

ORDINANCE NO. 02-2025

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE ZONING CODE, CHAPTER 70, OF GENERAL PROVISIONS AMENDING SECTION 70-30 DEFINITIONS, AND OTHER TERMS USED IN SECTION 110-310, RM-1 MULTIPLE FAMILY RESIDENTIAL AND SECTION 110-311, RM-2 MULTIPLE FAMILY RESIDENTIAL, TO INCLUDE ADDITIONAL STANDARDS; AMENDING CHAPTER 76 AFFORDABLE HOUSING OF THE LAND DEVELOPMENT CODE, RELATING TO AFFORDABLE HOUSING REGULATIONS AND THE LIVE LOCAL ACT; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City of Deltona continuously monitors and reviews the Land Development code to ensure the City adopts appropriate regulations for development and zoning within the City, and from time to time recognizes the need to amend aspects of same; and

WHEREAS, the State of Florida adopted Chapter 2024-188, Laws of Florida, effective July 1, 2024, amending the statute known as the Live Local Act, Fla. Stat. 166.04151 (the "Act"); and

WHEREAS, the City Commission supports affordable housing and find it necessary to revise the City Code in order to establish equitable regulations for the development of mixed-income mixed-use residential developments in order to implement the provisions of the Act as recently amended; and

WHEREAS, the City Commission finds and determines that is Ordinance us necessary to implement the 2024 amendment to the Act, by defining terms and revising regulations and procedures; and

WHEREAS, the Planned Unit Development zoning requires a discretionary decision of the City Commission, based on the negotiation of a site plan and development agreement vetted at a public hearing that establish development standards which may vary from the City's multi-family regulations, so it is not available for Live Local Act purposes; and

WHEREAS, the City Commission finds and determines that updating the City's Code of Ordinances to implement Live Local Act is in the best interest of the public health, safety and welfare of the citizens of Deltona.

WHEREAS, words with double underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text, and asterisk (* * *) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

IT IS HEREBY ENACTED BY THE CITY OF DELTONA AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby fully incorporated herein by this reference as legislative findings and the intent and purpose of the City Commission of the City of Deltona.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to the City of Deltona Land Development Code incorporating the revisions stated herein as part of the City of Deltona Code of Ordinances.

Section 3. Amendments to Chapter 70, of General Provisions, section 70-30 Definitions, Section 110-310, RM-1 Multiple Family Residential, Section 110-311, RM-2 Multiple Family Residential, Section 110-321, Statutory uses and Chapter 76 Affordable Housing. The City Commission hereby approved and adopts modifications to Chapter 70, of General Provisions, section 70-30 Definitions, Section 110-310, RM-1 Multiple Family Residential, Section 110-311, RM-2 Multiple Family Residential, Section 110-321, Statutory uses and Chapter 76 Affordable Housing, as set forth in Exhibit "A" attached hereto.

Section 4. Zoning in progress. Pursuant to the pending ordinance doctrine set forth in *Smith v. City of Clearwater*, 383 So. 2d 681 (Fla. 2d DCA 1980), the City declares and implements the pending ordinance doctrine and declares zoning in progress concerning the zoning and land development regulations governing the development of affordable housing projects proposed on properties located in commercial and industrial zoning districts. All property owners and developers should be aware that provisions of the pending ordinance not yet adopted by the City

Commission may be applied to any proposed development applications and any development applications may be delayed until the adoption and effective date of this ordinance; accordingly, property owners and developers should not rely on existing land development regulations in making investment and development related decisions.

Section 5. Repeal of Prior Inconsistent Ordinances and Resolutions. All prior inconsistent ordinances and resolutions adopted by the City Commission, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 6. Codification. The Code of Ordinances of the City of Deltona, Florida, be and the same is hereby amended in accordance with the terms, provisions and conditions of this ordinance. Further, that the sections of this ordinance may be renumbered or re-lettered to accomplish said amendment; "Ordinance" may be changed to "Section", "Article", or other appropriate word.

Section 7. Conflicts. All ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed to the extent of any conflict.

Section 8. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

Section 9. Effective Date. This Ordinance shall take effect immediately upon passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
DELTONA, FLORIDA, THIS _____ DAY OF _____, 2025.**

BY: _____
Santiago Avila, Jr. MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK

Approved as to form and legality
for use and reliance of the City of
Deltona, Florida

Name	Yes	No
Avila-Vazquez		
Colwell		
Heriot		
Howington		
Lulli		
Santiago		
Avila		

Gemma Torcivia, CITY ATTORNEY

1 SEE EXHIBIT "A"

2 PROPOSED TEXT AMENDMENTS
3 CITY OF DELTONA LAND DEVELOPMENT CODE
4

5 I. Land Development Code, of the City of Deltona Code of Ordinances Section
6 70-30, Definition shall be amended as follows:
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10 "ADMINISTRATIVELY APPROVED" As used in Fla. Stat. 166.04151, approval by the
11 Administrative Official after input from the Development Review Committee in
12 accordance with the Land Development Code and the Comprehensive Plan. An
13 affected person may appeal an administratively approved decision by the Administrative
14 Official to the Planning and Zoning Board as provided in Chapter 74 - Administration.
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18 "BALCONY" A platform enclosed by a railing or parapet projecting from the wall of a
19 building for the private use of tenants or for exterior access to the above-grade living
20 units.
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24 "BELT COURSE" A molding or projecting course or continuous row of stones, tile, brick
25 etc. running horizontally along the wall face of a building.
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29 "BUILDING MASS" The three-dimensional bulk of a building: height, width and depth.
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33 "CANOPY" A roof like structure serving the purpose of protecting pedestrians from rain
34 and sun, which structure projects from a building, and the width of which ("width" being
35 taken as the dimensions parallel to the face of the building) is not greater than one-
36 fourth the width of the face of the building or 20 feet, whichever is less. Such structure
37 must be open on three sides and, if ground-supported, supports must be confined in
38 number and cross-section area to the minimum necessary for actual support of the
39 canopy.
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43 "COLUMNS" An architectural support of definite proportions, usually cylindrical in
44 shape, with shaft, capital, and a base. May be free-standing or attached to a wall.
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“COMMERCIAL” As used in Fla. Stat. 166.04151(7), any use involving in part or in whole the sale of merchandise, materials or services, excluding properties that are used for medical or institutional purposes such as hospitals and clinics, and excluding property with a conservation future land use overlay.

“CORNICHE” Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

“DESIGNATES” As used in Fla. Stat. 166.04151(7)(f), to designate property with a future land use category in the comprehensive plan.

“EAVE” The lower edge of a sloping roof surface; the top edge of a parapet or flat roof.

“FENESTRATION” The arrangement of windows, doors and openings in a building’s façade.

“FLOOR AREA RATIO (FAR)” As used in F.S. 166.04151(7)(c) shall mean the Floor Area, not including parking areas, on a Lot, divided by the Lot area. (For example, a building containing 20,000 square feet of floor area on a zoning lot of 40,000 square feet has a Floor Area Ratio of 0.5)

“LIVE LOCAL ACT” is Fla. Stat. 166.04151, as amended from time to time.

“MIXED USE RESIDENTIAL” As used in F.S. 166.04151(7)(a) and (f), a maximum of 65% of the square footage is residential; and 35% is high end commercial or class-A office, not including a home-based business or an institutional use. The ground floor of each building includes a nonresidential use. For purposes of this definition, “HIGH END

93 COMMERCIAL” means specialty retail stores focusing on certain categories of goods;
94 “CLASS-A OFFICE” means premier office space with high quality finishes, amenities
95 and technology systems. All mixed use residential that includes multi-family housing
96 must comply with Section 76, Section 110-310 and 110-311 of the land development
97 code.

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101 “PORTICO” A set of columns or colonnade that support a roof or covered walkway
102 leading to a building entrance.

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106 “TRANSIT STOP” A VOTRAN designated bus stop located on VOTRAN route with a
107 covered structure providing protection from the elements and seating to accommodate a
108 minimum of two (2) people. To be considered a transit stop, the stop shall be serviced
109 with transit frequencies of thirty (30) minutes or less during off-peak hours.

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114 “QUALIFYING DEVELOPMENT” Shall mean a mixed-used residential development
115 proposed pursuant to Section 166.04151(7), Florida Statutes, with sixty-five percent
116 (65%) of the total square footage used for residential purposes, at least forty percent
117 (40%) of which are affordable, as defined in Section 420.0004, Florida Statutes, for a
118 period of at least thirty (30) years, with the remaining thirty-five percent (35%) of the
119 total square footage dedicated to non-residential uses, as provided in 154.09.

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123 “UNIFIED CONTROL” Means all land within a Qualifying Development, pursuant to
124 Section 166.04151(7), Florida Statutes, must be under the control of the applicant (an
125 individual, partnership, or corporation or group of individuals, partnerships, or
126 corporations). The applicant shall present satisfactory legal documents to constitute
127 evidence of the unified control of the entire area, which shall be approved by the city
128 attorney.

