

C-2—GENERAL COMMERCIAL DISTRICT	
ALLOWED USES: Uses allowed in this district appear in Table 33-17.21	
MAXIMUM DENSITY ALLOWED	
Dwelling units per gross acre	16
DIMENSIONAL REQUIREMENTS	
MINIMUM LOT DIMENSIONS	
MINIMUM WIDTH	75 feet
MINIMUM SIZE	9,000 square feet.
SETBACKS/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS	
Maximum impervious surface	60 (Mixed Use) to 70 (Highway Commercial) percent (dictated by land use designation)
Front setback	20 feet
Side setback, abutting residentially zoned property	25 feet
Side setback, abutting street	20 feet
Side setback, other	10 feet
Rear setback, abutting residentially zoned property	25 feet
Rear setback, other	10 feet
BUILDING DIMENSIONS	
Maximum height	80 feet
ADDITIONAL REQUIREMENTS	
MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING	
The minimum separation required between vehicle use areas and the property line is 10 feet. Off-street parking spaces compliant with Section 33-91 are required. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent. Off-street parking spaces compliant with Section 33-91 are required.	
Parking on grass and sidewalks is prohibited. Vehicle use areas must be paved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer. Paved areas must be included in the site's impervious surface calculation. Compacted gravel or milled asphalt may be proposed for single family dwellings or commercial overflow parking in accordance with Sec. 33-91.06(d)3.f.	
Visitor parking shall be provided at 0.5 spaces per unit.	
MINIMUM REQUIREMENT FOR STORMWATER MANAGEMENT	
Stormwater generated by, during and after construction or improvement must be contained on-site or within a communal stormwater collection and management system permitted by the State.	
MINIMUM REQUIREMENTS FOR WATER AND SEWER	
Application for and connection to municipal water and sewer is required within areas served by the city.	
MINIMUM REQUIREMENTS FOR LOTS WHERE SEPTIC TANKS ARE USED	
SEWER/WATER SYSTEM	LOT AREA
Septic tank with individual well	1-acre per unit
Aerobic tank with individual well	1-acre per unit
Septic tank with public water supply	½-acre per unit

REQUIREMENTS FOR TREE COVERAGE		
Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in Article VI of Chapter 33, may not be removed without application and approval of a permit by the city. Dedication of 15 percent of the property for tree preservation is required.		
LANDSCAPING AND SIGNS		
Landscaped buffers are required along street frontages where are proposed (Article VIII of Chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (Article IV of Chapter 33).		
OUTDOOR STORAGE AND DISPLAY		
Unless otherwise prohibited in the list of primary, conditional or special-exception uses for each zoning district, outdoor display of equipment, supplies, merchandise, or personal property is permitted in compliance with section 33-27.04.		
TRAFFIC IMPACT ANALYSIS		
Calculation and submittal of average annual daily trips is required for all developments. The developer of any development which will generate 1,000 or more Average Annual Daily Trip (AADT) ends per day, as determined by reference to the Institute of Traffic Engineers Trip Generation Manual or to locally derived trip generation rates accepted by the city as accurate, shall provide the city with a traffic impact analysis prepared by a qualified traffic engineer at the time application is made for approval of a site plan or preliminary plat. See also, Section 33-41.04.1		
COMMUNITY DESIGN STANDARDS		
Site and building aesthetics need to comply with the Community Design Standards (Article VIII, section 33-94).		

