

ORDINANCE NO. 04-2025

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE ZONING CODE, CHAPTER 74 "ADMINISTRATION," TO INCLUDE REVIEW PROCEDURES, ELIMINATING REVIEW DURATIONS, AND UPDATING PUBLIC NOTICING REQUIREMENTS; AMENDING CHAPTERS 75, 106, AND 110 BY REMOVING PROCEDURES REGULATED IN CHAPTER 74 OF THE LAND DEVELOPMENT CODE OF THE CITY OF DELTONA; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Article VIII of the State Constitution and Chapter 166, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City of Deltona as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

WHEREAS, the City Commission of the City of Deltona, Florida, adopted Chapter 74, "Administration," within the Land Development Code to prescribe procedures regulating the Land Development Code; and

WHEREAS, the City Commission of the City of Deltona, Florida also included procedures regulating the Land Development Code within Chapter 75, "Site Plan," Chapter 106, "Subdivisions," and Chapter 110, "Zoning;" and

WHEREAS, Chapter 74, "Administration," within the Land Development Code shall be amended to update application requirements to include review procedures, eliminate review durations, and update public notice requirements; and

WHEREAS, Chapter 75, "Site Plan," Chapter 106, "Subdivisions," and Chapter 110, "Zoning," within the Land Development Code shall be amended to remove procedures regulated within Chapter 74, "Administration;" and

WHEREAS, the Planning and Zoning Board held a public hearing on February 19, 2025, and forwarded its recommendations to the City Commission; and

WHEREAS, the City Commission finds and determines that these modifications are in the best interest of the public health, safety, and welfare of the residents of the City of Deltona.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:

Section 1. Recitals Adopted. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance upon adoption hereof.

Section 2. Amendment to the Code of Ordinances. The City Commission hereby approves and adopts modifications to Chapter 74, "Administration," within the Land Development Code to update application requirements to include review procedures, eliminate review durations, and update public notice requirements; and modifications to Chapter 75, "Site Plan," Chapter 106, "Subdivisions," and Chapter 110, "Zoning," to remove procedures regulated within Chapter 74, "Administration," as set forth in "Exhibit A" attached hereto.

Section 3. Conflicts. Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application.

Section 5. Codification. The provisions of this Ordinance shall be codified as and be made part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered to accomplish such intention.

Section 6. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

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

First Reading: _____

Advertised: _____

Second Reading: _____

BY: _____

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK

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

TG Law, PLLC, CITY ATTORNEY

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

EXHIBIT A

CODE OF ORDINANCES CITY OF DELTONA, FLORIDA

Subpart B - LAND DEVELOPMENT CODE

ARTICLE I. - IN GENERAL

Secs. 70-1—70-25. - Reserved.

ARTICLE II. – LAND DEVELOPMENT CODE

DIVISION 1. - GENERALLY.

Sec. 70-26. Reserved.

Sec. 70-27. Reserved.

Sec. 70-28. Title, purpose and authority.

- (a) *Short title.* This ordinance shall be known as the "Land Development Code of the City of Deltona, Florida."
- (b) *Purpose.* The purpose of this chapter is to establish standards, procedures and minimum requirements for review and approval of all proposed development of property under the jurisdiction of this Land Development Code ("LDC"). Provided, however, it is not the purpose of this chapter to regulate any bona fide agricultural production, including, but not limited to, horticulture, citrus, dairy, livestock, poultry, forestry or vegetables pursuant to the "Right to Farm" Act (Chapter 823 Section 14, F.S.).
- (c) *Enactment and authority.* The City Commission of the City of Deltona, Florida, pursuant to authority conferred in it by article VIII, section 1(G) of the Constitution of the State of Florida; and F.S. § 125.01, F.S. Ch. 163, pt. II (F.S. § 163.3161 et seq.), and F.S. § 177.01, hereby adopts the following articles and sections.
- (d) *Violations and penalties.* If it is determined by the enforcement official that any person is violating any provisions of this chapter, the enforcement official shall notify that person, in writing, indicating the nature of the violation and ordering any action necessary to correct it. The order may include, but not be limited to, a stop work order. Any violation of this ordinance may be referred to the city's code enforcement board. Any person found guilty of a violation of any of the provisions of this chapter, or any lawful order of the City Commission, Development Review Committee or enforcement official, shall be punished in accordance with F.S. § 125.69, or any amendments thereto, with a fine not to exceed \$500.00, and/or incarceration not to exceed 60 days. Notwithstanding any other provisions of this chapter, a violation of this chapter may be abated by any manner as provided by law. Each day the violation continues shall be deemed a separate offense.

- (e) *Injunctive relief.* In addition to any penalty provided by law for the violation of any of the provisions of this chapter, the City Commission may bring suit in the appropriate circuit court to enjoin, restrain or otherwise prevent the violation of any of the provisions of this chapter, in any manner as provided by law.
- (f) *Fee requirements.* Reasonable fees to offset the costs of administration of this chapter shall be set by resolution of the City Commission and may be amended from time to time. All fees must be paid at the time set out in said resolution.

Sec. 70-29. Reference to the zoning ordinance; compliance required.

Herein referenced is the City of Deltona Zoning Ordinance No. 30-98, as amended [chapter 110, Code of Ordinances]. Development activity undertaken pursuant to this chapter shall comply with said zoning ordinance.

Chapter 74 ADMINISTRATION

ARTICLE I. IN GENERAL

Sec. 74-1. Administration.

- (a) *Purpose.* The purpose of this section is to set out the various procedures and approval criteria of this Land Development Code. Other purposes include providing for the establishment and delegation of authority to the Development Review Committee City of Deltona Planning and Development Services Department, City Manager, City Planning and Zoning Board, and City Commission regarding land development review.
- (b) *Intent.* In their interpretation and application, the provisions of this LDC shall be held to be minimum requirements adopted for the promotion of public health, safety, morals and general welfare, protection of natural resources, and the following:
 1. To implement the Comprehensive Plan and all applicable ordinances;
 2. To guide new growth and development of the City in an environmentally sound manner, in accordance with the policies of the Comprehensive Plan and the availability of adequate facilities and services;
 3. To regulate the subdivision and development of land within the City;
 4. To establish development standards and use regulations for City;
 5. To protect the character and the established patterns of development by addressing compatibility and prevent or minimize conflicts among different land uses;
 6. To establish predictable processes that effectively and fairly apply the requirements and standards of this LDC that respects the rights of property owners and the interests of the citizens of the City;

- 88 7. To encourage the most efficient use of land through site and context sensitive
89 design;
90 8. To reduce potential hazards to the public that may result from hazardous or
91 incompatible land uses, or from the development of environmentally sensitive
92 lands;
93 9. To ensure the protection of persons and property in floodways and floodplains;
94 10. To protect and enhance the City's environmental, recreational, cultural,
95 historical, natural, and scenic resources;
96 11. To ensure safe and efficient traffic circulation, both motorized and non-
97 motorized vehicular and pedestrian, and the minimization of traffic impact on
98 the surrounding area;
99 12. To promote a mix of housing types available for City residents; and
100 13. To promote the economic stability of the community, and maintain and
101 improve the quality of life for all residents.

102
103 (c) *Consistency with Comprehensive Plan.* All development of land under the jurisdiction of
104 this LDC shall be consistent with the Comprehensive Plan and applicable ordinances.
105 Development or redevelopment of all land shall be deemed consistent with the
106 Comprehensive Plan only if the land uses, densities or intensities, capacity or size,
107 timing and other aspects of the development proposed for, or allowed on the property
108 furthers the goals, objectives, policies, and principles of the Comprehensive Plan.

109
110 (d) *Minimum Requirements.* No development shall be approved unless the following
111 conditions are reasonably achieved and made available pursuant to the concurrency
112 requirements herein specified:

- 113
114 (1) Adequate and efficient supply of utility services to new development.
115 (2) Safe and efficient traffic circulation, both motorized and non-motorized
116 vehicular and pedestrian, and the minimization of traffic impact on the
117 surrounding area.
118 (3) Protection of public health, safety and general welfare including protection
119 from fire, flooding, and other dangers.
120 (4) Prevention of potential hazards to health, safety and general welfare of the
121 residents of the City, especially in those developments served by the individual
122 water supply and waste disposal systems.
123 (5) Adequate stormwater management so there will be no adverse impacts on the
124 quality of natural surface waters, on the function of the floodplains, on off-site
125 flood stages, and on natural system values and functions.
126 (6) Provision of active and passive public park and recreation areas that are
127 readily accessible to residents and visitors and that adequately meet identified
128 recreation needs.
129 (7) Protection of the City's natural and scenic resources, including the quality of
130 air and both surface and ground waters and the preservation of their ecological
131 integrity.

134 **ARTICLE II. – DEVELOPMENT REVIEW AUTHORITY.**
135

136 **Sec. 74-2. - Purpose.**
137

138 The purpose of this Section is to identify the appropriate reviewing and decision-making
139 authority for development applications that are addressed in this LDC.
140

141 **Sec. 74-3. – City Commission.**
142

143 (a) *Duties of the City Commission related to this LDC.* The City Commission shall have the
144 following duties relating to development applications that are addressed in this LDC:
145

146 (1) Appointing and confirming members of the Planning and Zoning Board required under
147 this LDC;

148 (2) Appointing or confirming special magistrates as provided in City Code;

149 (3) Establishing a schedule of fees and charges for all processes under this LDC by
150 resolution; and
151

152 (4) Acting as the Land Development Regulation Commission pursuant to Florida Statutes
153 §§ 163.3164(25) and 163.3194(2) by considering and approving or denying requests
154 for the following types of development applications:
155

156 a. Plan amendments, including future land use map amendments;

157 b. Annexations;

158 c. Changes to the Land Development Code or a proposed new Land
159 Development Code;

160 d. Rezoning, including Planned Unit Developments (PUDs);

161 e. Major Conditional Uses;

162 f. Amendments to the approved Capital Improvements Program or budget;

163 g. Proposed development agreements created pursuant to the "Florida Local
164 Government Development Agreement Act";

165 h. Establishment of and amendments to Community Redevelopment
166 Agencies (CRAs);

167 i. Final Plats; and

168 j. Vacations of Plats and Rights-of-Way.
169

170 (b) *Quorum required.* A minimum of four (4) Commissioners present at a duly called meeting
171 shall constitute a quorum. Commissioners participating virtually count towards the
172 quorum and can vote as if they were physically present in accordance with Florida
173 Statutes.
174
175
176

177 (c) *Majority vote required.* Approvals require a majority vote of the number of Commissioners
178 present at a duly called meeting with a quorum. A “tie vote” will constitute a denial.
179

180 **Sec. 74-4. – Planning and Zoning Board.**

181
182 (a) *Planning and Zoning Board creation and composition.* The Planning and Zoning Board is
183 the quasi-judicial board that serves as the local planning agency (LPA) for the City as
184 required by Florida Statutes. It shall be referred to in this article as "PZB" The jurisdiction
185 of the PZB shall be throughout the area of the City. It shall have the following membership,
186 powers, duties, responsibilities, and limitations.
187

- 188 1) *Membership, place of residence, terms of office.* The PZB shall have seven (7)
189 members appointed by the City Commission. Each member shall serve for a term of
190 three (3) years. Each City Commissioner and the Mayor shall appoint one (1)
191 member to the PZB, said appointments to be ratified by a majority vote of the City
192 Commission. No PZB member shall serve on the PZB for more than two (2)
193 consecutive three-year terms. No elected official and no employee of the city
194 government shall be appointed to serve on the PZB.
195
- 196 2) *Alternate members.* The City Commission shall appoint up to five (5) alternate
197 members. Each alternate member shall serve for a term of no more than three (3)
198 years. An active PZB member who is term limited as per this Section may not serve
199 as an alternate member until eligible to serve as an active member. No attendance
200 requirements are specified for alternate members. The alternate members may not
201 take part in discussion, make motions or vote unless they are seated, filling in for a
202 board member in their absence. Notwithstanding there being a quorum consistent
203 with this Section, each alternate will take turns filling in for an absent PZB member
204 by rotation based on alphabetical order by last name. However, the intent is there
205 will be as many board seats filled as possible not to exceed seven voting seats. If a
206 PZB member has a conflict of interest concerning a particular case in front of the
207 board then for that particular case an alternate may replace the board member. The
208 PZB member with the conflict shall remove themselves from the dais and not speak
209 on the matter and otherwise recuse themselves unless and until they resume their
210 position as a regular member or if they are speaking as a directly affected party to
211 an item being considered by the board.
212
- 213 3) *Removal from office, vacancies.* PZB members shall serve at the pleasure of the City
214 Commission. If any regular voting member fails to attend two (2) consecutive
215 meetings, unexcused or three meetings (excused or not) out of 12 meetings per
216 calendar year, the PZB shall automatically declare the member's office vacant. The
217 board chairperson shall through the city clerk's office notify the City Commission of
218 any vacancies on the PZB.
219
- 220 4) *Officers.* The PZB shall elect a chairperson, vice-chairperson and a secretary from
221 among its members. The terms of all board officers shall be one year, each having

