



GROWTH AND RESOURCE MANAGEMENT DEPARTMENT
PLANNING AND DEVELOPMENT SERVICES DIVISION
CURRENT PLANNING ACTIVITY
123 W. Indiana Avenue, DeLand, FL 32720
(386) 736-5959

PUBLIC HEARING: August 13, 2013

SUBJECT: Discussion regarding a new Mixed Use (MU) zoning classification and amending the landscape requirements of section 72-284, county code of ordinances.

STAFF: Becky Mendez, AICP, Senior Planning Manager

SUMMARY

The existing zoning code establishes 50 zoning classifications that can be generally categorized as residential (17), commercial/office (9), industrial (4), open use¹ (10) and special use² (10). The permitted and/or special exception uses allowed within each specific zoning classification match the general categorization, and do not often overlap into another.

For example, *commercial* activity is not a listed permitted or special exception use in the *residential* zoning classifications, other than houses of worship, schools, bed and breakfasts or daycare centers. Conversely, the *commercial* zoning classifications do not allow *residential* uses, other than group homes, nursing homes and a property manager unit³. This demarcation of uses is typical of most conventional zoning codes.

In the late 1980's form-based codes began to replace conventional zoning. Form-based codes prioritize form over use, while conventional codes prioritize use over form. Conventional codes can create suburban type development that separate uses, unlike vibrant, downtown development patterns, which allowed mixed use to occur. Many jurisdictions adopted band-aid regulations to mitigate the impacts resulting from conventional codes, by allowing Planned Unit Developments or creating commercial design guidelines. Form-based codes, if done properly, can provide flexibility to evolve development patterns to meet a community vision and make it easier for developers to implement the vision. It focuses on the resulting character of the community, and character adds value to an area.

¹ Open use zoning classifications are intended to retain the open character of the land and include C, FR, RC, A-1 through A-4, RR, RA and RE classifications.

² In this case, special use classifications include P, PUD, AP and the Osteen classifications.

³ The one exception to this general statement, is that the B-8 zoning classification allows multifamily up to 20 dwelling units per acre.

The proposed mixed use zoning classification attempts to apply common form-based code principals and supports the Multiple Use Area (MUA) future land use designation and local plans of the comprehensive plan. The MUA designation contains three subcategories; Mixed Use Zone (MXZ), Activity Center (AC) and Planned Community (PC). The existing regulations may require a Planned Unit Development rezoning to implement the purpose and intent of the MUA because existing zoning classifications do not allow a mix of residential and commercial uses. The proposed mixed use zoning classification is the next logical step to encourage infill and streamline development of these assigned urban areas.

Specifically, the proposed classification establishes the following:

- New definitions for accessory dwelling unit, artisan product creation and open-air, fresh food market as permitted principal uses;
- Drive-through facilities as a special exception, not a permitted principal use;
- Urban-scale yards, building separations and height;
- New urban open space standards for buildings that exceed 50,000 square feet; and
- Allows single-family, multifamily and neighborhood commercial uses, but does not mandate mixed development.

During drafting, it became necessary to include the proposed MU zoning classification in the existing landscape buffer table 1 (section 72-284). The existing landscape buffer widths are based on adjacent zoning classification and not actual use of the property. Adding a mixed use zoning classification into a table based on adjacent zoning is problematic. Also, the existing landscape buffer table is confusing and not user friendly. Therefore, staff took the opportunity to propose revisions to the landscaping requirements, which accomplish the following:

- Updates the plant materials list to Florida Friendly trees and vegetation;
- Buffer widths are based on intensity of adjoining uses, not just adjacent zoning; and
- Reorganizes the section to improve ease-of-use for staff and developers.

NEXT STEPS

Planning staff met briefly with VCARD members to summarize the proposed zoning code amendments on July 17, 2013. VCARD is organizing a peer review committee to analyze the amendment, which should be assembled by the end of August, 2013. Also, in July, 2013, the draft was sent via email to local city planners to request comments by the end of August, 2013. This PLDRC meeting is for discussion on same and an opportunity to gather additional stakeholder comments and concerns.

Planning staff anticipates that a final draft will become available in September, 2013. If adopted, staff suggests a comprehensive plan amendment to allow the MU zoning classification in the urban land use designations in the compatibility matrix. At this time, staff has not proposed any zoning map amendment to apply the classification. Additional workshops, public input, and county council direction are necessary.

RECOMMENDATION

Provide comments to planning staff and suggest additional discussion items as necessary.

Sec. 72-2. Definitions

...

Accessory dwelling unit. A second dwelling unit created on a lot with a single-family dwelling, either attached or detached. The accessory dwelling unit is created auxiliary to, and is always smaller than the principal dwelling unit. The unit includes its own independent living facilities, including kitchens. The unit counts towards the maximum density requirements of the comprehensive plan.

...

Artisan. A person or company that makes a high-quality or distinctive product in small quantities, usually by hand or using traditional methods.

...

Drive-through facility. A facility that by design, physical facilities, service or packaging procedures encourages or permits customers to transact business or receive services or goods from their motor vehicles.

...

Group home: A residential facility licensed ~~under F.S. ch. 393~~ by the State of Florida, which provides a family living environment for ~~at least four, but not more than~~ seven to 15 unrelated residents, including supervision and care necessary to meet the physical, emotional and social needs of its residents. A group home includes adult congregate living facility, foster care facility, and residential treatment facility as defined in state law.

Staff Note: Revision to the group home definition is necessary to correct an updating error in municode on-line code service. Council adopted the above text amendment in 2010, but due to the on-line error it reverted to the previous definition. This is a housekeeping item only.

...

Open-air, fresh food market. The market may be located on private or public property, not including streets and sidewalks for the selling of fresh food (not consumed on premises), and plants, but shall be subject to all applicable state laws and regulations. Such an open-air fresh food market need not comply with the design guidelines of section 72-303.

Section 72-241. Classifications.

