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ORDINANCE 2018-04

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, DEFINING MANUFACTURING AND ASSEMBLY, LIGHT; AMENDING ARTICLE CHAPTER 72, ARTICLE II, ZONING, ESTABLISHING THE SOUTHWEST ACTIVITY CENTER COMMERCE ZONING DISTRICT AND THE SOUTHWEST ACTIVITY CENTER COMMUNITY ZONING DISTRICT; AMENDING CHAPTER 72, ARTICLE IV, DIVISION 5, ESTABLISHING DEVELOPMENT STANDARDS FOR SOUTHWEST ACTIVING CENTER ZONING CLASSIFICATIONS; 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:

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

Abandon: Any cessation of an existing use of land or of any structure thereon for a period greater than that specified by this chapter, other than a cessation necessarily incident to probate, bankruptcy or mortgage foreclosure proceedings, or to the temporary absences of part-time residents.

* * * * *

Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufacturing and assembly, light: 1) Product assembling or mixing, where previously processed components of manufactured parts produced off-site are fitted together into a finished product or blended together to form a non-combustible and non-explosive product; and 2) product packaging, including bottling, canning, wrapping, and boxing of products assembled or manufactured off-site. Light manufacturing and assembly does not include uses that produce noise, odors, vibration, hazardous waste materials, or particulates that create significant negative impacts to adjacent land uses. All operations are contained within a building.

Marina: A boat dock or basin with facilities for berthing, securing, fueling and servicing various types of recreational watercraft. It may include the provision of supplies and storage. It does not include boat docks that are accessory to residential uses.

* * * * *

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

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

1	IPUD	[Repealed]
2	PUD	Planned Unit Development
3	OCV	Osteen Commercial Village
4	OMV	Osteen Mixed Use Village
5	OTC	Osteen Tech Center
6	OUR	Osteen Urban Residential
7	OTR	Osteen Transitional Residential
8	ORE	Osteen Rural Estate
9	OCR	Osteen Cluster Residential
10	AP	Airport Property
11	<u>SWC</u>	<u>Southwest Activity Center Commerce</u>
12	<u>SWR</u>	<u>Southwest Activity Center Community</u>

* * * * *

SOUTHWEST ACTIVITY CENTER COMMERCE
CLASSIFICATION (SWC)

Purpose and intent: The intent of the SWC classification is to facilitate a mixed-use, multipurpose district where land use flexibility and design creativity are encouraged. The SWC classification is designed for moderate to higher intensity development in order to create a high-value employment center featuring corporate and general professional office space, research facilities, light manufacturing, flex office/warehouse space, retail uses, hotel uses and vertically mixed residential uses.

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

Animal hospitals, veterinary clinics.
Art, dance, modeling and music schools.
Auditoriums, lecture halls, or conference rooms accessory to the principal use.
Bakeries, retail (including preparation of products for sale on the premises).
Bakery product manufacturers.
Bars and liquor stores.
Bars as accessory use to hotels and restaurants.
Barbershops, beauty shops, shoe repair shops.
Bowling alleys.
Catering services.
Communication towers not exceeding 70ft in height above ground level.
Computer and data processing.
Confectioners, retail (including the preparation of products for sale on the premises).
Convenience stores with more than 8 vehicular service positions per fuel dispenser island).
Convenience stores with or without fuel dispensers.
Convention halls or centers.
Cultural art centers.
Day care centers (refer to subsection 72-239(6)).
Dental laboratories.
Display and sale (retail or wholesale) of products or parts manufactured or assembled by the manufacturer on the premises.
Electrical component manufacturer.
Essential utility services.

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

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

4 Financial institutions.

5 Fire stations.

6 Flex office/warehouse facility.

7 Funeral homes.

8 Game rooms or arcades for pool, billiards, pinball machines, jukeboxes or other coin operated
9 amusements.

10 General offices.

11 Government-sponsored civic centers.

12 Hardware/home improvement retail center.

13 Health clubs or spas (refer to subsection 72-1310(e)).

14 High tech uses.

15 Home occupations, class A (refer to subsection 72-283).

16 Hospitals.

17 Hotels/motels.

18 Houses of worship.

19 Laboratories.

20 Law enforcement facilities.

21 Laundry and dry cleaning establishments.

22 Libraries.

23 Manufacturing and assembly, light.

24 Medical and dental clinics.

25 Multifamily dwelling, vertically mixed or integrated with nonresidential uses (residential use may
26 be located on the second floor or above).