222 eligibility for re-election. At the first meeting of the Board of each calendar year, the
223 secretary shall call the board meeting to order and shall then call for nominations for
224 the chairperson. Upon election of a chairperson, the secretary shall pass the gavel
225 to the chair. The chairperson shall then call for nominations for vice-chairperson.
226 Upon election of a vice-chairperson, the chair shall call for nominations for secretary.
227

228 5) *Employees, administrative services.* The PZB shall have no employees or contract
229 vendors. The Planning and Development Services Department shall provide clerical
230 and staff support by formatting and packaging board agendas, creating summary
231 minutes of meetings, and maintaining PZB records. The Planning and Development
232 Services Department shall also provide professional and technical assistance to the
233 board consistent with its staffing and funding as approved by the City Commission.
234 The Director of Planning Development Services, or his or her designee, shall bring
235 PZB reports and recommendations to the City Commission in appropriate
236 communications, the format and medium of which shall be determined by the City
237 Manager. Such communications shall include staff reports and recommendations,
238 application materials, correspondence, and other relevant information as determined
239 by the PZB, the Director of Development Services, the City Manager, or the City
240 Commission to be necessary to assist the City Commission in its deliberations. The
241 PZB shall not direct the staff to undertake any project, but may request reasonable
242 staff assistance, and may report through the Staff and City Manager to the City
243 Commission any projects which the PZB deems worthwhile for City Commission
244 consideration by a majority vote of the PZB.
245

246 6) *Education.* Each PZB member and alternate members are required to engage in at
247 least 8 hours of continuing education per each year of service. Education includes
248 but is not limited to the following: attendance at a seminars or conferences, either in
249 person or on-line; engage in the study of literature regarding the duties and subject
250 matters relevant to the role as a PZB member, such as reviewing legal journals
251 regarding property rights jurisprudence, etc.; and presentations by city legal and/or
252 planning staffs. The Planning and Development Services Department will make
253 members and alternates aware of League of Cities or other training sessions offered
254 and dates and locations and/or provide written materials concerning the role and
255 duties of the board. New PZB members and alternates are encouraged to start
256 continuing education activities within the first six months of their term. Staff will
257 maintain a current record of all training/educational activities. The City will pay
258 reasonable expenses for such training/education. Continuing education hours will be
259 calculated as follows: 1) read and study planning journals; case law; and other
260 literature — 2 hours per session. 2) attend a seminar or participate in a webinar —
261 2hours per session; 3) attend a legal staff presentation on Sunshine law; ethics,
262 etc.— 2 hours per session.
263

264 7) *Compensation, annual budget.* Each PZB member may be reimbursed for
265 reasonable expenses incurred in connection with his or her duties on the board in
266 accordance with reimbursement policies and amounts established by a resolution of
267 the City Commission. The City Commission shall provide members of the board with

268 professional liability insurance to cover potential claims of personal liability for
269 damages as a result of their formal actions and decisions as members of the board.
270 The City Manager shall recommend the amounts of insurance coverage and potential
271 insurance carriers to the City Commission. The City Commission shall provide an
272 annual budget for training and education of board members; for printing of training
273 materials and decision support materials; and for the purchase of books and
274 publications that increase the board members' understanding of the board's functions
275 and of the issues faced by the PZB. The amount budgeted for each purpose shall be
276 determined by the City Commission upon the receipt of the recommendations of the
277 City Manager. The City Commission may also budget for public information and
278 participation, and for other items that it deems appropriate to include in the board's
279 budget.
280

281 8) *Procedures.* The PZB shall meet at regular intervals once each month, and at such
282 other times as it may deem necessary, for the transaction of its business. It shall
283 follow the by-laws adopted by resolution of the City Commission. Unless otherwise
284 stated in the by-laws, and until such by-laws are adopted by the City Commission,
285 the PZB shall conduct its affairs in accordance with Robert's Rules of Order and
286 Florida Sunshine Law per Florida Statutes. Points of order shall not be raised in PZB
287 meetings by members of the audience. The City's Police Department shall provide a
288 officer to maintain order at board meetings upon the request of either the chairperson,
289 or the Director of Planning Development Services. The PZB shall keep a properly
290 indexed public record of its resolutions, transactions, findings and recommendations.
291 The board may by resolution limit the number of applications of all types or of any
292 type which it shall hear each month. A quorum shall be four members.
293

294 9) *Quorum required.* A minimum of four (4) PZB members present at a duly called
295 meeting shall constitute a quorum. PZB members participating virtually count
296 towards the quorum and can vote as if they were physically present in accordance
297 with Florida Statutes.
298

299 10) *Majority vote required.* Recommendations of approval, or approvals where the PZB
300 is authorized to take final action on an application, require a majority vote of the
301 number of PZB present at a duly called meeting with a quorum. A "tie vote" will
302 constitute a denial.
303

304 11) *Duties and responsibilities.*
305

306 (a) *Designation as the local planning agency.* The Board is hereby designated as
307 the City's local planning agency (LPA), as required by the Local Government
308 Comprehensive Planning and Land Development Regulation Act, Section
309 163.3161 et seq., and F.S. § 163.3174. The Board shall have the general
310 responsibility for adherence to the comprehensive planning program. The
311 Board and the comprehensive planning program shall comply with all
312 requirements of the Local Government Comprehensive Planning and Land

313 Development Regulation Act and the board shall monitor and oversee the
314 effectiveness and status of the comprehensive plan and recommend to the City
315 Commission such changes in the comprehensive plan, as may from time to
316 time. The board shall perform any other duties assigned by the City
317 Commission, and may prepare and recommend to the City Commission any
318 other proposals to implement the comprehensive plan.
319

320 (b) *Designation as the Planning and Zoning Board.* The PZB is hereby designated
321 as the City's Planning and Zoning Board in accordance with the provisions of
322 the Local Government Comprehensive Planning and Land Development
323 Regulations Act, F.S. § 163.3161, et seq., and F.S. § 163.3194. The PZB shall
324 develop and recommend to the City Commission land development regulations
325 that implement the comprehensive plan and review land development
326 regulations or amendments thereto for consistency with the adopted
327 comprehensive plan.
328

329 (c) *Recommendation to the City Commission on development applications.* The
330 PZB shall review and recommend approval or denial of the following
331 development applications and proposals to be transmitted to the City
332 Commission for a vote on the following items:
333

- 334 (1) Comprehensive Plan Amendments, including future land use map
335 amendments and text amendments;
- 336 (2) Changes to the Land Development Code or a proposed new Land
337 Development Code, including subdivision regulations;
- 338 (3) Rezoning, including Planned Unit Developments (PUDs);
- 339 (4) Amendments to the approved Capital Improvements Program or budget;
- 340 (5) Proposed development agreements created pursuant to the "Florida Local
341 Government Development Agreement Act".
- 342 (6) Community Redevelopment Agencies (CRAs); and
- 343 (7) Final Plats for over 200 lots.
344

345 (d) *Advisory recommendations to the City Commission.* The PZB shall make a
346 recommendation to the City Commission by formal written approved motion of
347 the PZB as to the conclusion of the PZB's review that an application or proposal
348 should be considered by the City Commission for approval, approval with
349 specific conditions recommended by the PZB, or denial. The PZB's
350 recommendation shall be transmitted to the City Commission with all related
351 information through the established City Commission agenda process. The
352 recommendations of the PZB, where provided, shall be advisory only and shall
353 not be binding upon the City Commission.
354

355 (e) *Approval authority.* The PZB shall have the authority to approve or deny
356 requests for Minor Conditional Uses and Major Variances, subject to the
357 criteria set forth in Article II.
358

- 359 (f) *Applications and proposals exempt from board review.* PZB review shall not
360 be required for amendments to City ordinances that are initiated by the staff or
361 the City Commission to correct grammar and spelling errors, change fees as
362 set by the City Commission, change the organization of the ordinances with no
363 content changes, or change processing procedures when mandated by state
364 statutes.
365

366 **Sec. 74-5. – Development Review Committee.**

- 367
- 368 (1) *Established.* There is hereby established a Development Review Committee (DRC).
- 369
- 370 (2) *Membership.* Membership of the DRC shall include the following, or their designated
371 representative:
- 372
- 373 a. Planning and Development Services Director;
 - 374 b. City Engineer or Public Works Director;
 - 375 c. City Fire Marshal or Fire Safety Manager; or
 - 376 d. Other members as may be designated by the City Manager.
- 377

378 Other city, county, local, state or federal agencies may be consulted by the DRC for
379 advice or recommendations on any matter or application being considered by the DRC.
380 The City Manager may add or delete additional members of the DRC as he/she may
381 deem necessary to promote the implementation of this Land Development Code. The
382 City Manager shall appoint a chairman of the DRC from among the members of the
383 DRC to preside at the meetings.
384

- 385 (3) *Duties and responsibilities.* The DRC shall have the following duties relating to
386 development applications that are addressed in this LDC:
387
- 388 a. Reviewing all applications under this Land Development Code to:
 - 389 1. Delineate areas of non-compliance with the City's Comprehensive Plan, LDC
390 and other applicable regulations; and
 - 391 2. Define steps necessary to bring applications into compliance with city
392 development requirements.
 - 393 3. Provide input to Planning and Development Services Staff to include in staff
394 reports, where applicable.
 - 395 4. Provide input to Planning and Development Services Director to include in
396 final actions authorized by this LDC.
 - 397
 - 398 c. Performing additional duties as the city manager may, from time to time, assign.
 - 399
- 400 (4) *Meetings.* The DRC shall meet, as required, at a place determined by the DRC. An
401 agenda and report shall be prepared and distributed to each member and to the
402 applicant at least 5 working days prior to each meeting. All applicants having requests
403 to be reviewed by the DRC shall be invited to attend and participate in the meeting. The
404 records of the proceedings of the DRC meetings shall be kept.

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Sec. 74-6. - Planning and Development Services Director.

- (1) *Generally.* The Planning and Development Services Director (“Director”) shall administer and enforce this LDC. The Director is authorized to act through designees. In the performance of his or her duties, the Director may request the assistance of any appropriate officer or agency of the City.

- (2) *Powers and Duties.* The Director shall have the following duties relating to development applications that are addressed in this LDC:
 - a. Interpretation of this LDC where such interpretation is necessary;
 - b. Enforcement of this LDC as necessary;
 - c. Decision-making authority, in consultation with the DRC and Planning and Development Services Staff for development applications under this Article, including; Conceptual Site Plans, Final Site Plans, Preliminary Plats, Vacation of Easements, Minor Variances, Zoning Designation Letters and miscellaneous administration permits.
 - d. Establish timeframe guidelines on staff reviews for development review procedures within Article II.
 - e. When, in the judgment of the Planning and Development Services Director, strict application of the applicable requirements of this Land Development Code will be inequitable, unreasonable, stifle innovative design, or create an undue hardship when applied to a specific project or development, the Director may modify such requirements to the extent necessary to achieve equity or reasonableness or relieve the undue hardship. However, no such modification shall be contrary to the requirements of law or the general policies of this Land Development Code. Furthermore, any modification applied to one development shall not establish precedent with regard to any other development subject to review. The discretion of the Director shall be limited to no more than ten percent (10%) variance from any requirement herein as it relates to decisions that are within the final control the Director.

Sec. 74-7. - Planning and Development Services Department.