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132 “ZONED” As it has been traditionally defined, the division of the City into areas, or
133 districts, which specify allowable uses for real property and restrictions on size and
134 placement of buildings within these areas, all as set out in the Land Development Code,
135 as directed in the policies of the comprehensive plan.

138 II. Zoning Code, of the City of Deltona Code of Ordinances Section 110-321,
139 Statutory Uses, shall be amended as follows:

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141 110-321 STATUTORY USES

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143 Statutory uses: Mixed Use multi-family development pursuant to the Live Local Act, Fla.
144 Stat. 166.04151, as it may be amended. For purposes of this section, "Mixed Use"
145 means a combination of residential uses and their amenities with nonresidential uses,
146 where the percentage of FAR devoted to nonresidential uses is at least 35% of the total
147 FAR. The nonresidential uses shall be those uses allowed as permitted or conditional
148 uses provided in the underlying zoning district.

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150 III. Zoning Code, of the City of Deltona Code of Ordinances Section 110-310,
151 RM-1 Multiple Family Residential Dwelling District, shall be amended as
152 follows:

153 **Sec. 110-310. RM-1, Multiple Family Residential Dwelling District.**

154 (a) *Purpose and intent.* The purpose of this the RM-1, Multiple Family Residential
155 Dwelling District zoning district is to allow single-family detached patio homes,
156 duplex dwellings, and multiple-family dwellings consistent with the development
157 standards and density requirements of the Medium Density Residential Future Land
158 Use Category.

159 (b) *Permitted uses.* Within the RM-1, Multiple Family Residential Dwelling District, no
160 building, structure, land, or water shall be used except for one or more of the
161 following uses and their customary, incidental, and subordinate accessory uses,
162 unless approved by the Director of Planning and Development Services or
163 designee that are deemed similar in character and purposes to those enumerated
164 in this section. Any decision made by the Director of Planning and Development
165 Services or designee may be appealed in accordance with section 74-5(g).

166 1. Accessory buildings and uses customarily incident to the above uses when
167 located on the same lot as the principal use, and not involving the conduct of a
168 business other than the customarily incidental business of onsite management
169 and maintenance of apartment buildings. Single-family patio homes.

170 2. Community residential home (for 1-14 non-family residents); (refer to F.S. 419).

171 3. Single-family patio homes, single-family townhomes, townhomes
172 condominiums and two-family (duplex) dwellings.

173 ~~4. Single-family townhomes and townhome condominiums.~~

174 ~~5. Two-family (duplex) dwellings.~~

175 ~~4. Multiple-family dwellings, including cooperative apartments and condominiums.~~
176 Multiple-family dwelling and special uses and structures designed primarily for
177 service to occupant of the multiple-family dwelling.

178 ~~7. Accessory buildings and uses customarily incident to the above uses when~~
179 ~~located on the same lot as the principal use, and not involving the conduct of a~~

180 business (other than the customarily incidental business of onsite management
181 and maintenance of apartment buildings).

182 ~~6. Essential utility services.~~

183 ~~7. Publicly owned or regulated public water supply wells of less than eight inches~~
184 ~~in diameter in accordance with the potable water wellfield protection~~
185 ~~requirements of chapter 98, article V, Code of Ordinances, City of Deltona, as~~
186 ~~it may be amended from time to time.~~

187 ~~8. Communication towers up to 70 feet high in accordance with the requirements~~
188 ~~of chapter 82, Code of Ordinances, City of Deltona, as it may be amended~~
189 ~~from time to time.~~

190 ~~9. Home occupation offices.~~

191 (c) *Conditional uses.* The following land uses and their customary subordinate and
192 incidental accessory uses are permitted as conditional uses subject to the public
193 hearing and staff review requirements established for conditional uses in this
194 chapter.

195 Community residential homes (for 1-14 non-family residents); (refer to section 110-
196 817(l)).

197 Publicly owned park and recreational facilities and recreational areas. In the platted
198 Deltona Lakes Subdivisions, such facilities are permitted on a site designated as
199 "Park" on the Deltona Lakes Master Development Plan, and passive parks and
200 recreational facilities may be placed on designated drainage tracts.

201 Schools, public or private, including colleges and universities, junior or community
202 colleges, high schools, junior high or middle schools, elementary schools,
203 kindergarten schools, day care centers, correspondence and vocational schools,
204 schools for adult education, and libraries. Schools are permitted in the platted
205 Deltona Lakes Subdivisions only when they are located on a site designated as
206 "school" on the Deltona Lakes Master Development Plan.

207 Public markets.

208 Public uses not otherwise listed under permitted uses or conditional uses.

209 Publicly owned or regulated water supply wells of eight inches in diameter or
210 greater.

211 Communication towers over 70 feet high, in accordance with chapter 82, Code of
212 Ordinances, as it may amended from time to time.

213 (d) *Density.*

214 1. No development shall be permitted to exceed the maximum density limits
215 established for the development site by the Future Land Use Map Category
216 established in the Deltona Comprehensive Plan, as it may be amended from
217 time to time. No development shall be approved with less than the minimum
218 density established for the property by the Future Land Use Map Category in
219 the Deltona Comprehensive Plan, as it may be amended from time to time.

220 2. Maximum density: 12 dwelling units/acre.

221 3. Minimum density: Six dwelling units/acre.

222 (e) Dimensional requirements.

RM-1, Multiple Family Residential Dwelling	Single-Family Patio Homes	Single-Family Attached Townhouse	<u>Multiple Family Dwelling Building</u>
Minimum lot size			
Area (sq. ft.)	3,500	1,600	<u>43,560</u>
Area if on-site sewage disposal systems are used (acre per unit)	1	1	
Area if community or public water and sewer service are available, but not including community septic tanks (sq. ft.)	20,000	20,000	
Width (ft.)			
Interior Lot	50	20	<u>125</u>
End lot	----	26	
Corner lot	70	38	
Depth (ft.)	----	90	
Minimum yard size			
Front yard(ft.)	25	25	<u>25</u>
Rear yard (ft.)	25	25	<u>25</u>
Side yard (ft.):			
Abutting any lot ⁽¹⁾	15	15	
Abutting any street	15	15	
Waterfront yard	40	40	
Abutting golf course	40	40	
Yard between interior ⁽²⁾	0	0	
Maximum building height (ft.)	45	45	<u>45</u>
Maximum lot coverage (with principal and accessory buildings) (%)	40	40	<u>35</u>
Minimum floor area (sq. ft.) ⁽³⁾	1,400	1,400	
Minimum building separation (ft.)			
Between fronts or rears of principal buildings	----	50	
Between any other combination of principal building arrangements	----	25	
Minimum building setback from streets and drives (ft.)	----		
From any interior street drive or off-street parking area ⁽⁴⁾	----	10	
Maximum building length and width (ft.)	----	200	
Building Development Standards ⁽⁵⁾			
Minimum dwelling units in a building	----	2	

Maximum dwelling units in a building	----	8	
Minimum distance between buildings (ft.)	----	30	
(1) 15 feet, or ten percent of the width of the lot at the front property line, whichever is greater. Side yard for multifamily shall be a minimum of width of fifteen, or one-half the height of the building, whichever is greater.			
(2) Patio homes are required to have an interior open-air courtyard, atrium, or patio.			
(3) Minimum floor area exclusive of terraces, attached roofed over porches, carports, patios, attached garages, and utility rooms. 600 square feet net living area—One-bedroom apartments; 750 square feet net living area—two-bedroom apartments; 800 square feet net living area three or more bedroom apartments.			
(4) This requirement shall not diminish the minimum front, side and rear yard requirements for townhouse developments.			
(5) The exterior facades of all townhouse units shall be varied in material and design so that no more than two abutting units will have the same architectural appearance and front yard setback and depth. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit, and no setback distance shall be less than the required minimum.			

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- 224 (f) The first floor of each multiple family dwelling building shall be nonresidential and
225 all floors must be built out in one phase. The nonresidential use shall have a
226 certificate of occupancy before the residential use is given a certificate of
227 occupancy.
- 228 (g) At least two uses are required in each multi-family building, both residential and
229 high end commercial or class-A office. Home-based businesses or institutional uses
230 are not appropriate second uses. "HIGH END COMMERCIAL" means specialty
231 retail stores focusing on certain categories of goods. "CLASS-A-OFFICE" means
232 premier office space with high quality finishes, amenities, and technology systems.
- 233 (h) The first floor of each multiple family dwelling building must be concrete.
- 234 (i) Minimum multi-family and condominium unit size: one-bedroom must be larger than
235 750 square feet; two bedrooms must be larger than 1,000 square feet, three or
236 more bedrooms must be larger than 1,350 square feet.
- 237 (j) Minimum multi-family and condominium building setback: 50 feet for buildings
238 greater than 35 feet or when adjacent to single-family residential use or zoning.
- 239 (k) Amenities required within multiple family dwelling developments include:

- 240 1. Each unit must have an in-unit washer/dryer and an independent balcony. All
241 balconies shall be a minimum of 54 square feet of clear, unobstructed space, at
242 least six feet in depth. Balconies may be covered and screened but cannot be fully
243 enclosed. False, Faux, Juliet/Juliette, Balconette, and other similar ornamental or
244 standing type balconies shall not be considered a balcony and are prohibited where
245 a balcony is referenced in this section.
- 246 2. Pool with restrooms
- 247 3. Gymnasium
- 248 4. Doggy runs (if pets are allowed)
- 249 5. Internal concierge trash service
- 250 6. Enhanced landscaping to include a minimum-ten-foot planting area for building
251 foundation landscaping, with a minimum of two understory trees and five shrubs for
252 every 40 feet of façade length. The remainder of the planting area shall be
253 landscaped with groundcover or other landscape treatment. A minimum ten-foot-
254 wide landscape strip is required where four or more rows of parking spaces abut;
255 one canopy tree, one understory tree and three shrubs must be planted in every
256 100 feet in length.
- 257 7. Minimum eight-foot-wide sidewalks.
- 258 8. Flex office space
- 259 9. Parking garages must be provided for all units. An additional 0.25 spaces per
260 dwelling unit for guests, provided either on-street internal to the development or in
261 an off-street parking lot. A minimum of two electric vehicle charging stations must
262 be provided for a development requiring more than 50 parking spaces. The
263 charging station shall serve two parking spaces.
- 264 (l) Enhanced architectural standards are required to be integrated into the building
265 form to break up a large building mass and long walls. Architectural features shall
266 be displayed on all sides of a building, incorporating a base, middle and top to
267 maintain pedestrian scale. The building mass shall be proportionate to the site,
268 streets, open space, and surrounding developments.
- 269 1. Buildings shall include a minimum of three architectural elements on facades
270 fronting a right-of-way, and two elements on other facades. Architectural elements
271 shall include, but not be limited to porticos, balconies, columns, awnings, canopies,
272 recessed/projected access.
- 273 2. Integrated ornamental and structural building articulation, including projections
274 and recesses with a minimum depth of 24 inches.
- 275 3. Varied roof line and form, stepped or decorative parapets, cornices and eaves,
276 and belt courses must be utilized in the building design.
- 277 4. Building facades shall have a minimum of 30% fenestration elements (windows,
278 doors and openings). Windows and doors shall include surrounds, casing or
279 headers.

280 5. Building material and finishes shall be consistent on all facades. High quality
281 materials and finishes, such as brick, stone, vertical board or batten siding shall be
282 used; stucco is only acceptable for a maximum of 40% of the building facades;
283 EIFIS shall not be used as a primary material. Prohibited material include
284 unfinished concrete or block, corrugated fiberglass or metal, sheet or tin siding.

285 6. Light fixtures shall be consistent throughout the development and shall
286 complement the building architecture. Light fixtures shall be decorative with
287 concealed light sources, and light poles shall have fluted bases. The use of
288 illuminated bollards in lieu of poles is encouraged in exclusively pedestrian areas.

289 7. Accessory structure not design or incorporated as part of the principal building or
290 as part of the amenities listed in this section are prohibited.

291 (m) Transportation demand management standards apply, including, but not limited to,
292 strategies to reduce trips and parking demand, pedestrian-oriented design
293 elements, bicycles facilities, pay to park, or other fees based on demand.

294 (n) Elements utilized to satisfy amenities required within multi-family developments
295 listed in this section shall not be credited as satisfying other design requirements or
296 standards.

297 (o) *Off-street parking and loading requirements.* Off-street parking and loading areas
298 meeting the requirements of sections 110-828 and 110-811 shall be constructed.

299 (p) *Types of signs permitted.* Signs shall be permitted in accordance with chapter 102,
300 Code of Ordinances of the City of Deltona.

301 (Ord. No. 06-2003, § 1, 11-3-03; Ord. No. 07-2010, § 7, 6-21-2010; Ord. No. 19-2011, §
302 1(Exh. A), 11-7-2011; Ord. No. 06-2013, § 1(Exh. A), 6-17-2013; Ord. No. 06-2017, §
303 1(Exh. A), 11-20-2017)

304 **IV. Zoning Code, of the City of Deltona Code of Ordinances Section 110-311,**
305 **RM-2 Multiple Family Residential Dwelling District, shall be amended as**
306 **follows:**

307 **Sec. 110-311. RM-2, Multiple Family Residential Dwelling District.**

308 (a) *Purpose and intent.* The purpose of ~~this~~ the RM-2, Multiple Family Residential
309 zoning district is to allow single-family detached patio homes, duplex dwellings, and
310 multiple-family dwellings consistent with the development standards and density
311 requirements of the high density residential future land use category.

312 (b) *Permitted uses.* Within the RM-2, Multiple Family Residential Dwelling District, no
313 building, structure, land, or water shall be used except for one or more of the
314 following uses and their customary, incidental, and subordinate accessory uses-
315 unless approved by the Director of Planning and Development Services or
316 designee that are deemed to be similar in character and purposes to those
317 enumerated in the section. Any decision made by the Director of Planning and
318 Development Services or designee may be appealed in accordance with 74-5(g).

- 319 1. Accessory buildings and uses customarily incident to the above uses when
320 located on the same lot as the principal use, and not involving the conduct of a
321 business (other than the customarily incidental business of onsite management
322 and maintenance of apartment buildings).
- 323 2. Communication towers up to 70 feet high in accordance with the requirements
324 of chapter 82, Code of Ordinances, City of Deltona, as it may be amended
325 from time to time.
- 326 3. Community residential homes (for 1-14 non-family residents); (refer to F.S.
327 419)
- 328 4. Essential utility services.
- 329 5. Home occupation offices
- 330 6. Publicly owned or regulated public water supply wells of less than eight inches
331 in diameter in accordance with the potable water wellfield protection
332 requirements of chapter 98, article V, Code of Ordinances, City of Deltona, as
333 it may be amended from time to time.
- 334 7. Multiple-family dwellings and special uses and structures designed primarily for
335 service to occupants of the multiple family dwelling, including condominiums
336 and cooperative apartments.
- 337 8. Single-family patio homes.
- 338 9. Single-family townhomes and townhome condominiums.
- 339 10. Two-family (duplex) dwellings.
- 340 (c) *Conditional uses.* The following land uses and their customary subordinate and
341 incidental accessory uses are permitted as conditional uses subject to the public
342 hearing and staff review requirements established for conditional uses in this
343 chapter.
- 344 ~~Community residential homes (for 1-14 non-family residents); (refer to section 110-~~
345 ~~817(I)).~~
- 346 1. Communication towers over 70 feet high, in accordance with chapter 82, Code
347 of Ordinances, as it may amended from time to time.
- 348 2. Public markets.
- 349 3. Publicly owned park and recreational facilities and recreational areas. In the
350 platted Deltona Lakes Subdivisions, such facilities are permitted on a site
351 designated as "Park" on the Deltona Lakes Master Development Plan, and
352 passive parks and recreational facilities may be placed on designated drainage
353 tracts.
- 354 4. Public uses not otherwise listed under permitted uses or conditional uses.
- 355 5. Publicly owned or regulated water supply wells of eight inches in diameter or
356 greater.

357 6. Schools, public or private, including colleges and universities, junior or
 358 community colleges, high schools, junior high or middle schools, elementary
 359 schools, kindergarten schools, day care centers, correspondence and
 360 vocational schools, schools for adult education, and libraries. Schools are
 361 permitted in the platted Deltona Lakes Subdivisions only when they are located
 362 on a site designated as "school" on the Deltona Lakes Master Development
 363 Plan.

364 (d) *Density.*

- 365 1. No development shall be permitted to exceed the maximum density limits
 366 established for the development site by the Future Land Use Map Category
 367 established in the Deltona Comprehensive Plan, as it may be amended from
 368 time to time. No development shall be approved with less than the minimum
 369 density established for the property by the Future Land Use Map Category in
 370 the Deltona Comprehensive Plan, as it may be amended from time to time.
- 371 2. Maximum density: 20 dwelling units/acre.
- 372 3. Minimum density: 12 dwelling units/acre.