27 Museums.

28 Nightclubs.

29 Parks and recreation areas accessory to residential developments.

30 Pharmacies.

31 Pharmaceutical products, drugs, (compounding only).

32 Printing and engraving, including photostating and publishing.

33 Private clubs.

34 Public utility uses and structures.

35 Public schools.

36 Publicly owned parks and recreational areas.

37 Radio and television broadcasting stations.

38 Research and development establishment.

39 Restaurants, types A and B.

40 Retail sales and services.

41 Retail specialty shops.

42 Tailor shops.

43 Theatres.

44 Travel agencies.

45
46 *Permitted special exceptions:* Additional regulations/requirements governing permitted special
47 exceptions are located in sections 72-293 and 72-415 of this article.
48

49 Communication towers exceeding 70ft in height above ground level.

1 Heliports and helipads, accessory to a principal use (the principal and accessory use are not required
2 to be on the same parcel, however, the accessory use must clearly serve the purpose of the
3 principal use to which it is affiliated).

4 Off-street parking areas (refer to subsection 72-293(14)), (the principal and accessory use are not
5 required to be on the same parcel, however, the accessory use must clearly serve the
6 purpose of the principal use to which it is affiliated).

7 Parking garages, (the principal and accessory use are not required to be on the same parcel,
8 however, the accessory use must clearly serve the purpose of the principal use to which it
9 is affiliated).

10 Public uses not listed as permitted principal uses.

11
12 *Project development standards. Any mixed-use, multi-use, office park, shopping center, or*
13 *industrial park with more than one individual use or user shall be required to meet the following minimum*
14 *design standards.*

15
16 Project size:

17 Area: 10 acres.

18 Width: 300 feet.

19
20 Out-parcels:

21 Area: 15,000 square feet.

22 Width: 75 feet.

23
24 *Note: Access to out-parcels shall be internal to the project only. No outparcel shall have*
25 *direct access to a thoroughfare road.*

26
27 Yard size (excluding out-parcels):

28 Front: 100 feet.

29 Rear: 50 feet.

30 Side: 50 feet.

31 Waterfront: 50 feet.

32
33 Yard size for outparcels:

34 Front: 35 feet.

35 Rear: 10 feet if abutting SWC zoned land within the project.

36 50 feet if out-parcel abuts nonresidential classified land outside project.

37 Side: 10 feet if abutting SWC zoned land within the project. 50 feet if out-parcel
38 abuts nonresidential classified land outside project.

39 Waterfront: 50 feet.

40
41 *Individual lot development standards. Any single use or mixed-use development that is not part of*
42 *a larger development project shall be required to meet the following minimum design standards.*

43
44 Lot size:

45 Area: 1 acre.

46 Width: 150 feet.

47
48 Yard size for individual lots:

49 Front: 35 feet.

50 Rear: 20 feet.

51 Side: 10 feet.

1 Waterfront: 25 feet.

2
3 Residential standards. Residential units may be a part of a vertically mixed-use development,
4 which means that commercial/office uses shall occupy the ground floor space and residential units may
5 occupy the upper floors in the same building.
6

7 Maximum density: 22 du/1 ac.

8 Minimum density: 8 du/1 ac.

9 Minimum floor area: Studio or efficiency: 480 square feet.

10 One bedroom: 575 square feet.

11 Each additional bedroom: 150 square feet.

12 Maximum building height: 60 feet, but may be increased based on increased setbacks
13 as follows, for every foot above the maximum building
14 height, an additional foot of building setback shall be
15 required for all yards. Building height shall not be eligible
16 for a variance.

17 Maximum lot coverage: The total area covered by principal and accessory
18 structures shall not exceed sixty (60%) percent.
19

20 Off-street parking and loading requirements. Refer to section 72-1366.

21
22 Landscape and buffer requirements. Refer to section 72-1369.

23
24 Outdoor lighting requirements. Refer to section 72-1367.

25
26 Roadway setbacks. Where a proposed development within the SWC classification abuts a road,
27 the following setbacks shall apply:
28

29 Thoroughfare road: 50 feet.

30 Local road: 35 feet.
31

32 SOUTHWEST ACTIVITY CENTER COMMUNITY
33 CLASSIFICATION (SWR)
34

35 Purpose and intent. The purpose of the SWR classification is to facilitate a variety of housing
36 choices to support the Activity Center employment base. This classification is designed to provide a
37 transition in intensity from the SWC classification to the surrounding low intensity uses outside the
38 Southwest Activity Center. Housing types in the SWR can include single-family dwellings on individual
39 lots, townhomes, or medium density, low rise multifamily formats. Commercial and personal service uses
40 are also permitted at a neighborhood scale and in appropriate locations, and shall be limited to those uses
41 that provide convenience goods and services for the residents of the surrounding area.
42

43 Permitted principal uses and structures: In the SWR classification, no premises shall be used
44 except for the following uses and their customary accessory uses or structures:
45

