

ORDINANCE NO. 2010-

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE II, “ZONING ORDINANCE OF VOLUSIA COUNTY, FLORIDA” TO _____; AMENDING CHAPTER 72, ARTICLE III, “ LAND DEVELOPMENT REGULATIONS” TO _____; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SCRIVENERS ERRORS; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA AS FOLLOWS:

(Words in ~~strike through~~ type are deletions; words in underline type are additions.)

SECTION I: Chapter 72, article II, division 5 of the Code of Ordinances, County of Volusia is amended to read as follows:

Sec. 72-175. Reduction of lot area and width prohibited.

No lot existing on the effective date of the ordinance from which this section derives, shall be reduced in area and width below the minimum requirements of its classification, except lots made up of combinations of nonconforming lots (refer to subsection 72-206(1)), conservation development pursuant to section 72-541, or cluster subdivision lots (refer to the definition of cluster subdivision).

Sec. 72-176. Reduction of yards below certain minimum dimensional requirements prohibited.

No yard existing on the effective date of the ordinance from which this section derives, shall be reduced below the minimum dimensional requirements of its

1 classification except zero lot line lots (refer to section ~~72-304~~540) and conservation
2 development pursuant to section 72-541.

3

4 **SECTION II:** Chapter 72, article II, division 7, section 72-241, of the Code of
5 Ordinances, County of Volusia is amended to read as follows:

6 **DIVISION 7. ESTABLISHMENT OF CLASSIFICATIONS**

7 **Sec. 72-241. Classifications.**

8 ...

9 R-1 URBAN SINGLE-FAMILY RESIDENTIAL CLASSIFICATION

10 ...

11 ~~Cluster and zero lot line subdivisions (refer to section 72-304).~~

12 ...

13 R-2 URBAN SINGLE-FAMILY RESIDENTIAL CLASSIFICATION

14 ...

15 ~~Cluster and zero lot line subdivisions (refer to section 72-304).~~

16 ...

17 R-3 URBAN SINGLE-FAMILY RESIDENTIAL CLASSIFICATION

18 ...

19 ~~Cluster and zero lot line subdivisions (refer to section 72-304).~~

20 ...

21 R-4 URBAN SINGLE-FAMILY RESIDENTIAL CLASSIFICATION

22 ...

23 ~~Cluster and zero lot line subdivisions (refer to section 72-304).~~

1 ...

2 R-6 URBAN SINGLE-FAMILY RESIDENTIAL CLASSIFICATION

3 ...

4 ~~Cluster and zero lot line subdivisions (refer to section 72-304).~~

5 ...

6 **SECTION III:** Chapter 72, article II, division 8 of the Code of Ordinances,
7 County of Volusia is amended to read as follows:

8 **DIVISION 8. SUPPLEMENTARY REGULATIONS**

9 ...

10 **Sec. 72-277. Exceptions to minimum yard or lot coverage requirements.**

11 ...

12 (15) Notwithstanding dimensional requirements set forth in residential
13 zoning classifications Section 72-241, urban cluster dwelling and zero lot
14 line residential subdivisions may be developed in R-1, R-2, R-3, R-4, and
15 R-6 Urban Single-Family Residential Classifications pursuant to Section
16 72-540. The total lot area covered with principal and accessory buildings
17 shall not exceed 40 percent. The lot width shall be a minimum of 45 feet,
18 the size of each lot shall not be less than 5,000 square feet and the setbacks
19 shall be:

20 Front yard: 25 feet, except on a corner lot, one of the front yards
21 may be reduced to 15 feet provided the effective length of any
22 driveway is not less than 25 feet..

23 Rear yard: 20 feet; accessory structures 5 feet.

1 Waterfront yard: 25 feet.

2 Side yard: 5 feet for non-zero-lot-line lots, 0 feet on one side and
3 15 feet on the other side yard for zero-lot-line lots; accessory
4 structures 5 feet.

5 (16) Notwithstanding dimensional requirements set forth in the zoning
6 classifications Section 72-241, conservation development pursuant to
7 Section 72-541 may be developed in FR, RC, A-1, A-2, A-3, A-4, RA,
8 RE, RR, MH-3, MH-4, and MH-8 and shall not require minimum lot size
9 or maximum lot coverage. Such lots created under Section 72-541 shall
10 not be considered substandard regardless of width or depth. Minimum
11 setbacks shall be:

12 Front yard: 20 feet and 25 feet to any garage.

13 Side yards: 5 feet.

14 Rear yard: 30 feet for single family dwellings; 15 feet for
15 accessory buildings.

16 (17) Notwithstanding dimensional requirements set forth in the zoning
17 classifications in Section 72-241, family homestead exceptions pursuant to
18 Section 72-538 shall be not less than one (1) acre and a minimum
19 setbacks shall be:

20 Front yard: 40 feet

21 Rear yard: 40 feet

22 Side yard: 25 feet

23 Waterfront yard: 40 feet.

1 ...

2 **Sec. 72-280. Erection of more than one principal structure on a lot.**

3 ...

4 (e) More than one principal structure may be allowed in a conservation
5 development on that area of the development designated for agri-business or eco-tourism
6 as approved through the subdivision.

7 ...

8 **Sec. 72-290. Additional regulations for certain permitted principal uses.**

9

10 (12) Conservation Development. Property utilizing the conservation
11 development provision Section 72-241 shall be allowed the additional
12 permitted principals uses and structures for agriculture, silviculture, sales
13 of agricultural products, equestrian boarding facilities, eco-tourism and
14 agri-tourism facilities including guesthouse, bed and breakfast,
15 boardinghouse, boardwalks and trails, and neighborhood scaled
16 commercial development as provided for in section 72-541.

17 **Sec. 72-291. Final site plan.**

18 (a) *Procedure.* Where final site plan is required by this article, it shall be
19 submitted to the growth management department. An approved final site plan
20 shall expire as provided in division 1, subsection 72-504(9), of the Land
21 Development Code [article III].

22 (b) *Modification of development standards for site plan approval.* This
23 subsection is established to provide standards and procedures for the granting of

1 administrative modifications of development standards. The modification of
2 standards is specifically intended to promote high standards for final site plan
3 reviews under division 3 of the county Land Development Code [article III],
4 provide flexibility in the administration of standards in recognition of site specific
5 conditions, and to establish conditions to ensure compatibility where standards are
6 modified.

7 (1) The zoning enforcement official may approve a maximum
8 reduction of up to ~~ten~~ twenty percent of the required minimum yard
9 setbacks for principal and accessory buildings and/or the number of
10 required parking spaces upon making a finding that the adjustment will
11 protect and encourage the preservation of large canopy, specimen or
12 historic trees, is for commercial uses within a conservation development,
13 or is for a principal commercial structure that is less than 3,000 gross floor
14 area.

15 ~~(2) The zoning enforcement official shall be authorized to approve the~~
16 ~~modification of the request based upon the requirements of this resolution.~~
17 Such modifications shall be deemed to have no effect on adjacent
18 properties.

19 (3) Applications for modification of standards may be reviewed prior
20 to application for final site plan review or may be made in conjunction
21 with final site plan review. Application shall be made to ~~the~~ growth
22 management ~~services~~ ~~group~~ in conformance with the submittal
23 requirements of this section.

1 (4) Upon acceptance of the application, the zoning enforcement
2 official shall review it and render a decision approving, approving with
3 conditions, or denying the request. A modification of standards report
4 shall be issued and be attached the final site plan.

5 (5) An appeal of a decision of the zoning enforcement official shall be
6 to the county council, and shall be filed under section 72-378 of this
7 article.

8 ...