- (1) *Duties and responsibilities.* The Planning and Development Services Department shall have the following duties relating to development applications that are addressed in this LDC:
 - a. Being a central intake point for applications;
 - b. Reviewing applications for completeness;
 - c. Acting as a liaison between applicants and the DRC;
 - d. Preparing staff recommendations on development applications as set forth in Article II.
 - e. Preparing and distributing agendas and reports for meetings of the DRC, P&Z, and the City Commission;

- 450 f. Taking and preparing the minutes of all DRC and Planning and Zoning
 451 Board meetings;
 452 g. Comparing and ensuring final engineering construction plans and final
 453 plats with an approved development order and zoning regulations to
 454 ensure consistency;
 455 h. Coordinating application review procedures;
 456 i. Issuing concurrency certificates of capacity;
 457 j. Issuing development orders and development permit approvals, where
 458 applicable as set forth in Article II;
 459 k. Obtaining validation from the applicant regarding the recordation of final
 460 subdivision plats with the Volusia County Clerk of the Circuit Court; and
 461 l. Performing other functions, as may be assigned by the director of
 462 Planning and Development Services.

463 **Sec. 74-8. - Summary of Authority.**

- 464 (a) The authority summarized in the following table does not supersede the regulations of
 465 any Section of this LDC. Additional powers and duties may be included in the previous
 466 sections of this Article.

Review Procedure/ Development Application Type	Director of Planning and Developme nt Services	Development Review Committee	Planning and Zoning Board	City Commissio n
Amendment to the Land Development Code	Report	Report	Recommendation	Decision
Amendment to the Zoning Map	Report	Report	Recommendation	Decision
Appeal Application	Report	N/A	Decision	N/A
Conceptual Site Plan Application	Decision	N/A	N/A	N/A
Conditional Use (Minor)	Report	Report	Decision	N/A
Conditional Use (Major)	Report	Report	N/A	Decision
Final Plat Application	Report	Report	Recommendation (1)	Decision
Final Site Plan Application	Decision	Report	N/A	N/A
Petition for Voluntary Annexation of Property	Report	Report	Recommendation	Decision
Preliminary Plat	Decision	Report	N/A	N/A
Vacate of Easements	Decision	Report	N/A	N/A
Vacation of ROW	Report	Report	N/A	Decision

Zoning Variance (Minor)	Decision	N/A	N/A	N/A
Zoning Variance (Major)	Report	Report	Decision	N/A
Zoning Designation Letter	Decision	N/A	N/A	N/A
Miscellaneous Administrative Permits ⁽²⁾	Decision	N/A	N/A	N/A

(1) Subdivisions containing 100 or more lots require a recommendation by the Planning and Zoning Board during a public hearing.

(2) Includes: block party permits, lot combinations, Concurrency Certificate of Capacity-Inquiry, Concurrent Review, Lawn Protection Devices Permit, Lot Fill Permit, Solicitation Permit on Public Road Right-of-Way, Stormwater Permit, Subdivision Exemption, Tree Removal Permit, Volusia County Impact Fee Registration, Wetlands Development-Alteration Permit

ARTICLE II. – DEVELOPMENT REVIEW PROCEDURES AND CRITERIA.

Sec. 74-9. Application review requirements.

Development applications as defined by Chapter 74 of this Code, shall be reviewed, as appropriate, by the Planning and Development Services Director, the Development Review Committee (DRC), the Planning and Zoning Board, and the City Commission. development orders shall only be issued after all required reviews and appropriate final action have been taken by the appropriate decision making bodies. No application for a development order shall be approved which does not comply with the following:

- (1) The Comprehensive Plan;
- (2) This Land Development Code; or
- (3) Other applicable regulations.

Sec. 74-10. General development review procedures.

All applications and supporting information required by this Land Development Code shall be filed with the Planning and Development Services Department. The following review procedures are established within Sections 74-11 and 74-22 as follows:

Review Procedure/ Development Application Type	Procedure Location
Amendment to the Land Development Code	Sec. 74-12
Voluntary Annexation of Property	Sec. 74-13

Amendment to the Zoning Map/Rezoning	Sec. 74-14
Planned Unit Development Rezoning	Sec. 74-15
Conditional Use (Minor)	Sec. 74-16
Conditional Use (Major)	Sec. 74-17
Conceptual Site Plan Application	Sec.74-18
Final Site Plan Application	Sec. 74-19
Preliminary Plat	Sec. 74-20
Final Plat Application	Sec. 74-21
Vacations	Sec. 74-22
Zoning Variance (Minor)	Sec. 74-23
Zoning Variance (Major)	Sec. 74-24

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All required application fees, as set by resolution of the City Commission, shall be paid prior to acceptance of the application. The number of copies of the supporting information needed for distribution to all concerned reviewing agencies, as determined by the Planning and Development Services Director or his/her designee, shall be submitted with the application prior to acceptance by the City. Except as otherwise provided in this Land Development Code, the following procedures shall govern the review of applicable applications;

- (a) *Completeness of application.* The Planning and Development Services Director or his/her designee shall review the application to determine its completeness and either accept the complete application and forward to the applicant a notice of acceptance or reject the application if it is incomplete and forward to the applicant a notice of incompleteness specifying the data missing from the application received.

If a notice of incompleteness is sent, the applicant may resubmit the application with the additional data required by the City. Upon receipt, the Planning and Development Services Director or his/her designee shall review the resubmittal application in the manner provided in this subsection for the original application.

- (b) *Distribution of accepted application.* Following acceptance of an application, the Planning and Development Services Department shall forward a copy of the application to all applicable city review agencies and to any county, regional, state, or federal agency deemed by the Planning and Development Services Director or his/her designee to be a concerned agency for the review process.

- (c) *Review responsibilities.* Each member of the city review agency shall prepare a report that details their comments specifying the exact references to the Code or other regulations being commented on and recommendations regarding the application. Comments shall be forwarded to the Planning and Development Services Director or his/her designee before the meeting of the DRC held in accordance with this Land Development Code. The Planning and Development Services Director or his/her designee may waive one or more agency reviews, in whole or in part, under this section upon his/her determination that such a review has already been made regarding the same land and no change in standards or circumstances has occurred which necessitates further review.

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- (d) *Review.* Applications shall be reviewed by the DRC and shall be discussed at a scheduled DRC meeting that is held in accordance with the requirements of this Land Development Code. The Planning and Development Services Director or his/her designee shall distribute the application for review and, where appropriate, recommendation or determination, as in subsection 74-4(b), and may waive the requirement that the application be reviewed at a DRC meeting. If review of the application at the DRC's meeting has been waived, the Planning and Development Services Director or his/her designee shall coordinate appropriate informal review and forward to the applicant a report of the DRC's actions within twenty working days of acceptance of the application or as prescribed in section 74-4(e).
- (e) *Application revision.* An application may be revised by the applicant after it has been reviewed by the DRC.
- (f) *Planning and Zoning Board recommendation.* For applicable development applications, at a regularly scheduled public meeting, the Planning and Zoning Board shall review the application and make recommendations to the City Commission, except for those applications where the Planning and Zoning Board has decision-making authority per this LDC and is authorized to take final action on the application.
- (g) *City Commission final action.* For applicable development applications, At a regularly scheduled public meeting the City Commission shall review the application and the recommendation of Staff and the Planning Zoning Board for conformity to this Land Development Code and shall act appropriately upon the application.
 - a. The appropriate action of the City Commission shall be one of the following determinations:
 1. That the application is in compliance with the requirements of this Land Development Code, then the City Commission shall approve the application;
 2. That the application is not fully in compliance with the requirements of this Land Development Code, stating those conditions that are necessary to ensure compliance with this Land Development Code, then the City Commission shall approve the application subject to those conditions being met;
 3. That the application is not in compliance with requirements of this Land Development Code, then the City Commission shall deny the application and state the basis for such denial;
 4. A final determination by the City Commission under this subsection may be deferred if the City Commission finds that available information is insufficient to base either approval or denial of a particular application. In that event, the City Commission will direct that a specific study commences, or specific information be provided, to give the City Commission sufficient information to form the basis on which to approve or deny the application. The information shall be provided, or the study shall be completed within a time certain, not to exceed six months from the date of the City Commission's determination

579 under this subsection. A prerequisite to directing that a specific study
580 commences to provide the City Commission with information sufficient to form
581 the basis on which to approve or deny a particular application, is that the City
582 Commission shall identify the inadequacy of the information available with
583 respect to the application; or

584 5. If the City Commission determines that adequate public facilities required
585 under this chapter are not available, but are planned to become available in
586 the future, they may:

- 587 (i) Defer action until adequate public facilities are available;
- 588 (ii) Approve the application subject to the condition that no building
589 permit shall be issued until adequate public facilities are available;
- 590 (iii) Approve the application subject to the condition that no certificate of
591 occupancy be issued until adequate public facilities are available; or
- 592 (iv) Approve the application subject to the condition that the developer
593 enter into a public services and facilities agreement pursuant to this
594 chapter to ensure that adequate public facilities are available at the
595 time the impacts of the development occur.

596
597 (h) Valid period and issuance of development approvals shall be in accordance with this Article.
598 During the period of 90 days before and 90 days after the expiration of any development
599 order, the developer may request an extension of that valid period from the Planning and
600 Development Services Department. The Director may approve an extension of that valid
601 period for a period of time not to exceed 12 months and may attach such conditions as they
602 determine appropriate.

603
604 **Sec. 74-11. Development orders, development permits, approval authority, installation of**
605 **improvements, public services and facilities agreements, and appeals.**
606

607 (a) *Purpose.* The purpose of this section is to provide for the applicability, approval and
608 issuance of development orders and development permits to ensure that all of the
609 provisions of this chapter are complied with and to provide for an appeal process.

610
611 (b) *Applicability.* No person shall undertake the development of land in the city except
612 pursuant to a valid development order and/or development permit issued under this Land
613 Development Code, unless specifically exempted as provided by this Land Development
614 Code. All development shall meet the requirements of this Land Development Code prior
615 to the approval and issuance of any development order or development permit, unless
616 specifically exempted from the requirements of this Land Development Code by
617 provisions set forth herein, or one or more requirements are waived in accordance with
618 provisions set forth herein.

619
620 (c) *Approving authority.* The Planning and Development Services, Planning and Zoning
621 Board and the City Commission shall, as applicable, approve, approve with conditions,
622 or deny the issuance of a development order or development permit as set forth in this
623 LDC. The DRC or the City Commission, as applicable, on their own motion and for
624 cause, may continue consideration of an application to a subsequent meeting.

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- (d) *Issuance of Approval*. Upon final action by the authorized decision-making body, the development permit will be issued to the applicant.
 - (1) *Issuance of development order for site plan*. The Planning and Development Services Director or his/her designee shall administratively issue a development order for site plan, either with or without conditions, or deny the issuance of the development order, whichever is consistent with the action of the Development Review Committee (DRC).
 - (2) *Issuance of development order for subdivision plats*. Development orders shall be issued for all subdivision preliminary plats and final plats in accordance with the Land Development Code provisions of Chapter 106. Final plats shall be approved by the City Commission and recorded in the Volusia County Clerk of the Circuit Court office, as prescribed by Chapter 106.
- (e) *Installation of improvements*. All improvements required to be installed, constructed or provided by the developer as a condition to the approval of a development order, shall be installed and completed or guaranteed as specified in this Land Development Code and compliant with all other applicable regulations.
- (f) *Public services and facilities agreements*. In order to further the purposes of this Land Development Code and other applicable regulations regarding the provision of public services and facilities to a proposed development, the City Commission may enter into an agreement with the developer of the proposed development that is consistent with Chapter 86 of this Land Development Code.
 - (1) Ensure the certainty of providing public services and facilities for the proposed project;
 - (2) Ensure the provisions of public services and facilities to other developments in the vicinity of the proposed development;
 - (3) Allocate the costs of providing public services and facilities;
 - (4) Allocate the capacities of the public services and facilities;
 - (5) Determine the responsibilities for construction and maintenance of the public services and facilities.
- (g) *Appeals*. Any person claiming to be aggrieved by a final decision of the Planning and Development Services Director, the DRC, or the Planning and Zoning Board, may file with all applicable fees a written appeal within 15 days after said decision to the Planning and Development Services Director or his/her designee to have the decision reviewed by the City Commission. The appeal shall state fully the specific grounds for the appeal and all of the facts relied upon by the petitioner. The City Commission shall consider only those items specified in the petition.

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Sec. 74-12. Amendments to Land Development Code procedure.