USES IN COMMERCIAL ZONING DISTRICTS

PROFESSIONAL									
General/Professional Offices	P	P	P	P	P	P	P / E ¹⁹	P	P
Financial Institutions	P	P	P	P	C ²⁰	P			P
MEDICAL SUPPORT - See also Section 33-19.11									
Medical Office	P	P	P	P	P	P			
Apothecary shops	P		C ¹⁵						
Drugstores and pharmacies	P	P		P	P	P			
Hospitals				P					
Laboratories, hospitals and clinics	E ¹⁵		P	P	P	P			
Medical clinics over 5,000 square feet	E ¹⁵	E ¹⁵		P	P	P			
Nursing homes and adult congregate living facilities			P	P	P	P			
Veterinary clinics allowing inside overnight boarding for clinical care, no outside runs or kennels		C		C		C			
Veterinary clinics and pet grooming shops with overnight and/or outdoor boarding facilities and runs				E ³⁰	C				P
BUSINESS SUPPORT									
Mailbox and shipping shops		P	P	P	P	P			
Office equipment sales and service		P		P		P/C ⁴		P	
Copying, printing and lithography		P	P	P	P	P	P / E ¹⁹	P	P
Showroom commercial						P	P / E ¹⁹	P	P
PERSONAL SERVICES									
Beauty salons, barbershops and day spas		P	P	P	P	P			
Day care facilities, adult or child	P	P	P	P	P		E ¹⁰	C ²	C ² E ¹⁰
Dry cleaning and laundry, industrial						P		P	P
Dry cleaning and laundry, retail		P	C ³	P	P	P		P	
Dry cleaning and laundry, self-service		P		P	P				
Mortuary, funeral homes and crematoriums		P		P	P				P
Pet shops and pet grooming with no overnight boarding of animals		C	C	C	C				
Tailor shops and shoe repair		P		P	P				
Tattoo parlors and related uses Per 33-19.09				C*					
HOSPITALITY									
Adult entertainment establishments, per section 33-22 and chapter 2C of the DeLand code of ordinances									C*
Banquet facilities, Catering services		P		P	P	P		E ³	E ³
Bed and breakfast inn	C ¹⁹	P	P	P	P				

	P-1	BR	C-1	C-2	C-2A	C-2AC	C-3	C-4	M-1
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Marine manufacturing, sales and service See also 33-21									P
Marine repair		E ¹⁴		C ⁷		P	P / E ¹⁴		
Mobile home sales See also 33-21								P	P
Railroad yards, siding and terminals							P		P
Towing and wrecker service				C ²¹				P	P
Truck and rail freight terminals								P	P
Truck stops				E ²⁸					P
Vehicle sales and rental including new and used automobiles, boats, motorcycles, trailers and trucks See also 33-21				E ²³ E ²⁹		P			P
Vehicle sales, rental, service, repair new/used buses, RVs and farm equipment Section 33-21						E ²³ E ²⁹		P	P
RETAIL									
Auction sales shop						P		P	P
Convenience stores without gas pumps				P	P	P			P
Convenience stores with gas pumps, Per 33-19.08		E		C*					P
Fertilizer and feed store sales excluding manufacturing						C		P	
Flea markets and merchandising barns or marts Per 33-19.03				C*					
Furniture, appliances retail		P		P	P	P			
Furniture, appliances wholesale					P	P		P	P
Grocery		P		P	P	C			
Home improvement store		P		P		P		P	P
Pawn Shops				P					
Retail sales		P	P	P	P	P	C ⁸	C ⁸	C ^{8, 20}
Retail and service land uses									C ²⁰
Retail sale of storage sheds				E ²⁷					P
Used materials, sales, thrift or pawn shops; not including junk yards		P		P	P			C	
RESIDENTIAL - See also 33-20									
Boarding houses				P					
Community residential homes Multifamily Per 33-19.02	C*					C*			
Community residential homes Single-family Per 33-19.02	C*								
Convalescent, rest and nursing homes; institutions and homes for children, the aged and the disabled	P	E ¹⁶		P					
Multiple-family dwellings compliant with R-16 standards				C		C			
Multiple-family dwellings and			C						