9 **Sec. 72-300. Natural resource management area.**

10 ~~(a) — *Purpose and intent:* The purpose of this section is to provide regulations~~
11 ~~to manage and enhance those lands and waters which, because of past~~
12 ~~development trends and physiographic characteristics, have remained relatively~~
13 ~~unfragmented. These areas, among other functions, may support a healthy and~~
14 ~~diverse array of plant and animal life; continually help recharge the county's~~
15 ~~groundwater supply; ensure high quality surface waters; and provide recreation,~~
16 ~~aesthetic and open space areas that have become an integral part of the quality of~~
17 ~~life for Volusia County residents and visitors. It is intended that the development~~
18 ~~of land within the natural resource management areas (NRMA) does not~~
19 ~~adversely impact the quality and quantity of the existing resources. Development~~
20 ~~activities within the NRMA are intended to be more restrictive than for the same~~
21 ~~activities falling outside of the NRMA. The natural resource management area is~~
22 ~~consistent with the future land use map of the comprehensive plan.~~

1 ~~(b) — *Environmental impact assessment:* As required by subsection 72-505(i) of~~
2 ~~the Land Development Code [article III], an environmental impact assessment~~
3 ~~(EIA) report is required for proposed developments within the NRMA. The report~~
4 ~~shall be submitted and reviewed in the manner prescribed by the Land~~
5 ~~Development Code [article III]. Approval of this report is required prior to the~~
6 ~~issuance of a development permit.~~

7 ~~(c) — *Wetlands preservation:* All wetlands within the NRMA are to be~~
8 ~~preserved as required by division 11 of the Land Development Code [article III].~~

9 ~~(d) — *Shoreline protection:*—~~

10 ~~(1) — The construction of vertical walls or bulkheads along the banks~~
11 ~~and shorelines of naturally occurring surface water bodies is prohibited~~
12 ~~except as may be waived by the county council for those instances where a~~
13 ~~serious threat to life or property can be demonstrated.~~

14 ~~(2) — Other methods of bank and shoreline stabilization (i.e.; sloping~~
15 ~~stabilization methods combined with vegetation) shall be used, to the~~
16 ~~maximum extent feasible, in lieu of vertical walls or bulkheads when~~
17 ~~hardening of the shoreline has been approved.~~

18 ~~(e) — *Upland protection:*—~~

19 ~~(1) — Any required open space for projects within the NRMA (as~~
20 ~~specified by the comprehensive plan) shall be utilized to preserve upland~~
21 ~~habitat in an ecologically strategic manner (e.g. adjacent to wetlands,~~
22 ~~watercourses and water bodies and other protected resources). Required~~
23 ~~buffers consisting of uplands may count towards achieving this standard.~~

1 ~~(2) — Disturbance or alteration of environmentally sensitive uplands~~
2 ~~shall be avoided to the greatest extent practical. If unavoidable to attain~~
3 ~~reasonable use, such disturbances must be minimized and/or mitigated and~~
4 ~~appropriately managed as described and approved in the required EIA.~~

5 ...

6 ~~**Sec. 72-304. Clustering of dwelling units and zero lot line residential subdivisions.**~~

7 ~~(a) — *Purpose and intent:* A development design technique that permits a~~
8 ~~reduction in lot area by concentrating building in a specific area to allow the~~
9 ~~remaining land to be used for recreation, open space, or preservation of~~
10 ~~environmentally sensitive areas. This technique allows for a reduction in lot area~~
11 ~~provided there is no increase in the number of lots that are permitted under a~~
12 ~~conventional subdivision.~~

13 ~~(b) — The following regulations shall apply to cluster and zero lot line~~
14 ~~subdivisions:~~

15 ~~(1) — The subdivision must be platted for this type of development, in~~
16 ~~accordance with the Land Development Code [article III].~~

17 ~~(2) — Minimum lot size: 5,000 square feet.~~

18 ~~Minimum lot width: 45 feet.~~

19 ~~(3) — All lot area reduction amounts shall be combined to set aside an~~
20 ~~equivalent land area for common open space or for preserving~~
21 ~~environmentally sensitive areas that are not jurisdictional wetland under~~
22 ~~county, state or federal regulations. The set-aside area cannot be used for~~
23 ~~stormwater retention or detention.~~

1 (4) ~~The minimum setbacks for the principal structure shall be:~~

2 • ~~Front yard: 25 feet, except on a corner lot, one front yard~~
3 ~~may be reduced to 15 feet.~~

4 • ~~Rear yard: 20 feet.~~

5 • ~~Waterfront yard: 25 feet.~~

6 • ~~Side yard: 5 feet for non zero lot line lots, 0 feet on one~~
7 ~~side and 15 feet on the other side yard for zero lot line lots.~~

8 • ~~Where a dwelling unit is located on a lot line, a legal~~
9 ~~provision acceptable to the county council shall be made for~~
10 ~~permanent access to maintain the exterior portion of the dwelling~~
11 ~~unit wall along the zero lot line.~~

12 • ~~Doors or other access openings are prohibited on the zero~~
13 ~~lot line side of the dwelling unit.~~

14 • ~~Maximum lot coverage: The total lot area covered with~~
15 ~~principal and accessory buildings shall not exceed 35 percent.~~

16 (5) ~~Accessory structures shall be located behind the frontmost part of~~
17 ~~the principal structure and shall have the following side and rear setbacks:~~

18 ~~Rear yard: Five feet.~~

19 ~~Waterfront yard: 25 feet.~~

20 ~~Street side yard: 15 feet.~~

21 ~~Side yard: Five feet.~~

22 (6) ~~The maximum permissible density of the cluster subdivision shall~~
23 ~~be consistent with that permitted by the corresponding future land use~~

1 ~~designation accorded the property by the future land use element of the~~
2 ~~comprehensive plan.~~

3 ~~(7) All other requirements of the applicable zoning classification shall~~
4 ~~be met.~~

5 ~~(8) All cluster and/or zero lot line subdivisions shall adhere to all~~
6 ~~applicable requirements of the Land Development Code.~~

7 ~~(e) [Repealed.]~~

8 ~~(d) Cluster Subdivisions: [Repealed.]~~

9 **SECTION IV:** Chapter 72, article III, division 1 of the Code of Ordinances,
10 County of Volusia is amended to read as follows:

11 **DIVISION 1. DEVELOPMENT PROCEDURES AND REQUIREMENTS**

12 ...

13 **Sec. 72-505 Determination and offsetting of impact on public services and facilities**
14 **of Volusia County.**

15 ...
16 ...

17 ~~(i) Protection of Natural Resource Management Areas. Proposed~~
18 ~~developments which will directly or indirectly impact natural resource~~
19 ~~management areas (NRMA) as provided in the land use element of the~~
20 ~~comprehensive plan, shall produce minimal adverse effects on those areas.~~
21 ~~Acquisition of all applicable county, state and federal environmental permits shall~~
22 ~~be prima facie evidence of compliance with this provision.~~

23 ~~(1) An application for development of any land identified as a NRMA~~
24 ~~shall include an environmental impact assessment (EIA) report by a~~
25 ~~qualified environmental consultant identifying the effects that the~~

1 ~~proposed development would have on the area. At a minimum, the EIA~~
2 ~~shall include the information and findings resulting from the permitting~~
3 ~~requirements for the following: wetland protection, tree protection,~~
4 ~~surface and stormwater management, land clearance, air quality,~~
5 ~~protection of environmental sensitive land and critical habitat, and~~
6 ~~protection of endangered and threatened species. The EIA is to be~~
7 ~~reviewed by the environmental management department (EMD) in~~
8 ~~accordance with policies set out in chapter 12, the conservation element of~~
9 ~~the comprehensive plan. That assessment shall be considered by the DRC~~
10 ~~and/or county council during review of an application.~~

11 ~~(2) For the purpose of this article, the applicant shall not have met the~~
12 ~~procedural requirements for the submittal of a complete application until~~
13 ~~an EIA has been submitted where required.~~

14 (ji) *Tree protection measures.* The existing trees and tree coverage of a
15 proposed development shall be adequately maintained and protected through
16 consideration, to the maximum extent possible, of the standards and requirements
17 of division 10 of this article.

