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 bythe 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:

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 creation 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.

(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 than 20 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.