

## **RESOLUTION NO. 2021-35**

**A RESOLUTION OF CITY OF DELTONA, FLORIDA;  
GRANTING A CONDITIONAL USE TO PERMIT A  
DAYCARE CENTER WITHIN AN R1-A, SINGLE-FAMILY  
DISTRICT FOR PROPERTY LOCATED AT 988 ELKCAM  
BLVD, WITHIN THE CITY OF DELTONA; PROVIDING  
CONDITIONS, CONFLICTS, SEVERABILITY, AND AN  
EFFECTIVE DATE.**

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**WHEREAS**, the owner have submitted application for a Conditional Use, CU21-0002, to permit a Daycare Use within an R1-A, 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 CU21-0002.

**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, CU21-0002, for a Daycare Use located at 988 Elkcarn Blvd consistent with Sec. 110-817(f) and subject to the following conditions:

1. A new Business Tax Receipt will need to be applied for prior to the relocation of the daycare center from 875 Elkcarn Boulevard to 988 Elkcarn Boulevard.
2. The applicant must connect to central sewer when service becomes immediately available. Immediately available means on either side of the road.
3. The applicant shall maintain the existing 25-ft side and rear buffers naturally vegetated. The applicant will be required to plant shrubs within the front 25-ft landscape buffer between the two drive isles at a shrub Density, per table 110-5 in section 110-808, as well as, provide foundation plantings along the front of the building which faces the street or parking area per section 110-808(f)(1)a. of the City's Land Development Code.

4. Prior to Certificate of Occupancy, the applicant shall provide an appropriate dumpster location and enclosure in accordance with section 110-808(j) of the City of Deltona Land Development Code.

**Section 2.** The Conditional Use will be for the property as follows:  
TRACT "H", DELTONA LAKES UNIT EIGHT, ACCORDING TO THE PLAT THEREOF  
AS RECORDED IN PLAT BOOK 25, PAGE 169, IN THE PUBLIC RECORDS OF  
VOLUSIA COUNTY, FLORIDA.

**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parts of Resolution insofar as they are inconsistent or in conflict with the provisions of this Resolution are hereby repealed to the extent of any conflict.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.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF  
DELTONA, FLORIDA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

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

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CITY ATTORNEY