- (a) *Applicability.* This LDC may from time to time be amended, supplemented, changed, or repealed. These amendments will generally be initiated by the City at the direction of the City Commission.
- (b) *Review procedure.* The following procedures apply to all requests to amend the LDC.
 - (1) *Application submittal.* All applications for a LDC Amendment shall be submitted in writing to the City, along with the appropriate fee(s). A LDC Amendment may be proposed by:
 - a. The City Commission;
 - b. The Planning and Zoning Board with authorization from the Commission; and
 - d. Any City Department or other agency of the City with authorization from the Commission.
 - (2) *Application sufficiency.* Applications proposing LDC Amendments shall be accompanied by a clear statement and accounting that the applicant's purpose for the requested text amendment. The statement shall include those fact presents s that clarify the need for the text amendment, the text amendment's context, and the consequences of the text amendment. The application shall address how the text amendment preserves the LDC's consistency with the Comprehensive Plan.
 - (3) *Application review and criteria.* The staff reviewing the proposed text amendment shall consult with other City departments and agencies, and the Development Review Coordination (DRC) staff. The Staff and DRC shall consider the following during application review and prepare an official report and recommendation.
 - a. The need and justification for the proposed amendment;
 - b. Applicability and impacts of the proposed amendment city-wide; and
 - c. The relationship of the proposed amendment to the City's Comprehensive Plan, with appropriate consideration of consistency with the Comprehensive Plan and as to whether the proposed amendment will further the purposes of this LDC and actions designed to implement the Comprehensive Plan.
 - (4) *Public Hearing Notification Requirements.* Notice shall be provided as set forth within Section 74-25 for both the Planning and Zoning Board and City Commission public hearings.
 - (5) *Public Hearings.* Except as expressly directed by a vote of the Commission, LDC Amendments shall be considered first by the Planning and Zoning Board and subsequently by the City Commission at duly noticed public hearings respectively.
 - (6) *Action.* Final action on all LDC amendments shall be taken by the City Commission, after receiving the recommendation from the Planning and Zoning Board on the application and based upon the review criteria set forth in this section. The City Commission may approve or deny the amendment or approve with modifications.

709 (7) *Validity.* Land Development Code Amendments do not expire and shall remain in
710 effect in perpetuity until such time as the LDC is further amended in accordance with
711 the procedures in this Section.

712 **Sec. 74-13. Voluntary annexation procedure.**
713

714 (a) *Applicability.* Voluntary Annexations of land from unincorporated Volusia County into the
715 City's municipal boundary may be permitted in accordance with Chapter 171, Florida
716 Statutes.

717 (b) *Review procedure.* The following procedures apply to all requests to voluntarily annex
718 lands into the City.

719 (1) *Pre-application meeting.* A pre-application meeting on all voluntary annexations is
720 required.

721 (2) *Application submittal.* All applications for Voluntary Annexation shall be submitted on
722 the official form provided by the City and accompanied by all pertinent information
723 required by this LDC. Any person may file for voluntary annexation of his or her
724 property. No person shall apply for a Voluntary Annexation of property (except as
725 agent or attorney for an owner) which he or she does not own. The name(s) of the
726 owner shall appear on each application and a signed and notarized authorization
727 form must be provided. The application shall disclose full ownership.

728 (3) *Application sufficiency.* Applications for Voluntary Annexations shall be accompanied
729 by all requirements set forth on the City's official application form, along with an
730 analysis of the annexation's conformance with the minimum requirements of Chapter
731 171, Florida Statutes.

732 (4) *Application review and criteria.* The staff reviewing the proposed voluntary
733 annexation shall consult with other City departments and agencies, and the DRC.
734 The Staff and DRC shall consider the following during application review and prepare
735 an official report and recommendation:

736 a. Whether or not the property is concentrated in a single area.

737 b. Whether or not the property is be contiguous to the current city limits.

738 c. Whether or not the annexation creates enclaves, which are unincorporated
739 areas enclosed within a municipality.

740 d. Whether or not all property owners in the area provided consent to the
741 annexation.

742 (5) *Public Hearing Notification Requirements.* Notice shall be provided as set forth
743 within Section 74-25 for City Commission public hearings.

744 (6) *Public Hearings.* Voluntary Annexations shall be considered by the City
745 Commission at duly noticed public hearings respectively.

746 (7) *Action.* Final action on all Voluntary Annexations applications shall be taken by the
747 City Commission, after receiving the recommendation from the Planning and Zoning
748 Board on the application, based upon the review criteria set forth in this section. The
749 City Commission may grant or deny the application.

- 750 (8) *Validity.* Annexations do not expire and shall remain in effect in perpetuity unless an
751 application for contraction is approved in accordance with Florida Statutes.

752
753 **Sec. 74-14. Amendments to official zoning map (Rezoning) procedure.**
754

- 755 (a) *Applicability.* The Official Zoning Map may, from time to time, be amended,
756 supplemented, or changed.
- 757 (b) *Review procedure.* The following procedures apply to all requests to amend the official
758 zoning map by landowners or those authorized by the landowner to apply for such
759 amendments.
- 760 (1) *Pre-application meeting.* A pre-application meeting on all privately initiated Rezoning
761 applications is required.
- 762 (2) *Application submittal.* All applications for Rezoning shall be submitted on the official
763 form provided by the City and accompanied by all pertinent information required by this
764 LDC. A Zoning Map amendment may be proposed by:
- 765 a. The City Commission;
- 766 b. Any department or agency of the City with authorization from the Commission or
- 767 c. Any person other than those listed in a. or b. above; provided, however, that no
768 person shall apply for a Rezoning of property (except as agent or attorney for an
769 owner) which he or she does not own. The name(s) of the owner shall appear on
770 each application and a signed and notarized authorization form must be provided.
771 The application shall disclose full ownership.
- 772 (3) *Application sufficiency.* Applications for Rezoning shall be accompanied by all
773 requirements set forth on the City's official application form, along with a clear
774 statement and accounting that presents the applicant's purpose for the requested
775 Rezoning. The statement shall include those facts that clarify the need for the
776 Rezoning, the Rezoning application's context, and the consequences of the Rezoning.
777 The application shall address how the Rezoning preserves the LDC's consistency with
778 the Comprehensive Plan, and each of the findings within subsection (4) below.
- 779 (4) *Application review and criteria.* The staff reviewing the proposed Rezoning shall consult
780 with other City departments and agencies, and the DRC. The Staff and DRC shall
781 consider the following during application review and prepare an official report and
782 recommendation:
- 783 a. Whether the proposed change would be consistent with the intent, goals,
784 objectives, policies, guiding principles and programs of the Comprehensive Plan;
- 785 b. Whether the proposed change would be compatible with the existing land use
786 pattern and designated future land uses;
- 787 c. Whether the proposed change would have an impact on the availability of
788 adequate public facilities, services and infrastructure consistent with the level of
789 service standards adopted in the Comprehensive Plan.

- 790 d. Whether the existing district boundaries are illogically drawn in relation to existing
791 conditions on the property proposed for change;
- 792 e. Whether the proposed change will adversely influence living conditions in the
793 neighborhood;
- 794 f. Whether the proposed change will create a drainage or flooding problem;
- 795 g. Whether there are substantial reasons why the property cannot be used in
796 accord with existing zoning;
- 797 j. Whether the proposed change would create adverse impacts in the adjacent area
798 or the City in general;
- 799 k. Whether the subject parcel is of adequate shape and size to accommodate the
800 proposed change;
- 801 l. Whether ingress and egress to the subject parcel and internal circulation would
802 adversely affect traffic flow or safety or control, or create types of traffic deemed
803 incompatible with surrounding land uses; and
- 804 m. Whether school capacity has been adequately addressed, including on-and off-
805 site improvements.
- 806 (5) *Public Hearing Notification Requirements.* Notice shall be provided as set forth within
807 Section 74-25 for both the Planning and Zoning Board and City Commission public
808 hearings.
- 809 (6) *Public Hearings.* Rezoning shall be considered first by the Planning and Zoning Board
810 and subsequently by the City Commission at duly noticed public hearings respectively
811 based upon the review criteria set forth in this section. At the required public hearing,
812 the Planning and Zoning Board may recommend to the City Commission that the
813 request for a Rezoning be approved, approved with stipulations or denied. In making
814 its recommendation, the Planning and Zoning Board shall find that the plans, maps and
815 documents submitted by the applicant and presented at the public hearing do or do not
816 establish that the applicant has met the requirements of the criteria for rezoning set
817 forth in this LDC.
- 818 (7) *Action.* Final action on all Rezoning applications shall be taken by the City Commission.
819 After receiving the recommendation from the Planning and Zoning Board on the
820 application, the City Commission may grant or deny the application or modify the
821 application to a zoning district consistent with the Comprehensive Plan. The
822 Commission may make the granting conditional upon such restrictions, stipulations and
823 safeguards as it may deem necessary to ensure consistency with the Comprehensive
824 Plan.
- 825 a. Restrictions, stipulations, and safeguards attached to a Rezoning of property may
826 include but are not limited to those necessary to protect adjacent or nearby land
827 owners from any deleterious effects from the full impact of any permitted uses,
828 limitations more restrictive than those generally applying to the district including,
829 but not limited to, density, height, buffers, connection to central water and sewer
830 systems and stipulations requiring that certain aspects of development take place
831 in accordance with a Development Concept Plan. The Commission may also

832 stipulate that the development take place within a given period of time after which
833 time public hearings will be initiated and the district returned to the original
834 designation or such other district as determined appropriate by the Commission
835 that is consistent with the Comprehensive Plan.

836 b. All stipulations shall be recorded by the Volusia County Clerk of Courts.
837 e. Binding Nature of Approval. All terms, conditions, safeguards, and stipulations
838 made at the time of approval for any district subject to this section shall be binding
839 upon the applicant or any successors in interest.

840 (8) *Validity*. Rezoning approvals do not expire and shall remain in effect until such time as
841 the official Zoning Map is further amended.

842 (c) *Other Applicable Provisions*.

843 (1) *Limitations on the Refiling of a Rezoning Application*. Whenever the City Commission
844 has taken final action on a Rezoning application for property, whether approved or
845 denied, the City shall not accept any further application for any Rezoning of any part of
846 or all of the same property for a period of 12 months from the date of such action, or
847 the date of final judicial review of such action, whichever is later.

848 (2) *Violations*. Violations of restrictions, stipulations, or safeguards contained in a Rezoning
849 granted by the Commission shall constitute a violation of this LDC.

850
851 **Sec. 74-15. Planned Unit Development Rezoning Procedure.**
852

853 (a) *Applicability*. The provisions contained herein shall apply to the Rezonings to the Planned
854 Unit Development (PUD) Districts.

855 (1) *Unified Control*. All land included for purpose of development as a PUD shall be under
856 the legal control of the applicant. Applicants requesting approval of a PUD shall present
857 firm evidence of unified control of the entire area within the proposed planned
858 development together with a certificate of apparent ownership and encumbrance with
859 the opinion of counsel representing the applicant, establishing that the applicant has
860 the unrestricted right to impose all of the covenants and conditions upon the land as
861 are contemplated by the provisions of this LDC.

862 (b) *Review procedure*.

863 (1) *Pre-application meeting*. Prior to initiating an application for a PUD Rezoning, a pre-
864 application meeting with staff is required.

865 (2) *Application submittal*. All applications for PUD Rezoning shall be submitted on the
866 official form provided by the City and accompanied by all pertinent information required
867 by this LDC. A PUD Rezoning amendment may be proposed by:

868 a. The City Commission (for city-owned lands);

869 b. Any person provided, however, that no person shall apply for a PUD Rezoning of
870 property (except as agent or attorney for an owner) which he or she does not own.
871 The name(s) of the owner shall appear on each application and a signed and

872 notarized authorization form must be provided. The application shall disclose full
873 ownership.

874 (3) *Application Sufficiency.* Applications for a PUD shall be accompanied by a clear
875 statement and accounting that presents the applicant's purpose for the requested
876 Planned Unit Development. The statement shall include those facts that clarify the need
877 for the PUD, the PUD application's context, the consequences of the PUD, each of the
878 findings for Rezoning set forth in 74-14 and within subsection (4) below.