46 Art, dance, modeling, and music schools.

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

48 Barbershops, beauty shops, shoe repair shops.

49 Book and stationary stores.

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

51 Communications towers not exceeding 70ft in height above ground level.

1 Community residential homes (refer to subsection 72-290(3)).
2 Confectioners, retail (including preparation of products for sale on the premises).
3 Convenience stores with or without fuel dispensers. No more than 8 vehicular service positions
4 per fuel dispenser island – maximum of 4 fuel dispenser islands.
5 Essential utility services.
6 Exempt excavations (refer to subsection 72-293(15)) or those which comply with division 8 of the
7 LDC of Volusia County (article III) or final site plan review procedures of this article.
8 Exempt landfills (refer to subsection 72-293(16)).
9 Financial institutions.
10 Fire stations.
11 General offices.
12 Home occupations, class A (refer to subsection 72-283).
13 Houses of worship.
14 Laundry and dry cleaning establishments.
15 Libraries.
16 Multifamily dwellings.
17 Multifamily standard or manufactured modular dwellings.
18 Nursing homes, boarding homes.
19 Parks and recreation areas accessory to residential developments.
20 Pharmacies.
21 Public utility uses and structures.
22 Public schools.
23 Publicly owned parks and recreational areas.
24 Restaurants, types A and B, without drive-throughs.
25 Retail sales and services.
26 Retail specialty shops.
27 Single-family standard or manufactured modular dwellings.
28 Tailor shops.
29 Travel agencies.
30 Two-family dwellings.

31
32 *Permitted special exceptions.* Additional regulations/requirements governing permitted special
33 exceptions are located in sections 72-293 and 72-415 of this article.
34

35 Bed and breakfast (refer to subsection 72-293(19)).
36 Day care centers (refer to subsection 72-293(6)).
37 Garage apartments (accessory to a principal dwelling unit only).
38 Group homes (refer to subsection 72-293(12)).
39 Health clubs or spas.
40 Off-street parking areas, accessory to a principal use (The principal and accessory use are not
41 required to be on the same parcel; however, the accessory use must clearly serve the purpose
42 of the principal use to which it is affiliated).
43 Public uses not listed as permitted principal uses.
44 Schools, parochial or private (refer to subsection 72-293(4)).
45

46 *Dimensional requirements.*
47

48 (a) *Single-family residential:*
49

50 *Minimum lot size:*

51 Area: 7,500 square feet.

Width: 75 feet.
Minimum yard size:
Front yard: 25 feet.
Rear yard: 20 feet.
Side yard: 20 feet combined, minimum 8 feet on any one side.
Waterfront yard: 25 feet.
Maximum building height: 35 feet.
Minimum floor area: 800 square feet.
Maximum lot coverage: The total area covered by principal or accessory structures shall not exceed thirty-five (35%) percent.

Other requirements:

(1) All single-family residential lots must be part of a multi-lot, platted subdivision meeting the requirements of Article III, Division 2 of the Land Development Regulations.

(2) No individual single-family lot shall have direct access onto a thoroughfare roadway.

(b) Two-family residential:

Minimum lot size:

Area: 11,000 square feet.
Width: 75 feet. If the two-family dwelling and lot is divided into separate ownership for each unit, then a minimum lot area of 5,500 square feet for each unit and 11,000 square feet for both units combined shall be required, and also a minimum lot width of 37-½ feet for each unit and 75 feet for both units combined shall be required.

Yard size:

Front: 25 feet.
Rear: 20 feet.
Side (exterior): 10 feet.
Side (interior): 0 feet.
Waterfront: 25 feet.

Maximum building height: 35 feet.

Floor area: 600 square feet.

Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed thirty-five (35%) percent.

Other requirements:

(1) All two-family residential lots must be part of a multi-lot, platted subdivision meeting the requirements of Article III, Division 2 of the Land Development Regulations.

(2) No individual two-family lot shall have direct access onto a thoroughfare roadway.

(c) Multifamily dwellings.

Minimum project size: 1 acre.

Maximum density: 18 dwelling units per net acre of land.

Minimum floor area:

Studio or efficiency: 480 square feet.
One bedroom: 575 square feet.

<u>Each additional bedroom:</u>	<u>150 square feet.</u>
<u>Maximum lot coverage:</u>	<u>The total lot area covered with principal and accessory buildings shall not exceed thirty-five (35%) percent.</u>
<u>Project perimeter setback:</u>	<u>No structure shall be located within 45 feet of the project's perimeter.</u>
<u>Minimum building separation requirements.</u>	<u>50 feet between fronts or rears of buildings.</u>
	<u>25 feet between any other combination of building arrangements.</u>
<u>Minimum building setback from streets and drives.</u>	<u>No building shall be located closer than 10 feet to any interior street, drive or off-street parking area.</u>
<u>Maximum building height:</u>	<u>45 feet if adjacent to single-family residential.</u>
	<u>55 feet if adjacent to multifamily residential or non-residential uses, provided project perimeter setback is increased by an additional 10 feet.</u>
	<u>Building height shall not be eligible for a variance.</u>
	<u>Ornamental roof features such as steeples, cupulas, or clock towers may extend an additional 10 feet above the maximum building height and shall not require an additional building setback.</u>
<u>Maximum building length and width.</u>	<u>No building shall exceed 250 feet in length or width.</u>

(d) Town houses.