18 (kj) *School system sites in new residential development.* In order to provide
19 for lands to be used to meet the need for school sites created by new residential
20 development, a developer may dedicate land acceptable to the Volusia County
21 School Board of suitable size, dimension, soil type, topography and general
22 character to meet the need for school sites created by the development. Land to be
23 utilized as school sites in connection with proposed development shall be of

1 sufficient size and dimensions, shall be in a suitable location, shall have adequate
2 accessibility, and shall be transferred in an appropriate manner as determined by
3 the Volusia County School Board.

4 (~~h~~) *Availability of solid waste facilities.* The availability and capacity of solid
5 waste facilities shall be as provided in division 14 of this article.

6 (~~m~~) *Availability of pedestrian and bicycle circulation facilities.*

7 (1) The availability of pedestrian and bicycle facilities shall be
8 provided as required in chapter 13 of the Volusia County Comprehensive
9 Plan, Ordinance No. 90-10, as amended, and section 72-620 of this article.

10 (2) There is hereby established a Volusia County Sidewalk
11 Improvement Trust Fund. Money deposited in this fund shall be used for
12 the purpose of constructing pedestrian and bicycle facilities in areas
13 determined by the county to be needed for the safety and convenience of
14 the pedestrians and bicyclists of the county. The trust fund shall be divided
15 into as many sub funds as there are road impact fee zones established by
16 chapter 70, article III, Code of Ordinances. Money paid into the trust fund
17 shall be deposited into the appropriate sub fund as determined by the
18 location of the development under consideration.

19 a. The DRC or county council in their consideration of a
20 development application may approve the payment of money into
21 the trust fund in lieu of construction of the sidewalks required by
22 section 72-620.

1 b. The amount of money to be paid in lieu of construction
2 shall be determined by the county engineer by establishing the
3 average cost of constructing such facilities. The county engineer
4 shall review such cost annually and certify such cost to the LDM
5 prior to October 1 of each year. Such cost shall be utilized by the
6 LDM to make a determination of the amount of money owed by
7 the developer as payment into the trust fund. The DRC may
8 approve a different amount of money to be paid into the trust fund
9 by the developer based upon the actual cost of constructing the
10 facilities in the development as evidenced by a construction bid,
11 submitted by the developer and verified by the county
12 development engineer (CDE), for that purpose.

13 c. The total amount of money owed shall be paid to the LDD
14 prior to or concurrent with issuance of a building permit for a site
15 development or prior to recording the final plat for a subdivision
16 development. The county shall keep a record of all money paid
17 into the trust fund and shall, upon payment, deposit the money into
18 the appropriate sub fund. Payment of all the money owed by the
19 developer shall constitute full payment of the money necessary for
20 the county to construct the required facilities at the location of the
21 development at any future time deemed appropriate by the county
22 council.

Section 72-506. Natural Resource Management Area Overlay and Environmental Core Overlay.

(a) *Purpose and intent:* The purpose of this section is to provide regulations to manage and enhance those lands and waters which, because of past development trends and physiographic characteristics, have remained relatively unfragmented. These areas, among other functions, may support a healthy and diverse array of plant and animal life; continually help recharge the county's groundwater supply; ensure high-quality surface waters; and provide recreation, aesthetic and open space areas that have become an integral part of the quality of life for Volusia County residents and visitors. It is intended that the development of lands within the natural resource management area overlay (NRMA) and environmental core overlay (ECO) does not adversely impact the quality and quantity of the existing resources. Development activities within the NRMA and ECO are intended to be more restrictive than for the same activities falling outside of NRMA and ECO. The applicant for a development of any land identified in ECO shall be encouraged to develop the property as a conservation development pursuant to Section 72-540.

(b) *Wetlands preservation:* All wetlands within the NRMA and ECO shall be subject to the most restrictive protective measures as set forth in Chapter 50, Volusia County Code of Ordinances. Impacts on high functioning wetlands or surface waters within NRMA and impacts to moderate or high functioning wetlands or surface waters within ECO shall be presumed avoidable and shall not be permitted unless the applicant demonstrates that the impact is required for access to the site or the impact is necessary for the reasonable use of the property

1 which can only be accomplished if the wetland is impacted and proposed
2 alteration is the minimum necessary for development. The development
3 application shall demonstrate the extent to which a proposed project must be
4 located within a wetland or water body in order to perform the project's basic
5 function in order to receive a wetland alteration permit under Division 11 of this
6 Article.

7 (c) Shoreline protection:

8 (1) The construction of vertical walls or bulkheads along the banks and
9 shorelines of naturally occurring surface water bodies is prohibited except
10 as may be waived by the county council for those instances where a
11 serious threat to life or property can be demonstrated.

12 (2) Other methods of bank and shoreline stabilization (i.e.; sloping
13 stabilization methods combined with vegetation) shall be used, to the
14 maximum extent feasible, in lieu of vertical walls or bulkheads when
15 hardening of the shoreline has been approved.

16 (d) Upland protection:

17 (1) Any required open space for projects within the NRMA or ECO
18 shall be utilized to preserve upland habitat in an ecologically strategic
19 manner (e.g. adjacent to wetlands, watercourses and water bodies and
20 other protected resources). Required buffers consisting of uplands may
21 count towards achieving this standard.

22 (2) Disturbance or alteration of environmentally sensitive uplands
23 shall be avoided to the greatest extent practical. If unavoidable to attain

1 reasonable use, such disturbances must be minimized and/or mitigated and
2 appropriately managed.

3 **SECTION V:** Chapter 72, article III, division 2 of the Code of Ordinances,
4 County of Volusia is amended to read as follows:

5 **DIVISION 2. SUBDIVISION REGULATIONS***

6 **Sec. 72-536. Purpose.**

7 ...

8 (b) *Prohibitions on transfer of lots and issuance of development or building*
9 *permits for lots not in compliance with this division.* It shall be a violation of this
10 division for anyone who is the owner or agent of the owner of any land to
11 transfer, sell, agree to sell, or negotiate to sell such land by reference to,
12 exhibition of, or other use of a plat of a subdivision of such land without having
13 the plat approved as required by this division. A subdivision plat is required to be
14 approved by the county council and recorded in the public records, except as
15 provided herein. ~~In addition, No~~ development permit or building permit shall be
16 issued on any lot unless that lot is in compliance with this division.

17 **Sec. 72-537. Exemption or vested rights.**

18 (a) *Exempt activities.* The following activities are exempt from the provisions
19 of this division, provided said activities are consistent with the Volusia County
20 Comprehensive Plan, Ordinance No. 90-10, as amended, Article II, Chapter 72
21 the Zoning Ordinance of Volusia County, Florida, and division 14 of this article.

22 ...

