

ARTICLE II. - PRIMARY USES ^[68]

⁽⁶⁸⁾ **Editor's note**— Ord. No. 2011-04, § 1, adopted July 18, 2011, repealed former Art. II, §§ 33-16—33-25, and enacted a new Art. II as set out herein. Former Art. II pertained to the same subject matter. See the Code Comparative Table and extended editor's note at the beginning and end of this chapter.

Sec. 33-16. - Generally.

Sec. 33-17. - Zoning districts.

Sec. 33-18. - Special exceptions.

Sec. 33-19. - Special requirements applicable to conditional uses.

Sec. 33-20. - Temporary subdivision sales offices.

Sec. 33-21. - Standards for temporary structures on properties that contain vehicle sales—Where permitted.

Sec. 33-22. - Standards for adult entertainment establishments. (See also chapter 2C of the DeLand Code of Ordinances.)

Sec. 33-23. - Standards for communication towers and antennas.

Sec. 33- 24. - Standards for Community Gardens.

Sec. 33- 25. - Standards for Accessory Dwelling Units.

Secs. 33-26, 33-27. - Reserved for future use.

Sec. 33-16. - Generally.

33-16.01. *Purpose.* The purpose of this article is to describe the specific permitted uses allowed in the various zoning districts created herein. These regulations are intended to allow development and use of property only in compliance with the goals, objectives, and policies of the city as expressed in the City of DeLand Comprehensive Plan.

33-16.02. *Zoning districts established; zoning map adopted.*

(a) *Districts designated.* In order to regulate and limit the height and size of buildings; to regulate and limit the intensity of the use of lot areas; to classify, regulate and restrict the location of trades and industries; and the location of buildings designed for specified industrial business, residential and other uses the city is hereby divided into districts known as:

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| R-R | Rural Residential |
| R-R1 | Suburban Single-Family Residential |
| R-1AA | Single-Family Dwelling |
| R-1A | Single-Family Dwelling |
| R-1B | Single-Family Dwelling |
| R-1 | Single-Family Dwelling |
| R-1C | Single-Family Dwelling |
| R-2 | Two-Family Dwelling |

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| R-8 | Multiple-Family Dwelling |
| R-12 | Multiple-Family Dwelling |
| R-16 | Multiple-Family Dwelling |
| R-M | Residential-Mobile Home |
| P-1 | Professional-Residential |
| E-1 | Educational |
| BR | Business Retail |
| C-1 | Neighborhood Commercial |
| C-2 | General Commercial |
| C-2A | Downtown Commercial |
| C-2AC | Commercial Activity Core |
| C-3 | Rail Spur Commercial |
| C-4 | Wholesale Commercial |
| M-1 | Industrial |
| PD | Planned Development |

- (b) *Boundaries established by zoning map; title of map, filing.* The boundaries of the district are shown upon the map accompanying this chapter and made a part hereof and entitled "Comprehensive Zoning Map of the City of DeLand, Florida," March 31, 1993. The zoning map and all the notations, references and other information shown thereon are a part of this chapter and have the same force and effect as if such information set forth on the map were all fully described and set out herein. This zoning map properly attested is on file in the office of the city clerk.
- (c) *Commission considerations in creation of districts.* In the creation, by this article, of the respective districts the DeLand city commission has given due and careful consideration to the City of DeLand Comprehensive Plan and the peculiar suitability of each and over such district for the particular regulations applied there to and the necessary proper and comprehensive groupings and arrangements of the various uses and densities of population in accordance with a well considered plan for the development of the city.
- (d) *Boundaries of map adopted; chapter regulations declared in effect within boundaries.* The boundaries of such districts as are shown upon the map adopted by this chapter or amendments thereto, are hereby adopted and approved and the regulations of this chapter covering the use of land and buildings, the height of buildings, building site areas, the size of yards about buildings and other matters as hereinafter set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown upon said map.
- (e) *Rules for determining boundaries where uncertainty exists.* Where uncertainty exists as to boundaries of any district shown upon said map, the following rules shall apply:

1. Where such district boundaries are indicated as approximately following street, alley or lot lines, such lines shall be construed to be such boundaries.
2. In unsubdivided property or where a district boundary divides lot, the location of such boundary, unless dimensions indicate the same, shall be determined by the use of the scale appearing on the original map. Where a district boundary divides a lot, the zone classification of the greater portion shall prevail throughout the lot.
3. In case any further uncertainty exists, the city commission shall interpret the intent of the new map as to the location of such boundaries.
4. Where any street or alley is hereinafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
5. Territory, which may hereafter be annexed to the city, shall retain its Volusia County zoning classification until otherwise changed by ordinance as provided herein.

33-16.03. *Restrictions upon land, buildings and structures.*

- (a) *Use.* No building or structure shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designed or intended to be used for any purpose or in any manner other than a use designated by this chapter, or amendments hereto, as permitted in the district in which such land, building, structure or premises is or are located.
- (b) *Density of population.* No building, structure or premises shall be erected or occupied or used so as to provide a greater density of population than is allowed under the terms of this chapter for the district in which such building, structure or premises is or are located. The City of DeLand Comprehensive Plan identifies a variety of land use designations for property within the city and each designation identifies a maximum allowable density. In every case, the maximum density allowed by the land use category would govern if it is more restrictive than the maximum density permitted in the zoning category.

33-16.04. *Uses allowed in any district.*

- (a) *Uses allowed.* Structures or uses required for such public utilities as gas, water, electric, sewage, telephone and cable TV facilities can be located within any district upon recommendation of the planning board and approval of the city commission.

- (b) *Temporary uses allowed.* Mobile offices or mobile units designed as offices shall be permitted for only the initial builder/developer as temporary on-site contractor construction offices, providing:
1. Such mobile offices may only be used in conjunction with the development of approved subdivisions, mobile home parks, or in conjunction with the construction of commercial, multifamily, individual single-family dwellings, or industrial buildings.
 2. Such mobile office shall not be used as a residence. The use shall be limited to on-site construction purposes in conjunction with the project on which the structure is located.
 3. The person or agency responsible for the development on which the mobile office is to be located shall obtain the proper permits, including but not limited to electrical, plumbing, and building permits.
 4. Permits for mobile offices shall be issued as follows:
 - a. For the construction of approved subdivisions, only after preliminary plat approval.
 - b. For the development of mobile home parks, only at the same time or after any applicable building permits for the installation of improvements are issued.
 - c. For commercial, industrial, or multifamily projects, only after final site plan approval.
 5. Permits for mobile offices shall expire and such mobile offices shall be removed as follows:
 - a. For the development of approved subdivisions, after 60 percent of the lots have been sold or after two years from final plat approval.
 - b. For the development of mobile home parks, immediately after the completion of infrastructure improvements.
 - c. For commercial, industrial or multifamily projects, prior to the certificate of occupancy is issued.
 - d. For individual single-family dwelling prior to the certificate of occupancy is issued.
- (c) *Temporary storage.* A roll off container or similar stationary receptacle may be placed for the temporary storage of non-regulated materials to facilitate activities such as interior remodeling, packing for moving or similar activity providing:

1. Notice of the location and duration of use of the temporary container is submitted to the city.
2. The temporary container is staged on-site for two weeks or less or is staged in conjunction with an approved building permit.
3. Staging of the container for greater than two weeks requires submittal and approval of a request for extension by the city.
4. The container is located in the driveway or on equivalent on-site pavement.
5. The container does not impede pedestrian or vehicular traffic.
6. The container is in good repair, does not contain sharp or protruding edges due to damage or wear, is not excessively rusted, is uniformly painted, displays no offensive illustration or text on its outside surfaces, is securely staged and is not utilized as housing or is similarly occupied.

Sec. 33-17. - Zoning districts.

The following table insert contains an overview of uses allowed in the residential and the educational zoning districts. Information specific to each zoning district follows in individual tables. Uses allowed in other than residential districts appear in Table 33-17.21.

Use specific data presented in the tables are identified as follows:

1. Primary uses and structures allowed in the following districts are indicated by the letter "P".
2. Conditional uses may be allowed in a district where compliance with restrictions related to that use are met. Conditional uses are indicated by the letter "C". The restrictions for conditional uses are either stated or discussed in section 33-19, as indicated by an asterisk (*) or superscript number. Blank spaces indicate the use is not permitted in that district.
3. Certain uses may be allowed in certain district by special exception only. Further details regarding these exceptions appear in section 33-18. Uses allowed by special exception are indicated by the letter "E", and, where applicable, the restriction detail is identified by superscript number.

| USES | R-R | R-R1 | R-1A A | R-1A | R-1B | R-1 | R-1C | R-2 | R-8 | R-12 | R-16 | R-M | E-1 |
|-------------------------|-----|------|-----------|------|------|-----|------|-----|-----|------|------|-----|-----|
| Single-family dwellings | P | P | P | P | P | P | P | | | | | | P |

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| Private clubs and lodges | E | E | | | | | | | | | | P | | |
| Churches with accessory education and recreation | E | E | E | E | E | E | E | E | E | E | E | E | E | P |
| Government or public buildings and land uses | E | E | E | E | E | E | E | E | E | E | E | E | E | P |
| Cemeteries | E ⁴ | E ⁴ | E ⁴ | E ⁴ | E ⁴ | E ⁴ | E ⁴ | E ⁴ | E ⁴ | E ⁴ | E ⁴ | E ⁴ | | |
| Veterinary clinics, groom and outdoor boarding | E | | | | | | | | | | | | | |
| Colleges and universities | | | | | | | P | P | | | | | | P |
| Public, private and parochial schools | | | | | | | | | | | | | P | P |
| Printing and lithography, not to exceed 2,000 square feet | | | | | | | | | | | | | | C |
| Private clubs and lodges | | | | | | | | | | | | | | P |
| Shade structure less than 800 square feet (accessory) | | | | | | | | | | | | | | P |
| Shade structure over 800 square feet | | | | | | | | | | | | | | E |
| Microwave, radio, phone, TV facilities and towers | | | | | | | | | | | | | | E |
| Communication towers | See Section 33-24 | | | | | | | | | | | | | |
| Other uses approved by the city commission ¹ | P | P | P | P | P | P | P | P | P | P | P | P | P | P |

¹ Other uses approved by the city commission after review and recommendation by the planning board, which are unquestionably similar to those uses permitted herein.

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.

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| 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. |

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| 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. | |
| SPECIAL EXCEPTIONS (See also Chapter 33, Section 33-18) | |
| Accessory dwelling units. | |
| 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. | |

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| 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 |

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| Minimum floor area under heat and air | 1,200 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. | |
| A minimum of two, off-street parking spaces compliant with Figure 33-91.05(b) are required per unit. | |
| 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. Areas paved with impervious material must be included in the site's impervious surface calculation. Compacted gravel or milled asphalt may be proposed for single family dwellings in accordance with Sec. 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 or aerobic tank with individual well | 1-acre per unit |
| Septic tank with public water supply | ½-acre per unit |
| MINIMUM REQUIREMENTS FOR TREE COVERAGE | |
| Each lot must have at a minimum one front yard tree and one tree for every 2,500 square feet of lot area. | |
| Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in Article VI of Chapter 33, may not be removed without application and approval of a permit by the city. | |
| LANDSCAPING | |
| Landscaped buffers are required along street frontages where developments are proposed (Article VIII of Chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (Article IV of Chapter 33). | |
| AGRICULTURE | |
| Low intensity agriculture is permitted, provided the use is consistent with the Comprehensive Plan and the requirements of Section 33-27.05. | |
| ACCESSORY STRUCTURES | |
| Permits are required for the placement and installation of accessory structures such as pools, storage sheds fences and similar structures. Additional information is contained within Article III, Section 33-28 <i>Accessory Structures</i> . | |

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 | |
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| 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 | |
| SPECIAL EXCEPTIONS (See also Chapter 33, section 33-18) | |
| Accessory dwelling units. | |
| Cemeteries. | |
| Churches, houses of worship—Churches, houses of worship and religious institutions with their customary accessory educational and recreational uses and buildings. | |
| Community and regional parks. | |
| Community gardens. | |
| Golf courses—Golf courses and appurtenant structures connected thereto, including but not limited to the clubhouse, storage rooms and locker rooms. | |
| Government and public buildings and land uses. | |
| Private clubs and lodges. | |
| Private parks. | |
| Home occupations are permitted in structures used as a residence without a development permit when conducted in accordance with section 33-27.01. Regulations governing other accessory uses appear in Article III. | |
| MAXIMUM DENSITY ALLOWED | |
| Dwelling units per gross acre | 2.18 |
| MINIMUM LOT DIMENSIONS | |
| MINIMUM WIDTH | 100 feet |
| MINIMUM SIZE | 20,000 square feet |
| Lots fronting on a curve must have a minimum 50-foot width at the street line. | |
| Corner lots must be 15 percent greater in width and area than the minimum requirement for interior lots. | |
| Lots fronting on a cul-de-sac must have a minimum 25-foot lot width at the street line and must meet the minimum lot width at the building set back line. | |
| SETBACKS/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS | |
| Maximum impervious surface | 35 percent |
| Front setback | 30 feet |

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| 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 | 1,200 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. | |
| A minimum of two, off-street parking spaces compliant with Figure 33-91.05(b) are required per unit. | |
| 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. Areas paved with impervious material must be included in the site's impervious surface calculation. Compacted gravel or milled asphalt may be proposed for single family dwellings in accordance with Sec. 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 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 | |

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| 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.

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| 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. | |
| SPECIAL EXCEPTIONS (See also Chapter 33, Section 33-18) | |
| Accessory dwelling units. | |
| 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 | |

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| 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% 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 | 1,400 square feet |
| | Two story: Ground floor: 1,200 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. | |
| A minimum of two, off-street parking spaces compliant with Figure 33-91.05(b) are required per unit. | |
| 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. Areas paved with impervious material must be included in the site's impervious surface calculation. Compacted gravel or milled asphalt may be proposed for single family dwellings in accordance with Sec. 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 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, | |

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| 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.

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| 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. |
| SPECIAL EXCEPTIONS (See also Chapter 33, Section 33-18) |
| Accessory dwelling units. |
| 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 | |
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| 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% 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 | 1,400 square feet Two story: Ground floor: 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. | |
| A minimum of two, off-street parking spaces compliant with Figure 33-91.05(b) are required per 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. Paved areas must be included in the site's impervious surface calculation. Compacted gravel or milled asphalt may be proposed for single family dwellings in accordance with Sec. 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 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. |

33-17.04 *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.

