



REVISED 01/09/2015

City of Deltona

PLANNING & ZONING BOARD MEETING WEDNESDAY, JANUARY 21, 2015

7:00 P.M.

COMMISSION CHAMBERS
2345 PROVIDENCE BOULEVARD
DELTONA, FLORIDA 32725

Chairman
Tom Burbank

Vice-Chairman
Noble Olasimbo

Members:

Wendy Hickey

Victor Ramos

Adam Walosik

Herb Zischkau

Stony Sixma

Staff Liaison
Chris Bowley, AICP

AGENDA

1. CALL TO ORDER:
2. ROLL CALL:
3. APPROVAL OF MINUTES: December 17, 2014
4. PUBLIC COMMENTS:
5. OLD BUSINESS:
6. NEW BUSINESS:
 - A. Ordinance No. 01-2015, amending the Office Residential (OR) zoning district.
 - B. Election of Officers.
7. MEMBER COMMENTS:
8. ADJOURNMENT:

NOTE: If any person decides to appeal any decision made by the Planning & Zoning Board 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 at least three (3) working days in advance of the meeting date and time at (386) 878-8100.

Deltona Municipal Complex, 2345 Providence Blvd., Deltona, FL 32725
(386) 878-8100; FAX: (386) 878-8501
City Webpage: www.deltonafl.gov

CITY OF DELTONA, FLORIDA
PLANNING & ZONING BOARD MEETING
WEDNESDAY, DECEMBER 17, 2014

A Regular Meeting of the Deltona Planning and Zoning Board was held on December 17, 2014, in the 2nd Floor Conference Room located at 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 7:00 p.m. by Chairman Burbank.

2. ROLL CALL:

Chairman	Tom Burbank	Present
Vice Chairman	Noble Olasimbo	Present
Member-Secretary	Wendy Hickey	Present
Member	Victor Ramos	Present
Member	Adam Walosik	Present
Member	Stony Sixma	Present
Member	Herb Zischkau	Present

Also present: Planning & Development Assistant Director, Ron Paradise; Administrative Assistant, Kathrine Kyp.

3. APPROVAL OF MINUTES:

A. Minutes:

1. Meeting - November 19, 2014.

Motion by Member Ramos, seconded by Member Sixma to adopt the minutes of the Planning & Zoning Board Meeting of November 19, 2014 as presented.

Motion carries unanimously.

4. PUBLIC COMMENTS: None

5. OLD BUSINESS: None

6. NEW BUSINESS:

A. Ordinance No. 33-2014 amending the Comprehensive Plan of the City of Deltona, by amending the Capital Improvements Element providing for the replacement of the Capital Improvement Project sheets.

Mr. Paradise presented a summary of the 2014-2015 Capital Improvement Project sheets, stating that, pursuant to s.163.3177 (3)(b) F.S., the Capital Improvements Element of the Comprehensive Plan must be reviewed and updated on an annual basis. It is recommended that the Planning &

49 Zoning Board recommend that the City Commission adopt the Capital Improvements Element
50 (CIE) update and send the amendment package to the Department of Economic Opportunity
51 (DEO). He stated that, staff has reviewed the current class “A” capital improvements and
52 summarized expenditures and funds carried forward for the next five years. The City’s Capital
53 Improvements Element has been reviewed to ensure compliance with adopted level of service
54 (LOS) standards. In collaboration with the City’s Finance Department and other City
55 Departments, adjustments have been made to update the CIE.

56
57 Member Zischkau asked for a status update on the Eastern Wastewater Treatment Plant project
58 concerning a completion date. Mr. Paradise responded that, it is a phased project with the first
59 phase expected to be completed by August of 2015.

60
61 Chairman Burbank questioned the absence of parks improvements within the CIE document. Mr.
62 Paradise explained that, in the future, the parks improvements throughout the City could be funded
63 in part, by the Community Development Block Grant entitlement.

64
65 Discussion between the Board and Staff ensued regarding the drainage projects listed within the
66 CIE and their significant financial differences between fiscal year 2013/2014 and 2014/2015.
67 Member Olasimbo provided insight, stating the difference could be the design phase cost and the
68 implementation cost.

69
70 Chairman Burbank and Mr. Paradise discussed the improvement needs of the Deltona Community
71 Center and the importance of a Community Center within Deltona.