23 **Section 72-538 ~~Sketch Plan review~~ Family Homestead Exception.**

1 ~~(a) — The intent of this review is to give the developer an opportunity to~~
2 ~~introduce a proposed subdivision to the development review committee (DRC) for~~
3 ~~the purpose of familiarizing the developer with a broad range of DRC~~
4 ~~considerations prior to the preparation of detailed plan documents. These~~
5 ~~considerations include, but are not limited to, such items as the comprehensive~~
6 ~~plan, county development policies and regulations, other development in the~~
7 ~~vicinity of the proposed subdivision, soil types, area drainage patterns, floodplain~~
8 ~~and flood-prone areas, and the capability of the land to support the proposed~~
9 ~~development. One specific purpose of this procedure is to provide the applicant~~
10 ~~with staff comments concerning flood-prone areas in the proposed subdivision~~
11 ~~and to provide staff recommendations concerning those flood-prone areas and the~~
12 ~~level of development considered to be acceptable by the DRC.~~

13 ~~(b) — *Procedures.* —~~

14 ~~(1) — An application for sketch plan review shall be filed and processed~~
15 ~~pursuant to subsections 72-504(1) through 72-504(5). Exhibits shall be~~
16 ~~submitted in sufficient copies, as determined by the LDM, to meet the~~
17 ~~requirements of the DRC and any additional agency deemed to be a~~
18 ~~concerned review agency.~~

19 ~~(2) — A developer may elect to omit the sketch plan review and proceed~~
20 ~~directly to the overall development plan (ODP) review at section 72-539.~~
21 ~~If the sketch plan review is omitted, the DRC shall consider the extent to~~
22 ~~which the flood-prone area shall be developed in accordance with this~~
23 ~~section at the overall development plan review stage.~~

1 (e) — ~~Required submittals.~~ Sketch plan shall be drawn at a scale no smaller than
2 one inch equals 200 feet and shall illustrate clearly:-

3 (1) — ~~Vicinity map at a scale no smaller than one inch equals 2,000 feet~~
4 with sufficient information to locate the property in the field.

5 (2) — ~~Total acreage.~~

6 (3) — ~~Flood prone area (if applicable).~~

7 (4) — ~~Water bodies or courses.~~

8 (5) — ~~Swamp or wetland areas as defined herein.~~

9 (6) — ~~Specific soil types and their limitations for planned use. Soil~~
10 ~~information is to be taken from the most recent soil survey of Volusia~~
11 ~~County, Florida. The soil types and boundaries shall be delineated on the~~
12 ~~plan.~~

13 (7) — ~~Graphically depict on plan, predominant plant communities and~~
14 ~~identify types by common name and location.~~

15 (8) — ~~Parcel number according to Volusia County Property Appraiser's~~
16 ~~Office.~~

17 (9) — ~~Topography of the site at not more than five-foot vertical contour~~
18 ~~intervals based on mean sea level data furnished by a professional~~
19 ~~engineer or surveyor. The topographical survey shall be consistent with~~
20 ~~current land development.~~

21 (10) — ~~Tentative layout of street system, lot patterns, drainage systems,~~
22 ~~approximate subdivision boundaries and existing zoning.~~

1 ~~(11) Areas that may be reserved for parks or recreation sites,~~
2 ~~conservation easements, or natural open space areas.~~

3 ~~(12) Streets adjacent to the tract, including rights-of-way and pavement~~
4 ~~widths, and driveways on both sides of adjacent streets within 300 feet of~~
5 ~~proposed development.~~

6 ~~(13) Lots and blocks of adjacent recorded plats, giving plat book and~~
7 ~~page number along with names of such plats.~~

8 ~~(14) Current zoning and existing uses of subject property and of~~
9 ~~adjacent and surrounding properties.~~

10 ~~(15) Proposed location of water and wastewater treatment facilities.~~

11 ~~(16) All existing on site or adjacent easements, including drainage,~~
12 ~~electricity, gas, water, wastewater or other pipeline or utility easements.~~

13 ~~(17) The legal description of the property proposed for platting.~~

14 ~~(18) Any other appropriate information thought necessary by the~~
15 ~~prospective applicant to make a schematic presentation.~~

16 ~~(19) Identify known wildlife corridors for federal and state endangered~~
17 ~~species, threatened species or species of special concern.~~

18 ~~(20) Identify known plants and animals which inhabit the site that are~~
19 ~~listed as federal and state endangered species, threatened species or~~
20 ~~species of special concern.~~

21 ~~(21) Identify known historic and archaeological sites.~~

22 ~~(d) *DRC review.* The DRC shall review the application and informally~~
23 ~~discuss with the applicant any steps necessary to bring the application into~~

1 compliance with the requirements of this article. Thereafter, the applicant may
2 submit an ODP application pursuant to section 72-539.

3 (e) ~~— *Flood-prone areas.* If the DRC determines that a development lies within~~
4 ~~a flood-prone area, it shall provide written recommendations to the applicant~~
5 ~~regarding the level of development that may be acceptable in such areas. DRC~~
6 ~~recommendations may address preservation of land contour, species preservation,~~
7 ~~development and maintenance of aesthetic values such as scenic views and~~
8 ~~maintenance of freedom of movement of wildlife.~~

9 In defining the flood-prone areas, the DRC shall consider topography, flood maps,
10 soil conditions, vegetation, seasonal high-water table, manmade drainage systems and the
11 storage capacity thereof, natural watersheds, watercourses and basins. The applicant shall
12 provide the DRC with the information it deems necessary regarding these items.

13 (f) ~~— *Request for determination by county council.* If the applicant is aggrieved~~
14 ~~by the DRC's recommendations regarding development in flood-prone areas,~~
15 ~~he/she may request an appeal to the county council. Appeals must be filed with~~
16 ~~the LDD within 20 working days following the transmission of the DRC's~~
17 ~~recommendations to the applicant and must state with particularity the points of~~
18 ~~disagreement and the specific basis for such disagreement. All other DRC~~
19 ~~recommendations are advisory only and not subject to county council review~~
20 ~~under this appeal.~~

21 The appeal to the county council may be based only on evidence reviewed by the
22 DRC. No additional evidence shall be submitted to the county council by either the
23 applicant or the DRC subsequent to the DRC's review. Provided, however, the applicant

1 ~~may submit additional evidence to the DRC within 20 working days following the~~
2 ~~transmission of the DRC's recommendations to the applicant. Within 20 working days~~
3 ~~following the receipt of the additional evidence by the DRC, it shall then transmits its~~
4 ~~written response to the additional evidence to the applicant. The time to appeal to the~~
5 ~~county council shall begin to run upon the applicant's receipt of the response from the~~
6 ~~DRC.~~

7 (a) One family homestead exception may be granted on a parcel designated
8 on the comprehensive plan's future land use map as Forestry Resource (FR) or
9 Agriculture Resource (AR) without meeting the density standards of the land use
10 designation. A family homestead exception shall be used solely as a homestead by
11 an immediate family member of the person who conveyed the property for
12 subdivision as set forth in Section 163.3179, Florida Statutes upon the following
13 conditions:

14 (1) Each application for family homestead exception shall be
15 accompanied by personal identification and proof of relationship, to
16 establish the required immediate family member status of both the owner
17 of the parent parcel and the immediate family member. The personal
18 identification shall consist of original documents or notarized copies from
19 public records. Such documents may include birth certificates, adoption
20 records, marriage certificates, and other public records; and

21 (2) As part of the application for a family homestead exception, the
22 immediate family member shall provide an affidavit stating that the family
23 homestead lot is being created for use solely as a homestead by the

1 immediate family member, and that the family member shall occupy the
2 residence; and

3 (3) The parent parcel is a minimum of twenty-five (25) acres in size,
4 and is within the FR or A-1 zoning classifications; and

5 (4) A dependent lot created by a family homestead exception shall not
6 be less than one (1) acre.

7 (5) Only one (1) such subdivision shall be allowed per parent parcel.
8 A division under this section shall not create a new parent parcel for
9 purposes of a future family homestead exception.

10 (6) Any lot created under this section adjacent to a thoroughfare road
11 and proposed to have individual direct access onto said thoroughfare shall
12 have at least 300 feet of frontage on the thoroughfare road.

13 (7) Each lot shall have a minimum of 10,000 sq. ft. of contiguous
14 building area outside of the 100-year flood plain and shall have both a
15 buildable area and access outside any wetland and/or flood-prone areas.

