

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 70-30,  
6 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 accordance with  
12 the Land Development Code and the Comprehensive Plan. An affected person may appeal an  
13 administratively approved decision by the Administrative Official to the Planning and Zoning  
14 Board as provided in Section XXXX.

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18 "BALCONY" A platform enclosed by a railing or parapet projecting from the wall of a building for  
19 the private use of tenants or for exterior access to the above-grade living units.

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23 "BELT COURSE" A molding or projecting course or continuous row of stones, tile, brick etc.  
24 running horizontally along the wall face of a building.

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28 "BUILDING MASS" The three-dimensional bulk of a building: height, width and depth.

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32 "CANOPY" A roof like structure serving the purpose of protecting pedestrians from rain and sun,  
33 which structure projects from a building, and the width of which ("width" being taken as the  
34 dimensions parallel to the face of the building) is not greater than one-fourth the width of the  
35 face of the building or 20 feet, whichever is less. Such structure must be open on three sides  
36 and, if ground-supported, supports must be confined in number and cross-section area to the  
37 minimum necessary for actual support of the canopy.

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41 "COLUMNS" An architectural support of definite proportions, usually cylindrical in shape, with  
42 shaft, capital, and a base. May be free-standing or attached to a wall.

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46 "COMMERCIAL" As used in Fla. Stat. 166.04151(7), any use involving in part or in whole the  
47 sale of merchandise, materials or services, excluding properties that are used for medical or  
48 institutional purposes such as hospitals and clinics, and excluding property with a conservation  
49 future land use overlay.

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“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.

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

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

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

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“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)

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

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“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 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. All mixed use residential that includes multi-family housing must comply with Section 76, Section 110-310 and 110-311 of the land development code.

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

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

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

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118 “UNIFIED CONTROL” Means all land within a Qualifying Development, pursuant to Section  
119 166.04151(7), Florida Statutes, must be under the control of the applicant (an individual,  
120 partnership, or corporation or group of individuals, partnerships, or corporations). The applicant  
121 shall present satisfactory legal documents to constitute evidence of the unified control of the  
122 entire area, which shall be approved by the city attorney.

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

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

134  
135 110-321 STATUTORY USES

136  
137 Statutory uses: Mixed Use multi-family development pursuant to the Live Local Act, Fla. Stat.  
138 166.04151, as it may be amended. For purposes of this section, “Mixed Use” means a  
139 combination of residential uses and their amenities with nonresidential uses, where the  
140 percentage of FAR devoted to nonresidential uses is at least 35% of the total FAR. The  
141 nonresidential uses shall be those uses allowed as permitted or conditional uses provided in the  
142 underlying zoning district.

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

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

147 (a) *Purpose and intent.* The purpose of this the RM-1, Multiple Family Residential Dwelling  
148 District zoning district is to allow single-family detached patio homes, duplex dwellings, and

149 multiple-family dwellings consistent with the development standards and density  
150 requirements of the Medium Density Residential Future Land Use Category.

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

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

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

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

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

166 5. ~~Two family (duplex) dwellings.~~

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

170 7. ~~Accessory buildings and uses customarily incident to the above uses when located on~~  
171 ~~the same lot as the principal use, and not involving the conduct of a business (other~~  
172 ~~than the customarily incidental business of onsite management and maintenance of~~  
173 ~~apartment buildings).~~

174 6. ~~Essential utility services.~~

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

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

182 9. ~~Home occupation offices.~~

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

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

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

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

197 Public markets.

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

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

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

202 (d) *Density.*

203 1. No development shall be permitted to exceed the maximum density limits established  
 204 for the development site by the Future Land Use Map Category established in the  
 205 Deltona Comprehensive Plan, as it may be amended from time to time. No  
 206 development shall be approved with less than the minimum density established for the  
 207 property by the Future Land Use Map Category in the Deltona Comprehensive Plan,  
 208 as it may be amended from time to time.

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

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

211 (e) *Dimensional requirements.*

| <b>RM-1, Multiple Family Residential Dwelling</b>   | 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 <sup>(1)</sup>   | 15                        | 15                               |  |
| Abutting any street   | 15                        | 15                               |  |
| Waterfront yard   | 40                        | 40                               |  |

|  |       |       |           |
|--|-------|-------|-----------|
| Abutting golf course   | 40    | 40    |           |
| Yard between interior <sup>(2)</sup>   | 0     | 0     |           |
| Maximum building height (ft.)  | 45    | 45    | <u>45</u> |
| Maximum lot coverage ( <i>with principal and accessory buildings</i> ) (%)   | 40    | 40    | <u>35</u> |
| Minimum floor area (sq. ft.) <sup>(3)</sup>  | 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 <sup>(5)</sup>   | ----  | 10    |           |
| Maximum building length and width (ft.)  | ----  | 200   |           |
| Building Development Standards <sup>(6)</sup>  |       |       |           |
| Minimum dwelling units in a building   | ----  | 2     |           |
| Maximum dwelling units in a building   | ----  | 8     |           |
| Minimum distance between buildings (ft.)   | ----  | 30    |           |
| <sup>(1)</sup> 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.   |       |       |           |
| <sup>(2)</sup> Patio homes are required to have an interior open-air courtyard, atrium, or patio.  |       |       |           |
| <del><sup>(3)</sup> 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.</del>   |       |       |           |
| <sup>(5)</sup> This requirement shall not diminish the minimum front, side and rear yard requirements for townhouse developments.  |       |       |           |
| <sup>(6)</sup> 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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- 213 (f) The first floor of each multiple family dwelling building shall be nonresidential, and all floors  
214 must be built out in one phase. The nonresidential use shall have a certificate of occupancy  
215 before the residential use is given a certificate of occupancy.
- 216 (g) At least two uses are required in each multi-family building, both residential and high end  
217 commercial or class-A office. Home-based businesses or institutional uses are not  
218 appropriate second uses. "HIGH END COMMERCIAL" means specialty retail stores

