve the attached Ordinance.

BACKGROUND/DISCUSSION:

When it became apparent late in 2022 that the cost of the new water reclamation facility (sewer plant) was going to be significantly higher than originally estimated, the City commissioned a rate study for the purpose of adjusting the rates set in the 2021 study and also to increase the wastewater (sanitary sewer) development fees. Development fees are essentially impact fees but technically are not referred to as “impact fees.” The rate study provided the new water and sewer rates which were adopted by the City Commission pursuant to Ordinance 2023-05. The study also provided an increased wastewater development fee based upon one equivalent residential unit (ERU) but did not provide a per fixture unit development fee for wastewater. This is critical because the development fees are calculated by the City’s building department based upon fixture units and not on ERU’s. This adjustment should have been included in Ordinance 2023-05.

The proposed ordinance also provides for the per fixture unit rate to further increase from \$216.02 to \$262.85 commencing on October 1, 2024 which is consistent with the increase in the per ERU rate to \$5,257.00 on that

date as provided for in Ordinance 2023-05. By way of background, the ERU rate is 20 times the fixture unit rate. Staff has extrapolated the increased fixture unit rate for wastewater by simply dividing the ERU rate provided by the rate consultant by 20.

ORDINANCE NO. 2024 - 12

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING SECTION 30-20 OF CHAPTER 30 OF THE *CODE OF ORDINANCES OF THE CITY OF DELAND* RELATING TO DEVELOPMENT / CONNECTION FEES; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE WITH PHASED CHARGES.

WHEREAS, the City of DeLand is a vibrant City which engages in a wide array of governmental functions and the provision of high-quality utility services to its citizens and customers; and

WHEREAS, the City of DeLand is the owner and operator of the City of DeLand's water, wastewater and reclaimed water systems (collectively the "utility systems of the City"); and

WHEREAS, the City Commission of the City of DeLand has previously established the rates, fees and charges pertaining to the utility systems of the City in order to be prudent and operate as a fiscally sound local government; and

WHEREAS, pursuant to the provisions of applicable law, it is incumbent upon, and fiscally responsible for, the City Commission to set rates, fees and charges for services furnished by the utility systems of the City that are just and equitable to all classes of consumers served and properties benefited by the Utility systems of the City; and

WHEREAS, the City Commission desires to continue to maintain fair, just, equitable and appropriate rates, fees and charges and to ensure that all customers of the utility systems of the City are treated equitably and are charged appropriate rates for the use of the utility systems of the City; and

WHEREAS, the City obtained a rate study related to water and sewer rates and as part of the rate study also directed its rate consultant to adjust the one-time development fees related to sanitary sewer connections to address the costs related to the water reclamation facility (sewer plant) on which the City has recently started construction; and

WHEREAS, although the consultant provided an increased figure per equivalent residential unit (ERU), the consultant did not provide or recommend that the fixture unit fee for sanitary sewer development fees also be increased proportionately; and

WHEREAS, it is necessary to amend the fixture unit fee for sanitary sewer development fees as set forth in Section 30-20(e)(3) of the Code of Ordinances to align with the ERU fee promulgated by the rate consultant; and

WHEREAS, the City Commission finds that it is necessary, desirable and fiscally prudent for the utility systems of the City to adopt this Ordinance amending certain of the rates, fees and charges previously established; and

WHEREAS, this Ordinance is enacted pursuant to the home rule powers of the City of DeLand as set forth at Article VIII, Section 2, of the *Constitution of the State of Florida*; Chapter 166, *Florida Statutes*; and Chapter 180, *Florida Statutes*, and other applicable controlling law; and

WHEREAS, the City Commission of the City of DeLand has determined that the enactment of this Ordinance is in the best interest of the citizens of the City of DeLand; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text, ~~striketrough~~ shall constitute deletions to the original text, and minor edits are made without legislative scoring.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. Legislative Findings and Intent.

(a). The City Commission of the City of DeLand hereby adopts and incorporates into this Ordinance the recital (whereas clause) to this Ordinance.

(b). The City has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

Section 2. Amendment to Section 30-20, City Code, Development Fees. The provisions of Section 30-20, "Development fees" are hereby amended by adding the underlined language and deleting the ~~striketrough language~~ as follows:

Sec. 30-20. Development fees.

(e) *Water and wastewater development fee schedule.*

- (2) Declaration of the unit rate for the water development fee computation. The development fee for each water system connector will be computed by multiplying the total number of fixture units determined for the connector to be served by a unit rate per fixture unit. ~~Effective, October 1, 2021, the customer will be required to pay~~ The unit rate per fixture unit is \$129.00 for each water system connection.
- (3) Declaration of the unit rate for the wastewater development fee computation. The development fee for each wastewater system connector will be computed by multiplying the total number of fixture units determined for the connector to be served by a unit rate per fixture unit. ~~Effective, October 1, 2021, the customer will be required to pay \$169.20 for each water system connection. The unit rate per fixture unit is \$216.02. On October 1, 2024 the unit rate per fixture will increase to \$262.85.~~

Section 3. Savings. The prior actions of the City of DeLand relating to the regulation of utility systems of the City and rates and charges relating thereto, as well as any and all related matters, are hereby ratified and affirmed.

Section 4. Implementing Administrative Actions.

(a). The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions including, but not limited to, the adoption of administrative rules.

(b). Without limiting the generality of the prior Subsection of this Ordinance, the City Manager, or designee, shall implement a 90-day notification period after the enactment of this Ordinance notifying pertinent parties in such manner as deemed appropriate with regard to times when the new connection/development fee rates shall take effect.

Section 5. Conflicts. All ordinances or parts of ordinances and other actions of the City Commission in conflict with this Ordinance are hereby repealed.

Section 6. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 7. Codification; Direction to Code Codifier and City Staff; Correction of Scrivener's Errors.

(a). The provisions of Section 2 of this Ordinance shall become and be made a part of the *Code of Ordinances of the City of DeLand* and the Section of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that the text of Sections 1 and 3 through 8 shall not be codified.

(b). The Code codifier is granted liberal authority to codify the provisions of this Ordinance in such manner and in such places as deemed advisable and to make changes to any cross-references to the provisions of this Ordinance set forth in the *Code of Ordinances of the City of DeLand*.

(c). In accordance with the City's ongoing codification program; the City Clerk, in conjunction with the City Attorney, may make corrections to the provisions of this Ordinance relative to Scrivener's errors of whatever type or nature. To that end, whenever a rate, fee or charge is increased to account for inflation the Code codifier shall edit the *Code of Ordinances of the City of DeLand* to ensure that the correct amount of the rate, fee or charge, or figure used in developing the correct amount of the rate, fee or charge is codified.

Section 8. Effective Date. This Ordinance shall become effective immediately upon adoption; provided, however, that the dates set forth for the implementation of charging fees, rates and charges shall be as specifically set forth as to each provision of this Ordinance.

PASSED AND DULY ADOPTED this 15th day of April, 2024.

Christopher M. Cloudman
Mayor - Commissioner

ATTEST:

Julie A. Hennessy, MMC, City Clerk - Auditor

Passed on first reading: April 01, 2024

Adopted on second reading: April 15, 2024

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind, City Attorney

ORDINANCE NO. 2023 - 05

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING SECTION 30-20, SECTION 30-21, SECTION 30-22, SECTION 30-23, SECTION 30-27 AND SECTION 30-32 OF CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF DELAND RELATING TO WATER AND SEWER/WASTEWATER RATES, CHARGES AND DEVELOPMENT / CONNECTION FEES; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE WITH PHASED CHARGES.

WHEREAS, the City of DeLand is a vibrant City which engages in a wide array of governmental functions and the provision of high-quality utility services to its citizens and customers; and

WHEREAS, the City of DeLand is the owner and operator of the City of DeLand's water, wastewater and reclaimed water systems (collectively the "utility systems of the City"); and

WHEREAS, the City of DeLand provides utility service to approximately 23,900 potable water customers and 16,900 wastewater/sewer customers throughout the City's service area; and

WHEREAS, the City of DeLand existing water and wastewater/sewer development connection fees which were last increased in 2021; and

WHEREAS, the City of DeLand contracted with Raftelis Financial Consultants, Inc. (Raftelis) to review and update the 2021 Water, Wastewater, and Reclaimed Water Rate and Development Connection Fee Study (2021 Study) conducted by Raftelis which included recommendations to increase the fees; and

WHEREAS, however, since the completion of the 2021 Study, the City of DeLand is experiencing a significant increase in inflation to capital costs and the City desires to update the development connection fees for water and wastewater/sewer to capture these higher capital costs in order to ensure that growth continues to pay its own way and that the taxpayers of the City are not called upon to subsidize the public costs incurred as a result of development activities; and

WHEREAS, development connection fees are important sources for utilities to use to fund infrastructure costs related to growth; and

WHEREAS, on February 16, 2023 Raftelis, the City's utility rate consultant which is headquartered in Maitland, Florida, issued the "2023 Water and Wastewater Development Connection Fee Study" (2023 Study) pertaining to the water and wastewater development connection fees of the City Raftelis being a company which assists local governments and utilities

to thrive by providing management consulting expertise having just recently worked with more than 600 organizations; and

WHEREAS, the 2023 Study is based on the costs to provide infrastructure to address needs related to growth based on data specific to each service and related to the City's characteristics with the technically calculated development connection fees set forth in the 2023 Study reflecting sound and generally acceptable development fee methodologies; and

WHEREAS, the City Commission of the City of DeLand has previously established the rates, fees and charges pertaining to the utility systems of the City in order to be prudent and operate as a fiscally sound local government; and

WHEREAS, pursuant to the provisions of applicable law, it is incumbent upon, and fiscally responsible for, the City Commission to set rates, fees and charges for services furnished by the utility systems of the City that are just and equitable to all classes of consumers served and properties benefited by the Utility systems of the City; and

WHEREAS, the City Commission desires to continue to maintain fair, just, equitable and appropriate rates, fees and charges and to ensure that all customers of the utility systems of the City are treated equitably and are charged appropriate rates for the use of the utility systems of the City; and

WHEREAS, the provisions of Section 180.191, *Florida Statutes*, relates to certain limitations on rates charged to consumers located outside municipal limits and provides that "[a]ny municipality within the state operating a water or sewer utility outside of the boundaries of such municipality . . . may add a surcharge of not more than 25 percent of such rates, fees, and charges to consumers outside the boundaries" and that the "[f]ixing of such rates, fees, and charges in this manner shall not require a public hearing except as may be provided for service to consumers inside the municipality"; and

WHEREAS, the City Commission finds that it is necessary, desirable and fiscally prudent for the utility systems of the City to adopt this Ordinance amending certain of the rates, fees and charges previously established; and

WHEREAS, this Ordinance is enacted pursuant to the home rule powers of the City of DeLand as set forth at Article VIII, Section 2, of the *Constitution of the State of Florida*; Chapter 166, *Florida Statutes*; and Chapter 180, *Florida Statutes*, and other applicable controlling law; and

WHEREAS, the City Commission of the City of DeLand has determined that the enactment of this Ordinance is in the best interest of the citizens of the City of DeLand; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text, ~~striketrough~~ shall constitute deletions to the original text, and minor edits are made without legislative scoring.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. Legislative Findings and Intent.

(a). The City Commission of the City of DeLand hereby adopts and incorporates into this Ordinance the recital (whereas clause) to this Ordinance and the City staff report relating to this Ordinance.

(b). Additionally, the City Commission adopts as legislative findings the text of the February 16, 2023 letter issued to Mr. Michael Grebosz, Assistant City Manager, by Tony Hairston, Vice President of Raftelis, and Michelle Galvin, Consultant, the subject of which is "2023 Water and Wastewater Development Connection Fee Study" together with the contents of the subject Study.

(c). The City has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

Section 2. Amendment to Section 30-20, City Code, Development Fees. The provisions of Section 30-20, "Development fees", are amended to read as follows:

Sec. 30-20. Development fees.

(a) *Purpose and authority.* This section establishes procedures to facilitate the orderly expansion of the municipal water and sewer system and provides a means for funding such expansion by those benefiting from the expansion through the imposition of development fees. The city has determined that certain necessary improvements will have to be undertaken in order to provide adequate water supply and sewage treatment and disposal for the influx of new residents, industrial and business establishments anticipated to occur in future years. In order to finance these necessary capital improvements, several methods of financing will be necessary, one of which is a development fee. If there is any inconsistency between the analysis stated herein and that which is stated in the 2021 Utility Rate and Development Connection Fee Study, dated August 31, 2021, pertaining to the utility systems of the city, as issued by Raftelis Financial Consultants, Inc. (Raftelis), the city's rate consultant and fiscal advisor, the analysis and statements published by Raftelis shall prevail.

(b) *Time of payment.* The development fee for new construction and when service is extended to existing dwellings, commercial or other property, shall be due and payable upon application for water or sewer service. The development fee is charged separately for water and sewer connections. In areas where only one of these services is available, the applicable fee shall be that established for the service provided. The applicable fee for the other service will become due when service is made available.

(c) *Definitions for the water and wastewater system applicable to development fees.*

(1) The water system includes two broad categories which are:

a. The "primary system," which includes the following:

1. Wells and well pumps;
2. Raw and treated water mains;
3. High service pumping facilities;

4. Storage and repumping facilities;
 5. Treatment plants; and
 6. Transmission mains.
- b. The balance of the system is defined as the "secondary system" and includes lateral lines extending from the transmission mains and providing local service to the property line of the water connectors.
- (2) The wastewater system includes two broad categories, which are:
- a. The "primary system", which includes the following:
 1. Interceptors;
 2. Master pump stations;
 3. Force mains;
 4. Treatment plants; and
 5. Effluent disposal facilities.
 - b. The balance of the system is defined as the "secondary system" and includes lateral sewers extending from the interceptors and providing local service to the property line of the wastewater connectors.
- (d) *Trust funds established; restraints on usage.* The collected development fees shall be deposited in the water and wastewater system capital improvements trust fund. The proceeds established from the deposit of development fees into the trust fund, and the interest which may accrue on the funds, may be expended only for the purposes provided herein. Expenditures from the trust fund may be used only for the purpose of expanding the primary system facilities of the DeLand water and wastewater system or for the purchase of excess water and/or wastewater system capacity in existing water and/or wastewater systems within the DeLand water and wastewater service area. If allowed by law, the proceeds of the trust fund may be used for improving, updating, or bringing the system as a whole into compliance with a change in standards, regardless of the basis on which such change has been established.

Disbursements may be made from the trust fund for the purposes specified hereinabove, and in accordance with the appropriate law, with the additional requirement that the disbursement of any funds from the trust fund shall require the written approval of the city manager and the city engineer.

The provisions of this section are declared to be severable, and the invalidity of any portion of this section shall not affect the validity of the remaining portions.

(e) *Water and wastewater development fee schedule.*

- (1) *Declaration of the fixture unit schedule for the computation of the water and wastewater development fees.* The city commission has determined that it is necessary to impose a water development fee and a wastewater development fee to new connectors to the utility systems for the privilege of using a certain portion of the existing capacity within the respective system in order to defray the costs associated with the future expansion or upgrading of the primary system facilities within the respective utility system. The water and wastewater development fees will be computed for each customer based on that

customer's estimated impact on the particular system, as calculated from installed plumbing fixtures or other water-consuming devices, and a unit rate for each fixture unit as established in subsections (e)(2) and (3) hereunder. Part A of Table 30-20(e)(1) of this chapter presents a listing of standard plumbing fixtures and associated fixture-unit values for the purpose of computing the water and wastewater development fees for all residential and standard commercial units. For the purpose of assessing for plumbing units and other water-consuming devices not listed in the aforementioned table, a peak flow rate of one fixture unit is defined to be one cubic foot, or seven and one-half gallons per minute.

In the case of other nonstandard or larger commercial or industrial customers, where the number of fixture units as established in Part A of the referenced table and installed on the premises does not fairly state and reflect that customer's impact on the utility systems, or whose impact is produced by the use of devices other than plumbing fixtures, the computation of the water development fee and the wastewater fee will be based on one of the following methods:

Water Development Fee:

Method A: The maximum number of fixture units which can be served through the water meter providing service to the establishment in question, as stated in Part B of Table 30-20(e)(1).

Method B: An equivalent family unit. A family unit is entitled to 128,000 gallons of water per year (.128 MGY) and is equivalent to 20 fixture units. A large commercial or industrial customer's fee would be based on an equivalent family unit and would be computed as follows: Determine the estimated annual water quantity, then divide by 128,000, then multiply by 20, then multiply by the water unit rate per fixture unit.

For potable irrigation where a separate new residential construction has been approved by the city a water development fee equivalent to the 20 fixture unit shall be charged. For estimated quantities not to exceed 128,000 gallons per year. For estimated quantities in excess of 128,000 development fees shall be calculated using method B above.

In determining the water development fee for large commercial or industrial customers, the city reserves the right to review and charge the customer the water development fee which is the higher of the above methods.

In determining the water development fee for large commercial or industrial customers, the city reserves the right to review and charge the customer the water development fee which is the higher of the above methods.

Wastewater development fee:

Wastewater development fee;: An equivalent family unit. A family unit is entitled to 110,000 gallons of wastewater per year (110 MGY) (with biological loading of 192 pounds per year and suspended solids loading of 234 pounds per year) and is equivalent to 20 fixture units. A large commercial or industrial customer's fee would be based on an equivalent family unit and would be computed as follows:

Method A: Determine the estimated annual wastewater quantity, then divide by 110,000 gallons, then multiply by 20, then multiply by the wastewater unit rate per fixture unit.

Method B: Determine the estimated annual biological loading (pounds per year), then divide by 192, then multiply by 20, then multiply by the wastewater unit rate per fixture unit.

Method C: Determine the estimated annual suspended solids loading (pounds per year), then divide by 234, then multiply by 20, then multiply by the wastewater unit rate per fixture unit.

In determining the wastewater development fee for large commercial or industrial customers, the city reserves the right to review and charge the customer the wastewater development fee which is the highest of the above methods.

In all of the above cases, the city may review the fee computation after 12 months of normal facility operation, and may adjust the water or wastewater development fees in an appropriate manner to reflect the user's impact on the system. If after 12 months of normal operation the annual quantities of water or wastewater used at the facility increase due to an additional shift or production modifications, or for any other reason, the city may review the fee computation and increase the development fee to match the increased quantities.

Part A:

All fixture unit weights and fixture unit values for all plumbing fixtures shall be determined in accordance with the latest edition of the Florida Building Code - Plumbing.

Part B:

For nonstandard and large commercial, or industrial customers, the city may elect, at its option, to compute the fixture unit weight based upon the peak capabilities of the water meter being used by that customer. The following table presents the maximum number of fixture units to be served by a particular water meter size and utilized in the computation of the development fees:

Meter Size (Inches)	Fixture Units
5/8—3/4	20 32
1	50
1½	100
2	160
3	350
4	550
6	1,500
8	2,500

- (2) Declaration of the unit rate for the water development fee computation. The development fee for each water system connector will be computed by multiplying the total number of fixture units determined for the connector to be served by a unit rate per fixture unit. Effective, October 1, 2021, the customer will be required to pay \$129.00 for each water system connection.
- (3) Declaration of the unit rate for the wastewater development fee computation. The development fee for each wastewater system connector will be computed by multiplying the total number of fixture units determined for the connector to be served by a unit rate per fixture unit. Effective, October 1, 2021, the customer will be required to pay \$169.20 for each water system connection.
- (4) Declaration of the unit rate for the water development fee computation. The development fee for each water system connector will be computed by multiplying the total number of ERUs determined for the connector to be served by a unit rate per ERU. On October 1, 2021 the customer will be required to pay \$2,580.00 for each water system connection.
- (5) Declaration of the unit rate for the wastewater development fee computation. The development fee for each wastewater system connector will be computed by multiplying the total number of ERUs determined for the connector to be served by a unit rate per ERU. On October 1, 2021, the customer will be required to pay \$3,384.00 for each wastewater system connection. On July 10, 2023, the customer will be required to pay \$4,320.50 for each wastewater system connection. On October 1, 2024, the customer will be required to pay \$5,257.00 for each wastewater system connection.
- (6) *Credit given against development fee when individuals connect who have been previously paying monthly base facility charges for utility service, although not connected to the system.*

The city will allow the application of monthly base facility charges paid for water and/or wastewater service as a credit not to exceed the total cost of the development fee assessed to the connector. In no event shall the excess amount of base facility charges paid to date, if any, be credited to any other rates, charges or fees due for services, nor shall any refunds be issued for any unused credit.

If the service in question is available to the property, as defined by Florida Statute and Florida Administrative Code, credit will be given to customer's utility account in an amount equal to the last four years of volume charges corresponding to the service in question. All base facility charges for the service in question will be credited to future development fees relating to connection for the service in question.

If the service in question is not available to the property, as defined by Florida Statute and Florida Administrative Code, credit will be given to customer's utility account in an amount equal to the last four years of base facility and volume charges corresponding to the service in question.

- (7) *Charge for development fee for water only meters for new connectors.* The following schedule of charges for development fees shall be utilized in assessing all new connectors who desire to have installed separate "water only" meters for irrigation, swimming pools and other similar uses; for purposes of this subsection, "new

connectors" shall include properties which, as of August 1, 1986, were not existing and current connectors to the water system at the location where the water-only meter is to be installed:

Water Meter Size (Inches)	"Water Only" Development Fee
$\frac{5}{8}$ — $\frac{3}{4}$	\$ 108.00
1	243.00
1½	297.00
2	378.00
3	486.00
4	621.00
6	972.00
8	1,350.00

- (8) *Provisions for delayed payment of development fees.* A single-family dwelling connector who resides in such dwelling, or any connector who is rehabilitating a single-family dwelling to bring it into compliance with city building codes, or any existing nonsingle family resident who is required to connect to the city's utility system by department of environmental regulation, department of health and rehabilitative services or county regulatory program and who can show proof of inability to finance elsewhere, is eligible to request and be granted the option of financing his water and sewer development fees. The decision to finance eligible water and sewer development fees is at the discretion of the city manager and shall be based upon demonstration of financial hardship. Administrative procedures for reviewing each request and guidelines for establishing financial hardship shall be developed by the city manager and approved by the city commission. If the option to finance water and sewer development fees is granted, the financing period shall not exceed five years for single-family residents and two years for nonsingle family residents (unless extended by specific approval of the city commission), and the fixed rate of interest shall not exceed 12 percent. Payments on such financed development fees shall be made monthly on the same basis as all other charges for utility service.
- (9) *Demolition; credit given against water and wastewater development fees for fixture units existing prior to internal renovation or demolition of structure.* A private or public service connector ("applicant"), may apply for and receive a credit against water and wastewater development fees otherwise due for fixture units existing prior to internal renovations which alter the number of fixture units, or prior to demolition of approved structures, upon satisfactory compliance with the following:
- The applicant shall, at the time of applying for a building permit for internal renovation which will alter the number of fixture units or for a demolition permit, furnish proof of existing water and/or wastewater service to the subject property

and an exact fixture count, in a manner and form satisfactory to the chief building official.

- b. Prior to internal renovation or demolition, and provided the applicant has obtained the proper building or demolition permit, the chief building official shall personally inspect or verify the number of fixture units and shall provide the applicant with a "notice of water and/or wastewater development fee credits" as provided below, stating the amount of credit to be given against water and/or wastewater development fees for the subject property.
- c. Credits against water and/or wastewater development fees shall be issued as fixture unit credits only, and shall not be paid as cash or monetary credits.
- d. Credits may be given for properties lying inside the city limits; and for properties lying outside the city limits within the area described in that certain utility service agreement by and between Volusia County, Florida and the City of DeLand, dated July 14, 1994, as amended from time-to-time, provided the applicant has obtained a building or demolition permit from Volusia County and can provide the chief building official with satisfactory evidence, as determined by the chief building official, of the number and type of fixture units at the time of internal renovation or demolition.
- e. Any and all credits issued shall be applied towards the subject parcel/lot, and can only be used for new construction on that parcel or lot or on an assemblage of property that includes that parcel or lot unless the city's utility director determines that there is a rational basis to allow the credits to be transferred to an appropriate parcel under common ownership and within a one-mile radius of the subject parcel/lot. Credits shall only be valid and available for use for a period of ten years from the date of recording of the "notice of water and/or wastewater development fee credits," as provided below.
- f. In order to be eligible to receive a credit against water and/or wastewater development fees, all municipal liens against the subject property must be satisfied.
- g. The chief building official shall maintain a written record of properties (by legal description) for which credits have been issued, along with copies of the building or demolition permits and amount of credit for water and/or wastewater development fees. The chief building official shall supply the city manager with a copy of his "notice of water and/or wastewater development fee credits" granting the water and/or wastewater development fee credit and the transfer to an appropriate parcel and the release of credits for the pertinent parcel or parcels if allowed by the city. In addition, the chief building official shall cause such notice to be recorded in the public records of Volusia County, Florida. The cost of such recording shall be borne by the applicant.
- h. Any applicant who wishes to appeal a decision of the chief building official under this section may make such appeal to the city commission by first requesting such appeal in writing to the city commission. However, the city commission shall only give credits to applicants who have complied with the time limitations set forth in this section and who have provided proof by clear and convincing evidence of such

renovation or demolition and of the type and number of fixture units existing on the property at the time of such renovation or demolition.

(f) *Development fees; disposition, review.*

- (1) *Disposition of water and wastewater development fees.* The water and wastewater development fees collected from new customers shall be deposited in the water and wastewater system capital improvements trust fund.
- (2) *Review of water and wastewater development fees.* In that the total amount of the water development fees and the wastewater development fee depends on a number of factors including, but not limited to the growth in customers within the service area, the cost of system improvements required to serve these customers, and other environmental and economic considerations affecting the type of improvements to be made, the amount and distribution of these fees will be reevaluated on an annual basis by the city and presented in a report with recommendations regarding these fees for review by the city commission.

(g) *Water conservation incentives for the installation of high efficiency fixtures.*

- (1) Rebates of a fixed dollar amount of impact fee credit or a rebate in the form of a water bill credit or direct payment will be provided to existing residential and nonresidential customers provided that the fixtures, fittings or appliances are installed and meet the requirements of the EPA WaterSense Program or UNAR Guidelines, included in the following Table:

Plumbing Fixture or Fixture Fitting	Maximum Flow Rate	Impact Fee Credit/ Water Bill Credit
Rain barrel	Minimum capacity 50 gallons US	\$20.00
Lavatory private	1.0 gpm at 60 psi	20.00
Lavatory, public, metered	.25 gallons per metering cycle	50.00
Lavatory, public, nonmetered	.5 gpm at 60 psi	25.00
Shower head	1.5 gpm at 80 psi	20.00
Sink faucet	1.0 gpm at 60 psi	20.00
Water closet, high efficiency	1.28 gallons per flushing cycle	50.00
Water closet, high efficiency (dual flush)	1.28/0.8 gallons per flushing cycle	100.00
Urinal	Waterless or .5 gallons per flushing cycle	100.00

Dishwasher, residential	6.5 gallons per cycle or less (Energy Star/Water Sense Certified)	50.00
Dishwasher, commercial	Less than 1.2 gallons per rack for fill and dump machines and less than .9 gallons per rack for all other types of machines	100.00
Under counter machines	1.0 gallon or less per rack for high temperature machines and 1.7 gallons per rack for low temperature machines	100.00
Washing machine	Water factor* of 8 or lower (Energy Star/Water Sense Certified)	100.00

* Gallons per cycle per cubic foot

- (2) The maximum amount of any rebate or water impact fee credit per premise would be \$250.00.
- (3) ~~The program is available on a first come first serve basis up to a maximum of \$25,000.00.~~
- (4) The city commission may extend or discontinue this incentive program at any time.

Section 3. Amendment to Section 30-21, City Code, Physical Connection Charges.
The provisions of Section 30-22, "Physical connection charges", are amended to read as follows:

Sec. 30-21. Physical connection charges.

- (a) *Water service.* The city will install connection facilities for water service from an existing, adjacent water main including the pipe from the water main to the property line of the adjacent property, fittings and other materials related to the normal connection, and a water meter, whenever the applicant shall have paid therefor the required deposit for the water service, the applicable development fee and a water service physical connection charge based upon the following schedule:

- (1) *Water service connection charge to existing service line.* A flat fee of \$485.00 shall be charged for water connections in which a water service line to the property boundary already exists. This flat fee shall only apply to three-fourths-inch residential meters installed at residences served with potable water for irrigation. This charge shall be increased to \$590.00 if the residence is served with reclaimed water or nonpotable irrigation water and a combination meter/backflow preventer is required by the director of utilities.

