

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

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

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

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

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

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

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

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89 “MIXED USE RESIDENTIAL” As used in F.S. 166.04151(7)(a) and (f), a maximum of  
90 65% of the square footage is residential; and 35% is high end commercial or class-A  
91 office, not including a home-based business or an institutional use. The ground floor of  
92 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.

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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.

<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 (with principal and accessory buildings) (%)	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>(4)</sup>	----	10	
Maximum building length and width (ft.)	----	200	
Building Development Standards <sup>(5)</sup>			
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.			
<del>(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.</del>			
(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.			

223

- 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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374

375 (e) *Dimensional requirements.*

<b>RM-2, Multiple Family Residential Dwelling</b>	Single-Family Patio Homes	Single-Family Attached Townhouse	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>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 <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	
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> 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.			

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 EIFS 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~~



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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.~~

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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.

- 
- 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

- 
- 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.

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

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

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

828 (7) Site development standards.

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



- 
- 836 b. Required residential and nonresidential uses. Qualifying  
837 Development must locate all non-residential uses on the same (or  
838 unified) plot.
- 839 1. Sixty-five percent (65%) of the total square footage of  
840 a Qualifying Development shall be used for residential  
841 purposes. Lobby, service areas, and amenity areas  
842 exclusively for residential uses shall be considered  
843 residential square footage.
- 844 2. Thirty-five percent (35%) of the total square footage of  
845 a Qualifying Development shall be used for  
846 nonresidential purposes. Nonresidential uses shall be  
847 limited to those uses permitted in the zoning district  
848 regulations applicable to the land on which the project  
849 is located.
- 850 3. Equivalency of affordable dwelling units.
- 851 I. Affordable dwelling units and market rate units  
852 within a Qualifying Development shall be  
853 located within the same structures or shall be  
854 proportionality distributed between multiple  
855 structures, if more than one structure is  
856 proposed, such that each structure contains  
857 both affordable and market rate units in equal  
858 proportions.
- 859 II. Affordable dwelling units and market rate units  
860 shall be proportionately distributed between  
861 multiple floors for structures within a Qualifying  
862 Development greater than two (2) floors, such  
863 that each floor contains both affordable and  
864 market rate units in equal proportions.
- 865 III. All common areas and amenities within a  
866 Qualifying Development shall be equally  
867 accessible and available to all residents (both  
868 affordable and market rate units).
- 869 IV. Parking for affordable dwelling units shall be  
870 provided in the same manner, with the same  
871 level of convenience and proximity as parking  
872 for market rate units.
- 873 V. Access to the required affordable dwelling units  
874 in a Qualifying Development shall be provided  
875 in the same manner as the access to market  
876 rate dwelling units. Access shall include shared  
877 principal entrance(s) with the same elevators