- 219 focusing on certain categories of goods. "CLASS-A-OFFICE" means premier office space  
220 with high quality finishes, amenities, and technology systems.
- 221 (h) The first floor of each multiple family dwelling building must be concrete.
- 222 (i) Minimum multi-family and condominium unit size: one-bedroom must be larger than 750  
223 square feet; two bedrooms must be larger than 1,000 square feet, three or more bedrooms  
224 must be larger than 1,350 square feet.
- 225 (j) Minimum multi-family and condominium building setback: 50 feet for buildings greater than  
226 35 feet or when adjacent to single-family residential use or zoning.
- 227 (k) Amenities required within multiple family dwelling developments include:
- 228 1. Each unit must have an in-unit washer/dryer and an independent balcony. All balconies  
229 shall be a minimum of 54 square feet of clear, unobstructed space, at least six feet in  
230 depth. Balconies may be covered and screened but cannot be fully enclosed. False, Faux,  
231 Juliet/Juliette, Balconette, and other similar ornamental or standing type balconies shall not  
232 be considered a balcony and are prohibited where a balcony is referenced in this section.
- 233 2. Pool with restrooms
- 234 3. Gymnasium
- 235 4. Doggy runs (if pets are allowed)
- 236 5. Internal concierge trash service
- 237 6. Enhanced landscaping to include a minimum-ten-foot planting area for building  
238 foundation landscaping, with a minimum of two understory trees and five shrubs for every  
239 40 feet of façade length. The remainder of the planting area shall be landscaped with  
240 groundcover or other landscape treatment. A minimum ten-foot-wide landscape strip is  
241 required where four or more rows of parking spaces abut; one canopy tree, one understory  
242 tree and three shrubs must be planted in every 100 feet in length.
- 243 7. Minimum eight-foot-wide sidewalks.
- 244 8. Flex office space
- 245 9. Parking garages must be provided for all units. An additional 0.25 spaces per dwelling  
246 unit for guests, provided either on-street internal to the development or in an off-street  
247 parking lot. A minimum of one electric vehicle charging station must be provided for a  
248 development requiring more than 50 parking spaces. The charging station shall serve two  
249 parking spaces.
- 250 (l) Enhanced architectural standards are required to be integrated into the building form to  
251 break up a large building mass and long walls. Architectural features shall be displayed on  
252 all sides of a building, incorporating a base, middle and top to maintain pedestrian scale.  
253 The building mass shall be proportionate to the site, streets, open space, and surrounding  
254 developments.
- 255 1. Buildings shall include a minimum of three architectural elements on facades fronting a  
256 right-of-way, and two elements on other facades. Architectural elements shall include, but  
257 not be limited to porticos, balconies, columns, awnings, canopies, recessed/projected  
258 access.
- 259 2. Integrated ornamental and structural building articulation, including projections and  
260 recesses with a minimum depth of 24 inches.

261 3. Varied roof line and form, stepped or decorative parapets, cornices and eaves, and belt  
262 courses must be utilized in the building design.

263 4. Building facades shall have a minimum of 30% fenestration elements (windows, doors  
264 and openings). Windows and doors shall include surrounds, casing or headers.

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

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

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

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

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

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

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

285 (Ord. No. 06-2003, § 1, 11-3-03; Ord. No. 07-2010, § 7, 6-21-2010; Ord. No. 19-2011, § 1(Exh.  
286 A), 11-7-2011; Ord. No. 06-2013, § 1(Exh. A), 6-17-2013; Ord. No. 06-2017, § 1(Exh. A), 11-20-  
287 2017)

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

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

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

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

302 1. Accessory buildings and uses customarily incident to the above uses when located on  
303 the same lot as the principal use, and not involving the conduct of a business (other



304 than the customarily incidental business of onsite management and maintenance of  
305 apartment buildings).

306 2. Communication towers up to 70 feet high in accordance with the requirements of  
307 chapter 82, Code of Ordinances, City of Deltona, as it may be amended from time to  
308 time.

309 3. Community residential homes (for 1-14 non-family residents); (refer to F.S. 419)

310 4. Essential utility services.

311 5. Home occupation offices

312 6. Publicly owned or regulated public water supply wells of less than eight inches in  
313 diameter in accordance with the potable water wellfield protection requirements of  
314 chapter 98, article V, Code of Ordinances, City of Deltona, as it may be amended from  
315 time to time.

316 7. Multiple-family dwellings and special uses and structures designed primarily for  
317 service to occupants of the multiple family dwelling, including condominiums and  
318 cooperative apartments.

319 8. Single-family patio homes.

320 9. Single-family townhomes and townhome condominiums.

321 10. Two-family (duplex) dwellings.

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

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

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

328 2. Public markets.

329 3. Publicly owned park and recreational facilities and recreational areas. In the platted  
330 Deltona Lakes Subdivisions, such facilities are permitted on a site designated as "Park"  
331 on the Deltona Lakes Master Development Plan, and passive parks and recreational  
332 facilities may be placed on designated drainage tracts.

333 4. Public uses not otherwise listed under permitted uses or conditional uses.

334 5. Publicly owned or regulated water supply wells of eight inches in diameter or greater.

335 6. Schools, public or private, including colleges and universities, junior or community  
336 colleges, high schools, junior high or middle schools, elementary schools, kindergarten  
337 schools, day care centers, correspondence and vocational schools, schools for adult  
338 education, and libraries. Schools are permitted in the platted Deltona Lakes  
339 Subdivisions only when they are located on a site designated as "school" on the  
340 Deltona Lakes Master Development Plan.

341 (d) *Density*.

342 1. No development shall be permitted to exceed the maximum density limits established  
343 for the development site by the Future Land Use Map Category established in the  
344 Deltona Comprehensive Plan, as it may be amended from time to time. No  
345 development shall be approved with less than the minimum density established for the

346 property by the Future Land Use Map Category in the Deltona Comprehensive Plan,  
 347 as it may be amended from time to time.

348 2. Maximum density: 20 dwelling units/acre.

349 3. Minimum density: 12 dwelling units/acre.

350 (e) *Dimensional requirements.*

| <b>RM-2, Multiple Family Residential Dwelling</b>   | Single-Family Patio Homes | Single-Family Attached Townhouse or Duplex | Multi-Family |
|---|---------------------------|--|--------------|
| Minimum lot size  |                           |  |              |
| Area (sq. ft.) <sup>(1)</sup>   | 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 <sup>(2)</sup>   | 15                        | 15   | <u>20</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 <sup>(3)</sup>  | 0                         | 0  | <u>0</u>     |
| Maximum building height (ft.) <sup>(4)</sup>  | 80                        | 80   | <u>30</u>    |
| Maximum lot coverage ( <i>with principal and accessory buildings</i> ) (%)  | 40                        | 40   | <u>35</u>    |
| Minimum floor area (sq. ft.) <sup>(5)</sup>   | 1,400                     | 1,000                                      |              |
| Minimum building separation (ft.)   |                           |  |              |
| Between fronts or rears of principal buildings  | ----                      | 50   | 50           |
| Between any other combination of principal building arrangements  | ----                      | 25   | 25           |
| Minimum building setback from streets and drives (ft.)  | ----                      |  | 25           |
| From any interior street drive or off-street parking area <sup>(5)</sup>  | ----                      | 10   | 10           |
| Maximum building length and width (ft.)   | ----                      | 200  | 200          |
| Building Development Standards <sup>(6)</sup>   |                           |  |              |
| Minimum dwelling units in a building  | ----                      | 2  | 2            |

|  |      |    |    |
|--|------|----|----|
| Maximum dwelling units in a building   | ---- | 8  | 12 |
| Minimum distance between buildings (ft.)   | ---- | 30 | 30 |
| <sup>(1)</sup> For Single-family attached townhouse, lots required to be individually platted.   |      |    |    |
| <sup>(2)</sup> 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.   |      |    |    |
| <sup>(3)</sup> Patio homes are required to have an interior open-air courtyard, atrium, or patio.  |      |    |    |
| <sup>(4)</sup> Not over five habitable floors.   |      |    |    |
| <del><sup>(5)</sup> 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.</del>   |      |    |    |
| <sup>(5)</sup> This requirement shall not diminish the minimum front, side and rear yard requirements for townhouse developments.  |      |    |    |
| <sup>(6)</sup> 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. |      |    |    |

