



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Agenda

Ordinance Review Committee

Member Sonjia Kihlmire
Member Kelly Latham
Member Joseph Cerrato
Member Cherri Taylor
Member Thomas Walsh
Member Rossana Sepulveda
Member Melissa Roberts

Thursday, December 3, 2015

6:00 PM

First Floor Conference Room

1. CALL TO ORDER:

2. ROLL CALL:

3. APPROVAL OF MINUTES & AGENDA:

A. Minutes of November 5, 2015

4. PRESENTATIONS/AWARDS/REPORTS:

5. PUBLIC FORUM:

6. OLD BUSINESS:

A. Ordinance No. 09-2015, Amending Section 110-806, Fences, Walls And Hedges

B. Discussion: Sec. 110-828. - Off-street parking and loading. (Regulations)

C. Discussion: Mobile Vending

7. NEW BUSINESS:

8. STAFF COMMENTS:

9. BOARD/COMMITTEE MEMBERS COMMENTS:

10. ADJOURNMENT:

NOTE: If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

Ordinance Review Committee

Thursday, November 5, 2015

6:30 PM

First Floor Conference Room

1. CALL TO ORDER:

The meeting was called to order at 6:30 pm.

2. ROLL CALL:

Also present: Planning & Development Director, Chris Bowley, AICP; Wade Vose, City Attorney, Vose Law Firm and Administrative Assistant, Kathrine Kyp.

Present: 7 - Vice Chair Sonjia Kihlmire
Chair Kelly Latham
Member Joseph Cerrato
Member Cherri Taylor
Member Thomas Walsh
Member Melissa Roberts
Member Rossana Sepulveda

3. APPROVAL OF MINUTES & AGENDA:

4. PRESENTATIONS/AWARDS/REPORTS:

5. PUBLIC FORUM:

6. OLD BUSINESS:

7. NEW BUSINESS:

A. Orientation: Roberts Rules of Order

Mr. Bowley provided a summary of the creation of the Ordinance Review Committee and its duties in conjunction to the City.

Mr. Vose provided a presentation regarding Roberts Rules of Order and the Sunshine Law as it pertains to the board.

Mr. Bowley discussed the need for a Chairman and Vice-Chairman and the duties surrounding the positions.

Motion by Member Cerrato to nominate Kelly Latham for Chairman.

With no further nominations for the position of Chairman, nominations were closed. The motion was seconded by Member Kilhmire and the motion carried unanimously.

Motion by Chairman Latham to nominate Sonjia Kilhmire for Vice-Chairman. With no further nominations for the position of Vice-Chairman, nominations were closed. The motion was seconded by Member Walsh and the motion carried unanimously.

B. Meeting Schedule

After discussion, the board agreed that the regular meeting schedule will be the first Thursday of each month, to begin at 6:00 pm.

Discussion ensued amongst the board and staff regarding meeting in December.

Motion by Member Walsh, seconded by Vice-Chairman Kihlmire to meet in December. The motion carried unanimously.

C. Assignment: Review of Specific Ordinances

Mr. Bowley discussed Ordinance 09-2015, and why it came to be reviewed by the Committee. He explained it was related to a code violation where neighbors were in disagreement with each other. As a result, there was a request to modify the existing ordinance surrounding the fences hedges and wall heights. Mr. Bowley also explained the additional sections of the code that has been provided for review; Off-street parking and loading regulations and Mobile Vendors.

Member Roberts asked if the committee can request additional information to assist in the review of the ordinances. Specifically to Ordinance 09-2015, it is to determine if the amount of citations warrants the review or revision of the ordinances. Mr. Bowley stated that there was some discussion at hearings regarding this ordinance so the minutes will be made available in addition to any data the City may have.

Chairman Latham summarized the tasks of the committee; to review the Ordinance 09-2015 and bring suggestions back to next meeting.

Discussion amongst the board and staff ensued regarding the final process of the Ordinance after it is sent to the City Commission. Mr. Bowley explained that the Ordinances will have two City Commission readings before being adopted.

Chairman Latham stated that she was a part of the dispute surrounding the review of Ordinance 09-2015. Discussion between the board and Mr. Vose ensued regarding soliciting other residents' feedback when they review ordinances.

8. STAFF COMMENTS:

9. BOARD/COMMITTEE MEMBERS COMMENTS:

10. ADJOURNMENT:

The meeting was adjourned at 7:57 pm.

ORDINANCE NO. 09-2015

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING SECTION 110-806, "FENCES, WALLS AND HEDGES," OF ARTICLE VIII, "SUPPLEMENTARY REGULATIONS", OF CHAPTER 110 "ZONING", OF THE LAND DEVELOPMENT CODE OF THE CITY OF DELTONA; PROVIDING FOR ADMINISTRATIVE EXEMPTION FROM A FOUR-FOOT LIMIT ON HEDGES IN FRONT YARDS; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA:

SECTION 1: Section 110-806, "Fences, Walls and Hedges", of Article VIII, "Supplementary Regulations", of Chapter 110, "Zoning", of the Land Development Code of the City of Deltona, is hereby amended to read, as follows:

Sec. 110-806. - Fences, walls and hedges.

(a) Purpose and intent. Fences, walls, and hedges are a recognized method to establish property boundaries, provide a level of privacy and security, and contain domesticated animals. However, fences, especially along roads, can alter the streetscape, where vistas associated with the open space and natural characteristics of the city are diminished. In addition, fencing along roads can harmfully impact pedestrian and motorist safety by impeding sightlines and visibility. The requirements of this section are intended to ensure that the benefits of fencing, walls, and hedges remain an option, while protecting the scenic characteristics of the city and maintaining a level of safety for the traveling public.

(b) A fence permit is required prior to building or installing any fence or wall within the City of Deltona.

(c) Walls erected in accordance with this section shall meet the requirements of the Florida Building Code, as amended.

