

ORDINANCE NO. 2025 - 03

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELAND LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 33-94.01; BY AMENDING SECTION 33-94.02(C); BY AMENDING SECTION 33-94.03(A)5; BY AMENDING SECTION 33-94.03 (H)4; BY AMENDING SECTION 33.94.04; BY AMENDING SECTION 33.94.04(B); BY AMENDING SECTION 33-94.06(A)(5); PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the current Land Development Regulations (LDR) include community design standards (Section 33-94) which apply to commercial, industrial, and multi-family residential projects throughout the City; and

WHEREAS, staff has undertaken a comprehensive review of community design standards (Section 33-94) and finds that is necessary to amend this section and that the revisions will add clarity to the regulations and allow for easier administration of the Land Development code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending Section 33-94.01 "Purpose and intent." by adding the new underlined language and by deleting the ~~strike-through~~ language, to be read in full as follows:

33-94.01. *Purpose and intent.* The purpose of these standards is to ensure quality commercial, ~~and industrial, and multi-family~~ development and enhance an attractive physical environment compatible with the historic resources within the City of DeLand. Their intent is to:

Section 2. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending Section 33-94.02 (c) "Required submittal items. Minimum submittal requirements are:" by adding the new underlined language and by deleting the ~~strike-through~~ language, to be read in full as follows:

(c) *Required submittal items.* Minimum submittal requirements are:

1. Full color ~~a~~Architectural building elevations, ~~in color~~, of all facades of buildings with material and texture indications, and with any exterior building signage illustrated, together with color swatches corresponding to the actual colors of the proposed building.

2. A set of clearly-labeled and dimensioned architectural building elevations which demonstrate consistency and compliance with the required design standards. Such elevations shall include dimensions, manufacturers colors, and materials for all building façade lengths; building heights; window, door, and entryway openings and features; fenestrations; wall articulations; façade features; vertical and horizontal transitions; building heights; roof heights, profiles, materials, and appearance; and historical styles clearly dimensioned and illustrated through the use of call-outs, dimensions, labeling, and other methods.
- ~~3.2.~~ In addition to the above building elevation requirements, the following must also be submitted, if applicable: exterior lighting scheme, lighting photometric design, fences and walls, landscaping, site furnishings, building landscaping design, specified pedestrian access paving and/or marking details and building signage.
- ~~4.3.~~ The applicant may submit additional documentation in support of the proposed design, including but not limited to: information regarding adjacent and surrounding properties, the overall architectural style of the surrounding area or other documents referenced in the "Creating a DeLand Vision Through Architecture Report."

Section 3. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending Section 33-94.03 (a) 5.; by adding the new underlined language and by deleting the ~~strike-through~~ language, to be read in full as follows:

33-94.03. *General design criteria.* The following shall apply to all development projects within the City of DeLand:

(a) *Relationship of the structures to the site.*

5. Spacing and siting of multiple buildings on a single site, development, or project area shall provide include for variety of varied spacing, orientation, and location of structures, with varied setbacks and distances between structures. between structures. While architectural design continuity for multiple structures on a single site, development, or project area is encouraged, monotonous repetition of ~~identical~~ structures, roof lines, ridge lines, building facades, colors, setbacks, and architectural features on a single site, development, or project area shall be avoided is prohibited.

Section 4. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending Section 33-94.03 (h) 4.; by adding the new underlined language and by deleting the ~~strike-through~~ language, to be read in full as follows:

33-94.03 (h) *Fences, walls, screens and landscape buffers.*

4. The use of chain link fencing is prohibited except for industrial and governmental owned uses that do not front on an arterial roadway. ~~An exception may be made from this requirement, where existing vegetation or proposed landscaping will effectively screen the fence from view and vinyl or other permanently coated chain link is used. Vinyl webbing, shade screen or slats may not be used to provide the required screening.~~

5. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending Section 33-94.04 "Design criteria for Historic Design and Downtown Support District"; by adding the new underlined language and by deleting the ~~strike-through language~~, to be read in full as follows:

33-94.04. *Design criteria for Historic Design and Downtown Support District.*

Within the Historic Design District and the Downtown Support District, Aall development except single-family and two-family dwellings, within the Historie Design District and the Downtown Support District shall comply with the standards set forth in the most current revision of Design Guidelines for Commercial Building in Downtown DeLand, as revised, which is incorporated adopted herein by reference, as well as the following standards:-

Section 6. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending Section 33-94.04 (b); by adding the new underlined language and by deleting the ~~strike-through language~~, to be read in full as follows:

33-94.04

- (b) With the exception of single-family and two-family dwellings and their accessory structures; and accessory structures on government owned properties or properties operated for a government purpose, construction of a new structure, Substantial Improvement of an existing structure, or a Substantial Façade Change within the Historic Design District shall require review by the City's Historic Preservation Board. The hearing shall be for the purpose of reviewing the proposed work for compliance with the requirements of this Section 94.04. Notice of the hearing shall be provided by posting of a conspicuous notice on the property no less than seven (7) days prior to the hearing in accordance with the sign posting provisions of Section 33-34.03(c)4.b.