879 (4) *Application review and criteria.* The staff reviewing the proposed PUD Rezoning shall
880 consult with other City departments and agencies, and the DRC. The Staff and DRC
881 shall consider the following during application review and prepare an official report and
882 recommendation:

- 883 a. All of the criteria listed in this Section and Section 74-14;
- 884 b. Whether or not the PUD complies with the internal Planned Development District
885 standards set out for the specific District in Section 110-309;
- 886 c. Whether or not the development standards in the proposed Development
887 Agreement justify such modification of regulations and meet, to at least an
888 equivalent degree, the regulations modified, based on the design, enhancements
889 and amenities incorporated in the Master Development Plan; and
- 890 d. Applicability of the proposed PUD city-wide; and
- 891 e. The relationship of the proposed PUD to the Comprehensive Plan, with appropriate
892 consideration of consistency and as to whether the proposed PUD will further the
893 purposes of this LDC and the City Code, regulations, and actions designed to
894 implement the Comprehensive Plan.

895 (5) *Public Hearing Notification Requirements.* Notice shall be provided as set forth within
896 Section 74-25 for both the Planning and Zoning Board and City Commission public
897 hearings.

898 (6) *Public Hearings.* All applications for PUD shall be considered first by the Planning and
899 Zoning Board and subsequently by the City Commission each at public hearings
900 respectively. At the required public hearing, the Planning and Zoning Board may
901 recommend to the City Commission that the request for a PUD be approved, approved
902 with stipulations or denied. In making its recommendation, the Planning and Zoning
903 Board shall find that the plans, maps and documents submitted by the applicant and
904 presented at the public hearing do or do not establish that the applicant has met the
905 requirements of the criteria for PUD Rezone set forth in this LDC.

906 (7) *Action.* Final action on all PUD Rezoning applications shall be taken by the City
907 Commission. After the required public hearing, the Commission may approve, approve
908 with stipulations or deny the application for PUD.

- 909 a. Restrictions, stipulations, conditions, and safeguards attached to a Rezoning of
910 property may include but are not limited to those necessary to protect adjacent
911 or nearby land owners from any deleterious effects from the full impact of any
912 permitted uses, limitations more restrictive than those generally applying to the
913 district including, but not limited to, density, height, buffers, connection to central

914 water and sewer systems and stipulations requiring that certain aspects of
915 development take place in accordance with a Development Concept Plan. The
916 Commission may also stipulate that the development take place within a given
917 period of time after which time public hearings will be initiated, and the district
918 returned to the original designation or such other district as determined
919 appropriate by the Commission that is consistent with the Comprehensive Plan.

920 b. All stipulations, including the Development Agreement and MDP shall be
921 recorded by the Volusia County Clerk of Courts.

922 c. Binding Nature of Approval. All terms, conditions, safeguards, and stipulations
923 made at the time of approval for any district subject to this section shall be
924 binding upon the applicant or any successors in interest.

925 (8) *Validity.* The construction of the Planned Unit Development shall be started within two
926 (2) years of the effective date of approval of the plan by the Commission unless
927 otherwise extended as permitted within this Chapter. Failure to begin the development
928 within said two (2) years shall automatically void the development and the land shall
929 revert to the same zoning classification which existed immediately preceding the
930 approval of the Planned Unit Development.

931 (8) *Amendments.* Minor amendments not altering the intent and purpose of the approved
932 master development plan or development agreement may be approved by the
933 appropriate enforcement official after departmental review and comment. Examples
934 of minor amendments include de-minimis design-oriented changes to landscaping,
935 parking or building elevations. PUD amendments that are determined to be major
936 revisions to the MDP and/or Development Agreement will need to be reviewed and
937 processed under section 74-15 of the Land Development Code. Major amendments
938 can be described as materially altering proposals that involve changes of uses,
939 density/intensity, increase of building heights, reconfiguration of lots, etc.

940 (9) *Other Applicable Provisions.*

941 a. *Limitations on the Refiling of a PUD Rezoning Application.* Whenever the City
942 Commission has taken final action on a PUD Rezoning application for property,
943 whether approved or denied, the City shall not accept any further application for
944 any PUD Rezoning of any part of or all of the same property for a period of 12
945 months from the date of such action, or the date of final judicial review of such
946 action, whichever is later.

947 b. *Violations.* Violations of restrictions, stipulations, or safeguards contained in a
948 PUD Rezoning granted by the Commission shall constitute a violation of this
949 LDC.

950 **Sec. 74-16. Conditional Uses.**

951 (a) *Applicability.* Conditional Uses include those uses that would not be appropriate generally
952 or without restriction throughout a zoning district but which, if controlled as to number,
953 area, location or relation to the neighborhood, would promote the public health, safety,
954 welfare, morals, order, comfort, convenience, appearance, prosperity or the general
955 welfare. Such use may be permissible in a zoning district as a Major or Minor Conditional
956 Use if specifically provided in this LDC. However, such uses are not deemed to be

957 appropriate within a zoning district without demonstration by the applicant that the Major
958 or Minor Conditional Use complies with this section.

959 (b) *Review Procedure.*

960 (1) *Pre-application Meeting.* A pre-application meeting on all Conditional Use
961 applications is required.

962 (2) *Application Submittal.* All applications for Conditional Use approval shall be
963 submitted on the official form provided by the City and accompanied by all pertinent
964 information required by this LDC. A Conditional Use may be proposed by:

965 a. The City Commission (for city-owned lands);

966 b. Any person provided, however, that no person shall apply for a Conditional Use
967 (except as agent or attorney for an owner) which he or she does not own. The
968 name(s) of the owner shall appear on each application and a signed and
969 notarized authorization form must be provided. The application shall disclose full
970 ownership.

971 (3) *Application Sufficiency.* Applications for a Conditional Use shall be accompanied
972 by a clear statement and accounting that presents the applicant's purpose for the
973 requested Conditional Use. The statement shall include those facts that clarify the
974 need for the Conditional Use, the Conditional Use application's context, and the
975 consequences of the Conditional Use. The application shall address how the
976 Conditional Use preserves the LDC's consistency with the Comprehensive Plan,
977 and each of the findings within subsection (4) below. No application shall be
978 accepted for a Conditional Use that does not meet the minimum district
979 requirements of Chapter 110. Where this LDC places additional requirements or
980 supplementary regulations on specific types of Conditional Uses, the application
981 shall demonstrate that such requirements are met. Where the applicant requests
982 simultaneous Rezoning of land as well as grant of a Conditional Use for the same
983 parcel of land, both applications may be processed concurrently in accordance with
984 the procedures set forth in this section.

985 (4) *Application Review and criteria.* The staff reviewing the proposed Conditional Use
986 shall consult with other City departments and agencies, and the DRC. The Staff and
987 DRC shall consider the following during application review and prepare an official
988 report and recommendation:

989 a. Whether or not the granting of the Conditional Use will adversely affect the public
990 interest, health, safety, and general welfare;

991 b. Whether or not the request is inconsistent with the purpose or intent of this
992 LDC;

993 c. Whether or not the request is consistent with the Comprehensive Plan;

994 d. Whether or not the request meets the expressed requirements of the applicable
995 conditional use;

996 e. Whether or not the request will generate undue traffic congestion;

997 f. Whether or not the request will create a hazard or a public nuisance or be
998 dangerous to individuals or to the public.

- 999 g. Whether or not the request will negatively impact the character of surrounding
1000 neighborhoods or adversely affect the value of surrounding land, structures or
1001 buildings.
- 1002 h. Whether or not the request will adversely affect the natural environment,
1003 natural resources or scenic beauty, or cause excessive pollution.
1004
- 1005 (5) *Public Hearing Notification Requirements.* Notice shall be provided as set forth within
1006 Section 74-25 for the City Commission public hearing.
- 1007 (6) *Public Hearings.* All applications for Major Conditional Use shall be considered by
1008 the City Commission at a public hearing. All applications for Minor Conditional Use
1009 shall be considered by the Planning and Zoning Board at a public hearing. At the
1010 discretion of the City Manager or PZB, a Major Conditional may be required to go
1011 before the City Commission for final approval.
- 1012 (7) *Action.* The Commission shall take final action on all Major Conditional Use
1013 applications and the Planning and Zoning Board shall take final action on all Minor
1014 Conditional Use applications based upon the review criteria set forth in this section.
1015 The Commission and Planning and Zoning Board, in the exercise of its sound
1016 discretion, may determine that Conditional Uses should be limited and controlled as
1017 to number, area, location, duration, or relation to the neighborhood, in order to
1018 safeguard and promote the public health, safety, welfare, morals, order, comfort,
1019 convenience, appearance, prosperity, or the general welfare. The Commission or
1020 Planning and Zoning Board shall approve, approve with conditions or stipulations, or
1021 deny the application.
- 1022 a. Restrictions, stipulations, and safeguards attached to a Conditional Use may
1023 include but are not limited to those necessary to protect adjacent or nearby
1024 landowners from any deleterious effects from the full impact of any permitted
1025 uses and stipulations requiring that certain aspects of development take place
1026 in accordance with a binding site plan.
- 1027 b. All stipulations, including the Development Agreement and MDP shall be
1028 recorded by the Volusia County Clerk of Courts.
- 1029 c. Binding Nature of Approval. All terms, conditions, safeguards, and stipulations
1030 made at the time of approval for any district subject to this section shall be
1031 binding upon the applicant or any successors in interest.
- 1032 (8) *Validity.* Conditional Use approvals shall remain in effect for one (1) year following
1033 approval unless a longer duration is granted as part of the approval.
- 1034 (9) *Amendments.* Any changes or expansion of an approved Minor or Major Conditional
1035 Use will require filing of a new Conditional Use application.
- 1036 (10) *Other Applicable Provisions.*
- 1037 a. *Limitations on the Refiling of a Conditional Use application.* Whenever the City
1038 Commission or Planning and Zoning Board has taken final action on a
1039 Conditional Use application for property, whether approved or denied, the City
1040 shall not accept any further application for any Conditional Use of any part of or

1041 all of the same property for a period of 12 months from the date of such action,
1042 or the date of final judicial review of such action, whichever is later.

- 1043 b. *Violations.* Violations of restrictions, stipulations, or safeguards contained in a
1044 Conditional Use granted by the City Commission or Planning and Zoning Board
1045 shall constitute a violation of this LDC.

1046 **Sec. 74-17. Conceptual Site Plan Application.**
1047

- 1048 (a) *Applicability.* A Conceptual Site Plan application is an optional process the City offers to
1049 Applicants prior to submitting an application for Final Site Plan (FSP) approval in order to
1050 obtain preliminary review from the Planning and Development Services Department. This
1051 process is entirely voluntary and is not a requirement.

1052 (b) *Review Procedure.*

- 1053 (1) *Pre-application Meeting.* A pre-application meeting on all Conceptual Site Plan
1054 applications is required.

- 1055 (2) *Application submittal.* All applications for Conceptual Site Plans shall be submitted on
1056 the official form provided by the City and accompanied by all pertinent information
1057 required by this LDC. A Conceptual Site Plan may be proposed by any person provided,
1058 however, that no person shall apply for a Conceptual Site Plan (except as agent or
1059 attorney for an owner) which he or she does not own. The name(s) of the owner shall
1060 appear on each application and a signed and notarized authorization form must be
1061 provided. The application shall disclose full ownership.

- 1062 (3) *Application review.* The staff reviewing the proposed Conceptual Site Plan shall consult
1063 with other City departments and agencies, and the DRC staff. The City shall consider
1064 and study the Conceptual Site Plan's conformance to all requirements set forth in the
1065 LDC and Comprehensive Plan, as applicable.

- 1066 (4) *Public Hearing Notification Requirements.* Conceptual Site Plans are subject to
1067 administrative review and approval and do not require public hearings, or related
1068 notifications.

- 1069 (5) *Public Hearings.* Conceptual Site Plans are subject to administrative review and
1070 approval and do not require public hearings.

- 1071 (6) *Action.* Final action on all Conceptual Site Plan applications shall be taken by the
1072 Planning and Development Services Director or his/her designee, after review by the
1073 DRC. The Director or his/her designee may make the granting conditional upon such
1074 restrictions, stipulations and safeguards as it may deem necessary to ensure
1075 consistency with the LDC and Comprehensive Plan.

- 1076 (7) *Validity.* Conceptual Site Plan approvals shall remain in effect for one (1) year following
1077 approval by the Director, unless a longer duration is granted as part of the approval
1078 letter.