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| 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. |
| SPECIAL EXCEPTIONS (See also Chapter 33, Section 33-18) |
| Accessory dwelling units. |
| 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. |

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| 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% 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 | 1,200 square feet Two story: Ground floor: 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. | |
| A minimum of two, off-street parking spaces compliant with Figure 33-91.05(b) are required per unit. | |
| 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. Areas paved with impervious material must be included in the site's impervious surface calculation. Compacted gravel or milled asphalt may be proposed for single family dwellings in accordance with Sec. 33-91.06(d)3.f. | |
| MINIMUM REQUIREMENT FOR STORMWATER MANAGEMENT | |
| Stormwater generated by, during and after construction or improvement must be contained on- | |

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| 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.

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| 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) |

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| Community residential homes, single-family. | |
| SPECIAL EXCEPTIONS (See also Chapter 33, section 33-18) | |
| Accessory dwelling units. | |
| 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% 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 | 1,000 square feet Two story: Ground floor: 800 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 | |

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| conjunction with redevelopment or change in use where the separation is less or absent. | |
| A minimum of two, off-street parking spaces compliant with Figure 33-91.05(b) are required per unit. | |
| 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. Areas paved with impervious material must be included in the site's impervious surface calculation. Compacted gravel or milled asphalt may be proposed for single family dwellings in accordance with Sec. 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 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 *R-1C—Single-Family Dwelling District.*

- (a) *Statement of Intent.* The purpose and intent of the R-1C Single-Family Residential District is to provide medium density residential neighborhoods in an urban setting along with other limited nonresidential uses.

| R-1C SINGLE-FAMILY DWELLING | |
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| 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. | |
| SPECIAL EXCEPTIONS (See also Chapter 33, section 33-18) | |
| Accessory dwelling units. | |
| 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 | 7.2 |
| MINIMUM LOT DIMENSIONS | |
| MINIMUM WIDTH | 50 feet |
| MINIMUM SIZE | 6,000 square feet Lots fronting on a curve must have a minimum 50-foot width at the street line. Corner lots must be 10 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 | 60 percent |
| Front setback | 25 feet |
| Rear setback | 20 feet. For residences, where 60% of neighboring residential structures within 500 feet have an existing lesser setback |

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| | 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 | 850 square feet Two story: Ground floor: 800 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. | |
| A minimum of two, off-street parking spaces compliant with Figure 33-91.05(b) are required per unit. | |
| 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. Areas paved with impervious material must be included in the site's impervious surface calculation. Compacted gravel or milled asphalt may be proposed for single family dwellings in accordance with Sec. 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 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 | |

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| 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. |

33-17.07 *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.

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| 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. | |
| 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 | Single-family dwelling: 60 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 | Duplex: 75 feet. Where the duplex is subdivided for individual ownership; each unit in the duplex shall have a minimum lot width of |

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| 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. | 37.5 feet |
| MINIMUM SIZE | Single-family dwelling: 6,500 square feet |
| | Duplex: 7,500 |
| | 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% 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 | 1,000 square feet Single-family-Ground floor: 800 square feet |
| Minimum floor area under heat and air: Duplex | One story—1,200 square feet Ground floor: 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. | |
| A minimum of two, off-street parking spaces compliant with Figure 33-91.05(b) are required per 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. Paved areas must be included in the site's impervious surface calculation. Compacted gravel or milled asphalt may be proposed for single family dwellings in accordance with Sec. 33-91.06(d)3.f. | |
| MINIMUM REQUIREMENT FOR STORMWATER MANAGEMENT | |

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| Stormwater generated by, during and after construction or improvement must be contained on-site or within a communal stormwater collection and management system permitted by the State. | |
| MINIMUM REQUIREMENTS FOR WATER AND SEWER | |
| Application for and connection to municipal water and sewer is required within areas served by the city. | |
| MINIMUM REQUIREMENTS FOR LOTS WHERE SEPTIC TANKS ARE USED | |
| SEWER/WATER SYSTEM | LOT AREA |
| Septic or aerobic tank with individual well | 1-acre per unit |
| Septic tank with public water supply | ½-acre per unit |
| MINIMUM REQUIREMENTS FOR TREE COVERAGE | |
| Each lot must have at a minimum one front yard tree and one tree for every 2,500 square feet of lot area. Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in Article VI of Chapter 33, may not be removed without application and approval of a permit by the city. | |
| LANDSCAPING | |
| Landscaped buffers are required along street frontages where developments are proposed (Article VIII of Chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (Article IV of Chapter 33). | |
| ACCESSORY STRUCTURES | |
| Permits are required for the placement and installation of accessory structures such as pools, storage sheds, fences and similar structures. Additional information is contained within Article III, Section 33-28 Accessory Structures. | |
| COMMUNITY DESIGN STANDARDS | |
| Site and building aesthetics need to comply with the Community Design Standards (Article VIII, section 33-94). | |

33-17.08 *R-8—Multiple-Family Dwelling District.*

- (a) *Statement of Intent.* The purpose and intent of this district is to provide for a variety of multiple-family residential developments in an urban, medium density residential setting.

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| 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 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. |
| Community residential homes, multifamily. |

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| Single-family dwellings, development must comply with R-1 standards. | |
| Two-family dwellings and duplexes, development must comply with R-2 standards. | |
| 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 |
| | Duplex: 75 feet In instances where the duplex is being 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 |
| | In instances where the duplex is being 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: Single-family/Duplex | 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. |

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| | 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 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 DUPLEX | |
| 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 duplex 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. |
| BUILDING DIMENSIONS | |
| Maximum height | 65 feet |
| Maximum length | 150 feet |
| Minimum floor area under heat and air: Single Family | 1,000 square feet Ground floor: 800 square feet |
| Minimum floor area under heat and air: Duplex | 1,000 square feet Ground floor: 900 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 | |

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| conjunction with redevelopment or change in use where the separation is less or absent. | |
| A minimum of two, off-street parking spaces compliant with Figure 33-91.05(b) are required per 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. Paved areas must be included in the site's impervious surface calculation. Compacted gravel or milled asphalt may be proposed for single family dwellings in accordance with Sec. 33-91.06(d)3.f. | |
| 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 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). | |
| 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 33-41.04.1 | |
| 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). | |

- (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 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. | |
| Community residential homes, multifamily. | |
| Single-family dwellings, development must comply with R-1 standards. | |
| Two-family dwellings and duplexes, development must comply with R-2 standards. | |
| 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 |
| | Duplex: 75 feet |
| | In instances where the duplex is being subdivided for individual ownership; each unit in the duplex shall have a minimum lot width of 37.5 feet. |

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| MINIMUM SIZE | Single-family dwelling: 6,500 square feet |
| | Duplex: 7,500 |
| | In instances where the duplex is being 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: Single-family and duplex | 50 percent |
| Maximum impervious surface: Multifamily | One-, two-, three-story: 50 percent |
| | Four-story: 45 percent |
| | Five-story: 40 percent |
| | Six-story: 35 percent |
| SETBACKS: MULTIFAMILY | |
| Front | 30 feet from project perimeter lot line |
| Rear and side | 20 feet from project perimeter lot line |
| | 40 feet from the project perimeter lot line when adjacent to single-family residential district. May be reduced to 20 feet if an eight-foot wall is used for visual screening. |
| | In instances where the duplex is being subdivided for individual ownership, the interior side setback shall be reduced to 0 feet. |
| Interior | All buildings shall be set back at least ten feet from all interior private roads and parking areas. An additional set back from private roads of one foot shall be required for every two feet of height for structures exceeding 35 feet. |
| Spacing between buildings | The following minimum spacing shall be maintained between buildings: 25 feet between sides of buildings; 25 feet between sides and rear of adjacent buildings and 50 feet between any combination of fronts or rears of adjacent buildings. |
| SETBACKS: SINGLE-FAMILY AND DUPLEX | |
| 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 |

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| Side | 7.5 feet |
| Corner lot: Side street | 15 feet—Provided the corner lot faces the same as all other lots on street. |
| BUILDING DIMENSIONS | |
| Maximum height | 65 feet |
| Maximum length | 150 feet |
| Minimum floor area under heat and air: Single-Family | 1,000 square feet Ground floor: 800 square feet |
| Minimum floor area under heat and air: Duplex | 1,000 square feet Ground floor: 900 square feet |
| Minimum floor area under heat and air: Multifamily | Efficiency, no separate bedroom: 425 square feet One bedroom: 575 square feet Two + bedroom: 725 square feet plus 150 square feet per each additional bedroom |
| ADDITIONAL REQUIREMENTS | |
| MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING | |
| The minimum separation required between vehicle use areas and the property line is one foot for one and two family residences and 10 feet for all other uses. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent. | |
| A minimum of two, off-street parking spaces compliant with Figure 33-91.05(b) are required per 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. Paved areas must be included in the site's impervious surface calculation. Compacted gravel or milled asphalt may be proposed for single family dwellings in accordance with Sec. 33-91.06(d)3.f. | |
| 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 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 | |

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| (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 33-41.04.1 |
| 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.

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| 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. |
| 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. |

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| 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. 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 |
| | In instances where the duplex is being 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 |
| | In instances where the duplex is being 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: Single-family and duplex | 50 percent |
| Maximum impervious surface: Multifamily | One-, two-, three-story: 50 percent |
| | Four-story: 45 percent |
| | Five-story: 40 percent |
| | Six-story: 35 percent |
| SETBACKS: MULTIFAMILY | |
| Front | 30 feet from project perimeter lot line |
| Rear and side | 20 feet from project perimeter lot line |
| | 40 feet from the project perimeter lot line when adjacent to single-family residential district. May be reduced to 20 feet if an eight-foot wall is used for visual screening. |
| | In instances where the duplex is being subdivided for individual ownership, the interior side setback shall be reduced to 0 feet. |
| Interior | All buildings shall be set back at least ten feet from all interior private roads and |

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| | 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 DUPLEX | |
| 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 |
| Corner lot: Side street | 15 feet If the corner lot faces the same as all other lots on street. |
| BUILDING DIMENSIONS | |
| Maximum height | 65 feet |
| Maximum length | 150 feet |
| Minimum floor area under heat and air: Single-Family | 1,000 square feet Ground floor: 800 square feet |
| Minimum floor area under heat and air: Duplex | 1,000 square feet Ground floor: 900 square feet |
| Minimum floor area under heat and air: Multifamily | Efficiency, no separate bedroom: 425 square feet One bedroom: 575 square feet Two + bedroom: 725 square feet plus 150 square feet per each additional bedroom |
| ADDITIONAL REQUIREMENTS | |
| MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING | |
| The minimum separation required between vehicle use areas and the property line is one foot for one and two family residences and 10 feet for all other uses. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent. | |
| A minimum of two, off-street parking spaces compliant with Figure 33-91.05(b) are required per 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. Paved areas must be included in the site's impervious surface calculation. Compacted gravel or milled asphalt may be proposed for single family dwellings in accordance with Sec. 33-91.06(d)3.f. | |
| Visitor parking shall be provided at 0.5 spaces per unit. | |

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| 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). | |
| 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 33-41.04.1 | |
| 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 | |
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| 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 set-back 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' |
| MINIMUM DEPTH | 80' |
| Separation between units | 15' |
| Separation from accessory units | 10' from mobile homes |
| SETBACKS FROM BOUNDARIES/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS | |

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| 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 seven and one-half 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

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| 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. |
| A minimum of two, off-street parking spaces compliant with Figure 33-91.05(b) are required per unit. |
| Vehicle use areas must be paved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer. 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

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| 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. |
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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. |
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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

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| 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 |
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| 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 33-41.04.1 |
| 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.

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| 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 32-24. |
| 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) |

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| Communication towers per section 32-24. | |
| Community residential homes, single-family. | |
| Community residential homes, multifamily. | |
| Printing and lithography establishments, not to exceed 2,000 square feet of floor area. | |
| 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 duplex developments, 4.8 triplexes, 5.4 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-family dwelling: 75 feet |
| | Nonresidential: No standards |
| MINIMUM SIZE | Single-family dwelling: 7,500 square feet |
| SETBACKS/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS | |
| Maximum impervious surface: Educational | 50 percent |
| Maximum impervious surface: Single-family | 50 percent |
| SETBACKS: EDUCATIONAL | |
| Front yard (building) | 30 feet |
| Front yard (parking, slabs, courts and wall or fence not in excess of 6 feet in height) | 20 feet |
| Side yard | 0 |
| Side yard (abutting residentially zoned property) | 15 feet |
| Rear yard | 30 feet |
| SETBACKS: MULTIFAMILY | |
| Maximum impervious surface: | One-, two-, three-story: 50 percent |

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| Multifamily | |
| | Four-story: 45 percent |
| | Five-story: 40 percent |
| | Six-story: 30 percent |
| 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 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 | |
| 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 | 15 feet |
| Corner lot: Side street | 15 feet Provided the corner lot faces the same as all other lots on street. |
| BUILDING DIMENSIONS | |
| Maximum height | 65 feet |
| Minimum floor area under heat and air, Single family | One story 1,200 square feet Two story: Ground floor: 900 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 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 Figure 33-91.05(b) are required per 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. Paved areas must be included in the site's impervious surface calculation. Compacted gravel or milled asphalt may be proposed for single family dwellings in accordance with Sec. 33-91.06(d)3.f. | |
| Visitor parking shall be provided at 0.5 spaces per unit. | |
| MINIMUM REQUIREMENT FOR STORMWATER MANAGEMENT | |

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| 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. In a campus setting, the overall 15% 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 33-41.04.1 | |
| 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 | | |
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| ALLOWED USES: Uses allowed in this district appear in Table 33-17.21 | | |
| MAXIMUM DENSITY ALLOWED | | |
| Dwelling units per gross acre | The maximum nonresidential density is 10,000 square feet of building per acre.(Ord. No. 2007-12, § 4, 2-5-07) | |
| 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. Paved areas must be included in the site's impervious surface calculation. | | |
| MINIMUM REQUIREMENT FOR STORMWATER MANAGEMENT | | |

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| 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 33-41.04.1 | |
| 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.

