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ORDINANCE 2018-15

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA, BY AMENDING CHAPTER 72, ARTICLE I, DEFINITIONS AND INTERPRETATION; AMENDING ARTICLE II, ZONING, AMENDING THE FR, A-1, AND A-2 ZONING CLASSIFICATIONS TO ALLOW RURAL EVENT CENTERS AS SPECIAL EXCEPTIONS; AMENDING CHAPTER 72, SECTION 72-286, OFF-STREET PARKING; AMENDING CHAPTER 72, SECTION 72-293, SPECIAL EXCEPTIONS; PROVIDING FOR SEVERALBILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

**SECTION I.** Chapter 72, Article I, Section 72-2 of the Code of Ordinances, County of Volusia, is amended to read as follows:

**Sec. 72-2. Definitions.**

*AASHTO:* The American Association of State Highway and Transportation Officials.

\* \* \* \*

*Rock crusher:* A portable or fixed machine(s) and any related equipment such as belts, elevators, bins, and conveyors, used to cherish or grind concrete, asphalt, or any nonmetallic minerals which may include, but may not be limited to, crushed or broken stone, limestone, dolomite, granite, sandstone, quartz, marl, marble, gypsum, shall and sand. Such machine(s) may include, but not be limited to, the following types: Jay, gyratory, cone, roll, rod mill, hammermill, and impactor.

*Rural event center:* A venue on agricultural zoned property intended primarily to house, shelter, transport, facilitate the congregation, and/or accommodate members of the general public for events that include weddings, family reunions, class reunions, company retreats and picnics, or other similar events or celebrations.

*Sand dunes.* Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

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2 \* \* \* \*

3  
4 **SECTION II.** Chapter 72, Article II, Section 72-241 of the Code of Ordinances,  
5 County of Volusia, is amended to read as follows:

6  
7 **Sec. 72-241. Classifications.**

8  
9 The following classifications and their included regulations are established:

10  
11 \* \* \* \*

12  
13 **FR FORESTRY RESOURCE CLASSIFICATION**

14  
15 *Purpose and intent.* The purpose and intent of the FR Forestry Resource  
16 classification is to preserve land that is suited for multiple-use resource management. It  
17 is further intended that this classification will permit limited agricultural activities. In  
18 addition, all agricultural uses should be encouraged to utilize natural resource  
19 conservation service (formerly the soil conservation service) best management  
20 techniques and other agricultural best management practices.

21  
22 \* \* \* \*

23  
24 *Permitted special exceptions.* Additional regulations/requirements governing  
25 permitted special exceptions are located in sections 72-293 and 72-415 of this article.

26  
27 Aquaculture operations in which there are non-exempt excavations (refer to  
28 subsection 72-293(15)).

29  
30 \* \* \* \*

31  
32 Riding stables.  
33 Rural event centers (refer to subsection 72-293(26)).  
34 Sawmills and planing mills.

35  
36 \* \* \* \*

37  
38 **A-1 PRIME AGRICULTURE CLASSIFICATION**

39  
40 *Purpose and intent.* The purpose and intent of the A-1 Prime Agriculture  
41 Classification is to preserve valuable agricultural land for intensive agricultural uses, and  
42 to protect land best suited for agricultural uses from the encroachment of incompatible  
43 land uses:

44  
45 \* \* \* \*

46

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

3  
4            Air curtain incinerators (refer to subsection 72-293(17)).

5  
6 \* \* \* \*

7  
8            Riding stables.

9            Rural event centers (refer to subsection 72-293(26)).

10           Sawmills and planing mills.

11  
12 \* \* \* \*

13  
14 **A-2 RURAL AGRICULTURAL CLASSIFICATION**

15  
16            *Purpose and intent:* The purpose and intent of the A-2 Rural Agriculture  
17 Classification is to preserve and protect rural areas of the county that have some  
18 agricultural value, but which are also suitable for rural estate living.

19  
20 \* \* \* \*

21  
22            *Permitted special exceptions:* Additional regulations/requirements governing  
23 permitted special exceptions are located in section 72-293 and 72-415 of this article.

24  
25            Air curtain incinerators (refer to subsection 72-293(17)).

26  
27 \* \* \* \*

28  
29            Riding stables.

30            Rural event centers (refer to subsection 72-293(26)).

31            Sawmills and planing mills.

32  
33 \* \* \* \*

34  
35            **SECTION III.** Chapter 72, Article II, Section 72-286 of the Code of Ordinances,  
36 County of Volusia, is amended to read as follows:

37  
38            **Sec. 72-286. – Off-street parking.**

39  
40            Where required by this article, every use or structure shall have an adequate  
41 number of off-street parking and loading spaces for the use of occupants, employees,  
42 visitors, customers, patrons or suppliers. Division 4 of the Land Development Code  
43 [article III], shall apply to the design and construction of all required off-street parking and  
44 loading areas.

45

1 (1) *Lighting.* If the off-street parking area is lighted, artificial lighting shall be  
2 arranged and installed to minimize or eliminate glare on surrounding  
3 residential property and to motorists traveling on adjacent streets.

4  
5 \* \* \* \*

6  
7 (5) *Minimum off-street parking spaces.* The minimum number of off-street  
8 parking spaces shall be determined from the following table. Numbers for  
9 any use not specifically mentioned shall be the same as for the use most  
10 similar to the one sought. Fractional spaces shall be rounded to the closest  
11 number. In stadiums, houses of worship, sports arenas or other places of  
12 assembly where occupants sit on seats without dividing arms, each 18  
13 linear inches of such seat shall be counted as one seat. For modification of  
14 certain minimum parking standard, refer to subsection 72-291(b).

15  
16 \* \* \* \*

Civic Uses		
Auditoriums Lecture halls Conference rooms <u>Rural event centers</u>	All uses	1 per 3 seats
Community center Civic Center	All uses	3 per 1,000 sq. ft. GFA

17  
18 \* \* \* \*

19  
20  
21 **SECTION IV.** Chapter 72, Article II, Section 72-293 of the Code of Ordinances,  
22 County of Volusia, is amended to read as follows:

23  
24 **Sec. 72-293. Special exceptions.**

25  
26 The following uses or structures are permitted as special exceptions only when  
27 listed as permitted special exceptions in division 7 and meeting all requirements set forth  
28 in division 11.

29  
30 \* \* \* \*

31 (26) Rural event center.

32  
33 a. The minimum lot area shall be ten (10) acres.

34  
35 b. The site must be served by a public road. If located on an unpaved  
36 road, a maintenance agreement shall be required.

37

- 1           c. A twenty (20') foot wide landscaped buffer shall be provided between  
2 the facility, or any area used for an event, including but not limited to  
3 parking areas, and adjacent properties. Landscaping shall be in  
4 accordance with section 72-284(2), Table 1 Landscape Buffer  
5 Requirements, item 31d.  
6
- 7           d. All permanent and temporary structures such as tents, stages, and  
8 dance floors shall be located a minimum of fifty (50') feet from the  
9 property line.  
10
- 11          e. All permanent structures that will be used by the public for events  
12 shall be constructed and maintained in accordance with the Florida  
13 Building Code and Florida Fire Prevention Code.  
14
- 15          f. No events shall be held between the hours of 11:00 p.m. and 8:00  
16 a.m.  
17
- 18          g. No outdoor loudspeaker or call system shall be audible on adjoining  
19 property.  
20
- 21          h. All artificial lights shall be directed away from adjoining properties.  
22
- 23          i. The property must have adequate space available for on-site  
24 parking. Parking off-site is prohibited. Parking shall be prohibited  
25 within the twenty (20') foot wide buffer between the facility and  
26 adjacent properties. The number of parking spaces provided shall  
27 be in accordance with section 72-286 of the zoning code, including  
28 accessible parking spaces.  
29
- 30          j. Overnight stay is prohibited unless approved as a Special Exception  
31 under the requirements for a bed and breakfast per section 72-  
32 293(19) of the zoning code.  
33
- 34          k. As part of the application for a rural event center, the owner/operator  
35 shall submit a Site Plan in accordance with section 72-415(1)(d), and  
36 include the following information:  
37
- 38               1. A copy of the site plan indicating the location, size, and  
39 maximum capacity of all existing or proposed permanent and  
40 temporary structures; parking area(s); and ingress/egress  
41 point(s).  
42
- 43               2. A traffic control plan that identifies sufficient ingress and  
44 egress for emergency vehicles and provides for the orderly  
45 and safe arrival, parking, and departure of all vehicles using  
46 means such as parking attendants, shuttle service, law

1 enforcement service, directional signage, etc. Additional  
2 traffic control measures may be required.

3  
4 3. Plans for sanitation and public health protection including  
5 bathroom facilities, inspection of food facilities, drainage,  
6 garbage and litter control, and recycling as required by the  
7 Florida Department of Health.  
8

9 **SECTION V.** Chapter 72, Article III, Section 72-576 of the Code of Ordinances,  
10 County of Volusia, is amended to read as follows:

11  
12 **Sec. 72-576. Final site plan review.**

13  
14 (a) *Approval required.* Unless otherwise stated in this article, granting of a final  
15 site plan development order (FSP) is required prior to the issuance of any development  
16 permit allowing the commencement of site construction of any development in the  
17 unincorporated area of Volusia County.

18  
19 (b) *Exempt development.* The following activities shall not require compliance  
20 with this division, but may be subject to other divisions:

- 21  
22 (1) Implementation, by a governmental entity, of a water management plan  
23 approved by the county council, as such plan relates to an approved  
24 development of regional impact (DRI) (not a conceptual DRI).  
25  
26 (2) Construction of a single-family home and customary accessory structures  
27 on an existing single-family classified lot.  
28  
29 (3) Construction of a single duplex and customary accessory uses on an  
30 existing duplex classified lot.  
31  
32 (4) The installation of those improvement which are required to develop a  
33 subdivision and for which development permits have been issued pursuant  
34 to division 2.  
35  
36 (5) Agricultural production practices, which include fencing, drainage, irrigation,  
37 and other agricultural uses and structures, including portable structures  
38 which do not conflict with existing county ordinances. This does not include  
39 construction of rural event centers, bed and breakfasts, and/or other  
40 structures, facilities, or improvements intended primarily to house, shelter,  
41 transport, or otherwise accommodate members of the general public in  
42 agricultural zoning classifications.  
43

44 **SECTION VI. SEVERABILITY** - Should any word, phrase, sentence, subsection  
45 or section be held by a court of competent jurisdiction to be illegal, void, unenforceable,  
46 or unconstitutional, then that word, phrase, sentence, subsection or section so held shall

1 be severed from this ordinance and all other words, phrases, sentences, subsections, or  
2 sections shall remain in full force and effect.

3  
4 **SECTION VII: CONFLICTING ORDINANCES** - All ordinances, or part thereof, in  
5 conflict herewith are, to the extent of such conflict, repealed.

6  
7 **SECTION VIII: EFFECTIVE DATE** – A certified copy of this Ordinance shall be  
8 filed with the Department of State by the County Manager within ten (10) days after  
9 enactment by the County Council and this Ordinance shall take effect upon filing with the  
10 Department of State.

11  
12 ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN  
13 MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE  
14 THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE,  
15 DELAND, FLORIDA, THIS 21st DAY OF AUGUST, 2018.

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20 COUNTY COUNCIL  
21 COUNTY OF VOLUSIA, FLORIDA

22 ATTEST:  
23 SEAL

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George Recktenwald, Interim County Manager

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Ed Kelley, County Chair

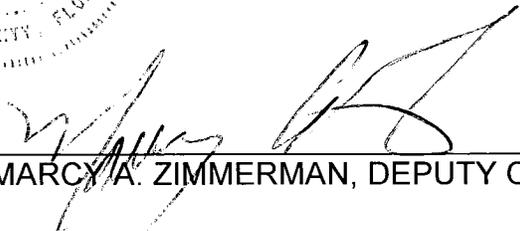
STATE OF FLORIDA  
COUNTY OF VOLUSIA

I, GEORGE RECKTENWALD, Interim County Manager and Clerk to the County Council of Volusia County, Florida, do hereby certify that the attached and foregoing ORDINANCE 2018-15 is a true and correct copy of that certain Ordinance as adopted by the County Council of Volusia County, Florida, at its meeting held on August 21, 2018.

WITNESS my hand and official seal at DeLand, Volusia County, Florida, this 22<sup>nd</sup> day of August, A.D. 2018.

George Recktenwald  
GEORGE RECKTENWALD  
INTERIM COUNTY MANAGER AND  
CLERK TO THE COUNTY COUNCIL  
OF VOLUSIA COUNTY, FLORIDA



BY:   
MARCY A. ZIMMERMAN, DEPUTY CLERK