1079 **Sec. 74-18. Final Site Plans.**

- 1080 (a) *Applicability.* The following development activities shall require Final Site Plan (FSP)
1081 review:

- 1082 (1) Residential or non-residential developments including non-residential additions.
- 1083 (2) A change in the use of property to any permitted use that will require or voluntarily
1084 result in a site alteration in order to meet the provisions of the Land Development
1085 Code (e.g. a need for additional parking); with the exception of non-residential
1086 structures occupied by multiple tenants where the existing and proposed uses are
1087 permitted, and no site alteration is proposed or required. In such exceptions, no DRC
1088 review is required.
- 1089 (3) Except or otherwise provided herein, applications for new paved areas shall be
1090 reviewed and approved by the DRC. The review may be conducted informally without
1091 filing a site plan application or, due to its complexity or size of project, warrant the
1092 submittal of a site plan application requiring a DRC meeting, as may be determined
1093 by the Planning and Development Services Director.
- 1094 (b) *Exempt development.* The following development activities shall not require Final Site
1095 Plan (FSP) review:
- 1096 (1) Construction of a single-family home and customary accessory structures on an
1097 existing single family zoned lot.
- 1098 (2) Construction of a duplex and customary accessory uses on an existing duplex zoned
1099 lot.
- 1100 (3) The installation of those improvements, which are required to develop a subdivision
1101 and for which development order, plat approvals, and related permits have been
1102 issued, pursuant to chapter 106.
- 1103 (4) Agricultural production practices, which include fencing, drainage, irrigation, and
1104 other agricultural uses and structures, including portable structures, which do not
1105 conflict with existing city ordinances.
- 1106 (5) Public buildings under 10,000 sq. ft., subject to staff review to include at a minimum
1107 Planning and Development Services department, fire department, and public works
1108 department; and final action, to ensure compliance with city ordinances and city fire
1109 codes.
- 1110 (c) *Platting.* This section does not address requirements for preliminary and final plat
1111 approvals consistent with Chapter 177, Florida Statutes. For information on subdivision
1112 preliminary plat development order and final plat approvals, see Section 74-18 and 74-
1113 19 in this Article.
- 1114 (b) *Review Procedure.*
- 1115 (1) *Pre-application meeting.* A pre-application meeting on all FSP applications is
1116 required prior to application submittal.
- 1117 (2) *Application submittal.* All applications for Final Site Plans shall be submitted on the
1118 official form provided by the City and accompanied by all pertinent information
1119 required by this LDC. A Final Site Plan may be proposed by any person provided,
1120 however, that no person shall apply for a Final Site Plan (except as agent or attorney
1121 for an owner) which he or she does not own. The name(s) of the owner shall appear

1122 on each application and a signed and notarized authorization form must be provided.
1123 The application shall disclose full ownership.

1124 (3) *Application review.* The staff reviewing the proposed Final Site Plan shall consult with
1125 other City departments and agencies, and the DRC staff. The City shall consider and
1126 study the FSP's conformance to all requirements set forth in the LDC,
1127 Comprehensive Plan and Conceptual Site Plan, as applicable.

1128 (4) *Public Hearing Notification Requirements.* Final Site Plans are subject to
1129 administrative review and approval and do not require public hearings, or related
1130 notifications.

1131 (5) *Public Hearings.* Final Site Plans are subject to administrative review and approval
1132 and do not require public hearings.

1133 (6) *Action.* Final action on all Final Site Plan applications shall be taken by the Planning
1134 and Development Services Director or his/her designee, after review by the DRC.
1135 The Director or his/her designee may make the granting conditional upon such
1136 restrictions, stipulations and safeguards as it may deem necessary to ensure
1137 consistency with the LDC and Comprehensive Plan.

1138 c. *Post-approval stage.*

1139 a. *Recordation.* Final Site Plans shall be recorded in the following manner:

1140 i. Following approval, the developer/applicant shall submit two (2) original
1141 approved Final Site Plans to the Planning and Development Services Director
1142 or his/her designee. The applicant shall provide to the City an appropriate
1143 electronic version of the FSP in a format approved by the Planning and
1144 Development Services Director or his/her designee.

1145 ii. The Planning and Development Services Director shall record the FSP at
1146 Volusia County Clerk of the Circuit Court.

1147 (7) *Validity.* Final Site Plan approvals shall remain in effect for two (2) years following
1148 approval by the Director, unless a longer duration is granted as part of the approval
1149 letter.

1150 **Sec. 74-19. Preliminary Plats.**

1151 (a) *Applicability.* Requirements for platting in the City shall be in accordance with Chapter
1152 177, Florida Statutes. In all cases involving phased developments, the applicant shall file
1153 a preliminary plat and engineering construction plan and, upon receipt of the related
1154 development order, may then file a final plat application for the first phase of the project.
1155 Final plat application may be filed concurrently with the preliminary plat (PP) and
1156 engineering construction plan (ECP) application, provided the preliminary plat
1157 development order is issued prior to DRC approval of the final plat application.

1158 For subdivisions that do not involve phased developments, the developer may bypass the
1159 requirement to file a preliminary plat application and proceed to file the final plat and
1160 engineering construction plan development order.

1161 (b) *Review Procedure.*

- 1162 (1) *Pre-application Meeting.* A pre-application meeting on all Preliminary Plat applications
1163 is required prior to application submittal.
- 1164 (2) *Application Submittal.* All applications for Preliminary Plat shall be submitted on the
1165 official form provided by the City and accompanied by all pertinent information, plans
1166 and plat as set forth on the form. The Applicant shall submit an appropriate number of
1167 copies, as determined by the Planning and Development Services Director or his/her
1168 designee at the pre-application meeting.
- 1169 g. *Application Review.* The preliminary plat and engineering construction plan application
1170 shall be reviewed by Planning and Development Services Staff and DRC in
1171 consultation with other City departments for consistency with this Land Development
1172 Code, Florida Statutes and all other applicable regulations.
- 1173 h. *Public Hearing Notification Requirements.* Preliminary Plats are subject to
1174 administrative review and approval and do not require public hearings, or related
1175 notifications.
- 1176 i. *Public Hearings.* Preliminary Plats are subject to administrative review and approval
1177 and do not require public hearings.
- 1178 j. *Action.* Final action on all Preliminary Plat applications shall be taken by the Planning
1179 and Development Services Director or his/her designee, after review by the DRC. The
1180 Director or his/her designee may make the granting conditional upon such restrictions,
1181 stipulations and safeguards as it may deem necessary to ensure consistency with the
1182 LDC and Comprehensive Plan. If a 100-year flood zone is present on-site, as defined
1183 by the federal insurance rate maps (FIRM), the Planning and Development Services
1184 Director shall recommend that development and related investment be directed away
1185 from this flood zone or other mitigation measures as deemed appropriate.
- 1186 k. *Post-approval stage.*
- 1187 a. *Construction commencement.* The developer may elect to commence site
1188 development of the subdivision after the Preliminary Plat and engineering
1189 construction plan development order has been issued. If the developer elects to
1190 commence site development prior to or concurrently with final plat approval, he/she
1191 shall notify in writing the Planning and Development Services Director or his/her
1192 designee of that intention. The Planning and Development Services Director or
1193 his/her designee shall then issue a development permit authorizing the
1194 commencement of site development consistent with the approved engineering
1195 construction plans, provided the approval process for all other permits adheres to
1196 applicable local, regional, state, and federal laws.
- 1197 c. *Validity.* The preliminary plat shall remain valid until the subdivision, or any part
1198 thereof is vacated in accordance with the laws of the City of Deltona and the State
1199 of Florida.

1200 **Sec. 74-20. Final Plats.**

- 1201 (a) *Applicability.* Requirements for platting in the City shall be in accordance with Chapter
1202 177, Florida Statutes. No improvements, including streets, shall be accepted and
1203 maintained by the City unless and until the final plat (FPL) has been approved by the City

1204 Commission, and has been duly recorded by the Volusia County Clerk of the Circuit Court.
1205 The developer shall submit an application for a final plat only for that portion of the
1206 property with an approved preliminary plat, where applicable and required by this LDC.

1207 (b) *Review Procedure.*

1208 (1) *Pre-application Meeting.* A pre-application meeting on all FPL applications is required
1209 prior to application submittal.

1210 (2) *Application Submittal.* All applications for FPLs shall be submitted on the official form
1211 provided by the City and accompanied by all pertinent information, plans and plat as
1212 set forth on the form. The Applicant shall submit an appropriate number of copies, as
1213 determined by the Planning and Development Services Director or his/her designee at
1214 the pre-application meeting. All final plats shall be prepared on standard sheet sizes
1215 as required by F.S. Chapter 177, as amended. An applicant shall furnish the City with
1216 those documents necessary to evidence and ensure compliance with requirements,
1217 standards, restrictions or conditions of this chapter as requested by the city. These
1218 documents shall include, but are not limited to, bonds or other security, agreements,
1219 restrictive covenants, deeds and easements, standards, restrictions or conditions.

1220 (3) *Application Review.* Final Plat applications shall be reviewed by Planning and
1221 Development Services Staff and DRC in consultation with other City departments for
1222 consistency with this Land Development Code, Florida Statutes and all other applicable
1223 regulations. The submittals shall be consistent with the issued preliminary plat, where
1224 applicable. If the FPL is recommended for approval with conditions, the Planning and
1225 Development Services Director or his/her designee may request that the applicant
1226 submit a revised application incorporating the conditions of approval prior to scheduling
1227 the final plat application for public hearing(s).
1228

1229 (4) *Public Hearing Notification Requirements.* Notice shall be provided as set forth within
1230 Section 74-25 for both the Planning and Zoning Board and City Commission public
1231 hearings, where applicable.

1232 (5) *Public Hearings.* All applications for Final Plats shall be considered by the City
1233 Commission at a public hearing. All applications for Final Plats for subdivisions
1234 containing 200 lots or more shall also require a public hearing before the Planning and
1235 Zoning Board prior to final action by the City Commission.

1236 (6) *Action.* The City Commission shall take final action on all Final Plat applications. The
1237 Commission or Planning shall approve or deny the application. If the City Commission
1238 determines that adequate public facilities required under this chapter are not available,
1239 but are planned to become available in the future, they may:

- 1240
- 1241 a. Defer action until adequate public facilities are available;
 - 1242 b. Approve the application subject to the condition that no building permit shall
1243 be issued until adequate public facilities are available;
 - 1244 c. Approve the application subject to the condition that no certificate of
1245 occupancy be issued until adequate public facilities are available; or
 - 1246 d. Approve the application subject to the condition that the developer enter into
1247 a public services and facilities agreement pursuant to this chapter to ensure

1248 that adequate public facilities are available at the time the impacts of the
1249 development occur.

1250 (7) *Post-approval stage.*

1251 a. *Recordation.* Plats shall be recorded in the following manner:

1252 iii. Plat dedications. All streets, alleys, easements, rights-of-way, parks, school sites
1253 and public areas shown on an accepted and recorded plat, unless otherwise
1254 stated, shall be deemed to have been dedicated or granted, as appropriate, to
1255 the public for use by the public. The recorded plat shall constitute, unless
1256 otherwise stated, an acceptance of said offer to dedicate, grant or reserve.
1257 Reservations must be clearly indicated as such and must include the word
1258 "reservation".

1259 iv. Following City Commission approval, the developer/applicant shall submit the
1260 original mylar plat signed by the developer/applicant, and one paper copy of the
1261 approved plat to the Planning and Development Services Director or his/her
1262 designee. The applicant shall provide to the city an appropriate electronic
1263 version of the plat in a format approved by the Planning and Development
1264 Services Director or his/her designee. The developer/applicant shall be required
1265 to comply with all applicable provisions of F.S. Ch. 177, City Code, and any
1266 related conditions of approval by the City of Deltona. The developer/applicant
1267 shall record the final plat at Volusia County Clerk of the Circuit Court within 20
1268 working days following City Commission approval of the final plat.

1269 v. The Planning and Development Services Director shall sign the original mylar
1270 plat and arrange for the mylar plat to be signed by the mayor and city registered
1271 surveyor. The final plat, completely signed by all parties, shall be transmitted to
1272 the developer/applicant for processing and recordation at Volusia County Clerk
1273 of the Circuit Court.

1274 a) The applicant will provide the city with two hard copies of the recorded plat.
1275 Note that the Volusia County Clerk of the Circuit Court will retain the original
1276 mylar and will require one mylar copy for their internal records.