	P-1	BR	C-1	C-2	C-2A	C-2AC	C-3	C-4	M-1
duplexes compliant with R-12									
Multiple-family dwellings on the first floor Per 33-19.13					C*				
Residential dwelling units above the first floor or one residential unit on the first floor accessory to an office or commercial use			C	C	C				
Single-family dwellings, except mobile homes	P								
Single-family dwelling compliant with R-1 standards not located within the highway commercial land use areas			C						
Two-family dwelling and duplexes compliant with R-2 standards			C						
INSTITUTIONAL									
Business colleges, professional or commercial schools				P	P	P			
Churches, houses of worship and religious institutions with customary accessory educational and recreational uses	E ⁵	E ⁵	E ⁵	P	E ⁵	P	E ⁵	P	E ⁵
Government and public land uses and buildings	P	P	P	P	P	P	P	P	P
Industrial vocational training school						P			P
Private clubs and lodges	P	C ⁹	P	C ⁹	C ⁹	P		P	P
RECREATION									
Bowling alleys, billiard parlors, skating rinks and indoor recreation and amusement facilities and museums				P		P			P
Carnivals and other temporary amusements and events in accordance with section 33-19									C
Museums	P			P	P	P			P
Music, dance, gymnasium, art school or studio, excluding discotheques			P	P	P		P		E ¹²
Non-profit recreational organizations, lodges and fraternal orders									P
Organized physical activity center — predominately scheduled instruction				P			P		E ¹²
Outdoor recreation land use Per 33-19.10									C*
Parks, community and regional	E ⁸	E ⁸	E ⁸	E ⁸	E ⁸			P	E ⁸
Parks, mini and neighborhood	P		P	P	P			P	
Recreational vehicle parks Per 33-19.07									C*
Theatres and assembly halls		P		P	P	P			
TRADES									
Building materials						C		P	P

	P-1	BR	C-1	C-2	C-2A	C-2AC	C-3	C-4	M-1
Contractor trade shops and offices						C	P/ E ¹⁹	P	P
Electrical, gas, plumbing and hvac sales/service				C ¹³		C			P
Greenhouses, nurseries and landscaping sales, retail				P				P	
Greenhouses, nurseries and landscaping sales, wholesale						C			P
Moving, packing and storage companies						C		P	P
Packing and crating services								P	
Pest control and exterminating services				P	P	C			P
Septic tank services								P	
Swimming pool sales, installation and service				P		C		P	P
Trade shops						C		P	P
Upholstering and reupholstering				P	P	C			P
Welding or soldering shops						C			P
INDUSTRIAL AND MANUFACTURING									
Fuel storage and bulk supply plants							C ¹³	P	
Coal, coke or wood yard									P
Laboratories, research, testing and development. Pharmaceutical products, drugs compounding only						P			P
Machine shop						C	P/ E ¹⁹		P
Manufacture of pottery or other ceramic products						C			P
Manufacturing—Assembly operations only, no fabrication						C	C E ¹⁹	C ¹⁴	P
Microwave, radio, telephone and television facilities and transmission towers			E ⁶	E ⁶	E ⁶			E ⁶	E ⁶
Mining and excavations per section 33-62 of Article V of this chapter									C
Planing mill, saw mill, millwork and wood product manufacturing									E ¹⁸
Recycling centers								P	P
Research and development facilities						P	P/ E ¹⁹		
Storage of bottled gas, natural gas or similar products									C ¹⁹
Utilities excluding microwave, radio, telephone and television towers				C		C			
Warehousing and commercial storage						C	P/ E ¹⁹	P	P
Wholesale commercial activities						C		P	P

	P-1	BR	C-1	C-2	C-2A	C-2AC	C-3	C-4	M-1
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MISCELLANEOUS									
Commercial parking lots				P	P	P			P
Communications towers	Per Chapter 33, Section 33-23								
Outdoor advertising signs				C ²² / E ²⁴		C ²² / E ²⁴		C ²² / E ²⁴	C ²² / E ²⁴
Public utilities									P
Public utilities, excluding microwave, radio, telephone and television antennas		C						P	P
Shade structures less than 800 square feet, accessory use		C		C		C	C	C	C
Shade structures greater than 800 square feet, accessory use						E ²⁵	E ²⁵	E ²⁵	E ²⁵

P=PERMITTED
C=CONDITIONAL
E=SPECIAL EXCEPTION

Sec. 33-102. - Nonconforming development.

Defined. Nonconforming development is development that does not comply to either the permitted use or development design standards outlined in this Code.