72
73 **Motion by Member Olasimbo, seconded by Member Hickey, to recommend that, the City**
74 **Commission approve Ordinance No. 33-2014, amending the Comprehensive Plan of the City of**
75 **Deltona, by amending the Capital Improvements Element providing for the replacement of the**
76 **Capital Improvement Project sheets.**

77
78 **Motion carries 6-1, with Member Zischkau voting against.**

79
80 **7. DISCUSSION:**

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82 **A. By the Board:**

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84 Chairman Burbank asked Mr. Paradise if he was aware that the Florida Department of
85 Transportation (FDOT) wants to purchase all residential properties, two lots deep, as well as all
86 the businesses except the shopping center and Walgreens to turn them into stormwater retention
87 ponds. Mr. Paradise stated that, the City is aware of some of the designs and explained that, FDOT
88 will schedule Deltona public scoping events regarding the improvement of Saxon Blvd.
89 Discussion ensued amongst the Board and Staff regarding the need for traffic improvement along
90 Saxon Blvd. Member Zischkau stated that, since Saxon Blvd. is a County road, FDOT could enter
91 into a joint agreement with the County and pay the County to develop the road. Member Olasimbo
92 stated that, if FDOT were to take the road over they would in turn work with the city concerning
93 the developmental improvements. Discussion commenced amongst the Board and Staff regarding
94 other state road improvements involving FDOT and fair market price for properties associated
95 with the potential development.

96 Chairman Burbank presented Mr. Paradise with language from the City's Municode regarding the
97 section that discusses the Planning and Zoning Board election of officers. He stated that, the
98 language within Municode which was intended for the very first Board that was elected which still
99 states members were elected for different intervals. Mr. Paradise said he would check the City's
100 Code for accuracy and consistency.

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102 **B. By the City Attorney: None.**

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104 **C. By Planning & Development Staff: None.**

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106 **8. ADJOURNMENT:**

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108 There being no further business, the meeting adjourned at 7:34 p.m.

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110

111 **ATTEST:**

Tom Burbank, CHAIRMAN

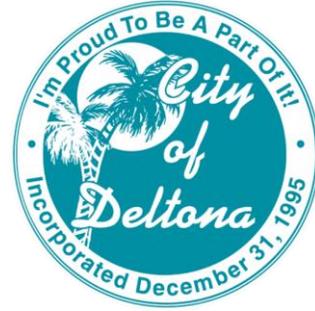
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114 **Kathrine Kyp, RECORDING SECRETARY**

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Memorandum

To: Planning and Zoning Board
From: Chris Bowley, AICP
Date: January 6, 2015
Re: Project No. ORD 01-2015, Office Residential Zoning text amendment

I. SUMMARY OF APPLICATION:

Applicant: City of Deltona

Request: Amend the Office Residential (OR) zoning district language to allow for reduced parking standards and landscape requirements.

- A. Background:** In 2003 the City created the Office Residential (OR) zoning district as a buffer between high traffic areas and existing residential neighborhoods. *“The purpose of the Office Residential (OR) Zoning District is to meet two objectives. First, the district is intended to be established in single-family residential areas where road expansions and/or high traffic volumes, nearby nonresidential development, and existing or developing nuisances (noise, lights, vibrations, etc.) decrease or potentially diminish the future potential for the continued use of the area for single-family residential purposes. Second, the OR District is intended to be established as a buffer between existing or proposed single-family residential development and existing or proposed commercial development and high traffic volume streets, and other nuisance producing areas. Designation of an area as an OR zoning district recognizes that the area is a transitioning commercial area, as referenced in the adopted Deltona Comprehensive Plan, as it may be amended from time to time. (Section 110-313)”* The zoning district was designed to allow existing single family residences (SFR) to continue and over time convert to light intensity non-residential use.

On June 24th 2014, the City received an application package for two variances and a conditional use for a property in the OR zoning district hoping to convert from a SFR to a chiropractic office. City staff processed the application and presented the material to the Planning and Zoning Board (the Board) on September 17th of the same year. At the hearing, the Board noted that in the OR district a condition of the conditional use is that it not requires any variances. The board also noted that the current parking regulations would not allow a single existing OR property to move forward with a conversion from SFR to nonresidential without a variance or acquiring additional land. The Planning and Zoning Board recommended that staff propose amendments to the OR district requirements for City Commission consideration.