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| BR—BUSINESS RETAIL DISTRICT | |
| ALLOWED USES: Uses allowed in this district appear in Table 33-17.21 | |
| DIMENSIONAL REQUIREMENTS | |
| MINIMUM LOT DIMENSIONS | |
| MINIMUM WIDTH | 75 feet |

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| | 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 | |
| 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. 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 | |

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| 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 33-41.04.1 |
| 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.

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| C-1 LIMITED NEIGHBORHOOD COMMERCIAL DISTRICT | |
| ALLOWED USES: Uses allowed in this district appear in Table 33-17.21 | |
| 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 | |
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| Front | 30 feet |
| Side, abutting residentially zoned property | 15 feet |
| Side, other | None |
| Rear, abutting residentially zoned property | 30 feet |
| SINGLE-FAMILY AND DUPLEX SETBACKS | |
| Front | 30 feet |
| Rear | 25 feet |
| Side | 7.5 feet. Corner lot treatment: On corner lots, the front yard setback of 30 feet must be maintained, but a 15-foot side yard setback will be permitted on the side street provided the corner lot faces the same as all other lots on the street. |
| BUILDING DIMENSIONS | |
| Maximum height | 35 feet |
| Minimum floor area under heat and air: Single-family | 1,000 square feet |
| Two-story | Ground floor: 800 square feet |
| Minimum floor area under heat and air: Duplex | 1,200 square feet |
| Two-story | Ground floor: 900 square feet |
| MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING | |
| The minimum required between vehicle use areas and the property line is one foot for one and two family residences and 10 feet for all other uses. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent. | |
| Off-street parking spaces compliant with Section 33-91 are required. | |
| Parking on grass and sidewalks is prohibited. Vehicle use areas must be paved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer. Paved areas must be included in the site's impervious surface calculation. Compacted gravel or milled asphalt may be proposed for single family dwellings or commercial overflow parking in accordance with Sec. 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 |

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| REQUIREMENTS FOR TREE COVERAGE |
| Each lot must have at a minimum one front yard tree and one tree for every 2,500 square feet of lot area. Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in Article VI of Chapter 33, may not be removed without application and approval of a permit by the city. Dedication of 15 percent of the property for tree preservation is required. |
| LANDSCAPING AND SIGNS |
| Landscaped buffers are required along street frontages where developments are proposed (Article VIII of Chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (Article IV of Chapter 33). |
| OUTDOOR STORAGE AND DISPLAY PROHIBITED |
| No outdoor storage or display of equipment, supplies, merchandise, or personal property is permitted regardless of the nature of the principal development (See also section 33-27.04). |
| TRAFFIC IMPACT ANALYSIS |
| Calculation and submittal of average annual daily trips is required for all developments. The developer of any development which will generate 1,000 or more Average Annual Daily Trip (AADT) ends per day, as determined by reference to the Institute of Traffic Engineers Trip Generation Manual or to locally derived trip generation rates accepted by the city as accurate, shall provide the city with a traffic impact analysis prepared by a qualified traffic engineer at the time application is made for approval of a site plan or preliminary plat. See also, Section 33-41.04.1 |
| 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.

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| C-2—GENERAL COMMERCIAL DISTRICT | |
| ALLOWED USES: Uses allowed in this district appear in Table 33-17.21 | |
| 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 | 25 feet |

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| property | |
| 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. Paved areas must be included in the site's impervious surface calculation. Compacted gravel or milled asphalt may be proposed for single family dwellings or commercial overflow parking in accordance with Sec. 33-91.06(d)3.f. | |
| 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. | |

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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 33-41.04.1 |
| 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.

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| C-2A DOWNTOWN COMMERCIAL DISTRICT | |
| ALLOWED USES: Uses allowed in this district appear in Table 33-17.21 | |
| MAXIMUM DENSITY ALLOWED | |
| The maximum density allowed in this district is 20 dwelling units per gross acre.(Ord. No. 2005-65, §§ 4, 5, 12-19-05; Ord. No. 2007-12, §§ 3, 7, 8, 2-5-07; Ord. No. 2007-05, §§ 3, 9, 2-5-07; Ord. No. 2008-08, § 2, 4-7-08; Ord. No. 2008-39, § 4, 9-3-08) | |
| 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) | 425 square feet |
| One bedroom | 525 square feet |
| Two + bedroom | 725 square feet plus 150 square feet for each additional bedroom |
| 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. Paved | |

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| 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 Sec. 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. |
| REQUIREMENTS FOR TREE COVERAGE |
| Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in Article VI of Chapter 33, may not be removed without application and approval of a permit by the city. |
| LANDSCAPING AND SIGNS |
| Sign requirements apply to developments within and/or along special overlay districts (Article IV of Chapter 33). Landscaped buffers are not required along street frontages |
| OUTDOOR STORAGE AND DISPLAY |
| Unless otherwise prohibited in the list of primary, conditional or special-exception uses for each zoning district, outdoor display of equipment, supplies, merchandise, or personal property is permitted in compliance with section 33-27.04. |
| TRAFFIC IMPACT ANALYSIS |
| Calculation and submittal of average annual daily trips is required for all developments. The developer of any development which will generate 1,000 or more Average Annual Daily Trip (AADT) ends per day, as determined by reference to the Institute of Traffic Engineers Trip Generation Manual or to locally derived trip generation rates accepted by the city as accurate, shall provide the city with a traffic impact analysis prepared by a qualified traffic engineer at the time application is made for approval of a site plan or preliminary plat. See also, Section 33-41.04.1 |
| 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.

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| C-2AC COMMERCIAL ACTIVITY CORE ZONING CATEGORY | |
| ALLOWED USES: Uses allowed in this district appear in Table 33-17.21 | |
| MAXIMUM DENSITY ALLOWED | |
| Dwelling units per gross acre. | 20 |
| (Ord. No. 2004-10, § 2, 2-16-04; Ord. No. 2004-62, § 8, 12-20-04; Ord. No. 2005-65, §§ 6, 7, 12-19-05; Ord. No. 2007-12, §§ 3, 10, 11, 2-5-07) | |
| DIMENSIONAL REQUIREMENTS | |
| MINIMUM LOT DIMENSIONS | |
| MINIMUM WIDTH | None |
| MINIMUM SIZE | None |
| Lots fronting on a curve must have a minimum 50-foot width at the street line. | |
| Corner lots must be 15 percent greater in width and area than the minimum requirement for interior lots. Lots fronting on a cul-de-sac must have a minimum 25-foot lot width at the street line and must meet the minimum lot width at the building setback line. | |
| SETBACKS/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS | |
| Maximum impervious surface | 75 percent |
| Front setback | 20 feet |
| Side setback, abutting residentially zoned property | 25 feet |
| Side setback, abutting street | 20 feet |
| Side setback, other | 10 feet |
| Rear setback, abutting residentially zoned property | 25 feet |
| Rear setback, other | 10 feet |
| BUILDING DIMENSIONS | |
| Maximum height | 55 feet |
| ADDITIONAL REQUIREMENTS | |
| MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING | |
| A minimum ten-foot separation is required between vehicle use areas and the property line. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent. | |
| Parking on grass and sidewalks is prohibited. Vehicle use areas must be paved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer. 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 |

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| 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 33-41.04.1 | |
| 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.

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| C-3 RAIL SPUR COMMERCIAL DISTRICT | |
| ALLOWED USES: Uses allowed in this district appear in Table 33-17.21 | |
| MAXIMUM DENSITY ALLOWED | |
| None (Ord. No. 2007-12, § 3, 2-5-07) | |
| 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 non-residential | 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. 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 Sec. 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 | |

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| 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 33-41.04.1 |
| 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 33-17.21 | |
| 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. | |

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| 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. 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 Sec. 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 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 33-41.04.1 | |
| 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 | |
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| ALLOWED USES: Uses allowed in this district appear in Table 33-17.21 | |
| 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. Paved areas must be included in the site's impervious surface calculation. Compacted gravel or milled asphalt may be proposed for single family dwellings or commercial overflow parking in accordance with Sec. 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 | |

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| 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 33-41.04.1 |
| COMMUNITY DESIGN STANDARDS |
| Site and building aesthetics need to comply with the Community Design Standards (Article VIII, section 33-94). |

33-17.22.

PD—Planned Development District.

- (a) *Statement of Intent.* The Planned Development District 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. See also: Section 33-32 Planned Development District and Section 33-133. Review of Planned Development Plans.

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| PD—PLANNED DEVELOPMENT DISTRICT |
| ALLOWED USES: The PD district is designed to allow an applicant to submit a proposal for any uses or any mixture of uses allowed under the specific Future Land Use map designation of the subject property, however all land uses within the proposed development shall be compatible with other proposed uses and all proposed land uses shall be compatible with existing and planned uses of properties surrounding the proposed development. |
| DENSITY |
| The residential density and non-residential intensity of use of a development plan shall have no undue adverse impact upon the physical and environmental characteristics of the site and surrounding lands. Within the policy limitations of the Comprehensive Plan, the permitted residential density and non-residential intensity of use in a proposed development may be adjusted upward or downward in accordance with section 33-32.02(d). |
| DIMENSIONAL REQUIREMENTS |
| The minimum size of the proposed development shall be one acre for both residential and nonresidential development except for Downtown Commercial land use designation which |

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| does not have a minimum. Minimum setbacks at the perimeter of the development shall be equal to those of the abutting districts. All other development standards to be established in the PD, Development Agreement. |
| 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 |
| 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). |
| 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 33-41.04.1 |
| CLUSTERING |
| On-site transfer of density. Development on parcels containing environmentally sensitive areas may be clustered on nonsensitive portions of the site by concentrating the number of units or the amount of square footage allowed for the entire site under the otherwise applicable land use designations on those nonenvironmentally sensitive portions of the site. This section shall apply to planned developments only. Limitation on density: The density on the nonsensitive portion of the site shall be limited to that which can be designed to meet all applicable provisions of section 33-104 including those in Article VI of this chapter relating to development activities adjacent to environmentally sensitive areas.(Ord. No. 2002-09, §§ 1, 2, 2-18-02) |
| COMMUNITY DESIGN STANDARDS |
| Site and building aesthetics need to comply with the Community Design Standards (Article VIII, section 33-94). |

33-17.23. *Allowed uses in commercial and industrial zoning districts.*

The following table insert contains an overview of uses allowed in the commercial and industrial zoning districts. Information specific to each zoning district follows in individual tables.

Use specific data presented in the tables are identified as follows:

1. Primary uses and structures allowed in the following districts are indicated by the letter "P".
2. Conditional uses are may be allowed in a district where compliance with restrictions related to that use are met. Conditional uses are indicated by the letter "C". The restrictions for conditional uses are either stated in the table or discussed in section 33--19, as indentified by footnote.
3. Certain uses may be allowed in certain district by special exception only. Further details regarding these exceptions appear in Section 33-20. Uses allowed by special exception only are indicated by the letter "E" and further described by footnote.
4. Uses with situational requirements which allow the use to fall into more than one use category are indicated by both categories, such as P/E. Development under this classification depends upon meeting the requirements of the category applicable to the site's specific conditions.

USES IN COMMERCIAL ZONING DISTRICTS

| | P-1 | BR | C-1 | C-2 | C-2A | C-2AC | C-3 | C-4 | M-1 |
|--|-----------------|-----------------|-----------------|-----------------|-----------------|-------|-----------------------|-----|-----|
| PROFESSIONAL | | | | | | | | | |
| General/Professional Offices | P | P | P | P | P | P | P/ E ¹⁹ | P | P |
| Financial Institutions | P | P | P | P | C ²⁰ | P | | | P |
| MEDICAL SUPPORT - See also Section 33-19.11 | | | | | | | | | |
| Medical Office | P | P | P | P | P | P | | | |
| Apothecary shops | P | | C ¹⁵ | | | | | | |
| Drugstores and pharmacies | P | P | | P | P | P | | | |
| Hospitals | | | | P | | | | | |
| Laboratories, hospitals and clinics | E ¹⁵ | | P | P | P | P | | | |
| Medical clinics over 5,000 square feet | E ¹⁵ | E ¹⁵ | | P | P | P | | | |
| Nursing homes and adult congregate living facilities | | | P | P | P | P | | | |
| Veterinary clinics allowing inside overnight boarding for clinical care, no outside runs or kennels | | C | | C | | C | | | |
| Veterinary clinics and pet grooming shops with overnight and/or outdoor boarding facilities and runs | | | | E ³⁰ | | | | | P |
| BUSINESS SUPPORT | | | | | | | | | |
| Mailbox and shipping shops | | P | P | P | | P | | | |

| | | | | | | | | | |
|---|-----------------|-----------------|-----------------|-----------------|-----------------|------------------|-----------------------|-----------------|-----------------------------------|
| Office equipment sales and service | | P | | P | | P/C ⁴ | | P | |
| Copying, printing and lithography | | P | P | P | | P | P/ E ¹⁹ | P | P |
| Showroom commercial | | | | | | P | P/ E ¹⁹ | P | P |
| PERSONAL SERVICES | | | | | | | | | |
| Beauty salons, barbershops and day spas | | P | P | P | P | P | | | |
| Day care facilities, adult or child | P | P | P | P | P | | E ¹⁰ | C ² | C ² E ¹⁰ |
| Dry cleaning and laundry, industrial | | | | | | P | | P | P |
| Dry cleaning and laundry, retail | | P | C ³ | P | P | P | | P | |
| Dry cleaning and laundry, self-service | | P | | P | P | | | | |
| Mortuary, funeral homes and crematoriums | | P | | P | P | | | | P |
| Pet shops and pet grooming with no overnight boarding of animals | | C | C | C | C | | | | |
| Tailor shops and shoe repair | | P | | P | P | | | | |
| Tattoo parlors and related uses Per 33-19.09 | | | | C* | | | | | |
| HOSPITALITY | | | | | | | | | |
| Adult entertainment establishments, per section 33-22 and chapter 2C of the DeLand code of ordinances | | | | | | | | | C* |
| Banquet facilities, Catering services | | P | | P | P | P | | E ³ | E ³ |
| Bed and breakfast inn | C ¹⁹ | P | P | P | P | | | | |
| Hotels or motels and associated accessory uses including restaurant and conference facilities | | P | C ⁵ | P | P | | | | C ⁶ |
| Uses requiring a DBPR 3PS liquor license (package sales) or 4COP liquor license (bars, lounges, etc.) | | E ¹⁷ | | E ¹⁷ | E ¹⁷ |
| Package sales where beer and/or wine (no liquor) are sold for consumption off premises with DBPR 2APS license | | C | C | C | C | C | | C | |
| Restaurants, except fast food and/or drive through facilities | | | P | | | P | | | |
| Restaurants including fast food and/or drive through facilities | | P | | P | C ²⁰ | | | | P |
| Restaurants and establishments serving alcohol requiring a DBPR 2COP, 3PS or 4COP license with special class | | C | C | C | | C | | C | C |
| FOOD SERVICE AND INDUSTRY | | | | | | | | | |
| Bakery, pastry, gourmet, coffee and specialty beverage shops (retail) | | P | P | P | P | P | | | |