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375 (e) *Dimensional requirements.*

RM-2, Multiple Family Residential Dwelling	Single-Family Patio Homes	Single-Family Attached Townhouse	Multi-Family
Minimum lot size			
Area (sq. ft.) ⁽¹⁾	3,500	1,600	43,560
Area if on-site sewage disposal systems are used (acre per unit)	1	1	
Area if community or public water and sewer service are available, but not including community septic tanks (sq. ft.)	20,000	20,000	
Width (ft.)			
Interior Lot	50	20	<u>125</u>
End lot	----	26	
Corner lot	70	38	
Depth (ft.)	----	90	
Minimum yard size			
Front yard(ft.)	25	25	<u>25</u>
Rear yard (ft.)	25	25	<u>25</u>
Side yard (ft.):			
Abutting any lot ⁽²⁾	15	15	<u>15</u>
Abutting any street	15	15	<u>15</u>
Waterfront yard	40	40	<u>40</u>

Abutting golf course	40	40	<u>40</u>
Yard between interior ⁽³⁾	0	0	<u>0</u>
Maximum building height (ft.) ⁽⁴⁾	80	80	<u>30</u>
Maximum lot coverage (with principal and accessory buildings) (%)	40	40	<u>35</u>
Minimum floor area (sq. ft.) ⁽⁵⁾	1,400	1,000	
Minimum building separation (ft.)			
Between fronts or rears of principal buildings	----	50	
Between any other combination of principal building arrangements	----	25	
Minimum building setback from streets and drives (ft.)	----		
From any interior street drive or off-street parking area ⁽⁵⁾	----	10	
Maximum building length and width (ft.)	----	200	
Building Development Standards ⁽⁶⁾			
Minimum dwelling units in a building	----	2	
Maximum dwelling units in a building	----	8	
Minimum distance between buildings (ft.)	----	30	
⁽¹⁾ For Single-family attached townhouse, lots required to be individually platted.			
⁽²⁾ 15 feet, or ten percent of the width of the lot at the front property line, whichever is greater. Side yard for multifamily shall be a minimum of width of fifteen, or one-half the height of the building, whichever is greater.			
⁽³⁾ Patio homes are required to have an interior open-air courtyard, atrium, or patio.			
⁽⁴⁾ Not over five habitable floors.			
⁽⁵⁾ Minimum floor area exclusive of terraces, attached roofed over porches, carports, patios, attached garages, and utility rooms. 600 square feet net living area— One-bedroom apartments; 750 square feet net living area— two-bedroom apartments; 800 square feet net living area three or more bedroom apartments.			
⁽⁵⁾ This requirement shall not diminish the minimum front, side and rear yard requirements for townhouse developments.			
⁽⁶⁾ The exterior facades of all townhouse units shall be varied in material and design so that no more than two abutting units will have the same architectural appearance and front yard setback and depth. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit, and no setback distance shall be less than the required minimum.			

376

377 (f) The first floor of each multiple family dwelling building shall be nonresidential and
378 all floors must be built out in one phase. The nonresidential use shall have a
379 certificate of occupancy before the residential use is given a certificate of
380 occupancy.

381 (g) At least two uses are required in each multi-family building, both residential and
382 high end commercial or class-A office. Home-based businesses or institutional uses
383 are not appropriate second uses. "HIGH END COMMERCIAL" means specialty
384 retail stores focusing on certain categories of goods. "CLASS-A-OFFICE" means
385 premier office space with high quality finishes, amenities, and technology systems.

386 (h) The first floor of each multiple family dwelling building must be concrete.

387 (i) Minimum multi-family and condominium unit size: one-bedroom must be larger than
388 750 square feet; two bedrooms must be larger than 1,000 square feet, three or
389 more bedrooms must be larger than 1,350 square feet.

390 (j) Minimum multi-family and condominium building setback: 50 feet for buildings
391 greater than 35 feet or when adjacent to single-family residential use or zoning.

392 (k) Amenities required within multiple family dwelling developments include:

393 1. Each unit must have an in-unit washer/dryer and an independent balcony. All
394 balconies shall be a minimum of 54 square feet of clear, unobstructed space, at
395 least six feet in depth. Balconies may be covered and screened but cannot be fully
396 enclosed. False, Faux, Juliet/Juliette, Balconette, and other similar ornamental or
397 standing type balconies shall not be considered a balcony and are prohibited where
398 a balcony is referenced in this section.

399 2. Pool with restrooms

400 3. Gymnasium

401 4. Doggy runs (if pets are allowed)

402 5. Internal concierge trash service

403 6. Enhanced landscaping to include a minimum-ten-foot planting area for building
404 foundation landscaping, with a minimum of two understory trees and five shrubs for
405 every 40 feet of façade length. The remainder of the planting area shall be
406 landscaped with groundcover or other landscape treatment. A minimum ten-foot-
407 wide landscape strip is required where four or more rows of parking spaces abut;
408 one canopy tree, one understory tree and three shrubs must be planted in every
409 100 feet in length.

410 7. Minimum eight-foot-wide sidewalks.

411 8. Flex office space

412 9. Parking garages must be provided for all units. An additional 0.25 spaces per
413 dwelling unit for guests, provided either on-street internal to the development or in
414 an off-street parking lot. A minimum of two electric vehicle charging stations must

- 415 be provided for a development requiring more than 50 parking spaces. The
416 charging station shall serve two parking spaces.
- 417 (l) Enhanced architectural standards are required to be integrated into the building
418 form to break up a large building mass and long walls. Architectural features shall
419 be displayed on all sides of a building, incorporating a base, middle and top to
420 maintain pedestrian scale. The building mass shall be proportionate to the site,
421 streets, open space, and surrounding developments.
- 422 1. Buildings shall include a minimum of three architectural elements on facades
423 fronting a right-of-way, and two elements on other facades. Architectural elements
424 shall include, but not be limited to porticos, balconies, columns, awnings, canopies,
425 recessed/projected access.
- 426 2. Integrated ornamental and structural building articulation, including projections
427 and recesses with a minimum depth of 24 inches.
- 428 3. Varied roof line and form, stepped or decorative parapets, cornices and eaves,
429 and belt courses must be utilized in the building design.
- 430 4. Building facades shall have a minimum of 30% fenestration elements (windows,
431 doors and openings). Windows and doors shall include surrounds, casing or
432 headers.
- 433 5. Building material and finishes shall be consistent on all facades. High quality
434 materials and finishes, such as brick, stone, vertical board or batten siding shall be
435 used; stucco is only acceptable for a maximum of 40% of the building facades;
436 EIFIS shall not be used as a primary material. Prohibited material include
437 unfinished concrete or block, corrugated fiberglass or metal, sheet or tin siding.
- 438 6. Light fixtures shall be consistent throughout the development and shall
439 complement the building architecture. Light fixtures shall be decorative with
440 concealed light sources, and light poles shall have fluted bases. The use of
441 illuminated bollards in lieu of poles is encouraged in exclusively pedestrian areas.
- 442 7. Accessory structure not design or incorporated as part of the principal building or
443 as part of the amenities listed in this section are prohibited.
- 444 (m) Transportation demand management standards apply, including, but not limited to,
445 strategies to reduce trips and parking demand, pedestrian-oriented design
446 elements, bicycles facilities, pay to park, or other fees based on demand.
- 447 (n) Elements utilized to satisfy amenities required within multi-family developments
448 listed in this section shall not be credited as satisfying other design requirements or
449 standards.
- 450 (o) *Off-street parking and loading requirements.* Off-street parking and loading areas
451 meeting the requirements of sections 110-828 and 110-811 shall be constructed.
- 452 (p) *Types of signs permitted.* Signs shall be permitted in accordance with chapter 102,
453 Code of Ordinances of the City of Deltona.

454 (Ord. No. 06-2003, § 1, 11-3-03; Ord. No. 07-2010, § 8, 6-21-2010; Ord. No. 19-2011, §
455 1(Exh. A), 11-7-2011; Ord. No. 06-2013, § 1(Exh. A), 6-17-2013; Ord. No. 16-2015, § 2,
456 10-5-2015; Ord. No. 06-2017, § 1(Exh. A), 11-20-2017)

457 **V. Zoning Code, of the City of Deltona Code of Ordinances Chapter 76 –**
458 **Affordable Housing, shall be amended as follows:**
459

460 **Sec. 76-1. Purpose.**

461 ~~The purpose of this chapter is to establish requirements and procedures for~~
462 ~~Affordable Housing developments within the city based on the Florida Live Local Act~~
463 ~~(Senate Bill 102) signed by the governor into law on March 29, 2023, with the effective~~
464 ~~date on July 1, 2023. Properties designated as commercial, industrial, and or mixed-use~~
465 ~~zoning districts are eligible to use the provisions of this chapter. The provisions of this~~
466 ~~chapter shall apply to any application for the development of land under this chapter.~~
467 ~~Except as otherwise provided, an application for the development of land shall comply~~
468 ~~with all applicable procedures and requirements of the city land development code.~~

469 (1) ~~The purpose of this section is to establish procedures and regulations for the~~
470 ~~development of mixed-use multifamily developments ("MUMD"), including~~
471 ~~affordable housing pursuant to the provisions of F.S. § 166.04151(7), as~~
472 ~~created by Chapter 2023-17, Laws of Florida, the "Live Local Act of 2023" (the~~
473 ~~"Act"), which MUMD involves a combination of residential and non-residential~~
474 ~~components, and a combination of dwelling units that qualify as affordable~~
475 ~~housing and units that do not qualify as affordable housing, to accomplish the~~
476 ~~following purposes:~~

- 477 (a) ~~Protect and promote the public health, safety, and general welfare of the~~
478 ~~residents of the city;~~
- 479 (b) ~~Facilitate the orderly development of affordable multi-family housing in the city~~
480 ~~pursuant to the act;~~
- 481 (c) ~~Confirm that MUMDs proposed pursuant to the act are required to be mixed-~~
482 ~~use residential developments;~~
- 483 (d) ~~Specify the city zoning districts to which this division is applicable and within~~
484 ~~which MUMDs are authorized and may be approved administratively pursuant~~
485 ~~to the act;~~
- 486 (e) ~~Confirm the land development regulations applicable to proposed MUMDs,~~
487 ~~and acknowledge the statutory mandates regarding density, height, and land~~
488 ~~use;~~
- 489 (f) ~~Confirm minimum dwelling unit square footage in order to provide reasonable~~
490 ~~living conditions;~~
- 491 (g) ~~Provide a minimum non-residential use floor area for MUMDs to provide a~~
492 ~~meaningful mixed-use development and to reduce vehicle trips and vehicle~~
493 ~~miles traveled;~~
- 494 (h) ~~Confirm the maximum intensity (floor area ratio) for MUMDs applies to all~~
495 ~~square footage within the development; and~~