<u>Minimum project size:</u>	<u>1 acre</u>
<u>Maximum density:</u>	<u>14 dwelling units per acre of land.</u>
<u>Minimum lot size per dwelling:</u>	
<u>Area:</u>	<u>2,000 square feet.</u>
<u>Width:</u>	<u>20 feet.</u>
<u>Project perimeter setback:</u>	<u>No structure shall be located within 45 feet of the project's perimeter.</u>
<u>Maximum building length and width:</u>	<u>No building shall exceed 250 feet in length and width.</u>
<u>Minimum yard size per dwelling:</u>	
<u>Front yard:</u>	<u>10 feet</u>
<u>Rear yard:</u>	<u>10 feet.</u>
<u>Side yard:</u>	<u>no minimum.</u>
<u>Waterfront yard:</u>	<u>25 feet.</u>
<u>Minimum floor area:</u>	<u>575 square feet.</u>
<u>Maximum lot coverage:</u>	<u>The total lot area covered with principal and accessory buildings shall not exceed thirty-five (35%) percent.</u>
<u>Maximum building height:</u>	<u>45 feet. Building height shall not be eligible for a variance.</u>
<u>Minimum building separation requirements:</u>	

50 feet between fronts or rears of principal buildings and 25 feet between any other combinations of principal building arrangements.

Garages/Vehicle storage areas: Front-loaded garages and vehicle storage areas shall maintain a 25 foot setback to the property line or closest side of the sidewalk, whichever is greater. Alley-loaded garages or vehicle storage areas shall maintain a 20 foot setback to the platted alley-way.

(e) *Non-residential uses:*

Minimum project size:

Area: 1 acre.

Width: 150 feet.

Minimum outparcel size:

Area: 15,000 square feet.

Width: 75 feet.

Access to outparcels shall be internal to the project only. No outparcel shall have direct access to a thoroughfare or local road.

Minimum yard size:

Front yard: 35 feet.

Rear yard: 20 feet.

Side yard: 10 feet.

Waterfront yard: 25 feet.

Maximum gross leasable area per project / shopping center: 50,000 square feet.

Maximum gross leasable area per individual use: 15,000 square feet.

Maximum lot coverage: The total area covered by principal and accessory buildings shall not exceed thirty-five (35%) percent.

Maximum building height: 35 feet. Ornamental roof features such as steeples, cupulas, or clock towers may extend an additional 10 feet above the maximum building height and shall not require an additional building setback. Building height shall not be eligible for a variance.

Roadway setbacks. Where a proposed development within the SWR classification abuts a road, the following setbacks shall apply:

Thoroughfare road: 50 feet.

Local road: 35 feet.

Off-street parking and loading requirements. Refer to section 72-1366.

Landscape buffer requirements: Refer to section 72-1369.

Lighting requirements: Refer to section 72-1367

SECTION II. Chapter 72, Article II, Section 72-277 of the Code of Ordinances, County of Volusia, is amended to read as follows:

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

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

- 1
2 (1) In the RR, RE, R-1 through R-6, R-9, MH-5, MH-6, OMV, OUR, OTR, ORE, OCR, SWR,
3 and RPUD classifications, except for the provisions of subsection 72-282(2), accessory
4 structures shall not be located in front yards. However, accessory structures may be located
5 in rear or side yards not less than five feet from the lot lines except for atypical lots.
6 However, garage apartments shall not be located in any required yard. On atypical lots,
7 accessory structures may be located not less than five feet from the side lot line provided
8 such structures, except for swimming pools, are not located in the side yard area between
9 the rear lot line and the rearmost point of the principal structure. Accessory structures,
10 except for seawalls and docks in accordance with 72-278, shall be located at least five feet
11 from any side or rear lot line, but not in platted easements.
12

13 * * * * *

- 14
15 (2) In the RR, RE, R-1 through R-6, R-9, MH-5 and MH-6, OMV, OUR, OTR, ORE, OCR,
16 SWR, and RPUD classifications, on double-frontage lots or corner lots, accessory
17 structures shall not be located in any yard abutting a street but may be located not less than
18 five feet from any adjacent lot line.
19
20 (3) In all zoning classifications, fences, walls and hedges may be located in yards to the extent
21 permitted by sections 72-282 and 72-284. However, on any corner lot, no structure or
22 shrubbery shall cause any obstruction to vision of motorists in accordance with the
23 provisions for obstructions to vision in division 4 of the Land Development Code
24 [article III].
25