- (2) *Water service connection charge for city-installed service line.*

Water Meter Size (Inches)	Charge
5/8 x 3/4 meter (radio read)	\$485.00
5/8 x 3/4 meter with double check Meter with double check (Radio Read)	590.00 <u>\$695.00</u>
1 (radio read) Meter (Radio Read)	575.00 <u>\$650.00</u>

1 DC Meter (Radio Read)	\$850.00
1½ (radio read) Meter (Radio Read)	760.00 \$960.00
2 (radio read) Meter (Radio Read)	875.00 \$1,075.00
3	Actual cost or developer to install
4	Actual cost or developer to install
6	Actual cost or developer to install
Greater than 6	Actual cost or developer to install

Connection charges for all meters over six inches will be determined by the director of utilities based on the recovery of cost for such connection. Charges also may be increased for any size meter if large road cuts, line extensions, hot taps, special permits, unusual restoration or other factors are determined by the director of utilities to be needed to recover costs.

- (b) *Sewer service.* The city will install connection facilities for sewer service from an existing, adjacent sewer main including the pipe from the sewer main to the property line of the adjacent property, together with fittings and other materials related to a normal connection, whenever the applicant shall have paid therefor the required deposit for the sewer service, the applicable development fee and a sewer service physical connection charge based upon the following schedule:
- (1) *Sewer service connection charge to existing lateral.* A flat fee of \$230.00 shall be charged for sewer connections in which a sewer lateral to the property line already exists.
 - (2) Charges above for city-installed sewer laterals may be increased to cover the city's cost of materials and labor or subcontract services to install laterals more than 25 feet in length, restore pavement, obtain special permits, core structures or other work determined to be necessary by the utility director.
 - (3) *Sewer lateral extension.* A fee of \$830.00 shall be charged for sewer lateral extension.
 - (4) A fee of \$35.00 shall be charged for sewer service lateral location with meter installation. A fee of \$85.00 shall be charged for sewer service lateral location independent of meter installation.

Section 4. Amendment to Section 30-22, City Code, Monthly Water Rates. The provisions of Section 30-22, "Monthly water rates", of the *Code of Ordinances of the City of DeLand, Florida*, are amended to read as follows:

Sec. 30-22. Monthly water rates.

For service to each connection provided, the water rate shall consist of an account maintenance fee, a water volume charge, and a water base facility charge, billed and payable monthly as established by the policies and procedures of the city.

- (a) *Metering requirements.* No water service shall be furnished to any connection unless such service connection is metered, except for service connections to fire hydrants provided by the city. The city manager, or designee, is authorized to specify and have installed the properly sized water meter for any facility based on the average peak water demand estimated for that facility.

- (b) *Account maintenance fee.* A monthly account maintenance fee, as established by the policies and procedures of the city, shall be assessed against each account provided. However, only one account maintenance fee shall be assessed, regardless of whether the customer receives water service, wastewater service, stormwater service, reclaimed water service or any combination thereof.
- (c) *Volume charge.* The water volume charge shall be assessed according to "water conservation blocks" (gallons per month) with flow amounts established pursuant to the following charts. The water volume charge shall be assessed at the rate described below in Block 1 for flows within the amount set forth in that flow designation. Flows that exceed the maximum flow in Block 1 will be billed at a rate described below in Block 2. Flows that exceed the maximum flow in Block 2 will be billed at a rate described below in Block 3.

Chart A: Usage Blocks by Meter Size

Meter Sizes	American Water Works Association Equivalency	Block 1	Block 2	Block 3	Block 4
<i>Residential, all</i>	1.00	up to 5,000	5,001 to 10,000	10,001 to 15,000	Above 15,000
<i>Multifamily per unit</i>	0.70	up to 4,000	4,001 to 8,000	8,001 to 12,000	Above 12,000
<i>Commercial (meter size)</i>					
$\frac{3}{4}$ "	1.00	up to 5,000	5,001 to 10,000	10,001 to 15,000	Above 15,000
1.0"	2.50	up to 13,000	13,001 to 25,000	25,001 to 38,000	Above 38,000
1.5"	5.00	up to 25,000	25,001 to 50,000	50,001 to 75,000	Above 75,000
2.0"	8.00	up to 40,000	40,001 to 80,000	80,001 to 120,000	Above 120,000
3.0"	16.00	up to 80,000	80,001 to 160,000	160,001 to 240,000	Above 240,000
4.0"	25.00	up to 125,000	125,001 to 250,000	250,001 to 375,000	Above 375,000
6.0"	50.00	up to 250,000	250,001 to 500,000	500,001 to 750,000	Above 750,000
8.0"	80.00	up to 400,000	400,001 to 800,000	800,001 to 1,200,000	Above 1,200,000
10.0"	115.00	up to 575,000	575,001 to 1,150,000	1,150,001 to 1,725,000	Above 1,725,000
<i>Irrigation (meter size)</i>					
$\frac{3}{4}$ "	1.00	up to 4,000	4,001 to 8,000	8,001 to 12,000	Above 12,000

1.0"	2.50	up to 10,000	10,001 to 20,000	20,001 to 30,000	Above 30,000
1.5"	5.00	up to 20,000	20,001 to 40,000	40,001 to 60,000	Above 60,000
2.0"	8.00	up to 32,000	32,001 to 64,000	64,001 to 96,000	Above 96,000
3.0"	16.00	up to 64,000	64,001 to 128,000	128,001 to 192,000	Above 192,000
4.0"	25.00	up to 100,000	100,001 to 200,000	200,001 to 300,000	Above 300,000
6.0"	50.00	up to 200,000	200,001 to 400,000	400,001 to 600,000	Above 600,000
8.0"	80.00	up to 320,000	320,001 to 640,000	640,001 to 960,000	Above 960,000
10.0"	115.00	up to 460,000	460,001 to 920,000	920,001 to 1,380,000	Above 1,380,000

- (d) *Base facility charge.* Base facility charges shall commence from the date of initial connection and shall continue to accrue unabated thereafter, regardless of the actual use or occupancy of the property served or whether the meter has been disconnected. Service is available to property when connected and that availability causes impacts to the city's utility systems while also providing benefits to the property such as, by way of example only and not a limitation, for flow to the property. Following demolition of all structures on a parcel and confirmation of such by the building department, water base facility charges will cease until a new structure is built.

- (e) *Monthly water rates.*

	Fiscal Year					
	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Account maintenance fee per bill	\$4.99	\$4.99	\$4.99	\$4.99	\$4.99	\$4.99
¾" double check backflow charge	\$3.97	\$3.97	\$3.97	\$3.97 \$4.15	\$3.97 \$4.34	\$3.97 \$4.54
1" double check backflow	\$4.42	\$4.42	\$4.42	\$4.42 \$4.62	\$4.42 \$4.83	\$4.42 \$5.05
¾" reduced pressure backflow	\$8.84	\$8.84	\$8.84	\$8.84 \$9.24	\$8.84 \$9.66	\$8.84 \$10.09
1" reduced pressure backflow	\$9.94	\$9.94	\$9.94	\$9.94 \$10.39	\$9.94 \$10.86	\$9.94 \$11.35

1½" reduced pressure backflow	\$14.36	\$14.36	\$14.36	\$14.36 \$15.01	\$14.36 \$15.69	\$14.36 \$16.40
2" reduced pressure backflow	\$22.09	\$22.09	\$22.09	\$22.09 \$23.08	\$22.09 \$24.12	\$22.09 \$25.21
Meter maintenance fee	\$3.97	\$3.97	\$3.97	\$3.97 \$4.15	\$3.97 \$4.34	\$3.97 \$4.54
Base facility charge:						
<i>Single-family (per account)</i>	\$7.96	\$8.32	\$8.69	\$9.08	\$9.49	\$9.92
<i>Multifamily (per dwelling unit)</i>	\$5.58	\$5.83	\$6.09	\$6.36	\$6.65	\$6.95
<i>Commercial (per account)</i>						
¾" meter	\$7.96	\$8.32	\$8.69	\$9.08	\$9.49	\$9.92
1" meter	\$19.92	\$20.82	\$21.76	\$22.74	\$23.76	\$24.83
1½" meter	\$39.82	\$41.61	\$43.48	\$45.44	\$47.48	\$49.62
2" meter	\$63.72	\$66.59	\$69.59	\$72.72	\$75.99	\$79.41
3" meter	\$127.45	\$133.19	\$139.18	\$145.44	\$151.98	\$158.82
4" meter	\$199.14	\$208.10	\$217.46	\$227.25	\$237.48	\$248.17
6" meter	\$398.27	\$416.19	\$434.92	\$454.49	\$474.94	\$496.31
8" meter	\$637.23	\$665.91	\$695.88	\$727.19	\$759.91	\$794.11
10" meter	\$915.40	\$956.59	\$999.64	\$1,044.62	\$1,091.63	\$1,140.75
<i>Irrigation (per account)</i>						
¾" meter	\$7.96	\$8.32	\$8.69	\$9.08	\$9.49	\$9.92
1" meter	\$19.92	\$20.82	\$21.76	\$22.74	\$23.76	\$24.83
1½" meter	\$39.82	\$41.61	\$43.48	\$45.44	\$47.48	\$49.62
2" meter	\$63.72	\$66.59	\$69.59	\$72.72	\$75.99	\$79.41
3" meter	\$127.45	\$133.19	\$139.18	\$145.44	\$151.98	\$158.82
4" meter	\$199.14	\$208.10	\$217.46	\$227.25	\$237.48	\$248.17
6" meter	\$398.27	\$416.19	\$434.92	\$454.49	\$474.94	\$496.31
8" meter	\$637.23	\$665.91	\$695.88	\$727.19	\$759.91	\$794.11
10" meter	\$915.40	\$956.59	\$999.64	\$1,044.62	\$1,091.63	\$1,140.75
Gallage Charges: Volume charges (per 1,000 gallons)						
<i>Residential, multifamily and commercial</i>						
Block 1	\$2.30	\$2.40	\$2.51	\$2.62	\$2.74	\$2.86
Block 2	\$3.80	\$3.97	\$4.15	\$4.34	\$4.54	\$4.74
Block 3	\$6.00	\$6.27	\$6.55	\$6.84	\$7.15	\$7.47
Block 4	\$7.14	\$7.46	\$7.80	\$8.15	\$8.52	\$8.90
<i>Irrigation</i>						
Block 1	\$3.80	\$3.97	\$4.15	\$4.34	\$4.54	\$4.74
Block 2	\$6.00	\$6.27	\$6.55	\$6.84	\$7.15	\$7.47
Block 3	\$7.14	\$7.46	\$7.80	\$8.15	\$8.52	\$8.90

Block 4	\$10.44	\$10.91	\$11.40	\$11.91	\$12.45	\$13.01
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- (f) *Combined account.* In order to comply with the requirements of the St. Johns Water Management District to conserve water, the city requires all accounts to be individually metered, providing customers with the ability to monitor their consumption and the cost ramifications for overuse.

For accounts existing prior to August 1, 1999, the combined water volume charge, account maintenance fee and water base facility charge for single-metered multiple dwelling, commercial or industrial complexes may be paid by the owner, association or other owner-authorized agent of the complex.

Distribution of these charges among the occupants of the individual units will be left to the discretion of the owner, association or other owner-authorized agent.

Accounts established after August 1, 1999 shall be individually metered. For certain building in which individual meters are deemed to be impractical, the city engineer may, upon review of the proposed metering plans, allow a single meter to be installed or may allow several meters to serve multiple residences or businesses. Such approval shall only be given upon demonstration that individual metering is impractical due to space limitations or technical difficulties in piping and installing individual meters. Appeal of the city engineer's decision may be made in writing, within ten calendar days of the decision, to the city manager whose decision may be appealed in writing to the city commission within ten calendar days of the decision.

- (g) *Water rate adjustments.* Beginning October 1, 2026, and on or before October 1 of each subsequent year reclaimed water rates shall, in addition to any other increases, be increased to account for inflation. The increase shall be based on the latest available publication promulgated by the U.S. Department of Labor to determine the average annual change in the cost-of-living index (all urban consumers) for the 12 months immediately preceding that date for which data is available.
- (h) *Water backflow testing surcharge.* A monthly charge as shown in the table in subsection 30-22(e) shall be assessed for each residential potable water account when reclaimed water or nonpotable water is used for irrigation. Fees collected will be used to periodically test the city installed backflow device installed on the potable water connection to the residence.
- (i) *Leakage adjustment.* When there is a leak in the water line outside the building, the customer can request a credit for water and sewer volume charges only. A maximum leak credit, if applicable, of two months can be provided on an account once in any 12-month period based on the average consumption for the previous six months. The leak credit can be provided once the customer has provided documentation of a current repair and the city has verified that the leak has been repaired. No credit will be given for leaks inside the building or for any leaks that have not been repaired.

Section 5. Amendment to Section 30-23, City Code, Monthly Sewer Rates. The provisions of Section 30-23, "Monthly sewer rates", of the Code of Ordinances of the City of DeLand, Florida, are amended to read as follows:

Sec. 30-23. Monthly sewer rates.

For service to each connection provided, the sewer rate shall consist of an account maintenance fee, a sewer volume charge, and a sewer base facility charge, billed and payable monthly as established by the policies and procedures of the city.

- (a) *Metering requirements.* If a sewer customer is using a primary water source other than the municipal water system, said customer shall have the city install, at their expense, a water meter and associated facilities of the size defined by the director of utilities for the purpose of metering the water used from the private source to be utilized in the computation of the sewer volume charge. A monthly charge as shown in the table in subsection 30-22(e) will be assessed to recoup the cost of future maintenance and replacement of the meter.
- (b) *Account maintenance fee.* A monthly account maintenance fee, as established by the policies and procedures of the city, shall be assessed against each account provided. However, only one account maintenance fee shall be assessed, regardless of whether the customer receives water service, wastewater service, stormwater service, reclaimed water service or any combination thereof.
- (c) *Base facility charge.* Sewer base facility charges shall commence from the date of initial connection and shall continue to accrue unabated thereafter, regardless of the actual use or occupancy of the property served or whether the meter is disconnected. Following demolition of all structures on a parcel and confirmation of such by the building department, sewer base facility charges will cease until a new structure is built.
- (d) *Monthly sewer rates:*

	Fiscal Year					
	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Base Facility Charge:						
Single-family (per account)	\$24.41	\$24.78	\$25.15	\$25.53 \$26.16	\$25.91 \$27.21	\$26.30 \$28.30
Multifamily (per dwelling unit)	\$17.09	\$17.35	\$17.61	\$17.87 \$18.31	\$18.14 \$19.04	\$18.41 \$19.80
Commercial (per account):						
¾ meter	\$24.41	\$24.78	\$25.15	\$25.53 \$26.16	\$25.91 \$27.21	\$26.30 \$28.30
1.0" meter	\$61.03	\$61.95	\$62.88	\$63.82 \$65.40	\$64.78 \$68.02	\$65.75 \$70.74
1.5" meter	\$122.05	\$123.88	\$125.74	\$127.63 \$130.77	\$129.54 \$136.00	\$131.48 \$141.44
2.0" meter	\$195.28	\$198.21	\$201.18	\$204.20 \$209.23	\$207.26 \$217.60	\$210.37 \$226.30

3.0" meter	\$390.56	\$396.42	\$402.37	\$408.41 \$418.46	\$414.54 \$435.20	\$420.76 \$452.61
4.0" meter	\$610.25	\$619.40	\$628.69	\$638.12 \$653.84	\$647.69 \$679.99	\$657.41 \$707.19
6.0" meter	\$1,220.50	\$1,238.81	\$1,257.39	\$1,276.25 \$1,307.69	\$1,295.39 \$1,360.00	\$1,314.82 \$1,414.40
8.0" meter	\$1,952.80	\$1,982.09	\$2,011.82	\$2,042.00 \$2,092.29	\$2,072.63 \$2,175.98	\$2,103.72 \$2,263.02
10.0" meter	\$2,807.15	\$2,849.26	\$2,892.00	\$2,935.38 \$3,007.68	\$2,979.41 \$3,127.99	\$3,024.10 \$3,253.11
Gallonge charges:						
Volume charges (per 1,000 gallons)						
Residential (capped at 10,000 gallons)	\$4.83	\$4.90	\$4.97	\$5.04 \$5.17	\$5.12 \$5.38	\$5.20 \$5.60
Multifamily (per dwelling unit):						
Capped at 7,000 gallons	\$4.83	\$4.90	\$4.97	\$5.04 \$5.17	\$5.12 \$5.38	\$5.20 \$5.60
Commercial (all usage)	\$4.83	\$4.90	\$4.97	\$5.04 \$5.17	\$5.12 \$5.38	\$5.20 \$5.60

- (e) *Combined account.* The combined sewer volume charge, account maintenance fee and sewer base facility charge for single metered multiple dwelling, commercial or industrial complexes shall be paid by the owner, association or other owner-authorized agent of the complex as established by the policies and procedures of the city. Distribution of these charges among the occupants of the individual units will be left to the discretion of the owner, association or other owner-authorized agent.
- (f) *Consumer credits available upon application.* Sanitary sewer customers may apply for the credits set forth below. The final discretion to make such adjustments shall be vested in the city staff member designated by the city manager from time to time.
- (1) A customer may apply for a credit on the sewer portion of a utility bill for filling a swimming pool for a necessary purpose. The customer must provide a bona fide letter from a swimming pool company proving how much water was necessary and used to fill the swimming pool.
 - (2) A customer may apply for a one-time credit on the sewer portion of a utility bill if the customer proves that a water hose was accidentally left running, or a water faucet was accidentally left running. The customer must provide proof of the accidental act causing the flow and that all reasonable steps were taken to prevent the accident and mitigate its effect.
 - (3) A customer may apply for a one-time credit for each 12 months on the sewer portion of a utility bill if the customer proves that flow occurred due to a toilet leak, washing machine leak, or similar occurrence. The customer must provide proof of the inadvertent

action causing the flow and that all reasonable steps were taken to prevent the accident and mitigate its effect.

- (4) The city manager, or designee, shall make the adjudications set forth in this section.

Section 6. Amendment to Section 30-27, City Code, Miscellaneous Rates, Charges And Fees. The provisions of Section 30-27, "Miscellaneous rates, charges and fees", of *the Code of Ordinances of the City of DeLand, Florida*, are amended to read as follows:

Sec. 30-27. Miscellaneous rates, charges and fees.

- (a) *Rates for bulk water sales.* Any person buying water in bulk from the city shall pay to the city the existing volume rate in place at that time, plus a billing fee of \$10.00 per purchase of water in bulk.

- (b) *Temporary and construction water service.* All temporary water service shall be metered using meter facilities provided by the City of DeLand unless exempted in writing by the utility director. No connection shall be made to city hydrants, water service connections or taps unless suitable backflow prevention devices are installed and maintained by the user.

- (1) *Meter assembly deposit.* Customers desiring temporary water service shall apply for such service and pay a deposit for temporary meters as follows:

¾" \$100.00

1" 200.00

2" (hydrant meter/backflow assembly) ~~2,000.00~~ \$2,500.00

Deposits shall be refunded upon return of the meter/backflow assembly. An amount necessary to recover costs for repair or loss of equipment may be deducted from this deposit.

- (2) Hydrant meter/backflow assemblies shall be issued, used and returned in accordance with the policies and procedures established by the utility director. No modifications of the meter/backflow assemblies shall be made without the written consent of the utility director.
- (3) The customer shall notify the city as to the location at which the hydrant meter will be used. Meters shall not be relocated without the approval of the city. Meters relocated without prior authorization may be removed by the city and the temporary water account closed.
- (4) The customer is responsible for submitting the hydrant meter reading (usage) for each month by the fifth day of the following month, or if the fifth day is a weekend or holiday, then on the next business day, to the city representative at which time the account will be billed for water used plus a \$10.00 monthly processing fee. Water use charges will not be deducted from the deposit. Deposits shall be refunded in full provided the meter is returned in original condition, there are not missing parts and all charges for water used have been paid in full.
- (5) Temporary/construction meters shall not be used for water service to a completed building or business for a period exceeding 90 days.

- (6) *Temporary meters.* Temporary meters shall be read monthly and billed to the account of record. Temporary water volume charge shall be at the highest block rate established for residential or commercial accounts.
- (7). Temporary/construction water that is non-metered, shall be charged a onetime fee of \$300.00 to cover the cost of unmetered water used by the home builder for the construction of a residential home prior to final close out and setting up a final permeant meter.
- (8) *Excess water use prohibited.* The utility director may, at his discretion, prohibit excessive use of temporary water if deemed to be wasteful or excessive. This shall include excessive use for irrigation or compaction, particularly during drought periods. The utility director may, upon determination of excessive water use, order such use halted and, if necessary, terminate temporary water service.
- (9) (8) All temporary water connections shall be subject to the watering restrictions of the St. Johns River Water Management District, the County of Volusia and the City of DeLand, whichever is most stringent.
- (c) *Meter calibration.* The results of a meter calibration test shall be used to determine if a meter is functioning accurately. Based on the results of the calibration test, any meter functioning within a plus or minus three percent tolerance shall be considered to be functioning accurately. Any meter functioning outside of a plus or minus three percent tolerance shall be considered to be malfunctioning and shall be replaced and consumption shall be adjusted to historical average for the account. The historical average will be determined by calculating the average monthly consumption for the 12-month period preceding the month in which the monthly average changed in a statistically significant amount, which change will be presumed to be due to the malfunction. If the meter is determined to be functioning accurately, the customer shall be billed a \$55.00 calibration charge. If the meter is determined to be inaccurate, the customer will not be charged a calibration charge.
- (d) *Fire hydrant charge.* The city shall pay into the water revenue account, from the general funds of the city, a sum of \$25.00 per hydrant per year. Volusia County and other authorized users of fire hydrants which are outside the city limits shall pay the city a sum of \$100.00 per hydrant per year.
- (e) *Walk-through reconnection.* Potential owners and realtors may request that water service be reconnected for the purpose of an inspection as part of the due diligence related to title transfer shall pay a walk-through fee of \$50.00. If the potential owner of the property is making the request, a copy of the contract for sale must be presented. If a realtor or other representative of the owner is making the request, a copy of the contract for sale and a copy of the real estate contract or other written evidence that the party is acting as an agent for the owner must be presented. Requests for walk-through reconnection must be made and paid for at least one day in advance. Service will be reconnected between the opening of city business and 9:00 a.m. on the date scheduled for a maximum of 24 hours. Should the end of the scheduled period fall during a weekend or over a holiday, service will be disconnected prior to the close of business on the date originally reconnected. Requests for same day walk-through reconnection will result in an additional \$25.00 charge. If the reconnection must be rescheduled, the city must be contacted prior to city personnel being dispatched to the property for the reconnection. If reconnection has already been made, an additional walk-

through reconnection fee will be charged for the reschedule date and must be paid prior to the reconnection. Walk-through reconnections are made with the understanding that minimal water should be used and only for inspection purposes. Walk-through reconnections are not permitted when requested directly by the owner without payment in full of the entire balance owed.

- (f) *Backflow device installation charges.* Customers desiring the city to install backflow preventer device shall be as follows:

¾" reduced pressure backflow	\$425.00	<u>\$500.00</u>
1" double check backflow device	450.00	<u>\$525.00</u>
1" reduced pressure backflow	500.00	<u>\$575.00</u>
1½" reduced pressure backflow	800.00	<u>\$875.00</u>
2" reduced pressure backflow	850.00	<u>\$975.00</u>

Additional charges for unusual installation involving concrete removal and replacement or other unusual construction would be billed at city's actual cost for material and labor.

- (g) A one-time meter upgrade fee of \$300.00 shall be charged when a residential customer wishes to replace their privately owned backflow preventer and standard three-fourths inch city meter with a city owned three-fourths inch double check combination meter. An additional monthly fee will be applied to the customer's water bill for the annual testing and maintenance of the backflow device as referenced in section 30-22. The customer will be responsible for removal of the RPZ backflow device, if desired.

Section 7. Amendment to Section 30-32, *City Code*, Reclaimed Water Connection Charges. The provisions of Section 30-32, "Reclaimed water connection charges", of the *Code of Ordinances of the City of DeLand, Florida*, are amended to read as follows:

Sec. 30-32. Reclaimed water connection charges.

- (a) *Reclaimed water service.* The city will install connection facilities for reclaimed water service from an existing, adjacent reclaimed water main including the pipe from the water main to the property line to the adjacent property, fittings and other materials relating to the normal connection, and a water meter, whenever the applicants shall have paid their full required deposit for the reclaimed water service and a reclaimed water service physical connection charge based on the following schedule:

Reclaimed Water Meter Size (inches)	Charge
¾	\$ 485.00
1	575.00 <u>\$650.00</u>
1½	760.00 <u>\$850.00</u>
2	875.00 <u>\$1,075.00</u>
3	Actual cost or developer to install

4	Actual cost or developer to install
6	Actual cost or developer to install
Greater than 6	Actual cost or developer to install

- (b) *[Connection charges.]* Connection charges for all meters over six inches will be determined by the director of utilities based on recovery of costs for such connection. Charges above may be increased for any meter size if large road cuts, line extension, hot taps, special permits, unusual restoration or other factors are determined by the director of utilities to be needed for the city of recover costs.
- (c) *Initial deposit required.* The initial deposit for providing reclaimed water (pressurized) for retail shall be \$60.00. No deposit will be required for bulk services.

Section 8. Savings. The prior actions of the City of DeLand relating to the regulation of utility systems of the City and rates and charges relating thereto, as well as any and all related matters, are hereby ratified and affirmed.

Section 9. Implementing Administrative Actions.

(a). The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions including, but not limited to, the adoption of administrative rules.

(b). Without limiting the generality of the prior Subsection of this Ordinance, the City Manager, or designee, shall implement a 90-day notification period after the enactment of this Ordinance notifying pertinent parties in such manner as deemed appropriate with regard to times when the new connection/development fee rates shall take effect.

Section 10. Conflicts. All ordinances or parts of ordinances and other actions of the City Commission in conflict with this Ordinance are hereby repealed.

Section 11. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 12. Codification; Direction to Code Codifier and City Staff; Correction of Scrivener's Errors.

(a). The provisions of Sections 1, 2, 3, 4, 5, 6 and 7 of this Ordinance shall become and be made a part of the *Code of Ordinances of the City of DeLand* and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that the text of Sections 8 through 13 shall not be codified.

(b). The Code codifier is granted liberal authority to codify the provisions of this Ordinance in such manner and in such places as deemed advisable and to make changes to any cross-references to the provisions of this Ordinance set forth in the *Code of Ordinances of the City of DeLand*.

(c). In accordance with the City's ongoing codification program; the City Clerk, in conjunction with the City Attorney, may make corrections to the provisions of this Ordinance relative to Scrivener's errors of whatever type or nature. To that end, whenever a rate, fee or charge is increased to account for inflation the Code codifier shall edit the *Code of Ordinances of the City of DeLand* to ensure that the correct amount of the rate, fee or charge, or figure used in developing the correct amount of the rate, fee or charge is codified.

Section 13. Effective Date. This Ordinance shall become effective immediately upon adoption; provided, however, that the dates set forth for the implementation of charging fees, rates and charges shall be as specifically set forth as to each provision of this Ordinance.

PASSED AND DULY ADOPTED this 3rd day of April, 2023.



Christopher M. Cloudman
Mayor - Commissioner

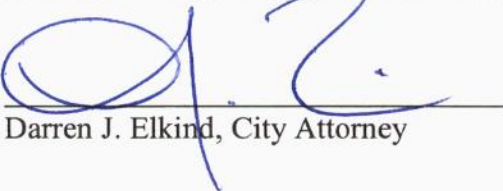


Julie A. Hennessy, MMC, City Clerk - Auditor

Passed on first reading: March 20, 2023.

Adopted on second reading: April 03, 2023.

APPROVED AS TO FORM AND LEGALITY:



Darren J. Elkind, City Attorney

Business Impact Estimate

Proposed ordinance's title/reference:

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, ADOPTING A NEW SECTION 1-8 PROVIDING FOR COLLECTION OF PAST DUE CHARGES AND FEES; AMENDING CHAPTER 2B OF THE CODE OF ORDINANCES OF THE CITY OF DELAND RELATING TO ALARM SYSTEMS; PROVIDING FOR COLLECTION FEES AND INTEREST; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or

¹ See Section 166.041(4)(c), Florida Statutes.

d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The proposed ordinance adds the collection fees or charges assessed by the City to include interest, allowing referral to a collection agency and adding charges to customers' outstanding balances.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur:

There is no cost to existing businesses, unless they fail to pay their bills. The city does not consider this to be a compliance cost.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible:

None, unless a business fails to pay their bills on time.

(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

The City does not anticipate any regulatory costs associated with this ordinance.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

The estimated number of businesses that may be impacted by the proposed ordinance is unknown, but minimal if at all.

4. Additional information the governing body deems useful (if any):

N/A

CITY OF DELAND
Request for Commission Action
April 15, 2024

SUBJECT: Second Reading of Ordinance No. 2024-13, Adopting Section 1-8, Amending Chapter 2B, Collection of Past Due Fees and Charges.