496 (i) ~~Establish an administrative approval process for MUMDs, including provisions~~
497 ~~for appeals of administrative decisions.~~

498 (2) ~~Consistent with F.S. § 166.04151(7), which expires October 1, 2033, Chapter~~
499 ~~76 will also expire and becomes null and void on October 1, 2033.~~

500 ~~(Ord. No. 04-2024, § 2(Exh. A), 1-16-2024)~~

501 **~~Sec. 76-2. Definitions.~~**

502 ~~Affordable means monthly rents or monthly mortgage payments including taxes,~~
503 ~~insurance and utilities do not exceed 30 percent of that amount which represents the~~
504 ~~percentage of the median adjusted gross annual income for the households. (F.S. §~~
505 ~~420.0004)~~

506 ~~Affordable housing project review committee (AHPRC) means a subcommittee that~~
507 ~~review all applications submitted under Chapter 76. Membership of the AHPRC shall~~
508 ~~include the city manager or deputy city manager, planning and development services~~
509 ~~director, community development manager, and any employee the city manager~~
510 ~~nominates for the committee.~~

511 ~~(Ord. No. 04-2024, § 2(Exh. A), 1-16-2024)~~

512 **~~Sec. 76-3. Applicability; zoning districts permitting MUMDS; conflicts.~~**

513 (1) ~~MUMDs shall be permitted, and the regulations set forth in this division shall be~~
514 ~~applicable to MUMDs, only in the following zoning districts of the city:~~

515 ~~C-1 Retail commercial~~

516 ~~C-2 General commercial~~

517 ~~C-3 Heavy commercial~~

518 ~~I Industrial~~

519 ~~MPUD Mixed-Use Planned Unit Development~~

520 ~~(Ord. No. 04-2024, § 2(Exh. A), 1-16-2024)~~

521 **~~Sec. 76-4. Live local act eligibility.~~**

522 (a) ~~Affordable multifamily rental development. Proposed multi-family for mixed-use~~
523 ~~residential projects must be authorized in areas zoned commercial, industrial, or~~
524 ~~mixed-use, pursuant to F.S. § 166.0415(7), at least 40 percent of the multi-family~~
525 ~~residential Dwelling units shall remain affordable, as defined in F.S. § 420.0004(3),~~
526 ~~for a period of at least 30 years. This requirement shall be incorporated as a~~
527 ~~condition into any administrative approval. Furthermore, as a prerequisite to the~~
528 ~~issuance of a building permit, the owner shall execute and deliver to the city for~~
529 ~~recordation in the public records, on a form approved by the city attorney, a~~

530 covenant, declaration of restriction, or other deed restriction in favor of the city
531 ensuring compliance with this affordability requirement.

532 ~~(b) Affordable housing development. The development of housing that is affordable,
533 including, but not limited to, a mixed-use residential development, on any parcel
534 zoned for commercial or industrial may be approved by the city if at least 40
535 percent of the units included in the project are dedicated to affordable housing.~~

536 ~~(c) Affordable mixed-use residential development. A mixed-use development on any
537 parcel zoned for commercial or industrial may be approved if at least 65 percent of
538 the total square footage is used for residential purposes.~~

539 ~~(d) Equivalent treatment of all dwelling unit requirements.~~

540 ~~(1) All affordable units and market rate units shall be located within the same
541 structure.~~

542 ~~(2) All common areas and amenities shall be accessible and available to all
543 residents (both affordable and market rate).~~

544 ~~(3) Access to the required affordable dwelling units shall be provided through the
545 same principal entrance(s) utilized by all other dwelling units in the
546 development.~~

547 ~~(4) The sizes and number of bedrooms in the affordable dwelling units shall be
548 proportional to the square footage and number of bedrooms in the market rate
549 dwelling units (e.g., if 25 percent of market rate dwelling units consist of two
550 bedrooms, then 25 percent of the affordable dwelling units shall also have two
551 bedrooms.)~~

552 ~~(e) Building permit issuance. Before a building permit is issued, the owner/developer
553 shall execute and submit to the city a covenant, declaration of restriction, or other
554 deed restriction in favor of the city ensuring compliance with the affordability
555 requirement. The covenant, declaration of restriction or deed restriction shall be
556 recorded in the public records.~~

557 ~~(Ord. No. 04-2024, § 2(Exh. A), 1-16-2024)~~

558 **Sec. 76-5. Applications review process.**

559 Generally, the provision of this section shall apply to any application for the
560 development of land under this section. All applications are required to attend a pre-
561 application meeting with the development review committee.

562 ~~(a) Plat applications:~~

- 563 ~~(1) An application for a preliminary plat and/or final plat shall be filed,
564 processed, and approved pursuant to Section 74-3, Section 74-4, Chapter
565 106, subdivisions, this chapter, and other development regulations of this
566 code.~~
- 567 ~~(2) Preliminary plat. The development review committee (DRC) and the
568 affordable housing project review committee (AHPRC) will review and take
569 final action on the preliminary Plat and engineering construction plan~~

570 applications, to ensure compliance with the provisions of the land
571 development code.
572 (3) Final plat. The DRC and the AHPRC will review the final plat and engineering
573 construction plan application for conformity with Section 74-3, Section 74-4,
574 Chapter 106, Chapter 76, and other development regulations prior to city
575 commission approval of the plat.

576 ~~(b) Site plan application:~~

- 577 ~~(1) An application for a final site plan (FSP) shall be filed and processed~~
578 ~~pursuant to Chapter 75, site plan, of this code.~~
579 ~~(2) The DRC and the AHPRC will review the FSP application for conformity with~~
580 ~~this chapter, Chapter 75, and other development regulations.~~
581 ~~(3) Any FSP that is administratively approved pursuant to this section shall~~
582 ~~consist of a mixed-use residential project.~~
583 ~~(4) All residential and non-residential components of the FSP shall be located on~~
584 ~~the same or unified lot.~~
585 ~~(5) No FSP shall be administratively approved unless and until the DRC and the~~
586 ~~AHPRC has determined after a DRC Meeting, that the FSP complies with the~~
587 ~~criteria provided in chapter 75 and other development regulations.~~
588 ~~(6) All concurrency as recognized by the city code such as traffic, portable water,~~
589 ~~sewer, stormwater, school, and other recognized concurrency requirements~~
590 ~~are still in effect with regard to any projects submitted under this chapter and~~
591 ~~any projects that come within the jurisdiction of the "Live Local Act".~~

592 ~~(Ord. No. 04-2024, § 2(Exh. A), 1-16-2024)~~

593

594 **Sec. 76-6. Dimensional requirements.**

595 ~~(a) Density:~~

- 596 ~~(1) Multi-family maximum density: 20 units per acre (highest allowed density per~~
597 ~~the city's comprehensive plan.)~~
598 ~~(2) Mixed-use density range/maximum intensity: Per the city's comprehensive~~
599 ~~plan, future land use element, commercial has a minimum percentage of 20~~
600 ~~percent and residential has a maximum of 80 percent.~~

601 ~~(b) Building height. The highest currently allowed for a commercial or residential~~
602 ~~development located within one mile of the proposed development or three stories,~~
603 ~~whichever is higher.~~

604 ~~(c) Minimum floor area. The minimum floor area for all dwelling units (both affordable~~
605 ~~and non-affordable) within a MUMD shall be as follows:~~

- 606 ~~(1) Studio/Efficiency: 500 square feet.~~
607 ~~(2) One bedroom: 600 square feet.~~

-
- 608 ~~(3) Two bedroom: 750 square feet.~~
- 609 ~~(4) Three or more bedrooms: 800 square feet.~~
- 610 ~~(d) *Open/Green space.* The minimum open/green space required on all affordable~~
611 ~~housing shall be 20 percent. In no event shall any portion of a parking area,~~
612 ~~including the islands, be counted as open/green space.~~
- 613 ~~(e) *Accessory buildings.* All accessory buildings shall follow Section 110-827 of the~~
614 ~~land development code.~~
- 615 ~~(f) *Parking requirements.* For any MUMD, parking shall be provided as required by~~
616 ~~Section 110-828 and 110-829 of the land development code. During the FSP~~
617 ~~process the applicant may request for up to a five percent reduction if the following~~
618 ~~is met.~~
- 619 ~~(1) The MUMD is located within a mile of any bus stop and must have a~~
620 ~~continuous public sidewalk from the proposed MUMD to the bus stop;~~
- 621 ~~(2) The MUMD provides onsite and offside enhancements to pathways and~~
622 ~~sidewalks to support a walkable community for pedestrian comfort. This would~~
623 ~~include canopy trees, directional signage, and shaded rest areas.~~
- 624 ~~(g) *Compliance.* The MUMD shall follow land development code and comprehensive~~
625 ~~plan requirements for all other regulations, unless stated within Section 76. The~~
626 ~~MUMDs shall comply all other applicable state and local laws and regulations.~~