26 * * * * *

27
28 **SECTION III.** Chapter 72, Article II, Section 72-282, of the Code of Ordinances, County of
29 Volusia, is amended to read as follows:
30

31 **Sec. 72-282. - Fences, walls and hedges.**
32

33 Fences, walls and hedges may be permitted in any yard area, provided:
34

35 * * * * *

- 36
37 (5) This section shall not be applied to any agricultural, conservation or public use
38 classifications.
39
40 (6) *Prohibited fencing.* Except for public utility uses and structures, barbwire or electric fences
41 are prohibited in the R-1 through R-9, OCV, OMV, OTC, OUR, SWC, SWR, and MH-1,
42 MH-2, MH-5, MH-6 and MH-7 classifications.
43
44 (7) Fences and fence walls must be constructed of conventional and traditional materials,
45 including, but not limited to, concrete block, brick, wood, decorative aluminum, iron or
46 steel, chain link or composite products manufactured specifically for fences and walls.
47 Nontraditional materials, including, but not limited to tires, mufflers, hubcaps, are
48 prohibited. Fabric sheets nets, plastic, metal, vinyl sheets or slats may be used as part of
49 the fence or attached to a fence for the purpose of enhancing privacy or required screening.
50

51 * * * * *

1 **SECTION IV.** Chapter 72, Article II, Section 72-286, of the Code of Ordinances, County of
2 Volusia, is amended to read as follows:

3
4 **Sec. 72-286. Off-street parking.**

5
6 Where required by this article, every use or structure shall have an adequate number of off-street
7 parking and loading spaces for the use of occupants, employees, visitors, customers, patrons or suppliers.
8 Division 4 of the Land Development Code [article III], shall apply to the design and construction of all
9 required off-street parking and loading areas.

10
11 * * * * *

12
13 (2) *Location.* Off-street parking areas shall be located to meet the following requirements:

- 14
15 a. For single-family and duplex uses each off-street parking space shall be located on
16 the premises which it serves; not be located in any front yard except on a driveway
17 but may be located within any garage or carport on the premises; or may be located
18 within any side or rear yard but not closer than five feet to any side or rear lot line,
19 but not in any platted easements. Each such space must be accessible from a
20 driveway connected to the street providing primary access to the premises.
21
22 b. For all other uses, off-site parking and loading areas shall be designed and located
23 according to the requirements of this article and the applicable divisions of the
24 Land Development Code.
25
26 c. If the required off-street parking spaces cannot reasonably be provided on the same
27 lot on which the principal building or use is located, such required off-street
28 parking spaces may be located on another lot, owned or leased by the owner of the
29 lot on which the principal structure or use is located, provided:
- 30
31 1. The spaces are located within 200 feet of the premises to be served.
 - 32
33 2. The spaces are located only in one or more of the following classifications:
34 OCV, OTC, OMV, SWC, SWR, B-1, B-2, B-3, B-4, B-5, B-6, B-7, B-8,
35 B-9, AP, I-1, I-2, I-3 and I-4.
 - 36
37 3. In the event that an off-site parking area is not under the same ownership
38 as the principal use served, applicants shall provide an affidavit to the
39 county stating that they have the right to use the property for an off-site
40 parking area.
 - 41
42 4. Any off-site parking located on a developed lot shall be in addition to the
43 minimum required parking necessary to support the principal use of said
44 developed lot.

45
46 * * * * *

47
48 **SECTION V.** Chapter 72, Article II, Section 72-287, of the Code of Ordinances, County of
49 Volusia, is amended to read as follows:

50
51 **Sec. 72-287. Parking and storage of vehicles, shelters or watercraft.**

1
2 (a) *Large vehicles.*
3

- 4 (1) No truck tractor, semitrailer, commercial bus, cutaway van, (except for those allowed in
5 subsection (b)(6), below, chassis cab truck, or any other truck with a gross vehicle weight
6 greater than 10,500 pounds (as determined by the greater of the vehicle registration or the
7 manufacturer's specification) shall be parked, except while being actively loaded or
8 unloaded for legitimate commercial purpose in the RR, RE, R-1 through R-9, MH-1, MH-
9 2, MH-4, MH-5, MH-6, MH-7, MH-8, and the residential use areas of PUD and SWR
10 classifications.
11
12 (2) The parking of truck tractors and/or semi-trailers is prohibited in the B-1, B-2, B-3, B-4,
13 B-8, B-9 and B-PUD's and commercial use areas of R-PUD's, SWC, SWR, and AP
14 classifications, unless said vehicles are accessory to or associated with the business(es) on
15 the premises.
16

17 **SECTION VI.** Chapter 72, Article II, Section 72-290, of the Code of Ordinances, County of
18 Volusia, is amended to read as follows:
19