16 (8) Any impact to wetland or wetland buffer shall be approved
17 pursuant to Division 12 of this Article.

18 (9) Any new driveway access from a public road must be constructed
19 consistent with a use permit issued under Division 6 of this Article, or
20 with an FDOT permit prior to final approval. Existing connections may
21 be required to be improved as determined by the CDE.

22 (10) Subdivisions submitted under this section are to be reviewed
23 pursuant to the process set forth in section 72-546. The LDM may accept

1 a current boundary survey, performed within the last two (2) years of the
2 property prepared by a registered professional surveyor and mapper
3 licensed to practice in the State of Florida to include all above-ground
4 improvements, access easements of record, and the limits of all adjacent
5 right-of-way may be approved by the LDM in lieu of the submission
6 requirements set forth therein.

7 (b) If the applicant meets all of the above requirements for a family
8 homestead exception, then a family homestead certificate will be issued which
9 sets forth the legal description of the parent parcel and dependant lot.

10 (1) The recipient of a family homestead exception shall record the
11 family homestead exception certificate and the affidavit with the clerk of
12 the circuit court for Volusia County. A legal description of the dependent
13 lot created by the exception must also be recorded. Proof that the required
14 documents have been recorded must be submitted with any application for
15 a building permit on a family homestead lot prior to approval by the
16 county.

17 (2) The recipient of a family homestead exception shall file a
18 declaration with the clerk of the circuit court for Volusia County that the
19 roadway is a private road, which is neither dedicated to nor accepted by
20 Volusia County, that the maintenance of the road is not the responsibility
21 of the county, regardless of use by public service vehicles, and that the
22 recipient and any subsequent titleholder shall maintain the road in a

1 manner to make it accessible for service delivery as determined by fire
2 rescue and public works.

3 **Sec. 72-539 Unpaved Road Subdivisions.**

4 (a) Certain subdivisions may be approved on unpaved private roads which
5 meet the design and construction criteria as set forth in Division 4 of this article,
6 upon the following conditions:

7 (1) Such subdivisions shall be platted and approved by the county
8 council.

9 (2) Only one such subdivision shall be allowed per parent parcel
10 existing as of (the date of this ordinance), which shall not be divided into
11 more than ten (10) lots. A parent parcel existing as of (the date of this
12 ordinance) shall not be divided into more than ten (10) lots, including
13 residual lands, unless the roads are paved through out the subdivision.

14 (3) When an unpaved road is initiated, it may only extend 1,320 feet
15 from a county maintained roadway, which has been established as the
16 beginning point of the project.

17 (4) No additional lots or further subdivision may be created on such
18 unpaved road unless it is paved to county standards as set forth in division
19 4 of this article.

20 (5) A private unpaved road may connect to an unpaved public road
21 provided said road has deeded right-of-way to a paved public road,
22 including right of way to accommodate any design features as set forth in
23 Table II, Section 72-612.

1 (6) The total number of lots served by an unpaved road cannot exceed
2 ten (10).

3 (7) Each lot, parcel or tract of land shall meet the minimum lot width
4 and area requirements of Article II, the zoning ordinance, but shall not be
5 less than two and one-half (2 ½) acres.

6 (8) The proposed unpaved roads shall meet the stormwater criteria as
7 set forth in division 8 of this article. Regardless of the selected road
8 material, the driving surface shall be assumed to be impervious for
9 stormwater design purposes.

10 (9) The roads must meet the design criteria as set forth in Table II,
11 Section 72-612. Roadside swale storage is an acceptable method for
12 meeting the stormwater criteria.

13 (10) The minimum centerline elevation for the roads shall conform to
14 section 72-612(k) and subsection 72-619.

15 (11) Each lot served by the unpaved road shall have a minimum of
16 10,000 sq. ft. of contiguous building area outside of the 100-year flood
17 plain.

18 (12) Any impact to a wetland or wetland buffer must be approved
19 pursuant to Division 11 of this article.

20 (13) The private unpaved road shall be set aside for common ownership
21 and maintenance, which shall be borne by the lot owners using the
22 unpaved road for access. A “Notice to Future Land Owners” declaring
23 that the roadway is a private road that is neither dedicated to nor accepted

1 by Volusia County and that the maintenance of the road is not the
2 responsibility of the county, regardless of use by public service vehicles
3 shall be filed with the clerk of the circuit court for Volusia County. Said
4 “Notice to Future Land Owners” shall be on a form approved by the LDM
5 office prior to final approval which, and shall included at a minimum the
6 overall legal description, tax parcel number, and property owner, and state
7 the following:

8 a. “No governmental agency, including the government of
9 Volusia County, shall ever be responsible for the maintenance,
10 repair, upkeep, or improvements of any drives, roads, streets,
11 easements, or rights-of-way providing ingress and egress to the
12 property herein conveyed.”; and

13 b. “It is the responsibility of any future landowner to
14 determine the maintenance responsibility for any access or
15 roadway serving the property, whether or not a property owner’s
16 association has been created, and the status of any required
17 association payments.”; and

18 c. “The approval of the subdivision is not a finding by the
19 county as to the quality, function, and legal right of access to the
20 properties herein, and the county is not responsible to ensure
21 acceptable access for the residents’ access and for accessory access
22 including, but not limited to, emergency services, trash pickup,
23 mail delivery, delivery/service vehicles, guests or other invitees.”

1 (14) Any connection to an existing publicly maintained road by any
2 new road or access easement serving two (2) or more lots must be
3 constructed consistent with a use permit issued under Division 6 herein or
4 with an FDOT permit prior to final approval. Existing connections may
5 be required to be improved as determined by the CDE.

6 (15) Homeowners' associations shall be created to maintain the roads
7 created within the subdivision. However, the failure of the Homeowners'
8 association to maintain the roads, collect dues, or retain its corporate status
9 shall not be deemed to be a matter for a code enforcement under Chapter
10 162, Florida Statutes.

11 (16) The subdivision meets all other requirements of Article III, Land
12 Development Regulations, Chapter 72.

13 **Sec. 72-540 Clustering of dwelling units and zero lot line residential subdivisions.**

14 (a) A cluster dwelling unit or zero lot line residential subdivision is a
15 development design technique that permits a reduction in lot area by
16 concentrating building in a specific area to allow the remaining land to be used for
17 recreation, open space, or preservation of environmentally sensitive areas. This
18 technique allows for a reduction in lot area provided there is no increase in the
19 number of lots that are permitted under a conventional subdivision.

20 (b) All lot area reduction amounts shall be combined to set aside an equivalent
21 land area for common open space or for preserving environmentally sensitive
22 areas that are not jurisdictional wetland under county, state or federal regulations.
23 The set-aside area cannot be used for stormwater retention or detention.

1 (c) The maximum permissible density of the cluster subdivision shall be
2 consistent with that permitted by the corresponding future land use designation
3 accorded the property by the future land use element of the comprehensive plan.

4 (d) Where a dwelling unit is located on a lot line, a legal provision acceptable
5 to the county council shall be made for permanent access to maintain the exterior
6 portion of the dwelling unit wall along the zero lot line.

7 (e) Doors or other access openings are prohibited on the zero lot line side of
8 the dwelling unit.

9 **Sec. 72-541. Conservation Development**

10 (a) A conservation development is created to encourage the efficient use of
11 land and resources, promote greater efficiency in public utility services, and to
12 encourage innovation in the planning and building of all types of development
13 and provides a tool to conserve significant natural resources or active agriculture
14 by:

15 (1) Permanently preserving and integrating open space into
16 neighborhoods;

17 (2) Offering landowners alternatives to conventional large lot tract
18 development in a rural area;

19 (3) Establishing a less sprawling, more efficient use of land, streets
20 and utilities;

21 (4) Preserving natural topography and wooded areas;

22 (5) Creating usable and accessible open space, recreational areas, and
23 green corridors for wildlife, walking trails and/or bike paths;

1 (6) Encouraging creativity in design through a controlled process of
2 review and approval of the development plan and related documents; and

3 (7) Creating incentives for land owners to conserve natural resources
4 as part of the development process.