1277 b) Upon receipt of a copy of the recorded final plat, the Planning and
1278 Development Services Director or his/her designee will issue a final plat
1279 development order to the applicant that is consistent with section 106-26 of this
1280 chapter and other applicable provisions. In cases where related infrastructure
1281 has not been built or received final inspection, such infrastructure shall be
1282 bonded in accordance with section 96-76.

1283 c) No plat of lands in the City subject to these regulations shall be recorded,
1284 whether as an independent instrument or by attachment to another instrument
1285 entitled to record, unless and until the final plat has been approved by the City
1286 Commission and all appropriate signatures have been affixed to the plat.

1287 b. *Validity.* The final plat shall remain valid until the subdivision or any part thereof is
1288 vacated in accordance with the laws of the City of Deltona and the State of Florida.

1289 **Sec. 74-21. Vacations.**

1290 (a) *Applicability.* The City Commission, or their designees, may adopt resolutions vacating plats
1291 in whole or in part of recorded subdivisions in the city, including utility, drainage and right-
1292 of-way easements created through the platting process.

1293 (b) *Review Procedure.*

1294 (1) *Pre-application Meeting.* A pre-application meeting on applications for vacations is not
1295 required.

1296 (2) *Application submittal.* All applications for vacations shall be submitted on the official
1297 form provided by the City and accompanied by all pertinent information required by this
1298 LDC. Before resolutions to vacate any plat either in whole or in part are entered by the
1299 City Commission, it must be shown that the persons making application for the vacation
1300 own the fee simple title to the whole or that part of the tract covered by the plat sought
1301 to be vacated, and it must be further shown that the vacation will not adversely affect
1302 the ownership or right of convenient access of persons owning other tracts or parts of
1303 the subdivision, or properties that are accessed through such subdivision.

1304 (3) *Application review.* The staff reviewing the proposed vacation shall consult with other
1305 City departments and agencies, and the DRC staff. The City shall consider if the
1306 vacation of a particular easement or right-of-way will serve the best interest of the
1307 public. The petitioner may offer an alternative or replacement easement. However, the
1308 reviewing entity is under no obligation to accept the offered alternative. If a Petition to
1309 Vacate is premised on the grant of a replacement easement, the Commission and/or
1310 Planning and Development Services Director will not take action on the Petition until
1311 the instrument necessary to grant the alternative real property interest has been
1312 accepted in form and content by the City Attorney, properly executed by the granting
1313 or conveying entity, and delivered to the Planning and Development Services
1314 Department to be held in trust pending the Commission's consideration of the
1315 requested vacation.

1316 (4) *Public Hearing Notification Requirements.* Notice shall be provided as set forth within
1317 Section 74-25 for both the Planning and Zoning Board and City Commission public
1318 hearings, where applicable. See also subsection (10) below regarding additional public
1319 notification requirements for vacations.

1320 (5) *Public Hearings.* All applications for vacation of rights-of-way, plats or portions thereof,
1321 shall be considered by the City Commission at a public hearing. All applications for
1322 vacation of easements are administratively approved and do not require public
1323 hearings.

1324 (6) *Action.* Final action on easement vacations shall be taken by the Planning and
1325 Development Services Director or his/her designee, after review by the DRC. Final
1326 action on all other vacations, including plats, portions thereof, or rights-of-way shall be
1327 taken by the City Commission following review by the Planning and Development
1328 Services Department and DRC.

1329 (5) *Validity.* Vacations shall remain valid in perpetuity.

1330 (c) *Other Applicable Provisions.*

- 1331 (1) Persons making application for vacation of plats, either in whole or in part shall give notice
1332 of their intention to apply to the City Commission to vacate the plat by publishing legal
1333 notice in a newspaper of general circulation in Volusia County in not less than two (2)
1334 weekly issues of the paper, and must attach to the petition for vacation and the proof of
1335 publication, together with certificates showing that all state and county taxes have been
1336 paid.
- 1337 (2) Resolution by the City Commission shall have the effect of vacating all streets and alleys
1338 which have not become highways necessary for use by the traveling public. A vacation
1339 shall not become effective until an original or a certified copy of the related resolution has
1340 been filed in the offices of the Volusia County Clerk of the Circuit Court and duly recorded
1341 in the public records of Volusia County.
- 1342 (3) The owner of any land subdivided into lots may record a plat for the purpose of showing
1343 the subject land as acreage. This plat and the procedure shall conform to the
1344 requirements of F.S. Chapters 163 and 177, except that:
- 1345 (a) No survey or certificate of any surveyor or engineer shall be required. However, the
1346 City Commission may require a survey of the exterior boundaries of the land and the
1347 placing of suitable monuments along the boundaries if it finds that the last preceding
1348 survey of record is faulty or inadequate or that insufficient monuments are in position
1349 along these boundaries.
- 1350 (b) No improvements shall be required except as may be necessary to provide
1351 equivalent access, as provided in this section.
- 1352 (c) No findings need be made for the suitability of the land or as to the provision of public
1353 facilities and services.

1354 **Sec. 74-22. Major Variances.**

- 1355 (a) *Applicability.* A Major Variance application from the terms of these LDC standards may only
1356 be granted when such Variance will not be contrary to the public interest and where, owing
1357 to special conditions, a literal enforcement of the provisions of the LDC standards would
1358 result in unnecessary hardship on the land. Such Variance shall not be granted if it has the
1359 effect of nullifying the intent and purpose of this LDC.
- 1360 (1) The Planning and Zoning Board shall have the authority to take action on Major
1361 Variance applications filed relating to the standards in this Section. At the discretion of
1362 the Board or Commission, a Major Variance may be required to go before the City
1363 Commission for final approval.
- 1364 (2) *General Limitations on Power to Grant Variances.*
- 1365 a. Under no circumstances shall a Variance be granted for a use not permitted in the
1366 zoning district involved, or any use expressly or by implication prohibited in the
1367 zoning district by the terms of this LDC.
- 1368 b. A Variance shall not be granted that has the effect of a Conditional Use to this
1369 LDC.

- 1370 c. Variances heard by the Planning and Zoning Board shall only be authorized for
1371 height, parking requirements, area and size of structures, size of yards and open
1372 spaces.
- 1373 d. No nonconforming use of neighboring lands, structures, or buildings in the same
1374 zoning district, and no permitted use of lands, structures, or buildings in any other
1375 district shall be considered grounds for the granting of a Variance.

1376 (b) *Review procedure.*

- 1377 (1) Pre-application meeting. A pre-application meeting on all Major Variances is
1378 required.
- 1379 (2) *Application Submittal.* All applications for a Major Variance shall be submitted in
1380 writing to the City, along with the appropriate fee(s). A Major Variance may be
1381 proposed by:
- 1382 a. The City Commission (for city-owned property);
 - 1383 b. Any City Department or other agency of the City with authorization from the
1384 Commission; and
 - 1385 c. Any person other than those listed in a. or b. above; provided, however, that
1386 no person shall apply for a Rezoning of property (except as agent or attorney
1387 for an owner) which he or she does not own. The name(s) of the owner shall
1388 appear on each application and a signed and notarized authorization form
1389 must be provided. The application shall disclose full ownership.
- 1390 (2) *Application Sufficiency.* Applications for a Major Variance shall be accompanied by a
1391 clear statement and accounting that presents the applicant's purpose for the requested
1392 Variance. The statement shall include those facts that clarify the need for the Variance,
1393 the Variance application's context, and the consequences of the Variance. The
1394 application shall address how the Variance preserves the LDC's consistency with the
1395 Comprehensive Plan.
- 1396 (3) *Application Review.* The staff reviewing the proposed Major Variance shall consult with
1397 other City departments and agencies, and the DRC. The Staff and DRC shall consider
1398 the following during application review and prepare an official report and
1399 recommendation:
- 1400 a. That the Variance shall not be contrary to the public interest;
 - 1401 b. That the Variance is required owing to special conditions peculiar to the property;
 - 1402 c. That identifies the special conditions and circumstances that exist which are
1403 peculiar to the land, structures, or required improvements involved;
 - 1404 d. That the special conditions are not the result of the actions of the applicant;
 - 1405 e. That explains how the special conditions and circumstances do not result from the
1406 actions of the applicant;
 - 1407 f. That a literal enforcement of the provisions of this LDC would result in unnecessary
1408 and undue hardship on the land;

- 1409 g. That explains or illustrates how a literal interpretation of the provisions of this LDC
1410 would deprive the applicant of reasonable use of the applicant's property;
- 1411 h. That explains why the granting of the Variance requested will not confer on the
1412 applicant any special privilege that is denied by these regulations to other lands,
1413 structures, or required improvements under similar conditions. No pre-existing
1414 conditions on neighboring lands, which are contrary to these regulations, shall be
1415 considered grounds for the issuance of a Variance;
- 1416 i. That the Variance requested is the minimum Variance necessary to make any
1417 reasonable use of the property;
- 1418 j. That, with respect to a right-of-way or improvement requirement, explains how
1419 such requirement does not bear a reasonable relationship or rational nexus
1420 between the need for additional capital facilities and the demands generated by
1421 the development along with other development within the area; and
- 1422 k. That describes how the proposed Variance is determined to be consistent with the
1423 goals, objectives, policies and guiding principles of the Comprehensive Plan.
- 1424 (4) *Public Hearing Notification Requirements.* Notice shall be provided as set forth within
1425 Section 74-25 for the Planning and Zoning Board public hearing.
- 1426 (5) *Public Hearings.* All applications for a Major Variance shall be considered by the
1427 Planning and Zoning Board as applicable.
- 1428 (6) *Action.* The Planning and Zoning Board shall take final action on eligible Major Variance
1429 applications from the terms of this LDC related to zoning district use standards. In
1430 granting any Variance, the review authority may prescribe appropriate stipulations and
1431 safeguards in conformity with this LDC. The Planning and Zoning Board shall approve,
1432 approve with conditions or stipulations, or deny the application.
- 1433 a. Restrictions, stipulations, and safeguards attached to a Variance may include but
1434 are not limited to those necessary to protect adjacent or nearby landowners from
1435 any deleterious effects from the full impact of any permitted uses and stipulations
1436 requiring that certain aspects of development take place in accordance with a
1437 binding site plan, where applicable.
- 1438 b. All stipulations shall be recorded by the Volusia County Clerk of Courts.
- 1439 c. Binding Nature of Approval. All terms, conditions, safeguards, and stipulations
1440 made at the time of approval for any district subject to this section shall be binding
1441 upon the applicant or any successors in interest.
- 1442 (7) *Validity.* Major Variance approvals shall remain in effect for one (1) year following
1443 approval, unless a longer duration is granted as part of the approval. Within this
1444 timeframe a building permit must be obtained to vest the approval.
- 1445 (9) *Amendments.* Any changes or expansion of an approved Major Variance will require
1446 filing of a new Conditional Use application.
- 1447 (10) *Other Applicable Provisions.*

- 1448 a. Limitations on the Refiling of a Major Variance application. Whenever the Planning and
1449 Zoning Board has taken final action on a Major Variance application for property,
1450 whether approved or denied, the City shall not accept any further application for any
1451 Variance of any part of or all of the same property for a period of 12 months from the
1452 date of such action, or the date of final judicial review of such action, whichever is later.
- 1453 b. Violations. Violations of restrictions, stipulations, or safeguards contained in a Variance
1454 granted by the Planning and Zoning Board shall constitute a violation of this LDC.

1455 **Sec. 74-23 Minor Variances.**

- 1456 (a) *Applicability* In certain circumstances, the Director of Planning and Development Services
1457 is authorized to administratively approve variances from the Sections noted below when
1458 it is found that such request would not be contrary to the health, safety, and welfare of
1459 the City of Deltona and the request is consistent with the standards provided for each
1460 situation as shown below.
- 1461 (b) The Planning Director has the authority to grant a variance to the following standards,
1462 with or without conditions, if and only if the applicant demonstrates that all of the standards
1463 of Sec 110-1103 (a)(1)(d) are met:
- 1464 i. Reduction of front or rear yard non-shoreline setback requirements by up to twenty
1465 (20) percent; and reduction of non-shoreline side yard setback requirements by up
1466 to ten (10) percent.
 - 1467 ii. Reduction in the off-street parking requirements of Section 110-828 by no more
1468 than ten (10) percent.
 - 1469 iii. Reduction of the landscape buffer yard width requirements of Section 110-808 by
1470 no more than twenty (20) percent.
 - 1471 iv. Modification to signage, where increase of sign face area does not exceed 50% of
1472 this LDC and/or reduction of setbacks does not exceed 25%.
 - 1473 v. Modification of fence requirements.
 - 1474 vi. The Planning Director may deem appropriate to require those variances qualifying
1475 as minor to be heard by the Planning and Zoning Board depending upon the
1476 specifics of the request. in keeping with the purpose and intent of the zoning district
1477 in which the development is located.
- 1478 (c) All other procedures and review criteria set forth in 74-22 for Major Variances apply to
1479 Minor Variances, except that a public hearing before the Planning and Zoning Board is
1480 not required.