627 **Sec. 76 AFFORDABLE HOUSING UNDER THE LIVE LOCAL ACT.**

- 628 (a) Description and Purpose. The purpose of this section is to establish procedures
629 and regulation for the development of mixed-use affordable housing
630 developments pursuant to the provisions of F.S. 166.04151. Any Qualifying
631 Development under the Live Local Act shall comply with any land development
632 regulations and design standards applicable to multi-family in the code or set
633 forth herein, whichever is more restrictive. All aspects of the Qualifying
634 Development shall be consistent with the City's Comprehensive Plan, except
635 elements preempted by F.S. 166.04151.
- 636 (b) Applicable Zoning Districts. Unless otherwise permitted by this chapter, no
637 building or land shall be used, and no building shall be hereafter erected,
638 structurally altered, or enlarged pursuant to the provisions of F.S. 166.04151
639 except in the zoning districts listed below and in accordance with the standards
640 established herein.
- 641 (1) C-1, Retail Commercial
642 (2) C-2, General Commercial
643 (3) C-3, Heavy Commercial
644 (4) I, Industrial
- 645 (c) To not impair previously agreed upon contracts or the Comprehensive Plan, the
646 Live Local shall not be applicable within Planned Unit Development Districts
647 ("PUD") or any area subject to a development agreement addressing the zoning
648 or land use of the property.
- 649 (d) "Commercial, Industrial, or Mixed Use" shall not include any uses presented as
650 conditional uses in any zoning district.
- 651 (e) Procedures for securing Administrative Approval of Qualifying Developments.
652 This procedure is only available for Qualifying Developments where:
- 653 (1) No further action is required by the City (i.e. no variance, conditional use,
654 planned unit development agreement or other approval is required); and
- 655 (2) The development satisfies the land development regulations for multi-family
656 developments and is otherwise consistent with the comprehensive plan,
657 with the exception of provisions establishing allowable densities, height and
658 land use, in the manner specified below.
- 659 (f) The review process will ensure that the Qualifying Development satisfies all
660 requirements of the Act, as well as the Comprehensive Plan and Code
661 provisions that are not preempted by the Act for a major site plan, and all other
662 applicable laws. The City will post a policy containing procedures and
663 expectations for administrative approval on the City website. Further, the City
664 will post notice of an application on the City's website.
- 665 (g) Upon application for Site Plan review, the applicant shall agree as follows:

-
- 666 (1) To proceed with the Qualifying Development according to the provisions
667 established herein and the affordability requirements as established by
668 state law;
- 669 (2) To provide agreements, contracts, covenants, deed restrictions, and
670 sureties acceptable to the city for completion of the development according
671 to the plans approved at the time of site plan approval and for continuing
672 operations and maintenance of such areas, functions, and facilities, which
673 are not proposed to be provided, operated, or maintained at public
674 expense; and
- 675 (3) To bind their successors in title to any commitments made under the
676 above.
- 677 (h) Pre-Application Meeting. The applicant shall schedule a pre-application meeting
678 with the Development Review Committee (DRC) prior to any formal submittals.
679 The following items shall be provided to schedule a pre-application meeting:
- 680 (1) Project concept plan signed and sealed by a Registered Engineer in the
681 State of Florida. The concept plan shall be a minimum 30% engineered.
- 682 a. Project narrative with the following elements
- 683 1. Property zoning and future land use designation. The narrative
684 shall indicate whether the use requested would be required by
685 right, conditionally, or if would require a rezoning and/or future
686 land use amendment without the provisions of the Live Local
687 Act.
- 688 2. Project density. The City will comply with the density
689 requirements set forth in Fla. Stat. 166.04151(7). In the event
690 the proposed residential density exceeds the density permitted
691 by the City's Comprehensive Plan, the applicant shall provide
692 an analysis showing the highest currently allowed density where
693 residential development is permitted. Developments that have
694 received any bonus, variance, planned unit development zoning
695 or other conditional use for density are not applicable and shall
696 be excluded from the analysis.
- 697 3. Dwelling unit breakdown, including number of bedrooms and
698 unit sizes.
- 699 4. Proposed building height. For Qualifying Development, the City
700 will comply with the building height requirements set forth in Fla.
701 Stat. 166.04151(7). The applicant must submit a specific
702 purpose survey demonstrating the one-mile distance for the
703 height determination with a brief analysis of the comparator site.
- 704 5. A table indicating the ratio of residential to non-residential
705 square footage, and a breakdown of affordable, market rate and
706 fee simple residential units.

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- 707 6. Identify any Major Transportation Hubs, as defined in Fla. State.
708 166.04151, located within a one-half mile of the proposed
709 development and/or any nearby parking available for the
710 exclusive use of the residents, if requesting a parking waiver
711 under Fla. State. 166.04151.
- 712 7. Statement as to how the proposed project conforms to the City's
713 Comprehensive Plan.

714 (i) Site Plan Submittal

- 715 (1) In the event a proposed development is deemed a Qualifying
716 Development, an application for Site Plan review, all required
717 supplemental documentation, and all technical review fees may be
718 submitted to the City. Any fees collected in conjunction with Site Plan
719 review are nonrefundable.
- 720 (2) Upon receiving the application package and fee payment, the city's
721 designated project manager for the development will complete a
722 sufficiency review within seven (7) business days and notify the applicant
723 within that time of any insufficient or missing submittal requirements. If the
724 application package is determined to be sufficient, by satisfying all
725 submittal requirements, the applicant will be notified of the scheduled
726 development review committee meeting date.
- 727 (3) The Development Review Committee (DRC) shall review the application
728 package for compliance with the city's land development code,
729 comprehensive plan, and applicable state laws, and take the following
730 actions:
- 731 a. Recommend approval of the site plan including findings supporting
732 the decision.
- 733 b. Defer action on recommending approval or denial of the site plan
734 until the applicant resubmits plans with DRC comments addressed.
735 The applicant will be notified in writing of comments concerning the
736 submittal. Required revisions shall be resubmitted by the applicant
737 within thirty (30) days of receiving comments. Failure of the
738 applicant to submit revised plans as required above shall result in
739 cancellation of the application unless an extension is agreed upon
740 by the Mayor and City Commission at a public hearing.
- 741 c. Recommend denial of the site plan including findings supporting the
742 decision.
- 743 (4) Upon receiving a recommendation by the DRC, the applicant shall submit
744 the application package to the Administrative Official. In making a
745 determination, the Administrative Official must find:
- 746 a. That the proposed development is compliant with the city's land
747 development regulations and is compatible with the city's

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- 748 comprehensive plan, with the exception of provisions in F.S.
749 166.04151; and
- 750 b. That the development has demonstrated its commitment to equity
751 through providing affordable housing and that the affordable
752 housing units offer a quality of life enjoyed by all residents in the
753 city.
- 754 (5) The Administrative Official may impose any conditions or limitations upon
755 the establishment, permissible uses, location, construction, maintenance,
756 or operation of the development which in its judgement may reasonably be
757 necessary to ensure compatibility and prevent the development from
758 becoming detrimental to other permitted land uses, to promote the public
759 interest, and protect the health, safety, and welfare of all. Conditions,
760 limitations, and requirements mitigating any adverse impacts from the
761 proposed development will be stated as part of the approval and shall be a
762 continuing obligation of the property owners. Such mitigation may include,
763 without limitation, screening or buffering, landscaping, limitations on
764 manner, scope and extent of operation(s), changes in proposed
765 construction, location or design of buildings, relocation of proposed open
766 space or alteration of uses of such space, changes in traffic circulation or
767 signalization, and any other matter reasonable calculated to address
768 potential impacts to adjacent developments and the surrounding
769 neighborhood.
- 770 a. If approved by the Administrative Official, the Administrative Official
771 shall issue a written "approval letter" and the applicant shall apply
772 for site construction and building permit review and commence
773 construction within one year (365 days) from the date of approval.
- 774 b. The decision by the Administrative Official may be appealed to the
775 Planning and Zoning Board pursuant to Chapter 74 within 30 days
776 of the rendering of a decision by the Administrative Official.
- 777 c. Modification to approved site plan. Following approval, if substantial
778 changes are made to the design of the project, including but not
779 limited to, an increase in density, building height, massing,
780 architectural design, or amenities, the modifications shall be
781 approved by the Administrative Official.
- 782 d. If the proposed project does not meet the City's land development
783 code (except for use, height or density as preempted by the Act),
784 the applicant may apply for a variance or other pertinent procedure
785 and shall follow the procedures provided in the code, including
786 review by the Development Review Committee, Planning and
787 Zoning Board, and City Commission.
- 788 i. Denial of an application precludes the applicant from refiling the
789 same application for twelve (12) months from the date of denial.
- 790 (6) Affordability Commitment.