351

- 352 (f) The first floor of each multiple family dwelling building shall be nonresidential, and all floors  
353 must be built out in one phase. The nonresidential use shall have a certificate of occupancy  
354 before the residential use is given a certificate of occupancy.
- 355 (g) At least two uses are required in each multi-family building, both residential and high end  
356 commercial or class-A office. Home-based businesses or institutional uses are not  
357 appropriate second uses. "HIGH END COMMERCIAL" means specialty retail stores  
358 focusing on certain categories of goods. "CLASS-A-OFFICE" means premier office space  
359 with high quality finishes, amenities, and technology systems.
- 360 (h) The first floor of each multiple family dwelling building must be concrete.
- 361 (i) Minimum multi-family and condominium unit size: one-bedroom must be larger than 750  
362 square feet; two bedrooms must be larger than 1,000 square feet, three or more bedrooms  
363 must be larger than 1,350 square feet.
- 364 (j) Minimum multi-family and condominium building setback: 50 feet for buildings greater than  
365 35 feet or when adjacent to single-family residential use or zoning.
- 366 (k) Amenities required within multiple family dwelling developments include:  
367 1. Each unit must have an in-unit washer/dryer and an independent balcony. All balconies  
368 shall be a minimum of 54 square feet of clear, unobstructed space, at least six feet in  
369 depth. Balconies may be covered and screened but cannot be fully enclosed. False, Faux,  
370 Juliet/Juliette, Balconette, and other similar ornamental or standing type balconies shall not  
371 be considered a balcony and are prohibited where a balcony is referenced in this section.

- 372 2. Pool with restrooms
- 373 3. Gymnasium
- 374 4. Doggy runs (if pets are allowed)
- 375 5. Internal concierge trash service
- 376 6. Enhanced landscaping to include a minimum-ten-foot planting area for building  
377 foundation landscaping, with a minimum of two understory trees and five shrubs for every  
378 40 feet of façade length. The remainder of the planting area shall be landscaped with  
379 groundcover or other landscape treatment. A minimum ten-foot-wide landscape strip is  
380 required where four or more rows of parking spaces abut; one canopy tree, one understory  
381 tree and three shrubs must be planted in every 100 feet in length.
- 382 7. Minimum eight-foot-wide sidewalks.
- 383 8. Flex office space
- 384 9. Parking garages must be provided for all units. An additional 0.25 spaces per dwelling  
385 unit for guests, provided either on-street internal to the development or in an off-street  
386 parking lot. A minimum of one electric vehicle charging station must be provided for a  
387 development requiring more than 50 parking spaces. The charging station shall serve two  
388 parking spaces.
- 389 (l) Enhanced architectural standards are required to be integrated into the building form to  
390 break up a large building mass and long walls. Architectural features shall be displayed on  
391 all sides of a building, incorporating a base, middle and top to maintain pedestrian scale.  
392 The building mass shall be proportionate to the site, streets, open space, and surrounding  
393 developments.
- 394 1. Buildings shall include a minimum of three architectural elements on facades fronting a  
395 right-of-way, and two elements on other facades. Architectural elements shall include, but  
396 not be limited to porticos, balconies, columns, awnings, canopies, recessed/projected  
397 access.
- 398 2. Integrated ornamental and structural building articulation, including projections and  
399 recesses with a minimum depth of 24 inches.
- 400 3. Varied roof line and form, stepped or decorative parapets, cornices and eaves, and belt  
401 courses must be utilized in the building design.
- 402 4. Building facades shall have a minimum of 30% fenestration elements (windows, doors  
403 and openings). Windows and doors shall include surrounds, casing or headers.
- 404 5. Building material and finishes shall be consistent on all facades. High quality materials  
405 and finishes, such as brick, stone, vertical board or batten siding shall be used; stucco is  
406 only acceptable for a maximum of 40% of the building facades; EIFS shall not be used as  
407 a primary material. Prohibited material include unfinished concrete or block, corrugated  
408 fiberglass or metal, sheet or tin siding.
- 409 6. Light fixtures shall be consistent throughout the development and shall complement the  
410 building architecture. Light fixtures shall be decorative with concealed light sources, and  
411 light poles shall have fluted bases. The use of illuminated bollards in lieu of poles is  
412 encouraged in exclusively pedestrian areas.
- 413 7. Accessory structure does not design or incorporated as part of the principal building or  
414 as part of the amenities listed in this section are prohibited.

- 415 (m) Transportation demand management standards apply, including, but not limited to,  
 416 strategies to reduce trips and parking demand, pedestrian-oriented design elements,  
 417 bicycles facilities, pay to park, or other fees based on demand.
- 418 (n) Elements utilized to satisfy amenities required within multi-family developments listed in  
 419 this section shall not be credited as satisfying other design requirements or standards.
- 420 (o) *Off-street parking and loading requirements.* Off-street parking and loading areas meeting  
 421 the requirements of sections 110-828 and 110-811 shall be constructed.
- 422 (p) *Types of signs permitted.* Signs shall be permitted in accordance with chapter 102, Code of  
 423 Ordinances of the City of Deltona.
- 424 (Ord. No. 06-2003, § 1, 11-3-03; Ord. No. 07-2010, § 8, 6-21-2010; Ord. No. 19-2011, § 1(Exh.  
 425 A), 11-7-2011; Ord. No. 06-2013, § 1(Exh. A), 6-17-2013; Ord. No. 16-2015, § 2, 10-5-2015;  
 426 Ord. No. 06-2017, § 1(Exh. A), 11-20-2017)

427 **V. Zoning Code, of the City of Deltona Code of Ordinances Chapter 76 – Affordable**  
 428 **Housing, shall be amended as follows:**  
 429

430 **Sec. 76-1. Purpose.**

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

439 (1) The purpose of this section is to establish procedures and regulations for the  
 440 development of mixed-use multifamily developments ("MUMD"), including affordable  
 441 housing pursuant to the provisions of F.S. § 166.04151(7), as created by Chapter  
 442 2023-17, Laws of Florida, the "Live Local Act of 2023" (the "Act"), which MUMD  
 443 involves a combination of residential and non-residential components, and a  
 444 combination of dwelling units that qualify as affordable housing and units that do not  
 445 qualify as affordable housing, to accomplish the following purposes:

- 446 (a) Protect and promote the public health, safety, and general welfare of the residents of  
 447 the city;
- 448 (b) Facilitate the orderly development of affordable multi-family housing in the city  
 449 pursuant to the act;
- 450 (c) Confirm that MUMDs proposed pursuant to the act are required to be mixed-use  
 451 residential developments;
- 452 (d) Specify the city zoning districts to which this division is applicable and within which  
 453 MUMDs are authorized and may be approved administratively pursuant to the act;
- 454 (e) Confirm the land development regulations applicable to proposed MUMDs, and  
 455 acknowledge the statutory mandates regarding density, height, and land use;
- 456 (f) Confirm minimum dwelling unit square footage in order to provide reasonable living  
 457 conditions;