| | | | | | | | | | |
|---|-------------------------------|-----------------|---|------------------------------------|---|------------------------------------|-----------------------|-----------------|-----------------|
| Bakery products manufacturing or wholesale | | | | | | P | | P | P |
| Bakeries wholesale, up to 1,000 square feet of floor area | | | C | C | C | | | | |
| Community and market gardens | Per Chapter 33, Section 33-24 | | | | | | | | |
| Food products manufacturing | | | | | | | | | P |
| Freezer locker rentals | | | | | | P | | P | P |
| Fruit and vegetable handlers or processors | | | | | | | | | P |
| Grain blending and packaging, but not milling | | | | | | | | | C |
| Grocery, vegetable, fruit, fish, meat, dairy and poultry products wholesale | | | | | | C | | P | P |
| Milk, dairy, creamery, beverage bottling, processing and wholesale plants | | | | | | | | P | P |
| VEHICULAR - See also Section 33-19.12 | | | | | | | | | |
| Airports, Helipads city owned, and airport operations | | | | | | | | | P |
| Airports, Helipads private, and airport operations | | | | | | | | | E ²⁰ |
| Automobile repair | | | | E ² | | P/ C ²¹ | P/ E ¹ | C ²¹ | P |
| Automobile service station See also 33-19.06 | | | | C* | | | | | P |
| Automotive and bus repair, including body shops and bus garages and storage of trucks and heavy equipment | | | | | | | | | P |
| Junk, Waste or Salvage Yard | | | | | | | | | E ¹³ |
| Marine manufacturing, sales and service See also 33-21 | | | | | | | | | P |
| Marine repair | | E ¹⁴ | | C ⁷ | | P | P/ E ¹⁴ | | |
| Mobile home sales See also 33-21 | | | | | | | | P | P |
| Railroad yards, siding and terminals | | | | | | | P | | P |
| Towing and wrecker service | | | | C ²¹ | | | | P | P |
| Truck and rail freight terminals | | | | | | | | P | P |
| Truck stops | | | | E ²⁸ | | | | | P |
| Vehicle sales and rental including new and used automobiles, boats, motorcycles, trailers and trucks See also 33-21 | | | | E ²³ E ²⁹ | | P | | | P |
| Vehicle sales, rental, service, repair new/used buses, RVs and farm equipment Section 33-21 | | | | | | E ²³ E ²⁹ | | P | P |

| RETAIL | | | | | | | | | |
|---|----|-----------------|---|-----------------|----|----|----------------|----------------|--------------------|
| Auction sales shop | | | | | | P | | P | P |
| Convenience stores without gas pumps | | | | P | P | P | | | P |
| Convenience stores with gas pumps, Per 33-19.08 | | E | | C* | | | | | P |
| Fertilizer and feed store sales excluding manufacturing | | | | | | C | | P | |
| Flea markets and merchandising barns or marts Per 33-19.03 | | | | C* | | | | | |
| Furniture, appliances retail | | P | | P | P | P | | | |
| Furniture, appliances wholesale | | | | | P | P | | P | P |
| Grocery | | P | | P | | C | | | |
| Home improvement store | | P | | P | | P | | P | P |
| Retail sales | | P | P | P | P | P | C ⁸ | C ⁸ | C ^{8, 20} |
| Retail and service land uses | | | | | | | | | C ²⁰ |
| Retail sale of storage sheds | | | | E ²⁷ | | | | | P |
| Used materials, sales, thrift or pawn shops; not including junk yards | | P | | P | | | | C | |
| RESIDENTIAL - See also 33-20 | | | | | | | | | |
| Boarding houses | | | | P | | | | | |
| Community residential homes Multifamily Per 33-19.02 | C* | | | | | C* | | | |
| Community residential homes Single-family Per 33-19.02 | C* | | | | | | | | |
| Convalescent, rest and nursing homes; institutions and homes for children, the aged and the disabled | P | E ¹⁶ | | P | | | | | |
| Multiple-family dwellings compliant with R-16 standards | | | | C | | C | | | |
| Multiple-family dwellings and duplexes complaint with R-12 standards | | | C | | | | | | |
| Multiple-family dwellings on the first floor Per 33-19.13 | | | | | C* | | | | |
| Residential dwelling units above the first floor or one residential unit on the first floor accessory to an office or commercial use | | | C | C | C | | | | |
| Single-family dwellings, except mobile homes | P | | | | | | | | |
| Single-family dwelling complaint with R-1 standards not located within the highway commercial land use areas | | | C | | | | | | |
| Two-family dwelling and duplexes compliant with R-2 standards | | | C | | | | | | |

| | | | | | | | | | |
|--|-------------------------------|---|----------------|-----------------------------------|----------------|-----------------------------------|---------------------|-----------------------------------|-----------------------------------|
| Pest control and exterminating services | | | | P | P | C | | | P |
| Septic tank services | | | | | | | | P | |
| Swimming pool sales, installation and service | | | | P | | C | | P | P |
| Trade shops | | | | | | C | | P | P |
| Upholstering and reupholstering | | | | P | P | C | | | P |
| Welding or soldering shops | | | | | | C | | | P |
| INDUSTRIAL AND MANUFACTURING | | | | | | | | | |
| Fuel storage and bulk supply plants | | | | | | | C ¹³ | P | |
| Coal, coke or wood yard | | | | | | | | | P |
| Laboratories, research, testing and development. Pharmaceutical products, drugs compounding only | | | | | | P | | | P |
| Machine shop | | | | | | C | P / E ¹⁹ | | P |
| Manufacture of pottery or other ceramic products | | | | | | C | | | P |
| Manufacturing—Assembly operations only, no fabrication | | | | | | C | C E ¹⁹ | C ¹⁴ | P |
| Microwave, radio, telephone and television facilities and transmission towers | | | E ⁶ | E ⁶ | E ⁶ | | | E ⁶ | E ⁶ |
| Mining and excavations per section 33-62 of Article V of this chapter | | | | | | | | | C |
| Planing mill, saw mill, millwork and wood product manufacturing | | | | | | | | | E ¹⁸ |
| Recycling centers | | | | | | | | P | P |
| Research and development facilities | | | | | | P | P / E ¹⁹ | | |
| Storage of bottled gas, natural gas or similar products | | | | | | | | | C ¹⁹ |
| Utilities excluding microwave, radio, telephone and television towers | | | | C | | C | | | |
| Warehousing and commercial storage | | | | | | C | P / E ¹⁹ | P | P |
| Wholesale commercial activities | | | | | | C | | P | P |
| MISCELLANEOUS | | | | | | | | | |
| Commercial parking lots | | | | P | | P | | | P |
| Communications towers | Per Chapter 33, Section 33-23 | | | | | | | | |
| Outdoor advertising signs | | | | C ²² / E ²⁴ | | C ²² / E ²⁴ | | C ²² / E ²⁴ | C ²² / E ²⁴ |
| Public utilities | | | | | | | | | P |
| Public utilities, excluding microwave, radio, telephone and television | | C | | | | | | P | P |

| | | | | | | | | | |
|--|--|---|--|---|--|-----------------|-----------------|-----------------|-----------------|
| antennas | | | | | | | | | |
| Shade structures less than 800 square feet, accessory use | | C | | C | | C | C | C | C |
| Shade structures greater than 800 square feet, accessory use | | | | | | E ²⁵ | E ²⁵ | E ²⁵ | E ²⁵ |

Sec. 33-18. - Special exceptions.

The letter "E" under section 33-17, Zoning Districts, signifies that the use is allowed by special exception. Applications for special exceptions shall be reviewed pursuant to the procedures in article XII of this chapter. The following alphabetized footnotes provide specific regulations in addition to or supplementing standard regulations for development.

1. Accessory dwelling units are subject to the regulation set forth in Section 33-25.
2. Auto body shops shall be located only in areas where the predominant use of the surrounding property is automobile sales; provided however, that there shall be no outside storage of disassembled vehicles or auto parts, no auto salvage operations and no sandblasting; all auto body repair operations shall be conducted within an enclosed facility and have a minimum Class B* landscape buffer between itself and any street and residential land use, and no vehicle shall remain on site for repair for more than four weeks.
3. Banquet facility must meet the following requirements:
 - (a) Minimum of Class C landscape buffer along the front of the property.
 - (b) Parking to be provided at a rate of:
 1. One space per 100 square feet gross floor area +1 per 3 employees; or
 2. As per the requirements contained in section 33.91.02(c).
 - (c) All food services at the facility must be prepared on-site by the facility operator in its cooking facility or catered by a properly licensed food service provider.
 - (d) Must be located on an arterial or collector roadway.
 - (e) The facility must contain sufficient kitchen facilities for cleaning purposes to properly maintain a sanitary condition.
 - (f) Alcohol may only be permitted to be served if, after a hearing, the city commission determines that the consumption of alcohol at the

proposed location for the facility will not adversely impact the health, safety, or welfare in the surrounding area.

4. Cemeteries shall have at least a Class B landscape buffer between adjacent land uses.
5. Churches shall have at least a Class B landscape buffer between adjacent land uses. Churches may be a maximum of 65 feet in height; however, for every one foot of height at the roof line in excess of 35 feet, there shall be an additional one foot of side and rear yard setbacks.
6. Communication towers are subject to the regulations set forth in section 33-23 of this Code.
7. Community gardens are subject to the regulations set forth in Section 33-24 of this code.
8. Community park when adjacent to residential land uses, the parking areas of community parks shall have at least a Class B* landscape buffer.
9. Country clubs and golf courses: Other than the greens and fairway areas, all other golf course operations shall have at least a Class C* buffer between adjacent external land uses.
10. Day care facilities shall not be located within the approach and landing patterns of any airport, shall have a minimum separation of 500 feet from fuel storage and supply plants, and shall have at least a Class B landscape buffer from all adjacent land uses.
11. Governmental land uses shall have at least a Class B landscape buffer.
12. Gymnasium, dance studio and martial arts studios or compatible organized physical activities where the predominate use is for organized scheduled instruction must meet the following requirements:
 - (a) Sufficient parking above required amount of parking for industrial uses to meet ratio of one space per 150 square feet.
 - (b) If studio is part of a multi-use complex; parking shall be provided adjacent to studio.
 - (c) Studio should not be located adjacent to an industrial use that utilizes or stores hazardous material.
 - (d) Studio should be located within 500 feet of a major collector or arterial roadway to minimize traffic conflicts with industrial traffic.
13. Junk, waste or salvage yard - The operation shall be conducted either within a closed fence or when a screen planting is used. Stored materials must not exceed the height of the fence; except the fence need not exceed

seven feet in height providing the materials stored in excess of seven feet must be set back five feet for each additional foot of height.

- (a) 35-foot rear setback if abutting residential.
 - (b) Rear landscape buffer of at least 25 feet wide if abutting residential.
14. Marine repair must meet the following requirements:
- (a) 35-foot rear setback if abutting residential.
 - (b) Rear landscape buffer of at least 25 feet wide if abutting residential.
15. Medical and dental clinics. Such clinics should be built to the minimum requirements for the promotion of public health, safety, and general welfare of the community, while conforming to the provisions herein enumerated in this section, and must comply with all applicable city, county and state health regulations. Each application shall be granted only after specific review and consideration by the city commission.
16. Nursing (convalescent) homes/adult congregate living facilities shall have at least a Class B buffer when adjacent to residential land uses.
17. Package store or bar, for all land uses requiring either a Department of Business and Professional Regulation "3 PS" liquor license (package sales) or "4 COP" liquor license (bars, lounges, etc.), the following minimum separation requirements shall apply: C-2A 300 feet; BR, C-1, C-2, C-2AC, C-4 and M-1 500 feet.
18. Planing, saw mills, All activities shall be conducted indoors. Sawdust and other products cannot exceed 12 feet in height and must be located no closer to the exterior property line than 15 feet. The property must have an opaque fence. Dust, air pollution and noise shall be controlled. Noise must comply with the city's adopted noise ordinance.
19. Primary uses and structures in excess of 8,000 square feet of gross floor area, maximum impervious surface of 60 percent and located on not less than 0.5 acre of property.
20. Private airports and airport operations shall be located so as not to conflict with the operations of the DeLand Municipal Airport.
21. Private clubs and lodges shall have at least a Class C* landscape buffer between itself and adjacent residential land uses.
22. Private parks must meet the following requirements:
- (a) The subject parcel must contain a minimum of 5,000 square feet.
 - (b) On-site parking must provide a minimum of 15 spaces or a ratio of one space per 2,000 square feet of lot area, whichever is greater.