DEPARTMENT: Legal

PREPARED BY: Darren Elkind, City Attorney

ATTACHMENTS: ORD-2024-13 Misc Fee's, Business Impact Estimate Collections

APPROVED BY: Michael Pleus, City Manager, April 8, 2024

SUMMARY/HIGHLIGHT:

The City imposes a wide variety of fees and charges which sometimes are not paid when due. Certain charges, like unpaid utility fees, can be imposed as a lien on the benefited real property but others cannot. For the non-lienable charges, it is most convenient to send them to a collection agency if not paid. In order to send charges to a collection agency, it is necessary to have the express authority to do so within the City's Ordinances. The City's Code of Ordinances provide specific methods for the collection of certain charges, but not for others, such as false alarm fees. In addition, there are other miscellaneous fees assessed by the City for various services that the City would like to be able to send to a collection agency. The attached ordinance specifically addresses false alarm fees and also provides a catchall provision which provides that past due charges will be charged interest and can be sent to a collection agency, with the collection costs added to the outstanding balance.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High value government.

SUSTAINABILITY:

N/A

FISCAL IMPACT:

This item will have a positive fiscal impact, but it is not practicable to try and determine the exact fiscal impact.

RECOMMENDATION:

Approve the attached ordinance.

BACKGROUND/DISCUSSION:

The City Code addresses the imposition of interest on, and method of collection for, certain past due charges. Certain collection agencies that the City has attempted to use will not process city imposed fees or charges unless there is a specific provision in the city's code authorizing this. The attached ordinance includes both a catchall provision and specific provisions related to the collection of false alarm fees. The proposed ordinance also contains a provision addressing an antiquated reference to the Code Enforcement Board.

ORDINANCE NO. 2024 - 13

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, ADOPTING A NEW SECTION 1-8 PROVIDING FOR COLLECTION OF PAST DUE CHARGES AND FEES; AMENDING CHAPTER 2B OF THE CODE OF ORDINANCES OF THE CITY OF DELAND RELATING TO ALARM SYSTEMS; PROVIDING FOR COLLECTION FEES AND INTEREST; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, this Ordinance is enacted pursuant to the home rule powers of the City of DeLand as set forth at Article VIII, Section 2, of the *Constitution of the State of Florida*; and Chapter 166, *Florida Statutes*, and other applicable controlling law; and

WHEREAS, the City of DeLand refers certain non-lienable charges which remain uncollected to collection agencies; and

WHEREAS, the City adds the collection fees for such charges to the outstanding bill; and

WHEREAS, the City desires to provide for the referral of police and fire false alarm charges to collection agencies and to provide for the imposition of collection charges thereon; and

WHEREAS, the City also desires to add an additional catchall provision to the Code of Ordinances to provide that any past due fees or charges assessed by the City, the collection of which is not otherwise addressed in the City Code, can be assessed interest, referred to a collection agency, and that the costs of collection can be added to the outstanding balance; and

WHEREAS, the City Commission of the City of DeLand has determined that the enactment of this Ordinance is in the best interest of the citizens of the City of DeLand; and

WHEREAS, the City of DeLand has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text and ~~strikethrough~~ shall constitute deletions to the original text.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. Legislative Findings and Intent. The City Commission of the City of DeLand hereby adopts and incorporates into this Ordinance the recital (whereas clause) to this Ordinance and the City staff report relating to this Ordinance.

Section 2. Amendment to Chapter 1, General Provisions. A new Section 1-8 of Chapter 1, Article I of the *Code of Ordinances of the City of DeLand, Florida*, is hereby adopted to read in full as follows:

Sec. 1-8. Collection of past due fees and charges.

Any fee or charge that is imposed by the City which is not paid when due shall bear interest at the rate of 12% per annum, and if such fee or charge is not paid within 90 days of invoicing by the City, the City may refer such fee or charge to a collection agency. All collection fees imposed by the collection agency shall be added to the unpaid balance. To the extent that any other provision of the Code of Ordinances provides for the method of collection or interest rates for past due fees or charges, such specific provisions shall control over this section 1-8.

Section 3. Amendment to Chapter 2B, City Code; Alarm Systems. The provisions of Chapter 2B-4 “Police false alarm service charge” of the *Code of Ordinances of the City of DeLand, Florida*, is amended to add a new sub-subsection (c) to read as follows:

Sec. 2B-4. Police false alarm service charge.

(c). Any fee which is not paid when due shall bear interest at the rate of 12% per annum. If a fee is not paid within 90 days of invoicing by the City, the City may refer the fee to a collection agency. All collection fees imposed by the collection agency shall be added to the unpaid balance.

Section 4. Amendment to Chapter 2B, City Code; Alarm Systems. The provisions of Chapter 2B-5 “Fire/rescue alarm service charge” of the *Code of Ordinances of the City of DeLand, Florida*, is amended to add a new sub-subsection (c) to read as follows:

Sec. 2B-5. Fire/rescue alarm service charge.

(c). Any fee which is not paid when due shall bear interest at the rate of 12% per annum. If a fee is not paid within 90 days of invoicing by the City, the City may refer the fee to a collection agency. All collection fees imposed by the collection agency shall be added to the unpaid balance.

Section 5. Amendment to Chapter 2B, City Code; Alarm Systems. The provisions of Chapter 2B-10 “Enforcement through code enforcement board” of the *Code of Ordinances of the City of DeLand, Florida*, is amended as follows:

Sec. 2B-10. Enforcement ~~through code enforcement board~~.

The chief of police and/or the fire chief may initiate any action before the code enforcement action or process available under controlling law in order ~~board of the city~~ to obtain compliance with this Chapter and payment of the service charges and permit fees provided for in this Chapter.

Section 6. Savings. The prior actions of the City of DeLand relating to the regulation alarms and false alarms, interest rates, fees and charges and collection activities, as well as any and all related matters are hereby ratified and affirmed including, but not limited to, the provisions of Resolution Number 2005-91.

Section 7. Implementing Administrative Actions. The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions including, but not limited to, the adoption of administrative rules.

Section 8. Conflicts. All Ordinances or parts of Ordinances and other actions of the City Commission in conflict with this Ordinance are hereby repealed.

Section 9. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 10. Codification; Direction to Code Codifier and City Staff; Correction of Scrivener's Errors.

(a). The provisions of Sections 2 through 5 of this Ordinance shall become and be made a part of the *Code of Ordinances of the City of DeLand* and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that the text of Section 1 and Sections 6 through 10 shall not be codified.

(b). The Code codifier is granted liberal authority to codify the provisions of this Ordinance in such manner and in such places as deemed advisable.

(c). In accordance with the City's ongoing codification program; the City Clerk, in conjunction with the City Attorney, may make corrections to the provisions of this Ordinance relative to Scrivener's errors of whatever type or nature.

Section 11. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED this 15th day of April, 2024.

Christopher M. Cloudman
Mayor - Commissioner

ATTEST:

Julie A. Hennessy, MMC, City Clerk - Auditor

Passed on first reading: April 01, 2024.

Adopted on second reading: April 14, 2024.

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind, City Attorney

Business Impact Estimate

Proposed ordinance's title/reference:

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, ADOPTING A NEW SECTION 1-8 PROVIDING FOR COLLECTION OF PAST DUE CHARGES AND FEES; AMENDING CHAPTER 2B OF THE CODE OF ORDINANCES OF THE CITY OF DELAND RELATING TO ALARM SYSTEMS; PROVIDING FOR COLLECTION FEES AND INTEREST; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or

¹ See Section 166.041(4)(c), Florida Statutes.

d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The proposed ordinance adds the collection fees or charges assessed by the City to include interest, allowing referral to a collection agency and adding charges to customers' outstanding balances.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur:

There is no cost to existing businesses, unless they fail to pay their bills. The city does not consider this to be a compliance cost.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible:

None, unless a business fails to pay their bills on time.

(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

The City does not anticipate any regulatory costs associated with this ordinance.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

The estimated number of businesses that may be impacted by the proposed ordinance is unknown, but minimal if at all.

4. Additional information the governing body deems useful (if any):

N/A

CITY OF DELAND
Request for Commission Action
April 15, 2024

SUBJECT: First Reading of Ordinance Amending and Restating the Summit Place Planned Development Agreement (Continued).

DEPARTMENT: Planning

PREPARED BY: Carol Kuhn, Planning Director

ATTACHMENTS: Ordinance, PD AMENDMENT AGREEMENT-clean with exhibits (rev 4-4-2024), PD AMENDMENT AGREEMENT-redline comparing to original PDA (rev 4-4-2024), Z23-250 Staff Report - Summit Place PD Rezone, Z23-250 Zoning Map, Z23-250 Aerial Map

APPROVED BY: Michael Pleus, City Manager, April 10, 2024

SUMMARY/HIGHLIGHT:

The applicant, Mark Watts, Esq., Cobb Cole, is requesting to 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. In an effort to "clean up" the Summit Place Planned Development Agreement, the applicant is requesting to amend and restate the PD to encompass:

- Setting a total number of 300 Multi-Family residential units in the Summit Place PD. The Summit Place PD and the Gateway East PD had a total residential unit count of 480 residential units.
- Severing the connection to the Gateway East PD by providing a separate unit cap for Summit Place, rather than a shared unit cap between the Summit Place PD and the Gateway East PD.
- Reducing the required minimum amount of guest parking from 0.5/spaces per unit to 0.25/spaces per unit
- Stating and listing the allowed and permitted uses and development standards listed, rather than referencing the Land Development Regulations
- Adding additional requirements for Low Impact Development and Dark Sky Lighting.
- Adding standards for townhome units
- Including a phasing plan
- Including signage requirements and materials to create a cohesive sign package for the development area
- Adding requirements for Florida Friendly Landscaping.

At their March 13, 2024, meeting, the Planning Board recommended approval of the amendment. Since the Planning Board's approval, the applicant has reduced the number of residential units from 302 to 300, and additional language clarifying the buffer along McKenzie road and exterior townhome units.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

As outlined in the City's Strategic Plan under Strategic Focus Area: Institute Smart Growth Principles, community consistent growth is achieved by encouraging the use of Planned Development Agreements for development. By amending and restating this existing Development Agreement, the development standards will be updated and further the City's smart growth goals.

SUSTAINABILITY:

The amended zoning of the property allows for implementation of the City's Sustainability Action Plan through the conditions of the PD Development Agreement.

FISCAL IMPACT:

Residential and Commercial development of this property, and the inclusion of the new units onto the City's tax rolls, will increase funds towards City services.

RECOMMENDATION:

It is recommended that the City Commission continue first reading of the rezoning of this property from Summit Place PD to First Amended And Restated Summit Place Planned Development to the Commission's May 6th meeting.

BACKGROUND/DISCUSSION:

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.

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 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 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 may be split among the two PD's. The proposed First Amended and Restated Summit Place PD will retain the majority of the number of units (300 multifamily units) with some commercial/mixed uses.

ORDINANCE NO. 2024 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM SUMMIT PLACE PLANNED DEVELOPMENT TO FIRST AMENDED AND RESTATED SUMMIT PLACE PLANNED DEVELOPMENT ON PROPERTY LOCATED SOUTHWEST OF DAYTONA STATE COLLEGE, NORTHWEST CORNER OF INTERSTATE 4 AND NORTH SUMMIT AVENUE (COUNTY ROAD 4139) AND A PORTION OF NORTH EAST CORNER OF INTERSTATE 4 AND NORTH SUMMIT AVENUE (COUNTY ROAD 4139); APPROVING AN AMENDMENT TO A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY +/- 66.46 ACRES OF PROPERTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Applicant, Mark Watts, Esq., agent for the owner, of approximately +/- 66.46 acres of land located southwest of Daytona State College, northwest corner of Interstate 4 and North Summit Avenue (County Road 4139) and a portion of northeast corner of Interstate 4 and North Summit Avenue (County Road 4139), which is more particularly described in the legal description attached hereto as Exhibit “A” and by this reference made a part hereof;

WHEREAS, the Applicant has applied for a change of zoning designation from Summit Place Planned Development to First Amended and Restated Summit Place Planned Development; and

WHEREAS, said rezoning is consistent with both the Comprehensive Plan and the purpose and intent of Section 33-32 of the Code of Ordinances of the City of DeLand (the “Code”); and

WHEREAS, the Applicant has submitted an application for the approval of a development plan in order to amend the current PD so as to change certain development standards for the property described in Exhibit “A” (hereinafter the “Property” or the “Project”); and

WHEREAS, the proposed development plan meets or exceeds the minimum conditions and standards for the PD District with respect to minimum development size, perimeter setbacks, comprehensive plan consistency, internal compatibility, external compatibility, open spaces, sidewalks, environmental constraints, internal access and circulation, external transportation access, off-street parking, public facilities and unified control; and

WHEREAS, the proposed development plan is consistent with the Gateway/Activity Center land use designation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. The City Commission has held a public hearing to approve the change of zoning from Summit Place Planned Development to First Amended and Restated Summit Place Planned Development of approximately +/- 66.46 acres of land, located southwest of Daytona State College, northwest corner of Interstate 4 and North Summit Avenue (County Road 4139) and a portion of northeast corner of Interstate 4 and North Summit Avenue (County Road 4139).

Section 2. Pursuant to the determination made at public hearing, the City Commission hereby amends the Comprehensive Zoning Map of the City to include the land described in Exhibit “A” as First Amended and Restated Summit Place PD, Planned Development District.

Section 3. The zoning of the Property as PD, Planned Development District, is made pursuant to Section 33-32 of the Code and the development of the Property shall take place in accordance with that Section and in substantial compliance with the Development Plan Agreement, Maps and other supporting documentation submitted by Applicant which shall be filed and retained for public inspection in the office of the City Planning Department and constitute a supplement to the official Zoning Map of the City.

Section 4. The approved Development Plan for First Amended and Restated Summit Place PD, Planned Development District, including the Development Plan Agreement, Map and other supporting documentation (on file with the City Planning Department), are attached hereto as Exhibit “B” and by this reference made a part hereof.

Section 5. The failure of the approved Development Plan to address a particular permit, condition, term or restriction shall not relieve the Applicant of the necessity of complying with any law governing said permitting requirements, conditions, terms or restrictions, as same may be amended or enacted from time to time in the future. All current land development regulations of the City are applicable to the PD District except to the extent that they conflict with a specific provision of the approved Development Plan.

Section 6. At the time of development, the Applicant shall comply with all relevant building codes and development standards contained in the City’s Code of Ordinances or in the Development Plan; provided, however, that the development standards contained in the adopted Development Plan shall supersede comparable standards contained in the Code of Ordinances.

Section 7. The City Commission may rezone any portion of the Project which has not obtained a site plan approval within five years from the date of adoption of this Ordinance.

Section 8. Prior to the issuance of a building permit, Applicant shall submit an easement document, acceptable to the City of DeLand, permitting additions to shared access, parking, utilities, and stormwater.

Section 9. Pursuant to Article 5 of the City’s Land Development Regulations, the Applicant shall comply with all applicable infrastructure regulations.

Section 10. The City Engineer, Planning Director, and Building Department are hereby directed to change the Comprehensive Zoning Map of the City of DeLand to conform with the change of zoning enacted in this Ordinance.

Section 11. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 12. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this _____ day of _____, 2024.

Christopher M. Cloudman
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

1 PLANNED DEVELOPMENT AGREEMENT

2 IN THE CITY COMMISSION OF THE

3 CITY OF DELAND, FLORIDA

4 IN RE: _____, Application of

5 D.R. Horton, Inc.

6 ORDINANCE # _____
7

8 ORDER AND RESOLUTION

9 GRANTING A REQUEST FOR CHANGE OF ZONING FROM SUMMIT PLACE PD

10 TO

11 THE FIRST AMENDED AND RESTATED SUMMIT PLACE PD (PLANNED
12 DEVELOPMENT)
13

14 The application of D.R. Horton, Inc., hereinafter, "Applicant," for rezoning was heard by
15 and before the City Commission, DeLand Florida, on _____. Based upon the verified
16 Application and other supporting documents, maps, charts, overlays, other evidence and
17 instruments; the advice, report, and recommendations of the Community Development, and other
18 Departments and agencies of DeLand, Florida; and the testimony adduced and evidence received
19 at the Public Hearing on this Application by the Planning Board on _____, and
20 otherwise being fully advised, the City Commission does hereby find and determine as follows:
21

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.

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 Summit Place PD as described in Article VII of the City of DeLand, Land Development

1 Regulations Ordinance #2013-11, as amended.

2
3 C. That the Official Zoning Map of the City of DeLand, is hereby amended to show
4 the rezoning of said parcel to First Amended and Restated Summit Place PD.
5

6 D. That the City of DeLand Land Development Regulations Ordinance #2013-11, as
7 amended, is consistent with the provisions of the "Development Agreement" as hereinafter set
8 forth in this Ordinance and with respect to any conflict between Land Development Regulations
9 Ordinance #2013-11, as amended, and the "Development Agreement", the provisions of the
10 "Development Agreement" shall govern. Ordinance #2013-11, as amended, shall govern with
11 respect to any matter not covered by the "Development Agreement." The City of DeLand, the
12 Applicant or Unified Owner(s) will ensure overall compliance with this Ordinance.
13

14 E. Nothing in this Ordinance shall abridge the requirements of any City of DeLand
15 Ordinance other than Ordinance #2013-11, as amended. Timing and review procedures contained
16 in this Order and Resolution may be modified to comply with the City of DeLand Land
17 Development Regulations, Ordinance #2013-11, as amended. Further, nothing in the
18 Development Agreement is intended to abridge the requirements of Ordinance #2013-11, as
19 amended, and any other City Ordinances.
20
21
22
23

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, 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

1 to the phasing of the project as long as it is consistent with the Development Plan Map, or lot
2 development criteria as set forth below, shall require the review and recommendation of the
3 Planning Board and action by the City Commission in the same manner as a rezoning of the parcel.

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

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

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

1 Management District.

2
3 B. Unified Ownership. The Applicant or his successors shall maintain unified
4 ownership of the subject parcel until after issuance of a Final Development Order Plat(s) or Final
5 Site Plan Development Order for any portion of the property proposed for development.

6
7 C. Phases of Development. Development of the Property may be accomplished in
8 multiple phases consistent with the conceptual phasing plan attached as Exhibit “C”. As part of
9 the subdivision process for a particular phase of development, the Applicant shall ensure that all
10 future phases for the Property will be serviced with public utilities and right-of-way access
11 necessary to stand alone for development. The Applicant shall provide all necessary easements for
12 development and infrastructure servicing a particular phase proposed for subdivision, including
13 identifying any shared facilities such as stormwater systems and internal driveways, if proposed.
14 Notwithstanding the forgoing, phasing boundaries identified on the conceptual phasing plan
15 attached as Exhibit “C” may be reconfigured during the subdivision process, and individual phases
16 may be developed and constructed simultaneously and/or in any order, however, subdivision
17 approval shall be required for each phase and the restrictions of this Agreement shall apply to each
18 phase of development.

19
20 D. Uses Allowed Within the PD. The following uses shall be allowed as permitted
21 principal uses and structures along with their customary accessory uses and structures:

22 **Residential Area:**

- 23 ○ Family day care home.
24 ○ 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.
- 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 setback 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) |
| | 3,000 SF (exterior townhome (TH) unit) |
| 2. Minimum lot width: | 20.0 FT (interior TH unit) |
| 3. Minimum building setbacks: | |

- 1 a. Front yard: 25 FT
- 2 b. Rear yard: 10 FT
- 3 c. Side yard:
- 4 i. Interior side yard: 0 FT
- 5 ii. Exterior side yard: 7.5 FT
- 6 4. Minimum floor area: 900 SF
- 7 5. Maximum building coverage for individual townhome lots: 85%*
- 8 6. Maximum building height: 35 FT
- 9 7. Maximum number of units: 300
- 10 8. Off-Street Parking: Parking shall adhere to the City of DeLand Land Development
- 11 Regulations Ordinance #2013-11, as amended, except, guest parking shall be at a
- 12 rate of 0.25 parking spaces per unit. Enforcement of parking and maintenance of
- 13 the access road shall be the responsibility of the property owners' association.

14 *Any build to rent or residential project that requires a site plan shall meet the

15 overall impervious surface site standard of 70%

16

17 **Commercial Structures:**

18

19

- 20 1. Minimum lot area: 9,000 s.f.
- 21 2. Minimum lot width: 75 feet
- 22 3. Minimum building setbacks:
- 23 a. Front yard: 20 ft.
- 24 b. Rear yard
- 25 - abutting residential zoning: 25 ft.
- 26 -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 %

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.

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.

1 The development shall include landscape designs such that plants will serve
2 environmentally friendly functions including, but not limited to, cooling,
3 privacy screening, shade, aesthetics, wildlife habitat, runoff pollution
4 prevention, and directing traffic flow onto and within the community, such
5 as low impact development standards. All mulching will be conducted in
6 accordance with the most current version of the Florida Green Industries
7 Best Management Practices (BMPs) handbook guidelines. Mowing in
8 common areas shall be done in accordance with the most current version of
9 the Florida Green Industries BMPs handbook and by certified landscaping
10 contractors. Mowing adjacent to swales shall be performed such that no
11 clippings are deposited into any swales or water bodies. All clippings that
12 may have been deposited on impervious surfaces will be swept back into
13 the vegetated area. All pesticide applications in common areas shall be done
14 by a certified professional in accordance with the most current version of
15 the Florida Green Industries BMPs handbook.

16 A buffer standard "C" as per the City of DeLand Land Development
17 Regulations, shall apply to the perimeter of the First Amended and Restated
18 Summit Place PD at a width of 40-foot average with a minimum of 25 feet
19 on W. McKenzie Road, except along the interstate where there shall be a
20 15-foot buffer at a buffer standard of "B".

- 21 2. Community Design Standards. The community design standards within the
22 City of DeLand Land Development Regulations, Ordinance No. 2013-11,
23 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, stone and white, grey, black, brown, or beige.

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, applicant 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

1 Restated Summit Place PD property shall be determined during subdivision or site plan review.
2 All required environmental and ecological studies shall be completed for the entirety of the First
3 Amended and Restated Summit Place PD property as described in Exhibit "A", even if
4 development is proposed for only a portion of the property, prior to subdivision review or site plan
5 approval, if no subdivision review is required.

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

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

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

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

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

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

1 8. Low impact development design standards shall be used throughout the
2 development where feasible, and in accordance with engineering and site design principles specific
3 to the use of the property.

4
5 G. Sewage Disposal and Potable Water. Provision for sewage disposal and potable
6 water needs of the First Amended and Restated Summit Place PD will be provided in accordance
7 with the Comprehensive Plan, Ordinance #1990-04, as amended, the Land Development
8 Regulations Ordinance #2009-09, as amended, and State of Florida Administrative Code 64E-6.

9
10 H. Stormwater Drainage. Provision for stormwater retention shall be in accordance
11 with the Land Development Regulations Ordinance #2013-11, as amended and any applicable
12 governmental regulations.

13
14 I. Access and Transportation System Improvements. All access and transportation
15 system improvements shall be provided in accordance with the Land Development Regulations,
16 Ordinance #2013-11, as amended. The parcel shall be developed in substantial accordance with
17 the following access and transportation system improvements:

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

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

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

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

13
14 K. Reverter Provision: The development rights herein shall vest once any portion of
15 this project has received a development order. The City Commission may rezone any portion of
16 the project which has not met this Section within 10 years of approval of this Development
17 Agreement.

18
19 L. Binding Effect of Plans; Recording; and Effective Date. The Planned Development
20 Plan, including any and all amendments shall bind and inure to the benefit of the Applicant and
21 his successor in title or interest. The First Amended and Restated Summit Place PD zoning,
22 provisions of the "Development Agreement," and all approved plans shall run with the land and
23 shall be administered in a manner consistent with Article 12 of the City of DeLand Land

1 Development Regulations Ordinance #2013-11, as amended.

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

9
10 DONE and ORDERED by the City Commission, City of DeLand, Florida, this ____ day
11 of _____, 2024.
12

1
2
3 ATTEST:

City Commission of DeLand Florida

4
5
6 _____
7 Michael Pleus
8 City Manager

Christopher M. Cloudman
Mayor

9 STATE OF FLORIDA

10 CITY OF DELAND
11

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

17
18 NOTARY PUBLIC, STATE OF FLORIDA

19 Type or Print Name:

20 _____
21 Commission #: _____

22 My Commission Expires: _____

1
2 WITNESSES:

3 D.R. Horton, Inc.

4
5
6 By: _____
7 Print Name _____, Manager

8
9
10 _____
11 *Print Name* _____
12
13
14

15 The foregoing instrument was acknowledged before me by means of ☐ physical
16 presence or ☐ online notarization this _____ day of _____,
17 2024, by _____, as Manager of D.R. Horton, Inc., who is personally
18 known to me or who has produced _____ as
19 identification.
20
21
22

23 NOTARY PUBLIC, STATE OF _____

24 Type or Print Name:

25 _____
26 Commission #: _____

27 My Commission Expires: _____
28

29 *Revised April 4, 2024 u/p/zone/pd_doc*
30
31
32
33
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35

1
2 WITNESSES:

3 DEPROP, LLC

4
5
6 By: _____
7 Print Name _____, Manager

8
9
10
11 *Print Name* _____
12
13
14

15 The foregoing instrument was acknowledged before me by means of ☐ physical
16 presence or ☐ online notarization this _____ day of _____,
17 2024, by _____, as Manager of DEPROP, LLC, who is personally
18 known to me or who has produced _____ as
19 identification.
20
21
22

23 NOTARY PUBLIC, STATE OF _____

24 Type or Print Name:

25 _____
26 Commission #: _____

27 My Commission Expires: _____
28
29
30
31
32

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, CONTINUING 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

1 RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 4 AND A POINT ON A NON-TANGENT CURVE CONCAVE
2 TO THE SOUTHEAST, HAVING A RADIUS OF 5879.65 FEET AND A CHORD WHICH BEARS SOUTH 21°51'47"
3 WEST, FOR A DISTANCE OF 890.73 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE THROUGH A
4 CENTRAL ANGLE OF 08°41'18" FOR A LENGTH OF 891.59 FEET TO THE POINT OF BEGINNING.
5

1
2
3
4

EXHIBIT “B”

PD Plan

EXHIBIT "B"

LAKWOOD PARK

TRACT 12D-8

TRACT 12D-5

TRACT 14-5

EXISTING STORMWATER

STORMWATER

MULTI-FAMILY

MULTI-FAMILY

MULTI-FAMILY

MULTI-FAMILY

MULTI-FAMILY

COMMERCIAL / MIXED-USE

PROPOSED WILDLIFE CORRIDOR

PROPOSED WILDLIFE CORRIDOR

- [illegible]

01 of 0010

VOLUSA COUNTY, FLORIDA

FOR REVIEW ONLY NOT FOR
CONSTRUCTION

[illegible]

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION



1
2
3

EXHIBIT “C”
Phasing Plan

EXHIBIT "C"



TATUM LAKE

PHASE 1
PHASE 2

PARCEL 11

PHASE 1
PHASE 2

W MCKENZIE ROAD

1. TOTAL NUMBER OF UNITS:

PHASE 1:	186
PHASE 2:	114
TOTAL:	300

2. PROJECT AREA:

SUMMIT PLACE:	59.90 AC
PARCEL 11:	6.36 AC



MADDEN
MOORHEAD & STOKES, LLC
CIVIL ENGINEERS

431 E. HORATIO AVE., STE. 260, MAITLAND, FL 32751 * (407) 629-8330

JOB NO. 21086

SEC. 24, TWP. 17S, RANGE 30E

DRAWN BY: BSB

APPROVED BY: BSB

DATE: 11/10/2023

Scale: 1" = 400'

SUMMIT PLACE

PHASING MAP

1 PLANNED DEVELOPMENT AGREEMENT

2 IN THE CITY COMMISSION OF THE

3 CITY OF DELAND, FLORIDA

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

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

6 ORDINANCE # _____

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

8
9 ORDER AND RESOLUTION

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

11 PLACE PD

12 TO

13 ~~-THE FIRST AMENDED AND RESTATED~~ SUMMIT PLACE PD (PLANNED

14 DEVELOPMENT)

15
16 The application of ~~DeProp, LLC~~ D.R. Horton, Inc., hereinafter, "Applicant", for
17 rezoning was heard by and before the City Commission, DeLand Florida, on ~~August 18,~~
18 ~~2014,~~ _____. Based upon the verified Application and other supporting documents,
19 maps, charts, overlays, other evidence and instruments; the advice, report, and recommendations
20 of the Community Development, and other Departments and agencies of DeLand, Florida; and the
21 testimony adduced and evidence received at the Public Hearing on this Application by the Planning
22 Board on ~~July 16, 2014,~~ _____, and otherwise being fully advised, the City
23 Commission does hereby find and determine as follows:

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 of a 66.46 acre parcel~~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.