- 458 ~~(g) Provide a minimum non-residential use floor area for MUMDs to provide a~~  
459 ~~meaningful mixed-use development and to reduce vehicle trips and vehicle miles~~  
460 ~~traveled;~~  
461 ~~(h) Confirm the maximum intensity (floor area ratio) for MUMDs applies to all square~~  
462 ~~footage within the development; and~~  
463 ~~(i) Establish an administrative approval process for MUMDs, including provisions for~~  
464 ~~appeals of administrative decisions.~~

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

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

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

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

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

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

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

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

480 ~~C-1 Retail commercial~~

481 ~~C-2 General commercial~~

482 ~~C-3 Heavy commercial~~

483 ~~I Industrial~~

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

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

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

487 ~~(a) *Affordable multifamily rental development.* Proposed multi-family for mixed-use residential~~  
488 ~~projects must be authorized in areas zoned commercial, industrial, or mixed-use, pursuant~~  
489 ~~to F.S. § 166.0415(7), at least 40 percent of the multi-family residential Dwelling units shall~~  
490 ~~remain affordable, as defined in F.S. § 420.0004(3), for a period of at least 30 years. This~~  
491 ~~requirement shall be incorporated as a condition into any administrative approval.~~  
492 ~~Furthermore, as a prerequisite to the issuance of a building permit, the owner shall execute~~  
493 ~~and deliver to the city for recordation in the public records, on a form approved by the city~~  
494 ~~attorney, a covenant, declaration of restriction, or other deed restriction in favor of the city~~  
495 ~~ensuring compliance with this affordability requirement.~~

- 
- 496 ~~(b) Affordable housing development. The development of housing that is affordable, including,~~  
497 ~~but not limited to, a mixed-use residential development, on any parcel zoned for~~  
498 ~~commercial or industrial may be approved by the city if at least 40 percent of the units~~  
499 ~~included in the project are dedicated to affordable housing.~~
- 500 ~~(c) Affordable mixed-use residential development. A mixed-use development on any parcel~~  
501 ~~zoned for commercial or industrial may be approved if at least 65 percent of the total~~  
502 ~~square footage is used for residential purposes.~~
- 503 ~~(d) Equivalent treatment of all dwelling unit requirements.~~
- 504 ~~(1) All affordable units and market rate units shall be located within the same structure.~~
- 505 ~~(2) All common areas and amenities shall be accessible and available to all residents~~  
506 ~~(both affordable and market rate).~~
- 507 ~~(3) Access to the required affordable dwelling units shall be provided through the same~~  
508 ~~principal entrance(s) utilized by all other dwelling units in the development.~~
- 509 ~~(4) The sizes and number of bedrooms in the affordable dwelling units shall be~~  
510 ~~proportional to the square footage and number of bedrooms in the market rate~~  
511 ~~dwelling units (e.g., if 25 percent of market rate dwelling units consist of two~~  
512 ~~bedrooms, then 25 percent of the affordable dwelling units shall also have two~~  
513 ~~bedrooms.)~~
- 514 ~~(e) Building permit issuance. Before a building permit is issued, the owner/developer shall~~  
515 ~~execute and submit to the city a covenant, declaration of restriction, or other deed~~  
516 ~~restriction in favor of the city ensuring compliance with the affordability requirement. The~~  
517 ~~covenant, declaration of restriction or deed restriction shall be recorded in the public~~  
518 ~~records.~~
- 519 ~~(Ord. No. 04-2024, § 2(Exh. A), 1-16-2024)~~

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

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

524 ~~(a) Plat applications:~~

- 525 ~~(1) An application for a preliminary plat and/or final plat shall be filed, processed, and~~  
526 ~~approved pursuant to Section 74-3, Section 74-4, Chapter 106, subdivisions, this~~  
527 ~~chapter, and other development regulations of this code.~~
- 528 ~~(2) Preliminary plat. The development review committee (DRC) and the affordable~~  
529 ~~housing project review committee (AHPRC) will review and take final action on the~~  
530 ~~preliminary Plat and engineering construction plan applications, to ensure~~  
531 ~~compliance with the provisions of the land development code.~~
- 532 ~~(3) Final plat. The DRC and the AHPRC will review the final plat and engineering~~  
533 ~~construction plan application for conformity with Section 74-3, Section 74-4, Chapter~~  
534 ~~106, Chapter 76, and other development regulations prior to city commission~~  
535 ~~approval of the plat.~~

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

- 
- 537 ~~(1) An application for a final site plan (FSP) shall be filed and processed pursuant to~~  
538 ~~Chapter 75, site plan, of this code.~~  
539 ~~(2) The DRC and the AHPRC will review the FSP application for conformity with this~~  
540 ~~chapter, Chapter 75, and other development regulations.~~  
541 ~~(3) Any FSP that is administratively approved pursuant to this section shall consist of a~~  
542 ~~mixed use residential project.~~  
543 ~~(4) All residential and non-residential components of the FSP shall be located on the~~  
544 ~~same or unified lot.~~  
545 ~~(5) No FSP shall be administratively approved unless and until the DRC and the AHPRC~~  
546 ~~has determined after a DRC Meeting, that the FSP complies with the criteria~~  
547 ~~provided in chapter 75 and other development regulations.~~  
548 ~~(6) All concurrency as recognized by the city code such as traffic, portable water, sewer,~~  
549 ~~stormwater, school, and other recognized concurrency requirements are still in effect~~  
550 ~~with regard to any projects submitted under this chapter and any projects that come~~  
551 ~~within the jurisdiction of the "Live Local Act".~~

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

553

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

555 (a) ~~Density:~~

556 ~~(1) Multi-family maximum density: 20 units per acre (highest allowed density per the city's~~  
557 ~~comprehensive plan.)~~

558 ~~(2) Mixed-use density range/maximum intensity: Per the city's comprehensive plan, future~~  
559 ~~land use element, commercial has a minimum percentage of 20 percent and~~  
560 ~~residential has a maximum of 80 percent.~~

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

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

565 ~~(1) Studio/Efficiency: 500 square feet.~~

566 ~~(2) One bedroom: 600 square feet.~~

567 ~~(3) Two bedroom: 750 square feet.~~

568 ~~(4) Three or more bedrooms: 800 square feet.~~

569 ~~(d) Open/Green space. The minimum open/green space required on all affordable housing~~  
570 ~~shall be 20 percent. In no event shall any portion of a parking area, including the islands,~~  
571 ~~be counted as open/green space.~~

572 ~~(e) Accessory buildings. All accessory buildings shall follow Section 110-827 of the land~~  
573 ~~development code.~~

574 ~~(f) Parking requirements. For any MUMD, parking shall be provided as required by Section~~  
575 ~~110-828 and 110-829 of the land development code. During the FSP process the applicant~~  
576 ~~may request for up to a five percent reduction if the following is met.~~



- 
- 577       ~~(1) The MUMD is located within a mile of any bus stop and must have a continuous public~~  
578       ~~sidewalk from the proposed MUMD to the bus stop;~~
- 579       ~~(2) The MUMD provides onsite and offside enhancements to pathways and sidewalks to~~  
580       ~~support a walkable community for pedestrian comfort. This would include canopy~~  
581       ~~trees, directional signage, and shaded rest areas.~~
- 582       ~~(g) *Compliance.* The MUMD shall follow land development code and comprehensive plan~~  
583       ~~requirements for all other regulations, unless stated within Section 76. The MUMDs shall~~  
584       ~~comply all other applicable state and local laws and regulations.~~

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

586 (A) Description and Purpose. The purpose of this section is to establish procedures and  
587 regulation for the development of mixed-use affordable housing developments pursuant  
588 to the provisions of F.S. 166.04151. Any Qualifying Development under the Live Local  
589 Act shall comply with any land development regulations and design standards  
590 applicable to multi-family in the code or set forth herein, whichever is more restrictive.  
591 All aspects of the Qualifying Development shall be consistent with the City's  
592 Comprehensive Plan, except elements preempted by F.S. 166.04151.