(d) Materials.

(1) Fences or walls may be constructed of wood, chain link, masonry, concrete, vinyl, or wrought iron.

(2) Agricultural fencing, such as razor wire, barbed wire, chicken wire, and electric fences are prohibited in residential zoning districts or development, except that electric fences to contain horses are permitted in the RE-5 and RE-1 zoning districts, where lots are 2.45 acres or larger and horses are present on the lots.

(e) Height and setback requirements. The measurement of fence, wall, and hedge height shall be taken from the natural contour of the ground of adjoining lots or the particular lot (whichever is lower). Refer to section 70-30 (Definitions) for graphic illustration of yard areas.

(1) Front yard. Fences, walls, and hedges no higher than four (4) feet may be erected, placed, or maintained within any front yard. A hedge in excess of four (4) feet in height may be allowed by the director of development services, upon submission of an application setting forth substantial and competent evidence that the proposed or existing hedge does not harmfully impact pedestrian and motorist safety by impeding sightlines and visibility. The process set forth in section 94-14 will be utilized for the administrative review of such applications.

(2) Rear yard. Any fence or wall constructed along the rear property line shall not exceed six (6) feet in height. For fence height and setback requirements on waterfront and golf course lots, refer to section 110-806(g).

(3) Side yard. Any fence or wall constructed along a side lot line between properties shall not exceed six (6) feet in height.

(4) Side street yard. Any fence or wall constructed along a side street yard shall not exceed six (6) feet in height and may be placed within the side street yard, as allowed below, in order to facilitate greater use of the yard:

a. The nearest exterior wall of the dwelling;

b. The side street setback line; or

c. The side street accessory structure setback line for the R1-AAA, AA, A, and R1 per section 110-307(e).

(f) Residential fences shall be constructed with the finished side facing outward from the property. Fence posts and support beams shall be on the side of the fence facing away from the neighboring property.

(g) Fences, walls, and hedges on waterfront, or golf course lot. On waterfront or golf course properties, fences, walls, and hedges constructed along the rear property line and within that portion of the side lot lines located within the rear yard shall comply with the following:

(1) Up to four (4) feet in height: Fences, walls, and hedges constructed on a waterfront or golf course lot with an opacity of 25 percent or more shall not exceed four feet in height, above natural grade.

(2) Up to six (6) feet in height: Fences, walls, and hedges constructed on a waterfront or golf course lot with an opacity of 25 percent or less shall not exceed six (6) feet in height, above natural grade.

(3) Fences shall be built with a uniform percentage of opaqueness.

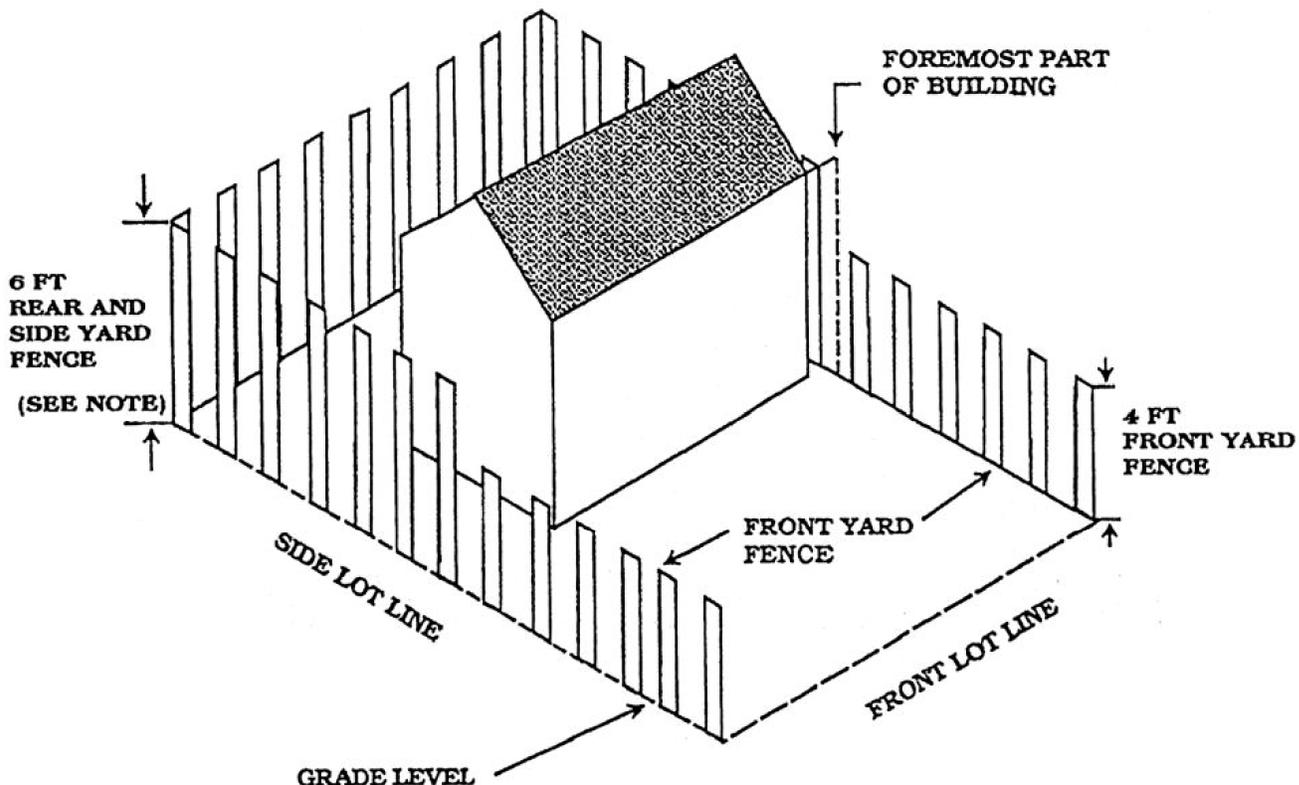
(h) Fences, walls, and hedges on vacant lots. On vacant lots, the permitted fencing is the same as that for developed lots in the same zoning district. On vacant corner lots, fences, walls, and hedges shall be located only within the minimum allowable setback area. If a dwelling is added later, the fence, wall or hedge may need to be relocated with possible height adjustments to meet code requirements.