- (c) Off-site parking may be allowed, if there is an existing facility within 300 feet owned or leased by the same entity applying for the private park that meets the above minimum parking requirements.
 - (d) Restrooms must be provided, unless provided within 300 feet by the same entity applying for the private park.
 - (e) The park is allowed only one sign, which must not exceed 16 square feet and eight feet in height.
 - (f) When adjacent to residential areas, there must be at least a landscape buffer area that meets the requirements of a Class "B" Buffer Zone.
 - (g) Additional conditions or modifications to the above requirements may be made by the city commission.
 - (h) The city commission will establish hours of operation in a manner consistent with maintaining the peace and quiet of the surrounding neighborhood.
 - (i) If the property fails to meet any of the above requirements, then the property will lose the special exception.
23. Rental of trailers, trucks, recreational vehicles and boats shall be limited to a maximum of 24 feet in length. The display of storage sheds shall be limited to a maximum size of ten feet × ten feet × 12 inches. Does not pertain to the retail sales of new cars, vans and light-duty trucks.
24. Second primary use on a parcel containing an outdoor advertising sign.
- (a) The parcel had an outdoor advertising sign on January 1, 2007.
 - (b) The property owner is contractually obligated to allow the outdoor advertising sign to remain on the property for at least 12 months from the date of the application for the special exception, notwithstanding any option provided to the property owner to buy out the remaining term of the contractual obligation. The applicant must provide written proof of such obligation.
 - (c) The term of the lease, license, agreement or other contract for the outdoor advertising sign expires not more than ten years from the date of application for the special exception, notwithstanding any option provided to the property owner to buy out the remaining term of the contractual obligation.
 - (d) The term set forth in paragraph (c) above has not been renewed or extended since January 1, 2007.
 - (e) The property owner executes a written undertaking, in recordable form, agreeing to remove the sign at the expiration of the term set

forth in paragraph (c) above. Such removal will be at the sole expense of the property owner. Such written undertaking will include a release of any and all claims against the city for the removal of the sign, whether in the name of taking claims or otherwise, and shall give the city the authority to enter the property and remove the outdoor advertising sign, and to place a lien against the property for the cost of such removal.

- (f) The second primary use shall be allowed signs exempted by section 33-72 of this article or expressly authorized by section 33-74 or 33-75 of this article.
25. Shade structures in excess of 800 square feet must meet the following requirements:
- (a) Structure must meet requirements of section 33-28.08.
 - (b) The size of the shade structure cannot exceed one-half the size of the principal building.
 - (c) Appearance must be compatible with the principal building.
 - (d) Structures may be allowed for the following uses: public, playground equipment, daycare, automobile display, and outside eating areas.
26. Storage facilities (personal) and mini-warehouses shall have at least a Class B* landscape buffer between adjacent land uses and shall be utilized for personal storage by individuals or businesses, but shall not be used for commercial business operations. Such land uses may include storage areas for personal vehicles.
27. Storage sheds — The display of storage sheds shall be:
- (a) Limited to specified areas identified in an approved site plan,
 - (b) Prohibited in any landscape buffer,
 - (c) Prohibited to display signage on outside surfaces,
 - (d) Counted as impervious surface amount included in calculation for the entire site.
28. Truck stop must be located on state arterial roadway, have no driveways to a local road, shall not permit trucks or trailers to be parked for periods of more than 48 hours, and shall provide a Class D landscape buffer between the subject property and any abutting residential property.
29. Vehicles sales and rentals must meet the following requirements:
- (a) All vehicle use areas must be paved and landscaped per Articles VIII and, where applicable, per Article IV.

- (b) Landscape buffers and interior landscaping must be provided consistent with Gateway Overlay.
 - (c) Parking must be provided for employees and customers in addition to display area.
 - (d) Site must be at least one-half acre in size.
30. Veterinary clinics, pet grooming businesses with outdoor boarding facilities and pet runs shall have a minimum Class B* landscape buffer.

Sec. 33-19. - Special requirements applicable to conditional uses.

33-19.01. *Statement of Intent.* Certain uses have unique characteristics that require the imposition of development standards in addition to those minimum standards contained in this chapter. These uses are listed under each specific zoning district as conditional uses identified with the letter "C". These uses are listed in this section with the specific standards that apply to the development and use of land for the specified activity. Whenever this chapter allows these conditional uses, the following standards shall be met in addition to all other standards of the chapter, unless specifically exempted.

Conditional uses with minimal requirements have been assigned numbers in 33-17.21 Table insert Uses in Commercial Zoning Districts. The criteria for numbered conditions follow. Conditional uses with extended criteria, as identified by an asterisk (*) are represented as sections following the numbered criteria.

- (1) Daycare facilities in non residential structures
- (2) Accessory to a primary use and licensed by DCF; freestanding operations requires a Special Exception.
- (3) Dry Cleaning and laundry pickup stations where no such work is done on the premises
- (4) Wholesale operations permitted
- (5) Not to exceed 100 rooms
- (6) On airport land not located in the primary height zone
- (7) No overnight storage or outside display
- (8) Accessory use only
- (9) Private clubs and lodges requiring a class C landscape buffer between itself and adjacent residential land uses
- (10) Retail prohibited
- (11) Outdoor storage prohibited
- (12) Compliant with section 33-27.04, all equip./goods within a roofed structure
- (13) Excluding propane
- (14) Light manufacturing involving the assembly of parts manufactured off-site, not objectionable due to excessive dust, dirt, gas, odors, fumes, noise or vibrations

- (15) But not general drug store
- (16) Bed and breakfast homestay only, accessory use only (See also section 33-27.03)
- (17) Not compatible with the intent of C-1, C-2, C-2A, C-2AC and C-3 zoning not exceeding 30 percent of the total acreage of the M-1 zoning, not including the retail and service uses already listed in the M-1 conditional uses.
- (18) Paint/body shop, stored wrecked, dismantled or inoperable vehicles screened from public view
- (19) Approved by the building official and fire marshal.
- (20) Drive through access directly on Woodland Boulevard and New York Avenue is prohibited.
- (21) No storage of vehicles.
- (22) No other use located on property.

33.19.02. *Community residential homes.*

- (a) *Measurement determinations.* All distance requirements in this section shall be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home.
- (b) *Informal mediation.* If in a particular case a conflict arises, the city commission may agreed to informal mediation with the sponsoring agency. The city commission shall arrange for the services of an independent mediator or may utilize the mediation process established by a regional planning council pursuant to section 186.509, Florida Statutes. Mediation shall be concluded within 45 days of a request therefore. The resolution of any issue through the mediation process shall not alter any person's right to a judicial determination of any issue if that person is entitled to such a determination under statutory or common law.
- (c) *State law controlling.* Notwithstanding any provision in this section, the minimum requirements in chapter 419, Florida Statutes, shall be complied with.
- (d) *Minimum requirements for community residential homes, single-family.*
 - 1. No such home shall be located within 1,000 feet of any other community residential home, single-family.
 - 2. The home shall comply with all applicable regulations for the zoning district in which the home is located.
 - 3. The owner may not commence operations until the sponsoring agency or the Florida Department of Health and Rehabilitative Services shall have notified the planning department that the Florida Department of Health and Rehabilitative Services licenses the home.
- (e) *Minimum requirements for community residential homes, multifamily.*

1. The sponsoring agency or the Florida Department of Health and Rehabilitative Services shall notify the city manager in writing and include in such notice the specific address of the site, the residential licensing category, the number of residents, and the community support requirements of the program. The notice shall also contain a statement from the district administrator of the Florida Department of Health and Rehabilitative Services indicating the need for and the licensing status of the proposed community residential home, multifamily, and specifying how the home meets applicable licensing criteria for the safe care and supervision of the clients in the home. The district administrator shall also provide to the local government the most recently published data compiled that identifies all the community residential homes in the district in which the proposed site is to be located.
2. The city manager shall refer the notice to the planning department, which shall review the notification of the sponsoring agency in accordance with the zoning ordinance of the jurisdiction.
3. The director of planning may:
 - a. Determine that the siting of the community residential home is in accordance with local zoning and approve the siting. If the siting is approved, the sponsoring agency may establish the home at the site selected.
 - b. Fail to respond within 60 days, in which case the sponsoring agency may establish the home at the site selected.
 - c. Deny the siting of the home, upon establishing that the siting of the home at the site selected fails to meet one or more of the following criteria:
 1. It otherwise conforms to existing zoning regulations applicable to other multifamily uses in the area.
 2. It meets applicable licensing criteria established and determined by the Florida Department of Health and Rehabilitative Services, including requirements that the home be located to assure the safe care and supervision of all clients in the home.
 3. It is not within a radius of 1,200 feet of another existing community residential home in a multifamily zone.
 4. It is not located within a radius of 500 feet of an area of single-family zoning.

33-19.03. *Flea markets and merchandising barns or marts.* Flea markets,

merchandising barns, or merchandising marts shall comply with the following restrictions:

- (a) The use must be entirely enclosed within a building. No outside display of articles for sale will be permitted.
- (b) Off-street parking must be provided at a rate of one space for every 100 square feet of interior floor space devoted to such use.
- (c) A sufficient off-street loading and unloading area must be provided on-site to allow each individual renter of interior floor space to load and unload his merchandise.

33-19.04. *Storage of junk, waste or salvage materials.* Storage of junk, waste or salvage materials shall comply with the following restrictions:

- (a) *Storage of materials.*
 - 1. Material that is not salvageable shall not be permitted to accumulate, except in bins or containers, and shall be disposed of in an approved sanitary landfill. The period of accumulation is limited to two months.
 - 2. In no case shall material that is not salvageable be buried or used as fill.
 - 3. Any items which can be recycled or salvaged shall be accumulated in bins or containers to be sold to a recycling firm.
 - 4. Recyclable material which cannot be stored in bins or containers may be stored in the open.
 - 5. Junkyard operators shall be responsible for compliance with all applicable federal and state regulations pertaining to the handling, storage, and disposal of waste fluids. In no case shall disposal of waste fluids be permitted on site, except with the express approval of the Florida Department of Environmental Regulation.
 - 6. In any open storage area, it shall be prohibited to keep any ice box, refrigerator, deep-freeze locker, clothes washer, clothes dryer, or similar airtight unit having an interior storage capacity of one and one-half cubic feet or more from which the door has not be removed.
- (b) *Screening.* The following screening standards shall be met:
 - 1. All outdoor storage facilities shall be surrounded by a substantial continuous masonry, wooden or metal fence (not including chain link fences), or a wall, any of which shall be a minimum of eight feet in height without openings of any type except for one entrance and/or one exit which shall not exceed 25 feet in width.

2. Gates at entrance or exit shall be of a material without openings.
 3. The screen shall be constructed of the same type of material throughout.
 4. Screens shall be at least 25 feet from any street line or setback line, and no storage or dismantling shall be permitted outside the required screen.
 5. No screen shall be constructed of metal that will rust.
 6. Screens shall be maintained and in good repair at all times.
- (c) *Buffer in lieu of screening.* Where an outdoor storage facility does not abut a public street or highway, a vegetative buffer may be permitted in lieu screening. A buffer "D" as described in section 33-92 of this chapter shall be required.

33-19.05. *Carnivals.*

- (a) *Where allowed.*
1. No commercial carnival may be held within the city except in an M-1 industrial district or on property owned by the city, with the approval of the city manager and subject to whatever requirements he deems necessary.
 2. In addition, a charitable carnival may be held on premises owned by the organization sponsoring or conducting the carnival or owned by an affiliated organization.
- (b) *Hours of operation.* No carnival operated in any district other than in an M-1 industrial district shall stay open later than 10:00 p.m. Sunday through Thursday, or later than 11:00 p.m. Friday and Saturday, nor shall any activities such as maintenance, disassembly or cleanup be conducted more than one hour after closing time.
- (c) *Sanitary facilities and parking.* All carnival operators or sponsors shall ensure that adequate sanitary facilities and on- or off-street parking are available for patrons of the carnival. Failure to ensure adequate sanitary facilities and parking facilities shall be cause for refusing to issue a carnival license in accordance with this chapter.
- (d) *Requirement for insurance coverage or bond.* Unless exempted by section 546.006 Florida Statutes (1985), no person may operate an amusement ride or amusement attraction, as defined by state law, at any carnival within the city unless insurance coverage or a bond for that ride or attraction is provided in accordance with section 546.003, Florida Statutes (1985), and no city license shall be issued for any carnival, amusement attraction or amusement ride unless the requirements of that section have

been satisfied.

33-19.06. *Automobile service stations.*

- (a) *Additional setbacks.* All pumps, including canopy, and all gas storage tanks shall be set back at least 15 feet from the right-of-way line, or an established setback line.
- (b) *Curb breaks.* The number of curb breaks for one establishment shall not exceed two for each 100 feet of street frontage each having a width of not more than 30 feet and located not closer than 15 feet from a street intersection.
- (c) *Screening.* When the station abuts a residential district, it shall be separated therefrom by a solid fence or equivalent planting screen at least six feet high.
- (d) *Separation from certain uses.*
 - 1. No gasoline and oil filling station and no service station shall be erected or located within 350 feet of the property of any church, hospital, public or parochial school or playgrounds.
 - 2. This section shall not be construed as prohibiting:
 - a. The operation of existing gasoline and oil filling stations or service stations.
 - b. The improvement, alteration or reconstruction of any existing gasoline and oil filling station or service stations.

33-19.07. *Recreational vehicle parks.*

- (a) *Intent.* It is the intent in this section to provide standards for the location and development of parks for recreation vehicles.
- (b) *Requirements.* A recreational vehicle park shall meet the following general requirements:
 - 1. It shall be primarily for recreational use by persons with transportable recreational housing, with appropriate accessory uses and structures.
 - 2. The land on which it is developed shall be under unified control and shall be planned and developed as a whole in a single development operation or programmed series of development operations for recreational vehicles and related uses and facilities. Subsequent subdivision of lots or conveyance of sites to individual owners by any means is prohibited.
 - 3. The primary and accessory uses and structures shall be substantially related to the character of the development in the context of the

district of which it is a part.

4. The park shall be developed according to comprehensive and detailed plans that include not only streets, utilities, lots, or building sites and the like, but also site plans, floor plans, and elevations for all buildings as intended to be located, constructed, used, and related to each other, and detailed plans for other uses and improvements on the land as related to the building.
5. The park shall have a program for provision, maintenance, and operation of all areas, improvements, and facilities for the common use of all or some of the occupants of the park, but will not be provided, operated, or maintained at general public expense.
6. All recreational vehicle parks shall comply with licensing and permit requirements as set forth in chapter 10D-26 of the Florida Administrative Code, as it may be amended from time to time.