The following classifications and their included regulations are established:

C	Conservation
P	Public Use
FR	Forestry Resource
RC	Resource Corridor

A-1	Prime Agriculture
A-2	Rural Agriculture
A-3	Transitional Agriculture
A-4	Transitional Agriculture
RR	Rural Residential
RA	Rural Agricultural Estate
RE	Residential Estate
R-1	Urban Single-Family Residential
R-2	Urban Single-Family Residential
R-3	Urban Single-Family Residential
R-4	Urban Single-Family Residential
R-5	Urban Single-Family Residential
R-6	Urban Two-Family Residential
R-7	Urban Multifamily Residential
R-8	Urban Multifamily Residential
R-9	Urban Single-family Residential
RPUD	[Repealed]
MH-1	Mobile Home Park
MH-2	Mobile Home Park and Recreational Vehicle Park
MH-3	Rural Mobile Home
MH-4	Rural Mobile Home
MH-5	Urban Mobile Home

MH-6	Urban Mobile Home Subdivision
MH-7	Mobile Home Park
MH-8	Rural Mobile Home Estate
B-1	General Office, Hospital-Medical
B-2	Neighborhood Commercial
B-3	Shopping Center
B-4	General Commercial
B-5	Heavy Commercial
B-6	Highway Interchange Commercial
B-7	Commercial Marina
B-8	Tourist
B-9	General Office
BPUD	[Repealed]
I-1	Light Industrial
I-2	Heavy Industrial
I-3	Waterfront Industrial
I-4	Industrial Park
IPUD	[Repealed]
PUD	Planned Unit Development
OCV	Osteen Commercial Village
OMV	Osteen Mixed Use Village
OTC	Osteen Tech Center

OUR	Osteen Urban Residential
OTR	Osteen Transitional Residential
ORE	Osteen Rural Estate
OCR	Osteen Cluster Residential
AP	Airport Property
<u>MU</u>	<u>Mixed Use</u>

...

MIXED USE CLASSIFICATION (MU)

Purpose and intent: The purpose and intent of the Mixed Use classification is to encourage infill, redevelopment, and/or mixed-use projects within specific corridors, and improve the built environment of an area.

Permitted principal uses and structures: In the MU classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Accessory dwelling unit.

Staff Note: This is a new use, not found elsewhere in the zoning code.

Art, dance, modeling and music schools.

Artisan product creation, assemblage and/or repair, using table-mounted machinery or artisanal equipment.

Staff Note: This is a new use, not found elsewhere in the zoning code.

Auditoriums, lecture halls, or conference rooms accessory to the principal use.

Bakeries, retail (including preparation of products for sale on the premises).

Barber and beauty shops.

Bars and liquor stores.

Bed and breakfast (refer to subsection 72-293(19)).

Bowling alleys.

Cluster and zero lot line subdivisions (refer to subsection 72-304).

Communication towers not exceeding 70 feet in height above ground level.

Community residential home (refer to subsection 72-290(3)).

Convenience stores without fuel dispensers.

Curb market.

Cultural art centers.

Day care centers (refer to subsection 72-293(6)).

Essential utility services.

Exempt excavations (refer to subsection 72-293(15)) or those which comply with division 8 of the LDC of Volusia County [article III, herein] or FSP review procedures of this article.

Exempt landfills (refer to subsection 72-293(16)).

Financial institutions, without drive-through facilities.

Fire stations.

Garage apartments.

General offices.

Group homes (refer to subsection 72-293(12)).

Hardware/home improvement retail center.

Health clubs or spas.

Home occupations, class A and B (refer to section 72-283).

Houses of worship.

Hotels/motels.

Laundry and dry cleaning establishments, without drive-through facilities.

Medical and dental clinics.

Multifamily dwellings.

Museums.

Open-air, fresh food market.

Staff Note: This is a new use, not found elsewhere in the zoning code.

Parks and recreation areas accessory to residential developments.

Pharmacies, without drive-through facilities.

Printing, publishing and engraving.

Public schools.

Publicly owned or regulated water supply wells.

Publicly owned parks and recreational areas.

Research and development establishment.

Restaurants, types A and B, without drive-through facilities.

Retail sales and services, without drive-through facilities.

Retail specialty shops.

Single-family standard or manufactured modular dwelling.

Schools, parochial or private (refer to subsection 72-293(4)).

Tailors.

Theaters.

Travel agencies.

Two-family dwellings.

Veterinary clinics.

Permitted special exceptions: Additional regulations/requirements governing permitted special exceptions are located in sections 72-293 and 72-415 of this article.

Any permitted principal use with a drive-through facility (refer to subsection 72-293(25)).

Automobile rental agencies (refer to subsection 72-293(25)).

Automobile service stations, types A, B and C (refer to subsection 72-293(25)).

Car washes (refer to subsection 72-293(25)).

Communication towers exceeding 70 feet in height above ground level.

Convenience stores with fuel dispensers (refer to subsection 72-293(25)).

Funeral homes.

Hospitals.

Nightclubs, provided they are 200 feet from any existing residential use or residential zoning classification.

Nursing homes, boarding houses approved and licensed by the appropriate state agency (refer to subsection 72-293(12)).

Private clubs.

Public uses not listed as a permitted principal use.

Public utility uses and structures (refer to subsection 72-293(1)).

Dimensional requirements:

Minimum lot size:

Area: 2,000 square feet for town houses.

10,000 square feet for all other uses.

Width: 20 feet for town houses

50 feet for all other uses.

Yard size for principal structures:

Front: 6 feet minimum and 20 feet maximum.

Rear: 10 feet minimum, unless adjacent to a residential zoning classification then minimum 20 feet.

Side: 0 feet minimum, subject to the building separation requirements below.

Waterfront: 25 feet minimum.

Yard size for accessory structures, must comply with section 72-277, except for the following:

Front: 20 feet plus the principal structure setback.

Rear: 10 feet minimum, unless adjacent to a residential zoning classification then minimum 20 feet.

Side: 5 feet minimum.

Waterfront: 25 feet minimum.

Exceptions to yard size:

Open porches: 50 percent of front yard.

Balconies and bay windows: 25 percent of front yard, except that balconies on porch roofs may encroach as does the porch.

Awnings, arcades, and galleries: 100 percent of front yard.

Minimum floor area:

Principal dwelling unit: 750 square feet.

Accessory dwelling unit: Not to exceed 50 percent of the principal dwelling gross floor area or 800 square feet, whichever is less.

Building height:

Principal building: 45 feet maximum.

Accessory building: 25 feet maximum.

Building separation: A minimum 8-foot wide pedestrian access shall be reserved between buildings for every 200 feet of building length. Building length may be comprised of multiple individual buildings with the appearance or façade of a unified development.

Other requirements:

Urban Open Spaces: All new buildings that exceed 50,000 square feet in gross floor area (GFA) shall provide 1 square foot of urban open space for every 100 square feet of building GFA, for public congregation and recreational opportunities, located behind the required setback, and on private property. It may be located on the roofs of buildings or enclosed on the ground floor, and should include seating, plantings, or amenities visible from the street or pedestrian areas.

Pedestrian walkways. Pedestrian walkways shall be provided along all public street frontages adjoining the property. Pedestrian ways, linkages and paths shall be provided from the building entry to surrounding streets, external sidewalks and outparcels. Pedestrian ways shall be designed to provide access between parking areas and the building entrances in a coordinated and safe manner. Pedestrian ways may be incorporated within a required landscape buffer or urban open space. Shared pedestrian walkways are encouraged between adjacent commercial projects and between commercial and residential uses. Walkways shall be a minimum of 5 feet in width and constructed to compliment the overall design theme of the project.

Hardscape. Projects located along a thoroughfare shall provide at least two of the following hardscape elements. Hardscape elements may be located within the front yard and/or landscape buffer, and within the urban open space.

- Trails, Walkways, and bikeways
- Courtyards, plazas
- Benches, outdoor seating
- Decorative landscape planters
- Water features and sculptured art
- Canopies, arbors, trellises or pergolas
- Street furniture

Parking: Off-street parking and loading areas meeting the requirements of section 72-286 shall be constructed, except that off-street loading spaces are not required for any mixed use building less than 30,000 square feet, regardless of use.

Landscape buffer: Landscaped buffer areas meeting the requirements of section 72-284 shall be constructed, excluding the hardscape requirements of this section, and in case of conflict between minimum yards and landscape buffer design type, the least restrictive applies.

Design standards: All structures must comply with the development design standards of section 72-303, regardless of use and location.

Final site plan: Final site plan approval meeting the requirements of division 3 of the Land Development Code is required.

...

Sec. 72-282 (6). Fences, walls and hedges.

...

(6) *Prohibited fencing.* Except for public utility uses and structures, barbwire or electric fences are prohibited in the R-1 through R-9, OCV, OMV, OTC, OUR, and MH-1, MH-2, MH-5, MH-6, ~~and~~ MH-7, AP and MU zoning classifications.

Sec. 72-286. Off-street parking and loading.

...

(5) *Minimum off-street parking spaces.* The minimum number of off-street parking spaces shall be determined from the following table. Numbers for any use not specifically mentioned shall be the same as for the use most similar to the one sought. Fractional spaces shall be rounded to the closest number. In stadiums, houses of worship, sports arenas or other places of assembly where occupants sit on seats without dividing arms, each 18 linear inches of such seat shall be counted as one seat. For modification of certain minimum parking standards, refer to subsection 72-291(b).

a. For those uses that require a parking study as indicated in the following table, or for any request to increase the maximum requirements, the study must be prepared and sealed by a licensed professional engineer. The data submitted shall include, at a minimum, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for the proposed uses.

Staff Note: This amendment is necessary to correct an oversight in the previously adopted parking reduction ordinance.
--

Sec. 72-287. Parking and storage of vehicles, shelters or watercraft.

(a) *Large vehicles.*

...

(2) The parking of truck tractors and/or semitrailers is prohibited in the B-1, B-2, B-3, B-4, B-8, B-9 and B-PUD's and commercial use areas of R-PUD's, MU and AP classifications, unless said vehicles are accessory to or associated with the business(es) on the premises.

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

The following additional regulations shall apply to specific permitted principal uses in all classifications where so permitted:

(1) *Adult bookstores and adult theatres.*

a. *Additional restrictions for location.* Adult bookstores and adult theatres shall be permitted principal uses in the I-1 classification, subject to the following additional location requirements:

1. No adult bookstore or adult theatre shall be located within 400 feet of any area of the county classified as C, P, FR, RC, A-1 through A-3, RA, RR, R-1 through R-9, MH-1 through MH-8, OUR, OTR, AP, MU or PUD, unless the adult bookstore or theatre is a part of the PUD.

...

Sec. 72-293. Special Exceptions.

...

(25) Drive-through facilities are common amenities for a specific range of uses. A well-designed drive-through facility on a parcel with adequate area, can be convenient for motorists and have minimal impact upon the streetscape and pedestrians. Conversely, a poorly designed drive-through facility can cause problems with traffic circulation and create areas that are not pedestrian-friendly. Moreover, drive-through facilities have the potential to generate undesirable impacts for adjacent residential properties such as odors from vehicle exhaust and noise from engines, car stereos and menu board speakers. The purpose and intent of the following regulations is to establish appropriate standards, which allow for the typical range of activities while ensuring public safety and mitigating the associated impacts.

- a. Each application shall be accompanied by a sketch plan showing the parking and circulation plan with dedicated reservoir areas as required by section 72-618; driveway locations; setbacks and buffers; architectural rendering; and placement of audio equipment, if any.
- b. The maximum number of drive-through facility lanes is four.
- c. Drive-through facilities shall be located to take advantage of the first available alternative in the following prioritized list:
 1. When abutting a nonresidential use, locate in the side or rear buildable area;
 2. When abutting a residential use or zoning classification, locate in the buildable area closest to the local road;
 3. Locate in the front buildable area and access a collector or arterial road only when it is practical due to the lot's physical constraints or concerns regarding vehicle and pedestrian safety.
- d. A solid six-foot high masonry wall shall be constructed on the property boundary line when the site abuts an existing residential use or residential zoning classification. If the proposed building site is part of a larger, nonresidential/mixed-use development, and is separated from the residential classification by 300 feet or more then the wall shall not be required.
- e. Operation of the drive-through facility shall be restricted to between the hours of 7:00 am and 10:00 pm, when the site abuts an existing residential use or residential zoning classification. If the proposed building site is part of a larger, non-residential/mixed-use development, and is separated from the residential classification by 300 feet or more then restricted hours of operation do not apply.
- f. No drive-through speaker box shall be oriented to face an existing residential use or residential zoning classification.
- g. All structures, including any masonry walls, shall be architecturally compatible with the principal or nearby structures.

Sec. 72-298. Sign regulations.

...

(8) Application of regulations; P, B and I districts: The following regulations contained in this subsection shall apply in the P, B-1, B-2, B-3, B-4, B-5, B-6, B-7, B-8, B-9, I-1, I-2, I-3, I-4, OCV, OTC, AP, MU, BPUD and the commercial and industrial use area of the OMV, OUR, RPUD and MPUD classifications.

...

a. *Requirements by sign type:*

...

6. *Electronic message centers.*

...

i. An electronic message center shall only be located on parcels zoned P, B-1, B-2, B-3, B-4, B-5, B-6, B-7, B-8, B-9, I-1, I-2, I-3, I-4, OCV, OTC, AP, MU, or the following subcategories of PUD, BPUD, IPUD, and MPUD, as described in chapter 72, division 7 of the Volusia County Code.

...

Sec. 72-284. Landscaping requirements.

The purpose and intent of this section is to encourage the preservation of existing Florida Friendly trees and vegetation; to identify landscape standards and plant classifications; to reduce radiant heat from surfaces and conserve energy; to provide shade; to reduce wind and air turbulence; to minimize potential nuisances such as the transmission of noise, dust, odor, litter and glare of automobile headlights; to provide visual buffering and for the separation of spaces; to enhance the beautification of the county; to reduce the amount of impervious surface and stormwater runoff; to safeguard and enhance property values and protect public and private investment; and to protect the public health, safety and general welfare.

The following regulations shall apply where landscaped buffer, off-street parking areas, or solid waste containers are required, but does not apply to single-family dwellings constructed on individual lots:

~~(4)~~ Plant materials. All ~~plant materials~~ required vegetation shall be selected from the "plant material list" available from the Growth and Resource Management Department and shall be Florida No. 1 grade, or better, according to the current "Grades and Standards for Nursery Plants," State of Florida, Department of Agriculture, Tallahassee, ~~except where in the discretion of the zoning enforcement official the existing native vegetation is adequate to provide the necessary visual screening. Existing upland native vegetation shall be incorporated, where appropriate, into off-street parking areas and landscape buffers of a proposed development.~~

Staff Note: The plant materials list will include only Florida Friendly species. Moved the requirement up in hierarchy instead of repeating the standard in each subsection.
--

- a. *Trees.* Tree species shall be a minimum of 4½ two-inch caliper and six feet in overall height immediately after planting. Trees required along county thoroughfares shall be a minimum of two-inch caliper and eight feet in overall height, and planted along a line ten feet back from the right-of-way line. Palms shall constitute no more than 25 percent of the required trees and shall have a

minimum of six feet of clear wood at planting. ~~Trees shall be selected from the "plant material list" available from the growth and resource management department.~~

Staff Note: Increase minimum tree size from 1.5" caliper to 2" for consistency with the natural resource protection requirements of the land development code.

- b. *Shrubs and hedges.* Shrubs and hedges shall be a minimum of two feet in height, immediately after planting. Dependent upon the species selected, plants shall be spaced a minimum of two feet apart with a maximum separation of six feet measured from center to center. Hedges, where required, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen within a maximum of one year after time of planting. Class E Grasses that meet this requirement may be used as substitution for the Class C or D shrubs. ~~Fifty percent of the shrubs and hedges planted shall be of a drought tolerance variety as recommended by the county plant material list.~~

Staff Note: The revision to the approved plant list includes adding bunch grasses and tall ground cover species, because these types of grasses provide the same landscaping standard as shrubs.

- c. ~~*Ground covers.* Ground covers may include any plant materials that reach an average height of not more than 12 inches. They may be used in lieu of grass. Ground covers must present a finished appearance and provide reasonably complete coverage at time of planting.~~

Staff Note: Deleting ground cover section because there is no minimum requirement for ground cover in the code.

- d. ~~c. *Lawn grass.* Grassed areas shall be planted with any species of grass common to central Florida. They~~ Grassed areas may be sodded, plugged, sprigged or seeded; except that sod is required in swales or other areas subject to soil erosion. Unless sod or grass seed is used, nursegrass seed shall be sown for immediate effect and protection until coverage is otherwise achieved. Grass sod shall be clean and shall be reasonably free of weeds, noxious pests or diseases.
- c. *Existing vegetation.* Existing Florida Friendly vegetation may be used to meet the landscaping requirements herein, and shall be incorporated into the required landscaping areas of a proposed development.

Staff Note: This is an existing provision. Simply titled and relocated.

- (2) *Landscaped buffer area design.* Where a landscaped buffer area is required, the following regulations shall apply:

- a. *Buffer widths.* A landscaped buffer area complying with the requirements of the landscape buffer table (Table I), shall be established along the entire length of, and contiguous to, any property line. The buffer width Design Type shall be determined by subtracting the land use intensity

factor of the least intense land use from that of the more intense land use as shown in the following table, based on existing contiguous land uses, zoning classification, or land use plan designation, whichever is most intense.

<u>LAND USE TYPE</u>	<u>INTENSITY FACTOR</u>
Conservation lands/waterbodies/canals:	0
Agriculture: Pasture/fields/forestry	1
Agriculture: Processing/packing	10
Residential: 2 or less dwelling units per acre	1
Residential: 2.1-4 dwelling units per acre	2
Residential: 4.1-8 dwelling units per acre	3
Residential: 8.1-16 dwelling units per acre	4
Residential: More than 16 dwelling units per acre	5
Office and general commercial: 0.5 or less FAR	6
Office and general commercial: 0.51 or greater FAR	7
Mixed use development: 0.5 or less FAR	7
Mixed use development: 0.51 or greater FAR	8
Enclosed industrial/warehouse/manufacturing/repair	9
Outside industrial/manufacturing/repair	10
Outside storage	9
Outside processes	10
Institutional: Schools/houses of worship/daycare	8
Passive activity parks:	1
Active recreational areas:	4

TABLE 1: LANDSCAPE BUFFER REQUIREMENTS.

<u>Design Type</u>	<u>Width (feet)</u>	<u>Group A</u> <u>50-foot tree</u>	<u>Group B</u> <u>10-50-foot</u> <u>tree</u>	<u>Group C or D</u> <u>2-feet-30-inch</u> <u>shrub</u>	<u>6-foot visual</u> <u>screen</u> <u>required</u>
<u>0-2</u>	<u>10</u>	<u>0</u>	<u>6</u>	<u>20</u>	<u>N</u>
<u>3</u>	<u>15</u>	<u>4</u>	<u>4</u>	<u>25</u>	<u>N</u>
<u>4</u>	<u>20</u>	<u>4</u>	<u>4</u>	<u>30</u>	<u>N</u>
<u>5</u>	<u>30</u>	<u>5</u>	<u>5</u>	<u>40</u>	<u>N</u>
<u>6-7</u>	<u>40</u>	<u>6</u>	<u>6</u>	<u>50</u>	<u>Y</u>
<u>8-10</u>	<u>50</u>	<u>7</u>	<u>7</u>	<u>60</u>	<u>Y</u>

*Required plantings per 100 linear feet, excluding the driveway or entranceway width.

Staff Note: Perimeter landscape buffer widths based on intensity of use, not zoning classification. Replaces the otherwise confusing and lengthy landscape buffer area table. Also eliminates the need to add new zoning classifications as they may be created in the future.

~~The width of the area shall be determined from the landscape buffer requirements Table I, but shall be not less than ten feet in width measured at right angles to the property line and landscaped with any combination of the plant materials described in subsection (1). No public or private right-of-way, building, or impervious surface other than a sign, an entrance or driveway which traverses the landscape buffer shall be located in said buffer~~

area. A plant material list established by the growth and resource management department may be obtained from that agency. If a parcel is located in a thoroughfare overlay zone listed in section 72-297(b), then the front buffer area shall meet the requirements of section 72-297. All other parcels shall provide a Design Type 4 buffer adjacent to a state or county collector or arterial, or railroad rights-of-way and a Design Type 3 buffer adjacent to all other local rights-of-way. A driveway or entranceway shall not be considered part of the landscape buffer for the purpose of calculating the required amount of plant material.

Staff Note: There are multiple regulations within this same subsection. Portions of this subsection have simply been relocated or eliminated because they are duplicated elsewhere in the code.

- ~~b. The landscaped buffer area shall contain existing native vegetation, which is not dependent on irrigation because of the possibility of water use restrictions which could adversely affect the survival of introduced or exotic plant species. At least 50 percent of all required landscape materials shall be of a native species as recommended by the county plant material list.~~
- ~~c. b. Existing trees which are situated within the required buffer can be used to satisfy the perimeter tree requirement. Planted trees materials should be grouped together to avoid a linear visual appearance, provided there is adequate space for root and canopy development. do not have to be equally spaced, but may be grouped.~~
- ~~d. c. Screening.~~
 - ~~i. If plant materials are used for screening, they shall be selected and located to provide, within two years, a visual barrier that is three feet to six feet above the ground level of the buffer area.~~
 - ~~ii. Except as provided in subsection 72-282(2), if a wall or fence is used for screening, it shall be six feet high. When a brick or masonry wall or wooden fence is used, existing vegetation should be retained, or at least one tree shall be planted abutting the screen for each 40 feet and one shrub shall be planted for each ten feet, but not necessarily evenly spaced. Such trees and shrubs shall be planted along the exterior side of the screen. In lieu of the tree or shrubbery requirements, the zoning enforcement official shall be authorized to approve a masonry wall having a significant design variation (i.e., columns, offsets, varying heights) evenly spaced at intervals of not more than 20 feet.~~
- ~~e. d. A minimum of 50 percent of the required landscape buffer shall remain at natural grade or not to exceed a 6:1 slope, while the remaining buffer area shall not exceed a 4:1 slope. No stormwater areas shall be permitted within any buffer area, unless approved by the zoning enforcement official.~~
- ~~f. Utility easements are prohibited from encroaching into any required landscape buffer area.~~
- ~~e. d. Where a recorded subdivision consisting of 20 lots or more abuts a street right-of-way, the required landscape buffer area shall be platted as a~~

separate tract of land, or as an easement maintained by the homeowners association to ensure adequate maintenance of the buffer.

i. ~~The zoning enforcement official may waive or modify the requirements in this section, if literal interpretation of this section creates a hardship.~~

Staff Note: Previous section 72-284 (2) (i) regarding the zoning enforcement official authority is relocated to the end of the section for clarity.

**TABLE I
LANDSCAPE BUFFER REQUIREMENTS**

A.	When the Following Zoning Classifications	B.	Adjoining the Following Zoning Classifications	C.	A Minimum Landscape Buffer Area of This Width Is Required	D.	Which Will Contain the Following Required Landscape Material	
							I.	Perimeter Boundary Trees
							II.	Visual Screen
1a.	I-1 through I-4 or IPUD	1b.	RA, RR, RE, R-1 through R-9, or RPUD, MPUD (residential area) and MH-1 through MH-8, except MH-3	1c.	30 feet adjacent to all common boundaries except street frontage	1d.	I.	4 group A/4 group B/27 Group C or D per 100 linear feet, OFT*
							II.	A continuous 6-foot high visual screen of landscape planting hedge from group C and D of plant list, a brick or masonry wall, wooden fence**, or landscaped earth berm, or combination of the preceding
2a.	I-1 through I-4 or IPUD	2b.	B-1 through B-9 or BPUD or MPUD (commercial areas)	2c.	10 feet adjacent to all common boundaries except street frontage	2d.	Same as 1d	
3a.	I-1 through I-4	3b.	C, P, A-1 through	3c.	10 feet	3d.		4 group A/4

	or IPUD		A-4, MH-3, FR and RG		adjacent to all common boundaries except street frontage		I. group B/27 group C or D per 100 linear feet, OFT*
							II. Same as 1d(II)
4a.	I-1 through I-4 or IPUD	4b.	I-1 through I-4 or IPUD	4c.	5 feet adjacent to all common boundaries, except street frontage	4d.	I. 6 group B/18 group C or D per 100 linear feet, OFT*
							II. Screening requirements optional, see 1d(II)
5a.	B-1 through B-9, BPUD, MPUD (commercial area)	5b.	RA, RR, RE, R-1 through R-9, or RPUD	5c.	30 feet adjacent to all common boundaries except street frontage	5d.	I. 4 group A/4 group B/27 group C or D per 100 linear feet, OFT*
							II. A continuous 6-foot high screen of landscape planting hedge from groups C and D; a brick or masonry wall, wooden fence**, or landscaped earth berm.
6a.	B-1 through B-9, BPUD, MPUD (commercial area)	6b.	MH-1 through MH-8, except MH-3	6c.	30 feet adjacent to all common boundaries except street frontage	6d.	Same as 5d
7a.	B-1 through B-9, or BPUD, MPUD (commercial area)	7b.	B-1 through B-9 or BPUD, MPUD (commercial area)	7c.	10 feet adjacent to all common boundaries except street frontage	7d.	I. 6 group B/18 group C or D per 100 linear feet, OFT*
							II. Screening requirements optional, see 5d(II)
8a.	B-1 through B-9 or BPUD	8b.	I-1 through I-4 or IPUD	8c.	Same as 9c	8d.	Same as 9d

9a.	B-1 through B-9 or BPUD, MPUD (commercial area)	9b.	C, P, A-1 through A-4, MH-3, FR and RG	9c.	10 feet adjacent to all common boundaries except street frontage	9d.	I. 6-group B/18 group C or D per 100 linear feet, OFT*
							II. Same as 5d(II)
10a.	MH-1, MH-2, and MH-7	10b.	RA, RR, RE, R-1 through R-9, MH-1, MH-2, MH-5, MH-6 and MH-7 or RPUD, MPUD (residential area) (Ord. No. 94-4, § LXIII, 5-5-94)	10c.	MH-1, MH-2 and MH-7 project sizes 10 acres and above/15 feet adjacent to all common boundaries including street frontage	10d.	I. 4 group A/4 group B/27 group C or D per 100 linear feet, OFT*
							II. A continuous 6-foot-high visual screen of landscape planting hedge from group C or D, a brick or masonry wall, wooden fence** or landscaped earth berm will be required
11a.	MH-1, MH-2, and MH-7	11b.	I-1 through I-4 or IPUD	11c.	Same as 10c	11d.	Same as 10d
12a.	MH-1, MH-2, and MH-7	12b.	B-1 through B-9, BPUD, and MPUD (commercial area)	12c.	Same as 10c	12d.	Same as 10d
13a.	MH-1, MH-2, and MH-7	13b.	C, P, A-1 through A-4, MH-3, MH-4, MH-8 and FR and RG	13c.	Same as 9c	13d.	I. 6-group B/18 group C or D per 100 linear feet, OFT*
							II. Screening requirements optional see 10d(II)
14a.	MH-3, MH-4, MH-5, MH-6, and MH-8	14b.	RA, RR, RE, R-1 through R-9, RPUD and MPUD(residential area)	14c.	15 feet adjacent to all common boundaries including street frontage	14d.	Same as 10d
15a.	MH-3, MH-4,	15b.	B-1 through B-9	15c.	Same as 14c	15d.	Same as 10d

	MH 5, MH 6, and MH 8		and BPUD, MPUD (commercial area)				
16a.	R-6 with special exception for Multifamily, R-7, R-8, RPUD and MPUD (residential area)	16b.	C, P, A-1 through A-4, MH-3, FR, and RC (Ord. No. 92-6, § XLVIII, 6-4-92; Ord. No. 94-4, § LXIII, 5-5-94)	16c.	15 feet adjacent to all common boundaries excluding street frontage	16d.	<div>I.</div> <div>II.</div>
							<div>I.</div> <div>II.</div>
17a.	R-6 with special exception for Multifamily, R-7, R-8, RPUD, and MPUD (residential area)	17b.	RA, RR, RE, R-1 through R-5, and R-9	17c.	15 feet adjacent to all common boundaries excluding street frontage	17d.	<div>I.</div> <div>II.</div>
							<div>I.</div> <div>II.</div>
18a.	R-6 with special exception for Multifamily, R-7, R-8, RPUD, and MPUD (residential area)	18b.	R-6, R-7, R-8, and RPUD and MPUD (residential area)	18c.	Same as 16c	18d.	Same as 16d
19a.	R-6 with special exception for Multifamily, R-7, R-8, RPUD and MPUD (residential area)	19b.	I-1 through I-4 or IPUD	19c.	15 feet adjacent to all common boundaries excluding street frontage	19d.	<div>I.</div> <div>II.</div>
							<div>I.</div> <div>II.</div>

							foot high visual screen of landscape plant hedge from group C and D, a brick or masonry wall, wooden fence** or landscaped earth berm
20a.	R-6 with special exception for Multifamily, R-7, R-8, RPUD and MPUD (residential area)	20b.	B-1 through B-9 or BPUD, MPUD (commercial area)	20c.	Same as 19c	20d.	Same as 19d
<u>21a.</u>	All classifications except C, A-1 through A-2, FR and RC	<u>21b.</u>	Thoroughfare road right-of-ways as identified in the Volusia County Comprehensive Plan	<u>21c.</u>	20 feet adjacent to road right-of-way	<u>21d.</u>	Preserve existing vegetation or perimeter tree planting 4 group A/4 group B/27 group C or D per 100 linear feet, OFT*
<u>22a.</u>	All public uses in all zoning classifications and houses of worship in all residential, FR and agricultural zoning classifications	<u>22b.</u>	All zoning classifications	<u>22c.</u>	20 feet adjacent to all common boundaries including street frontage	<u>22d.</u>	<div>I. 4 group A/4 group B/27 group C or D 100 per linear feet, OFT*</div> <div>II. Screening requirements, same as 28d(II)</div>
23a.	I-1 through I-4, IPUD, B-1 through B-9, BPUD. All residential projects classified as A-3, A-4, RA, RR, RE, R-1 through R-9 or RPUD and MH-1 through MH-8, except	23b.	Non-thoroughfare rights-of-way	23c.	15 feet adjacent to road right-of-way	23d.	Same as 21d

	MH-3						
24a.	All classifications except C, P, and A-1 through A-4	24b.	A river, canal, lake, ocean or Tomoka Basin	24c.	Designated bulkhead lines, mean high-water marks, 100-year floodplain boundaries and department of environmental protection designated areas shall represent adequate area to fulfill the buffer yard area requirement	24d.	Preserve existing vegetation or perimeter tree planting (1 tree/25 feet) from group A of plant list
25a.	All classifications except C, P, I-1 through I-4, and A-1 through A-4	25b.	Railroad rights-of-way	25c.	Same as 21c, adjacent to railroad rights-of-way	25d.	Same as 24d
<u>26a.</u>	All residential projects classified as RA, RR, RE, R-1 through R-9 or RPUD and MH-1 through MH-8, except MH-3	<u>26b.</u>	I-1 through I-4 or IPUD	<u>26c.</u>	15 feet adjacent to all common boundaries excluding street frontage	<u>26d.</u>	<div>I.</div> <div>4 group A/4 group B/27 group C or D per 100 linear feet, OFT*</div> <div>II.</div> <div>A continuous 6-foot-high visual screen of landscape planting hedge from groups C and D of plant list, a brick or masonry wall, wooden fence**, or landscape earth berm, or combination of the preceding</div>
27a.	When the following special	27b.	All zoning classifications	27c.	50 feet adjacent to all	27d.	<div>I.</div> <div>4 group A/4 group B/27</div>

	exceptions: air curtain incinerators, construction and demolition debris disposal facility, materials recovery facility, recovered materials facility or off-site disposal of land clearing debris facility, solid waste transfer station, junkyards, landfills, utility uses and services, excavations, adjoin any property boundary including street rights-of-way				boundaries		group C or D per 100 linear feet, OFT*
							II. A 6-foot high chain link fence, landscaped earth berm, a brick or masonry wall or wooden fence** or combination of the preceding with at least 1 shrub for each 3 feet of lineal wall shall be planted on the exterior side of the fence, unless existing vegetation serves as adequate screening with the required buffer
†Editor's note—Ord. No. 92-6, § XLVIII, changed "10 feet" to "40 feet"; Ord. No. 94-4 had "10 feet" for this entry.							
28a.	When the following special exceptions: day care center, cemeteries, schools, parochial or private, nursing homes, boarding house, group homes, home occupations class-B	28b.	RA, RR, RE, R-1 through R-9, or RPUD	28c.	15 feet adjacent to all common boundaries including street frontage	28d.	I. 6 group B/18 group C or D per 100 linear feet, OFT* II. A continuous 6-foot high screen of landscape planting hedge from groups C and D; a brick or masonry wall, wooden fence**, landscaped earth berm
29a.	When the following special	29b.	MH-1 through MH-8, except MH-3	29c.	15 feet adjacent to all	29d.	Same as 28d

	exceptions: day care center, house of worship, cemeteries, public uses, schools, parochial or private; nursing homes, boarding house, group homes, home occupations class B				common boundaries excluding street frontage		
30a.	When the following special exceptions: day care center, house of worship, cemeteries, schools, parochial or private; nursing homes, boarding house, group homes, home occupations class B	30b.	B-1 through B-9 or BPUD	30c.	10 feet adjacent to all common boundaries excluding street frontage	30d.	<div>I. 6 group B/18 group C or D per 100 linear feet, OFT*</div> <div>II. Screening requirements optional, see 28d(II)</div>
31a.	When the following special exceptions: day care center, house of worship, cemeteries, schools, parochial or private; nursing homes, boarding house, group homes, home occupations class B	31b.	C, A-1 through A-4, MH-3	31c.	10 feet adjacent to all common boundaries excluding street frontage	31d.	<div>I. 6 group B/18 group C or D per 100 linear feet, OFT*</div> <div>II. Screening requirements optional, see 28d(II)</div>
<u>34a.</u>	[Formerly item 32a; repealed by	<u>34b.</u>	[Formerly item 32b; repealed by	<u>34c.</u>	[Formerly item 32c; repealed	<u>34d.</u>	[Formerly item 32d; repealed by

	Ord. No. 94-4, 5-5-94]		Ord. No. 94-4, 5- 5-94]		by Ord. No. 94- 4, 5-5-94]		Ord. No. 94-4, 5-5- 94]
35a.	[Repealed by Ord. No. 92-6, § XLVIII, 6-4-92; formerly item 33a]	35b.	[Repealed by Ord. No. 92-6, § XLVIII, 6-4-92; formerly item 33a]	35c.	[Repealed by Ord. No. 92-6, § XLVIII, 6-4-92; formerly item 33a]	35d.	l. [Repealed by Ord. No. 92-6, § XLVIII, 6-4-92; formerly item 33a]
*OFT means "or fraction thereof". Trees do not have to be equally spaced, but may be grouped.							
**Wood fences shall meet the following requirements:							
Minimum ½" thick pressure-treated boards							
Minimum 3 – 2" x 4" pressure treated horizontal stringers							
Minimum 4" x 4" thick pressure treated support posts at 8' maximum spacing							
Note: Alternate fence materials may be used with approval of zoning enforcement official.							

(3) Landscaping of off-street parking areas.