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 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 ~~(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 First Amended and

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

3
4 C. That the Official Zoning Map of the City of DeLand, is hereby amended to show
5 the rezoning of said parcel to First Amended and Restated Summit Place PD.

6
7 D. That the City of DeLand Land Development Regulations Ordinance #2013-11, as
8 amended, is consistent with the provisions of the "Development Agreement" as hereinafter set
9 forth in this Ordinance and with respect to any conflict between Land Development Regulations
10 Ordinance #2013-11, as amended, and the "Development Agreement", the provisions of the
11 "Development Agreement" shall govern. Ordinance #2013-11, as amended, shall govern with
12 respect to any matter not covered by the "Development Agreement." The City of DeLand, the
13 Applicant or Unified Owner(s) will ensure overall compliance with this Ordinance.

14
15 E. ~~Unless otherwise provided for herein the City of DeLand, Land~~
16 ~~Development Regulations Ordinance # 2013-11, as amended, shall apply to the PD in~~
17 ~~the same manner as the R-16 and C-2 zoning classifications; provided, however, that the~~
18 ~~maximum residential density in the combined Summit Place PD and Gateway East PD~~
19 ~~shall not exceed 480 multifamily dwelling units.~~

20
21 ~~F.~~ Nothing in this Ordinance shall abridge the requirements of any City of DeLand
22 Ordinance other than Ordinance #2013-11, as amended. Timing and review procedures contained
23 in this Order and Resolution may be modified to comply with the City of DeLand Land

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

4
5
6
7
8
9
10 DEVELOPMENT AGREEMENT

11
12 A. Development Concept The property shall be developed as a PD substantially in
13 accordance with the Planned Development Plan as defined below. The Planned Development Plan
14 shall govern the development of the property as a PD and shall regulate the future land use of this
15 parcel.

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

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

8
9 2. Amendments. All amendments of the Planned Development Plan, other
10 than those deemed by the Planning Department to be minor amendments ~~as set out in Ordinance~~
11 ~~# 2013-11, as amended, which include any modifications to the Development Plan Map that~~
12 ~~do not change the density, intensity, or updates to the phasing of the project as long as it is~~
13 ~~consistent with the Development Plan Map, or lot development criteria as set forth below~~, shall
14 require the review and recommendation of the Planning Board and action by the City Commission
15 in the same manner as a rezoning of the parcel.

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

21 4. Final Site Plan Approval. For development activity that requires site plan
22 review and approval in addition to subdivision, a Final Site Plan shall be prepared and submitted
23 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 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~~

1 ~~the project shall be processed as amendments to the PD Development.~~

2
3 C. Phases of Development. Development of the Property may be accomplished in
4 multiple phases consistent with the conceptual phasing plan attached as Exhibit “C”. As part of
5 the subdivision process for a particular phase of development, the Applicant shall ensure that all
6 future phases for the Property will be serviced with public utilities and right-of-way access
7 necessary to stand alone for development. The Applicant shall provide all necessary easements for
8 development and infrastructure servicing a particular phase proposed for subdivision, including
9 identifying any shared facilities such as stormwater systems and internal driveways, if proposed.
10 Notwithstanding the forgoing, phasing boundaries identified on the conceptual phasing plan
11 attached as Exhibit “C” may be reconfigured during the subdivision process, and individual phases
12 may be developed and constructed simultaneously and/or in any order, however, subdivision
13 approval shall be required for each phase and the restrictions of this Agreement shall apply to each
14 phase of development.

15
16 D. Uses Allowed Within the PD. The following uses shall be allowed as permitted
17 principal uses and structures along with their customary accessory uses and structures:

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

- 20 o Family day care home.
21 o Mini and neighborhood parks.
22 Multiple:

- 23 o 2. All conditional uses allowed in the R-16 Zoning District except
24 for single family and two-family dwellings.
25 o 3. All Private clubs and lodges.
26 Other uses allowed approved by special exception in the R-16 Zoning District except

Page 8 of 31

for golf courses and their related structures city commission after review and ~~cemeteries.~~

- ~~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, upholstery and reupholstering, and stand alone commercial parking lotspermitted 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.
- 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, 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 the First Amended and Restated 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)

3,000 SF (exterior townhome (TH) unit)

2. Minimum lot width: 20.0 FT (interior TH unit)

3. Minimum building setbacks:

- 1 a. Front yard: 25 FT
- 2 b. Rear yard: 10 FT
- 3 c. Side yard:
- 4 i. Interior side yard: 0 FT
- 5 ii. Exterior side yard: 7.5 FT
- 6 4. Minimum floor area: 900 SF
- 7 5. Maximum building coverage for individual townhome lots: 85%*
- 8 6. Maximum building height: 35 FT
- 9 7. Maximum number of units: 300
- 10 8. Off-Street Parking: Parking shall adhere to the City of DeLand ~~3. Variations in~~
- 11 ~~rooflines shall be used to add interest to and reduce the massing of buildings. Pitched or~~
- 12 ~~sloped roofs are the preferred method of covering a building. Roof features shall be in~~
- 13 ~~scale with the building's mass and complement the character of adjoining and/or adjacent~~
- 14 ~~buildings and neighborhoods.~~
- 15 ~~4. Spacing and siting of multiple buildings on a single site shall provide~~
- 16 ~~for a variety of spacing between structures. While architectural design continuity for~~
- 17 ~~multiple structures on a single site is encouraged, monotonous repetition of identical~~
- 18 ~~structures on a single site shall be avoided.~~
- 19 ~~5. The following architectural styles are the preferred styles: Classical~~
- 20 ~~Revival, Mediterranean Revival, Colonial Revival, Craftsman Bungalow and Commercial~~
- 21 ~~Style, Chicago School.~~
- 22 ~~6. Building mechanical equipment, service, delivery, and work areas~~
- 23 ~~shall be visually screened from pedestrian areas and from public view. These areas shall~~

1 ~~be located as far as reasonably possible from adjoining residential uses.~~

2 ~~7. All lighting shall be downward and of the full cut-off shield~~
3 ~~variety in which the light source is recessed and shielded in a manner which~~
4 ~~prohibits upward light overspill into the night sky, except as otherwise~~
5 ~~permitted by the~~ Land Development Regulations Ordinance #2013-11, as
6 ~~amended, except, guest parking shall be at a rate of 0.25 parking spaces per unit.~~
7 Enforcement of parking and maintenance of the access road shall be the
8 responsibility of the property owners' association.

9 *Any build to rent or residential project that requires a site plan shall meet the
10 overall impervious surface site standard of 70%
11

12
13 **Commercial Structures:**
14

15
16 1. Minimum lot area: 9,000 s.f.

17 2. Minimum lot width: 75 feet

18 3. ~~8. Any fence, wall or visual screen which is visible from~~
19 ~~any public right-of-way shall be designed as an integral feature of the design of the~~
20 ~~principal structure, expressing similar character through the use of materials, colors, or~~
21 ~~textures, excluding the use of shade cloth and woven slats.~~

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

1 is accomplished by structural means, the structure shall be compatible in design and color
2 with the main building.

3 ~~10. All development shall meet or exceed the signage and~~
4 ~~landscaping requirements for the Emerging Gateway District as described~~
5 ~~in the~~ Minimum building setbacks:

6 a. Front yard: 20 ft.

7 b. Rear yard

8 - abutting residential zoning: 25 ft.

9 -not abutting residential zoning: 10 ft.

10 c. Side yard

11 - abutting residential zoning: 25 ft.

12 -not abutting residential zoning: 10 ft.

13 d. Between buildings

14 (side to side): 15 ft.

15 e. Between buildings 40 ft.

16 (front to front or rear to rear):

17 g. Maximum building coverage for commercial: 70 %

18 h. Maximum building height: 80 ft.

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

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

1 ~~requirements set forth herein are intended to be in addition to any code requirements.~~

2
3 **DEVELOPMENT STANDARDS FOR ENTIRE SITE:**

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

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

7 A buffer standard “C” as per the City of DeLand Land Development
8 Regulations, shall apply to the perimeter of the First Amended and Restated
9 Summit Place PD at a width of 40-foot average with a minimum of 25 feet
10 on W. McKenzie Road, except along the interstate where there shall be a
11 15-foot buffer at a buffer standard of “B”.

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

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

1
2 4. Impervious surface: Impervious surface for the **entire** First Amended and
3 Restated Summit Place PD shall not exceed 70%. With each site plan or plat
4 submittal, applicant shall provide a calculation of the impervious surface
5 amount and note the same on the applicable plans. The impervious surface
6 calculation shall not include Lake Tatum. Common green space and a
7 pedestrian walking trail, as depicted on the Development Plan Map, shall
8 be provided throughout the subdivision. The following are permitted, but
9 not required uses for the green space and amenity areas: clubhouse, pool,
10 cabana, pedestrian trail system.

11 _____
12 F. Environmental Considerations.

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

22 ~~2. Tree Protection Areas shall satisfy the requirement to preserve at~~
23 ~~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 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 First Amended and Restated Summit Place PD has~~

1 been acquired by the City for conservation land. The City and developer may agree to provide any
2 access or secondary access to such area as may be required or deemed appropriate by the City
3 during subdivision review.

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

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

11 8. Low impact development design standards shall be used throughout the
12 development where feasible, and in accordance with engineering and site design principles specific
13 to the use of the property.

14
15 G. Sewage Disposal and Potable Water. Provision for sewage disposal and potable
16 water needs of the First Amended and Restated Summit Place PD will be provided in accordance
17 with the Comprehensive Plan, Ordinance #—1990-04, as amended, the Land Development
18 Regulations Ordinance #—2009-09, as amended, and State of Florida Administrative Code 64E-6.

19
20 H. Stormwater Drainage. Provision for stormwater retention shall be in accordance
21 with the Land Development Regulations Ordinance #—2013-11, as amended, and any applicable
22 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. ~~Beresford Avenue is to be extended from Blue Lake Avenue to SR 44 to reduce the amount of traffic on SR 44.~~

~~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 revisited and potentially updated with the submission of the Transportation system improvements will be provided as required by permitting agencies. The Traffic Impact Analysis for will include projected trips from 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 land not included within this 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. agreement.~~

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~~

1 ~~by new development occurring within the Gateway East or Summit Place PDs is projected~~
2 ~~to exceed 1,000 two-way, daily, external trips on a weekday basis, per the requirements~~
3 ~~of the River to Sea (R2C) TPO TIA Guidelines. The City shall require that applications~~
4 ~~for development approval within the Gateway East and Summit Place PDs include trip~~
5 ~~generation calculations in order to project the amount of two-way, daily, external trips on~~
6 ~~a weekday basis generated by the proposed development. Trip generation and internal~~
7 ~~capture rates shall be calculated in accordance with the R2C TIA Guidelines. The City~~
8 ~~shall monitor the trips generated by development projects within the Lake Winnemissett~~
9 ~~Gateway Corridor and shall require the completion of the updated TIA when the~~
10 ~~cumulative existing, vested, reserved and projected trips exceed the limit of 1,000 two-~~
11 ~~way, daily, external, weekday trips. The calculation of existing, vested, reserved and~~
12 ~~projected trips shall also include lands within the Lake Winnemissett Gateway Corridor~~
13 ~~that are not subject to the Gateway East and Summit Place PDs.~~

14
15 ~~—— J. Internal Roadways. Internal access between uses developed in the~~
16 ~~Gateway East or Summit Place PDs shall include travel lanes with sufficient width to~~
17 ~~accommodate bicycle/pedestrian traffic, as well as automobile/truck traffic. Access shall~~
18 ~~be accomplished through dedication of public roads, private ingress-egress easements~~
19 ~~and cross-access easements. Internal circulation between uses shall be encouraged, as~~
20 ~~will be shared parking arrangements between businesses/uses within the PDs. Planning,~~
21 ~~design and construction of these elements internal to the site shall be required of the~~
22 ~~developer seeking approval of the subdivision or site plan within the PDs. Private facilities~~
23 ~~shall be owned and maintained by either the private landowner or property owners~~

1 ~~association, if such an organization is created. All public facilities will be constructed in~~
2 ~~accordance with City of DeLand standards.~~

3
4 ~~KJ.~~ Building or Property Owners Association. The ~~applicant~~Applicant shall create a
5 building or property ~~owner's~~owner's association for the residential portion of the development.
6 The charter and by-laws of said association and any other agreements, covenants, easements or
7 restrictions shall be furnished to the City of DeLand at the time of creation. The
8 ~~applicant~~Applicant shall be responsible for recording said information in the Public Records of
9 Volusia County, Florida. Also, the ~~applicant~~Applicant shall bear and pay all costs for recording
10 all of the aforementioned documents.

11 With respect to the enforcement of said agreements, covenants, easements or restrictions
12 entered into between the applicant and the owners or occupiers of property within the First
13 Amended and Restated Summit Place PD, the City of DeLand shall only enforce the provisions of
14 the "Development Agreement" and City of DeLand Land Development Regulations Ordinance
15 #2013-11, as amended, whichever is applicable, and not the private agreements entered into
16 between the aforementioned parties.

17
18
19 ~~L. Comprehensive Compliance with Design Requirements. This Planned~~
20 ~~Development Plan does not include a detailed map depicting the overall layout of the~~
21 ~~property, location of uses, access points, etc. Prior to the issuance of any final~~
22 ~~development orders for the property, and regardless of whether the first development~~
23 ~~application for the property is a preliminary plat or site plan, the City shall be entitled to~~

1 ~~require that such plat or site plan, as the case may be, will provide a layout for the entire~~
2 ~~PD showing general use locations, access points, and a general drainage design for the~~
3 ~~entire site, even though such information may not otherwise be required by City Code. In~~
4 ~~the event that development is only proposed for a portion of the PD property lying solely~~
5 ~~on the east side or west side of Summit Avenue, then the aforesaid layout information~~
6 ~~may only be required for that portion of the property lying on the side of Summit Avenue~~
7 ~~on which development is being proposed.~~

8
9 MK. Reverter Provision: The development rights herein shall vest once any portion of
10 this project has received a development order. The City Commission may rezone any portion of
11 the project which has not ~~secured a final site plan or final plat approval on or before~~met this
12 Section within 10 years ~~from the effective date of this ordinance as may be necessary or~~
13 ~~appropriate to protect adjoining properties or the public health, safety and welfare, unless~~
14 ~~the City Commission, for good cause shown, shall extend the time period indicated in this~~
15 ~~paragraph of approval of this Development Agreement.~~

16
17 NL. Binding Effect of Plans; Recording; and Effective Date. The Planned Development
18 Plan, including any and all amendments shall bind and inure to the benefit of the Applicant and
19 his successor in title or interest. ~~The~~The First Amended and Restated Summit Place PD zoning,
20 provisions of the "Development Agreement," and all approved plans shall run with the land and
21 shall be administered in a manner consistent with Article 12 of the City of DeLand Land
22 Development Regulations Ordinance #-2013-11, as amended.

23 This Ordinance and all subsequent amendments shall be filed with the Clerk of the Court

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

1 _____
2 DONE and ORDERED by the City Commission, City of DeLand, Florida, this ____ day
3 of _____, ~~2014-2024~~.

4
5
6
7
8 ATTEST:

City Commission of DeLand Florida

9
10 _____
11 Michael Pleus
12 City Manager

~~Robert Apgar~~Christopher M. Cloudman
Mayor

13
14 STATE OF FLORIDA
15 CITY OF DELAND
16

17 The foregoing instrument was acknowledged before me by means of ☐ physical
18 presence or ☐ online notarization this ____ day of _____,
19 ~~2014~~2024, by Michael Pleus and ~~Robert Apgar~~Christopher M. Cloudman, as City
20 Manager and Mayor, City of DeLand, respectively, on behalf of the City of
21 DeLand, and who are personally known to me.

22
23 NOTARY PUBLIC, STATE OF FLORIDA

24 Type or Print Name:

25 _____
26 Commission #: _____

27 My Commission Expires: _____

1
2
3 WITNESSES:

4 DeProp, LLC
5 D.R. Horton, Inc.
6
7

8 _____
9 Print Name _____
10 Manager
11
12

By: _____
Aboud Samawi, _____,

13 _____
14 *Print Name* _____
15
16
17

18 The foregoing instrument was acknowledged before me by means of ☐ physical
19 presence or ☐ online notarization this _____ day of _____,
20 20142024, by Aboud Samawi, _____, as Manager of DeProp,
21 LLC,D.R. Horton, Inc., who is personally known to me or who has produced
22 _____ as identification.
23
24
25

26 NOTARY PUBLIC, STATE OF _____

27 Type or Print Name:

28 _____
29 Commission #: _____

30 My Commission Expires: _____
31

32 *Revised April 5, 2024 u/p/zone/pd_doc*
33
34
35
36

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:

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, CONTINUING 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

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

1
2
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EXHIBIT “B”

PD Plan

1
2
3

EXHIBIT “C”
Phasing Plan



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)

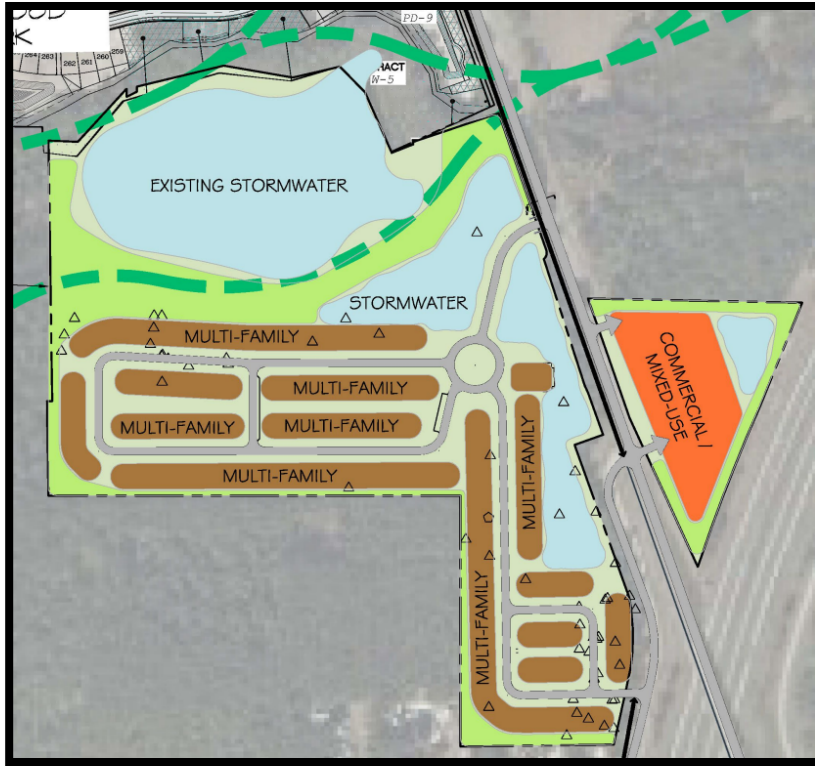
Existing Use: Vacant

	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:

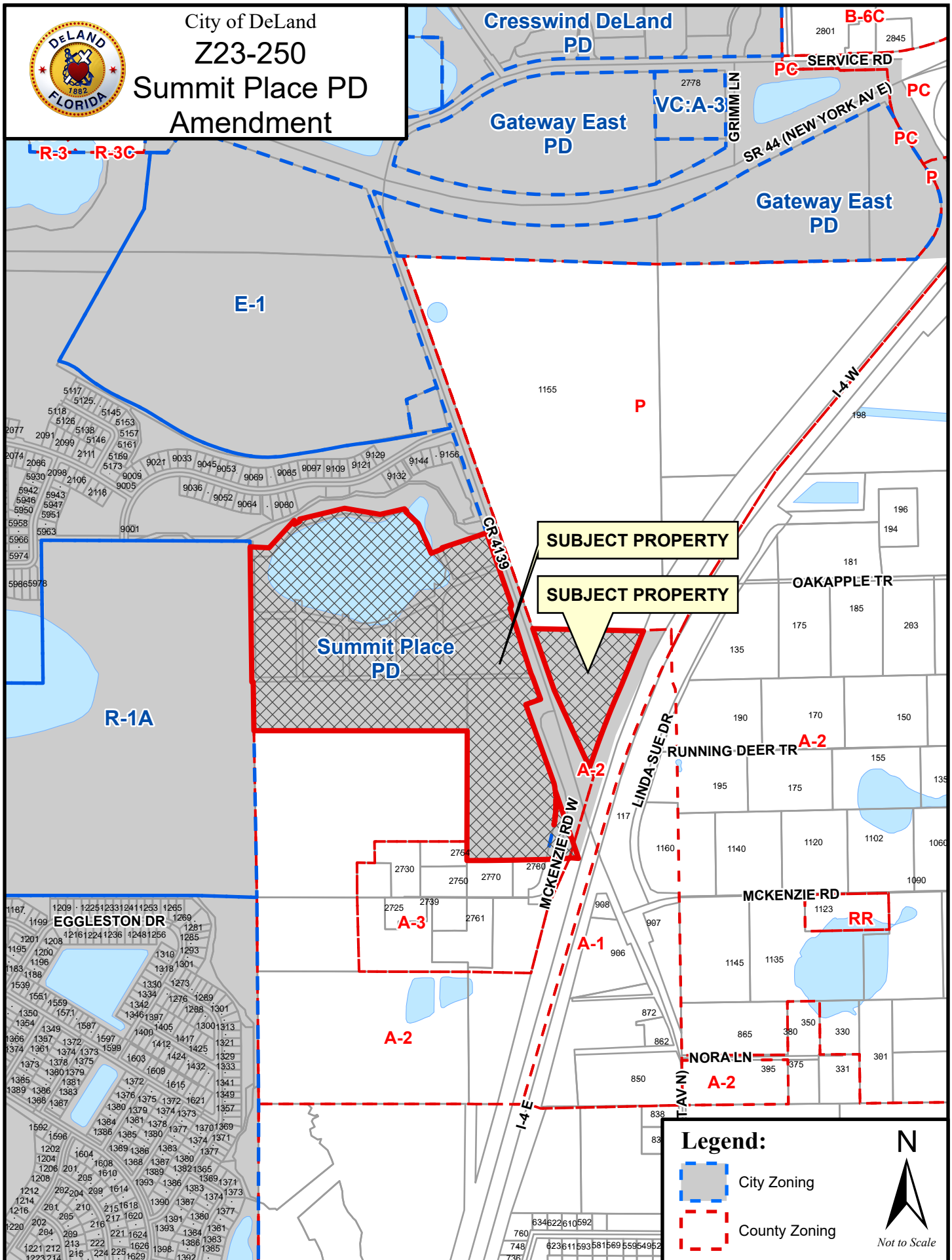
The Applicant is proposing a rezoning from City of DeLand’s Summit Place PD to City of DeLand’s First Amended and Restated Summit Place PD in order to develop the subject property as a mixed -use development consisting of 302 multi-family units and 6.36 acres of commercial/mixed use portion. Submittal 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.

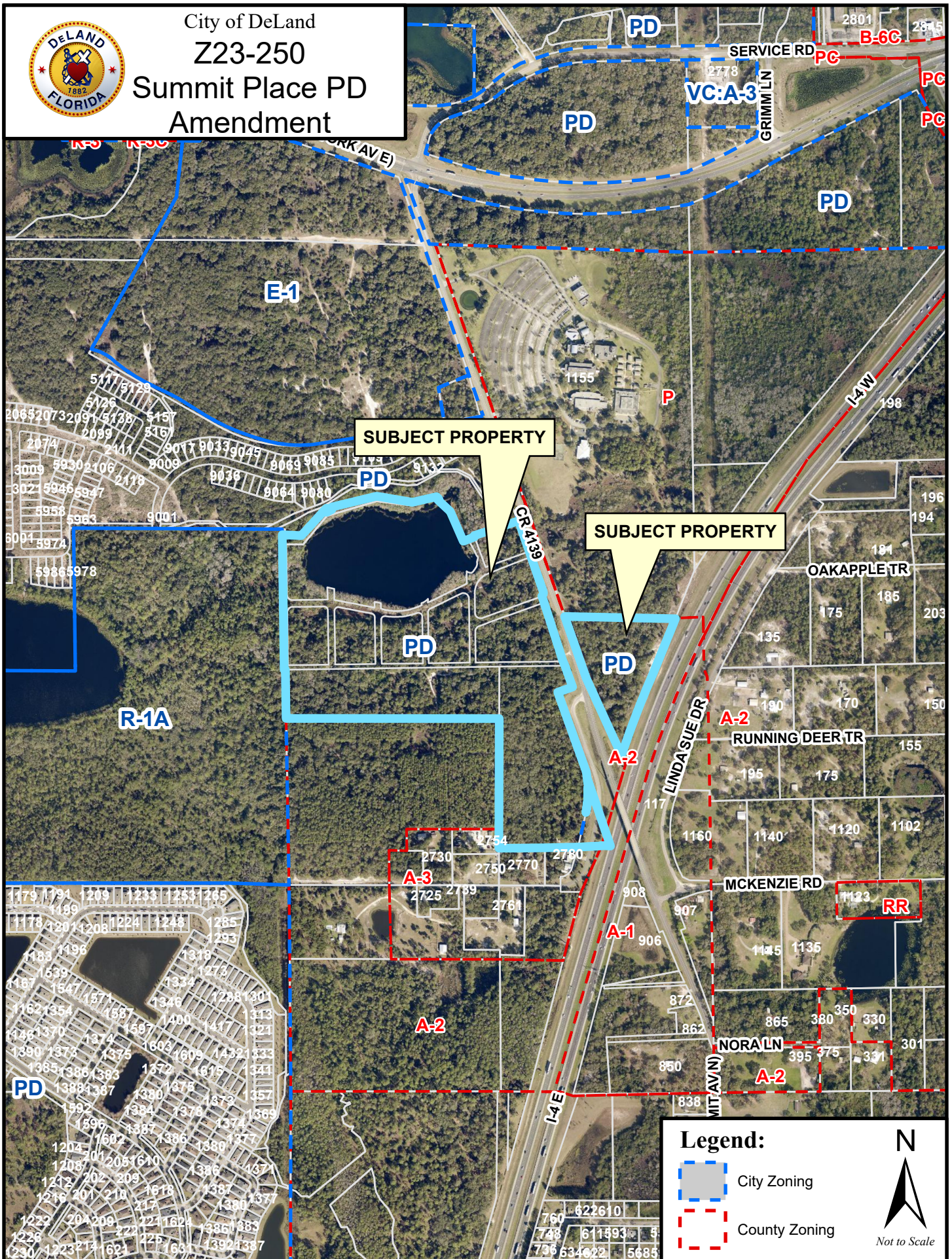


City of DeLand
Z23-250
Summit Place PD
Amendment





City of DeLand
Z23-250
Summit Place PD
Amendment



CITY OF DELAND
Request for Commission Action
April 15, 2024

SUBJECT: First Reading of Ordinance Amending and Restating the Gateway East Planned Development Agreement (Continued).

DEPARTMENT: Planning

PREPARED BY: Carol Kuhn, Planning Director

ATTACHMENTS: Ordinance, Updated Gateway PD - Original vs Proposed Comparison - Clean Version, Concept Bubble, Updated Gateway PD - Original vs Proposed Comparison - Redlined Version, Staff Report - Gateway East PD Rezone, Z23-259 Zoning Map, Z23-259 Aerial Map

APPROVED BY: Michael Pleus, City Manager, April 10, 2024

SUMMARY/HIGHLIGHT:

The applicant, Joseph Posey, Jr., Storch Law Firm, is requesting to amend the existing zoning designation from City of DeLand's Gateway East PD to City of DeLand's Amended and Restated Gateway East PD. In an effort to "clean up" the Gateway East PD, the applicant requests to amend and restate the PD to encompass:

- Setting a maximum of 178 Multi-Family residential units.
- Creating multiple commercial districts within the PD with similar but some different uses (Corridor District & Interstate District).
- Severing the connection to Summit Place PD (Still connected by verbiage in Lake Winnemissett Gateway Corridor Plan through shared commercial uses, maximum number of residential units, buffer requirements and connectivity)
- Reducing the required minimum amount of guest parking from 0.5/spaces per unit to 0.25/spaces per unit
- Stating and listing the allowed and permitted uses and development standards listed, rather than referencing the Land Development Regulations
- Clarifying that individual, separate traffic analysis be provided with each development phase, rather than a full analysis being provided with the first phase and reevaluated with each site plan application.
- Adding additional requirements for Low Impact Development and Dark Sky Lighting
- Adding standards for townhome units
- Including a phasing plan
- Including signage requirements and materials to create a cohesive sign package for the development area
- Adding requirements for Florida Friendly Landscaping.