(i) Non-conforming fences. Unless it is integral or a necessary part of another structure, whether principal or accessory, at such time that an entire fence on a property is destroyed or planned to be replaced, the property owner shall obtain a building permit and locate the new fence in accordance with the provisions of the City Code. In cases where the fence is integral or a necessary part of the structure noted above, the type, size, and location of the fence may be replaced in-kind.

(j) The above regulations also apply to residential uses within non-residential zoning districts.

(k) This section shall not be applied to any agricultural, commercial, industrial, resource protection (RP), public (P) use classifications, or any publicly used property.

FENCING REQUIREMENTS



SECTION 2. CONFLICTS. All Ordinances or parts of Ordinances, insofar as they are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed to the extent of any conflict.

SECTION 3. CODIFICATION. The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered or relettered to accomplish such intention.

SECTION 4. SEVERABILITY. In the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance, on which shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its final passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2015.

FIRST READING: _____

ADVERTISED: _____

SECOND READING: _____

JOHN C. MASIARCZYK SR., MAYOR

ATTEST:

JOYCE RAFTERY, CITY CLERK

Approved as to form and legality for use
and reliance by the City of Deltona, Florida

GRETCHEN R. H. VOSE, CITY ATTORNEY

Sec. 110-828. - Off-street parking and loading. (Regulations)

- (a) Off-street parking and loading regulations. Where required by this chapter, every use or structure shall have an adequate number of off-street parking and loading spaces for the use of occupants, employees, visitors, customers, patrons or suppliers. Except as noted in this section, chapter 96, article II, Code of Ordinances shall apply to the design and construction of all required off-street parking and loading areas.
- (b) Surfacing, drainage, lighting, and access.
 - (1) For single-family and two-family (duplex) residential dwellings, for model homes and model home parking lots located in residential zoning categories, and for city-owned facilities and Volusia County, or State of Florida, park and recreation facilities, offstreet parking areas and driveways that connect to paved streets or roads shall be surfaced with either concrete, brick, or asphalt, and maintained in a good condition for a minimum distance of 35 feet, or the distance to the house from the front or street side lot line, whichever is less. Additional driveways, driveways that connect to unpaved streets or roads, and parking spaces on these sites may be surfaced with crushed rock, shell, or stone, and maintained in a smooth well-graded condition. Material used at grades exceeding five percent (20'h.:1'v) must be attached to the ground, and may include paving brick or stone. Borders shall include provisions to ensure stormwater runoff is allowed to flow into the yard area adjacent to the driveway. Stormwater shall not be directed down the driveway into the public or private right-of-way or access easement except to the minimum extent necessary to effect a connection to the driveway apron at the property line, or onto adjacent property. The design storm event shall be as specified in the Deltona Land Development Code as it may be amended from time to time.
 - (2) Any required off-street parking and loading areas, including overflow areas, for land uses other than single-family or two-family (duplex) dwellings shall be surfaced with brick, asphalt, bituminous, or concrete material and maintained in a smooth condition. All areas shall be designed for the safety and convenient access of pedestrians and vehicles. An illumination plan prepared by a licensed professional engineer with expertise in the field of illumination, including the latest illumination technology available, shall be submitted for each parking facility that is proposed to be illuminated. Lights, used to illuminate any off-street parking facility, shall be designed and installed to prevent a related hazard or nuisance to vehicular or air traffic and to prevent glare, annoyance or discomfort by directing light away from adjacent residential properties and adjoining streets. In no case shall illumination from a parking facility (including illuminated canopies) increase the level of illumination at the edge of pavement on adjacent streets or at the property lines of adjoining properties by more than one foot candle. The maximum height of the light fixture, including pole and lamphead, shall not exceed 35 feet and be erected such that any series of light poles and lampheads are equal in height, as measured from ground level.
 - (3) To promote the safety of vehicular traffic and pedestrians and to minimize traffic congestion and conflict, access to any project or development, including single-family homes and duplexes, shall comply with the requirements of the Land Development Code, chapter 96, article II, as it may be amended from time to time, and shall require a hard surface driveway apron meeting city engineering standards connecting the driveway to a public street.
- (c) Location.
 - (1) The minimum number of parking spaces required in section 110-828(f) for all single-family and two-family dwellings shall be located on the same lot as the main building. If additional parking spaces are required for any single-family or two-family dwelling, the additional parking spaces may be located either on the same lot as the main building, or on an adjacent vacant lot of an expanded residential building site. If the required off-street parking spaces for all other uses cannot reasonably be provided on the same lot on which the principal building or use is located, such required off-street parking spaces may be located on another lot, owned or leased by the owner of the lot on which the principal structure or use is located, provided that such spaces are

located within 200 feet of the premises to be served, and, are located only in one or more of the following classifications: RM-1, RM-2, OR, C-1, C-2, C-3, I, PUD or PB. Such spaces may be located in any single-family residential zoning district only as a conditional use. Heavy equipment and vehicles requiring a commercial drivers' license of any class shall not be parked or stored on an off-premises parking lot permitted by this paragraph within any residential zoning district, or within the professional business zoning classification.

