

RESOLUTION NO. 2020-53

**A RESOLUTION OF THE CITY OF DELTONA, FLORIDA;
GRANTING A CONDITIONAL USE TO PERMIT A
COMMUNITY RESIDENTIAL HOME WITHIN AN R-1A,
SINGLE FAMILY DISTRICT FOR THE PROPERTY
LOCATED AT 1202 SHERBROOK DRIVE, WITHIN THE
CITY OF DELTONA; PROVIDING CONDITIONS,
CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

WHEREAS, the owner has submitted an application for a Conditional Use, CU20-0002, to permit a Community Residential Home within an R-1A, Single Family Residential zoning district; and

WHEREAS, in accordance with Section 110-1102 of the City of Deltona Land Development Code, the City of Deltona held public hearings after due public notice to review the proposed Conditional Use Application, CU20-0002.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA:

Section 1. In accordance with the Code of the City of Deltona, Section 110-1102, the Deltona City Commission hereby grants approval of Conditional Use, CU20-0002, for a community residential home located at 1202 Sherbrook Drive is consistent with Sec. 110-814(c) and subject to the following conditions:

- 1) The applicant shall provide an approval letter from Volusia County Health Department for the existing septic system prior to the issuance of the BTR to ensure the existing septic system is adequate in light of living area expansion at the house. If the existing septic tank is not adequate the applicant will be required to upgrade the existing septic system prior to the BTR issuance.
- 2) The dwelling shall serve no more than two (2) non-related elderly residents within the dwelling.
- 3) All residents and related services shall be directly associated with and regulated by the Agency for Health Care Administration (AHCA).

- 4) The CRH shall remain under management and ownership of Chastity Moye, the property owner of 1202 Sherbrook Drive.
- 5) The applicant shall continue to utilize the dwelling as a primary residence, including maintaining the residence as a homesteaded dwelling.
- 6) No signage shall be allowed besides what is allowed for a home occupation.
- 7) The proposed CRH service is for an AFCH; if the applicant desires to provide any other services, a new conditional use application shall be submitted to the City for review and action.

Section 2. The Conditional Use will be for the property as follows: LOT 1 BLOCK 360 DELTONA LAKES UNIT EIGHT, MAP BOOK 25, PAGES 165-178, per Volusia County public records.

Section 3. Conflicts. All Resolutions or parts of Resolution insofar, as they are inconsistent or in conflict with the provisions of this Resolution are hereby repealed to the extent of any conflict.

Section 4. Severability. In the event any portion of this Resolution is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portion or sections of the Resolution, which shall remain in full force and effect.

Section 5. Effective Date. This Resolution shall become effective immediately upon its adoption. If this Resolution does not begin to serve the purpose for which it is granted within twelve (12) months from the date of adoption, or if its use is abandoned for twelve (12) consecutive months from the date of adoption, it shall expire.

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**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
DELTONA, FLORIDA, THIS _____ DAY OF _____, 2020.**

BY: _____
Heidi K. Herzberg, MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK

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

CITY ATTORNEY