At their March 13, 2024, meeting, the Planning Board had minor questions for clarification and recommended approval of the request amendment. Since the Planning Board's approval, the applicant added additional verbiage for clarification on the Low Impact Development standards, interior setbacks requirements for townhomes and maximum building height and maximum impervious surface.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

As outlined in the City's Strategic Plan under Strategic Focus Area: Institute Smart Growth Principles, community consistent growth is achieved by encouraging the use of Planned Development Agreements for

development. By amending and restating this existing Development Agreement, the development standards will be updated and further the City's smart growth goals.

SUSTAINABILITY:

The amended zoning of the property allows for implementation of the City's Sustainability Action Plan through the conditions of the PD Development Agreement.

FISCAL IMPACT:

Residential and Commercial development of this property, and the inclusion of the new units onto the City's tax rolls, will increase funds towards City services.

RECOMMENDATION:

It is recommended that the City Commission continue first reading of the rezoning of this property from Gateway East PD to Amended & Restated Gateway East Planned Development to the Commission's May 6th meeting.

BACKGROUND/DISCUSSION:

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.

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 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 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 held to the maximum 480 units through this Comprehensive Plan element, that can be split among the two PD’s. The proposed Amended and Restated Gateway East PD will retain the remaining multifamily units (178 units) along with a mix of commercial uses.

ORDINANCE NO. 2024 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM GATEWAY EAST PLANNED DEVELOPMENT (PD) TO AMENDED AND RESTATED GATEWAY EAST PLANNED DEVELOPMENT ON PROPERTY LOCATED NORTH OF DAYTONA STATE COLLEGE, ALONG NORTH AND SOUTH OF STATE ROAD 44 BETWEEN NORTH SUMMIT AVENUE (COUNTY ROAD 4139) AND INTERSTATE-4; APPROVING AN AMENDMENT TO A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY +/- 65.08 ACRES OF PROPERTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Applicant, Joseph Posey, Jr., Esq., agent for the owners of approximately +/- 65.08 acres of land located north of Daytona State College, along north and south of State Road 44, between N. Summit Avenue (County Road 4139) and Interstate 4, which is more particularly described in the legal description attached hereto as Exhibit “A” and by this reference made a part hereof; and

WHEREAS, the Applicant has applied for a change of zoning designation from Gateway East Planned Development to Amended and Restated Gateway East Planned Development; and

WHEREAS, said rezoning is consistent with both the Comprehensive Plan and the purpose and intent of Section 33-32 of the Code of Ordinances of the City of DeLand (the “Code”); and

WHEREAS, the Applicant has submitted an application for the approval of a development plan in order to amend the current PD so as to change certain development standards for the property described in Exhibit “A” (hereinafter the “Property” or the “Project”); and

WHEREAS, the proposed development plan meets or exceeds the minimum conditions and standards for the PD District with respect to minimum development size, perimeter setbacks, comprehensive plan consistency, internal compatibility, external compatibility, open spaces, sidewalks, environmental constraints, internal access and circulation, external transportation access, off-street parking, public facilities and unified control; and

WHEREAS, the proposed development plan is consistent with the Gateway/Activity Center land use designation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. The City Commission has held a public hearing to approve the change of zoning from Gateway East Planned Development to Amended and Restated Gateway East Planned Development of approximately +/- 65.08 acres of land, located north of Daytona State College, along north and south of State Road 44, between North Summit Avenue (County Road 4139) and Interstate 4.

Section 2. Pursuant to the determination made at public hearing, the City Commission hereby amends the Comprehensive Zoning Map of the City to include the land described in Exhibit “A” as Amended and Restated Gateway East PD, Planned Development District.

Section 3. The zoning of the Property as PD, Planned Development District, is made pursuant to Section 33-32 of the Code and the development of the Property shall take place in accordance with that Section and in substantial compliance with the Development Plan Agreement, Maps and other supporting documentation submitted by Applicant which shall be filed and retained for public inspection in the office of the City Planning Department and constitute a supplement to the official Zoning Map of the City.

Section 4. The approved Development Plan for Amended and Restated Gateway East PD, Planned Development District, including the Development Plan Agreement, Map and other supporting documentation (on file with the City Planning Department), are attached hereto as Exhibit “B” and by this reference made a part hereof.

Section 5. The failure of the approved Development Plan to address a particular permit, condition, term or restriction shall not relieve the Applicant of the necessity of complying with any law governing said permitting requirements, conditions, terms or restrictions, as same may be amended or enacted from time to time in the future. All current land development regulations of the City are applicable to the PD District except to the extent that they conflict with a specific provision of the approved Development Plan.

Section 6. At the time of development, the Applicant shall comply with all relevant building codes and development standards contained in the City’s Code of Ordinances or in the Development Plan; provided, however, that the development standards contained in the adopted Development Plan shall supersede comparable standards contained in the Code of Ordinances.

Section 7. The City Commission may rezone any portion of the Project which has not obtained a site plan approval within five years from the date of adoption of this Ordinance.

Section 8. Prior to the issuance of a building permit, Applicant shall submit an easement document, acceptable to the City of DeLand, permitting additions to shared access, parking, utilities, and stormwater.

Section 9. Pursuant to Article 5 of the City’s Land Development Regulations, the Applicant shall comply with all applicable infrastructure regulations.

Section 10. The City Engineer, Planning Director, and Building Department are hereby directed to change the Comprehensive Zoning Map of the City of DeLand to conform with the change of zoning enacted in this Ordinance.

Section 11. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 12. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this ____ day of _____, 2024.

Christopher M. Cloudman
Mayor - Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

1 AMENDED AND RESTATED DEVELOPMENT AGREEMENT

2 The City Commission of the City of DeLand, Florida, a chartered municipal corporation
3 located in Volusia County, Florida, previously approved a development agreement on October
4 20, 2014, binding DeProp, LLC, a Florida limited liability company, and their successors and
5 assigns, to the terms and provision of the Gateway East PD (Planned Development) adopted by
6 Ordinance # 2014-21. This Amended and Restated Development Agreement applies to the same
7 property as in Ordinance # 2014-21, which is more particularly described in the attached Exhibit
8 “A”.

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

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

18 The purpose and intent of the Gateway East PD is to create a scenic entryway to the City
19 of DeLand along SR 44 with a balanced mixture of urban land uses to protect and enhance the
20 natural and built environment. The goal is to attract a mix of high-quality office, retail,
21 residential and ancillary support commercial uses so that complementary uses can be located in
22 close proximity to facilitate walking, bicycling and the use of the local roads for trips from home
23 to work or school and shopping.

24 1. Planned Development Plan. The Planned Development Plan shall consist

1 of the Development Plan Map prepared by Zev Cohen & Associates, Inc. and dated January 23,
2 2024 and this Development Agreement. The Planned Development Plan is hereby approved and
3 incorporated in this Ordinance by reference as Exhibit "B". The Planned Development Plan shall
4 be filed and retained for public inspection in the Planning Department and it shall constitute a
5 supplement to the Official Zoning Map of the City of DeLand.

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

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

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

23 5. Easements for Public and Private Facilities. Planning, design and
24 construction of all connections and extensions to potable water, sanitary sewer and electrical

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

10
11 B. Unified Ownership. The Applicant or his successors shall maintain unified
12 ownership of the subject parcel until after issuance of a Final Development Order Plat(s) or Final
13 Site Plan Development Order for any portion of the property proposed for development.

14
15 C. Phases of Development. The Gateway PD may be developed and subdivided in
16 one or multiple phases, consistent with the Planned Development Plan, so long as such
17 subdivision complies with the provisions of this Agreement. As part of the subdivision process
18 for a particular phase of development, the Applicant shall ensure that all future phases for the
19 Property will be serviced with public utilities and right-of-way access necessary to stand alone
20 for development. The Applicant shall provide all necessary easements for development and
21 infrastructure servicing a particular phase proposed for subdivision, including identifying any
22 shared facilities such as stormwater systems and internal driveways, if proposed.
23 Notwithstanding the forgoing, boundaries identified on the Planned Development Plan may be
24 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.
- 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 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.
- 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.
- 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.

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 , except as

1 otherwise permitted by City of DeLand Land Development Regulations Ordinance #2013-11, as
2 amended. This type of lighting is specifically designed to reduce light pollution by restricting
3 the amount of upward-directed light, avoiding glare, avoiding over-lighting, utilizing dimming
4 and other appropriate lighting controls, and minimizing short-wavelength (bluish) light in the
5 nighttime environment.

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

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

16 10. The development shall comply with the requirements for preservation of
17 environmental resources as set forth in the Land Development Regulations Ordinance No. 2013-
18 11, as amended. All landscaping, including buffers, shall predominantly utilize Florida-Friendly
19 Landscaping, as defined by the University of Florida/Institute of Food and Agricultural Sciences
20 (“UF/IFAS”) Center for Landscape Conservation and Ecology, native, or low-water plant
21 material. The development shall include landscape designs such that plants will serve
22 environmentally friendly functions including, but not limited to, cooling, privacy screening,
23 shade, aesthetics, wildlife habitat, runoff pollution prevention, and directing traffic flow onto and
24 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 practicable and feasible, and implemented in accordance with engineering and site design standards.

Residential:

- | | | |
|----|----------------------------|------------------------------------|
| 1. | Minimum lot area: | 7,500 sq. ft. |
| | | 1,8886 (townhome unit) |
| 2. | Minimum lot width: | 75 ft. |
| | | 20 ft. (townhome unit) |
| 3. | Minimum building setbacks: | |
| a. | Front yard: | 30 ft. from project perimeter |
| b. | Rear yard: | 40 ft. from project perimeter when |
| | | adjacent to a single-family |

1		residential district (may be reduced
2		to 20 ft. if an eight-foot wall is used
3		for visual screening)
4		20 ft. from project perimeter adjacent
5		to all other districts
6	c. Side yard:	40 ft. from project perimeter when
7		adjacent to single-family
8		residential district (may be reduced
9		to 20 ft. if an eight-foot wall is used
10		for visual screening)
11		20 ft. adjacent to all other districts
12		In instances where the townhome
13		unit is being subdivided into units for
14		individual ownership, the interior
15		side setback shall be reduced to 0 ft.
16	4. Minimum floor area:	900 sq. ft.
17	6. Maximum building height:	65 ft. (overall)
18		35 ft. (townhome lots)
19	7. Maximum number of units:	178
20	8. Maximum impervious surface:	50% (overall)
21		85% (townhome lots)
22	9. Off-Street Parking:	Parking shall adhere to the City of DeLand Land
23		Development Regulations Ordinance #2013-11, as amended. Enforcement of
24		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. from project perimeter when abutting residentially zoned property
10 ft. adjacent to all other
 - c. Side yard: 25 ft. when from project perimeter abutting residentially zoned property
20 ft. when abutting a street
10 ft. adjacent to all other
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, however, the visitor/guest off-street parking requirement for cluster/multifamily development

1 shall be a minimum of 0.25 spaces per unit.

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

6
7 F. Environmental Considerations.

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

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

18
19 3. All Tree Protection Areas shall be maintained by the property owners'
20 association.

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

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

1
2 G. Sewage Disposal and Potable Water. Provision for sewage disposal and potable
3 water needs of the Gateway East PD will be provided in accordance with the Comprehensive
4 Plan, Ordinance #1990-04, as amended, the Land Development Regulations Ordinance #2009-
5 09, as amended, and State of Florida Administrative Code 64E-6.

6
7 H. Stormwater Drainage. Provision for stormwater retention shall be designed in
8 accordance with all required governmental regulations and the Land Development Regulations
9 Ordinance #2013-11, as amended.

10
11 I. Access and Transportation System Improvements. All access and transportation
12 system improvements shall be provided in accordance with the Land Development Regulations,
13 Ordinance #2013-11, as amended. The parcel shall be developed in substantial accordance with
14 the following access and transportation system improvements:

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

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

21 Notwithstanding the foregoing, a traffic impact analysis has been provided for future
22 impacts of the development; however, the City recognizes that the actual development impacts
23 may change due to the mixed-use nature of the project and projected future growth of the area.
24 Therefore, in order to accommodate unanticipated development changes, Developer may allocate

1 equivalent traffic trips identified within the traffic impact analysis approved by the City from one
2 use category to another use, consistent with the use and entitlement restrictions in this
3 Agreement. Equivalent traffic trips shall be based on trip generation rates in the latest Institute of
4 Transportation Engineers (ITE) Trip Generation Manual.

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

9
10 K. Building or Property Owners Association. The Applicant shall create a building or
11 property owner's association for the residential portion of the development. The charter and by-
12 laws of said association and any other agreements, covenants, easements or restrictions shall be
13 furnished to the City of DeLand at the time of creation. The Applicant shall be responsible for
14 recording said information in the Public Records of Volusia County, Florida. Also, the
15 Applicant shall bear and pay all costs for recording all of the aforementioned documents.

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

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

1 Agreement.

2
3 M. Binding Effect of Plans; Recording; and Effective Date. The Planned
4 Development Plan, including any and all amendments shall bind and inure to the benefit of the
5 Applicant and his successor in title or interest. The Gateway East PD zoning, provisions of the
6 "Development Agreement," and all approved plans shall run with the land and shall be
7 administered in a manner consistent with Article 12 of the City of DeLand Land Development
8 Regulations Ordinance #2013-11, as amended.

9 This Ordinance and all subsequent amendments shall be filed with the Clerk of the Court
10 and recorded within forty-five (45) days following execution of the document by the City
11 Commission, in the Official Records of Volusia County, Florida. One copy of the document,
12 bearing the book and page number of the Official Record in which the document was recorded,
13 shall be submitted to the Planning Department for placement in the public file. The date of
14 recording of this document shall constitute the effective date of the PD or its subsequent
15 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 _____, 2024.

ATTEST: City Commission of DeLand Florida

Michael Pleus
City Manager

Christopher M. Cloudman
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:_____

1 WITNESSES:

2 DEPROP, LLC

3
4
5 By: _____
6 Print Name _____, Manager

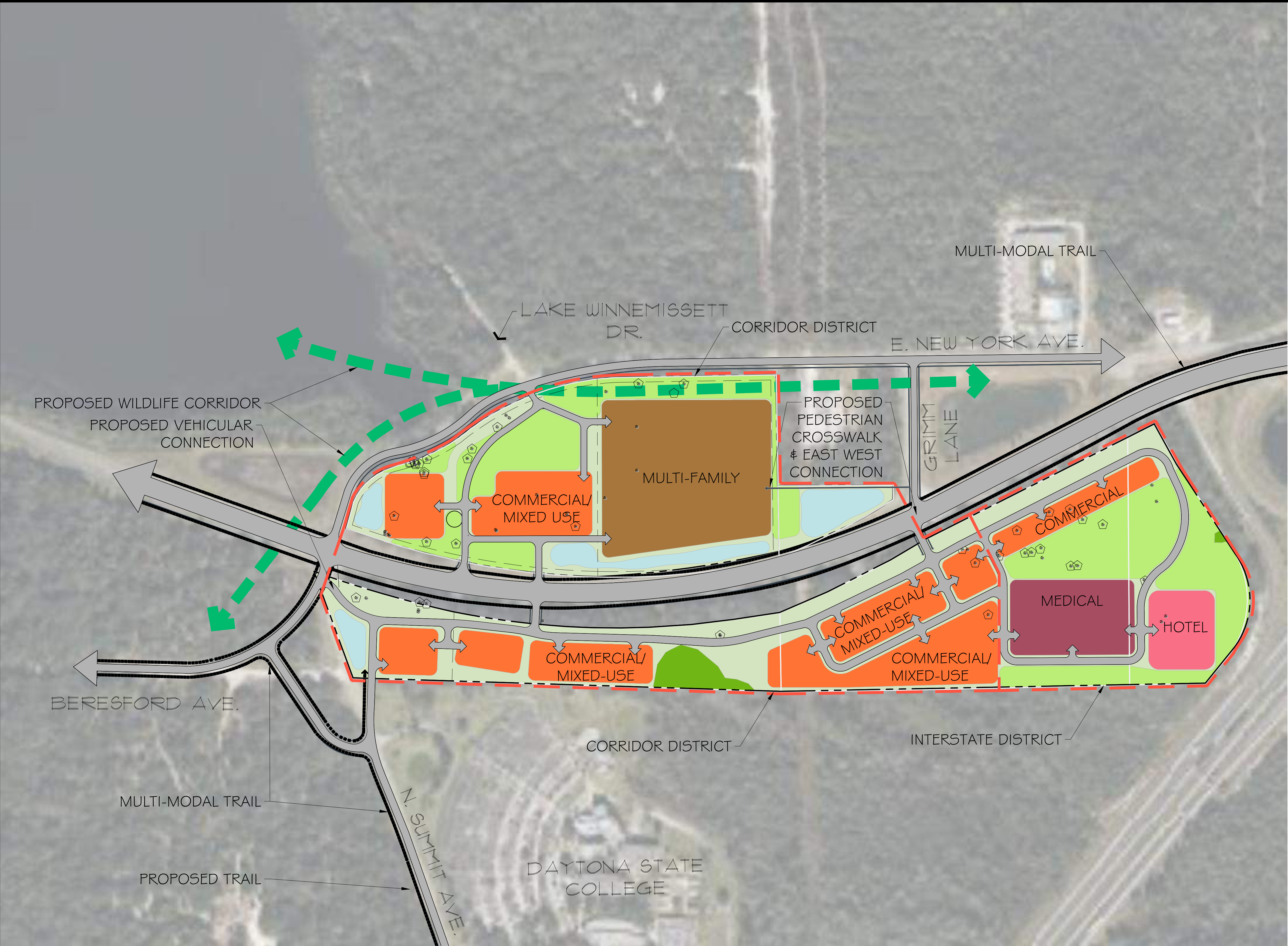
7
8
9
10 *Print Name* _____
11
12
13

14 The foregoing instrument was acknowledged before me by means of ☐ physical
15 presence or ☐ online notarization this _____ day of _____,
16 2024, by _____, as Manager of DEPROP, LLC, who is personally
17 known to me or who has produced _____ as
18 identification.
19
20
21

22 NOTARY PUBLIC, STATE OF _____
23 Type or Print Name:

24 _____
25 Commission #: _____

26 My Commission Expires: _____
27
28
29
30
31



CONCEPT GRAPHICS SCHEDULE

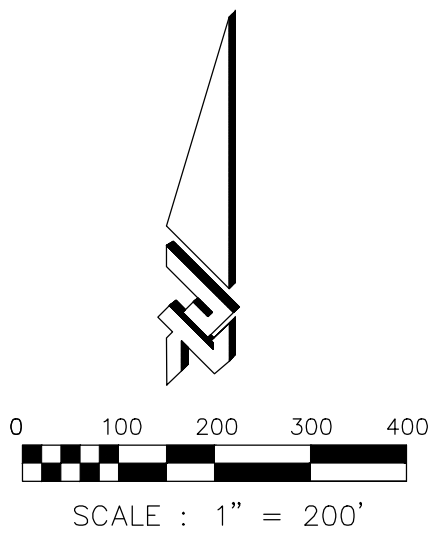
2023-05-25 08:15

- 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	



CONCEPTUAL PLAN NOTES:

- EXISTING ZONING: PLANNED DEVELOPMENT
- 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.
- THIS CONCEPT PLAN REPRESENTS A POTENTIAL LAYOUT THAT WILL BE USED FOR ASSESSING THE TRAFFIC IMPACTS THAT COULD RESULT FROM DEVELOPMENT OF THE PROPERTY.
- THIS CONCEPTUAL PLAN IS NOT INTENDED TO IMPLY OWNERSHIP OF THE LAND SHOWN HEREON.
- 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.
- 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.
- THE STORMWATER MANAGEMENT SYSTEM ON THIS CONCEPTUAL PLAN IS PRELIMINARY BASED ON THE BEST AVAILABLE INFORMATION AND IS SUBJECT TO CHANGE.
- 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.
- SIDEWALK WILL BE PROVIDED ADJACENT TO ALL FRONTAGE ROADS/CONNECTOR ROADS. SIDEWALK HAS NOT BEEN SHOWN DUE TO GRAPHIC CONSTRAINTS.
- 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.



CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

NO.	DATE	REVISIONS	BY
01	3/2/23	REVISED PER CLIENT COMMENT	JES
02	3/2/23	REVISED PER CITY COMMENTS	
03	7/2/23	REVISED PER CITY COMMENTS	
04	8/2/23	REVISED PER CITY COMMENTS	
05	1/23/24	REVISED PER CITY COMMENTS	
06	2/22/24	REVISED PER CITY COMMENTS	

DELAND GATEWAY / DEPROP
TIA
CONCEPTUAL PLAN
VOLUSIA COUNTY, FLORIDA
CITY OF DELAND

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

SCALE: 1" = 200'
SHEET: EX2 OF 2

1 AMENDED AND RESTATED DEVELOPMENT AGREEMENT

2 The City Commission of the City of DeLand, Florida, a chartered municipal corporation
3 located in Volusia County, Florida, previously approved a development agreement on October
4 20, 2014, binding DeProp, LLC, a Florida limited liability company, and their successors and
5 assigns, to the terms and provision of the Gateway East PD (Planned Development) adopted by
6 Ordinance # 2014-21. This Amended and Restated Development Agreement applies to the same
7 property as in Ordinance # 2014-21, which is more particularly described in the attached Exhibit
8 “A”.

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

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

18 The purpose and intent of the Gateway East PD is to create a scenic entryway to the City
19 of DeLand along SR 44 with a balanced mixture of urban land uses to protect and enhance the
20 natural and built environment. The goal is to attract a mix of high-quality office, retail,
21 residential and ancillary support commercial uses so that complementary uses can be located in
22 close proximity to facilitate walking, bicycling and the use of the local roads for trips from home
23 to work or school and shopping.

24 1. Planned Development Plan. The Planned Development Plan shall consist

1 of the Development Plan Map prepared by ~~Lassiter Transportation Group~~ Zev Cohen &
2 Associates, Inc. and dated January 23, 2024 ~~May 21, 2014~~ and this Development Agreement.
3 The Planned Development Plan is hereby approved and incorporated in this Ordinance by
4 reference as Exhibit "B". The Planned Development Plan shall be filed and retained for public
5 inspection in the Planning Department and it shall constitute a supplement to the Official Zoning
6 Map of the City of DeLand.

7 2. Amendments. All amendments of the Planned Development Plan, other
8 than those deemed by the Planning Department to be minor amendments as set out in ~~Ordinance~~
9 ~~#2013-11, as amended, which include any modifications to the Development Plan Map that do~~
10 ~~not change the density, intensity, or updates to the phasing of the project as long as it is~~
11 ~~consistent with the Development Plan Map, or lot development criteria as set forth below,~~ shall
12 require the review and recommendation of the Planning Board and action by the City
13 Commission in the same manner as a rezoning of the parcel.

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

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

24 5. Easements for Public and Private Facilities. Planning, design and

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

11
12 B. Unified Ownership. The Applicant or his successors shall maintain unified
13 ownership of the subject parcel until after issuance of a Final Development Order Plat(s) or Final
14 Site Plan Development Order for any portion of the property proposed for development ~~in~~
15 ~~accordance with Paragraph L below.~~

16
17 C. Phases of Development. ~~The PD does not include any phasing at this time, but~~
18 ~~the Applicant reserves the right to develop a phasing plan for the project in the future. The~~
19 ~~expiration of this Development Agreement shall be ten years from the effective date of this~~
20 ~~Ordinance unless otherwise amended by future phasing plans. Phasing plans for the project shall~~
21 ~~be processed as amendments to the PD Development. The Gateway PD may be developed and~~
22 ~~subdivided in one or multiple phases, consistent with the Planned Development Plan, so long as~~
23 ~~such subdivision complies with the provisions of this Agreement. As part of the subdivision~~
24 ~~process for a particular phase of development, the Applicant shall ensure that all future phases~~

1 for the Property will be serviced with public utilities and right-of-way access necessary to stand
2 alone for development. The Applicant shall provide all necessary easements for development and
3 infrastructure servicing a particular phase proposed for subdivision, including identifying any
4 shared facilities such as stormwater systems and internal driveways, if proposed.
5 Notwithstanding the forgoing, boundaries identified on the Planned Development Plan may be
6 reconfigured during the subdivision process, and individual phases may be developed and
7 constructed simultaneously and/or in any order, however, subdivision approval shall be required
8 for each phase and the restrictions of this Agreement shall apply to each phase of development.
9

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

12 ~~1. All primary uses and structures allowed in the R-16 Zoning District.~~

13 ~~2. All conditional uses allowed in the R-16 Zoning District except for single~~
14 ~~family and two-family dwellings.~~

15 ~~3. All uses allowed by special exception in the R-16 Zoning District except~~
16 ~~for golf courses and their related structures and cemeteries.~~

17 ~~4. All primary uses and structures allowed in the C-2 Zoning District except~~
18 ~~for hospitals, self-service dry cleaning and laundry, mortuary, funeral homes and crematoriums,~~
19 ~~used materials, sales, thrift or pawn shops, boarding houses, bowling alleys, billiard parlors,~~
20 ~~skating rinks and indoor recreational and amusement facilities, swimming pool sales, installation~~
21 ~~and service, upholstering and reupholstering, and commercial parking lots.~~

22 ~~5. All conditional uses allowed in the C-2 Zoning District except for tattoo~~
23 ~~parlors and related uses, wholesale bakeries, automobile service station, marine repair, towing~~
24 ~~and wrecker service, flea markets and merchandising barns, electrical, gas, plumbing and HVAC~~

1 ~~sales/service, outdoor advertising signs, and shade structures.~~

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

6 ~~7. Research and development facilities.~~

7 ~~8. Corporate headquarters.~~

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

11 **Residential Area:**

- 12 o Family day care home.
- 13 o Mini and neighborhood parks.
- 14 o Multiple-family dwellings.
- 15 o Private clubs and lodges.
- 16 o Other uses approved by the city commission after review and recommendation by
17 the planning board, which are unquestionably similar to those uses permitted
18 herein.
- 19 o Community residential homes, single-family.
- 20 o Community residential homes, multifamily.
- 21 o Community and regional parks.
- 22 o Community gardens.
- 23 o Governmental and public building and land uses.
- 24 o Nursing (convalescent) homes, adult congregate-living facilities.
- 25 o Private parks.

27 **Commercial Area:**

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

- 31 o General/Professional Offices.
- 32 o Financial Institutions.
- 33 o Medical office.
- 34 o Drugstores and pharmacies.
- 35 o 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.
- 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 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.
- 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.
- 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.

5. The overall architectural ~~styles are the preferred styles: Classical Revival, Mediterranean Revival, Colonial Revival, Craftsman Bungalow and Commercial Style, Chicago School 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 ~~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 in the night sky,~~ comply with International Dark Sky standards, except 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, 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. All development shall meet or exceed the signage and landscaping requirements for the Emerging Gateway District as described in the Land Development Regulations, Ordinance #2013-11, as amended.

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. Nothing herein shall be deemed to relieve any development within the Gateway East 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.

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 practicable and feasible, and implemented in accordance with engineering and site design standards.

Residential:

1. Minimum lot area: 7,500 sq. ft.

1,8886 (townhome unit)

2. Minimum lot width: 75 ft.
20 ft. (townhome unit)

3. Minimum building setbacks:

a. Front yard: 30 ft. from project perimeter

b. Rear yard: 40 ft. from project perimeter 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. from project perimeter adjacent
to all other districts

c. Side yard: 40 ft. from project perimeter 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 townhome unit 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. (overall)
35 ft. (townhome lots)
7. Maximum number of units: 178
8. Maximum impervious surface: 50% (overall)
85% (townhome lots)
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. from project perimeter when
abutting residentially zoned
property
10 ft. adjacent to all other

c. Side yard: 25 ft. when from project perimeter
abutting residentially zoned
property
20 ft. when abutting a street
10 ft. adjacent to all other

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, 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

1 property shall be determined during subdivision or site plan review, ~~as the case may be,~~
2 ~~consistent with the requirements of Section L of this Agreement.~~ All required environmental and
3 ecological studies shall be completed for the entirety of the Gateway PD property as described in
4 Exhibit "A", even if development is proposed for only a portion of the property, prior to
5 subdivision review or site plan approval, if no subdivision review is required.

6 2. Tree Protection Areas preserving a minimum of 15% of the overall site,
7 excluding any required right-of-way dedication areas, shall be maintained as shown on the
8 Planned Development Plan. ~~Gaps of sufficient width (not to be included in the Tree Protection~~
9 ~~calculations) may be provided through the Tree Protection Areas to allow for access between~~
10 ~~public rights of way and the various stormwater retention areas to service and maintain said~~
11 ~~areas. Clearance of underbrush within the Tree Protection Areas shall be permitted as necessary~~
12 ~~to protect the public health, safety and welfare.~~

13 3. ~~Tree Protection Areas and required open space, except roadway and~~
14 ~~residential buffers and the area(s) protecting historic trees, may be shifted between Gateway East~~
15 ~~PD and Summit Place PD to provide greater protection for the historic bald cypress stand and~~
16 ~~associated wetlands surrounding Tatum Lake in Summit Place PD than would otherwise be~~
17 ~~required by the City of DeLand Land Development Regulation Ordinance # 2013-11, as~~
18 ~~amended. In the event of such shifting, environmental and ecological studies referenced in~~
19 ~~Section F.1. of this Agreement shall be conducted for the entirety of both PD's.~~

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

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

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

1 minimizes impacts to wetlands and other environmentally sensitive areas.