5 (b) A conservation development subdivision of a parcel of land shall meet the
6 following criteria:

7 (1) The minimum tract size for a conservation development shall be 80
8 acres.

9 (2) At least sixty (60) percent of the gross land area of the proposed
10 subdivision shall be designated as undivided, permanently protected open
11 space, managed for either agriculture or conservation purposes, and on
12 which the underlying development rights of the open space have been
13 severed through a permanent conservation easement. Open space shall be
14 arranged to preserve the function, purpose and integrity of the on-site
15 natural resources to the maximum extent practicable. Lands within the
16 ECO overlay shall be designated as open space as set forth in the Smart
17 Growth Initiative provisions of the Future Land Use Element of the
18 Volusia County Comprehensive Plan. Open space shall be identified as a
19 separate tract on the final plat. Open space shall consist of Primary and
20 Secondary Conservation Areas, Improved Common Open Space, and/or
21 Active Agricultural Areas.

22 a. Primary Conservation Areas- wetlands, watercourses, water
23 bodies and associated buffers, land within 660 feet of an active

1 bald eagle nest and lands conserved for protection of flora, fauna,
2 and habitat. Such lands shall be managed as natural open space
3 and maintained in a natural or restored condition as set forth in the
4 Conservation Management Plan required herein.

5 b. Secondary Conservation Areas - other selected areas which
6 contain attractive spaces that are unique to the rural character of
7 the site, as determined by the on site walkabout and agreed to as
8 part of the conceptual development plan.

9 c. Improved Common Open Space- open space set aside for
10 passive recreational purposes. These areas may contain accessory
11 buildings and improvements necessary and appropriate for
12 recreational uses and public uses as shown on the development
13 plan including areas required for stormwater management and
14 septic drainage systems designed to ensure compatibility with the
15 environment.

16 d. Active Agricultural Areas – improved land used for bona
17 fide agriculture uses subject to Best Management Practices of the
18 Florida Department of Agriculture and Consumer Services
19 including structures and facilities to support bona-fide agricultural
20 uses.

21 (3) The buildable area to support the residential and neighborhood
22 scaled commercial development shall not exceed forty percent (40%) of
23 the gross land area, be confined to the areas most suitable for development

1 and designed to define a compact developable footprint. Density shall be
2 calculated based on the underlying zoning. Lots shall be arranged in a
3 compact fashion and are authorized and encouraged to be smaller than
4 typically allowed in the zoning classification. There shall be no minimum
5 or maximum lot size except those that are approved with the overall
6 development plan. The buildable area shall provide a 100 foot buffer from
7 adjacent property and external roads.

8 (4) Development that preserves all wetlands and at least sixty percent
9 (60%) of the uplands or at least seventy-five percent (75%) of the gross
10 acreage shall be granted a density bonus yield of twenty-five percent
11 (25%) of base yield. In no event shall the bonus yield exceed capacity for
12 existing public infrastructure as measured by concurrency management
13 systems in the land development regulations or §206 School Planning,
14 Volusia County Charter unless the school district enters into a capacity
15 enhancement agreement.

16 (5) The number of residential units in a conservation development
17 shall not exceed 600 units. A proposed conservation development in
18 excess of 200 residential units shall be reviewed by the county council at
19 Overall Development Plan.

20 (6) Innovative development practices that are consistent with the
21 purposes of conservation development are strongly recommended. These
22 include, but are not limited to, Low Impact Development, Dark Skies,
23 Water Star, Firewise, US Green Building Council LEED Certified

1 Development, Florida Green Building Coalition designation or other
2 county approved certifications which promote sustainability, or water
3 neutrality, or for environmental restoration of degraded wetlands or
4 habitat. Provisions of the land development regulations, excluding the
5 provisions of this ordinance, may be waived by DRC to the extent they are
6 in conflict with an approved certification.

7 (7) Centralized water and/or sewer may be necessary to meet county
8 public health requirements if individual lots sizes are smaller than
9 required for on site well and wastewater disposal systems. Buried
10 wastewater disposal systems may be located in improved common open
11 space areas subject to permanent maintenance easement as approved on
12 the development plan and by the health department.

13 (8) All yards, front, side and rear, shall be landscaped with native,
14 drought tolerant plant materials.

15 (9) Notwithstanding section 72-612, all roads shall be private unless
16 paved to county standards and accepted for public maintenance. Private
17 roads shall have permanent maintenance by the managing entity or
18 homeowner’s association as approved in the development plan. All private
19 roads shall be constructed to the standards for paved or unpaved rural
20 roads set forth in Section 72-612. The private roads shall be set aside for
21 common ownership and maintenance, which shall be borne by the lot
22 owners using the unpaved road for access. A “Notice to Future Land
23 Owners” declaring that the roadway is a private road which is neither

1 dedicated to nor accepted by Volusia County and that the maintenance of
2 the road is not the responsibility of the county, regardless of use by public
3 service vehicles shall be filed with the clerk of the circuit court for Volusia
4 County. Said “Notice to Future Land Owners” shall be on a form
5 approved by the LDM office prior to final approval which, and shall
6 included at a minimum the overall legal description, tax parcel number,
7 and property owner, and state the following:

8 a. “No governmental agency, including the government of
9 Volusia County, shall ever be responsible for the maintenance,
10 repair, upkeep, or improvements of any drives, roads, streets,
11 easements, or rights-of-way providing ingress and egress to the
12 property herein conveyed.”; and

13 b. “It is the responsibility of any future landowner to
14 determine the maintenance responsibility for any access or
15 roadway serving the property, whether or not a property owner’s
16 association has been created, and the status of any required
17 association payments.”; and

18 c. “The approval of the subdivision is not a finding by the
19 county as to the quality, function, and legal right of access to the
20 properties herein, and the county is not responsible to ensure
21 acceptable access for the residents’ access and for accessory access
22 including, but not limited to, emergency services, trash pickup,
23 mail delivery, delivery/service vehicles, guests or other invitees.

1 (c) Open Space provisions:

2 (1) Within ECO, all of the wetlands and at least 50% of the uplands
3 shall be open space.

4 (2) Outside of ECO, at least 60% of the gross land area shall be open
5 space.

6 (3) Open space should include conservation areas, selected areas
7 which contain attractive spaces, historical or archaeological sites, scenic
8 vistas or other areas that are unique to the rural character of the site or

9 (4) Open space shall be protected by recording a conservation
10 easement recorded with the clerk of the circuit court describing the lands
11 subject to the easement in substantially the form set forth in Section
12 704.06, Florida Statute. The easement shall be held by a state or local
13 jurisdiction, a public conservation agency, or tax exempt conservation
14 organization, qualified under Sec. 170(h) (3) Internal Revenue Code, or
15 combination of the above described entities. The easement shall be
16 perpetual, run with the land, and be binding against subsequent purchases
17 or transferees. The underlying fee interest may be held by the applicant, a
18 homeowners’ association, the county, or a responsible managing entity, or
19 a third party. The underlying fee interest shall be subject to the easement
20 and the Conservation Management Plan.

21 (5) Conservation Management Plan. The applicant, the recipient of
22 the conservation easement, or the party retaining the underlying fee
23 interest shall provide a conservation management plan that outlines the

1 uses and long-term management objectives of the land designated as open
2 space and conservation areas and subject to a conservation easement. The
3 management plan shall describe how the natural open space shall be
4 maintained in perpetuity so as to meet the conservation objectives, how
5 adjustments to the management plan may be made to meet changing
6 conditions, and how the cost of maintenance shall be paid. The
7 management plan shall be approved as part of the overall development
8 plan and enforceable within the conservation easement. The management
9 plan shall designate a managing entity, which shall be responsible for
10 raising all monies required for operations, maintenance, or physical
11 improvements to the open space.