1481

1482 **Sec. 74-24. Zoning and land development fees.**

1483

1484 This section sets forth fees required for review and approval of land development activities
1485 pursuant to the Land Development Code. The fee schedule shall include all necessary expenses
1486 for the conduct of the municipal government and shall be established by resolution of the City
1487 Commission. Upon an application submittal for zoning or land development, the Planning and

1488 Development Services Director or his/her designee will determine all designated fees which shall
1489 be applicable based on the services required to review each application. All such fees must be
1490 submitted in full to the city concurrently with each application. Failure to submit the required fee
1491 shall render the application incomplete.

1492
1493 Fees shall be required for any zoning and land development activity as listed under the
1494 following designations, including and not limited to: Land development review; extensions;
1495 meetings; letters; change of grade; development orders; appeals; incomplete submittals and re-
1496 submittals; site plan reviews; development plan reviews; plat reviews; lot elevation variances;
1497 certificate of concurrency; easement and right-of-way use or vacation; combination of lots;
1498 modification requests; tree removal; model sales center; pre-construction wetland alteration
1499 permit; stormwater permit; temporary sign permit; annual sign renewal permit; special event
1500 permit; additional inspections and re-inspections; annexations; conditional uses; zoning
1501 variances; rezoning; future land use amendments; planned unit developments; engineering
1502 permits; escrow accounts and miscellaneous administrative charges.

1503
1504 Some land development applications may require associated consulting services and fees.
1505 In such cases, the city will hire peer professionals with expertise in associated development
1506 related disciplines to assist in the review and provide recommendations regarding land
1507 development applications. Consultant activities include, but are not limited to, traffic planning,
1508 engineering, surveying, design, environmental, etc. Consultant costs will be borne by the
1509 applicant. The hiring and payment of a consultant will be conducted consistent with applicable
1510 city procurement processes.

1511
1512 **Sec. 74-25. Public notice.**

1513
1514 (a) "*Public notice*" as used in connection with the phrase "public hearing" or "hearing with due
1515 public notice" refers to applications and appeals in which there is to be a public hearing of
1516 the City Commission or of the Planning and Zoning Board as provided for in this section:

- 1517
1518 (1) *Legal notice (newspaper publication).*
1519 a. The publication of notice with the following information: day, time, place and
1520 purpose, place or places within the City where the change may be inspected by
1521 the public, and that interested parties may appear at the meeting and be heard
1522 with respect to the proposed change.
1523 b. Said notice shall be published at least once in a newspaper of general circulation
1524 in the area at least ten days prior to the date of such public hearing, unless a longer
1525 notice period is required by statute for the type of application to be heard. Notices
1526 published in local newspapers shall meet or exceed the minimum requirements of
1527 state law as required by F.S. § 166.041, and F.S. Ch. 163 as they may be amended
1528 from time to time.

- 1529
1530 (2) *Individual notice (certified mailing).*
1531 a. For applications affecting less than five percent of the total land area of the City,
1532 notices setting forth the time, day, place and purpose of the hearing shall be
1533 mailed, by certified U.S. mail, at least ten days prior to the date of the Planning and

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- Zoning Board public hearing by the City to the last known address of the owners of the property involved, if the applicant is not the owner of the property involved, as well as, to the owners of property within 300 feet of the property lines of the property involved, all as determined by reference to the latest records published by the Volusia County Property Appraiser absent information as to ownership to the contrary.
- b. It is the intent of this provision that only one mailing is required to be sent to an owner of property within 300 feet of the property lines of the property involved; and that notice shall contain the time, day, and place of all public hearing(s).
 - c. For amendments initiated by the City, the required notice shall be sent by certified U.S. mail and a record of those to whom the notice was sent shall be maintained with the application file by the Planning and Zoning Services Department.
- (3) *Posted notice (posted sign).*
- a. For applications affecting less than five percent of the total land area of the city that the owner or his or her duly authorized agent, or for applications initiated by the city, the applicant or the duly authorized agent shall perform said posting at least 10 days prior to the date of such public hearing, the signs provided by the enforcement official.
 - b. For purposes of posting property that is the subject of a city-initiated amendment, the notice shall be posted on public right-of-way in front of the property affected by the proposed amendment but shall not be placed so as to obstruct the vision of drivers at any intersection, including driveway intersections.
 - c. The applicant or the duly authorized agent shall not be required to place posted notices on or along any property lines that abut private streets or easements but shall limit postings to streets maintained by the city, Volusia County, or the Florida Department of Transportation. Postings shall not be required when the public agency responsible for the affected street right-of-way refuses to permit the posting within its right-of-way. However, the responsible City agency shall not prohibit the posting of notice on rights-of-way maintained by the City.
 - d. The sign or signs provided by the Planning and Zoning Services Department shall be printed on a brightly-colored, easily recognizable, weather-resistant material of a minimum size of 22 inches in width and 28 inches in height.
 - e. One sign shall be posted for every 200 feet of front lot line. Corner properties shall have signs posted on both front/street side lot lines.
 - f. Each sign shall be placed in a location along the lot line that provides the greatest visibility from the adjacent street or road. The applicant or the duly authorized agent shall provide proof of the sign posting to the Planning and Development Services Department the date of the sign posting.
 - g. The posted sign or signs shall remain in place until the completion of the public hearing of the City Commission and shall be removed by the applicant within ten days following the conclusion of the last public hearing. Failure to remove the sign or signs after ten days following the last noticed public hearing shall be a violation of this Code, and shall be enforceable as provided in Chapter 2, Code of Ordinances of the City of Deltona, Florida, as it may be amended from time to time.

1580 (4) Citizen awareness and participation meetings.

1581 a. *Applicability.*

1582 1. The following requirements apply in addition to any other notice provisions
1583 required elsewhere in this Code. The administrative official may require that,
1584 based upon the needs of the abutting communities or the City as a result of
1585 generally accepted land use planning practices and principles or to ensure full
1586 public participation; this potential requirement shall apply to development
1587 applications for developments such as the following which list is provided for
1588 illustrative purposes only and not as a limitation of the requirement:

1589 a. Planned Unit Developments.

1590 b. Variances involving nonresidential uses.

1591 c. Subdivision Plans.

1592 d. Rezonings.

1593 e. Amendments to the Future Land Use Map.

1594 f. Other land use or development application provisions required
1595 elsewhere in this Code.

1596 2. These requirements apply in addition to any other notice provisions required
1597 elsewhere in this Code.

1598 3. The requirement of a citizen participation meeting is not intended to produce
1599 complete consensus on all applications, but to encourage applicants to be good
1600 neighbors and to allow for informed decision making and to maximize, to the
1601 extent practicable, public participation in the planning, and land use processes
1602 of the City.

1603 b. *Purpose.* The purpose of the requirement is, at a minimum, to:

1604 1. Further implement the public participation provisions of the city's
1605 Comprehensive Plan.

1606 2. Ensure that applicants pursue early and effective citizen participation in
1607 conjunction with their applications, allowing them to understand and mitigate
1608 any real or perceived impacts their application may have on the community.

1609 3. Ensure that citizens and property owners are provided with an adequate
1610 opportunity to learn about applications that may affect them and to work with
1611 applicants to resolve concerns at an early stage of the process.

1612 4. Facilitate ongoing communication between the applicant, interested citizens,
1613 and potentially affected property owners, city staff, and elected officials
1614 throughout the application review process.

1615 c. *Submittal requirements.* The applicant may submit a citizen awareness and
1616 participation plan and begin implementation before formal application at the
1617 applicant's discretion. This shall not occur until after the required pre-application
1618 meeting or consultation with the planning department has occurred and any
1619 applicable fees have been paid by the applicant.

- 1620 d. *Meeting requirements.* At a minimum the citizen awareness and participation
1621 meeting shall include the following information:
- 1622 1. Identification of the residents, property owners, interested parties, political
1623 jurisdictions, and public agencies that may be affected by the proposed
1624 development and should be given notice of the meeting.
 - 1625 2. Description of how the notification will be provided to those interested in and
1626 potentially affected by the proposed development.
 - 1627 3. Description of how information will be provided to those interested and
1628 potentially affected relative to the substance of the change, amendment, or
1629 proposed development for which approval is sought.
 - 1630 4. Description of how, and with whom, an opportunity will be provided to those
1631 interested or potentially affected to discuss the proposal and express any
1632 concerns, issues, or problems before the first public hearing.
 - 1633 5. The applicant's schedule for completion of the meeting.
 - 1634 6. Description of how the applicant will keep city officials informed on the status
1635 of citizen participation efforts.
- 1636 e. *Target area for citizen notification.* The level of citizen interest and area of
1637 involvement will vary depending on the nature of the application and the location
1638 of the proposed development. The target area for early notification will be
1639 determined by the administrative official. At a minimum, the target area shall
1640 include the following:
- 1641 1. Property owners within 300 feet of the property proposed for development.
 - 1642 2. The officers of any homeowner's association or registered neighborhood group
1643 within the public notice area as outlined in this section or that may be impacted
1644 by the proposed development.
 - 1645 3. Any person or entity that may be impacted by the proposed development as
1646 determined by the administrative official based upon sound and generally
1647 accepted land use planning practices and principles.
 - 1648 4. Other interested parties who have requested to be placed on an interested
1649 party's notification list maintained by the city.
 - 1650 5. A determination to provide notice in the context of the meeting process shall
1651 not grant standing to any person for the purposes of subsequent legal
1652 challenges or appeals.
- 1653 f. *Citizen awareness and participation report.* When a citizen awareness and
1654 participation meeting is required, the applicant shall provide a written report on the
1655 results of the citizen participation efforts before the publication of the notice of
1656 public hearing. This report will be attached to the city staff's public hearing report.
1657 The report shall, at a minimum, contain the following information:
- 1658 1. Details of techniques used to involve interested and potentially affected parties,
1659 including:

- 1660 a. Dates and locations of all meetings where citizens were invited to discuss
1661 the applicant's proposal.
- 1662 b. Content, dates mailed, and numbers of mailings, including letters, meeting
1663 notices, newsletters, and other publications.
- 1664 c. Location of residents, property owners, and interested parties who received
1665 notices, newsletters, or other written materials.
- 1666 d. The number and names of people who participated in the process.
- 1667 2. A summary of concerns, issues, and problems expressed during the process
1668 and proposed methods of resolution, including by way of example only:
- 1669 a. The substance of the concerns, issues, and problems.
- 1670 b. How the applicant has addressed or intends to address these concerns,
1671 issues, and problems.
- 1672 c. The concerns, issues, and problems the applicant is unwilling or unable to
1673 address and the basis and rationale of the applicant regarding each issue
1674 that has not been addressed.
- 1675
- 1676
- 1677 (b) Except for appeals, as otherwise provided for in this Section, the City Commission shall
1678 provide for a public notice, as used in connection with the phrase "public hearing" or "hearing
1679 with due public notice", for applications involving five percent or more of the land area of the
1680 City in the manner, as provided in F.S. § 166.041, as it may be amended from time to time.
1681 For plan amendments and Development Agreements affecting five percent or more of the
1682 total land area of the City, notice shall be provided, as required by F.S. Ch. 163 as it may
1683 be amended from time to time.
- 1684
- 1685 (c) When an agenda item for a public hearing that was duly advertised and noticed in
1686 accordance with this Section is continued to a date certain, no further notice or
1687 advertisement shall be required. When a hearing is tabled or postponed without a date
1688 certain, the hearing and any subsequent hearing that may have been advertised and noticed
1689 shall be re-advertised and re-noticed in accordance with the requirements of this Section.
- 1690

1691 **Secs. 74-26—74-50. Reserved.**

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1693 ***ARTICLE III. RESERVED***

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1695 **Secs. 74-51—74-68. Reserved.**

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