2
3 G. Sewage Disposal and Potable Water. Provision for sewage disposal and potable
4 water needs of the Gateway East PD will be provided in accordance with the Comprehensive
5 Plan, Ordinance #1990-04, as amended, the Land Development Regulations Ordinance #2009-
6 09, as amended, and State of Florida Administrative Code 64E-6.

7
8 H. Stormwater Drainage. Provision for stormwater retention shall be designed in
9 accordance with all required governmental regulations and the Land Development Regulations
10 Ordinance #2013-11, as amended.

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

16 1. Access. Specific points of ingress and egress to the site are generally
17 described on Exhibit "B" the Planned Development Plan.

18 2. Transportation System Improvements. ~~Beresford Avenue is to be extended~~
19 ~~from Blue Lake Avenue to SR 44 to reduce the amount of traffic on SR 44.~~

20 ~~Until construction of the Beresford Avenue extension has commenced, total~~
21 ~~combined traffic impacts from the Gateway East and Summit Place PD's shall not exceed 25,537~~
22 ~~two-way daily external trips on a weekday basis. This requirement shall be revisited and~~
23 ~~potentially updated with the submission of the required Traffic Impact Analysis for the entire~~
24 ~~Lake Winnemissett Gateway Corridor as specified in Policy fl4.6.2.w. of the City of DeLand~~

~~Future Land Use Comprehensive Plan.~~

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.

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 methodology of the monitoring/modeling study, the City of DeLand shall be 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~~

1 ~~development. Trip generation and internal capture rates shall be calculated in accordance with~~
2 ~~the R2C TIA Guidelines. The City shall monitor the trips generated by development projects~~
3 ~~within the Lake Winnemissett Gateway Corridor and shall require the completion of the updated~~
4 ~~TIA when the cumulative existing, vested, reserved and projected trips exceed the limit of 1,000~~
5 ~~two-way, daily, external, weekday trips. The calculation of existing, vested, reserved and~~
6 ~~projected trips shall also include lands within the Lake Winnemissett Gateway Corridor that are~~
7 ~~not subject to the Gateway East and Summit Place PDs.~~

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

18
19 K. Building or Property Owners Association. The Applicant shall create a building or
20 property owner's association for the residential portion of the development. The charter and by-
21 laws of said association and any other agreements, covenants, easements or restrictions shall be
22 furnished to the City of DeLand at the time of creation. The Applicant shall be responsible for
23 recording said information in the Public Records of Volusia County, Florida. Also, the
24 Applicant shall bear and pay all costs for recording all of the aforementioned documents.

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

7 ~~L. Comprehensive Compliance with Design Requirements. This Planned~~
8 ~~Development Plan does not include a detailed map depicting the overall layout of the property,~~
9 ~~location of uses, access points, etc. Prior to the issuance of any final development orders for the~~
10 ~~property, and regardless of whether the first development application for the property is a~~
11 ~~preliminary plat or site plan, the City shall be entitled to require that such plat or site plan, as the~~
12 ~~case may be, will provide a layout for the entire PD showing general use locations, access points,~~
13 ~~and a general drainage design for the entire site, even though such information may not~~
14 ~~otherwise be required by City Code. In the event that development is only proposed for a portion~~
15 ~~of the PD property lying solely on the north side or south side of S.R. 44, then the aforesaid~~
16 ~~layout information may only be required for that portion of the property lying on the side of S.R.~~
17 ~~44 on which development is being proposed.~~

18 ~~ML. Reverter Provision: The development rights herein shall vest once any portion of~~
19 ~~this project has received a development order. The City Commission may rezone any portion of~~
20 ~~the project which has not met this Section within 10 years of approval of this Development~~
21 ~~Agreement. The City Commission may rezone any portion of the project which has not secured a~~
22 ~~final site plan or final plat approval on or before 10 years from the effective date of this~~
23 ~~ordinance as may be necessary or appropriate to protect adjoining properties or the public health,~~
24 ~~safety and welfare, unless the City Commission, for good cause shown, shall extend the time~~

1 ~~period indicated in this paragraph.~~

2
3 M. Binding Effect of Plans; Recording; and Effective Date. The Planned
4 Development Plan, including any and all amendments shall bind and inure to the benefit of the
5 Applicant and his successor in title or interest. The Gateway East PD zoning, provisions of the
6 "Development Agreement," and all approved plans shall run with the land and shall be
7 administered in a manner consistent with Article 12 of the City of DeLand Land Development
8 Regulations Ordinance #2013-11, as amended.

9 This Ordinance and all subsequent amendments shall be filed with the Clerk of the Court
10 and recorded within forty-five (45) days following execution of the document by the City
11 Commission, in the Official Records of Volusia County, Florida. One copy of the document,
12 bearing the book and page number of the Official Record in which the document was recorded,
13 shall be submitted to the Planning Department for placement in the public file. The date of
14 recording of this document shall constitute the effective date of the PD or its subsequent
15 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 _____, 2024.

ATTEST: City Commission of DeLand Florida

Michael Pleus
City Manager

Christopher M. Cloudman
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:_____

1 WITNESSES:

2 DEPROP, LLC

3
4
5 By: _____
6 Print Name _____, Manager

7
8
9
10 *Print Name* _____
11
12
13

14 The foregoing instrument was acknowledged before me by means of ☐ physical
15 presence or ☐ online notarization this _____ day of _____,
16 2024, by _____, as Manager of DEPROP, LLC, who is personally
17 known to me or who has produced _____ as
18 identification.
19
20
21

22 NOTARY PUBLIC, STATE OF _____
23 Type or Print Name:

24 _____
25 Commission #: _____

26 My Commission Expires: _____
27
28
29
30
31



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:

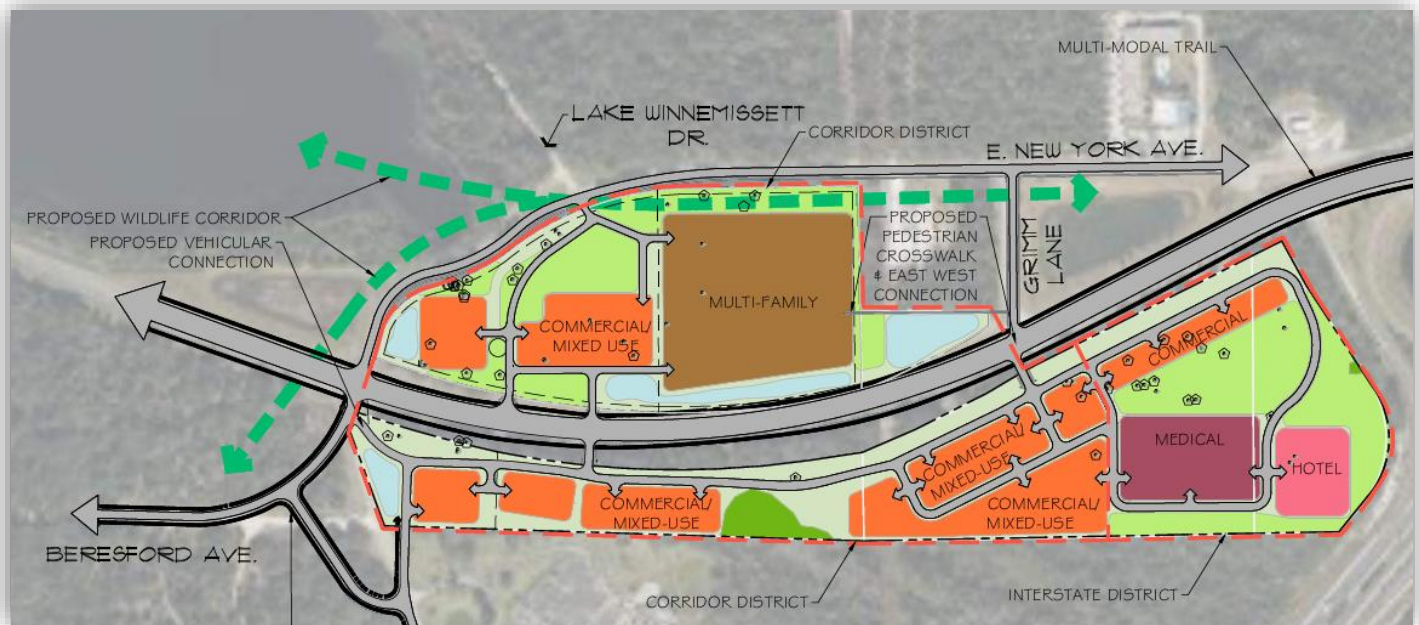
Location: North of Daytona State College, Along North & South of SR-44, between N. Summit (County Road 4139) and I-4
Parcel Size: ± 65.08 acres
Land Use: Gateway/Activity Center
Existing Zoning: PD (Planned Development)
Existing Use: Vacant

	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 Winnemissett, also located off-site but in close proximity. This PD amendment is proposing elements of low impact development (LID) design to accomodate 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:

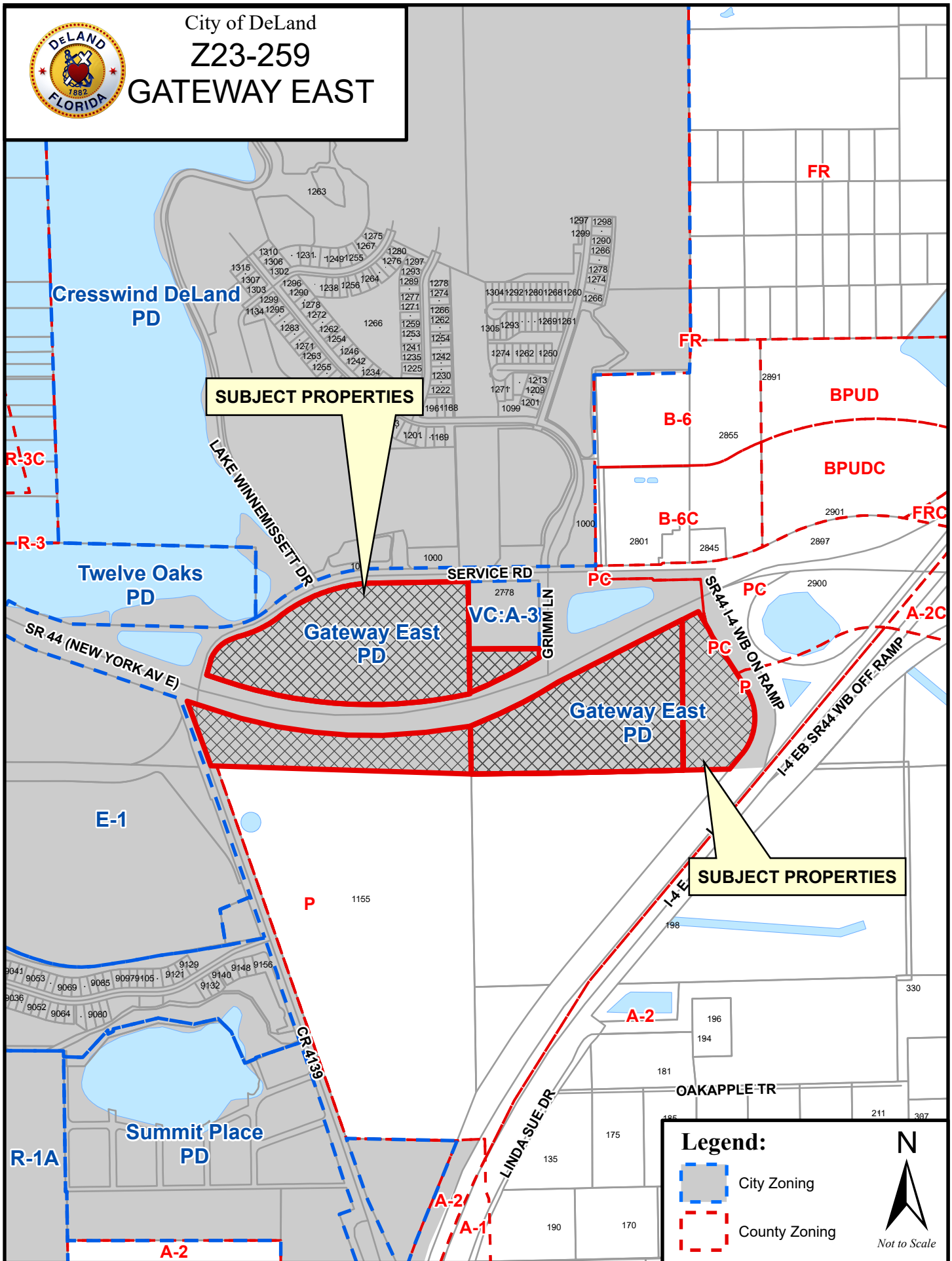
The Applicant is proposing a rezoning from City of DeLand’s Gateway East PD to City of DeLand’s Amended and Restated Gateway East PD in order to develop the subject property as a mixed -use development consisting of 178 multi-family units, 220-room hotel, 225,000SF commercial/mixed-use, and 150,000SF 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.

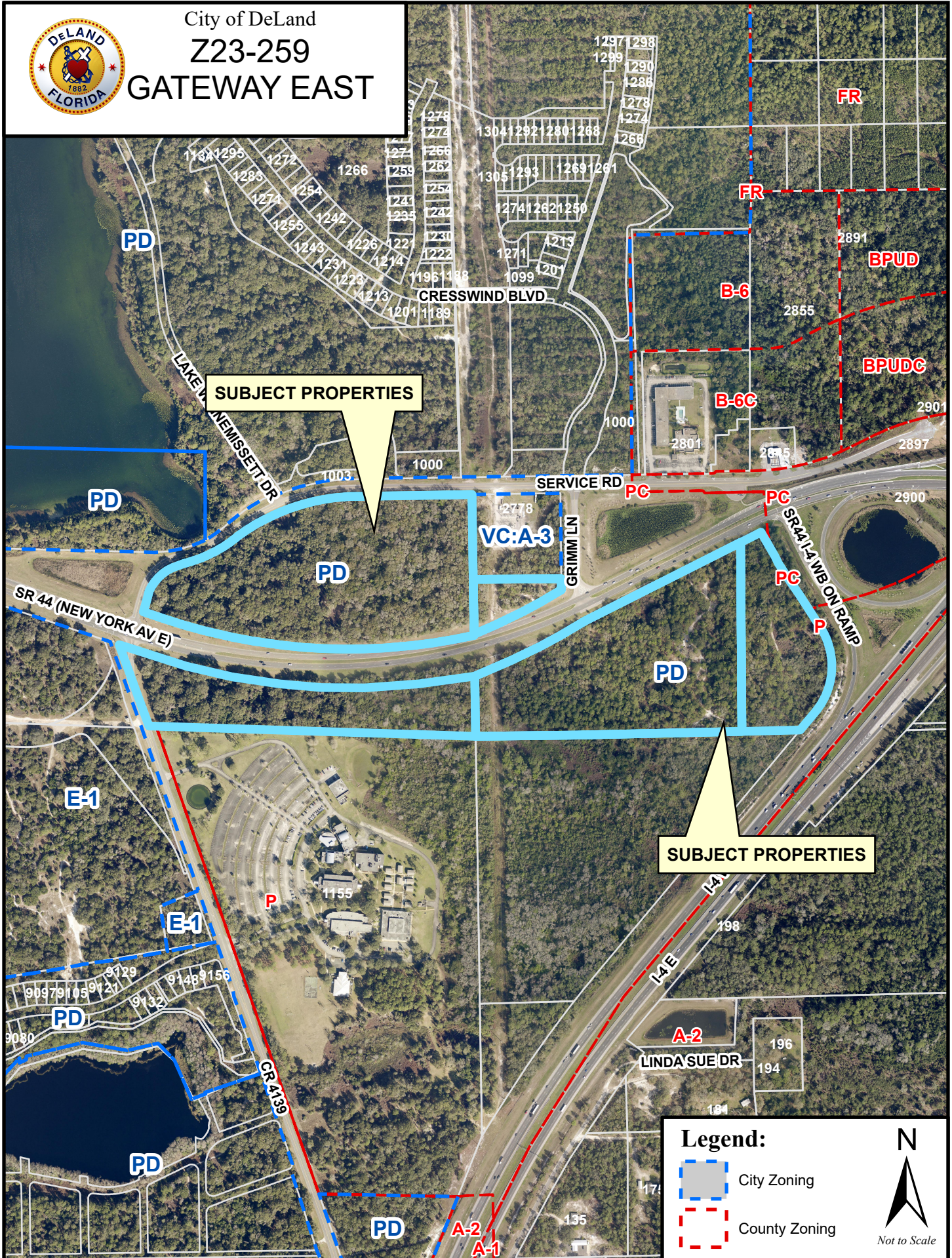


City of DeLand
Z23-259
GATEWAY EAST





City of DeLand
Z23-259
GATEWAY EAST



CITY OF DELAND
Request for Commission Action
April 15, 2024

SUBJECT: First Reading of Ordinance Amending Chapter 33, Related to Parking Standards for Passive Recreation Areas and Stand Alone Emergency Rooms.

DEPARTMENT: Planning

PREPARED BY: Carol Kuhn, Planning Director

ATTACHMENTS: Ordinance, Zoning Districts - Paving Exception - revised for CC, Parking Table 33-91 - revised for CC, Paving 33-91-06(d) - revised for CC, Planning Board Staff Report - LDR24-44 - Paving Parking & SSER

APPROVED BY: Michael Pleus, City Manager, April 10, 2024

SUMMARY/HIGHLIGHT:

The current Land Development Regulations (LDR) specify off-street parking and loading requirements for specific land uses. The parking matrix includes a variety of uses, but it 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. A stand-alone ER operates independently of a hospital and is not physically attached to one. It offers emergency care services, similar to a hospital-based ER, but in a separate location. Unlike urgent care centers, which handle minor injuries and illnesses, stand-alone ERs can address any condition that a hospital ER can. These uses typically have a different parking demand than hospitals or clinics. The City's 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 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 requires that ***1 space per each bed or exam room (whichever is greater) plus one space for 2 employees 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 parks. 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, with a provision for additional spaces to be required upon determination by the Planning Director if the passive recreational area is large or if there is a greater anticipated parking demand.

The Land Development Regulations also 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.

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)3**. 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.

Staff is also proposing to add definitions for **Freestanding emergency room** and **Passive recreational facility**.

At the March 13, 2024 Planning Board meeting, the Planning Board recommended approval of the proposed LDR updates, subject to minor revisions which are reflected in the Commission packet. The Planning Board recommended staff include a definition for a Freestanding Emergency Room and a definition for Passive Recreation Facility. The Planning Board also requested staff clarify the code reference for the exception in each of the zoning districts to reflect the entire list of exceptions, and requested that staff move the ADA parking requirement for passive recreation facilities from the matrix to the exception list for clarity.

ORDINANCE NO. 2024 -

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING VARIOUS SECTIONS WITHIN THE CODE OF ORDINANCES OF THE CITY OF DELAND/LAND DEVELOPMENT REGULATIONS RELATING TO PARKING REQUIREMENTS; BY AMENDING SECTION 33-12 “DEFINITIONS”; BY AMENDING SECTION 33-17.01 “R-R RURAL RESIDENTIAL”; BY AMENDING SECTION 33-17.02. R-R1— SUBURBAN SINGLE-FAMILY RESIDENTIAL DISTRICT; BY AMENDING SECTION 33-17.03 “R-1AA SINGLE-FAMILY DWELLING DISTRICT”; BY AMENDING SECTION 33-17.031 “R-1A SINGLE-FAMILY DWELLING DISTRICT”; BY AMENDING SECTION 33-17.04 “R-1B SINGLE-FAMILY DWELLING DISTRICT”; BY AMENDING SECTION 33-17.05. “R-1 SINGLE-FAMILY DWELLING DISTRICT”; BY AMENDING SECTION 33-17.07 “R-2 TWO-FAMILY DWELLING DISTRICT”; BY AMENDING SECTION 33-17.08 “R-8 MULTIPLE-FAMILY DWELLING DISTRICT”; BY AMENDING SECTION 33-17.09 “R-12—MULTIPLE-FAMILY DWELLING DISTRICT”; BY AMENDING SECTION 33-17.10 “R-16 MULTIPLE-FAMILY DWELLING DISTRICT”; BY AMENDING SECTION 33-17.11 “R-M RESIDENTIAL MOBILE HOME DISTRICT”; BY AMENDING SECTION 33-17.12 “E-1 EDUCATIONAL DISTRICT”; BY AMENDING SECTION 33-17.13 “P-1 PROFESSIONAL-RESIDENTIAL DISTRICT”; BY AMENDING SECTION 33-17.14 “BR BUSINESS RETAIL DISTRICT”; BY AMENDING SECTION 33-17.15 “C-1 LIMITED NEIGHBORHOOD COMMERCIAL DISTRICT”; BY AMENDING SECTION 33-17.16 “C-2 GENERAL COMMERCIAL DISTRICT”; BY AMENDING SECTION 33-17.17 “C-2A DOWNTOWN COMMERCIAL DISTRICT”; BY AMENDING SECTION 33-17.18 C-2AC “COMMERCIAL ACTIVITY CORE ZONING CATEGORY”; BY AMENDING SECTION 33-17.19 “C-3—RAIL SPUR COMMERCIAL DISTRICT”; BY AMENDING SECTION 33-17.20 “C-4 WHOLESALE COMMERCIAL DISTRICT”; BY AMENDING SECTION 33-17.21 “M-1—INDUSTRIAL DISTRICT”; BY AMENDING SECTION 33-91.03 “NUMBER AND TYPE OF PARKING SPACES REQUIRED”; AND BY AMENDING SECTION 33-91.06(D) “PAVING”; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, it is necessary to amend Chapter 33 “Land Development Regulations” of the Code of Ordinances of the City of DeLand, in order to update the regulations and provide additional opportunities for tattoo establishments within the City of DeLand; and

WHEREAS, staff has undertaken a comprehensive review of the City’s Land Development Regulations and it has been determined that the revisions set forth in this ordinance will be beneficial to the efficient administration of Chapter 33 of the Code of Ordinances of the City of DeLand.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending Section 33-12, “Definitions” by adding the new underlined language alphabetically, to be read in full as follows:

Sec. 33-12. - Definitions.

Freestanding emergency room - shall mean an emergency department operated by a licensed hospital but which is located on property and in a building separate and away from a hospital campus and which is open for emergency care 24 hours a day, 7 days a week, and 365 days a year. Freestanding emergency rooms are also referred to as freestanding emergency departments. Freestanding emergency rooms are not urgent care centers or walk-in clinics.

Passive recreational facility – shall mean a generally undeveloped space or environmentally sensitive area with minimal development. Emphasis is placed on preservation of wildlife and the environment. These areas may be passive parks with unorganized and noncompetitive recreational activities, such as picnicking, nature observation, and walking that require minimal facilities or development and, as such, have minimum impact on the area. May include low-impact amenities like picnic tables, photo stands, open play areas, restrooms, and benches.

Section 2. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending the chart for Section 33-17.01 “R-R Rural Residential”, subsection (a) to be inserted into the existing chart under “Minimum Requirements for Driveways and Parking, by adding the new underlined language, to be read in full as follows:

Section 33-17.01 R-R Rural Residential.

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, <u>except as listed in 33-91.06(d)3g.</u> Areas paved with impervious material must be included in the site's impervious surface calculation.

Section 3. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending the chart for Section 33-17.02 “R-R1 – Suburban Single-Family Residential District” subsection (a) to be inserted into the existing chart under “Minimum Requirements for Driveways and Parking, by adding the new underlined language, to be read in full as follows:

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

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.

Section 4. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending the chart for Section 33-17.03 “R-1AA- Single Family Dwelling District.”, subsection (a) to be inserted into the existing chart under “Minimum Requirements for Driveways and Parking, by adding the new underlined language, to be read in full as follows:

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

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, <u>except as listed in 33-91.06(d)3g. Areas paved with impervious material must be included in the site's impervious surface calculation.</u>

Section 5. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending the chart for Section 33-17.0131 “R-1A- Single-Family Dwelling District.”, subsection (a) to be inserted into the existing chart under “Minimum Requirements for Driveways and Parking, by adding the new underlined language, to be read in full as follows:

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

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, <u>except as listed in 33- 91.06(d)3g. Paved areas must be included in the site's impervious surface calculation.</u>

Section 6. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending the chart for Section 33-17.04 “R-1B Single-Family Dwelling District”, subsection (a) to be inserted into the existing chart under “Minimum Requirements for Driveways and Parking, by adding the new underlined language, to be read in full as follows:

33-17.04. R-1B—Single-Family Dwelling District.

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, <u>except as listed in 33-91.06(d)3g. Areas paved with impervious material must be included in the site's impervious surface calculation.</u>

Section 7. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending the chart for Section 33-17.05 “R-1 Single-Family Dwelling District”, subsection (a) to be inserted into the existing chart under “Minimum Requirements for Driveways and Parking, by adding the new underlined language, to be read in full as follows:

33-17.05. R-1—Single-Family Dwelling District.

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, <u>except as listed in 33-91.06(d)3g.</u> Areas paved with impervious material must be included in the site's impervious surface calculation.

Section 8. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending the chart for Section 33-17.07 “R-2 Two-Family Dwelling District”, subsection (a) to be inserted into the existing chart under “Minimum Requirements for Driveways and Parking, by adding the new underlined language, to be read in full as follows:

33-17.07. R-2—Two-Family Dwelling District

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, <u>except as listed in 33- 91.06(d)3g.</u> Paved areas must be included in the site's impervious surface calculation.

Section 9. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending the chart for Section 33-17.08 “Multiple Family Dwelling District”, subsection (a) to be inserted into the existing chart under “Minimum Requirements for Driveways and Parking, by adding the new underlined language, to be read in full as follows:

33-17.08. R-8—Multiple-Family Dwelling District.

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, <u>except as listed in 33- 91.06(d)3g.</u> Paved areas must be included in the site's impervious surface calculation.

Section 10. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending the chart for Section 33-17.09 “Multiple Family Dwelling District”, subsection (a) to be inserted into the existing chart under “Minimum Requirements for Driveways and Parking, by adding the new underlined language, to be read in full as follows:

33-17.09. R-12—Multiple-Family Dwelling District.

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, <u>except as listed in 33- 91.06(d)3g.</u> Paved areas must be included in the site's impervious surface calculation.

Section 11. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending the chart for Section 33-17.10 “Multiple Family Dwelling District”, subsection (a) to be inserted into the existing chart under “Minimum Requirements for Driveways and Parking, by adding the new underlined language, to be read in full as follows:

33-17.10. R-16—Multiple-Family Dwelling District.

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, <u>except as listed in 33- 91.06(d)3g.</u> Paved areas must be included in the site's impervious surface calculation.

Section 12. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending the chart for Section 33-17.11 “R-M Residential Mobile Home District”, subsection (a) to be inserted into the existing chart under “Minimum Requirements for Driveways and Parking, by adding the new underlined language, to be read in full as follows:

33-17.11. R-M—Residential Mobile Home District.

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, <u>except as listed in 33-91.06(d)3g.</u> Paved areas must be included in the site's impervious surface calculation.

Section 13. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending the chart for Section 33-17.12 “E-1 Educational District”, subsection (a) to be inserted into the existing chart under “Minimum Requirements for Driveways and Parking, by adding the new underlined language, to be read in full as follows:

33-17.12. E-1—Educational District.

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, <u>except as listed in 33- 91.06(d)3g</u> . Paved areas must be included in the site's impervious surface calculation

Section 14. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending the chart for Section 33-17.13 P-1 Professional Residential District”, subsection (a) to be inserted into the existing chart under “Minimum Requirements for Driveways and Parking, by adding the new underlined language, to be read in full as follows:

33-17.13. P-1—Professional-Residential District.

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, <u>except as listed in 33- 91.06(d)3g</u> . Paved areas must be included in the site's impervious surface calculation.

Section 15. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending the chart for Section 33-17.14 BR-Business Retail District”, subsection (a) to be inserted into the existing chart under “Minimum Requirements for Driveways and Parking, by adding the new underlined language, to be read in full as follows:

33-17.14. BR—Business Retail District.

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, <u>except as listed in 33- 91.06(d)3g</u> . Paved areas must be included in the site's impervious surface calculation.