20 The following additional regulations shall apply to specific permitted principal uses in all
21 classifications where so permitted:
22

23 (1) *Adult bookstores and adult theatres.*
24

25 a. *Additional restrictions for location.* Adult bookstores and adult theatres shall be
26 permitted principal uses in the I-1 classification, subject to the following additional
27 location requirements:
28

- 29 1. No adult bookstore or adult theatre shall be located within 400 feet of any
30 area of the county classified as C, P, FR, RC, A-1 through A-3, RA, RR,
31 R-1 through R-9, MH-1 through MH-8, OUR, OTR, AP, SWC, SWR or
32 PUD, unless the adult bookstore or theatre is a part of the PUD.
33
34 2. No adult bookstore and adult theatre shall be located within 1,000 feet of
35 any other such adult bookstores or adult theatres.
36
37 3. No adult bookstore or adult theatre shall be located within 400 feet of any
38 church, public school, public park or recreational facility, or public school
39 bus stop.
40

41 The distances above, shall be measured from property line to property line, without
42 regard to the route of travel.
43

44 * * * * *
45

46 **SECTION VII.** Chapter 72, Article II, Section 72-298, of the Code of Ordinances, County of
47 Volusia, is amended to read as follows:
48

49 **Sec. 72-298. Sign Regulations.**
50

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

5 * * * * *

- 6
7 (7) *Application of regulations, FR, RC, C, A, R, MH classifications:* The following regulations
8 contained in this subsection shall apply in the FR, RC, C, A-1, A-2, A-3, A-4, RR, RE, RA,
9 R-1 through R-9, MH-1 through MH-8, OTR, ORE, OCR, SWC, and residential use areas
10 in the OMV, OUR, SWC, SWR, RPUD and MPUD classifications established in division
11 7 of this article:

- 12
13 a. Maximum allowable sign copy area permitted per premises:

14 * * * * *

- 15
16
17 (8) *Application of regulations; P, B and I districts:* The following regulations contained in this
18 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,
19 I-4, OCV, OTC, AP, BPUD and the commercial, ~~and industrial, and vertically integrated~~
20 residential/commercial use area of the OMV, OUR, SWC, SWR, RPUD and MPUD
21 classifications:

- 22
23 a. Maximum copy area permitted per premises:

24 * * * * *

25
26
27 **SECTION VIII.** Chapter 72, Article II, Section 72-306, of the Code of Ordinances, County of
28 Volusia, is amended to read as follows:

29
30 **Sec. 72-306. - Dogs and cats in residential areas.**

- 31
32 (a) *Number limit.* The boarding of dogs and cats over six months of age shall be allowed on a
33 premises within the FR, RC, A-1 through A-4, RR, RA, RE, R-1 through R-9, MH-1
34 through MH-8, Osteen, SWC, SWR, and PUD zoning classifications but shall not exceed
35 the following total combined number:

36
37 Lots of one acre or less in size: Five.

38
39 Lots greater than one acre but less than five acres in size: Eight.

40
41 Lots five acres or greater in size: 12.

42 * * * * *

43
44
45 **SECTION IX.** Chapter 72, Article IV, Division 5, of the Code of Ordinances, County of Volusia
46 is created to read as follows:

47
48 **DIVISION 5. SOUTHWEST ACTIVITY CENTER**

49
50 **Section 72-1363. Applicability.**

51

1 These development regulations apply to properties located within the Southwest Activity Center
2 Commerce (SWC) and Southwest Activity Center Community (SWR) zoning classifications, unless
3 otherwise provided for herein, and are intended to further implement the Southwest Activity Center. In the
4 event of conflict between this division and other provisions of this chapter, the provisions of this division
5 shall apply. Otherwise, all other applicable provisions of the zoning code and/or land development code
6 shall apply.