- (2) No parking space or portion of any parking facility shall be located or built within any platted easement unless an authorized use permit is issued by the City of Deltona.
- (d) Plan requirement. An off-street parking or loading space plan shall be submitted as follows:
- (1) For single-family and duplex uses off-street parking plans shall be shown on the plot plans submitted with an application for a building or zoning permit. The plot plan shall accurately illustrate the number and location of parking spaces and driveways. The addition of parking spaces to an existing single-family or duplex residential building site shall require an application for a zoning permit, which shall include a plot plan and sealed survey of the expanded residential building site. All required landscaping and screening, areas proposed to be cleared, trees proposed to be removed, existing and proposed vehicle accessways, parking areas, and structures shall be shown on the plot plan. In addition, building permit applications shall be submitted for any proposed construction that is regulated by the city's adopted building code.
 - (2) For all other uses, an off-street parking and loading space plan meeting the requirements of chapter 96, article II, Code of Ordinances shall be submitted and approved during the site plan review process of the Land Development Code.
- (e) Design requirements for off-street parking areas. Off-street parking areas shall be designed and located to meet the following requirements:
- (1) For single-family and duplex uses, except as otherwise provided in this article for expanded residential building sites, each off-street parking space shall be located on the premises which it serves; have minimum dimensions of nine feet in width by 19 feet in depth; not be located in any front yard except on a driveway but may be located within any garage or carport on the premises; and/or, may be located within any side or rear yard but not closer than five feet to any side or rear lot line, but not in any platted easements unless an authorized use permit is issued by the City of Deltona. Each such space must be accessible from a driveway connected to the street providing primary access to the premises. The design requirements for parking on the vacant lot of an expanded residential building site are set forth in paragraph (2) of this section.
 - (2) When additional parking is installed on the vacant lot of an expanded residential building site, the parking area shall be designed and built in accordance with the requirements of this paragraph, as follows:
 - a. Surfacing, drainage and access. Surfacing, drainage and access for any parking area on the adjacent vacant lot of an expanded residential building site shall meet the requirements of subsection 110-828(b).
 - b. Driveway spacing. Driveway spacing shall meet the minimum standards of the Deltona Land Development Code, Ordinance 96-25, as it may be amended from time to time. No driveway connection to a street may be made to the vacant portion of a residential building site for the purpose of providing additional parking. Access shall be provided across the adjacent lot on which a one- or two-family dwelling exists. The driveway or accessway serving the parking facility on the vacant lot of an expanded residential building site shall be built using one of the types of surfacing required for parking areas in subsection 110-810(b), as it may be amended from time to time.
 - c. Driveways, accessways, and parking areas. These facilities shall not be built in a manner that impairs any easement.
 - d. Setbacks. Any additional parking area on the vacant portion of an expanded residential building site shall be no closer to the front or rear lot lines than 30 feet, and no closer to the

exterior side lot line of the vacant lot than 20 feet. The exterior side lot line shall be the lot line directly opposite the common lot line that lies between the two lots comprising an expanded residential building site.

- e. Natural vegetation. Existing natural vegetation shall not be cleared from the area within the minimum setbacks required in paragraph "d." of this subsection, except to remove hazards or nuisance vegetation limited to exotic species, vines, poisonous plants, and dead or diseased plants, and in accordance with the tree protection requirements of chapter 98, article II of the Deltona Land Development Code as it may be amended from time to time.
 - f. Lot clearing. Lot clearing shall be limited to an area beyond the setbacks specified in paragraph "e." of this subsection that shall not exceed 55 feet in depth measured from the common lot line of the expanded residential building site toward the opposite side lot line, and 50 feet in width. However, clearing to the maximum allowable width and depth shall not be permitted in every instance, but shall be limited to those instances where that is the minimum amount of clearing required to accommodate the types of vehicles being parked on the vacant lot of the expanded residential building site. In each case, clearing shall be limited in width to the minimum needed to accommodate one parking space of nine feet in width for each vehicle proposed to be parked plus a maximum of ten feet on each side to accommodate any visual screening required by paragraph "g." of this section. In each case clearing shall be limited in depth to a depth that equals the length of the vehicle proposed to be parked plus a maximum of an additional ten feet to accommodate any visual screening required by paragraph "g." of this section.
 - g. Visual screening. If any portion of the parking area provided on the vacant portion of an expanded residential building site is visible from any adjacent street or lot, except the portion facing the common lot line of the site, that portion of the parking area must be screened from view. Minimum screening required shall be either a 100 percent opaque hedge, fence or wall at least four feet, but not more than six feet in height, and a row of understory trees high enough that their crowns obscure the parked vehicles from view. Chain link fences with cover materials or inserts shall not be permitted to meet this screening requirement. The required understory trees shall be planted so that their crown spreads at maturity shall completely cover the area within which any parked vehicle is visible. The required shrubs and understory trees shall reach maturity and achieve the required minimum screening within two years from the date of planting. All required landscaping materials shall be of the species specified in the approved plant species list in section 110-808 of the Land Development Code of the City of Deltona, as it may be amended from time to time. Except that deciduous species that drop their all or most of their leaves at any time of year are prohibited to be used as screening materials meeting the requirements of this section.
- (3) For all other uses, off-site parking and loading areas shall be designed and located according to the requirements of this ordinance and the applicable articles of the Land Development Code, Ordinance No. 96-25, as it may be amended from time to time.
- (f) Minimum off-street parking spaces. Minimum off-street parking spaces shall be provided with adequate means for vehicle ingress and egress from a public street or alley by an automobile of standard size, in accordance with the following table. Fractional spaces shall be rounded to the closest whole number. In stadiums, houses of worship, sports arenas, or other places of assembly where occupants sit on seats without dividing arms, each 18 linear inches of such seat shall be counted as one seat.

The minimum and maximum number of parking spaces required for any use not specifically mentioned, shall be determined by the zoning enforcement official or his or her designee based upon data from the Institute of Transportation Engineers Parking Generation Manual, from publications and data from the American Planning Association or the Urban Land Institute, from studies using ITE recommended methodology and other professionally acceptable sources. Information that other land uses, which are the same as, or similar to, the land use for which a parking determination is sought, have

been provided a given number of parking spaces in other jurisdictions shall not be controlling in determining parking requirements, unless such requirements in other jurisdictions are supported by publications, data and information available, or presented in writing, to the zoning enforcement official.