33-102.01. *Continuation of nonconforming development.*

- (a) *Generally.* Subject to the provisions of this article, the lawful use of any building, structure, or land existing at the time of the adoption of this article may continue although such use does not conform to the provisions of this Code. However, the nonconformities, which would be prohibited, restricted, or regulated under the terms of this Code, shall not continue without limitation. Further, such nonconformities shall not be enlarged upon, extended, expanded, or reconstructed to continue the nonconformity after major damage, or used as grounds for adding other structures or uses prohibited by this Code. Any nonconforming building or structure may be altered to decrease its nonconformity.
- (b) *Unsafe structures or buildings.* Any structure or building or portion thereof declared unsafe may be restored to a safe condition.
- (c) *Construction approved prior to enactment of chapter.* Nothing in this article shall require any change in any city-approved plans, construction details, or designated use of a building or structure for which a building permit has been issued and the construction of which has been diligently pursued within one year of the site plan approval date.
- (d) *Alteration.* A building housing a nonconforming use may be maintained and repairs and alterations may be made, except that no building which is nonconforming as to use regulations, no structural alterations shall be made except those required by law, including eminent domain proceedings. Repairs such as plumbing or changing of partitions or other interior alterations are permitted.
- (e) *Extension.* Buildings or structures or uses of land which are nonconforming shall not be extended or enlarged in a manner that extends, enlarges, or increases the degree of nonconformity.

For example, if the front yard setback required in the P-1 zoning district used to be 20 feet and someone built a structure 20 feet from the property line under those regulations, then it was a conforming structure. Ten years later, the city adopts new zoning laws, which require a 30-foot setback in the P-1 zoning district. After those laws are adopted, the building is a nonconforming structure. If the owner decides to build an addition, then the building addition must meet the new 30-foot front yard setback or obtain a variance.

- (f) *Abandonment.* A nonconforming use of land or of a building which has been vacated or abandoned for 365 days shall not thereafter be occupied by any nonconforming use.
- (g) *Change to another use.* A nonconforming use now existing may not be changed to another nonconforming use.
- (h) *Destruction by fire or other act.* Nothing in this article shall be taken to prevent the restoration of a building destroyed to the extent of not more than 50 percent of its assessed value by fire, explosion or other casualty, or act of God, or the public enemy, nor the continued occupancy of such building or part thereof which existed at the time of such partial destruction, provided that such restoration is made within 180 days for residentially zoned property and 365 days for commercially zoned property.
- (i) *Nonconforming due to maximum building size.* Any building made nonconforming by the enactment of this chapter with respect to maximum building size restrictions may be reconstructed in the event of destruction or damage by fire, collapse, explosion, casualty, acts of God or the public enemy, regardless of cost or assessed valuation, provided that said building and the use of said building shall conform in all other respects with all current zoning and other Land Development Regulations.
- (j) *Platted subdivision lots.* Where a lot was a subdivided lot of record and the lot was useable as a conforming single-family residential building site, the lot may be used and occupied by a single-family dwelling and its accessory buildings provided the minimum yard regulations of the district are complied with.

33-102.02. *Regulations pertaining to nonconforming uses.*

- (a) *Alteration, maintenance, repair of structures housing nonconforming uses.* Any alterations which increase conformance with the parking, loading, landscaping, and other site improvement requirements that would apply to the use if it were located in a district where it would be a conforming use will be allowed but not encouraged by the city. In such cases, the owner would have to submit a letter to the planning department acknowledging the following:
1. That the owner understands that it is the city's long-term goal to relocate the use to an appropriate zoning district;
 2. That if the owner sells the property that after 365 days of vacancy the nonconforming use would no longer be permitted; and
 3. That if the structure shall be destroyed or require repairs exceeding 50 percent of the assessed value of the structure, then the nonconforming use shall not be continued.