7
8 **Section 72-1364. General design considerations.**
9

- 10 (1) Building primary facades and entrances within 100 feet of the public road shall face parallel
11 to the public road from which driveway access is provided. Corner buildings shall provide
12 front facades facing each public road.
- 13
14 (2) Non-residential and multifamily development shall include amenities such as awnings,
15 pergolas, arcades, street furniture, lighting, and sheltering trees, to provide a comfortable
16 pedestrian environment along and between buildings.
- 17
18 (3) Residential and non-residential development shall include pedestrian linkages from one
19 project to another to provide pedestrian connectivity throughout the Southwest Activity
20 Center area.
- 21
22 (4) Pedestrian walkways shall be provided along all public street frontages. Pedestrian ways,
23 linkages and paths shall be provided by the developer at the time of development from the
24 building entrance to surrounding streets, external sidewalks, and outparcels. Pedestrian
25 ways shall be designed to provide access between parking areas and the building entrances
26 in a coordinated and safe manner. Pedestrian ways may be incorporated within a required
27 landscape buffer. Walkways shall be a minimum of 5 feet in width, or in accordance with
28 section 72-620, whichever is greater, and be constructed to compliment the overall design
29 theme of the project.
- 30
31 (5) All development shall connect to central utilities for potable water uses. All irrigation
32 wells are prohibited. Non-potable water is to be provided by the following sources, in
33 order of priority, for surface irrigation of common and private areas, to include parks,
34 commercial, industrial and residential areas, unless prohibited by the Florida Department
35 of Environmental Protection, the St. Johns River Water Management District, or other
36 regulatory agency:
- 37
38 (a) Treated wastewater made available to the property;
39 (b) Surface water stored on-site in surface water storage ponds;
40 (c) Potable water may be used only on single-family residential lots if no lesser quality
41 source is available, but shall be converted to a lesser quality source when it
42 becomes available.
- 43
44 (6) Within the SWC zoning classification, project design, including site planning and building
45 design, shall feature well-landscaped public spaces such as squares and plazas, urban parks,
46 courtyards, an integrated pedestrian/trail system, and street-oriented building forms.
- 47
48 (7) Within the SWR zoning classification, parking lots shall not dominate the view from streets
49 and shall be located to the rear or center of building clusters.

50
51 **Section 72-1365. Architectural standards.**

- (1) Non-residential and multifamily buildings shall comply with nonresidential development design standards in section 72-303, except as otherwise required by this section.
- (2) Multifamily and non-residential developments shall ensure that all amenities, accessory structures and signage are consistent with the overall architectural theme of the development project, including, but not limited to, site furnishings, lighting, parking lights, benches, trash receptacles, newspaper racks, and/or shopping cart corrals.
- (3) Solar panels are allowed and encouraged on all buildings, in adherence to these design guidelines that may adopt to changing technologies.
- (4) Building design, construction, and operation should incorporate “green” building practices to promote energy conservation.
- (5) A common architectural theme shall be established for development projects by harmoniously coordinating the general appearance of all buildings and accessory structures within a development project. For purposes herein, general appearance includes, but is not limited to, exterior wall finishes, construction materials, roof styles, slopes, architectural details and ornamentation. All structures within a project shall complement one another and shall convey a sense of quality and permanence.
- (6) Fleet parking areas accommodating 5 vehicles or more shall be located to the rear of the associated building and screened from view by a vinyl fence, brick, stucco or split face block wall 6 feet in height.

Sec. 72-1366. Off-street parking and access.

Off-street parking areas and access to the property shall be developed in accordance with section 72-286, and the following additional regulations:

- (1) Any spaces provided in excess of the minimum number of required spaces shall be constructed of pervious materials which shall be approved by the Development Review Committee. Such materials may include, but are not limited to, stabilized grass, porous concrete or brick pavers.
- (2) Parking areas shall be designed to connect to adjacent properties within the Southwest Activity Center via a dedicated shared access easement. The shared access connection shall be built to the shared property line in accordance with article III, land development regulations.
- (3) Development shall coordinate plans with Votran for location of future stops to service employment centers and multifamily development.

Sec. 72-1367. Outdoor lighting.

Outdoor lighting shall be provided in accordance with the following regulations:

- (1) In no case shall illumination from the property increase the level of illumination at the property line by more than one-half (½) foot-candles.

- (2) Light fixtures shall be downward directed and fully shielded, and shall be placed so as not to cause light trespass or glare beyond the property boundary.
- (3) The maximum height of a light pole shall be 25 feet.
- (4) Light poles and light fixtures shall be architecturally consistent with the design theme of the development.
- (5) The total lumen cap for the property shall not exceed an average of two (2) foot-candles per acre.
- (6) A signed and sealed illumination plan prepared by a licensed engineer shall be provided to the county for compliance determination during site plan review, prior to the issuance of a development order.
- (7) Outdoor lighting for residential uses shall be provided in accordance with section 50-480.

Sec. 72-1368. Open space and tree preservation.

Open space and tree preservation shall be provided in accordance with chapter 72, article III, division 10, Volusia County Tree Preservation Ordinance, and the following additional regulations:

- (1) Where practical, preserved natural vegetation areas shall be designed to be interconnected between developments throughout the Activity Center.
- (2) The design of the stormwater system shall incorporate passive recreation features, including, but not limited to, nature trails, seating areas, and picnic tables.

Sec. 72-1369. Landscaping.