(c) *Allowable uses.* The allowable uses in a recreational vehicle park include the following:

1. Recreational vehicles, including tent campers, and tents.
2. Park trailers (park models) as defined by Florida law, provided they are placed in an area designated exclusively for that use on an approved final site plan. Park models are not to be set up for more than 180 consecutive days, or for more than 45 consecutive days in areas of special flood hazard unless elevated and anchored to comply with the flood plain protection standards of this chapter.
3. Convenience establishments for the sale or rental of supplies or for provision of services, for the satisfaction of daily or frequent needs of campers, within the park may be permitted. These establishments may provide groceries, ice, sundries, bait, fishing equipment, self-service laundry equipment, bottled gas, and other similar items needed by users of the park. These establishments shall be redesigned to serve only the needs of the campers within the park and shall not, including their parking areas, occupy more than five percent of the area of the park, and shall not be so located as to attract patronage from outside the grounds, nor have adverse effects on surrounding land uses.
4. Marinas or launching ramps may be permitted where allowed in the land use/zoning district, subject to either minimum requirements or supplemental standards, within the district. Marinas or launching ramps shall not include facilities for storage of boats other than those rented in connection with the park operation. There shall be no facilities for the repair or overhaul of boats.

(d) *Site design requirements.* The following site design requirements shall be

met:

acres.

1. The minimum land area for a recreational vehicle park shall be five acres.
2. The maximum density for a recreational vehicle park shall be 18 spaces per gross acre. Storage spaces shall be included in the density calculation.
3. Individual spaces shall take access to internal streets and shall not take direct access to adjoining public rights-of-way.
4. Access to the recreational vehicle park shall be from a collector or arterial roadway.
5. Internal streets shall provide safe and convenient access to spaces and appropriate park facilities. Alignment and gradient shall be properly adapted to topography. Construction and maintenance shall provide a well-drained and dust-free surface that is of adequate width to accommodate anticipated traffic, and in any case, shall meet the following minimum requirements:

| | | |
|------|---------------------|---------|
| (5a) | One-way, no parking | 12 feet |
| (5b) | Two-way, no parking | 20 feet |

6. Streets serving less than 50 spaces may be used as part of the pedestrian circulation system. Elsewhere if the relation of space locations to facilities within the park calls for establishment of pedestrian ways, they shall be provided, preferably as part of a common open space system away from streets, but otherwise sidewalks. No common access to the pedestrian ways, or to facilities within the park, shall be through a campground space.
7. Not less than eight percent of the area of the district shall be devoted to recreation area. The recreation area may include space for common walkways and related landscaping in block interiors, provided that the common open space is at least 20 feet in width as passive recreation space. At least half of the total required recreation area shall be comprised of facilities for active recreation, such as swimming pools or beaches, ball fields, shuffleboard courts, or play lots for small children. These facilities shall be so located as to be readily available from all spaces, and free from traffic hazards.
8. Camping spaces shall be so located in relation to internal streets as to provide for convenient vehicular ingress and egress if the space is intended for use by wheeled units. Where back-in or back-out spaces are used, appropriate maneuvering room shall be provided in the

adjacent internal street and within the space.

9. Where spaces are to be used exclusively for erection of tents on the ground, provision for vehicular access onto such spaces shall not be required, but parking areas shall be located within 100 feet, except in circumstances in which providing such vehicular accessibility would result in excessive destruction of trees or other vegetation, or where it would be impractical to provide such parking areas within such distances for particularly desirable campsites.
10. Spaces shall be so related to pedestrian ways and principal destinations within the park as to provide for convenient pedestrian access to such destinations by the pedestrian systems.
11. No minimum dimensions are specified for spaces, but each shall provide a stand and the clearances and open spaces specified herein, and the boundaries of each stand and space shall be clearly indicated.
12. Spaces for dependent units shall be located within 200 feet by normal pedestrian routes of toilet washroom, and bath facilities.
13. Spaces for self-contained units, operating as such, may not be located more than 400 feet by normal pedestrian routes from toilet, washroom, and bath facilities.
14. Stands shall be of such size, location and design to provide for the type of units that will use them. Thus where use by wheeled units is intended, vehicular access to the stand itself is essential. If use is to be restricted to tents to be erected on the ground, vehicular access to the stand itself is not essential, but the dimensions required may be different and it will be of primary importance that the stand have a level surface suitable for erection of a tent, composed of material suitable for driving and holding tent pegs, free of rocks, roots or other impediments to the driving of pegs to the depth of at least eight inches, and graded and drained to prevent flow of surface water into or under tents erected on it.
15. Stands shall be so located that when used, clearance from units, including attached awnings and the like, shall be as follows:

| | | |
|-------|---|---------|
| (15a) | From units on adjoining stands | 10 feet |
| (15b) | From internal streets of common parking area | 10 feet |
| (15c) | From portions of building not containing uses likely to disturb stand occupants, or constructed or oriented so that noise and lights will not be disturbing to occupants of space | 25 feet |
| (15d) | From any other use or fueling facility | 50 feet |

16. Within each space, there shall be an area suitably located and improved for outdoor use by occupants of units and not to be occupied by units or towing vehicles except during maneuvering incidental to location or removal. This space shall be at least eight feet in minimum dimensions and 160 square feet in area in route parks, ten feet in minimum dimension and 200 square feet in area in destination parks, and shall be so located as to be easily accessible from the entry side of units as normally parked and oriented on stands.
 17. Where fireplaces, cooking shelters, or similar facilities for open fires or outdoor cooking are provided within spaces or elsewhere, they shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance within the park and in adjoining areas.
 18. Design and construction of improvements shall comply with standards and specifications in the appendices.
- (e) Area of the M-1 zoning district where recreational vehicle parks shall be permitted. Recreational vehicle parks shall be permitted only in that portion of the DeLand Airport Industrial Park described as follows:

That part of section 34, township 16 south, range 30 east, Volusia County, Florida, described as follows: Commence at the intersection of Langley Avenue and Old Daytona Road and run northeast along Old Daytona Road approximately 330 feet to the point of beginning. Run southeast approximately 568 feet to a point on a drainage canal. Then run northeast along said drainage canal approximately 505 feet to a point. Then run northwest 296 feet to the south right-of-way line of Old Daytona Road. Run southwest along the south right-of-way line of Old Daytona Road to the point of beginning. Contains 5.0 acres more or less.

33-19.08. *Convenience stores with gas pumps criteria.*

- (a) *Self-service pumps.* All gas pumps shall be self-service only.
- (b) *Status of areas.* The area devoted to the sale and dispensing of gasoline and/or other automotive related petroleum products shall be subordinate to the area devoted to the sale and dispensing of nonpetroleum products.
- (c) *Location of gas pumps.* All gas pumps, including canopy, shall be located a minimum of 15 feet from the right-of-way line.
- (d) *Entry and exit.* All gas pumps shall be located on the site in such a manner so as not to create conflicts between the vehicles using the gas pumps and vehicles entering and exiting the site.
- (e) *Proper site design required.* Proper site design shall be required to ensure proper internal vehicular flow.

- (f) *Screening.* When a convenience store with gas pumps abuts a residential land use, it shall comply with the relevant provisions of article VIII, section 33-92

33-19.09. *Tattoo parlors and related uses.*

- (a) *Compliance with relevant state regulations.* Only tattoo parlors and related land uses that comply with the provisions of section 877.04, Florida Statutes; Rule 59R-2.002, Florida Administrative Code; and/or other relevant regulations shall be issued an occupational license and permitted to operate within the City of DeLand.
- (b) *Hours of operation.* Tattoo parlors and those land uses engaged in the act of tattooing shall be permitted to operate within the hours of 8:00 a.m. to midnight.
- (c) *Landscape buffers.* Parcels of land containing land uses engaged in the act of tattooing shall have a minimum Class D landscape buffer along its frontage with all arterial, collector and local roadways. The minimum landscape buffer between parcels of land containing land uses engaged in tattooing and other land uses shall be determined by Table 33-92.02(b); however, in addition to the widths and minimum plant materials listed, the landscape buffer shall also comply with the requirements for an opaque screen, as noted by the asterisk (*).
- (d) *Signage.* The number, placement and square footage of permanent accessory ground signs and building signs shall be determined by section 33-75.09 of chapter 33 of the Code of Ordinances.
- (e) *Compliance with other relevant city regulations.* In addition to the regulations specifically addressed in this section, tattoo parlors and related land uses shall comply with all other relevant provisions of chapter 33 of the Code of Ordinances.

33-19.10. *Outdoor recreational land uses in the M-1 zoning district.*

- (a) *In general.* Outdoor recreational land uses having a commercial lease of 31 days or more shall be permitted only in that portion of the industrial (M-1) zoning district which is described in section 33-19.10(d) below. Outdoor recreational land uses shall include those uses as defined and/or listed in sections 33-19.10(b) and 33-19.10(c) below.
- (b) *List of permitted outdoor recreational land uses.* Land uses that are determined to be outdoor recreational land uses include, but are not limited to, the following:
 1. Automotive, motorcycle, go-cart and boat racing facilities.
 2. Golf driving ranges and miniature golf facilities.

3. Racquet sports facilities.
4. Model aircraft, model automotive and model boat facilities.
5. Field and court sports facilities.
6. Water sports and water park facilities.
7. Batting cages.
8. Other permanent or long term amusement and ride facilities.

- (c) *Area of the M-1 zoning district where outdoor recreational land uses shall be permitted.* Outdoor recreational land uses shall be permitted only in that portion of the DeLand Airport Industrial Park described as follows:

That part of Sections 26 and 27, Township 16 South, Range 30 East, Volusia County, Florida, described as follows: Commence at the point of beginning at the north line of the Southwest ¼ of the Southwest ¼ of Section 26 and the intersection with Little Haw Creek run westerly approximately 600 feet to Matt Fair Boulevard. Then run along the south line of Matt Fair Boulevard to the intersection with a dirt road. Run along the dirt road to the intersection with a drainage canal. Run southerly along the drainage canal to a line 500 feet northeast and parallel to the centerline of runway 12. Run southeasterly along said line approximately 1,230 feet to a line 500 feet northwest and parallel to the centerline of runway 23. Run along said line approximately 2760 feet to Little Haw Creek. Run along Little Haw Creek to the point of beginning.

- (d) *Noise.* Noise levels shall not exceed the thresholds adopted in chapter 20 of the Code of Ordinances of the City of DeLand.
- (e) *Lighting.* Light from an outdoor recreational land use shall be contained upon the subject property and shall not fall upon any other property.

33-19.11. *Use of vehicles for diagnostic radiological medical uses.*

- (a) *Intent.* It is the intent of this section to provide standards under which vehicles, either temporary or permanent may be used for diagnostic radiological medical uses.
- (b) *Permanent health care vehicle.*
1. Vehicles may be used only for diagnostic radiological medical uses, including but not limited to, X-ray, CAT scan, MRI, and nuclear medicine.
 2. Only those diagnostic radiological medical uses regulated by the State of Florida Department of Business and Professional Regulation may be conducted in such a facility.

3. All such diagnostic radiological medical uses shall be accessory to a medical facility which has an occupational license either from the City of DeLand or from another governmental unit within the State of Florida.
4. All such diagnostic radiological medical uses shall be accessory to the medical facility which has an occupational license from the City of DeLand, and shall be located on the same property as and adjacent to the primary medical use and/or structure which is licensed by the city.
5. For purposes of site plan and permitting, all such facilities shall comply with all relevant state and local regulations, including but not limited to, landscaping, stormwater and off-street parking.

33-19.12. *Conditions for land uses involving the transportation of hazardous waste.*

- (a) While on the subject property, all vehicles carrying hazardous waste shall be parked within a roofed secondary containment facility, being designed and constructed to ensure that such facility has sufficient capacity to ensure that all spills of hazardous waste shall be retained within the containment facility.
- (b) Secondary containment structures shall be constructed a minimum of 100 feet from any property line.
- (c) While on the subject property, hazardous waste shall not be unloaded from any vehicle or be transferred from one vehicle to another, except as such transfer may be required in order to make emergency repairs to the original vehicle requiring such repairs.
- (d) Land uses involved in the transportation of hazardous waste shall comply with all relevant provisions of section 33-63, Potable Water Wellfield Protection.
- (e) No vehicle containing hazardous waste shall be parked on the subject property for a length of time exceeding 23 hours and 59 minutes.
- (f) All land uses involved in the transportation of hazardous waste shall comply with all relevant state and local regulations.
- (g) Except as required by section 33-92, Landscaping, land uses involved in the transportation of hazardous waste are not required to provide additional screening or other landscaping.

33-19.13. *Multiple-family dwellings on first floor.*

- (a) *Intent.* It is the intent of this section to provide standards for the location and development for multiple-family dwelling units on the first floor for the downtown area.

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(b) *Where allowed.* First floor residential will not be permitted on properties abutting Woodland Boulevard or New York Avenue or within 300 feet of either roadway.

(c) *Development standards for new development.*

1. Street side of development shall include amenities that encourages pedestrian activities and will be of the same design as the rest of downtown.
2. Building should be located adjacent to street or slight setback (less feet) to allow for a small landscaped area.
3. For town home style units, parking should be located in the rear or inside the structure. If outside parking is utilized in the front of the building, it shall be screened by a three-foot wall. If individual garages are to be used the entry must be located at rear to prevent the garage door from being the focal point of the building.
4. Parking requirement shall be one and one-half spaces for one bedroom unit, all others shall be two spaces per unit.
5. Sidewalk width shall be the same as adjacent sidewalk up to a maximum of 12 feet, with a minimum of five feet.
6. Parking garages for multifamily structures will be permitted on the first floor with entrance preferably parallel to street. The garage will be designed to resemble a residential building or commercial store frontage in order to maintain the character of downtown.

(d) *Development standards for conversion of existing building.*

1. Conversion to residential uses on a first floor will not be permitted for a building if part of a row or line of existing buildings.
2. Parking requirement shall be one and one-half spaces for one bedroom unit; all others shall be two spaces per unit.
3. Exterior renovations must comply with Community Design

Standards.

Sec. 33-20. - Temporary subdivision sales offices.

(a) *Where permitted.* In all zoning districts that permit residential developments.

(b) *Approval by site plan.* Pursuant to compliance with the criteria listed in section 33-21.03, the city shall approve all temporary sales offices.