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- a. A property that includes affordable housing built under the preemptive regulations in the Live Local Act (2023) must manifest compliance with Fla. Stat. 166.04151's mandate of providing a minimum of 40% affordable housing for 30 years by recording a restrictive covenant on the property to that effect. If the development does not comply with the Act for 30 years, then the city will consider the affordable housing units nonconforming uses, and subject to Article VI NONCONFORMITY of the land development code. The covenant will detail income mix and required affordability, with a release provision ensuring that the covenant is in place for thirty (30) years from certificate of occupancy and may only be released earlier by bringing the project into full compliance with all zoning and land use provisions applicable to the site at the time of the release. The property owner must provide to the City each year on January 15, copies of all leases then in effect for the affordable units, together with such other documentation necessary to demonstrate that the leases meet the affordability criteria set forth in Fla. Stat. 420.0004, and confirm that the occupants of the affordable units meet the requirements of the income standards. The City has the right to audit the evidence of compliance with Fla. Stat. 420.0004 at any time when warranted.

- b. The city will enforce the restrictive covenant. After a property is no longer qualified as affordable housing due to violation of the restrictive covenant, the city shall assess a daily fine of one thousand (\$1,000.00) per day and may impose additional regulations on the development, at the City Commission's discretion at a public hearing, to include stricter design standards, landscaping, upgraded amenities, and other regulations designed to protect the area and ensure compatibility of nearby uses. The daily fine and additional regulations will cease once proof of compliance has been provided to the city.

- c. If construction has not begun on the affordable housing project within 6-months of the issuance of the building permit, then the property will be governed by the entitlements allowed under the property's zoning without the benefit of the preemptive provisions of F.S. 166.04151.

(7) Site development standards.

- a. All land included for the purposes of a Qualifying Development, including all residential and nonresidential components, shall be under unified control. All agreements and evidence of unified control shall be reviewed by the city attorney and no site plan for a Qualifying Development shall be approved without verification by the city attorney that such agreements and evidence of unified control meet the requirements of this section.

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- b. Required residential and nonresidential uses. Qualifying Development must locate all non-residential uses on the same (or unified) plot.
1. Sixty-five percent (65%) of the total square footage of a Qualifying Development shall be used for residential purposes. Lobby, service areas, and amenity areas exclusively for residential uses shall be considered residential square footage.
 2. Thirty-five percent (35%) of the total square footage of a Qualifying Development shall be used for nonresidential purposes. Nonresidential uses shall be limited to those uses permitted in the zoning district regulations applicable to the land on which the project is located.
 3. Equivalency of affordable dwelling units.
 - I. Affordable dwelling units and market rate units within a Qualifying Development shall be located within the same structures or shall be proportionality distributed between multiple structures, if more than one structure is proposed, such that each structure contains both affordable and market rate units in equal proportions.
 - II. Affordable dwelling units and market rate units shall be proportionately distributed between multiple floors for structures within a Qualifying Development greater than two (2) floors, such that each floor contains both affordable and market rate units in equal proportions.
 - III. All common areas and amenities within a Qualifying Development shall be equally accessible and available to all residents (both affordable and market rate units).
 - IV. Parking for affordable dwelling units shall be provided in the same manner, with the same level of convenience and proximity as parking for market rate units.
 - V. Access to the required affordable dwelling units in a Qualifying Development shall be provided in the same manner as the access to market rate dwelling units. Access shall include shared principal entrance(s) with the same elevators

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or stairwells, and independent entrances to each unit typical of townhomes.

VI. The size and number of bedrooms in the affordable dwelling units shall be approximately proportional to the sizes and number of bedrooms in the market rate units (e.g. for number of bedrooms, if twenty-five percent (25%) of the market rate units consist of two (2) bedrooms, then twenty-five percent (25%) of the affordable units shall also have two (2) bedrooms, etc. maintaining a proportional distribution across unit types within the qualifying development). For purposes of this subparagraph, "approximately proportional" shall mean that the percentage of each type of unit among the affordable dwelling units shall be within 5 percentage points of each type of unit among the market rate dwelling units.

VII. The exterior appearance of affordable units shall be the same as the market rate units and shall provide exterior building materials and finishes of the same type and quality.

VIII. The interior building materials and finishes of the affordable units shall be the same type and quality as the market rate units, including but not limited to all electrical and plumbing fixtures, flooring, cabinetry, countertops, and decorative finishes. Alternative building materials and finishes may be considered for approval within the affordable units to reduce energy costs and water consumption.

(8) In addition to the provisions set forth in this section, Qualifying Development must also comply with all other land development regulations applicable to multi-family developments, including Section 110-310 and 110-311

(9) Fee simple development standards

a. For fee simple one- and two-family developments, refer to the development standards contained in Sections 110-307, 110-308 and 110-309.

b. All fee simple developments are subject to the relevant provisions of Section 110-808 of the City of Deltona Code of Ordinances.

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- 919 c. The following development standards are applicable to each lot in
920 all fee simple single-family development with three or more
921 attached units:
- 922 1. Minimum lot width 21 feet
 - 923 2. Minimum lot area, 2,400 square feet
 - 924 3. Minimum internal side yard setback, 0 feet
 - 925 4. Minimum dwelling unit size, 1,600 square feet
- 926 (10) Additional requirements
- 927 a. Maximum site size (above mean high-water-line), one acre.
 - 928 b. Maximum density, with respect to the residential component of a
929 Qualifying Development, the highest allowed density on any land in
930 the city where residential development is allowed by right.
931 Developments that have received any bonus, variance, or other
932 conditional use for density are to be excluded.
 - 933 c. Maximum height, equivalent to the highest currently constructed
934 building within a one-mile radius of the project or three (3) stories,
935 whichever is higher. Developments that have received any bonus,
936 variance, or other conditional use for height are to be excluded. If
937 the development is adjacent to, on two or more sides, a parcel with
938 single-family residential use with at least 25 single-family homes,
939 the maximum height is equivalent to 150 percent the height of the
940 tallest building adjacent to the proposed development, the height
941 permitted by the zoning district, or three (3) stores, whichever is
942 highest.
 - 943 d. Minimum street frontage, 50 feet.
 - 944 e. Minimum building setbacks: The building setbacks for RM-1 and
945 RM-2 zoning applies for buildings 35 feet or less when the
946 Qualifying Development is not adjacent to single family residential
947 zoning or use. An additional setback of 1 foot for every 1 foot of
948 height shall be provided for buildings that exceed 35 feet or are
949 adjacent to single family residential zoning or use.
 - 950 f. Minimum unit size: one-bedroom must be larger than 750 square
951 feet; two-bedroom must be larger than 1,000 square feet; three or
952 more bedrooms must be larger than 1,350 square feet.
 - 953 g. Mobility Standards
 - 954 1. All uses must conform to Section 110-828 for off-
955 street parking and other regulations. Additional
956 parking requirements for the residential portion of a
957 Qualifying Development are as follows:

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- I. Guest parking shall be provided at 0.25 spaces per dwelling unit and cannot be located in a remote or off-site lot.
 - II. One additional parking space shall be provided for each employee, maintenance/service worker, construction contractor or security guard and cannot be located in a remote or off-site lot.
 - III. Parking of any recreational vehicles, trailers, and the like, are prohibited.
2. Parking requirements may be reduced by twenty (20%) percent subject to meeting all of the following:
- I. The Qualifying Development is located within one-half mile of a Major Transportation Hub.
 - II. The Major Transportation Hub is accessible from the development by existing or proposed minimum eight-foot wide public sidewalks or mixed-use path, consisting of a minimum of thirty-five (35%) percent shaded areas or where the shade requirement can be obtained within three (3) years of the development receiving a Certificate of Occupancy.
 - III. The Qualifying Development will provide onsite and offsite enhancements to public sidewalks to support walkability and pedestrian comfort, including, but not limited to: incorporating canopy trees; distinctive pavement, identity, wayfinding, and directional signage; transit infrastructure; and shaded rest areas or nodes with appropriate site furnishings.
 - IV. The parking reduction is supported by a parking demand study prepared by a qualified expert. The parking demand study must include data obtained from a minimum of three (3) similar local multi-family development within the ECFRPC boundaries in accordance with the guidelines set forth by the Institute of Transportation Engineers Publication, Parking Generation. The study should also evaluate any nearby parking which is available for exclusive use by the residents.
 - V. Parking is available within 600 feet of the proposed development which may consist of

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options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development. When off-site parking is relied on to meet parking requirements for the proposed development, the donating site will be reviewed to ensure that the donating site will remain a conforming lot.