Table 110-9: Minimum Off-Street Parking Spaces

Land Use	Number of Parking Spaces
Parks:	
Open "free play area"	8 spaces per acre.
Equipped playground	10 spaces per site.
Multipurpose court	5 spaces per court.
Picnic area	1 space per table.
Baseball/softball	38 spaces per field.
Handball/racquetball court	2 spaces per court.
Tennis court	2 spaces per court.
Soccer/football	34 spaces per field.
Shuffleboard court	2 spaces per court.
Basketball court	5 spaces per court.
Jogging/fitness trail	2 spaces per trail.
Multipurpose field	8 spaces per acre.
Primitive camping	1 space per site.
Fishing pier	4 spaces per 50 lineal feet.
Boat ramp	36 spaces per boat lane.
Volleyball	6 spaces per court.

Concession building	1 space per concessionaire or employee.
Community center	1 space per 200 square feet GFA.*
Community pool—50 meter (164' × 75')	91 spaces.
Neighborhood pool—25 yards (75' × 45')	25 spaces.
Transportation centers	1 space for each 4 estimated average daily passengers To be addressed in the future—Multi-modal.
Recycling collection center	1 space per employee.
Solid waste transfer station	1 space per employee.
Banks	4 spaces/1,000 square feet of GFA with 5 reservoir spaces per drive thru window and drive thru ATM.
One- and two-family homes	1 BR and more: 2 spaces/d.u., in addition to garage parking, if any.
Multi-family	Studio and 1 BR: 1.5 spaces/d.u. + 1 space per 10 d.u. for guest parking. 2 BR: 2 BR or more: 2.0 spaces/d.u. + 1 space per 10 d.u. for guest parking. No recreational vehicles, boats, or trailers are permitted except within an additional visually screened and secured parking area that may be provided specifically for recreational vehicle, boat, and/or trailer storage.
Hardware store	2.86 spaces /1,000 square feet GFA.
Home improvement superstore	3.5 spaces/1,000 square feet GFA** applicant may increase to 5 spaces/1,000 GFA provided additional spaces may be classified as alternative surface spaces when located greater than 300 feet from the front door.*Garden Center area shall be included.
Hotels, motels	1 space/rental unit 1 space/guest room, plus an additional 10% for employees, plus additional parking required for any other land uses on

	the site, such as restaurants or bars.
Hospitals	1 space per bed.
Colleges, community colleges, or other places of higher learning	1.25 spaces per student and a minimum of 1 space per 250 square feet GFA of office area up to 1,000 office spaces, and 1 space per 500 GFA of office area for offices over a campus total of 250,000 square feet of GFA office area and 1 space per 200 square feet GFA devoted to classrooms, plus minimum parking required for other areas of assembly, sports arenas, and stadiums.
Nursing and convalescent facilities	1 space/2 patient beds, based on the maximum designed capacity of the facility.
Live theater or auditorium	1 space/3 persons permitted at fire code maximum occupancy plus 10% for employee parking.
Movie theater	1 Screen - 1 space/3 seats permitted at maximum fire code occupancy, plus 10% for employee parking. 2 Screens - 1 space/4 seats permitted at maximum fire code occupancy, plus 10% for employee parking. >2 Screens - 1 space/5 seats permitted at maximum fire code occupancy, plus 10% for employee parking.
Church	1 space/3 seats in main assembly area, or 33.3 spaces/1,000 square feet GFA in main assembly area if no fixed seating is provided. Seating shall be based on maximum fire code occupancy. Plus parking required for other uses on the site that operate during hours when the main assembly area may be in use.
Mortuary or funeral home	1 space/3 seats in main assembly area, or 33.3 spaces/1,000 square feet GFA in main assembly area if no fixed seating is provided. Seating shall be based on maximum fire code occupancy.
Other places of assembly	1 space/3 seats in main assembly area, or 33.3 spaces/1,000 square feet GFA in main assembly area if no fixed seating is provided. Seating shall be based on maximum fire code occupancy.
Restaurants	Type A: Indoor service, low turnover: 12 spaces/1,000 square feet GFA indoor service; High turnover: 14 spaces per 1,000 square feet GFA,

	<p>plus 6 reservoir spaces/service lane, with a minimum of 3 spaces behind the order station or menu.</p> <p>Type B: Fast food: 6 reservoir spaces/ service lane with a minimum of 3 spaces behind the order station or menu, plus 10 spaces/1,000 square feet GFA.</p> <p>Restaurant without customer seating 1 space/100 square feet GFA.</p>
Bars and night clubs	1 space/100 square feet GFA.
Office buildings less than 25,000 square feet	3.25 spaces/1,000 square feet GFA.
Office buildings between 25,000 sq. ft and 500,000 square feet	3.0 spaces/1,000 square feet GFA.
Office buildings over 500,000 square feet	Determined by parking demand study using professionally acceptable parking demand methodology approved by the zoning enforcement official, with results to be reviewed and approved by the city, but not less than 3 spaces/1,000 square feet GFA.
Medical offices, clinics, and laboratories	Min: 5 spaces/1,000 square feet GFA. Max: 6 spaces/1,000 square feet GFA.
Retail sales and services, general	Less than 150,000: 4.44 space/1,000 square feet GFA 150,000 square feet or greater: 4.0 space/1,000 square feet GFA. Garden center area shall be included.
Shopping centers	4.0 spaces/1,000 square feet GFA. Garden center area shall be included.
Library	5.0 spaces/1,000 square feet GFA.
Automated service station retail sales (Types A and B)	1 space/gas pump, plus 3 spaces/service bay (not including service bays as parking areas)
Automobile service station with retail sales (Type C)	1 space/gas pump, plus 5 spaces/1,000 square feet GFA.