Landscape buffers and landscaping of off-street parking areas shall be developed in accordance with section 72-284, and the following additional regulations:

- (1) *Landscape requirements adjacent to roadways.* Where a proposed development abuts a road, the following landscape buffers shall apply:
 - (a) *Buffer width.*
 - (i) Buffers adjacent to thoroughfare roads shall be a minimum of 40 feet in width.
 - (ii) Buffers adjacent to local roads shall be a minimum of 15 feet in width.
 - (b) *Group A canopy trees.*
 - (i) *Thoroughfare roads.* 4 trees per 100 linear feet or fraction thereof. The size at planting shall be 4 inches caliper and 8 feet in height. Trees shall be limited to live oaks or laurel oaks and shall be planted in a staggered manner, 25 feet on center between 10 and 20 feet back from the right of way line. Where possible, the staggered planting design shall be continued on abutting properties to provide a continuous landscape pattern.

(ii) Local roads. 4 trees per 100 linear feet or fraction thereof. The size at planting shall be 2 inches caliper and 6 feet in height. Trees shall be planted 25 foot on center, and may be planted in a staggered manner, 10 feet back from the right-of-way line. Where possible, the planting design shall be continued on abutting properties to provide a continuous landscape pattern. Palms shall constitute no more than 25 percent of the required trees and shall have a minimum of 6 feet of clear trunk at planting.

(c) Group B understory trees.

(i) Thoroughfare roads. 6 trees per 100 linear feet or fraction thereof. The size at planting shall be 2½ inches caliper and 6 feet in height. Trees shall be planted a minimum of 10 feet back from the right-of-way and may be clustered at access points and intersections, subject to clear line of site for vehicles at said intersections. Palms shall constitute no more than 25 percent of the required trees and shall have a minimum of 6 feet of clear trunk at planting.

(ii) Local roads. 4 trees per 100 linear feet or fraction thereof. The size at planting shall be 1½ inches caliper and 6 feet in height. Trees shall be planted a minimum of 10 feet back from the right-of-way and may be clustered at access points and intersections, subject to clear line of site for vehicles at said intersections. Palms shall constitute no more than 25 percent of the required trees and shall have a minimum of 6 feet of clear trunk at planting.

(d) Group C or D (shrubs). Shrub plants may be planted in a continuous hedge or clustered in groupings. Continuous hedge plants shall be installed 3 feet on center and as follows:

(i) Thoroughfare roads. 33 plants per 100 linear feet or fraction thereof, and the size at planting shall be 2 feet in height.

(ii) Local roads. 27 plants per 100 linear feet or fraction thereof, and the size at planting shall be 2 feet in height.

(e) Ground cover. Landscape buffers shall be planted with grass or vegetative ground cover. Mulch may be used in planting beds and tree rings.

(f) Parking areas. Where parking abuts the landscape buffer, a continuous shrub hedge shall be arranged or planted so that a height of 3 feet will be attained within one year of planting to screen the parking area as viewed from the right-of-way.

(2) Landscape requirements. Landscape materials shall meet the standards set forth in section 72-284.

(a) Single family and two-family uses. Shall provide a 10 foot wide landscape buffer consisting of 6 Group B understory trees and 18 Group C or D shrubs per 100 linear feet. A visual screen is optional.

(b) Multifamily and townhome uses. Shall provide a 15 foot wide landscape buffer consisting of 4 Group A canopy trees, 4 Group B understory trees, and 27 Group C or D shrubs per 100 linear feet. A 6 foot high continuous visual screen shall also be provided. The screen may be a landscape hedge from Group C or D shrubs; or a brick, split-faced block or stucco-finished masonry wall.

(c) Commercial uses. Shall provide a 30 foot wide landscape buffer consisting of 4 Group A canopy trees, 4 Group B understory trees, and 27 Group C or D shrubs per 100 linear feet. A 6 foot high continuous visual screen shall also be provided. The screen may be a landscape hedge from Group C or D shrubs; or a brick, split-faced block or stucco-finished masonry wall.

(d) Industrial uses. Shall provide a 30 foot wide landscape buffer consisting of 4 Group A canopy trees, 4 Group B understory trees, and 27 Group C or D shrubs per 100 linear feet. A 6 foot high continuous visual screen shall also be provided. The screen may be a landscape hedge from Group C or D shrubs; or a brick, split-faced block or stucco-finished masonry wall.

Sec. 72-1370. Variances.

(a) Variances from zoning requirements. Unless otherwise provided in this section, a petition for variance from the requirements of this division for design standards, landscape buffers, or off-street parking requirements shall be governed by the provisions of section 72-379.

(b) Waiver from land development requirements. Unless otherwise provided in this section, a petition for waiver of the requirements of this division for any requirement not set forth in subsection (a) shall be governed by section 72-501.

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

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

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

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

ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN
OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE

1 THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE,
2 DELAND, FLORIDA, THIS ____ DAY OF ____, 2018.
3
4

5
6 ATTEST:
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8
9

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

10
11 _____
James T. Dinneen, County Manager
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Ed Kelley, County Chair