3. Bicycle lockers shall be provided on site to accommodate a minimum of one bicycle per affordable housing unit with two bedrooms or less and two bicycles for units with three bedrooms or more.
4. There shall be an interconnected sidewalk network consisting of minimum eight-foot-wide sidewalks to maximize connectivity to existing facilities; transit; and neighboring land uses.
5. All required parking spaces for residential uses within a Qualifying Development, including parking for guests and employees, shall be fully enclosed, located internal to a parking garage or integrated into the building containing the residential units served by that parking, and designated for residential or guest use only. Guest parking to be located on-street internal to the development or in an off-street parking lot may be considered to meet the guest parking requirements based on the internalization of uses or sharing or parking; the determination will be based on the findings of a parking study prepared by a qualified expert.
6. A minimum of two electric vehicle charging stations must be provided for a development requiring more than 50 parking spaces. The charging station shall serve two parking spaces.
7. One designated parking space for every 50 residential units shall be provided for rideshare pickup.
8. A Transportation Demand Management (TDM) Plan to reduce the projected traffic demand by twenty (20%) percent, through strategies including, but not limited to: pedestrian-oriented design elements, bicycle facilities, transit improvements, operational programs, and incentives. An applicant shall include a Transportation Demand Management Plan with the following elements:

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- 1044 I. Project Information and Site Inventory
- 1045 II. Travel Demand Estimate
- 1046 III. TDM Strategies and Objectives
- 1047 IV. Travel Demand Accommodations
- 1048 V. Implementation Timeframe
- 1049 VI. Commitment Statement
- 1050 VII. Verification Statement
- 1051 h. Landscaping and Open Space
- 1052 1. The maximum impervious surface ratio for a
- 1053 Qualifying Development is 65 percent.
- 1054 2. No less than 35 percent of the project land area shall
- 1055 be designated for open space.
- 1056 3. Enhanced landscaping to include a minimum ten-foot-
- 1057 wide planting area for building foundation
- 1058 landscaping, with a minimum of two understory trees
- 1059 and five shrubs for every 40 feet of façade length. The
- 1060 remainder of the planting area shall be landscaped
- 1061 with groundcover or other landscape treatment. A
- 1062 minimum ten-foot-wide landscape strip is required
- 1063 where four or more rows of parking spaces abut; one
- 1064 canopy tree, one understory tree and three shrubs
- 1065 must be planted for every 100 feet in length.
- 1066 4. Property buffer widths shall be subject to the relevant
- 1067 provisions of Section 110-808 of the City of Deltona
- 1068 Code of Ordinances, unless otherwise provided
- 1069 herein. In no case shall the minimum average buffer
- 1070 be less than ten (10) feet.
- 1071 I. Qualifying developments located on land
- 1072 zoned industrial and adjacent to land with
- 1073 industrial zoning or use must apply landscape
- 1074 buffers as if the Qualifying Development
- 1075 structures were on a separate site, to ensure
- 1076 compatibility between the mixed-use residential
- 1077 project and neighboring industrial uses. A type
- 1078 '6' buffer per Section 110-808, shall be
- 1079 provided for buildings up to 45 feet in height. If
- 1080 the building exceeds 45 feet in height, then the
- 1081 buffer shall increase an additional 1 foot for
- 1082 every 1 foot of height which exceeds 45 feet.
- 1083 II. Qualifying developments located on land
- 1084 zoned commercial and adjacent to land with

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commercial zoning must apply landscape buffers as if the Qualifying Development structures were on a separate site, to ensure compatibility between the mixed-use residential project and neighboring commercial uses. A type '5' buffer per Section 110-808 shall be provided for buildings up to 30 feet in height. If the building exceeds 30 feet in height, then the buffer shall increase an additional 1 foot for every 1 foot of height which exceeds 30 feet.

III. Buffering materials shall ensure that headlights of vehicles, noise and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.

5. Common open space shall be provided within the project in the amount equivalent to 250 square feet per dwelling unit to create a network of miniparks and/or greenbelts. Any single open space area shall be a minimum of 2,000 square feet for use as passive or active space. Any native plant species in a passive open space area shall be preserved unless dead, dying, or diseased.

6. Retention and Detention Pond configuration shall be designed to emulate nature and incorporated into the natural topography of the site. Trees and plantings shall be clustered and planted in a natural pattern around the pond.

i. When there is a conflict between provisions contained in this section and other provisions contained in this code, the provision that is more restrictive and imposes higher standards or requirements shall govern.

j. The first floor of each building must be nonresidential and all floors must be built out in one phase. The nonresidential use must have a certificate of occupancy before the residential use is given a certificate of occupancy.

k. At least two uses are required in each multi-family building, both residential and high end commercial or class-A office. Home-based businesses or institutional uses are not appropriate second uses. "HIGH END COMMERCIAL" means specialty retail stores focusing on certain categories of goods. "CLASS-A OFFICE" means premier office space with high quality finishes, amenities, and technology systems. The following are permitted nonresidential uses for Qualifying Developments:

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- 1128 1. Retail sales establishments, such as bakeries, florists,
1129 gift shops, bookstores, clothing stores, shoe stores,
1130 and other similar boutique businesses to support the
1131 residential use except for outdoor sales and flea
1132 markets.
- 1133 2. Professional offices offering consulting services, such
1134 as architects, attorneys, engineers, accountants,
1135 doctors, dentist, and the like.
- 1136 3. Real estate offices.
- 1137 4. General office uses.
- 1138 5. High technology office uses, such as research and
1139 development laboratories, space technology,
1140 simulation and training, laser technology, robotics,
1141 computer software and hardware, medical labs, and
1142 testing.
- 1143 6. Business and professional services office uses.
- 1144 i. The first floor of each multiple family dwelling shall include
1145 architectural features that provide human scale and uninterrupted
1146 pedestrian movement to facilitate safe and inviting access to the
1147 non-residential uses contained herein.
- 1148 m. Amenities required:
- 1149 1. Each unit must have an independent balcony. All
1150 balconies shall be a minimum of 54 square feet of
1151 clear, unobstructed space, at least six feet in depth.
1152 Balconies may be covered and screened but cannot
1153 be fully enclosed. False, Faux, Juliet/Juliette,
1154 Balconette, and other similar ornamental or standing-
1155 type balconies shall not be considered a balcony and
1156 are prohibited where a balcony is referenced in this
1157 section.
- 1158 2. Pool with restrooms
- 1159 3. Splashpad
- 1160 4. Gymnasium
- 1161 5. Playground space
- 1162 6. Pickleball/tennis court or similar active recreation
1163 facility
- 1164 7. Doggy runs (if pets are allowed)
- 1165 8. Internal concierge trash service
- 1166 9. Flex office space

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- 1167 10. Recycling service to reduce the amount of waste sent
1168 to landfill
- 1169 n. Enhanced architectural standards are required to be integrated into
1170 the building form to break up large building mass and long walls.
1171 Architectural features shall be displayed on all sides of a building,
1172 incorporating a base, middle and top to maintain pedestrian scale.
1173 The building mass shall be proportionate to the site, streets, open
1174 space, and surrounding developments.
- 1175 1. Buildings shall include architectural elements on all
1176 facades and every story. Architectural elements shall
1177 include, but not be limited to, porticos, balconies,
1178 columns, awnings, canopies, recessed/projected
1179 access.
- 1180 2. Integrated ornamental and structural building
1181 articulation, including projections and recesses with a
1182 minimum depth of 24 inches.
- 1183 3. Varied roof line and form, stepped or decorative
1184 parapets, cornices and eaves, and belt courses must
1185 be utilized in the building design.
- 1186 4. Building facades shall have a minimum of 30%
1187 fenestration elements (windows, doors and openings).
1188 Windows and doors shall include surrounds, casing or
1189 headers.
- 1190 5. Building materials and finishes shall be consistent on
1191 all facades and every story. High quality materials and
1192 finishes, such as brick, stone, vertical board or batten
1193 siding, shall be used; stucco finish is only acceptable
1194 for a maximum of 40% of the building facades; EFIS
1195 shall not be used as a primary material. Prohibited
1196 materials include unfinished concrete or block,
1197 corrugated fiberglass or metal, sheet or tin siding.
- 1198 6. Building colors shall be subtle and harmonious with
1199 the overall project, landscaping, and nearby
1200 developments. Bright or brilliant colors shall be used
1201 for accent only.
- 1202 7. Light fixtures shall be consistent throughout the
1203 development and shall complement the building
1204 architecture. Light fixtures shall be decorative with
1205 concealed light sources, and light poles shall have
1206 fluted bases. The use of illuminated bollards in lieu of
1207 poles is encouraged in exclusively pedestrian areas.

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8. Accessory structures not designed or incorporated as part of the principal building or as part of the amenities listed in this section are prohibited.

9. All mechanical equipment and utility hardware and appurtenances on roofs, ground or buildings shall be screened from public view with materials harmonious with the building, and shall be located so as not to be visible from streets, open space, service alleys, and adjoining properties. Screening shall be of such material and color so that it matches or blends with the roof or portion above the top floor where it is installed. Screening shall be greater than the height of the mechanical equipment. All rooftops of buildings with flat roof decks, including parking garage roof decks, shall be designed to minimize negative appearances by screening mechanical equipment and utility hardware 670 and appurtenances, and by minimizing the ponding of stormwater through use of drains and scuppers.

o. Elements utilized to satisfy amenities required within multi-family developments listed in this section shall not be credited as satisfying other design requirements or standards.

(11) This Section of the Code will expire on October 1, 2033, the expiration date of the Live Local Act, Fla. Stat. 166.04151.