(c) *Standards for temporary subdivision sales offices.*

1. *Types of structures.* Temporary sales offices may be located in a residential structure, complying with all relevant requirements of the specific zoning district in which it is located and the current edition of the Florida Building Code as adopted by the Florida Building Commission, or in a mobile office trailer certified by the State of Florida.
 2. *Parking.* The temporary office shall have a minimum of five regular and one handicapped parking spaces. Said parking spaces shall be cypress mulch over a compacted subbase material to provide a hard parking surface. All regular parking spaces shall be a minimum of nine feet × 19 feet in dimension. The handicapped parking space shall be a minimum of 12 feet × 20 feet.
 3. *Landscaping.* The perimeter of the parking area shall be landscaped with one shrub, not less than two and one-half feet high, at a spacing of three feet on center.
 4. *Utilities.* Temporary sales offices shall have potable water, irrigation water and wastewater service which is acceptable to the city.
 5. *Handicapped provisions.* Temporary sales offices shall comply with all relevant federal, state, and local regulations.
- (d) *Hours of operation.* Temporary sales offices may only operate within the hours of 9:00 a.m. until 9:00 p.m. each day.

33-20.01. *Expiration of temporary sales office.* Temporary sales offices shall cease operation and mobile office trailers shall be removed from the site no later than 90 days after the completion of the last home in the specific phase of development which the office serves or five years from the date of the approval of the temporary sales office, whichever comes first.

33-20.02. *Extension of approval of temporary sales office.* Based upon a written request from the applicant, the city may approve an extension of the temporary sales office for a period not to exceed 12 months.

Sec. 33-21. - Standards for temporary structures on properties that contain vehicle sales.

Where permitted. In the M-1, Industrial zoning district; in C-2, General Commercial or C-2AC, Commercial Activity Core zoning districts. These standards are only for properties that contain active vehicle sales and service operation. The standards supersede any conflicting sections contained in this chapter.

33.21.01. *Standards for temporary signage for properties that contain vehicle sales.*

- (a) *Cold air inflatable (balloons).* Allow only one geometric shaped cold air balloon, not exceeding 32 square feet of area, and not to exceed ten feet in height, per premise. Balloons limited to 90 days per calendar year mounted on ground only, may not be located in landscape buffer. Temporary signs less than 16 square feet do not require a permit, greater than 16 square feet do require a permit.
- (b) *Flags on cars.* Allow one flag per vehicle to be displayed no larger than two square feet. The flag could be a national, political subdivision, or symbolic flag of an institution.
- (c) *Temporary banners.* Allow temporary banners to be displayed up to 120 days per calendar year. Associated balloons and festoons are not allowed. Shall not exceed 30 square feet in copy area.

33-21.02. *Standards for temporary tents for properties that contain vehicle sales.*

- (a) Tents, including inflatable structures, for public occupancy must obtain a building permit to ensure that all code requirements are met, i.e. flame retardency, proper support, etc.
- (b) Tents are only permitted 14 days per each quarter of the year.
- (c) No advertisement is permitted on the tent.
- (d) Tents may not be placed in the landscape buffer or on the public right-of-way.

Sec. 33-22. - Standards for adult entertainment establishments. (See also chapter 2C of the DeLand Code of Ordinances.)

- (a) *Definitions.* The terms "adult entertainment establishment," "alcoholic beverage," "educational institution," "preexisting," "park," and "religious institution" shall have the same meanings as those terms are defined in chapter 2C of the City of DeLand Code of Ordinances. The terms "residential use," "residence," and "commercial establishment" shall comply with standard dictionary definitions of such words. As it relates to adult entertainment establishments, the definition of the term "enlargement" shall include, but not be limited to, increasing the floor area of the establishment by more than ten percent.
- (b) *Where permitted.* Notwithstanding the restrictions imposed upon the location per subsection (c) below, adult entertainment establishments shall be permitted only within that portion of the M-1 zoning district encompassed by the DeLand Airport Industrial Park. For purposes of locating adult entertainment establishments, the DeLand Airport Industrial Park shall be defined as follows:

That part of Sections 26, 27, 28, 33, 34, and 35, Township 16 South, Range 30 East, and Section 3, Township 17 South, Range 30 East, Volusia County, Florida, described as follows: Beginning at the northwest corner of said Section 3, run thence southerly along the west line off side [said] Section 3 to the northerly right-of-way line of U.S. Highway 92 (S.R. 600); thence easterly along said right-of-way line to the centerline of Haw Creek Canal; thence northerly along said centerline to the north line of the southwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of said Section 26; thence westerly along the north line to the northeast corner of the south $\frac{1}{2}$ of the southeast $\frac{1}{4}$ of said Section 27; thence westerly along the north line thereof to the northwest corner of the south $\frac{1}{2}$ of the southeast $\frac{1}{4}$ of said Section 27; thence northerly to the northeast corner of the southwest $\frac{1}{4}$ of said Section 27; thence westerly to the northwest corner of the east $\frac{1}{2}$ of government Lot 7, said Section 28; thence southerly to the southwest corner of the East $\frac{1}{2}$ of government Lot 12, said Section 28; thence southerly to the southwest corner of the east $\frac{1}{2}$ of the southwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of said Section 33; thence easterly to the northwest corner of the northeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of said Section 33; thence southerly to the southwest corner of the northeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of said Section 33; thence easterly to the southeast corner of the northeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of said Section 33; thence southerly to the point of beginning.

(c) *Minimum separation requirements.* A new adult entertainment establishment may not be located, or an existing adult entertainment establishment may not be enlarged, unless there is a minimum separation between the adult entertainment establishment and other specified land uses as follows:

1. A preexisting adult entertainment establishment—1,500 feet;
2. A preexisting religious institution—1,500 feet;
3. A preexisting educational institution—1,500 feet;
4. An area zoned within the county or a municipality for residential use—1,500 feet;
5. An area designated as residential on the future land use map of the city's Comprehensive Plan—1,500 feet;
6. A property line of a preexisting residence—1,500 feet;
7. A preexisting park—1,500 feet; or
8. A preexisting commercial establishment that in any manner sells or dispenses alcohol—200 feet.

The distance requirements set forth in this section are independent of and do not supersede the distance requirements for alcoholic beverage establishments

contained in section 33-18.

- (d) *Measurement of distance.* The distance from a proposed or existing adult entertainment establishment to a preexisting adult entertainment establishment, a preexisting religious institution, a preexisting educational institution, an area zoned for residential use, an area designated on the future land use map of the Comprehensive Plan as residential, a preexisting residence, a preexisting park, or a preexisting commercial establishment that sells or dispenses alcohol, shall be measured by drawing a straight line between the closest property lines of the proposed or existing adult entertainment establishment and the preexisting adult entertainment establishment, preexisting religious institution, preexisting educational institution, area zoned for residential use, area designated on the future land use map of the Comprehensive Plan as residential, preexisting residence, preexisting park, or preexisting commercial establishment that sells or dispenses alcohol.

Sec. 33-23. - Standards for communication towers and antennas.

33-23.01. *Purpose and intent.*

- (a) To accommodate the growing needs of cell sites, communication towers and antennas, particularly after the adoption of the Federal Telecommunications Act of 1996;
- (b) To enhance the ability of the wireless communications industry to provide its services to the community quickly, effectively, and efficiently;
- (c) To act upon a request for authorization to place, construct and modify communication towers and antennas, within a reasonable time and to provide for denials to be made in writing and supported by substantial evidence;
- (d) To protect abutting properties and residential areas from the potential adverse visual impacts associated with cell sites through sound planning and engineering practices; [and] through careful review of applications, and through proper permitting procedures;
- (e) To avoid the proliferation of single-user communication towers throughout the city by encouraging the colocation of antennas on existing communication towers and by encouraging antennas to be mounted on alternative support structures; and
- (f) To minimize the adverse visual impacts associated with cell sites by encouraging innovative design styles in the construction of communication towers; by adopting adequate setback requirements between communication towers; and by adopting landscaping, screening, setback and height requirements which are compatible with the subject cell site, as well as the abutting and proximate land uses.

33-23.02. *General regulations and restrictions.*

- (a) *Zoning district regulations.* Communication tower sites shall comply with all applicable regulations of the zoning district in which they are located. If such requirements are inconsistent with this section, the requirements of this section shall be predominate.
- (b) *FAA and other airport regulations.* All communication tower sites must comply with the current standards and regulations of the FCC; FAA Regulations 14 C.F.R. Part 77; chapter 333, Florida Statutes; section 33-33, DeLand Municipal Airport zoning regulations and any other governmental regulations relating to communication towers.
- (c) *FCC regulations.* All communication towers must comply with the current standards and regulations of the FCC.
- (d) *Structural certification.* On a five-year basis, each tower owner shall provide an inspection report, signed and sealed by a professional engineer licensed by the State of Florida, certifying that the tower is in good operating condition meeting all FCC and American National Standards Institute (ANSI) specifications. This report shall be provided no later than September 30th of every fifth year.
- (e) *District height limitations.* The requirements set forth in this section shall govern the location and height of communication towers and antennas. The maximum height of buildings, per section 33-87, shall not be applicable to communication towers and antennas.
- (f) *Landscape buffer requirements.* All communication towers shall comply with the applicable landscape buffer requirements of section 33-92; however, in no case shall a communication tower have less than a Class B buffer.
- (g) *Amateur radio, receive only and two-way dispatch antennas.* This section shall not govern any communication towers or the installation of any antenna that is under the district height limitation and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas or two-way radios.
- (h) *Preexisting communication towers and antennas.* All communication towers and antennas existing on the effective date of this ordinance shall be permitted to continue to be used as they presently exist, and routine maintenance or reconstruction shall be permitted on such towers. New construction, however, shall comply with the applicable requirements of this section.
- (i) *Principal use.* Communication towers and camouflaged towers shall be considered principal uses and not accessory uses.

- (j) *Temporary communication towers.* Temporary communication towers shall be approved to operate in conjunction with special events. Temporary communication towers necessary to aid in post disaster relief efforts are exempt from the maximum 21-day period.
- (k) *Nonconforming structures.* An antenna mounted on a nonconforming communication tower or nonconforming alternative support structure shall not be deemed to increase its degree of nonconformity as determined by article 9 of this chapter.
- (l) *Building permit/development order required.*
 - 1. For communication towers and antennas which meet the requirements listed in section 33-23.04, a building permit may be issued in the absence of an approved site plan.
 - 2. For communication towers and antennas which meet the requirements of section 33-23.05 and/or section 33-23.06, a site plan shall be required.
- (m) *Occupational license.* No occupational license shall be required for wireless communication providers, unless such provider also engages in, manages, transacts, or carries on its business at an office or business location within the city.
- (n) *Camouflaged antennas.*
 - 1. An antenna mounted on a camouflaged communication tower shall be constructed in such a manner and from materials, which cause the antenna to blend in with the camouflaged tower.
 - 2. An antenna mounted on the roof or side of a building shall be constructed in such a manner so as to blend in with the building design and materials of the roof and/or building. Any visible mechanical structure used to elevate said antenna above the overall height of the roof shall be constructed in such a manner so as to blend in with the building design and materials of the roof and/or building.
- (o) *Setbacks.* For communication towers, camouflaged towers and any relative appurtenances (i.e. guy wires) accompanied by a signed and sealed statement from a Florida registered engineer documenting the limits of the fall zone of the tower, the minimum setback shall be the limits of the fall zone of the tower or the minimum setback requirement for the applicable zoning district, whichever is greater. Without such certification by a Florida registered engineer, the tower shall have a minimum setback from all structures equal to the height of the tower and shall comply with all relevant building setbacks, per subsection 33-87.02(a). Alternative support structures must comply with the relevant setbacks, per subsection 33-87.02(a). Alternative support structures and temporary communication

towers are not required to have a minimum setback from another structure equal to the height of the tower.

- (p) *Multiple users.* All communication towers and antennas shall be constructed to accommodate multiple users, except as provided for by subsection 33-24.06(a) of this article.
- (q) *Prohibition of strobe lighting.* Strobe lights are hereby prohibited on any tower permitted under this article, unless otherwise required by law.
- (r) *Condition for approval of new towers.* The approval of any site plan for a new communication tower shall be based upon documentation from the applicant that he/she has exhausted all alternatives, using due diligence, to locate the proposed antenna(s) on an existing communication tower or alternative support structure.
- (s) *Abandonment of towers.* Any communication provider pursuant to this article who fails to use or abandons a tower or antenna licensed herein for a period of 180 days or more shall remove said tower or antenna. The communication provider shall remove such towers or antennas within a period not to exceed 90 days from the time they receive notification from the city.
- (t) *Appeal.* Any applicant, who asserts that he or she is aggrieved by the application of the terms of this article or asserts that the application of this article results in a violation of the Federal Telecommunications Act of 1996, shall first exhaust all appeal rights to the City of DeLand Planning Board prior to seeking any judicial review.

33-23.03. *Minimum spacing requirements.* The minimum spacing between communication towers shall be as follows:

| Description | Lattice | Guyed | Monopole < 75 Feet High | Monopole > 75 Feet High | Alternative Support Structures |
|--|---------|-------|-------------------------|-------------------------|--------------------------------|
| Lattice | 5,000 | 5,000 | 2,500 | 2,500 | 0 |
| Guyed | 5,000 | 5,000 | 2,500 | 2,500 | 0 |
| Monopole < feet high | 2,500 | 2,500 | 1,500 | 2,000 | 0 |
| Monopole > 75 feet high | 2,500 | 2,500 | 2,000 | 2,500 | 0 |
| Alternative support structure or camouflaged tower | 0 | 0 | 0 | 0 | 0 |

33-23.04. *Primary uses.* (These regulations supersede any height limitation which might be imposed by section 33-23.05 and section 33-23.06.) The following described communication towers shall be considered primary uses:

- (a) A communication tower not exceeding 50 feet in height in the P-1, E-1, C-1, C-2, C-2A, C-2AC and C-3 zoning districts.
- (b) In the C-4 and M-1 zoning district, any communication tower not exceeding 199 feet in height; provided, however, that all such towers in the M-1 zoning district must be in compliance with the Airport Master Plan and not hinder or interfere with aviation at the airport.
- (c) Any communication tower having an institutional overlay land use designation, not exceeding 199 feet in height.
- (d) The installation of an additional antenna, not to exceed 20 feet in height, on an existing alternative support structure (such as a building, sign, light pole, etc., but not on a communication tower) where the resultant height of the antenna and structure does not exceed 70 feet in height.
- (e) A camouflaged tower, so long as the height of the tower does not exceed 150 feet in the C-2A zoning district and 199 feet in all other zoning districts where towers are allowed.
- (f) The installation of an additional antenna, not to exceed 20 feet in height, on an existing communication tower, so long as the resultant height of the tower and antenna does not exceed 150 feet in the C-2A zoning district and 199 feet in all other zoning districts in which towers are allowed.
- (g) Temporary communication towers, not to exceed 100 feet in height, for a period not to exceed 21 days.