12 (d) Neighborhood Scaled Commercial Development shall be:

13 (1) located and designed to serve the population of the conservation
14 subdivision;

15 (2) no greater than 3 acres;

16 (3) single use, low profile, and limited to 8,500 square feet; and

17 (4) consist of convenience commercial as defined in Chapter 72, or
18 otherwise similar classification in accordance with the most recent edition
19 of the North American Industry Classification System (NAICS).

20 (e) Submission of a Site Analysis Map: The applicant shall submit to the
21 Land Development Office, without fee, a site analysis map that depicts the
22 following:

23 (1) Property boundaries and existing parcels;

- 1 (2) Topography, using a minimum two foot contour interval;
- 2 (3) Wetlands, as delineated by SJRWMD or Volusia County
- 3 Environmental Management;
- 4 (4) Watercourses and existing water bodies;
- 5 (5) 100-year FEMA mapped floodplains, Zone A;
- 6 (6) Existing rights-of-way and easements;
- 7 (7) The location of any active bald eagle nests and other known
- 8 nesting or borrow sites of species listed for protection by the USFWS or
- 9 FFWCC
- 10 (8) Approximate location of Environmental Corridor Overlay areas;
- 11 (9) Soil boundaries as shown on USDA Natural Resources
- 12 Conservation Service medium-intensity maps;
- 13 (10) The location of significant attractive features such as scenic views
- 14 into or out from the property, watershed divides and drainage ways,
- 15 fences, existing structures, roads, tracks and trails; and
- 16 (11) Historic Sites listed on the State Master Site Files.
- 17 (f) Staff Assistance. Upon request, the Planning Staff or Environmental
- 18 Management Staff shall assist the applicant in obtaining information for the Site
- 19 Analysis Map from publicly available sources. After submission of the site
- 20 analysis map, the applicant and county planning staff may schedule an agreeable
- 21 time to jointly visit the site for an on-site walkabout, at which time the primary and
- 22 secondary conservation areas shall be identified.

1 (1) Conceptual Development Plan. At the completion of the on-site
2 visit or shortly thereafter a conceptual development plan should be quickly
3 sketched on the site analysis map by the applicant for impromptu
4 comments from the Planning Staff. The design should be based upon the
5 recommended design process and standards as set forth in Appendix A.
6 The staff shall review and comment on the conceptual development plan
7 within ten working days, after which time the applicant may proceed to
8 submit the Overall Development Plan.

9 (2) The application must meet all other requirements of Article III,
10 Land Development Regulations, Chapter 72.

11 ...

12 **Sec 72-545. Submission requirement.**

13 All submissions shall track changes made to the document between submittals,
14 designating which changes have been accepted by a previous submittal and
15 distinguishing which changes are new. The submission must include a cover letter from
16 the engineer or surveyor addressing all previous comments and identifying all revisions
17 to the plans from previous submissions. Any revisions not noted in the letter and clearly
18 demarked and highlighted on the plans shall not be approved and the applicant must
19 resubmit all plans and documents.

20
21 **Sec. 72-539, 72-546. Overall development plan review.**

22 (a) Procedures. The information required below shall be submitted on sheet
23 sizes of 24 inches by 36 inches (unless otherwise approved in advanced by the

1 LDM), and shall be signed and sealed by a Florida registered professional
2 engineer except when required to be signed and sealed by a registered surveyor
3 and mapper licensed to practice in the State of Florida.

4 (b) *Required Submittals.* The application shall include the following
5 supporting information:

6 (1) ~~— [Information submitted for sketch plan review.] All items required~~
7 ~~for sketch plan review under subsection 72-538(e).~~

8 (2) General Information.

9 a. Name of subdivision; name, address, telephone number of
10 the subdivider, subdivision designer, professional engineer and
11 registered surveyor; all applicable tax parcel identification
12 numbers according to Volusia County Property Appraiser’s Office;

13 ...

14 c. Vicinity map at a scale no smaller than one (1) inch equals
15 two thousand (2,000) feet with sufficient information to locate the
16 property in the field;

17 ed. Total acreage in tract, acreage in public or other land usage,
18 total number of lots, and linear feet in streets;

19 de. Names and location of adjoining subdivisions and streets;

20 f. Legal description of the property proposed for platting.

21 eg. Other supplemental materials or any deed restrictions or
22 protective covenants for the subdivision and any other information

1 considered by either the applicant or the DRC to be pertinent to the
2 review of the ODP.

3 h. A management plan for those subdivisions for which one is
4 required for the management of open space.

5 (~~3~~) Existing site data.

6 a. Current boundary survey, performed within the last two (2)
7 years, of the property prepared by a registered professional
8 surveyor and mapper licensed to practice in the State of Florida, to
9 include all above-ground improvements, easements of record and
10 the limits of all adjacent rights-of-way.

11 ab. City limits lines (if any), property lines, rights-of-way,
12 pavement widths, easements, streets, driveways, railroads, utility
13 transmission lines, storm sewers, ditches and culverts, sanitary
14 sewers, water mains, bridges, buildings, bulkhead and bulkhead
15 lines for the subject property and for the surrounding area within
16 three hundred (300) feet of the proposed development;

17 bc. Wooded, wetland, and 100-year floodplain areas, marshes,
18 water bodies or watercourses, ponds, and other similar conditions
19 affecting the site;

20 ed. Topography of the site at not more than two-foot vertical
21 contour intervals based on mean sea level data furnished by a
22 professional engineer or surveyor.

- 1 e. Specific soil types and their limitations for planned use.
2 Soil information is to be taken from the most recent soil survey of
3 Volusia County, Florida. The soil types and boundaries shall be
4 delineated on the plan. Soil borings if required.
- 5 f. Predominant plant communities identified by common
6 name and location, graphically depicted on the plans.
- 7 g. Current zoning and existing uses of subject property and of
8 adjacent and surrounding properties within three hundred (300)
9 feet.
- 10 h. Known wildlife corridors for federal and state endangered
11 species, threatened species, or species of special concern.
- 12 i. Known plants and animals which inhabit the site that are
13 listed as federal and state endangered species, threatened species,
14 or species of special concern.
- 15 j. Known historic and archaeological sites.
- 16 k. Location (if any) of ECO designated lands on the subject
17 property and surrounding property within three hundred (300) feet.
- 18 (43) Proposed site data.
19 ...
- 20 g. Parks, school sites, and other public uses, if any;
- 21 h. Areas that may be reserved for parks or recreation sites,
22 conservation easements, or open space areas.

1 available to service the proposed development at the time
2 of impact as provided in division 14; provided, however,
3 the level of service standards described in division 14 shall
4 be adhered to by any sanitary sewer provider.

5 **Sec. ~~72-540.~~ 72-547. Preliminary plat and construction plan review.**

6 ...

7 (b) *Procedure and Required Submittals.* After review and approval of an
8 ODP, an application for preliminary plat and construction plan review, the proper
9 fee, and sufficient copies of the exhibits, as determined by the LDM, shall be filed
10 with the LDD. Exhibits shall include:

11 (1) General Information.

12 a. All plans shall be submitted on 24” x 36” sheet sizes,
13 unless otherwise approved in advance by the LDM, and shall be
14 signed and sealed by a Florida registered professional engineer.

15 ...

16 b. A survey of the subject property prepared by a registered
17 surveyor containing the legal description of the subject property
18 and the surveyor’s certificate of accuracy is required to be signed
19 and sealed by a registered professional surveyor and mapper
20 licensed to practice in the State of Florida.