593 (B) Applicable Zoning Districts. Unless otherwise permitted by this chapter, no building or  
594 land shall be used, and no building shall be hereafter erected, structurally altered, or  
595 enlarged pursuant to the provisions of F.S. 166.04151 except in the zoning districts  
596 listed below and in accordance with the standards established herein.

597 1. C-1, Retail Commercial

598 2. C-2, General Commercial

599 3. C-3, Heavy Commercial

600 4. I, Industrial

601 (C) To not impair previously agreed upon contracts or the Comprehensive Plan, the Live  
602 Local shall not be applicable within Planned Unit Development Districts ("PUD") or any  
603 area subject to a development agreement addressing the zoning or land use of the  
604 property.

605 (D) "Commercial, Industrial, or Mixed Use" shall not include any uses presented as  
606 conditional uses in any zoning district.

607 (E) Procedures for securing Administrative Approval of Qualifying Developments. This  
608 procedure is only available for Qualifying Developments where:

609 a. No further action is required by the City (i.e. no variance, conditional use,  
610 planned unit development agreement or other approval is required); and

611 b. The development satisfies the land development regulations for multi-family  
612 developments and is otherwise consistent with the comprehensive plan, with the  
613 exception of provisions establishing allowable densities, height and land use, in  
614 the manner specified below.

615 The review process will ensure that the Qualifying Development satisfies all requirements of  
616 the Act, as well as the Comprehensive Plan and Code provisions that are not preempted by the  
617 Act for a major site plan, and all other applicable laws. The City will post a policy containing  
618 procedures and expectations for administrative approval on the City website. Further, the City  
619 will post notice of an application on the City's website.

620 (1) Upon application for Site Plan review, the applicant shall agree as follows:

621 A. To proceed with the Qualifying Development according to the provisions  
622 established herein and the affordability requirements as established by state  
623 law;

624 B. To provide agreements, contracts, covenants, deed restrictions, and sureties  
625 acceptable to the city for completion of the development according to the  
626 plans approved at the time of site plan approval and for continuing operations

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627 and maintenance of such areas, functions, and facilities, which are not  
628 proposed to be provided, operated, or maintained at public expense; and

629 C. To bind their successors in title to any commitments made under the above.

630 (2) Pre-Application Meeting. The applicant shall schedule a pre-application meeting with  
631 the Development Review Committee (DRC) prior to any formal submittals. The  
632 following items shall be provided to schedule a pre-application meeting:

633 A. Project concept plan signed and sealed by a Registered Engineer in the State  
634 of Florida. The concept plan shall be a minimum 30% engineered.

635 B. Project narrative with the following elements

636 1. Property zoning and future land use designation. The narrative shall  
637 indicate whether the use requested would be required by right,  
638 conditionally, or if would require a rezoning and/or future land use  
639 amendment without the provisions of the Live Local Act.

640 2. Project density. The City will comply with the density requirements set  
641 forth in Fla. Stat. 166.04151(7). In the event the proposed residential  
642 density exceeds the density permitted by the City's Comprehensive  
643 Plan, the applicant shall provide an analysis showing the highest  
644 currently allowed density where residential development is permitted.  
645 Developments that have received any bonus, variance, planned unit  
646 development zoning or other conditional use for density are not  
647 applicable and shall be excluded from the analysis.

648 3. Dwelling unit breakdown, including number of bedrooms and unit  
649 sizes.

650 4. Proposed building height. For Qualifying Development, the City will  
651 comply with the building height requirements set forth in Fla. Stat.  
652 166.04151(7). The applicant must submit a specific purpose survey  
653 demonstrating the one-mile distance for the height determination with  
654 a brief analysis of the comparator site.

655 5. A table indicating the ratio of residential to non-residential square  
656 footage, and a breakdown of affordable, market rate and fee simple  
657 residential units.

658 6. Identify any Major Transportation Hubs, as defined in Fla. State.  
659 166.04151, located within a one-half mile of the proposed  
660 development and/or any nearby parking available for the exclusive  
661 use of the residents, if requesting a parking waiver under Fla. State.  
662 166.04151.

663 7. Statement as to how the proposed project conforms to the City's  
664 Comprehensive Plan.

665 (3) Site Plan Submittal

666 A. In the event a proposed development is deemed a Qualifying Development,  
667 an application for Site Plan review, all required supplemental documentation,  
668 and all technical review fees may be submitted to the City. Any fees collected  
669 in conjunction with Site Plan review are nonrefundable.

- 
- 670 B. Upon receiving the application package and fee payment, the city's  
671 designated project manager for the development will complete a sufficiency  
672 review within seven (7) business days and notify the applicant within that time  
673 of any insufficient or missing submittal requirements. If the application  
674 package is determined to be sufficient, by satisfying all submittal  
675 requirements, the applicant will be notified of the scheduled development  
676 review committee meeting date.
- 677 C. The Development Review Committee (DRC) shall review the application  
678 package for compliance with the city's land development code,  
679 comprehensive plan, and applicable state laws, and take the following  
680 actions:
- 681 1. Recommend approval of the site plan including findings supporting  
682 the decision.
- 683 2. Defer action on recommending approval or denial of the site plan until  
684 the applicant resubmits plans with DRC comments addressed. The  
685 applicant will be notified in writing of comments concerning the  
686 submittal. Required revisions shall be resubmitted by the applicant  
687 within thirty (30) days of receiving comments. Failure of the applicant  
688 to submit revised plans as required above shall result in cancellation  
689 of the application unless an extension is agreed upon by the Mayor  
690 and City Commission at a public hearing.
- 691 3. Recommend denial of the site plan including findings supporting the  
692 decision.
- 693 D. Upon receiving a recommendation by the DRC, the applicant shall submit the  
694 application package to the Administrative Official. In making a determination,  
695 the Administrative Official must find:
- 696 a. That the proposed development is compliant with the city's land  
697 development regulations and is compatible with the city's  
698 comprehensive plan, with the exception of provisions in F.S.  
699 166.04151; and
- 700 b. That the development has demonstrated its commitment to equity  
701 through providing affordable housing and that the affordable housing  
702 units offer a quality of life enjoyed by all residents in the city.
- 703 E. The Administrative Official may impose any conditions or limitations upon the  
704 establishment, permissible uses, location, construction, maintenance, or  
705 operation of the development which in its judgement may reasonably be  
706 necessary to ensure compatibility and prevent the development from  
707 becoming detrimental to other permitted land uses, to promote the public  
708 interest, and protect the health, safety, and welfare of all. Conditions,  
709 limitations, and requirements mitigating any adverse impacts from the  
710 proposed development will be stated as part of the approval and shall be a  
711 continuing obligation of the property owners. Such mitigation may include,  
712 without limitation, screening or buffering, landscaping, limitations on manner,  
713 scope and extent of operation(s), changes in proposed construction, location  
714 or design of buildings, relocation of proposed open space or alteration of  
715 uses of such space, changes in traffic circulation or signalization, and any

- 
- 716 other matter reasonable calculated to address potential impacts to adjacent  
717 developments and the surrounding neighborhood.
- 718 4. If approved by the Administrative Official, the Administrative Official  
719 shall issue a written “approval letter” and the applicant shall apply for  
720 site construction and building permit review and commence  
721 construction within one year (365 days) from the date of approval.
- 722 5. The decision by the Administrative Official may be appealed to the  
723 Planning and Zoning Board pursuant to Chapter 74 within 30 days of  
724 the rendering of a decision by the Administrative Official.
- 725 6. Modification to approved site plan. Following approval, if substantial  
726 changes are made to the design of the project, including but not  
727 limited to, an increase in density, building height, massing,  
728 architectural design, or amenities, the modifications shall be approved  
729 by the Administrative Official.
- 730 7. If the proposed project does not meet the City’s land development  
731 code (except for use, height or density as preempted by the Act), the  
732 applicant may apply for a variance or other pertinent procedure and  
733 shall follow the procedures provided in the code, including review by  
734 the Development Review Committee, Planning and Zoning Board,  
735 and City Commission.
- 736 8. Denial of an application precludes the applicant from refileing the same  
737 application for twelve (12) months from the date of denial.

738 F. Affordability Commitment.

- 739 1. A property that includes affordable housing built under the preemptive  
740 regulations in the Live Local Act (2023) must manifest compliance  
741 with Fla. Stat. 166.04151’s mandate of providing a minimum of 40%  
742 affordable housing for 30 years by recording a restrictive covenant on  
743 the property to that effect. If the development does not comply with  
744 the Act for 30 years, then the city will consider the affordable housing  
745 units nonconforming uses, and subject to Article VI  
746 NONCONFORMITY of the land development code. The covenant will  
747 detail income mix and required affordability, with a release provision  
748 ensuring that the covenant is in place for thirty (30) years from  
749 certificate of occupancy and may only be released earlier by bringing  
750 the project into full compliance with all zoning and land use provisions  
751 applicable to the site at the time of the release. The property owner  
752 must provide to the City each year on January 15, copies of all leases  
753 then in effect for the affordable units, together with such other  
754 documentation necessary to demonstrate that the leases meet the  
755 affordability criteria set forth in Fla. Stat. 420.0004 and confirm that  
756 the occupants of the affordable units meet the requirements of the  
757 income standards. The City has the right to audit the evidence of  
758 compliance with Fla. Stat. 420.0004 at any time when warranted.
- 759 2. The city will enforce the restrictive covenant. After a property is no  
760 longer qualified as affordable housing due to violation of the restrictive  
761 covenant, the city shall assess a daily fine of three hundred (\$300.00)  
762 per day and may impose additional regulations on the development.

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763 at the City Commission's discretion at a public hearing, to include  
764 stricter design standards, landscaping, upgraded amenities, and other  
765 regulations designed to protect the area and ensure compatibility of  
766 nearby uses. The daily fine and additional regulations will cease once  
767 proof of compliance has been provided to the city.

768 3. If construction has not begun on the affordable housing project within  
769 6-months of the issuance of the building permit, then the property will  
770 be governed by the entitlements allowed under the property's zoning  
771 without the benefit of the preemptive provisions of F.S. 166.04151.

772 G. Site development standards.

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

780 2. Required residential and nonresidential uses. Qualifying Development  
781 must locate all non-residential uses on the same (or unified) plot.

782 a. Sixty-five percent (65%) of the total square footage of a  
783 Qualifying Development shall be used for residential  
784 purposes. Lobby, service areas, and amenity areas  
785 exclusively for residential uses shall be considered  
786 residential square footage.

787 b. Thirty-five percent (35%) of the total square footage of a  
788 Qualifying Development shall be used for nonresidential  
789 purposes. Nonresidential uses shall be limited to those  
790 uses permitted in the zoning district regulations applicable  
791 to the land on which the project is located.

792 c. Equivalency of affordable dwelling units.

793 1. Affordable dwelling units and market rate units  
794 within a Qualifying Development shall be located  
795 within the same structures or shall be  
796 proportionality distributed between multiple  
797 structures, if more than one structure is proposed,  
798 such that each structure contains both affordable  
799 and market rate units in equal proportions.

800 2. Affordable dwelling units and market rate units shall  
801 be proportionately distributed between multiple  
802 floors for structures within a Qualifying  
803 Development greater than two (2) floors, such that  
804 each floor contains both affordable and market rate  
805 units in equal proportions.

806 3. All common areas and amenities within a Qualifying  
807 Development shall be equally accessible and

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- 808 available to all residents (both affordable and  
809 market rate units).
- 810 4. Parking for affordable dwelling units shall be  
811 provided in the same manner, with the same level  
812 of convenience and proximity as parking for market  
813 rate units.
- 814 5. Access to the required affordable dwelling units in a  
815 Qualifying Development shall be provided in the  
816 same manner as the access to market rate dwelling  
817 units. Access shall include shared principal  
818 entrance(s) with the same elevators or stairwells,  
819 and independent entrances to each unit typical of  
820 townhomes.
- 821 6. The size and number of bedrooms in the affordable  
822 dwelling units shall be approximately proportional to  
823 the sizes and number of bedrooms in the market  
824 rate units (e.g. for number of bedrooms, if twenty-  
825 five percent (25%) of the market rate units consist  
826 of two (2) bedrooms, then twenty-five percent  
827 (25%) of the affordable units shall also have two (2)  
828 bedrooms, etc. maintaining a proportional  
829 distribution across unit types within the qualifying  
830 development). For purposes of this subparagraph,  
831 "approximately proportional" shall mean that the  
832 percentage of each type of unit among the  
833 affordable dwelling units shall be within 5  
834 percentage points of each type of unit among the  
835 market rate dwelling units.
- 836 7. The exterior appearance of affordable units shall be  
837 the same as the market rate units and shall provide  
838 exterior building materials and finishes of the same  
839 type and quality.
- 840 8. The interior building materials and finishes of the  
841 affordable units shall be the same type and quality  
842 as the market rate units, including but not limited to  
843 all electrical and plumbing fixtures, flooring,  
844 cabinetry, countertops, and decorative finishes.  
845 Alternative building materials and finishes may be  
846 considered for approval within the affordable units  
847 to reduce energy costs and water consumption.
- 848 H. In addition to the provisions set forth in this section, Qualifying Development  
849 must also comply with all other land development regulations applicable to  
850 multi-family developments, including Section 110-310 and 110-311
- 851 I. Fee simple development standards
- 852 1. For fee simple one- and two-family developments, refer to the  
853 development standards contained in Sections 110-307, 110-308 and  
854 110-309.

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- 855 2. All fee simple developments are subject to the relevant provisions of  
856 Section 110-808 of the City of Deltona Code of Ordinances.
- 857 3. The following development standards are applicable to each lot in all  
858 fee simple single-family development with three or more attached  
859 units:
- 860 1. Minimum lot width 21 feet
- 861 2. Minimum lot area, 2,400 square feet
- 862 3. Minimum internal side yard setback, 0 feet
- 863 4. Minimum dwelling unit size, 1,600 square feet
- 864 J. Additional requirements
- 865 1. Maximum site size (above mean high-waterline), one acre.
- 866 2. Maximum density, with respect to the residential component of a  
867 Qualifying Development, the highest allowed density on any land in  
868 the city where residential development is allowed by right.  
869 Developments that have received any bonus, variance, or other  
870 conditional use for density are to be excluded.
- 871 3. Maximum height, equivalent to the highest currently constructed  
872 building within a one-mile radius of the project or three (3) stories,  
873 whichever is higher. Developments that have received any bonus,  
874 variance, or other conditional use for height are to be excluded. If the  
875 development is adjacent to, on two or more sides, a parcel with  
876 single-family residential use with at least 25 single-family homes, the  
877 maximum height is equivalent to 150 percent the height of the tallest  
878 building adjacent to the proposed development, the height permitted  
879 by the zoning district, or three (3) stores, whichever is highest.
- 880 4. Minimum street frontage, 50 feet.
- 881 5. Minimum building setbacks: The building setbacks for RM-1 and RM-2  
882 zoning applies for buildings 35 feet or less when the Qualifying  
883 Development is not adjacent to single family residential zoning or use.  
884 An additional setback of 1 foot for every 1 foot of height shall be  
885 provided for buildings that exceed 35 feet or are adjacent to single  
886 family residential zoning or use.
- 887 6. Minimum unit size: one-bedroom must be larger than 750 square feet;  
888 two-bedroom must be larger than 1,000 square feet; three or more  
889 bedrooms must be larger than 1,350 square feet.
- 890 7. Mobility Standards
- 891 a. All uses must conform to Section 110-828 for off-street  
892 parking and other regulations. Additional parking  
893 requirements for the residential portion of a Qualifying  
894 Development are as follows:
- 895 1. Guest parking shall be provided at 0.25 spaces  
896 per dwelling unit and cannot be located in a  
897 remote or off-site lot.



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- 898 2. One additional parking space shall be provided  
899 for each employee, maintenance/service  
900 worker, construction contractor or security  
901 guard and cannot be located in a remote or off-  
902 site lot.
- 903 3. Parking of any recreational vehicles, trailers,  
904 and the like, are prohibited.
- 905 b. Parking requirements may be reduced by twenty (20%)  
906 percent subject to meeting all of the following:
- 907 1. The Qualifying Development is located within  
908 one-half mile of a Major Transportation Hub.
- 909 2. The Major Transportation Hub is accessible  
910 from the development by existing or proposed  
911 minimum eight-foot wide public sidewalks or  
912 mixed-use path, consisting of a minimum of  
913 thirty-five (35%) percent shaded areas or where  
914 the shade requirement can be obtained within  
915 three (3) years of the development receiving a  
916 Certificate of Occupancy.
- 917 3. The Qualifying Development will provide onsite  
918 and offsite enhancements to public sidewalks to  
919 support walkability and pedestrian comfort,  
920 including, but not limited to: incorporating  
921 canopy trees; distinctive pavement, identity,  
922 wayfinding, and directional signage; transit  
923 infrastructure; and shaded rest areas or nodes  
924 with appropriate site furnishings.
- 925 4. The parking reduction is supported by a parking  
926 demand study prepared by a qualified expert.  
927 The parking demand study must include data  
928 obtained from a minimum of three (3) similar  
929 local multi-family development within the  
930 ECFRPC boundaries in accordance with the  
931 guidelines set forth by the Institute of  
932 Transportation Engineers Publication, Parking  
933 Generation. The study should also evaluate any  
934 nearby parking which is available for exclusive  
935 use by the residents.
- 936 5. Parking is available within 600 feet of the  
937 proposed development which may consist of  
938 options such as on-street parking, parking lots,  
939 or parking garages available for use by  
940 residents of the proposed development. When  
941 off-site parking is relied on to meet parking  
942 requirements for the proposed development,  
943 the donating site will be reviewed to ensure that  
944 the donating site will remain a conforming lot.

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- 945 c. Bicycle lockers shall be provided on site to  
946 accommodate a minimum of one bicycle per affordable  
947 housing unit with two bedrooms or less and two  
948 bicycles for units with three bedrooms or more.
- 949 d. There shall be an interconnected sidewalk network  
950 consisting of minimum eight-foot-wide sidewalks to  
951 maximize connectivity to existing facilities; transit; and  
952 neighboring land uses.
- 953 e. All required parking spaces for residential uses within a  
954 Qualifying Development, including parking for guests  
955 and employees, shall be fully enclosed, located internal  
956 to a parking garage or integrated into the building  
957 containing the residential units served by that parking,  
958 and designated for residential or guest use only. Guest  
959 parking to be located on-street internal to the  
960 development or in an off-street parking lot may be  
961 considered to meet the guest parking requirements  
962 based on the internalization of uses or sharing or  
963 parking; the determination will be based on the findings  
964 of a parking study prepared by a qualified expert.
- 965 f. A minimum of one electric vehicle charging station  
966 must be provided for a development requiring more  
967 than 50 parking spaces. The charging station shall  
968 serve two parking spaces.
- 969 g. One designated parking space for every 50 residential  
970 units shall be provided for rideshare pickup.
- 971 h. A Transportation Demand Management (TDM) Plan to  
972 reduce the projected traffic demand by twenty (20%)  
973 percent, through strategies including, but not limited to:  
974 pedestrian-oriented design elements, bicycle facilities,  
975 transit improvements, operational programs, and  
976 incentives. An applicant shall include a Transportation  
977 Demand Management Plan with the following  
978 elements:
- 979 1. Project Information and Site Inventory
  - 980 2. Travel Demand Estimate
  - 981 3. TDM Strategies and Objectives
  - 982 4. Travel Demand Accommodations
  - 983 5. Implementation Timeframe
  - 984 6. Commitment Statement
  - 985 7. Verification Statement
- 986 8. Landscaping and Open Space
- 987 a. The maximum impervious surface ratio for a Qualifying  
988 Development is 65 percent.

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- b. No less than 35 percent of the project land area shall be designated for open space.
  - c. Enhanced landscaping to include a minimum ten-foot-wide planting area for building foundation landscaping, with a minimum of two understory trees and five shrubs for every 40 feet of facade length. The remainder of the planting area shall be landscaped with groundcover or other landscape treatment. A minimum ten-foot-wide landscape strip is required where four or more rows of parking spaces abut; one canopy tree, one understory tree and three shrubs must be planted for every 100 feet in length.
  - d. Property buffer widths shall be subject to the relevant provisions of Section 110-808 of the City of Deltona Code of Ordinances, unless otherwise provided herein. In no case shall the minimum average buffer be less than ten (10) feet.
    - 1. Qualifying developments located on land zoned industrial and adjacent to land with industrial zoning or use 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 industrial uses. A type '6' buffer per Section 110-808, shall be provided for buildings up to 45 feet in height. If the building exceeds 45 feet in height, then the buffer shall increase an additional 1 foot for every 1 foot of height which exceeds 45 feet.
    - 2. Qualifying developments located on land zoned commercial and adjacent to land with 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.
    - 3. Buffering materials shall ensure that headlights of vehicles, noise and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
  - e. 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

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- 1037 greenbelts. Any single open space area shall be a  
1038 minimum of 2,000 square feet for use as passive or  
1039 active space. Any native plant species in a passive  
1040 open space area shall be preserved unless dead,  
1041 dying, or diseased.
- 1042 f. Retention and Detention Pond configuration shall be  
1043 designed to emulate nature and incorporated into the  
1044 natural topography of the site. Trees and plantings  
1045 shall be clustered and planted in a natural pattern  
1046 around the pond.
- 1047 9. When there is a conflict between provisions contained in this section  
1048 and other provisions contained in this code, the provision that is more  
1049 restrictive and imposes higher standards or requirements shall  
1050 govern.
- 1051 10. The first floor of each building must be nonresidential and all floors  
1052 must be built out in one phase. The nonresidential use must have a  
1053 certificate of occupancy before the residential use is given a certificate  
1054 of occupancy.
- 1055 11. At least two uses are required in each multi-family building, both  
1056 residential and high end commercial or class-A office. Home-based  
1057 businesses or institutional uses are not appropriate second uses.  
1058 “HIGH END COMMERCIAL” means specialty retail stores focusing on  
1059 certain categories of goods. “CLASS-A OFFICE” means premier office  
1060 space with high quality finishes, amenities, and technology systems.  
1061 The following are permitted nonresidential uses for Qualifying  
1062 Developments:
- 1063 a. Retail sales establishments, such as bakeries, florists,  
1064 gift shops, bookstores, clothing stores, shoe stores,  
1065 and other similar boutique businesses to support the  
1066 residential use except for outdoor sales and flea  
1067 markets.
- 1068 b. Professional offices offering consulting services, such  
1069 as architects, attorneys, engineers, accountants,  
1070 doctors, dentist, and the like.
- 1071 c. Real estate offices.
- 1072 d. General office uses.
- 1073 e. High technology office uses, such as research and  
1074 development laboratories, space technology,  
1075 simulation and training, laser technology, robotics,  
1076 computer software and hardware, medical labs, and  
1077 testing.
- 1078 f. Business and professional services office uses.
- 1079 12. The first floor of each multiple family dwelling building shall include  
1080 architectural features that provide human scale and uninterrupted  
1081 pedestrian movement to facilitate safe and inviting access to the non-  
1082 residential uses contained therein.

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- 1083 13. Amenities required:
- 1084 a. Each unit must have an independent balcony. All
- 1085 balconies shall be a minimum of 54 square feet of
- 1086 clear, unobstructed space, at least six feet in depth.
- 1087 Balconies may be covered and screened but cannot be
- 1088 fully enclosed. False, Faux, Juliet/Juliette, Balconette,
- 1089 and other similar ornamental or standing-type
- 1090 balconies shall not be considered a balcony and are
- 1091 prohibited where a balcony is referenced in this
- 1092 section.
- 1093 b. Pool with restrooms
- 1094 c. Splashpad
- 1095 d. Gymnasium
- 1096 e. Playground space
- 1097 f. Pickleball/tennis court or similar active recreation
- 1098 facility
- 1099 g. Doggy runs (if pets are allowed)
- 1100 h. Internal concierge trash service
- 1101 i. Flex office space
- 1102 j. Recycling service to reduce the amount of waste sent
- 1103 to landfill
- 1104 14. Enhanced architectural standards are required to be integrated into
- 1105 the building form to break up large building mass and long walls.
- 1106 Architectural features shall be displayed on all sides of a building,
- 1107 incorporating a base, middle and top to maintain pedestrian scale.
- 1108 The building mass shall be proportionate to the site, streets, open
- 1109 space, and surrounding developments.
- 1110 a. Buildings shall include architectural elements on all
- 1111 facades and every story. Architectural elements shall
- 1112 include, but not be limited to, porticos, balconies,
- 1113 columns, awnings, canopies, recessed/projected
- 1114 access.
- 1115 b. Integrated ornamental and structural building
- 1116 articulation, including projections and recesses with a
- 1117 minimum depth of 24 inches.
- 1118 c. Varied roof line and form, stepped or decorative
- 1119 parapets, cornices and eaves, and belt courses must
- 1120 be utilized in the building design.
- 1121 d. Building facades shall have a minimum of 30%
- 1122 fenestration elements (windows, doors and openings).
- 1123 Windows and doors shall include surrounds, casing or
- 1124 headers.

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- 1125 e. Building materials and finishes shall be consistent on  
1126 all facades and every story. High quality materials and  
1127 finishes, such as brick, stone, vertical board or batten  
1128 siding, shall be used; stucco finish is only acceptable  
1129 for a maximum of 40% of the building facades; EFIS  
1130 shall not be used as a primary material. Prohibited  
1131 materials include unfinished concrete or block,  
1132 corrugated fiberglass or metal, sheet or tin siding.
- 1133 f. Building colors shall be subtle and harmonious with the  
1134 overall project, landscaping, and nearby developments.  
1135 Bright or brilliant colors shall be used for accent only.
- 1136 g. Light fixtures shall be consistent throughout the  
1137 development and shall complement the building  
1138 architecture. Light fixtures shall be decorative with  
1139 concealed light sources, and light poles shall have  
1140 fluted bases. The use of illuminated bollards in lieu of  
1141 poles is encouraged in exclusively pedestrian areas.
- 1142 h. Accessory structures not designed or incorporated as  
1143 part of the principal building or as part of the amenities  
1144 listed in this section are prohibited.
- 1145 i. All mechanical equipment and utility hardware and  
1146 appurtenances on roofs, ground or buildings shall be  
1147 screened from public view with materials harmonious  
1148 with the building and shall be located so as not to be  
1149 visible from streets, open space, service alleys, and  
1150 adjoining properties. Screening shall be of such  
1151 material and color so that it matches or blends with the  
1152 roof or portion above the top floor where it is installed.  
1153 Screening shall be greater than the height of the  
1154 mechanical equipment. All rooftops of buildings with  
1155 flat roof decks, including parking garage roof decks,  
1156 shall be designed to minimize negative appearances  
1157 by screening mechanical equipment and utility  
1158 hardware 670 and appurtenances, and by minimizing  
1159 the ponding of stormwater through use of drains and  
1160 scuppers.
- 1161 15. Elements utilized to satisfy amenities required within multi-family  
1162 developments listed in this section shall not be credited as satisfying  
1163 other design requirements or standards.
- 1164 K. This Section of the Code will expire on October 1, 2033, the expiration date of  
1165 the Live Local Act, Fla. Stat. 166.04151.