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- 878 or stairwells, and independent entrances to  
879 each unit typical of townhomes.
- 880 VI. The size and number of bedrooms in the  
881 affordable dwelling units shall be approximately  
882 proportional to the sizes and number of  
883 bedrooms in the market rate units (e.g. for  
884 number of bedrooms, if twenty-five percent  
885 (25%) of the market rate units consist of two  
886 (2) bedrooms, then twenty-five percent (25%)  
887 of the affordable units shall also have two (2)  
888 bedrooms, etc. maintaining a proportional  
889 distribution across unit types within the  
890 qualifying development). For purposes of this  
891 subparagraph, “approximately proportional”  
892 shall mean that the percentage of each type of  
893 unit among the affordable dwelling units shall  
894 be within 5 percentage points of each type of  
895 unit among the market rate dwelling units.
- 896 VII. The exterior appearance of affordable units  
897 shall be the same as the market rate units and  
898 shall provide exterior building materials and  
899 finishes of the same type and quality.
- 900 VIII. The interior building materials and finishes of  
901 the affordable units shall be the same type and  
902 quality as the market rate units, including but  
903 not limited to all electrical and plumbing  
904 fixtures, flooring, cabinetry, countertops, and  
905 decorative finishes. Alternative building  
906 materials and finishes may be considered for  
907 approval within the affordable units to reduce  
908 energy costs and water consumption.
- 909 (8) In addition to the provisions set forth in this section, Qualifying  
910 Development must also comply with all other land development  
911 regulations applicable to multi-family developments, including Section  
912 110-310 and 110-311
- 913 (9) Fee simple development standards
- 914 a. For fee simple one- and two-family developments, refer to the  
915 development standards contained in Sections 110-307, 110-308  
916 and 110-309.
- 917 b. All fee simple developments are subject to the relevant provisions  
918 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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- 958 I. Guest parking shall be provided at 0.25 spaces  
959 per dwelling unit and cannot be located in a  
960 remote or off-site lot.
- 961 II. One additional parking space shall be provided  
962 for each employee, maintenance/service  
963 worker, construction contractor or security  
964 guard and cannot be located in a remote or off-  
965 site lot.
- 966 III. Parking of any recreational vehicles, trailers,  
967 and the like, are prohibited.
- 968 2. Parking requirements may be reduced by twenty  
969 (20%) percent subject to meeting all of the following:
- 970 I. The Qualifying Development is located within  
971 one-half mile of a Major Transportation Hub.
- 972 II. The Major Transportation Hub is accessible  
973 from the development by existing or proposed  
974 minimum eight-foot wide public sidewalks or  
975 mixed-use path, consisting of a minimum of  
976 thirty-five (35%) percent shaded areas or  
977 where the shade requirement can be obtained  
978 within three (3) years of the development  
979 receiving a Certificate of Occupancy.
- 980 III. The Qualifying Development will provide onsite  
981 and offsite enhancements to public sidewalks  
982 to support walkability and pedestrian comfort,  
983 including, but not limited to: incorporating  
984 canopy trees; distinctive pavement, identity,  
985 wayfinding, and directional signage; transit  
986 infrastructure; and shaded rest areas or nodes  
987 with appropriate site furnishings.
- 988 IV. The parking reduction is supported by a  
989 parking demand study prepared by a qualified  
990 expert. The parking demand study must  
991 include data obtained from a minimum of three  
992 (3) similar local multi-family development within  
993 the ECFRPC boundaries in accordance with  
994 the guidelines set forth by the Institute of  
995 Transportation Engineers Publication, Parking  
996 Generation. The study should also evaluate  
997 any nearby parking which is available for  
998 exclusive use by the residents.
- 999 V. Parking is available within 600 feet of the  
1000 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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1085 commercial zoning must apply landscape  
1086 buffers as if the Qualifying Development  
1087 structures were on a separate site, to ensure  
1088 compatibility between the mixed-use residential  
1089 project and neighboring commercial uses. A  
1090 type '5' buffer per Section 110-808 shall be  
1091 provided for buildings up to 30 feet in height. If  
1092 the building exceeds 30 feet in height, then the  
1093 buffer shall increase an additional 1 foot for  
1094 every 1 foot of height which exceeds 30 feet.

1095 III. Buffering materials shall ensure that headlights  
1096 of vehicles, noise and light from structures are  
1097 adequately shielded from public view, adjacent  
1098 properties and pedestrian areas.

1099 5. Common open space shall be provided within the  
1100 project in the amount equivalent to 250 square feet  
1101 per dwelling unit to create a network of miniparks  
1102 and/or greenbelts. Any single open space area shall  
1103 be a minimum of 2,000 square feet for use as passive  
1104 or active space. Any native plant species in a passive  
1105 open space area shall be preserved unless dead,  
1106 dying, or diseased.

1107 6. Retention and Detention Pond configuration shall be  
1108 designed to emulate nature and incorporated into the  
1109 natural topography of the site. Trees and plantings  
1110 shall be clustered and planted in a natural pattern  
1111 around the pond.

1112 i. When there is a conflict between provisions contained in this  
1113 section and other provisions contained in this code, the provision  
1114 that is more restrictive and imposes higher standards or  
1115 requirements shall govern.

1116 j. The first floor of each building must be nonresidential and all floors  
1117 must be built out in one phase. The nonresidential use must have a  
1118 certificate of occupancy before the residential use is given a  
1119 certificate of occupancy.

1120 k. At least two uses are required in each multi-family building, both  
1121 residential and high end commercial or class-A office. Home-based  
1122 businesses or institutional uses are not appropriate second uses.  
1123 "HIGH END COMMERCIAL" means specialty retail stores focusing  
1124 on certain categories of goods. "CLASS-A OFFICE" means premier  
1125 office space with high quality finishes, amenities, and technology  
1126 systems. The following are permitted nonresidential uses for  
1127 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.