33-102.03. *Special provision[s] relating to the central business district.*

- (a) *Applicability of requirements.* The provisions and requirement of section 33-91 (parking regulations) and section 33-92 (landscaping regulations) of this chapter shall not apply to the C-2AH zoning district, and shall not apply, except as otherwise hereinafter provided, to those businesses and buildings that are in existence and situated, by March 31, 1993, within the C-2A zoning district.
- (b) *Renovation.* A building in the C-2A zoning district may be remodeled, renovated, restored, should it be more than 50 percent destroyed by fire or other occurrence as set out in section 33-102.01, provided:
1. That the use is a permitted use in the C-2A zoning district;
 2. That there is no increase or extension of the usable square footage of floor area.
- (c) *New development.* New development, rebuilds and expansions must meet the provisions and requirement of section 33-91 (parking regulations).

33-102.04. *Special provisions for specific nonconformities.*

- (a)

Nonconformity with the stormwater management requirements of this chapter. In addition to the limitations in section 33-102.01, an existing development that does not comply with the stormwater management requirements of this chapter shall address the stormwater runoff created by the intensification of development.

(b) *Nonconformity with the parking and loading requirements of this chapter.*

Full compliance with the parking and loading requirements of this chapter shall be required where the seating capacity or other factor controlling the number parking or loading spaces required by this chapter is increased by 25 percent or more.

(c) *Nonconforming vehicle use areas.*

1. A vehicle use area is any portion of a development site used for circulation, parking, and/or display of motorized vehicles, except junk or automobile salvage yards.
2. When the square footage of a vehicle use area is increased, compliance with this chapter is required as follows:
 - a. *Expansion by less than 25 percent.* When a vehicle use area expands less than 25 percent, only the expansion area must be brought into compliance with this Code.
 - b. *Expansion by more than 25 percent.* When a vehicle use area expands 25 percent or more, the entire vehicle use area shall be brought into compliance with this chapter.
 - c. *Repeated expansions.* Repeated expansions of paving of a vehicle use area over a five-year period commencing with the effective date of this Code shall be combined in determining whether the threshold has been reached.
3. Any vehicle use area in existence on the date of enactment of this chapter which must be brought into conformity with this chapter, and which has more than the number of parking spaces required by this chapter, shall be treated as follows:
 - a. The area shall be reconfigured to comply with requirements in this chapter.
 - b.

If, after the reconfiguration, a paved area or areas that are not needed to comply with the requirements of this chapter remain, the developer may do any one or combination of the following:

- (1) Improve the area(s) to comply with this chapter and continue to use them for parking; or
- (2) Remove the paving and use as grassed overflow parking, as additional landscaped transitional zone, or for any other purpose consistent with the land use plan and approved by the city commission.

(d) *Nonconforming signs.*

1. Any sign made nonconforming by the enactment of this chapter, and which has a replacement cost of less than \$300.00, and all signs prohibited by section 33-73 (prohibited signs) of this chapter, shall be removed or made to conform within 90 days of the enactment of this chapter.
2. All signs made nonconforming by original adoption of this chapter and its subsequent amendment shall be eliminated 20 years after May 17, 1999. Not less than 90 days before the expiration of the 20-year period, May 17, 2019, the building official shall give written notice that nonconforming signs shall be removed. Upon failure to comply within the time specified, the building official is hereby authorized to cause removal of such sign and any expense incident thereto shall be paid by the person owning the building or structure to which such sign is attached. Creation of a nonconforming sign through approval of a new plat that reduces lot area or width shall be given five years from the date of plat approval to bring the sign(s) into conformance unless there are safety issues that require earlier compliance.
3. All nonconforming signs shall be made to conform with this Code when structurally altered, new copy is added, or when said signs are destroyed or damaged by wind, fire or other means to the extent of 60 percent or more of the replacement value.
4. Maintenance to a nonconforming sign shall be allowed as long as no wording is changed on the sign copy. If the name of the business changes or the new language is added to the sign, a sign maintenance

permit will be required. If a nonconforming sign is removed from the base or disassembled without a sign permit; the sign shall not be allowed to be replaced without complying with article VII, Signs.

5. If a building is vacant and/or a sign is not in use for a period of 365 days, then the sign shall be required to be removed or come into compliance.
A sign cannot be considered in use if the building is vacant.

(Ord. No. 2013-11, § 1, 8-5-13)



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