

ORDINANCE NO. 2022 - 06

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING CHAPTER 33 “LAND DEVELOPMENT REGULATIONS” OF THE CODE OF ORDINANCES FOR THE CITY OF DELAND; BY AMENDING SECTION 33-17.23 “ALLOWED USES IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS”; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City’s Land Development Regulations contains a zoning category entitled P-1 which, among other uses, permits office and professional uses; and

WHEREAS, the P-1 zoning category currently does not allow for veterinary offices; and

WHEREAS, there are two types of veterinary clinics, those with and those without outside runs and/or kennels; and

WHEREAS, City staff, at the request of a veterinarian, has considered whether it would be appropriate to include veterinary clinics without outside runs and/or kennels in the list of permitted uses in the P-1 zoning district; and

WHEREAS, City staff has determined that it is appropriate to included veterinary clinics without outside runs and/or kennels in the list of permitted uses in the P-1 zoning district as a conditional use; and

WHEREAS, it is necessary to amend Chapter 33 “Land Development Regulations” of the Code of Ordinances of the City of DeLand, in order to include veterinary clinics without outside runs and/or kennels in the list of permitted uses in the P-1 zoning district as a conditional use.

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 the chart for Section 33-17.23 “Allowed uses in commercial and industrial zoning districts” by adding the new underlined language (the addition is the letter “C” next to Veterinary Clinics with no outside runs or kennels under the P-1 zoning category) to be inserted into the existing chart to be read in full as follows:

33-17.23 Allowed uses in commercial and industrial zoning districts.

| | P-1 | BR | C-1 | C-2 | C-2A | C-2AC | C-3 | C-4 | M-1 |
|---|------------|-----------|-----------------------|------------|-------------|--------------|------------|------------|------------|
| MEDICAL SUPPORT (See also Section 33-19.11) | | | | | | | | | |
| Medical Office | P | P | P | P | P | P | | | |
| Apothecary shops | P | | C¹⁵ | | | | | | |
| Drugstore and Pharmacies | P | P | | P | P | P | | | |

| | | | | | | | | | |
|--|-----------------------|-----------------------|----------|-----------------------|----------|----------|--|--|----------|
| Hospitals | | | | P | | | | | |
| Laboratories, hospitals and clinics | E¹⁵ | | P | P | P | P | | | |
| Medical clinics over 5,000 square feet | E¹⁵ | E¹⁵ | | 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 | | C | | | |
| Veterinary clinics and pet grooming shops with overnight and/or outdoor boarding facilities and runs | | | | E³⁰ | C | | | | P |

Section 2. Conflicts. All Ordinances or parts of Ordinances and other actions of the City Commission in conflict with this Ordinance are hereby repealed.

Section 3. 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 4. Codification; Directions to Code Codifier; Correction of Scrivener's Errors.

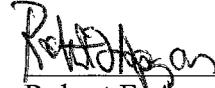
(a). The provisions Section 2 and 3 of this Ordinance shall become and be made a part of the Code of Ordinances of the City of DeLand and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Section 1 and Sections 4 through 8 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 5. Effective Date. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 4th day of April, 2022.



Robert F. Apgar
Mayor – Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading: March 21, 2022
Adopted on second reading: April 04, 2022

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney