

ORDINANCE 2018 - 05

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA, AMENDING CHAPTER 72, LAND PLANNING, ARTICLE I, SECTION 72-2, DEFINITIONS, BY PROVIDING FOR A DEFINITION OF DEPARTMENT, BY AMENDING THE DEFINITION OF ZONING ENFORCEMENT OFFICIAL; BY AMENDING ARTICLE II, DIVISION 3, SECTION 72-102, OFFICIAL ZONING MAP, BY CORRECTING THE DEPARTMENT; BY AMENDING DIVISION 7, SECTION 72-241 CLASSIFICATIONS, BY CORRECTING THE LIST OF CLASSIFICATIONS, BY AMENDING THE MAXIMUM BUILDING HEIGHT IN A-3 AND A-4 TRANSITIONAL AGRICULTURE CLASSIFICATIONS, BY DELETING RE RESIDENTIAL CLASSIFICATION, BY ADDING HOUSE OF WORSHIP TO MH-3 RURAL MOBILE HOME CLASSIFICATION; BY AMENDING DIVISION 8, SECTION 72-282, FENCES, WALLS AND HEDGES, BY AMENDING SUBSECTION (4) BY ADDING WALLS AND HEDGES; BY AMENDING SECTION 72-289, PLANNED UNIT DEVELOPMENT REGULATIONS, BY CORRECTING THE DEPARTMENT; BY AMENDING SECTION 72-291, FINAL SITE PLAN, BY CORRECTING THE DEPARTMENT; BY AMENDING SECTION 72-293, SPECIAL EXCEPTIONS, BY AMENDING SUBSECTION (3) RECREATIONAL AREAS, BY AMENDING SUBSECTION (5) MINI-WAREHOUSE PARKING, BY AMENDING SUBSECTION (9) ASPHALT AND CEMENT BATCHING PLANTS, BY AMENDING SUBSECTION (15) EXCAVATIONS; BY AMENDING SECTION 72-294, WATERFRONT YARDS, BY ADDING REVETMENTS; BY AMENDING SECTION 72-297, THOROUGHFARE OVERLAY ZONE REGULATIONS, BY AMENDING MINIMUM YARD SIZE; BY AMENDING SECTION 72-298 SIGN REGULATIONS SUBSECTION (2) PROHIBITED SIGNS AND SUBSECTION (11) TEMPORARY SIGNS; BY AMENDING SECTION 72-303, [NONRESIDENTIAL DEVELOPMENT DESIGN STANDARDS] BY AMENDING SUBSECTION (c) AND SUBSECTION (g); BY AMENDING DIVISION 9, SECTION 72-341, ADMINISTRATION, BY CORRECTING REFERENCE TO ZONING ENFORCEMENT OFFICIAL, BY CORRECTING REFERENCE TO FLORIDA BUILDING CODE, BY PROVIDING FOR A FENCE PERMIT, BY

CORRECTING DEPARTMENT; BY AMENDING DIVISION 10, SECTION 72-379, VARIANCES, BY CORRECTING DEPARTMENT; BY AMENDING DIVISION 11, SECTION 72-411, CREATION BY CORRECTING DEPARTMENT; BY AMENDING SECTION 72-412, RULES OF PROCEDURE, BY PROVIDING FOR RECOMMENDATION OF APPROVAL FOR ZONING MAP OR SPECIAL EXCEPTION BY MAJORITY OF MEMBERS PRESENT; BY AMENDING SECTION 72-414, AMENDMENT TO OFFICIAL ZONING MAP PROCEDURE, BY CORRECTING DEPARTMENT, BY PROVIDING FOR THREE DAY REVIEW; BY AMENDING SECTION 72-415, SPECIAL EXCEPTIONS, BY CORRECTING DEPARTMENT; BY AMENDING ARTICLE III DIVISION 4, SECTION 72-612, STREETS, BY CORRECTING DEPARTMENT; AMENDING DIVISION 10, BY AMENDING THE TITLE; AMENDING SECTION 72-834, GENERAL PROHIBITION BY PROVIDING FOR DRC APPROVAL FOR HISTORIC TREES; BY AMENDING SECTION 72-835, GENERAL EXEMPTIONS, BY AMENDING SUBSECTION (b) NUISANCE TREES, BY AMENDING SUBSECTION (d)(2) AGRICULTURAL USES; BY AMENDING SECTION 72-843 HISTORIC AND SPECIMEN TREES, BY PROVIDING FOR DRC APPROVAL FOR HISTORIC TREES; BY AMENDING DIVISION 14, SECTION 72-1008, AGENCY REVIEW AND COMMENT, BY CORRECTING AGENCIES; BY DELETING ALL REFERENCES TO RE RESIDENTIAL ZONING CLASSIFICATION IN ALL SECTIONS OF CHAPTER 72; PROVIDING FOR RECORDATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN CODE; AND 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 underscore type are additions.)

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

Sec. 72-2. – Definitions.

...

1 Department. The growth and resource management department.

2 ...

3 *Zoning enforcement official:* The director of ~~the building and zoning code administration division~~
4 growth and resource management department of the county or ~~his~~ a duly authorized representative.

5 ...

6 **SECTION II:** Chapter 72, Article II, Division 3, Section 72-102 of the Code of
7 Ordinances, County of Volusia is hereby amended to read as follows:

8 **Sec. 72-102. - Official zoning map.**

9 (a) *Identification of official map.* The Official Zoning Map of Volusia County adopted June 4,
10 1992, as previously amended, is hereby repealed; and a new official zoning map is hereby
11 adopted. The Official Zoning Map of Volusia County and any subsequent amendments thereto
12 may be on a geographic information system format. The official zoning map shall consist of a
13 cover page and a series of map pages depicting the unincorporated area of the county. The cover
14 page shall bear the county seal and the following words:

15 "This is the Official Zoning Map of Volusia County referred to in division 3 of Volusia
16 County Ordinance No. 80-8, as amended, adopted on May 5, 1994".

17 True copies of the official zoning map shall be displayed and available for public viewing in the
18 main and branch offices of the ~~growth management~~ department.

19 (b) *Amendments.* Approved amendments to the official zoning map shall be promptly noted on
20 the official zoning map and the true copies located in the ~~growth management~~ department by
21 inserting the correct zoning classification, and the case number on or near the affected lot.
22 Approved annexations of unincorporated areas into municipalities or the creation of new
23 municipalities shall be promptly noted on the official zoning map and its true copies located in
24 the ~~growth management~~ department by inserting the correct municipal limit line and the city
25 ordinance number annexing the property, if applicable.

26 (c) *Retention of earlier zoning maps.* All zoning maps and regulations or portions thereof which
27 have had official force and effect in the county prior to July 10, 1980, shall be retained as public
28 records. A true copy of the official zoning map in force prior to its repeal on May 16, 1991, shall
29 be retained as public records by the ~~growth management~~ department.

30 A true copy of the official zoning map in force prior to its repeal on June 4, 1992, shall be
31 retained as public records by the ~~growth management~~ department. A true copy of the official

zoning map in force prior to its repeal on May 5, 1994, shall be retained as public records by the growth management department.

...

SECTION III: Chapter 72, Article II, Division 7, Section 72-241 of the Code of Ordinances, County of Volusia is hereby amended to read as follows:

Sec. 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

...

A-3 TRANSITIONAL AGRICULTURE CLASSIFICATION

...

Dimensional requirements:

...

Maximum building height: ~~55~~ 45 feet.

...

A-4 TRANSITIONAL AGRICULTURE CLASSIFICATION

...

Dimensional requirements:

...

Maximum building height: ~~55~~ 45 feet.

...

~~RE RESIDENTIAL ESTATE~~ ~~CLASSIFICATION~~

~~*Purpose and intent:* The purpose and intent of the RE Residential Estate Classification is to provide low density residential development, preserving the character of existing or proposed residential neighborhoods.~~

~~Permitted principal uses and structures:~~ In the RE Residential Estate Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

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

~~Essential utility services.~~

~~Exempt excavations (refer to subsection 72-293(15)) and/or those which comply with division 8 of the Land Development Code of Volusia County [article III] and/or final site plan review procedures of this article.~~

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

~~Fire stations.~~

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

~~Houses of worship.~~

~~Parks and recreation areas accessory to residential developments.~~

~~Public schools.~~

~~Publicly owned parks and recreational areas.~~

~~Publicly owned or regulated water supply wells.~~

~~Single-family standard or manufactured modular dwelling.~~

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

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

~~Cemeteries (refer to subsection 72-293(4)).~~

~~Communication towers exceeding 70 feet in height above ground level.~~

~~Community garden.~~

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

~~Dogs and cats boarded as personal pets exceeding the number permitted in subsection 72-306(a).~~

~~Excavations only for stormwater retention ponds for which a permit is required by this article.~~

~~Garage apartments.~~

~~Off-street parking areas (refer to subsection 72-293(14)).~~

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

~~Recreational areas (refer to subsection 72-293(3)).~~

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

~~Dimensional requirements:~~

~~Minimum lot size:~~

~~Area: Two and one-half acres.~~

~~Width: 100 feet.~~

~~Minimum yard size:~~

~~Front yard: 30 feet.~~

~~Rear yard: 20 feet.~~

~~Side yard: 20 feet combined, minimum of eight feet on any one side.~~

~~Waterfront yard: 25 feet.~~

~~Maximum building height: 35 feet.~~

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

~~Minimum floor area: 1,500 square feet.~~

~~Off-street parking and loading requirements: Off-street parking and loading areas meeting the requirements of sections 72-286 and 72-287 shall be constructed.~~

...

MH-3 RURAL MOBILE HOME

CLASSIFICATION

...

Permitted principal uses and structures:

...

Houses of worship.

...

SECTION IV: Chapter 72, Article II, Division 8, Section 72-282 of the Code of Ordinances, County of Volusia is hereby amended to read as follows:

Sec. 72-282. - Fences, walls and hedges.

Fences, walls and hedges may be permitted in any yard area, provided:

...

(4) *Nonresidential areas:* A nonresidential fence, wall, or hedge may be a maximum height of eight feet around the perimeter of the project if the fence does not interfere with vehicle visibility requirements at traffic access points as set forth in subsection 72-277(3). If chain

link fencing is used, then it shall be vinyl-coated black and all parts must match. For public utility uses and structures, a minimum fence height of six feet is required.

...

SECTION V: Chapter 72, Article II, Division 8, Section 72-289 of the Code of Ordinances, County of Volusia is hereby amended to read as follows:

Sec. 72-289. - Planned unit development regulations.

...

(5) Procedure for rezoning to PUD.

a. *Preapplication stage.* A preapplication meeting is required before a PUD rezoning application can be accepted. After the preapplication meeting, a sketch plan may be submitted for review and comment prior to filing the application for rezoning.

1. *Preapplication meeting.* The preapplication meeting is intended to provide an opportunity for an informational exchange between the applicant and the administrative staff. It will be arranged by the ~~growth-management~~ department. No fee shall be charged. The applicant need not submit any plans or other information; however, the more information, such as sketch plans, proposed land uses, site information, adjacent land uses, and proposed density, that the applicant does submit, the more complete the responsive comment can be. As a minimum, the applicant will be advised of the usual procedures and requirements. Forms, application materials, guidelines, checklists, copies of the comprehensive plan, and of the zoning and subdivision regulations, will be made available at a reasonable cost.

2. *Sketch plan.* After the preapplication meeting, a sketch plan may be submitted to the ~~growth-management~~ department. If submitted, written comments on the sketch plan shall be made by the ~~growth-management~~ department and any other interested departments within 30 days. The ~~growth-management~~ department shall coordinate this review. If submitted, a sketch plan shall indicate general land use categories and the approximate height, location, architectural character and density of dwellings and other structures. The sketch plan shall also show the tentative major street layout, approximate

1 street widths, sites of schools, open space areas and parks, existing structures,
2 waterways, wooded areas, wetlands, floodplain areas (if applicable), total
3 acreage and existing zoning. Finally, it shall include a vicinity map and any
4 other information deemed appropriate by the applicant.

5 Written comments on the sketch plan are informational only and are subject to change after a
6 more detailed review of the rezoning application.

7 b. *RPUD application stage.* An application for rezoning to RPUD, together with a
8 master development plan (MDP) and such application fees as are set at the
9 preapplication meeting, shall be submitted to the ~~growth management~~ department.
10 If a rezoning applicant desires concurrent review under the Land Development Code
11 [article III], he shall so state at the time of application, and shall submit any
12 additional information required by those regulations. The master development plan
13 shall consist of a preliminary plan and a written development agreement. Those
14 documents shall include the following information:

15 ...

16 2. *Written development agreement.* In addition to a preliminary plan, a written
17 development agreement shall be prepared, following a general format
18 supplied by the ~~growth management~~ department at the preapplication meeting.
19 The development agreement, along with the preliminary plan, shall govern the
20 development of the PUD and shall regulate the future use of the land. The
21 development agreement shall include any statements or information requested
22 by any reviewing department or agency at the preapplication meeting, such
23 as:

24 ...

25 c. *BPUD, IPUD or MPUD application stage.*

26 ...

27 2. *Written development agreement.* In addition to a preliminary plan, a written
28 development agreement shall be prepared, following a general format supplied by
29 the ~~planning and zoning~~ department at the preapplication meeting. The
30 development agreement, along with the preliminary plan, shall govern the

development of the BPUD, MPUD or IPUD and shall regulate the future use of the land. The development agreement shall include the following information:

...

SECTION VI: Chapter 72, Article II, Division 8, Section 72-291 of the Code of Ordinances, County of Volusia is hereby amended to read as follows:

Sec. 72-291. - Final site plan.

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

(b) *Modification of development standards for site plan approval.* This subsection is established to provide standards and procedures for the granting of administrative modifications of development standards. The modification of standards is specifically intended to promote high standards for final site plan reviews under division 3 of the county Land Development Code [article III], provide flexibility in the administration of standards in recognition of site specific conditions, and to establish conditions to ensure compatibility where standards are modified.

...

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

...

SECTION VII: Chapter 72, Article II, Division 8, Section 72-293 of the Code of Ordinances, County of Volusia is hereby amended to read as follows:

Sec. 72-293. - Special exceptions.

...

(3) ~~Golf courses, country clubs, swim clubs, tennis clubs,~~ Recreational areas and similar uses are permitted, provided:

...

(5) *Mini-warehouses*, designed and operated according to the following standards:

...

b. *Parking*: ~~Once space for every ten storage cubicles equally distributed through the project site~~ As required by section 72-286(5).

...

(9) *Permanent and temporary asphalt and cement batching plants* ~~shall be~~ are permitted, provided the following conditions are met:

...

(15) *Excavations*.

a. A special exception is not required for the following activities:

...

3. Foundations and building pads for any building or structure, provided that a valid building permit has been issued by the ~~growth management~~ department.

...

b. The following requirements and conditions must be met for any nonexempt excavation. A nonexempt excavation requires a special exception to this article and issuance of a permit in accordance with the final site plan procedures of division 3 of the Land Development Code [article III].

1. Each application for a special exception shall be accompanied by plans, drawings, and information prepared by a Florida registered engineer depicting, at a minimum:

...

ii. Proposed side slopes and depths which meet these minimums:
All sides of the excavated area shall, at a minimum, comply with the following:

A. One foot vertical for each ~~six~~ four feet horizontal to a depth of ~~ten~~ two feet below the ~~dry season~~ seasonal low water table elevation as determined by a geotechnical engineer, unless waived by the county council.

B. For depths greater than ~~ten~~ two feet below the ~~dry season~~ seasonal low water table elevation, the

1 slope may be one foot vertical for each one foot
2 horizontal.

3 Unless waived by the county council, and notwithstanding section
4 72-282 of this article, any excavation in excess of the
5 aforementioned slope shall be fully enclosed by a six-foot-high
6 chain link fence approved by the CDE, development engineering
7 division which shall include a gate that shall be closed and locked at
8 all times during which the excavation pit is not in use. Unless
9 determined otherwise by the CDE, said fencing shall be completely
10 installed prior to initiation of the excavating activity and shall
11 remain in place; unless determined otherwise by the development
12 engineering division, until the excavation is satisfactorily reclaimed.

13 ...

14 **SECTION VIII:** Chapter 72, Article II, Division 8, Section 72-294 of the Code of
15 Ordinances, County of Volusia is hereby amended to read as follows:

16 **Sec. 72-294. - Waterfront yards.**

17 Such a yard shall be measured from the mean high-water mark on tidal waters or the
18 ordinary high-water mark on non-tidal waters whenever the mean high-water mark or ordinary
19 high-water mark falls within the lot lines. For the purposes of determining the maximum lot
20 coverage and density for lots with waterfront yards, the mean high-water mark or ordinary high-
21 water mark shall be substituted for lot lines wherever said lines fall within the lot lines. Provided,
22 however, on lots with seawalls or revetments the yard shall be measured from the landward edge
23 of the seawall or revetment.

24 ...

25 **SECTION IX:** Chapter 72, Article II, Division 8, Section 72-297 of the Code of
26 Ordinances, County of Volusia is hereby amended to read as follows:

27 **Sec. 72-297. - Thoroughfare overlay zone regulations.**

28 ...

29 (c) *Dimensional requirements:*

30 ...

31 (2) *Minimum yard size:* Front yard: ~~75~~50 feet.

1 ...
2 **SECTION X:** Chapter 72, Article II, Division 8, Section 72-298 of the Code of
3 Ordinances, County of Volusia is hereby amended to read as follows:

4 **Sec. 72-298. - Sign regulations.**

5 The following sign regulations shall apply within the unincorporated area of Volusia
6 County, Florida, including areas with previously approved community development plans. For
7 purposes of interpretation, the term "residential planned unit development, RPUD", shall
8 include the term "community development plan, CDP".

9 ...
10 (2) *Prohibited signs:* Except as otherwise provided in this article, the following signs
11 are prohibited in all zoning classifications established in division 7 of this article:

12 ...
13 e. ~~Temporary roof or temporary projecting signs.~~

14 ...
15 l. Roof signs, whether erected, constructed or painted on or above the roof of a
16 building or structure.

17 ...
18 (11) *Temporary signs:*

19 a. Temporary signs may be erected on a premises in accordance with the
20 following requirements:

21 ...
22 4. ~~Temporary signs with 16 square feet or less of copy area do not require~~
23 ~~a permit, but shall comply with all other applicable regulations of this~~
24 ~~article. Temporary signs with more than 16 square feet of copy area~~
25 ~~require a permit.~~ All temporary signs may be authorized for a total period
26 not to exceed three months during any calendar year. Said sign shall be
27 removed upon the expiration of the above-described period.

28 ...
29 **SECTION XI:** Chapter 72, Article II, Division 8, Section 72-303 of the Code of
30 Ordinances, County of Volusia is hereby amended to read as follows:

31 **Sec. 72-303. - [Nonresidential development design standards.]**

1 ...
2 (c) *Site plan design standards.*

3 (1) Site layouts shall be designed with special attention to the creation of an
4 attractive, safe and functional urban environment based upon the following
5 standards:

6 a. *Building orientation.*

7 ...

8 ~~Building~~ Building Orientation

9 ...

10 (g) *Off-street parking standards.*

11 ...

12 (6) Vehicle use areas shall be sufficiently screened from public rights-of-way by
13 utilizing landscape berms, themed streetscape trees with landscape materials, trellis
14 designs and/or low urban walls that incorporate architectural detail. Perimeter
15 design shall be determined with the assistance of the department~~County Building~~
16 ~~and Zoning Division~~ to promote the community image for the area in which the
17 development is located.

18 ...

19 **SECTION XII:** Chapter 72, Article II, Division 9, Section 72-341 of the Code of
20 Ordinances, County of Volusia is hereby amended to read as follows:

21 **Sec. 72-341. - Administration.**

22 (a) *Enforcement.* The zoning enforcement official shall interpret, administer and enforce this
23 division. ~~He~~ The zoning enforcement official is authorized to obtain assistance in the
24 performance of ~~his~~ all duties from any other department or agency of the federal, state or any
25 local government.

26 (b) *Permits required.* No structure, including any sign ~~greater than 16 square feet in copy area~~
27 unless specifically exempted under subsection 72-298(1) of this article, shall be erected, moved
28 or altered without first applying for ~~or~~ and obtaining a building permit as required by the Florida
29 Building Code~~Standard Building Code and Electrical Code~~, if applicable. No fence shall be
30 erected, moved or altered without first applying for and obtaining a permit from the department.
31 No building permit shall be issued by the ~~growth-management~~ department until the zoning

1 enforcement official signs the building permit application attesting to the fact that the proposed
2 use or structure or sign conforms to this article, or unless the zoning enforcement official receives
3 a written order from the county council or the planning and land development regulations
4 commission, whichever is applicable. If the zoning enforcement official does not sign the
5 building permit application, reasons for such action shall be stated in writing, upon request. No
6 building permit shall be required to erect fences on any agriculturally classified lands.

7 (c) *Application for building permit.* Building permit applications may be obtained from the
8 ~~growth-management~~ department, and each application for a building permit shall contain the
9 following information in addition to the information required by any other applicable section of
10 this article and the ~~growth-management~~ department:

11 ...

12 **SECTION XIII:** Chapter 72, Article II, Division 10, Section 72-379 of the Code of
13 Ordinances, County of Volusia is hereby amended to read as follows:

14 **Sec. 72-379. - Variances.**

15 ...

16 (1) *Application.*

17 a. An application for a variance shall be submitted to the ~~growth-management~~
18 department, together with all applicable fees. The application shall include the
19 following:

20 ...

21 b. The ~~growth-management-services-group~~ department shall review the
22 application. The ~~services-group~~ department has three working days from the date
23 the applicant submits the application to determine if it is complete and correct. If
24 the application is found to be lacking any of the requested information or if the
25 data and exhibits are inaccurate, it will not be considered "filed" for the purpose
26 of processing nor placed on the commission's agenda unless a sufficient
27 application is submitted within three working days after the filing deadline date.

28 c. The ~~growth-management~~ department shall submit a written report containing
29 its recommendations on each application to the applicant and to the commission
30 at least one week prior to the meeting of the commission before which the
31 application is to be heard, unless an extension is granted by the commission.

1 ...
2
3 **SECTION XIV:** Chapter 72, Article II, Division 11, Section 72-411 of the Code of
4 Ordinances, County of Volusia is hereby amended to read as follows:

5 **Sec. 72-411. - Creation.**
6 ...

7 (3) *Officers, employees:* The commission shall elect a chairman, vice chairman and secretary
8 from among its voting members. The ~~growth-management~~ department shall provide
9 clerical and staff assistance.
10 ...

11 **SECTION XV:** Chapter 72, Article II, Division 11, Section 72-412 of the Code of
12 Ordinances, County of Volusia is hereby amended to read as follows:

13 **Sec. 72-412. - Rules of procedure.**

14 The commission shall meet at regular monthly intervals, and at such other times as it may
15 deem necessary, for the transaction of its business. It shall adopt written bylaws and keep a
16 properly indexed public record of its resolutions, transactions, findings and recommendations.
17 The commission may in its bylaws limit the number of new amendments or special exception
18 applications which it shall hear each month. A quorum shall be four members. No
19 recommendations for approval of any amendment to this section, amendment to the official
20 zoning map, or special exception application may be made unless ~~four~~ a majority of members
21 present concur. No variance shall be granted, in whole or in part, unless four members concur.
22 A tie vote shall be grounds for continuance to the next scheduled meeting.
23 ...

24 **SECTION XVI:** Chapter 72, Article II, Division 11, Section 72-414 of the Code of
25 Ordinances, County of Volusia is hereby amended to read as follows:

26 **Sec. 72-414. - Amendment to official zoning map procedure.**

27 (a) An application for amendment of the official zoning map, submitted by any person or
28 persons owning 51 percent or more of the subject land, shall be on a form supplied by the
29 ~~growth-management~~ department, which shall be filed with said department, together with
30 any applicable fees. The application shall include the following:
31 ...

1 Provided, however, an application for an administrative amendment authorized by the
2 county council shall be filed by the ~~growth-management~~ department. This application shall
3 include a copy of the zoning map page depicting the property involved.

4 (b) The ~~growth-management~~ department shall review the application. The department has ~~seven~~
5 three working days from the date the applicant submits the application to determine if it is
6 complete and correct. If the application is found to be lacking any of the requested
7 information or if the data and exhibits are inaccurate, it will not be considered "filed" for the
8 purpose of processing, nor placed on the ~~planning and land development regulation~~
9 commission's agenda unless a sufficient application is submitted within ~~seven~~ three working
10 days after the filing deadline date.

11 (c) The ~~growth-management~~ department shall submit a written report containing its
12 recommendations on each application to the commission and to the applicant at least one
13 week prior to the meeting of the commission before which the application is to be heard
14 unless an extension is granted by the county council.

15 ...

16 **SECTION XVII:** Chapter 72, Article II, Division 11, Section 72-415 of the Code of
17 Ordinances, County of Volusia is hereby amended to read as follows:

18 **Sec. 72-415. - Special exceptions.** The commission shall hear applications for such special
19 exceptions as are specifically authorized under this article, in the following manner:

20 (1) Provided, however, an application for a special exception authorized by the county council
21 shall include a copy of the zoning map page depicting the property involved in lieu of a
22 current survey. A written application for a special exception shall be submitted to the
23 department ~~growth-management services-group~~, together with all applicable fees. The
24 application shall include:

25 ...

26 (2) The ~~department growth-management services-group~~ shall review the application. The
27 ~~services-group~~ department has three working days from the date the applicant submits the
28 application to determine if it is complete and correct. If the application is found to be
29 lacking any of the requested information or if the data and exhibits are inaccurate, it will
30 not be considered "filed" for the purpose of processing, or placed on the ~~planning and land~~

development regulation commission's agenda unless a sufficient application is submitted within three working days after the filing deadline date.

(3) The ~~department growth management services group~~ shall submit a written report containing its recommendations on each application to the commission and to the applicant at least one week prior to the meeting of the commission before which the application is to be heard unless an extension is granted by the commission.

(4) The commission shall hold a public hearing on each application after due public notice. The commission may accept, reject, modify, retain or seek additional information from the ~~department growth management services group~~.

...

SECTION XVIII: Chapter 72, Article III, Division 4, Section 72-612 of the Code of Ordinances, County of Volusia is hereby amended to read as follows:

Sec. 72-612. - Streets.

...

(l) *Street names.* Proposed streets which are obviously in alignment with other existing or approved named streets shall have the same name as the existing or approved streets. In no other case shall the name of a proposed street duplicate or be phonetically similar to existing or approved street names, irrespective of the use of alternative suffixes, such as "street", "avenue", "boulevard", "drive", "place", "court", etc. Circle or loop streets shall bear the same name throughout. All street names shall require the approval of the ~~department growth management service center~~.

...

SECTION XIX: Chapter 72, Article III, Division 10, of the Code of Ordinances, County of Volusia is hereby amended to read as follows:

DIVISION 10. VOLUSIA COUNTY TREE PRESERVATION ORDINANCE

SECTION XX: Chapter 72, Article III, Division 10, Section 72-834 of the Code of Ordinances, County of Volusia is hereby amended to read as follows:

Sec. 72-834. - General prohibitions.

Unless otherwise authorized by this division, no person shall cause, suffer, permit or allow:

(1) The removal of any historical tree without first obtaining approval from the ~~DRCouncil~~ to conduct the removal.

1 ...
2 **SECTION XXI:** Chapter 72, Article III, Division 10, Section 72-835 of the Code of
3 Ordinances, County of Volusia is hereby amended to read as follows:

4 **Sec. 72-835. - General exemptions.**

5 ...
6 (b) Nuisance trees as defined in 72-2~~specified in the glossary portion of this article III of the~~
7 ~~Volusia County Land Development Code~~ are exempt from the provisions of this division.

8 ...
9 (d) Trees with trunks which lie wholly within the property boundaries as described herein, are
10 exempt from the requirements of this division if the following conditions are met:

11 ...
12 (2) *Agricultural use.* Said property is classified (zoned) A-1, A-2, A-3 (over 2.5
13 acres), A-4, RC, RA, MH-3, MH-4 (over 2.5 acres),OTR, ORE, OCR or FR
14 pursuant to article II, Volusia County Zoning Ordinance, division 7, as amended;
15 or classified as agricultural land for ad valorem tax purposes by the Volusia County
16 property appraiser.

17 a. *Rebuttable presumption:* A rebuttable presumption is created for the
18 removal of any tree on land which is classified as, or used for, agriculture,
19 as set forth above; if said tree is removed within three years prior to and
20 located on property which is the subject of:

21 ...
22 3. Subdivision and site plan application approval pursuant to
23 article III, division 2, Volusia County Land Development Code,
24 as amended.

25 ...
26 **SECTION XXII:** Chapter 72, Article III, Division 10, Section 72-843 of the Code of
27 Ordinances, County of Volusia is hereby amended to read as follows:

28 **Sec. 72-843. - Historic and specimen trees.**

29 (a) Historic trees shall only be removed or relocated upon approval of a permit granted by the
30 DRC~~county council~~. However, if said trees are deteriorated, dying, or considered to be a hazard,

1 the county forester upon prior review, may grant approval for removal under terms of subsection
2 72-835(c) of this article.

3 ...

4 (3) The land development manager shall prepare and submit a report on the application,
5 including the county forester's recommendation, ~~to the county manager's office~~ for
6 inclusion on the next available DRC~~county council~~ agenda.

7 (4) The ~~county council~~DRC shall consider the report and shall approve, approve with
8 conditions, or deny the application. The report of the DRC~~county council~~ action shall be
9 transmitted back to the land development division, stating any reasons for denial or
10 conditions.

11 (5) Upon receipt of the DRC~~county council~~ actions the land development division shall
12 immediately act concerning issuance of the permit.

13 ...

14 **SECTION XXIII:** Chapter 72, Article III, Division 14, Section 72-1008 of the Code of
15 Ordinances, County of Volusia is hereby amended to read as follows:

16 **Sec. 72-1008. - Agency review and comment.**

17 (a) The LDM will be responsible for coordinating application review under this division.

18 (b) The following agencies shall coordinate with the LDM and perform a determination of
19 capacity pursuant to section 72-1010 concerning the impact of the proposed development on the
20 public facilities designated in this division:

21 (1) Growth and resource management.

22 ...

23 (5) ~~East Volusia Transportation Authority~~ VOTRAN.

24 ...

25 **SECTION XXIV:** Chapter 72, Article II, shall be amended to delete the reference to RE
26 zoning classification in Division 8, Section 72-277, Section 72-284, Table I, Section 72-287, 72-
27 298, and 72-306 of the Code of Ordinances, County of Volusia to read as follows:

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

29 Every part of every yard shall be open and unobstructed from the ground up, except as
30 follows:

(1) In the RR, ~~RE~~, R-1 through R-6, R-9, MH-5, MH-6, OMV, OUR, OTR, ORE, OCR and RPUD classifications...

...

(2) In the RR, ~~RE~~, R-1 through R-6, R-9, MH-5, and MH-6, OMV, OUR, OTR, ORE, OCR, and RPUD classifications...

...

Sec. 72-284. - Landscaping requirements.

...

TABLE I

LANDSCAPE BUFFER REQUIREMENTS

...

1b. RA, RR, ~~RE~~, R-1 through R-9, or RPUD, MPUD (residential area) and MH-1 through MH-8, except MH-3

...

5b. RA, RR, ~~RE~~, R-1 through R-9, or RPUD

...

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)

...

14b. RA, RR, ~~RE~~, R-1 through R-9, RPUD and MPUD (residential area)

...

17b. RA, RR, ~~RE~~, R-1 through R-5, and R-9

...

23a. I-1 through I-4, IPUD, B-1 through B-9, BPUD, and AP. 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 MH-3

...

26a. All residential projects classified as RA, RR, ~~RE~~, R-1 through R-9 or RPUD and MH-1 through MH-8, except MH-3

...

28b. RA, RR, ~~RE~~, R-1 through R-9, or RPUD

...

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

(a) *Large vehicles.*

(1) No truck tractor, semitrailer, commercial bus, cutaway van, (except for those allowed in subsection (b)(6), below, chassis cab truck, or any other truck with a gross vehicle weight greater than 10,500 pounds (as determined by the greater of the vehicle registration or the manufacturer's specification) shall be parked, except while being actively loaded or unloaded for legitimate commercial purpose in the RR, ~~RE~~, R-1 through R-9, MH-1, MH-2, MH-4, MH-5, MH-6, MH-7, MH-8, and the residential use areas of PUD classifications.

...

(d) *Mobile recreational shelters or vehicles in residential areas.* Except as otherwise provided herein, mobile recreational shelters and vehicles, utility trailers, watercraft and other trailers are permitted as an accessory use in the RR, ~~RE~~, R-1 through R-6, R-9, MH-4, MH-5, MH-6 and the single- and two-family residential areas of the PUD classification; provided that, in addition to the requirements of subsection (b), above, the following additional conditions are also met:

...

(e) *Residential parking.* In the RR, ~~RE~~, R-1 through the R-6, R-9, MH-4, MH-5, MH-6, and the single- and two-family residential use areas of PUD classifications, motor vehicles, mobile recreational shelters or vehicles, trailers and watercraft, shall not be parked anywhere within that portion of the lot lying across the full width of the lot between the front lot line and the principal structure, except on driveways.

...

Sec. 72-298. - Sign regulations.

...

(7) *Application of regulations, FR, RC, C, A, R, MH classifications:* The following regulations contained in this subsection shall apply in the FR, RC, C, A-1, A-2, A-3, A-4, RR, ~~RE~~, RA, R-1 through R-9, MH-1 through MH-8, OTR, ORE, OCR and residential use areas in the OMV, OUR, RPUD and MPUD classifications established in division 7 of this article:

...

Sec. 72-306. - Dogs and cats in residential areas.

(a) *Number limit.* The boarding of dogs and cats over six months of age shall be allowed on a premises within the FR, RC, A-1 through A-4, RR, RA, ~~RE~~, R-1 through R-9, MH-1 through MH-

1 8, Osteen and PUD zoning classifications but shall not exceed the following total combined
2 number:

3 ...

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

9 **SECTION XXVI: AUTHORIZING INCLUSION IN CODE** – The provisions of this
10 ordinance shall be included and incorporated into the Code of Ordinances of the County of Volusia,
11 as additions or amendments thereto, and shall be appropriately renumbered to conform to the
12 uniform numbering system of the Code.

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

15 **SECTION XXVIII: EFFECTIVE DATE** - This ordinance shall take effect upon electronic
16 filing of a certified copy with the Department of State.

17 ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN
18 MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE
19 THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE,
20 DELAND, FLORIDA THIS 18th DAY OF JANUARY, 2018.

21
22
23
24
25
26
27 ATTEST
28
29
30
31
32

JAMES T. DINNEEN
COUNTY MANAGER

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

Ed Kelley
ED KELLEY
COUNTY CHAIR