- a. Required vehicular use areas having off-street parking spaces for more than eight vehicles shall have interior landscaped areas, excluding any required landscaped buffer areas. A minimum of 35 square feet of landscaping for each parking space shall be provided within the interior of an off-street parking area. A portion of the interior landscaped area shall be located at the ends of each row of interior parking spaces not abutting the perimeter of the parking area. Interior landscaped areas shall be dispersed within rows of contiguous parking spaces so that there is at least one interior landscape area for every 15 parking spaces or major portion thereof within the row. Landscaped row ends shall have a minimum area of 175 square feet with no width less than ten feet measured inside of curb and no length less than 17.5 feet if it abuts one parking space, or 35 feet if it abuts two parking spaces. Interior landscaped areas, other than those at row ends, shall have a minimum area of 100 square feet with no dimension less than ten feet measured inside of curb. The interior landscaped areas need not be placed directly opposite each other when in abutting parking rows. Two feet of these landscaped areas may be part of the required depth of each abutting parking space, provided curbs are used to protect them.
- b. Continuous nonmountable six-inch high reinforced-concrete curbing shall be designed to standard specifications and installed along the edge of all landscape areas adjacent to vehicular use areas.
- c. Each landscaped area shall include at least one tree, group A or B. The remaining area shall be landscaped with shrubs group D materials which are less than four feet high at maturity. Grass, ground cover, or other materials, such as stone, gravel or mulch may be used with the shrubs required plant material.
- d. Where the strict application of this subsection will seriously limit the function of the parking area, the required landscaping may be located near the perimeter of the paved area.

(4) Irrigation system plan.

- a. A workable underground irrigation system shall be installed in any area required to be landscaped. An irrigation plan shall be submitted which specifies sprinkler head type, pipe size, radius of throw, valve and backflow preventer location, location of well or source of water and other relevant information for an irrigation system. If an automatic sprinkler system is used, a rain sensor device or switch that will override the irrigation cycle when adequate rainfall has been accrued shall be installed as required by F.S. § 373.62. The zoning enforcement official may waive the automatic irrigation system, in lieu of an acceptable alternative, such as the use of low-volume drip emitter, porous pipe or similar means in the interest of conserving the public's diminishing water resources based on the review of the landscape plan.
 - b. The irrigation system shall be fully operational and shall be operated on a regular basis. In situations where ~~drought-resistant~~ Florida Friendly plant materials have not been properly maintained primarily due to lack of sufficient watering, the zoning enforcement official may require the installation of a permanent irrigation system or other irrigation methods meeting the specifications of this section. Compliance with the standards of the Volusia County Water Wise Ordinance, as amended, is required.
 - c. Where an effluent re-use system is available to serve the premises, and sufficient capacity exists, then reclaimed water from said system shall be used to irrigate any area required to be landscaped in lieu of using potable water.
- (5) *Landscape plan.* When landscaped areas are required by this article, a landscape plan shall be submitted. The plan shall indicate the type, size, quantity and location of plant materials. The plan shall be reviewed by the growth and resource management department, and no building permit shall be issued for any structure until the plan is approved. Any person aggrieved by a determination of the zoning enforcement official under this section may appeal that determination as provided in section 72-378.
- (6) *Maintenance.* Where landscaped areas are required by this article, the owner, tenant or agent, of said entity will be responsible for maintenance of all required landscape and irrigation improvements as originally approved.
- Landscape areas and site improvements shall be maintained in good condition for a healthy, neat and orderly appearance and shall be kept free from weeds and debris. All plant materials shall be maintained in a healthy and vigorous condition through proper irrigation, fertilization, pruning, weeding, mowing, and other standard horticultural practices. Plant material should grow to their normal shape, color and height, to fulfill the required functions of screening, shading, buffering and aesthetic appeal. The hatracking of trees is prohibited. All dead plants shall be replaced. This requirement includes, but is not limited to, the replacement of plants damaged by insects, diseases, vehicular traffic, acts of God and vandalism. The county shall notify the property owner in writing of any maintenance violations.
- ~~(7) Use of drought-resistant plants. All new or replacement plantings required for any off-street parking area or landscape buffer shall use, to the fullest extent possible, native plant material or other species with equivalent drought-resistant properties. Salt tolerant plants and trees as identified on the plant material list are encouraged to be used on sites east of the intra-coastal waterway. It is the intent of this requirement to promote the conservation of the county's water resources to be consistent with xeriscape principles of F.S. § 125.568.~~

Staff Note: This subsection is no longer relevant because the plant materials list only includes Florida Friendly species.

(7) ~~(8)~~ Solid waste containers.

- a. All solid waste containers, except approved recycling containers, shall be enclosed on at least three sides with a six-foot high screen, and include an access gate. The screen shall consist of a wood or cyclone slat fence or masonry wall. ~~The zoning enforcement official may require that a hedge or similar landscaping material abut the enclosure walls.~~
- b. The container shall be enclosed in such a manner so that said container will be screened from public streets and adjoining properties. A concrete or asphalt pad of appropriate size and construction shall be provided as a base for the container. The container pad shall be at the approximate level of the service vehicle approach area so that the truck's loading mechanism can align with the container's sleeves.
- c. The screened enclosure shall not be located within any street right-of-way or required yard area. Containers and enclosures shall be located so as to allow ease of access for collection trucks and direct access to drive areas. Straight-in or circular drives are encouraged to reduce truck maneuvering problems. No parking or other obstructions shall be permitted in the access area for enclosures.

(8) ~~(9)~~ Overhead electrical utilities. If the buffer area contains or will contain overhead electrical wires, or if existing or proposed overhead electrical wires are within 30 feet of the buffer area, tree selection shall be limited to those trees that will not, at mature height, conflict with overhead utilities. Large trees (height at maturity of > 30 feet) shall be planted no closer than a horizontal distance of 30 feet from the nearest existing or proposed overhead conductor. Medium trees (height at maturity between 20 and 30 feet) shall be offset at least 20 feet and small trees (height at maturity of < 20 feet) require no offset. Palms shall be planted no closer than a horizontal distance equal to the average mature frond length plus two feet from the nearest existing or proposed conductor. Climbing vines shall not be planted adjacent to utility poles, transformers, or guy wires. Plantings near padmount transformers shall not restrict access to, or the maintenance of, the transformer.

(9) ~~Encroachments.~~ No right-of-way, buildings, impervious surface, stormwater area, utility easement, or solid waste container may encroach into any required landscape buffer area, except for a sign, driveway or entranceway width, or utility connection.

(10) ~~Waivers and modification.~~ The zoning enforcement official may waive or modify the requirements of this section, if literal interpretation of this section creates a hardship.

Staff Note: The above two subsections were moved here from another location for clarity.