City staff studied the OR zoning district requirements along with the Deltona Land Development Code, the Comprehensive Plan and other local municipalities' zoning regulations to establish the recommended OR district amendments. The major changes are in three areas, parking, landscape, and uses. Staff is recommending a fifty percent reduction required in Section 110-811, this would be an exception for the OR district only. The parking requirements would also have a minimum of three spaces plus one accessible space. Garage spaces would not count towards the minimum spaces required. Staff also recommends allowing owners wishing to convert from SFR to non-residential be allowed to utilized the scaled back landscaping requirements found in Section 110-808(o). The proposed permitted principle uses have been modified to be more consistent with other transition zonings districts and more reflective of contemporary non-residential trends.

II. CONCLUSION/STAFF RECOMMENDATION: Staff recommends approval of the attached Ordinance number 01-2015, amending the Office Residential (OR) zoning district.

ORDINANCE NO. 01-2015

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, BY AMENDING THE OFFICE RESIDENTIAL (OR) ZONING DISTRICT OF THE CITY OF DELTONA CODE OF ORDINANCES; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Deltona adopted Chapter 110 Section 313 creating the Office Residential (OR) Zoning District; and

WHEREAS, the City of Deltona, Florida, and its Land Planning Agency have complied with the requirements of Municipal Home Rule Powers Act, sections 166.011 et seq., Florida Statutes, in considering the proposed zoning amendment; and

WHEREAS, the City Commission of the City of Deltona, Florida, finds that the revisions to Chapter 110, Section 313 are consistent with the Comprehensive Plan of the City of Deltona, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:

Section 1.

Sec. 110-313. OR, Office Residential Zoning District.

(a) *Purpose and intent.* The purpose of the Office Residential (OR) Zoning District is to meet two objectives. First, the district is intended to be established in single-family residential areas where road expansions and/or high traffic volumes, nearby nonresidential development, and existing or developing nuisances (noise, lights, vibrations, etc.) decrease or potentially diminish the future potential for the continued use of the area for single-family residential purposes. Second, the OR District is intended to be established as a buffer between existing or proposed single-family residential development and existing or proposed ~~commercial~~ non-residential development and/or high traffic volume streets, and other nuisance producing areas. Designation of an area as an OR zoning district recognizes that the area is a ~~transitioning commercial~~ residential area that could transition to non-residential, low intensity uses, as referenced in the adopted Deltona Comprehensive Plan, as it may be amended from time to time. The non-residential, low intensity uses include office, including medical options and retail uses that do not involve high customer visitation. There

is recognition that OR areas may retain residential characteristics and functions even if the OR facilitates a land use transition. In addition, based on lot size and other factors, including utility availability, some uses allowed in the OR may not be appropriate for a single lot or parcel. Therefore, some lots may only be eligible for uses that are slightly more intense than what is allowed in Sec. 110-807. An example would be an internet business that does little or no on-site sales.

(b) *Permitted uses.* In the Office Residential (OR) Zoning District, no land, building, structure, or water shall be used for any purpose except for the following land uses and their customary, incidental and subordinate accessory uses, which are permitted:

- (1) Single-family dwellings.
- (2) Accounting and bookkeeping services.
- ~~(3) Professional offices. Medical office/clinic.~~
- (4) Office/General offices.
- (5) Internet sales businesses that do little or no on-site sales.
- (6) Dental laboratories.
- (7) Stock, bond, and other investment brokers.
- (8) Community Residential Home (refer to section 814(c))
- (9) Other uses may be approved by the enforcement official (or his/her representative), if they are office or retail service land uses that have similar parking, trip generation, and nuisance characteristics to the non-residential land uses permitted by this paragraph. Parking generation and trip generation are to be determined using professionally acceptable data and analysis, consistent with Institute of Transportation Engineers (ITE) recommended practice. ~~The fact that other codes in other jurisdictions may permit reduced parking requirements for land uses that may come under consideration shall not be sufficient cause to allow such land uses.~~

(c) *Conditional uses.* The following land uses and their customary, incidental and subordinate accessory uses may be permitted in the Office Residential (OR) Zoning District as conditional uses:

~~General retail sales and services.~~

~~Medical and dental offices and clinics.~~

~~Banks and other financial institutions.~~

~~Stock and bond brokers.~~

~~Florist, retail only.~~

Group home facility (refer to section 110-817(l)), ~~community residential home.~~

Adult family-care home (refer to section 110-817(l))

Assisted Living Facility (refer to section 110-817(l))

~~Public markets.~~

Publicly regulated water supply wells of eight inches or greater diameter, in accordance with Chapter 98, Article V, Code of Ordinances, City of Deltona.