Government office building	4 spaces/1,000 square feet GFA plus required seating auditorium when an assembly area is included.
Manufacturing	1.54 spaces/1,000 square feet GFA for manufacturing, plus and Industrial Required parking for other uses on the site.
Commercial and industrial dead storage	4 spaces/1,000 square feet.
Contractors storage yards	1 space/1,000 square feet.
General warehouses	1.54 spaces/1,000 square feet GFA, plus 3.5 spaces/1,000 square feet of office or retail area.
Self-service and mini-warehouses	1 space/10 cubicles or units, plus continuous Loading spaces clear of through traffic access, plus 3.5 spaces/1,000 square feet of office area.
Bowling alleys	4 spaces/alley, plus required parking for other uses on the site, plus 10% for employees.
Private clubs and lodges	1 space/3 persons permitted at the maximum fire code capacity of the main assembly area.
Day care center	1 space/state required staff, plus 1 space/5 children at maximum permitted capacity, plus 1 passenger loading space/ea. 10 children under care, minimum 4 spaces. In lieu of the above requirement, a two lane loading and access area may be provided in accordance with the design standards for such loading and access areas in the Deltona Zoning Ordinance, as it may be amended from time to time. When such loading and access area is provided, the minimum parking requirement shall be reduced to 1 space/10 children at maximum licensed occupancy, plus 1 space/state required staff person.
Group home	1 space/5 resident clients, plus 1 space/state Required employee on the largest shift.
Bed & breakfast	1 space/guest room, plus 10% for employee/guest parking, plus 2 spaces/permanent resident dwelling unit.
Ball park or stadium, not	1 space/ea. 3 seats or 1/300 square feet GFA, whichever is greater.

including Little League and similar children's recreational programs	
Recovery homes	1 space/2 patient beds, plus 10% for staff. If visitation is allowed, add another 10% for visitors.
Pool halls and billiard parlors	2 spaces/pool and billiard table, plus required parking for all other uses on the site, including restaurants or bars.
Golf or country club	6 spaces/golf hole, plus required parking for any other uses on the site.
Swim club	1 space/250 square feet member use area in principal building, plus 1 space/50 square feet of pool and deck area, 1 space per three (3) seats in any spectator area, and required parking for any other uses on the site.
Rooming or boarding houses and dormitories	1.5 spaces/rented room or unit, or 1 space/400 square feet boarding houses GFA when dormitory style facilities are provided.
Fraternities or sororities or student cooperatives	1 space/2 occupants based on fire rated capacity of the building.
Mobile home parks	2 spaces/d.u. plus any additional spaces required to service accessory buildings or structures, plus required parking for all other uses on the site.
Car wash	Full service: 1 space per employee on maximum shift plus sufficient area for stacking spaces. Self service: 1 stacking space per washing bay.
Veterinary clinics	4.44 space/1,000 square feet GFA.
Telemarketers	10 space/1,000 square feet GFA.
Furniture stores	2 spaces/1,000 square feet GFA.
Health club and spas	5.71 space/1,000 square feet GFA .
All land uses, maximum permitted parking	Maximum permitted number of parking spaces shall not exceed 1.15 times the minimum parking required by this section, unless otherwise

	stated herein, or unless a waiver of the maximum parking limitation is obtained from the zoning enforcement official pursuant to this section.
--	--

(g) Minimum requirements for off-street handicapped parking. Except for standard and manufactured single-family dwellings, and two-family standard or manufactured dwellings, where off-street parking spaces are required by this chapter, the number to be reserved for the handicapped shall be determined from the following table.

Table 110-10: Minimum Requirements for Off-Street Handicapped Parking

Total No. of Off-Street Parking Spaces	No. of Spaces Required to be Reserved for Handicapped
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
Over 1,000	20 plus 1 for each 100 over 1,000

- (h) Off-street loading and unloading regulations. At the time of construction of one of the following categories of buildings, or at the time of structural alteration for an increase in size or capacity, there shall be provided minimum off-street loading or unloading spaces with adequate means of ingress and egress from a public street or alley, without interfering with the public use of streets, or off-street parking spaces. Off-street parking spaces may not be used to meet off-street loading requirements.

The dimensions, design, and location of all off-street loading spaces shall meet the requirements of article IV of the Land Development Code.

The minimum numbers of off-street loading spaces shall be determined from the following table:

Table 110-11: Off-Street Loading Spaces

Use Category	Floor Area in Square Feet	Loading Space Required
Retail sales and service, restaurants or similar uses	3,000—10,000	1
	10,001—20,000	2
	Each additional 20,000 square feet or fraction	1
Offices, hotels, hospitals, nursing homes, assisted living facility, multi-family dwellings or similar uses	30,000—100,000	1
	Each additional 100,000 square feet or fraction	1
	10,000—50,000	1
Arenas, auditoriums, stadiums, convention centers, exhibition halls, museums or similar uses	50,001—100,000	2
	Over 100,000	4
	15,000—40,000	1
Any industrial use and any wholesale, retail and commercial storage facility	40,001—100,000	2
	100,000—160,000	3

	Each additional 80,000 square feet or fractions	1
--	---	---

- (i) Bicycle parking regulations. Each of the following uses shall be required to provide parking spaces for bicycles: parks and recreation areas; convenience stores; restaurants (Types A and B); game rooms; pharmacies; shopping centers (regional, community, and neighborhood); and any employment facility (i.e., office, industrial) with at least 50 employees.

The minimum number of bicycle spaces to be provided shall be determined from the following table:

Table 110-12: Minimum Number of Bicycle Spaces

Required No. of Automobile Parking Spaces	Minimum Number of Required Bicycle Parking Spaces
1—40	2
41—60	3
61—80	4
81—100	5
Over 100	6 plus 1 for each 20 automobile parking spaces over 100, provided that the maximum number of required bicycle spaces shall not exceed 20.