Section 16. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending the chart for Section 33-17.15 C-1 Limited Neighborhood Commercial District”, subsection (a) to be inserted into the existing chart under “Minimum Requirements for Driveways and Parking, by adding the new underlined language, to be read in full as follows:

33-17.15. C-1—Limited Neighborhood Commercial District.

MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING
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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, <u>except as listed in 33- 91.06(d)3g</u> . Paved areas must be included in the site's impervious surface calculation.

Section 17. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending the chart for Section 33-17.16 C-2 General Commercial District”, subsection (a) to be inserted into the existing chart under “Minimum Requirements for Driveways and Parking, by adding the new underlined language, to be read in full as follows:

33-17.16. C-2—General Commercial District.

MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING
The minimum separation required between vehicle use areas and the property line is 10 feet. io 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, <u>except as listed in 33- 91.06(d)3g</u> .

Section 18. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending the chart for Section 33-17.17 C-2A Downtown Commercial District”, subsection (a) to be inserted into the existing chart under “Minimum Requirements for Driveways and Parking, by adding the new underlined language, to be read in full as follows:

33-17.17. C-2A—Downtown Commercial District.

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, <u>except as listed in 33- 91.06(d)3g</u> . Paved areas must be included in the site's impervious surface calculation.

Section 19. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending the chart for Section 33-17.18 Commercial Activity Core zoning category”, subsection (a) to be inserted into the existing chart under “Minimum Requirements for Driveways and Parking, by adding the new underlined language, to be read in full as follows:

33-17.18. C-2AC—Commercial Activity Core zoning category.

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, <u>except as listed in 33- 91.06(d)3g.</u> Paved areas must be included in the site's impervious surface calculation.

Section 20. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending the chart for Section 33-17.19 “Rail Spur Commercial District”, subsection (a) to be inserted into the existing chart under “Minimum Requirements for Driveways and Parking, by adding the new underlined language, to be read in full as follows:

33-17.19. C-3—Rail Spur Commercial District.

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, <u>except as listed in 33- 91.06(d)3g.</u> 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.

Section 21. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending the chart for Section 33-17.20 “C-4 Wholesale Commercial District”, subsection (a) to be inserted into the existing chart under “Minimum Requirements for Driveways and Parking, by adding the new underlined language, to be read in full as follows:

33-17.20. C-4—Wholesale Commercial District.

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, <u>except as listed in 33- 91.06(d)3g.</u> Paved areas must be included in the site's impervious surface calculation.

Section 22. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending the chart for Section 33-17.21 “M-1 Industrial District”, subsection (a) to be inserted into the existing chart under “Minimum Requirements for Driveways and Parking, by adding the new underlined language, to be read in full as follows:

33-17.21. M-1—Industrial District.

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, <u>except as listed in 33- 91.06(d)3g.</u> Paved areas must be included in the site's impervious surface calculation.

Section 23. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending the Matrix for Section 33-91.03(f) “Number and type of parking spaces required”, by adding the new underlined language into the existing Matrix to be read in full as follows:

33-91.03 Number and type of parking spaces required.

(f) 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 section 33-91- 01(c)3.	1 space/150 square feet of net floor area* *Computations per	
<u>Freestanding emergency room</u>	<u>1 space per 2 beds or exam rooms, whichever is greater, and one space per employee on maximum shift.</u>	
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	*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.
<u>Passive recreation, open space, and trailheads</u>	<u>A minimum of 3 parking spaces, or as determined by the Planning Director</u>	
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, movie, multiscreen	1 space/3 seats plus 5 spaces for employees	
Theaters, movie, single screen	1 space/2 seats plus 5 spaces for employees	

Section 24. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending the Section 33-91.06, subsection (d)“Paving ” (3), by adding the new underlined language to be read in full as follows:

33-91.06(d) Paving.

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.

Section 25. Conflicts. All Ordinances or parts of Ordinances and other actions of the City Commission in conflict with this Ordinance are hereby repealed.

Section 26. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 27. Codification; Directions to Code Codifier; Correction of Scrivener's Errors.

(a). The provisions of Sections 1 through 24 of this Ordinance shall become and be made a part of the Code of Ordinances of the City of DeLand and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or

similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 25 through 28 shall not be codified.

(b). The Code codifier shall instruct the Municipal Code Corporation to make all changes necessary in the Code of Ordinances of the City of DeLand to implement the provisions of this Ordinance and is granted liberal authority to codify the provisions of this Ordinance in such manner and in such places as deemed advisable.

(c). In accordance with the City's ongoing codification program; the City Clerk, in conjunction with the City Attorney, may make corrections to the provisions of this Ordinance relative to Scrivener's errors of whatever type or nature.

Section 28. Effective Date. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this ____ day _____, 2024.

Christopher M. Cloudman
Mayor-Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

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	

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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

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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, <u>except as listed in 33-91.06(d)3g</u> . 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	

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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

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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	

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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.	

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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

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	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	

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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

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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.

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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

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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

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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 square 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

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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	

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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
Landsaped 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

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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
	One story: 900 square feet
Minimum floor area under heat and air: Single-family	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	

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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	

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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

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	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)	

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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	

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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	

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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.	

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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).	

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, 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, movie, multiscreen	1 space/3 seats plus 5 spaces for employees	
Theaters, movie, 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 Trailheads.

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.

**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, movie, multiscreen	1 space/3 seats plus 5 spaces for employees	
Theaters, movie, 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.

CITY OF DELAND
Request for Commission Action
April 15, 2024

SUBJECT: Resolution Denying a Special Exception Request for a Daycare Facility Located at 337 Old Daytona Road.

DEPARTMENT: Planning

PREPARED BY: Carol Kuhn, Planning Director

ATTACHMENTS: Resolution, SE24-016 Staff Report - Great Beginning Learning Center, SE24-016 Concept Plan, SE24-016 Building Elevations, SE24-016 DeLand Airport Runway 5 Overflight Flight Pattern - Daycare, SE24-016 Aerial Map, SE24-016 Expanded Aerial, SE24-016 Zoning Map

APPROVED BY: Michael Pleus, City Manager, April 8, 2024

SUMMARY/HIGHLIGHT:

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 is requesting to demolish the existing structure and construct a larger, two-story building (6,569 square feet).

Within the M-1 (Industrial Zone District), daycare facilities are allowed only as a Special Exception subject to the following conditions (33-18.10.):

1. Day care facilities shall not be located within the approach and landing patterns of any airport;
2. Day car facilities shall have a minimum separation of 500 feet from fuel storage and supply plants; and
3. Day car facilities shall have at least a Class B landscape buffer from all adjacent land uses.

Staff finds the following:

1. The proposed daycare facility is located within the approach and landing patterns of the DeLand Municipal Airport;
2. The site plan for the proposed daycare facility does not have at least a Class B (minimum 15' wide) landscape buffer from all adjacent land uses;
3. It is unknown if the daycare is located within 500-feet of a fuel storage or supply plant.

Staff recommends that this request be denied, based upon a review and analysis of Section 33-18.10.

At their March 13, 2024, meeting, the Planning Board recommended approval, with a 4-3 vote, with the condition that the applicant confirms that the daycare facility is not located within a 500-feet of a fuel storage.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

As outlined in the City's Strategic Plan, under Preparing for Future/Sustainability, it explains that it is important to identify emerging issues that can impact the City.

Denial of the Special Exception still allows the daycare to continue operating, but restricts the applicant from expanding any non-conformities. Approval of the Special Exception will allow the daycare to expand the

occupancy and the height of the existing daycare, while being located within the approach/landing pattern of the DeLand Airport.

SUSTAINABILITY:

The PD supports continuance of existing uses until a time at which new development or redevelopment occurs. Whether the lot is previously developed or is developed from a vacant lot, the applicant must comply with the City's Land Development Regulations. The Patterson PD allows the daycare to continue operating as it currently does.

FISCAL IMPACT:

Denying the Special Exception for the daycare would not have a negative financial impact upon the existing business, as they would be able to continue operating the business they are currently running.

RECOMMENDATION:

It is recommended that the City Commission deny the request for the Special Exception to reconstruct and enlarge the day care facility.

BACKGROUND/DISCUSSION:

The daycare is located within an existing PD known as the Patterson PD. According to the PD agreement, existing, non-conforming structures may remain, but any development or change of use, whether of a 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.

Per 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).

RESOLUTION NO. 2024 –

**A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA,
DENYING A REQUEST FOR SPECIAL EXCEPTION FOR A DAYCARE
FACILITY LOCATED AT 337 OLD DAYTONA ROAD; AND PROVIDING FOR
AN EFFECTIVE DATE.**

WHEREAS, the applicant, Timothy Olmstead, of Superior Drafting & Engineering, Inc., has submitted a proper and complete application under Section 33-134 of the City of DeLand Code of Ordinances (hereinafter the “Code”) for a special exception to allow for a daycare center located at 337 Old Daytona Road; and

WHEREAS, there is an existing daycare center operating at the location and the applicant intends to demolish the existing structure and construct a larger two-story building on approximately +/- 0.56 acres of property; and

WHEREAS, the subject property is zoned PD (Patterson Park Planned Development) and daycare facilities are allowed only as a Special Exception subject to conditions; and

WHEREAS, on March 13, 2024, the Planning Board recommended approval of the Special Exception to allow for a daycare facility; and

WHEREAS, staff recommends that the request for Special Exception to allow for daycare facility be denied based upon a review and analysis of Section 33-18.10 of the Code of Ordinances for the City of DeLand; and

WHEREAS, the City Commission finds that the applicant did not meet the criteria for a special exception to allow for a daycare facility located at 337 Old Daytona Road.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. The City Commission finds that, in addition to the other reasons set forth in the staff report for this matter which is a part of the official record of this proceeding, the subject property is within the approach and landing pattern for the DeLand Municipal Airport (specifically Runway 5) and the required 15’ landscape buffer has not been provided.

Section 2. The City Commission hereby denies the request for a Special Exception to allow for a daycare facility located at 337 Old Daytona Road.

Section 3. This Resolution shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 15th day of April, 2024.

Christopher M. Cloudman
Mayor-Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

**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.*

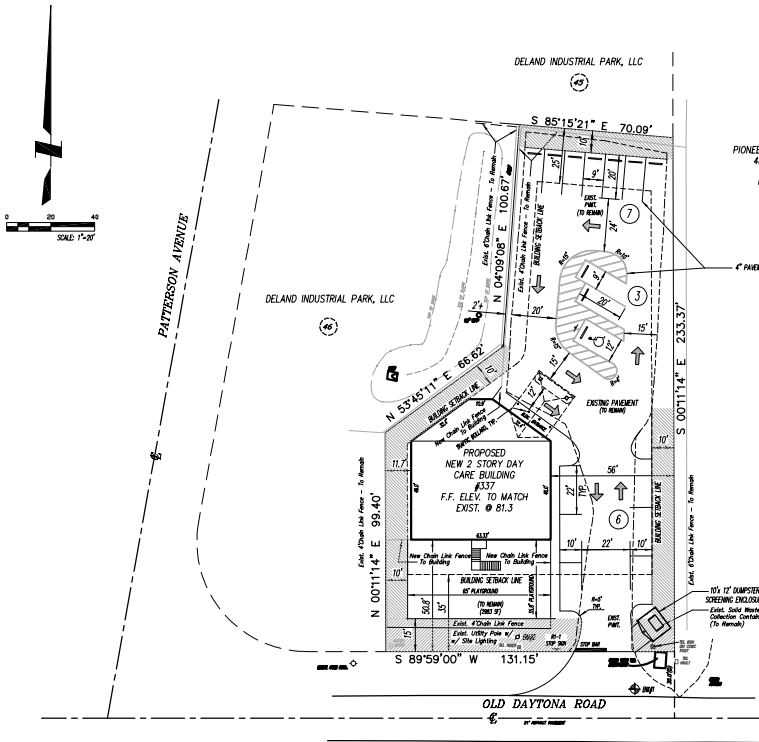
D. CONCLUSION:

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)



SITE PLAN

SCALE 1" = 20'

"GREAT BEGINNINGS" DAYCARE- SPECIAL EXCEPTION EXHIBIT

SITE DATA:

LOT 47 DELAND BUSINESS and INDUSTRIAL PARK

ZONING, M-1
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)

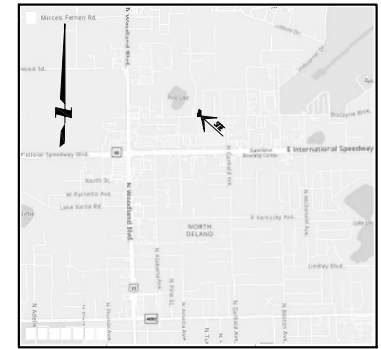
PLAYGROUND: REQUIRED- 45 SF per (1) STUDENT BODY - 2250 SF
PROVIDED 2327 SF

LEGEND:

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

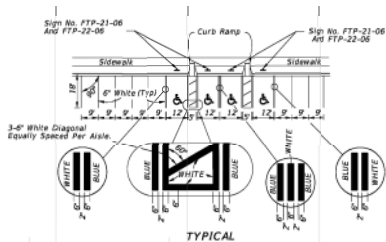
BENCHMARK LEGEND:

BMP1 - SET NAC 182791 IN PAVEMENT, ELEV= 81.35
BMP2 - SET NAC 182791 IN MUP, ELEV= 82.19



LOCATION MAP

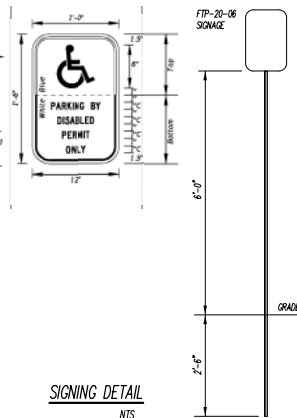
CLASSROOM MATRIX									
SPACE for CHILDREN			STORAGE		RESTROOM		TOTAL sf		
AGE GROUP	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED	
TWOs	(11x 35sf) = 385 sf	778 sf	8 sf	17 sf	40 sf	43 sf + 57 sf	433 sf	895 sf	
THREEs	(15x 35sf) = 525 sf	1056 sf	8 sf	49 sf	40 sf	42 sf + 49 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	



PARKING STRIPING DETAIL

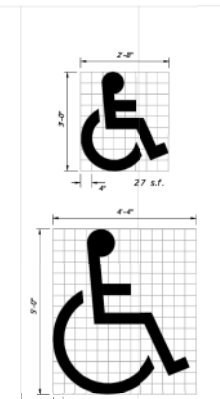
NTS

- NOTES:
- Dimensions are to the centerline of markings.
 - As Access Aisle is required for each accessible space when single parking is used.
 - Criteria for pavement markings only, not public sidewalk curb ramp locations. For ramp locations refer to plans.
 - First blue pavement markings to match color 15280 of Federal Standard 595a.
 - Repeat FTP-22-06 sign below the FTP-21-06 sign.



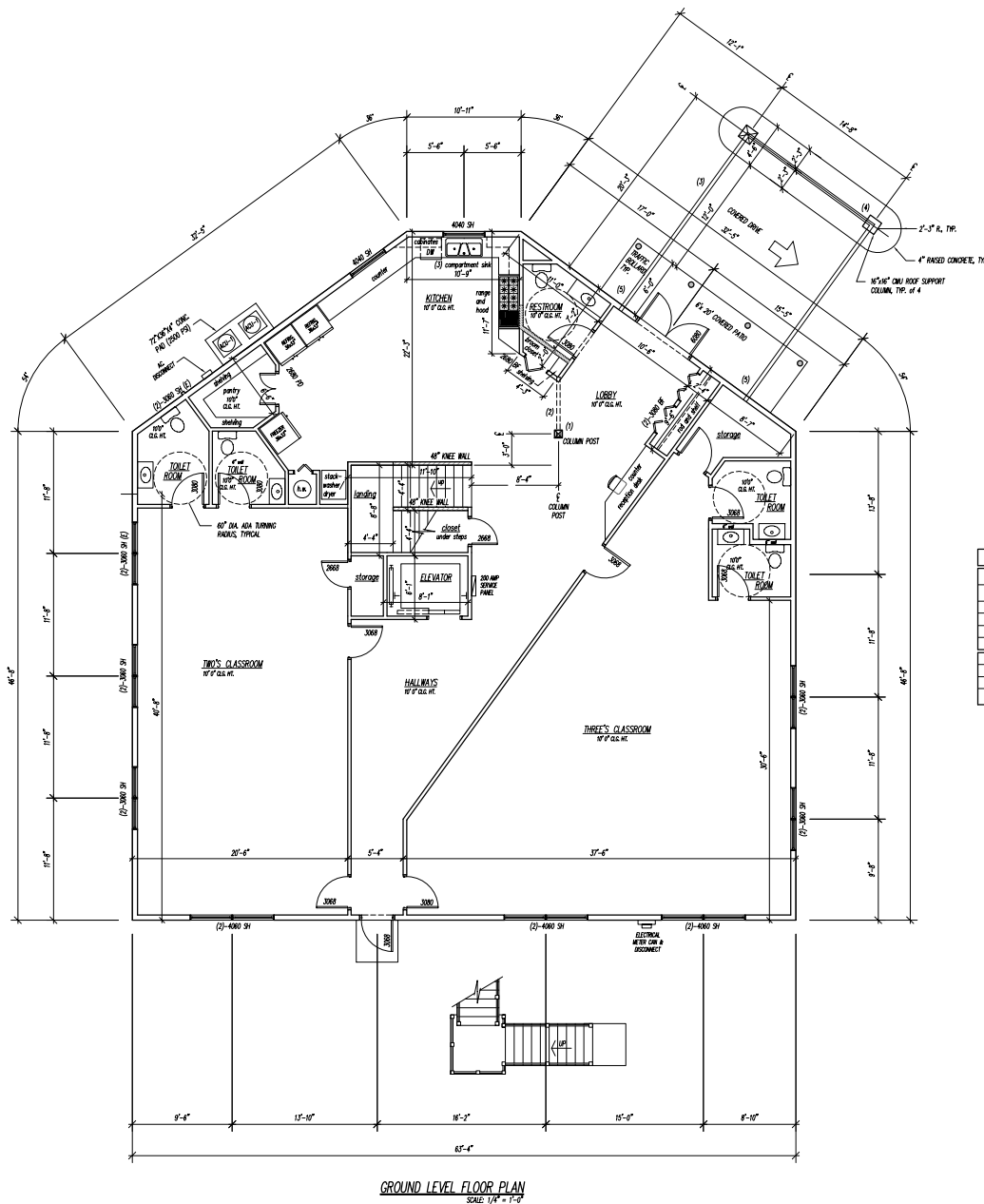
SIGNING DETAIL

NTS



HANDICAP STALL PVMT MARKING

NTS



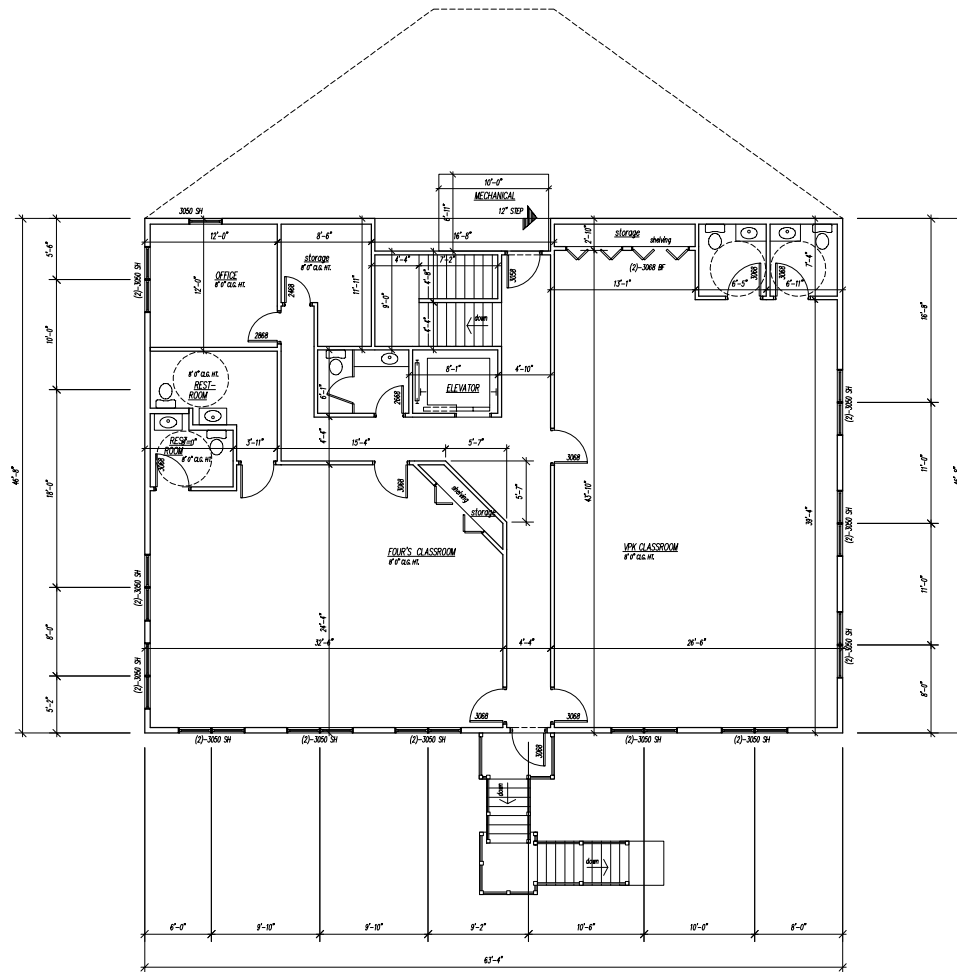
GROUND LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"

CLASSROOM MATRIX									
SPACE FOR CHILDREN				STORAGE		RESTROOM		TOTAL sf	
AGE GROUP	REQUIRED	PROVIDED		REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED
TWOs	(11a 35sf) = 305 sf	770 sf		8 sf	17 sf	40 sf	43 sf + 57 sf	433 sf	895 sf
THREEs	(15a 35sf) = 525 sf	1096 sf		8 sf	49 sf	40 sf	42 sf + 49 sf	573 sf	1196 sf
FOURs	(20a 35sf) = 700 sf	711 sf		8 sf	15 sf	40 sf	44 sf + 84 sf	748 sf	854 sf
WK	(20a 35sf) = 700 sf	1054 sf		8 sf	25 sf	40 sf	40 sf + 40 sf	748 sf	1159 sf
TOTAL	(66a 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 2003 (RESIDENTIAL) AND ARE DESIGNED TO WITHSTAND 140 MPH WIND VELOCITY AND RESIST 2 IN. WELDED IRON PIPES. WIND PRESSURES CITED IN THE BUILDING DESIGN CRITERIA TABLE (IN THIS PLAN) ACTING IN ANY DIRECTION AND TO ACT NORMAL TO THE SURFACES CONSIDERED.



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

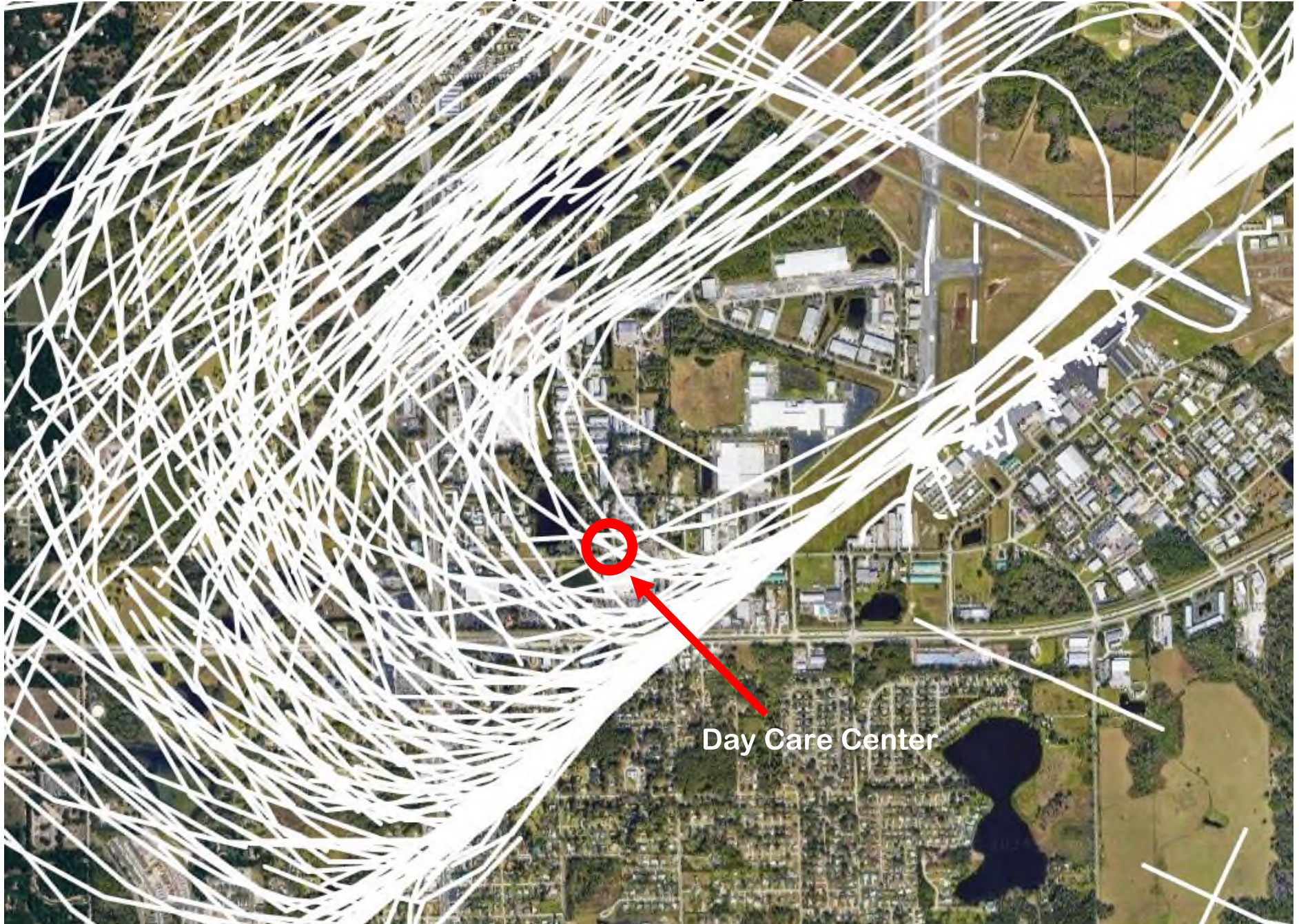
"GREAT BEGINNINGS" DAYCARE - SPECIAL EXCEPTION EXHIBIT

SPACE for CHILDREN			STORAGE		RESTROOM		TOTAL sf	
	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	1050 sf	8 sf	49 sf	40 sf	42 sf + 49 sf	573 sf	1196 sf
FOURS	(20x 35sf) = 700 sf	771 sf	8 sf	15 sf	40 sf	44 sf + 84 sf	748 sf	854 sf
WPK	(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

GROUND LEVEL	3662
SECOND LEVEL	2907
TOTAL AREA:	6569

* THESE PLANS ARE DESIGNED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE 2017 RESIDENTIAL AND ARE DESIGNED TO WITHSTAND 140 MPH WIND VELOCITY AND MEET THE MEAS. PRESS. WIND PRESSURES LISTED IN THE BUILDING DESIGN CRITERIA TABLE (IN THIS PLAN) ACTING IN ANY DIRECTION AND TO ACT NORMAL TO THE SURFACES CONCERNED.