21 **Sec. ~~72-541~~ 72-548. Final plat review.**

22 **SECTION VI:** Chapter 72, article III, division 4 of the Code of Ordinances,
23 County of Volusia is amended to read as follows:

**1 DIVISION 4. DESIGN AND CONSTRUCTION STANDARDS OF
2 IMPROVEMENTS***

**3
4 Sec. 72-612. Streets.**

5 (a) *General requirements for paved and unpaved streets.* All proposed lots or
6 developments, except unpaved road subdivision pursuant to section 72-339 or
7 utilities such as cable substations, communication towers, etc., shall front on a
8 paved street. This street, if not already paved, shall be paved by the developer
9 from the entrance of the development to the nearest public paved street. The
10 character, width, grade and location of all streets shall conform to the standards in
11 this section and shall be considered in their relation to existing and planned
12 streets, to topographical conditions, to public convenience and safety, and in their
13 appropriate relation to the proposed uses of the land to be served by such streets.
14 Construction and material specifications for streets shall conform to "FDOT
15 Standard Specifications for Road and Bridge Construction," except as otherwise
16 may be stated herein or depicted in article II.

17 ...

18 (2) All newly platted streets intended to serve residential uses shall be
19 public except unpaved road subdivisions pursuant to section 72-539. The
20 DRC may recommend and the county council may approve private streets
21 for security purposes only, provided all such streets meet all design and
22 construction criteria of this article, a permanent security post or posts are
23 provided, and a condominium or homeowners association is created with
24 all duties and powers necessary to ensure perpetual maintenance of such
25 private streets. All streets shall be constructed to the exterior property lines

1 of the development unless they are permanently terminated by a cul-de-sac
 2 or an intersection with another street.

3 ...

4 (o) *Street construction specifications.*

5 ...

6 (6) Unpaved roads. Unpaved roads may be constructed in conservation
 7 subdivisions and unpaved road subdivisions provided the roads are
 8 designated as private roads, a condominium or homeowners association is
 9 created with all duties and powers necessary to ensure perpetual
 10 maintenance of such private streets, and a “Notice to Future Land
 11 Owners” is recorded as set forth section 72-541 and 72-539, respectively.
 12 The unpaved roads shall have a minimum Limerock Bearing Ratio 40 and
 13 meet the design standards for local roads base and subbase stabilizing set
 14 forth in Table I Road Design Standards.

TABLE II. RURAL DEVELOPMENT REQUIREMENTS

TABLE INSET:

	ARTERIAL	COLLECTOR		LOCAL STREETS		
	Two or Four Lanes	Four-Lane Collector	Two-Lane Collector	Local	Local/ Cul-de-Sac	<u>Unpaved Roads</u>
Volume	10,000-50,000 ADT	5,000-10,000 ADT	2,000-5,000 ADT	300(a)-2,000 ADT	0-300(a) ADT	<u>0-100 ADT</u>
Access	Yes	Yes	Yes	Yes	Yes	<u>Yes</u>
Minimum design speed	50 mph(i)	45 mph(i)	40 mph(i)	30 mph(g)(i)	30 mph(g)(i)	<u>30 mph(g)(i)</u>
Intersection space minimum	660 ft.(b)	660 ft.(b)	330 ft.(b)	250 ft.(e)	250 ft.(e)	<u>250 ft.(e)</u>
Lanes	2-4	4	2	2	2	<u>2</u>
Minimum pavement improved surface width	24 or 48 ft.(j)	48 ft.(j)	24 ft.(j)	24 ft.(j)	24 ft.(j)/43 ft.	<u>20 ft.(j)/43 ft.</u>
<u>Pavement Improved surface radii</u>	40-50 ft.	40-50 ft.	40-50 ft.	30-40 ft.	30-40 ft.	<u>30-40 ft.</u>

DRAFT – 12/10/10

Pavement mark/signing	Yes(d)	Yes(d)	Yes(d)	Yes(d)	Yes(d)	N/A/Yes(d)
Parking on street	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Median	Yes(c)	Yes(c)	No	No	No	No
*Turn lanes	As required(f)	As required(f)	As required(f)	No	No	No
Traffic signal	As warranted	As warranted	As warranted	No	No	No
Pedestrian crossing	At signalized crossings	At signalized crossings	Intersection only	Yes(d)	Yes(d)	N/A
*Approach widening						
(Expand intersection)	Yes	Yes	Yes	No	No	No
*ROW	100 ft.	80 ft.	80 ft.	70 ft.	70 ft./68 ft. radius	60 ft./63 ft.
Design vehicle (geom.)	WB 60 & SU	WB 60 & SU	WB 60 & SU	WB 40 & SU	WB 40 & SU	WB 40 & SU
Corners of ROW	30-ft. chord	30-ft. chord	30-ft. chord	30 ft. chord or 25 ft. radius(k)	30 ft. chord or 25 ft. radius(k)	25 ft. radius
*Sidewalks	As required(h)	As required(h)	As required(h)	No	No	No
*Further explanation in provisions of this section						

- 1
- 2 (a) Over 300 ADT may be allowed if an alternate emergency access is provided.
- 3 (b) Or alternate approved by the development review committee based upon land
- 4 planning and traffic analysis. A minimum 1,320 ft. spacing will be required
- 5 between two signalized intersections.
- 6 (c) Refer to section 72-612.
- 7 (d) As delineated in the “USDOT Manual on Uniform Traffic Control Devices.”
- 8 (e) Or 150 feet for opposing offset T-type intersection.
- 9 (f) Refer to subsection 72-619(e)(s)..
- 10 (g) Design speeds lower than thirty (30) m.p.h. may be used for local, subdivision
- 11 type roads and streets. Streets with a design speed less than thirty (30) m.p.h.
- 12 shall be posted with appropriate legal speed limit signs.
- 13 (h) Refer to subsection 72-620(b).
- 14 (i) See the Manual of Uniform Standards for Design Construction and
- 15 Maintenance for Streets and Highways (Green Book).
- 16 (j) See FDOT Standard Specifications for Road and Bridge Construction and
- 17 Table I for the structural section.

1 (k) Refer to subsection 72-612(d)(3) and subsection 72-612(f)(4).

2 (l) Pavement is not required. 20 ft. refers to the stabilized surface width.

3 N/A = Not Applicable

4 **SECTION VII:** AUTHORIZING INCLUSION IN CODE - The provisions of
5 this ordinance shall be included and incorporated into the Code of Ordinances of the
6 County of Volusia, as additions or amendments thereto, and shall be appropriately
7 renumbered to conform to the uniform numbering system of the code.

8 **SECTION VIII:** SEVERABILITY - Should any word, phrase, sentence,
9 subsection or section be held by a court of competent jurisdiction to be illegal, void,
10 unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section
11 so held shall be severed from this ordinance and all other words, phrases, sentences,
12 subsections, or sections shall remain in full force and effect.

13 **SECTION IX:** CONFLICTING ORDINANCES - All ordinances, or part
14 thereof, in conflict herewith are, to the extent of such conflict, repealed.

15 **SECTION X:** EFFECTIVE DATE - A certified copy of this Ordinance shall be
16 filed with the Department of State by the County Manager within ten (10) days after
17 enactment by the County Council and this Ordinance shall take effect upon filing with the
18 Department of State.

19
20 **ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY,**
21 **FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY**
22 **COUNCIL CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION**
23 **CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA THIS ____**
24 **DAY OF _____, A.D. 2010.**

25
26 COUNTY COUNCIL
27 ATTEST:

COUNTY OF VOLUSIA, FLORIDA

28

1
2
3

James T. Dinneen, County Manager

Frank T. Bruno, Jr., County Chair