All bicycle parking shall be located so as to not conflict with automobile or pedestrian traffic flow.

- (j) Mass transit parking requirements. Community and regional shopping centers shall be designed to accommodate buses for convenient and safe boarding and unloading of passengers as well as maintaining a safe traffic pattern. Shopping centers of greater than 100,000 square feet of gross leasable floor area shall provide a passenger shelter or covered benches to accommodate the mass transit system riders. Bus stops, shelters, and benches shall be designed so as to avoid interference with automobile and pedestrian traffic from mass transit operations and facilities.

(Ord. No. 35-00, §§ 1, 2, 11-7-2000; Ord. No. 26-01, § 1, 9-17-2001; Ord. No. 28-01, § 2, 10-15-2001; Ord. No. 06-2003, § 3, 11-3-03; Ord. No. 27-2006, § 1, 11-6-2006; Ord. No. 06-2007, §§ 4, 5, 4-16-2007; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 23-91. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Mobile vending vehicle means any vehicle, cart or apparatus used for the displaying, storing or transporting of articles offered for sale by a mobile vendor.

Mobile vendor means any person engaged in the selling or offering for sale of food, beverages or merchandise outdoors from a mobile vending vehicle or from his person and not from an enclosed structure, as defined in the zoning code.

(Code 1953, § 38-19; Ord. No. C-84-109, § 2, 1-2-85; Ord. No. C-93-46, § 2, 7-20-93)

Sec. 23-92. - Findings and purpose.

It is found and declared that:

- (1) The purpose of the public streets and sidewalks is for use by vehicular and pedestrian traffic.
- (2) The prohibition of street and sidewalk vending is necessary to protect the health, safety and welfare of the traveling public.
- (3) The regulations contained in this article do not restrict the pure speech rights of organizations, but merely regulate the activities of organizations which are commercial in nature or which present safety hazards to the general public.

(Code 1953, § 38-18; Ord. No. C-84-109, § 2, 1-2-85; Ord. No. C-93-46, § 3, 7-20-93)

Sec. 23-93. - Penalty.

Any person violating any provision of this article shall, upon being found guilty, be punished as provided in section 1-6 of this Code.

(Code 1953, § 38-30; Ord. No. C-84-109, § 2, 1-2-85)

Sec. 23-94. - Vending prohibited; exceptions.

Vending is prohibited in the city, other than in B-2, B-3, and B-3-C zoning districts. Applicants for a vending license shall provide documentation to the city's planning, zoning and building department's licensing division demonstrating:

- (1) Permission (affidavit or notarized statement) from the property owner that the vending vehicle may locate on the property;
- (2) Location of vending vehicle as it relates to other structures on the property where it is to be located;
- (3) Public restroom availability if food, beverages or both are being served; and
- (4) On-site parking availability (parking required by the Zoning Code for existing uses will not be used by vendor).

Mobile vending vehicles that do not set up permanently but that stop only temporarily to make a sale shall be exempt from the limitations and provisions of section 23-94 and section 23-95(3) but shall comply with all other provisions of this article. This exemption shall not apply to non-motorized mobile vending vehicles.

(Code 1953, § 38-23; Ord. No. C-84-109, § 2, 1-2-85; Ord. No. C-93-46, § 4, 7-20-93)

Sec. 23-95. - Prohibited conduct.

No vendor shall:

- (1) Vend within five hundred (500) feet of the grounds of any kindergarten, nursery, elementary, middle or high school between one (1) hour prior to the start of the school day and one (1) hour after dismissal at the end of the school day.
- (2) Vend within five hundred (500) feet of any church between one (1) hour prior to the start of any church service, Sunday school or religious ceremonies and one (1) hour after such services have concluded.
- (3) Vend on any public street or sidewalk except as provided in this article. For purposes of this section, "public street or sidewalk" shall mean those owned by, dedicated to or an easement granted to the public.
- (4) Vend in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant or create or become a public nuisance, increase traffic congestion or delay or constitute a hazard to traffic, life or property or an obstruction to adequate access to fire, police or sanitation vehicles.
- (5) Wave, flag or motion to vehicles on the street.
- (6) Sell food or beverages for immediate consumption unless he has available for public use his own litter receptacle which is available for his patrons' use.
- (7) Leave any location without first picking up, removing and disposing of all trash, materials or refuse remaining from sales made by him or the conduct of his operation.
- (8) Allow any items relating to the operation of the vending business to be placed anywhere other than in, on or under the vending vehicle.
- (9) Set up, maintain or permit the use of any table, crate, carton, rack or any other device to increase the selling or display capacity of his vending vehicle, where such items have not been described in this application.
- (10) Allow any fluids to be discharged from a vending vehicle.
- (11) Sell anything other than that which he is licensed to vend.
- (12) Vend without the insurance coverage specified in section 23-112(5).
- (13) Vend without the health certificate specified in section 15-54
- (14) No vendor vending from a vending vehicle shall:
 - a. Conduct his business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant or create or become a public nuisance, increase traffic congestion or delay or constitute a hazard to traffic, life or property or an obstruction to adequate access to fire, police or sanitation vehicles.
 - b. Stop, stand or park his vending vehicle at a metered parking space for the purpose of selling, or sell on any street under any circumstances during the hours when parking, stopping or standing has been prohibited by signs or curb markings or is prohibited by statute or ordinance when such metered parking spaces, signs, or curb markings have been located on public travelways on private property.
 - c. Stop, stand or park his vending vehicle in order to make or attempt to solicit sales within twenty-five (25) feet of any intersection.

(Code 1953, § 38-24; Ord. No. C-84-109, § 2, 1-2-85; Ord. No. C-93-46, §

Sec. 23-96. - Safety requirements.

All vending vehicles in or from which food is prepared or sold shall be constructed so that all equipment installed in any part of the vehicle shall be secured in order to prevent movement during transit and to prevent detachment in the event of a collision or overturn.