The Historic Preservation Board shall make a recommendation to the City's Planning Director, TRC or Planning Board as to whether the proposed work complies with the requirements of this Section 33-94.04.

If the Historic Preservation Board finds that the proposed work does not comply with the requirements of this Section 33-94.04, the Board shall set forth the reasons that the proposed work does not comply with such requirements. Any property which is otherwise required to obtain a certificate of appropriateness

(COA) in accordance with section 33-34 shall not be required to be reviewed by the Historic Preservation Board pursuant to this Section 33-94.04(b).

Section 7. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending Section 33-94.06 (a)5.; by adding the new underlined language and by deleting the ~~strike-through~~ language, to be read in full as follows:

33-94.06. *Administration.*

(a) *Application process.*

5. Applications shall be approved, approved with specific conditions or modifications, or denied, based upon their conformance or nonconformance with the requirements of this section as reviewed by the city. The review ~~will~~ may include the oversight of an architect. Upon denial of an application, the city shall provide the applicant with specific objections to the design.

Section 8. Chapter 33 of the Code of Ordinances of the City of DeLand is hereby amended by amending Section 33-94.06 (b)1.; by adding the new underlined language and by deleting the ~~strike-through~~ language, to be read in full as follows:

33-94.06. *Administration.*

(b) *Approval.* Final approval of all architectural designs shall be determined by the city as part of the development plan approval process per section 33-132.07 and as provided for below. Such approval shall include as a minimum: site plans, building elevations, roof type, construction materials, lighting, screening and colors. All projects should be consistent with the Creating a DeLand Vision through Architecture (a.k.a. "DeLand Vision") Report.

1. *Class I developments.* In instances where a Final Development Plan is not required the building official shall be the decision making authority, after receiving an architectural compliance-determination by the city's architect, or the planning director.

Section 9. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 10. Codification; Directions to Code Codifier; Correction of Scrivener's Errors.

(a). The provisions of Sections of this Ordinance shall become and be made a part of the Code of Ordinances of the City of DeLand and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar

words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 9 through 11 shall not be codified.

(b). The Code codifier shall instruct the Municipal Code Corporation to make all changes necessary in the Code of Ordinances of the City of DeLand to implement the provisions of this Ordinance and is granted liberal authority to codify the provisions of this Ordinance in such manner and in such places as deemed advisable.

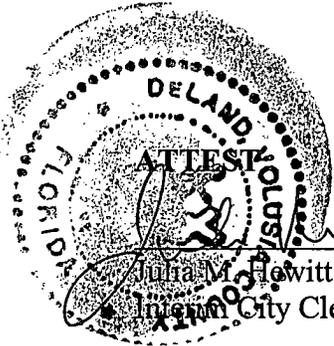
(c). In accordance with the City's ongoing codification program; the City Clerk, in conjunction with the City Attorney, may make corrections to the provisions of this Ordinance relative to Scrivener's errors of whatever type or nature.

Section 11. Effective Date. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 17th day of March, 2025.

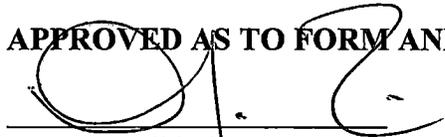


Christopher M. Cloudman
Mayor-Commissioner


Julia M. Hewitt
City Clerk - Auditor

Passed on first reading: March 03, 2025
Adopted on second reading: March 17, 2025

APPROVED AS TO FORM AND LEGALITY:


Darren J. Elkind
City Attorney

AFFIDAVIT OF PUBLICATION

Julia Hewitt
City of Deland - City Clerk
120 S Florida AVE
Deland FL 32720-5422

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of The News-Journal, published in Volusia and Flagler Counties, Florida; that the attached copy of advertisement, being a Classified Legal CLEGL, was published on the publicly accessible website of Volusia and Flagler Counties, Florida, or in a newspaper by print in the issues of, on:

03/07/2025

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 03/07/2025

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

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**NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF DELAND, FLORIDA**

NOTICE IS HEREBY GIVEN that there will be a Public Hearing on the following Ordinance on Monday, March 17, 2025 at a regular meeting of the DeLand City Commission. The meeting will take place at 7:00 P.M. in the City Commission Chambers, 120 South Florida Avenue, City Hall. All interested parties are invited to attend and be heard on the matter.

Any person who wishes to appeal any decision made by the City Commission with respect to any matter considered at this meeting will need a record of the proceeding and, thus, may need to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which an appeal may be based.

The original of the ordinance is on file in the office of the City Clerk and may be inspected Monday through Friday from 8:00 A.M. to 5:00 P.M.

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