33-23.05. *Conditional uses.* The following described communication towers shall be considered conditional uses:

- (a) In the C-2A zoning district, a communication tower or alternative support structure for two users, not to exceed 150 feet in height.
- (b) In the P-1, E-1, C-1, C-2, C-2AC and C-3 zoning districts, a communication tower or alternative support structure for three or more users, not to exceed 170 feet in height.

33-23.06. *Special exceptions.* The following described communication towers shall be considered special exceptions:

- (a) Any relocation within the city limits of the existing AM radio tower now located at 220 East Hubbard Avenue.
- (b) In the C-2A zoning district, a communication tower for three or more users, higher than 150 feet but not exceeding 199 feet.

- (c) In the P-1, E-1, C-1, C-2, C-2AC and C-3 zoning districts, a communication tower for three or more users, higher than 170 feet but not exceeding 199 feet.

Sec. 33-24. – Standards for community gardens

33-24.01. *Purpose and intent.*

- (a) To provide for nutritious food at affordable costs, encouraging self-reliance, stimulating social interaction and community engagement, creating income-generating opportunities and economic development, and preserving green space:
- (b) To encourage sustainable local food supply and to enhance the ability of residents to participate in activities promoting general health, physical fitness and overall well being;
- (c) To increase neighborhood pride and desirability and to increase property value.

33-24.02. *General regulations and restrictions.*

- (a) No operator shall establish or operate a community or market garden without a special exception that specifically identifies the garden. Granting of a special exception for a community or market garden does not constitute the granting or creation of an agricultural zoning or an agricultural zoning overlay designation.
- (b) Community or market gardens (hereafter unless otherwise specified referred to as garden for this section) shall consist of land used for the cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users.
- (c) No garden shall be established without the creation of a governing board. The board shall determine, at a minimum: governing board composition and responsibilities, meeting requirements, fees, governing principals including method by which all participants are included in the governing process, membership criteria and work requirements, plot allocation criteria, plot occupancy duration and planting schedule, plot size and demarcation standards, plot maintenance criteria, conduct and civil behavior standards, grievance and revocation criteria, site maintenance standards and tool, garbage, composting and water management criteria.
- (d) All gardens shall register annually with the City of DeLand. The applicant shall provide the property address and parcel number, a measured drawing illustrating the size (dimensions) and location of the garden, location of existing structures including fencing and sheds, location and height of any proposed accessory structures including storage sheds, containers and fencing, parking, location and composition of proposed landscaping and distance between accessory structures and composting operations and

neighboring properties. The applicant shall provide documentation signed by the property owner demonstrating permission to use the property for this purpose. A copy of the garden management criteria and the name, address and phone number(s) of the governing board members must accompany the registration.

- (e) Nothing in this regulation prohibits the cultivation of a garden on private property to provide food for personal consumption by the property owner.
- (f) Nothing in this regulation prohibits the property owner from requiring insurance, use fees and/or indemnity for the use of their property for the purpose of the creation and operation of a community or market garden.
- (g) The city reserves the right to reject the garden registration, and/or to close and require the disassembly of any garden deemed by the city to be a nuisance or safety hazard. The city reserves the right to seek financial compensation from the garden governing board and/or the garden property owner in the event the city must address an improperly maintained or abandoned garden
- (h) Gardeners must follow all local, state and federal regulations. Cultivation of regulated substances, noxious and/or invasive species as defined by the federal government of the United States, the State of Florida, County of Volusia and City of DeLand regulations and guidance is prohibited.
- (i) Garden sites shall comply with all applicable regulations of the zoning district and, if applicable, the zoning district overlay in which they are located.

33-24.03 *Garden site management*

- (a) All gardens shall comply with the applicable landscape buffer requirements of section 33-92; however, in no case shall a garden have less than a Class B buffer.
- (b) Gardens operations may take place between 8:00 AM and 8:00 PM or dawn and dusk whichever is more restrictive.
- (c) The operation of any mechanically powered commercial or domestic tools, lawn or garden tools, or similar tools that create a noise disturbance across a real property line outside the prescribed hours of garden operation is prohibited.
- (d) Notwithstanding compliance with the various requirements of this section, the operator of a garden shall maintain the property in productive use during the growing season.
- (e) At the end of each growing season annual vegetation shall be cut down to a height of not more than 6 inches above ground level.

- (f) Soil testing prior to the establishment of a garden is strongly advised. Additional information on soil testing may be obtained in *“Urban Agriculture and Soil Contamination: An Introduction to Urban Gardening,”* Practice Guide #25, USEPA Region 4, Allison Houlihan Turner Center for Environmental Policy and Management, University of Louisville, Louisville, Kentucky.
- (g) The use of herbicides and plastic as mulch is prohibited.
- (h) The use of chemically treated wood (i.e. wolmanized or similar treated wood product) is prohibited.
- (i) All gardens shall develop, implement and operate under a site wide Integrated Pest Management Plan (IPMP). The IPMP shall be an ecosystem-based agricultural pest control strategy that focuses on long-term prevention of pests or their damage through a combination of biological control, habitat manipulation, cultural practices, and use of resistant varieties. Pesticides shall be used only if non-chemical methods are not successful, and pesticide treatments are made with the goal of removing only the target organism. Pest control materials shall be selected and applied in a manner that minimizes risks to human health, beneficial organisms, and the environment. IPMP compliant fertilizers include compost, composted manure, seaweed, fish emulsion, bone meal, blood meal, coffee grounds, earthworm castings, bat guano, sheet-mulching and cover crops. A copy of the IPMP shall maintained and accessible on-site and made available to member gardeners. A copy of the IPMP shall be made available the city, the garden property owner and to adjoining property owners upon request.
- (j) Other than rainwater irrigation collection systems outfitted with controls adequate to prevent breeding and establishment of mosquito populations, tires and structures that retain or allow standing water shall be prohibited.
- (k) All city water is metered; the installation of temporary wells, unattended watering and the use of water timers are prohibited. Gardeners using sprinklers or hoses should take into account time of day, wind and temperatures to ensure as little waste as possible. The city encourages the use of rainwater collection for irrigation. All gardens must comply with the County of Volusia and the Saint Johns River Water Management District water use permits, criteria, schedules and restrictions.
- (l) A sufficient number of parking spaces to accommodate daily garden activities are required. The governing board shall submit a parking plan to the city for review. The city reserves the right to require changes to the plan accordingly. Market gardens conducting retail sales must provide paved parking in accordance with the city’s retail parking criteria. The design, construction and proposed material for pervious parking must be approved by the city engineer.

- (m) Gardens shall meet parking and access standards as required by the Americans with Disability Act and the current edition of the Florida Accessibility Code.
- (n) Compost areas shall be a minimum for 10 feet from any property line and, if possible, located near the center of the garden. Composting may be conducted using garden only related organic material. The collection or addition of waste organic material not generated within the garden is prohibited.
- (o) Primary and accessory structures are allowed. Accessory structures which extend the growing season such as sheds, hoopouses and greenhouses are permitted whether or not the lot contains a primary or main structure. All structures shall comply with the regulations for primary and accessory structures, including maximum size, height, and setbacks and impervious surface allocation for the property's zone district.
- (p) Benches, bike racks, raised/accessible planting beds, fences, picnic tables, seasonal garden sheds, picnic tables, garden art and similar non-fixed structures and amenities are permitted, but may not occupy buffers. Non-fixed structures and amenities shall comply with the regulations for primary and accessory structures, including maximum size, height, and setbacks and impervious surface allocation for the property's zone district. All non-fixed structures and amenities must be secured against tropical and hurricane storm displacement. Covered benches, bike racks and similar fixtures may be proposed, and upon approval, may be permanently installed as hardscape within the landscape buffer(s) as part of a formal site development plan independent of the garden use.

33-24.04 *Criteria applicable to market gardens*

- (a) Market garden crops may be sold on-site to the general public or at a public access farmers market within the County of Volusia. Market garden crops may not be sold wholesale or by direct supply to food service, grocery and similar commercial industries.
- (b) Market garden sales stands may not occupy buffers or parking, and must be secured at the close of business. Seasonal market garden stands must be removed, secured inside or secured within an opaque fenced screened area during off season closed periods.
- (c) The sale of items other than fruits, vegetables, plants, flowers or herbs cultivated on-site is prohibited.

Sec. 33-25 – Standards for accessory dwelling units (ADU)

33-25.01 *Purpose and intent.*

- (a) To provide homeowners with a means of obtaining, through tenants in the ADU or the principal unit, rental income, companionship, security, and services.
- (b) Add affordable units to existing housing.
- (c) Develop housing units in single-family neighborhoods that are appropriate for extended family living.
- (e) Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the conditions of these regulations.

33-25.02 *General regulations and restrictions*

- (a) No one shall establish or operate an ADU without a special exception that specifically identifies the ADU. Granting of a special exception for an ADU does not constitute the granting or creation of a zoning designation other than the existing underlying zoning.
- (b) No ADU shall be permitted except where a principal single-family residential dwelling (hereafter principal unit) exists on the lot or will be constructed in conjunction with the ADU.
- (c) The floor area for ADUs shall not exceed five hundred square feet for lots between 5000 and 7500 square feet. If a lot exceeds 7500 square feet, an ADU may be up to 640 square feet and, for lots in excess of 10,000 square feet, an ADU may be up to 800 square feet. In no case may any combination of buildings occupy more than thirty five percent of the required rear yard for the zoning district in which it is located.
- (d) ADUs utilizing alternative green construction methods causing the exterior wall thickness to be greater than normal shall have the unit square footage size measured similar to the interior square footage of a traditional frame house.
- (e) The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, stormwater and any other applicable codes.
- (f) Certification by the City of DeLand Utilities Department, or the County of Volusia Health Department where city utilities are not available, confirming water supply and sewage disposal facilities are adequate for the projected number of overall residents must be provided at the time of application, and must be recertified annually for each year the unit is operational.

- (g) The ADU shall incorporate water-conservation features where possible, including in the design of types of landscaping and in the design of water-using fixtures. In addition, water restricting shower heads and faucets shall be used, as well as water-saving toilets utilizing less than three gallons per flush.
- (h) Any additions to an existing building or separate construction or existing structure modification to create an ADU shall be conforming, and shall not exceed the lot impervious surface allocation or encroach into existing setbacks, buffers, tree preservation, conservation, stormwater management or other designated limited or restricted land use area.
- (i) The ADU may be attached to, or detached from, the principal unit; however the ADU must be allocated or constructed in a manner which maintains the single-family appearance and architectural style of the primary structure and lot.
- (j) Only one ADU shall be allowed per each parcel and shall remain within the parcel (not subdivided).
- (k) The property owner, which shall include title holders and contract purchasers, must occupy either the principal unit or the ADU as their permanent residence, but not both, and at no time receive rent for the owner-occupied unit.
- (l) An ADU may be developed in either an existing or a new residence.
- (m) The ADU shall not result in excessive noise, traffic or parking congestion.
- (n) One parking space shall be provided on-site for each studio and one bedroom ADU. Two parking spaces shall be provided on site for each two bedroom ADU. Parking for the accessory unit must be adjacent to the ADU, on the side or behind the principal unit and be constructed in addition to the required parking for the principal unit.

33.25.03 *Design standards*

- (a) The exterior design of the ADU shall be compatible with the principal unit on the lot through architectural use of building forms, height, construction materials, similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch colors, landscaping, and other methods that conform to acceptable construction practices.
- (b) The exterior design of the ADU shall be in harmony with, and maintains the scale of, the neighborhood.

- (c) The site plan provides adequate open space and landscaping for both the ADU and the principal unit. Open space and landscaping provide for privacy and screening of adjacent properties.
- (d) The location and design of the ADU shall maintain a compatible relationship with adjacent properties and shall not significantly impact the privacy, light, air, solar access or parking of adjacent properties.
- (e) The orientation and location of buildings, structures, open spaces and other features of the site plan shall maintain natural resources including historic and specimen trees and shrubs to the extent feasible and minimize alteration of natural land forms. The ADU building profiles, location and orientation shall relate to natural land forms.
- (f) One and one-half to two-story structure shall limit major access stairs, decks, entry doors, and major windows to the walls facing the principal unit, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard shall be minimized. The design of the accessory unit shall relate to the design of the principal unit and shall not visually dominate it or the surrounding properties.
- (g) The site plan shall be consistent with physical development policies of the City of DeLand Design Standards, zoning district overlay standards or any area plan or specific plan or other city policy for physical development.
- (h) The site plan shall be situated to protect views along scenic areas and, where feasible shall restore and enhance the visual quality of visually degraded areas.
- (i) Single story ADUs shall not exceed 12 feet in height. One and one-half to two-story ADUs shall comply with the height restrictions of the underlying zoning. An attached ADU may occupy a first or second story of the principal unit if it is designed as an integral part of the principal unit and it meets the setbacks required for the principal unit. If the design of the principal unit has special roof features that should be matched on a detached ADU, the maximum building height of the ADU may be exceeded to include such similar special roof features subject to review and approval of the city.
- (j) When an ADU is adjacent to an alley, every effort shall be made to orient the ADU toward the alley with the front access door and windows facing the alley. Parking provided off the alley shall maintain a twenty-four foot back out which includes the alley. Fences shall not exceed three feet six inches along the alley, however, fencing up to six feet may be considered in unusual design circumstances subject to review and approval of the city.

Before obtaining a building permit for an ADU, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

- (a) The accessory unit shall not be sold separately.
- (b) The unit is restricted to the approved size.
- (c) The use permit for the accessory unit shall be in effect only so long as either the main residence, or the accessory unit, is occupied by the owner of record as the principal residence.
- (d) The above declarations are binding upon any successor in ownership of the property; lack of compliance shall be cause for code enforcement and/or revoking the conditional use permit.
- (e) The deed restrictions shall lapse upon removal of the accessory unit.

Sections. 33-26, 33-27, - Reserved for future use.