DeLand Airport Runway 5 Flight Pattern





City of DeLand
SE24-016
GREAT BEGINNINGS
LEARNING CENTER



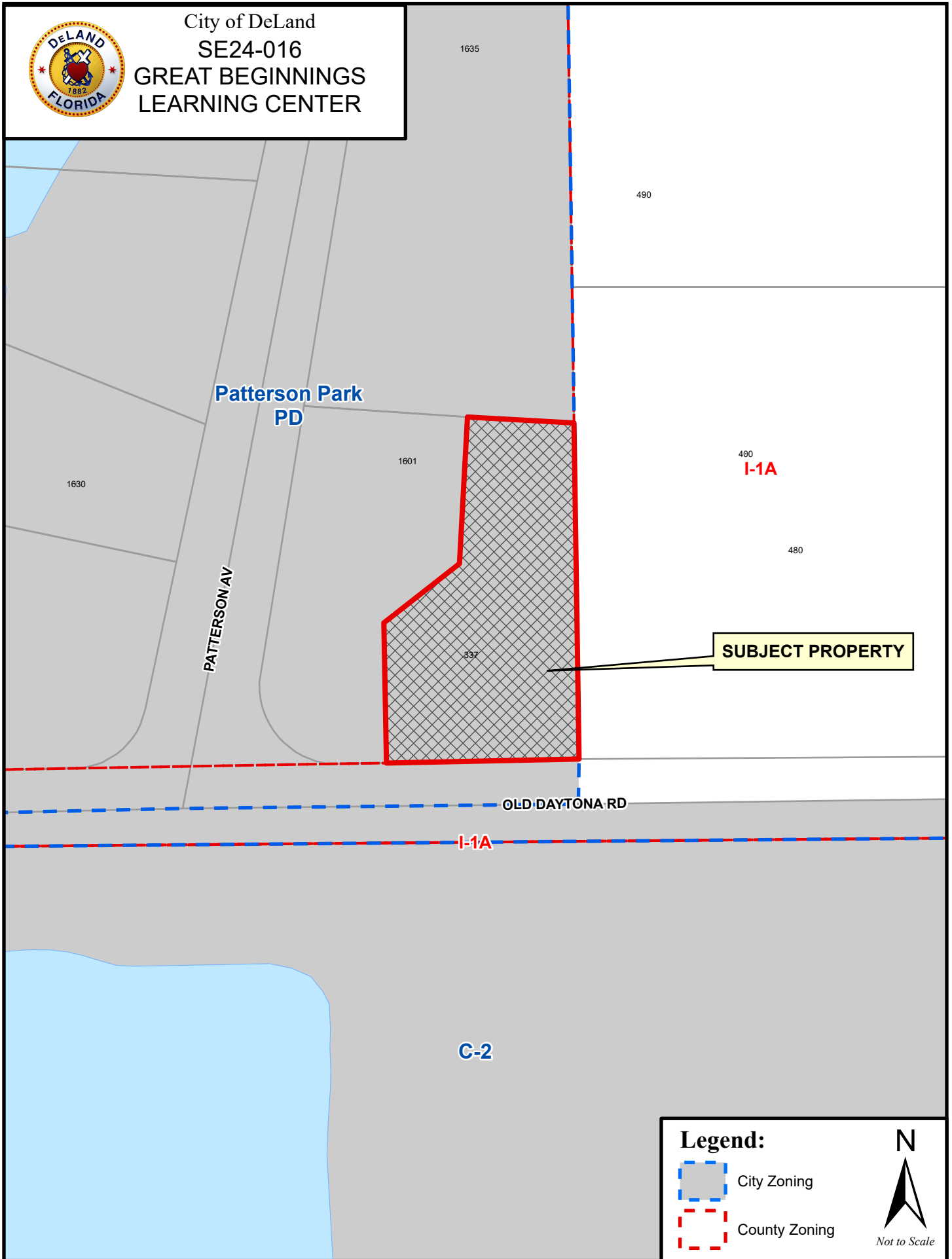


City of DeLand
SE24-016
GREAT BEGINNINGS
LEARNING CENTER





City of DeLand
SE24-016
GREAT BEGINNINGS
LEARNING CENTER



Legend:

-  City Zoning
-  County Zoning



CITY OF DELAND
Request for Commission Action
April 15, 2024

SUBJECT: Discussion re 2050 Vision Update.

DEPARTMENT: Planning

PREPARED BY: Carol Kuhn, Planning Director

ATTACHMENTS: DeLand, FL_ Engagement Results - Distinctly DeLand 2024

APPROVED BY: Michael Pleus, City Manager, April 8, 2024

SUMMARY/HIGHLIGHT:

The Planning Division is in the process of updating the 2050 Vision Plan. This update will incorporate priorities from the newly adopted City Commission Strategic Plan, revise the land use, transportation, and resource and conservation maps, and include information obtained during the community outreach and citizen survey.

The outreach efforts included three separate engagement activities - one with the DeLand High School, School of Government, one with Stetson University students, and one with community members at a community open house. The engagement activity included building out potential north, south, east, and west nodes using urban design principles and form-based code practices. Planning staff also attended the City's Shamrocks and Shenanigans event on March 15, 2024 to encourage citizen participation in the Distinctly DeLand community survey. This 10 question survey focused on housing choices, historic preservation, shopping and community activities, proposed revisions to the Land Use Map, traffic and transportation, and the addition of 4 nodes to align with the City Commission's direction to adopt a nodal strategy. Staff will include a summary of the 310 survey responses in the 2050 Vision update.

Other proposed revisions include adding policies and goals to encourage a grid pattern in new developments; require multi-modal transportation, trail connections, and complete streets; encourage a variety of housing types, require low impact development standards, develop passive recreation areas, develop infill and redevelopment standards, and encourage adaptive reuse of existing building stock.

The purpose of the workshop is to review the findings from the survey, share feedback from the community engagement activities, and gather feedback from the Planning Board and City Commission prior to presenting the draft revisions at future public hearings. This update to the 2050 Vision Plan will help guide the concurrent update to the City's Comprehensive Plan.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

The purpose of the 2050 Vision Update is to incorporate many of the newly-adopted policies and guidelines from the Strategic Plan.

SUSTAINABILITY:

The 2050 Vision Plan update will include numerous sustainability and smart growth principles.

FISCAL IMPACT:

None. This update is being conducted in-house with existing staff.

RECOMMENDATION:

No formal action is required. Discussion only.

BACKGROUND/DISCUSSION:

A limited update to the 2050 Vision Plan was completed in early 2023, This update included findings from the 2019 public engagement. Updates to the maps and sustainable planning principles were not included.



Engagement Results. Created: April 1, 2024

Distinctly DeLand 2050 Vision Survey

March 8, 2024 to March 31, 2024
310 Participants *

Part of [Distinctly DeLand - 2050 Vision Update](#)

About you

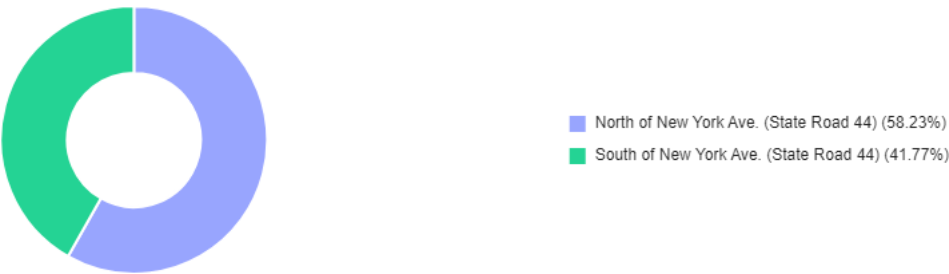
Do you live in the City of DeLand?



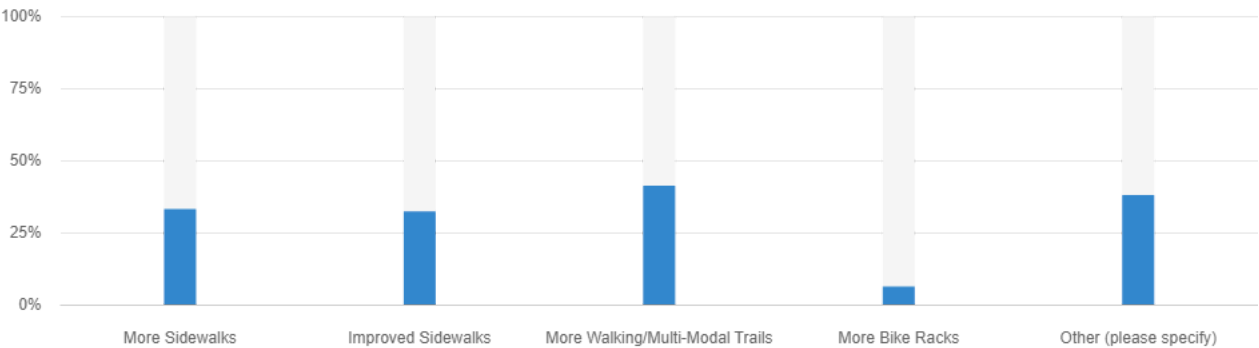
How often do you walk/bike to businesses/services in the City?



Where do you live in the City of DeLand?

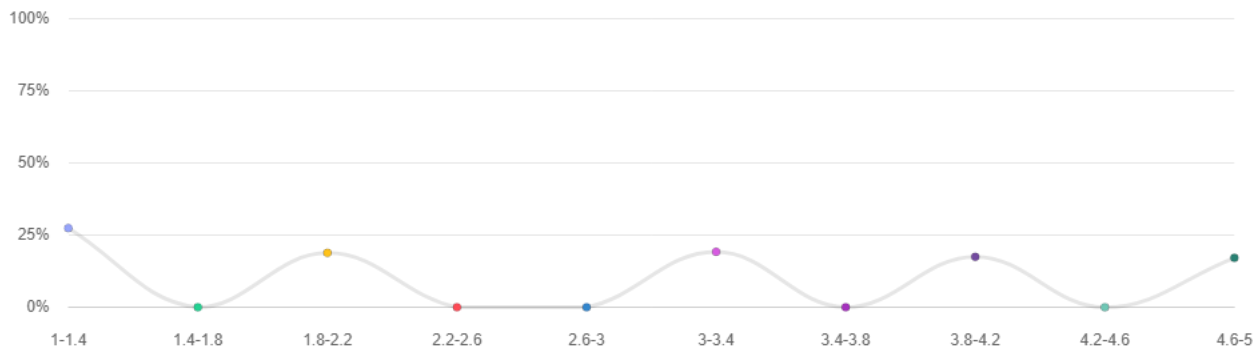


What would make you more likely to walk/bike to businesses or services in the City?

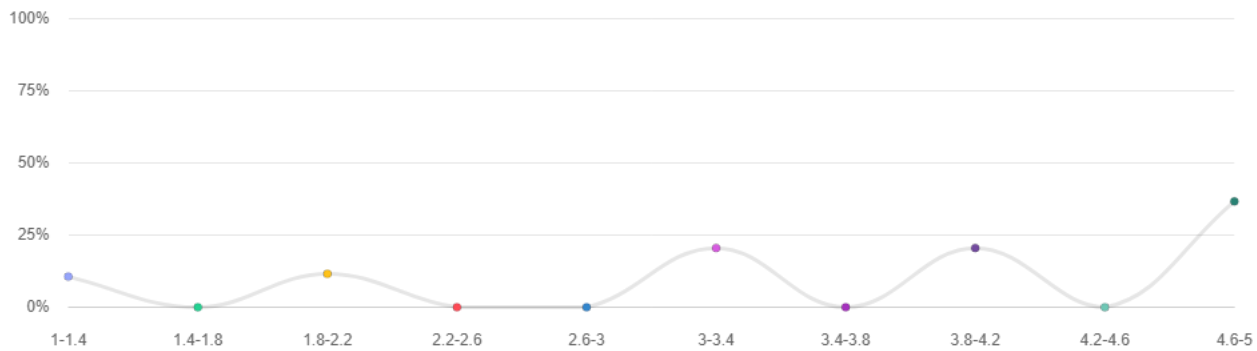


On a scale of 1-5, how would you rank the following on their importance to you. Where 1 is LEAST important and 5 is VERY important.

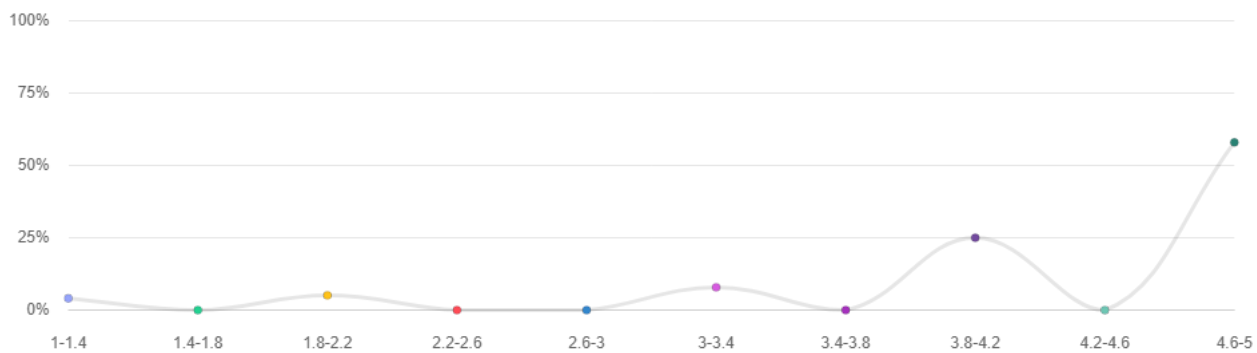
Bike Lanes



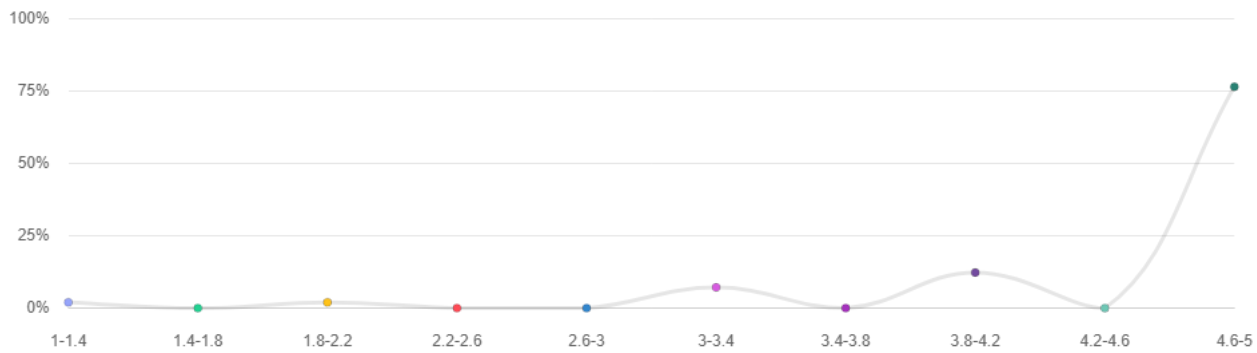
Employment Opportunities



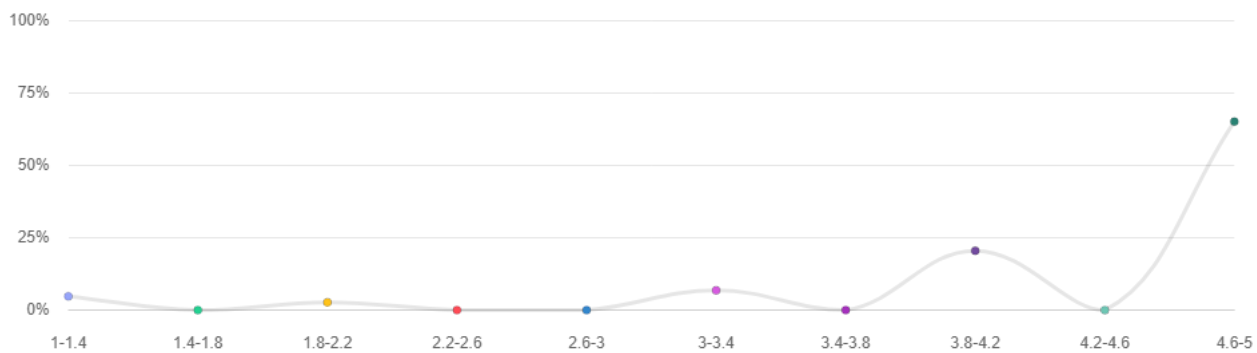
Historic Preservation



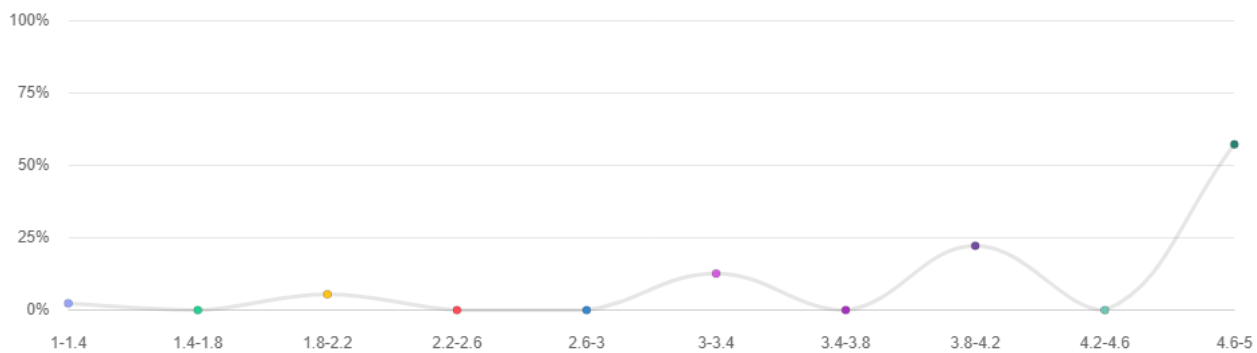
Open Space/Tree Preservation/Environmental Protection



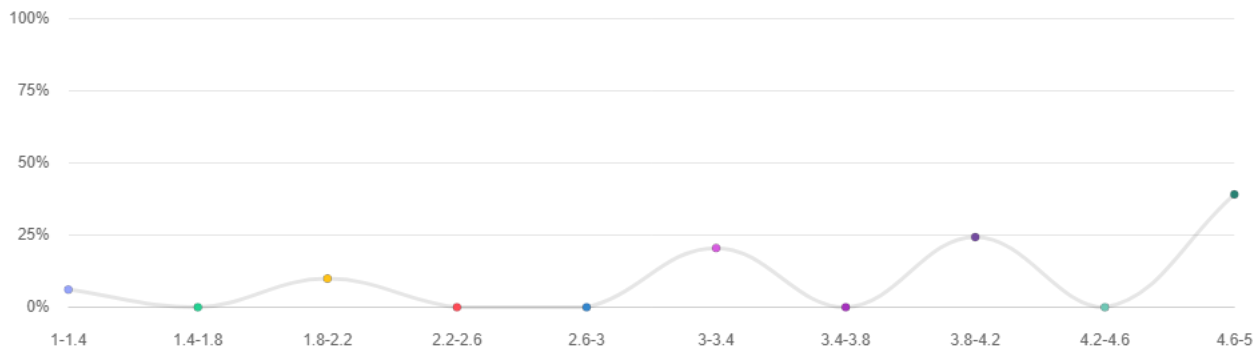
Public Services (e.g., schools, streets, police, fire)



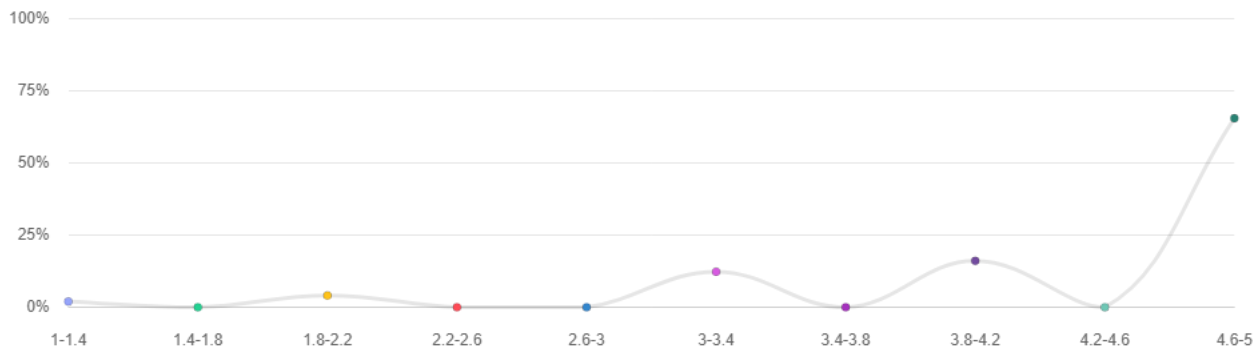
Recreation and Parks



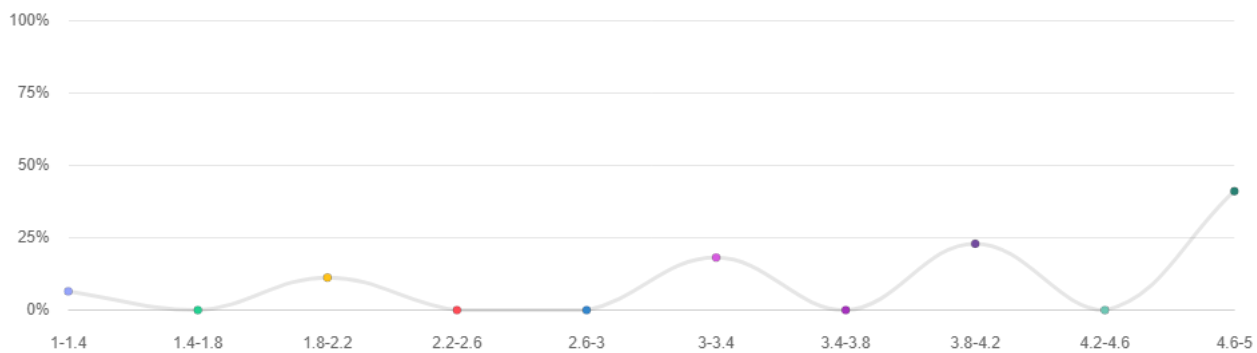
Sidewalks



Traffic

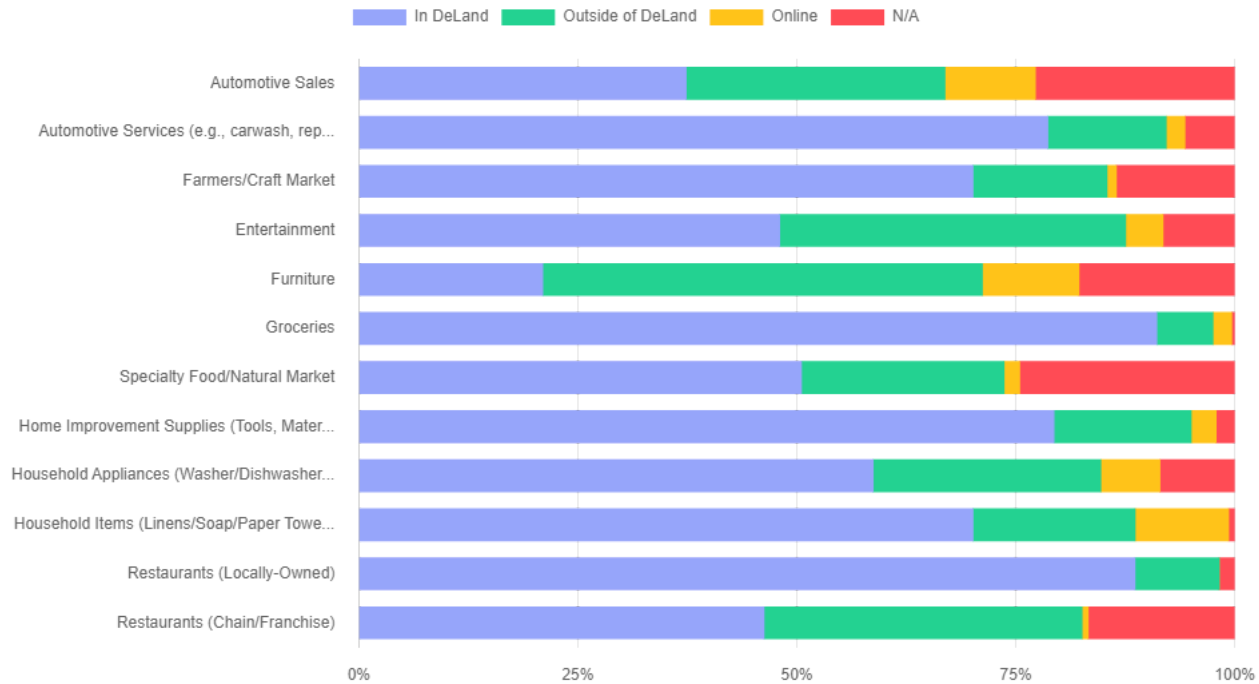


Trails (e.g., walking and multi-modal)



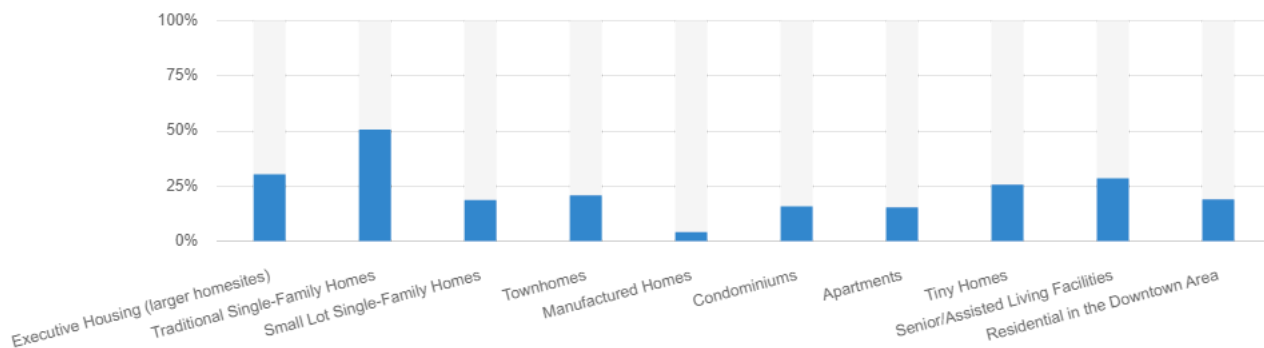
Please answer the following questions regarding shopping.

For each category indicate where you primarily shop (in DeLand, Outside of DeLand, Online, or Not Applicable (N/A))

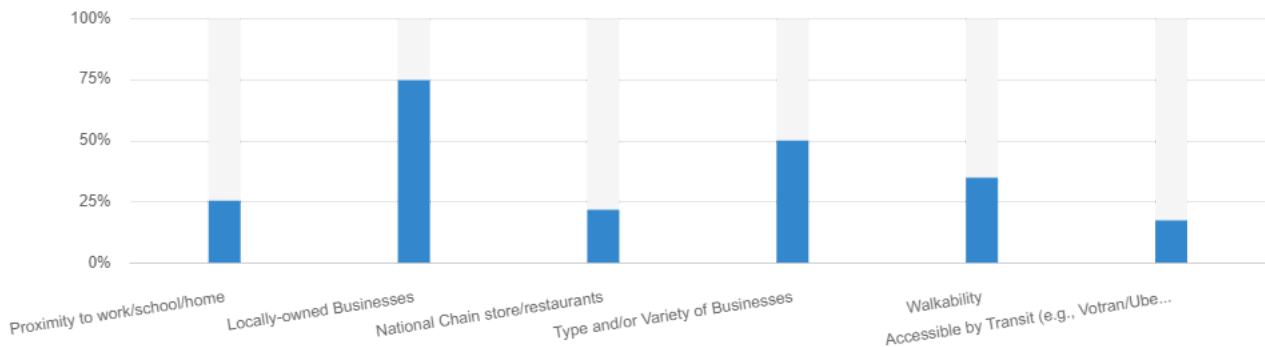


Future Development in the City of DeLand

What type(s) of housing do you think should be added to the City of DeLand over the next 10 years? (Select all that apply)

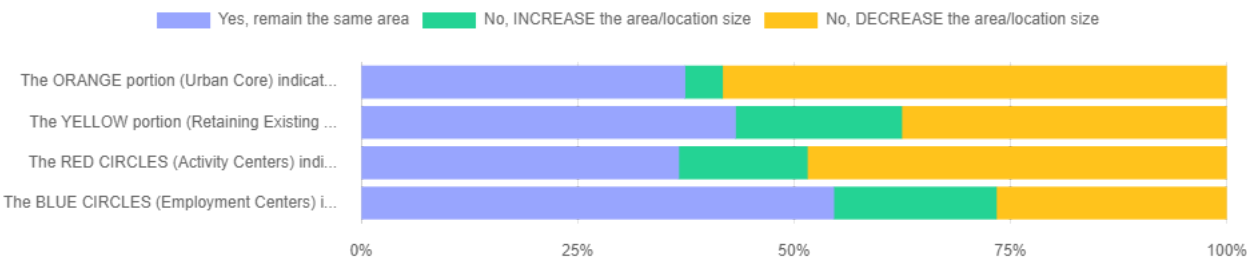


What aspect of Commercial Development is most appealing to you? (Select all that apply)



As part of the 2050 Vision update, the City is also proposing revisions to the 2050 Vision Land Use Map.

For each category, indicate if you believe the areas should remain the same, increase, or decrease in size.



The newly-adopted City of DeLand Strategic Plan (2023-2035) includes recommendations for pursuing a Nodal Strategy* (as defined below) in key areas of the City.

Do you agree or disagree that 4 additional nodes (North, South, East, & West) would be beneficial to the existing and future City Residents?



* Note: Results contained in this report represent a subset of submissions. Duplicate submissions have been excluded.



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