(Code 1953, § 38-25; Ord. No. C-84-109, § 2, 1-2-85; Ord. No. C-93-46, § 6, 7-20-93)

Sec. 23-97. - Advertising.

No advertising, except the posting of prices, shall be permitted on any vending vehicle, except to identify the name of the product or the name of the vendor. All signs shall be limited to a size not to exceed four hundred eighty (480) square inches.

(Code 1953, § 38-27; Ord. No. C-84-109, § 2, 1-2-85; Ord. No. C-93-46, § 7, 7-20-93)

DIVISION 2. - LICENSE

Sec. 23-111. - Required.

It shall be unlawful for any person to sell or offer for sale any food, beverage or merchandise from a vending vehicle or the vendor's person within the city without first obtaining a license therefore. The annual license fee per vendor or per vending vehicle shall be two hundred dollars (\$200.00). Vendors operating in connection with special events when the vending activities shall last no longer than three (3) days shall be exempt from obtaining the license required by this section.

(Code 1953, § 38-20; Ord. No. C-84-109, § 2, 1-2-85; Ord. No. C-93-46, § 8, 7-20-93; [Ord. No. C-11-02, § 1, 1-19-11](#))

Sec. 23-112. - Applications.

Application for a license required by this division shall be made to the chief license inspector upon the appropriate forms, such forms shall be available in the office of the chief license inspector during regular working hours. Such application shall be sworn to or affirmed and filed with the chief license inspector and shall contain the following:

- (1) The name, home and business address of the applicant and the name and address of the owner, if other than the applicant, of the vending business or vending vehicle to be used in the operation of the vending business.
- (2) A description of the type of food, beverage or merchandise to be sold.
- (3) A description of the proposed location of the vending business.
- (4) A description and photograph of any equipment or vending vehicle to be used in the operation of the business, including the license and registration number of any motor vehicle used in the operation of the business.
- (5) Proof of an insurance policy, issued by an insurance company licensed to do business in the state, protecting the licensee and the city from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the license. Such insurance shall be in at least the amounts of three hundred thousand dollars (\$300,000.00) for injury for each occurrence and one hundred thousand dollars (\$100,000.00) per person.
- (6) A health certificate issued by the county health department, if vending food or beverage.
- (7) Those items listed in section 23-94(1) through (4).

(Code 1953, § 38-21; Ord. No. C-84-109, § 2, 1-2-85; Ord. No. C-93-46, § 9, 7-20-93)

Sec. 23-113. - Issuance; denial.

Not later than ten (10) days after the filing of a completed application for a vendor's license, the applicant shall be notified by the license inspector of the decision on the issuance or denial of the license.

If the issuance of the license is approved, the license inspector shall issue the license. If the license is denied, the applicant shall be provided with a statement of the reasons therefor, which reasons shall be entered in writing on the application. The applicant shall be entitled to an informal hearing with the city manager or his designee, if so requested by the applicant within five (5) days of his receipt of the written denial from the license inspector. A license issued pursuant to this section is valid for a period of one (1) year from October 1 to September 30.

(Code 1953, § 38-22; Ord. No. C-84-109, § 2, 1-2-85)

Sec. 23-114. - Display of license.

All licenses issued under this division shall be displayed at all times during the operation of the vending business in a place where the license is visible at all times.

(Code 1953, § 38-26; Ord. No. C-84-109, § 2, 1-2-85)

Sec. 23-115. - Renewal.

All licenses issued under this division are valid for the entire licensing period unless revoked or suspended prior to expiration. An application to renew a license shall be made not later than sixty (60) days before the expiration of the current license.

(Code 1953, § 38-28; Ord. No. C-84-109, § 2, 1-2-85)

Sec. 23-116. - Revocation.

Any license issued under this article may be revoked for cause.

(Code 1953, § 38-29; Ord. No. C-84-109, § 2, 1-2-85; Ord. No. C-93-46, § 10, 7-20-93)

From: D. Fuller Haring [mailto:Fharing@boginmunns.com]
Sent: Tuesday, May 19, 2015 3:23 PM
To: Jerry Mayes <JMayes@deltonafl.gov>
Subject: Parking Lot Food Venue

Mr. Mayes,

The DBA has discussed the issues that the city officials have asked our opinion on, and have come to the following consensus:

The Deltona Business Association is supportive of all those who would like to do business within Deltona. The DBA also understands that business must be conducted in such a way that it protects the safety of the public and upholds the best business practices. This would include adherence to not only the letter, but the spirit of the laws and ordinances of the City of Deltona and the State of Florida. As such, we feel that the ordinances guiding the establishment of semi-permanent eating venues should be revised to discourage so called "parking lot" restaurants, cafes, and the like.

The DBA appreciates the entrepreneurial spirit of those who are just starting out in their own businesses, and hopes to encourage the best business practices in our efforts to inspire economic development. To that end, the DBA would encourage our elected officials to revisit the ordinances regarding the practice of setting up such temporary eating establishments. The DBA feels that when a temporary eating establishment is set up in a parking lot on a weekly basis, the business has availed itself of the same protections and benefits that the property owners pay for with their property tax assessments, and therefore ought to be treated as such. This would include a requirement to become a permanent physical location subject to the same inspection and safety protocols as all other eating establishments. This would also ensure that the local tax burden would be shared equally with all businesses who would like to operate within Deltona, and not simply those that are in established storefront locations. Thus, the DBA feels that as a matter of fairness, the practice of "parking lot" restaurants, cafes, etc., should be discontinued or limited to special occasions and taxed, inspected, and treated proportionately to those businesses in storefront locations.

Regards,

D. Fuller Haring, Esq.
President
Deltona Business Association

P: 386.763.2092
C: 321.209.3201
F: 888-503-0538
E: FHaring@BoginMunns.com