Communication antennas and towers over 70 feet high, in accordance with Chapter 82, Code of Ordinances, City of Deltona.

Houses of worship.

The above conditional uses must meet all conditional use requirements in this chapter, and furthermore, must occur on sites large enough to accommodate minimum required parking, drainage facilities, landscaping and landscaped buffers, minimum building setbacks, and utility services. The above conditional uses shall be served by community or public water and sewer systems when sites equal to or greater than 0.75 acres or four combined lots are developed.

~~The floor area ratio of banks and other financial institutions, and medical and dental offices and clinics shall not exceed 0.12.~~

(d) Dimensional Requirements

OR - Office Residential	Single Family Dwellings	Permitted Nonresidential Uses	Conditional Uses
Lot Area (sq. ft.)	7,500	7,500	12,500
Lot Width (ft.)	75	75	—
<i>when access is from a thoroughfare street, arterial street, or major collector</i>	----	<u>100</u>	<u>100</u>
<i>when access is from a local street that is not a major collector</i>	----	----	<u>75</u>
Yard Size			-
Front yard (ft.)	25	25 <u>20</u>	25 <u>20</u>
Rear yard (ft.)⁽¹⁾	25	25 <u>10</u>	25 <u>10</u>
Side yard (ft.)⁽²⁾	7.5	7.5 <u>5</u>	7.5 <u>0</u>
Side street yard (ft.)	15	15	<u>15</u>
Density and Intensity Standards, Minimum Floor Area			
Density	Not to exceed the permitted in the applicable Comp. Plan FLU Map Category	----	----
Maximum Floor Area Ratios (F.A.R.) ⁽³⁾	----	0.35	----
Minimum Floor Area ⁽⁴⁾	1,200	----	----
Maximum building height (ft.)	35	35	<u>35</u>
Maximum lot coverage (%) (with principal and accessory buildings)	30	30 <u>40</u>	30 <u>40</u>
⁽¹⁾ Except 30 feet from the ordinary high water mark or lot line, whichever is most restrictive, on lots adjacent to surface water bodies or golf courses.			

⁽²⁾ ~~Seven and one half feet, or ten percent of the width of the lot, whichever is greater. Nonresidential side yard may be reduced to zero when there is adjoining nonresidential development, when the property owners enter into a recorded agreement that provides for reasonable access for building maintenance and repairs, and provisions are made in building design for proper fire protection.~~

⁽³⁾ ~~Banks, financial institutions, medical and dental offices and clinics: **Maximum F.A.R. 0.12.**~~

⁽⁺²⁾ Exclusive of garages, carports, attached roofed-over porches, terraces, and patios.

(e) *Off-street parking regulations.* ~~See The OR zoning district shall receive a 50% minimum parking space reduction from the requirements of section 110-828(f), except that the permitted internet sales businesses shall have the same parking requirements as offices. A minimum of 4 spaces is required; garage parking will not be included. Handicapped parking needs to be afforded consistent with Sec. 110-828(g).~~

(f) *Landscaped buffer requirements.* Landscaped buffer areas meeting the requirements of section 110-808 (o) shall be constructed prior to locating a non-residential use on a site in the Office Residential (OR) Zoning District. Except that when an existing building encroaches within the minimum required perimeter landscaped buffer area, then the required buffer width shall be the distance between the building and the lot line. Access shall be provided in the building encroachment area for maintenance of the building and landscaping.

(g) *Final site plan requirements.* Final site plan approval is required meeting all applicable requirements of the Land Development Code, Subpart B, Code of Ordinances, City of Deltona, prior to constructing a business use, or converting a residential structure to a business use.

(h) *Types of signs permitted.* Signs are permitted in accordance with the Deltona Sign Code, Chapter 102, Code of Ordinances, City of Deltona, as it may be amended from time to time.

Section 2. Conflicts. Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application.

Section 4. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA THIS _____ DAY OF _____, 2015.

First Reading: _____

Advertised: _____

Second Reading: _____

BY: _____
JOHN C. MASIARCZYK, SR., Mayor

ATTEST:

JOYCE RAFTERY, CMC, City Clerk

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

GRETCHEN R. H. VOSE, ESQ., City Attorney