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Proposed Zoning Regulations for the South Peninsula Zoning District, Volusia County, Florida

George W. Simons Jr.

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Second Draft

PROPOSED
ZONING REGULATIONS
FOR
THE SOUTH PENINSULA ZONING DISTRICT,
VOLUSIA COUNTY,
FLORIDA

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ARTICLE I

SHORT TITLE

This Resolution shall be known as the "Zoning Regulation for The South Peninsula Zoning District, Volusia County, Florida". The map herein referred to is identified by the title, "Zoning Map of The South Peninsula Zoning District, and all explanatory matter thereon is hereby adopted and made a part of this Resolution.

ARTICLE II

PURPOSE

This Resolution is adopted for the purpose of promoting the health, safety, morals, and general welfare of the people of The South Peninsula Zoning District, Volusia County, Florida. To this end, these regulations are prepared in accordance with a Comprehensive Plan, and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide for adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to prevent blight and the deterioration of property by regulating the height, number of stories, and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts, and other open spaces, the density of population, the location and use of buildings, structures, land and water for trade, industry, residence, and purpose, establishing setback lines, providing for transportation, public utilities, schools, parks and other public requirements.

ARTICLE III

DEFINITION OF WORDS

For the purpose of the administration and enforcement of this Resolution, and unless otherwise stated in this Resolution, the following words shall have a meaning as indicated herein:

Words used in the present tense shall include the future tense; words used in the singular number shall include the plural number, and words used in the plural number shall include the singular number; the word "shall" is mandatory, not directory.

ACCOMMODATIONS. Any hotel, motel, tourist court, rooming house, or rental unit intended to be used for transient persons or tourists, for overnight lodging or longer. Any business containing one (1) or more rental units for transients or tourists shall be deemed an accommodation facility.

NON-ACCOMMODATIONS shall be any activity other than one which may be classified as an accommodations activity.

ALLEY. Any public or private right-of-way set aside for public travel less than thirty (30) feet in width.

APARTMENT. A single building containing three (3) or more living units.

BOARD OF ADJUSTMENT. The Board of Adjustment shall mean the Board of Adjustment as provided for in this Resolution.

BUILDING. Any structure constructed or used for residence, business, industry or other public or private purposes or accessory thereto and including tents, lunch wagons, dining cars, trailers, mobile homes, sheds, garages, carports, animal kennels, storerooms, billboards, signs, gasoline pumps, and similar structures, whether stationary or movable.

PRINCIPAL BUILDING. A building in which is conducted the principal use of the lot on which it is situated. In a residence district any dwelling shall be deemed to be the principal building on the lot which the same is situated. An attached carport, shed, garage or any other structure with one (1) or more walls or a part of one (1) wall being a part of the principal building and structurally dependent, totally or in part, on the principal building, shall comprise a part of the principal building and be subject to all regulations applicable to

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NON-ACCOMMODATIONS shall be any activity other than one which may be classified as an accommodations activity.

ALLEY. Any public or private right-of-way set aside for public travel, intended to be used for secondary access to properties for service purposes, and abutting properties along the rear or side lot line.

APARTMENT. A single building containing three (3) or more living units.

BOARD OF ADJUSTMENT. The Board of Adjustment shall mean the Board of Adjustment as provided for in this Resolution.

BUILDING. Any structure constructed or used for residence, business, industry or other public or private purposes or accessory thereto and including tents, lunch wagons, dining cars, trailers, mobile homes, sheds, garages, carports, animal kennels, storerooms, billboards, signs, gasoline pumps, and similar structures, whether stationary or movable.

PRINCIPAL BUILDING. A building in which is conducted the principal use of the lot on which it is situated. In a residence district any dwelling shall be deemed to be the principal building on the lot which the same is situated. An attached carport, shed, garage or any other structure with one (1) or more walls or a part of one (1) wall being a part of the principal building and structurally dependent, totally or in part, on the principal building, shall comprise a part of the principal building and be subject to all regulations applicable to

the principal building. A detached and structurally independent carport, garage, or other structure shall conform to the requirements of an accessory building. A detached and structurally independent garage, carport, or other structure conforming as an accessory building may be attached to the principal building by an open breezeway not to exceed six (6) feet in width. A connecting breezeway in excess of six (6) feet and/or enclosed on one (1) or both sides, including louvers, lattice or screening, shall cause the entire structures to be construed as the principal building and shall be subject to the regulations applicable to the principal building.

ACCESSORY BUILDING. A subordinate building, the use of which is incidental to that of the principal building on the same lot.

BUILDING AREA. That area within and bounded by the building lines established by required yards and setbacks.

BUILDING LINES. The line established by yard or setback requirements outside of which no principal building may be erected.

BUILDING REQUIREMENTS. Lot and building requirements, as used in this Resolution, do not imply reference to building requirements as set forth in the Building Code of the South Peninsula Zoning District.

BUSINESS SERVICES. Any commercial activity primarily conducted in an office not involving the sale of goods or commodities available in the office, and not dispensing personal services, and including such businesses as real estate broker, insurance, accountants, financial institutions, or any similar use.

COMMISSION. The term "Commission" shall refer to the Zoning Commission of The South Peninsula Zoning District, Volusia County, Florida.

CORNER LOT. Any lot situated at the intersection of two (2) streets and abutting such streets on two (2) adjacent sides.

DAY NURSERY. A day nursery is defined as a residence or building in which one (1) or more children under seventeen (17) years of age are received, for full time or part time care, or training, and for whom board may or may not be provided, and that for such care or custody, remuneration shall be paid by the parents or legal guardians of the children, and shall include the terms "kindergartens" and "schools for child care". A day nursery shall be subject to the provisions of this Resolution regulating schools.

DWELLING. A house, apartment, or building, used primarily for human habitation. The word "dwelling" shall not include hotels, motels, tourist courts, or other buildings for transients.

EAVES. The extension or overhang of a roof, measured from the outer face of the supporting wall or column to the farthest point of the overhanging structure.

FAMILY. One (1) or more persons occupying a living unit as a single non-profit house-keeping unit.

FRONTAGE. Distance measured along a public street right-of-way.

GUEST ROOM. Any room, with a private bath, and a private entrance from the outside, hall, corridor, or lobby, which may be rented as a single rental unit.

HOTEL. A building designed to provide accommodations for transients or persons for short time residence, with or without meals, providing for ten (10) or more sleeping rooms with no provisions for cooking in such rooms, and including customary accessory uses in connection with the principal use.

INTERIOR LOT. Any lot bound on both sides by other lots.

LIVING AREA. That area of a dwelling unit, enclosed, which is protected from the elements and heated, including interior halls, closets, utility and storage areas, but excluding garages, carports, screened porches, unenclosed and unheated areas.

LIVING UNIT. A room or rooms comprising the essential elements of a single housekeeping unit. Facilities for the preparation, storage and keeping of food for consumption within the premises shall cause a unit to be construed as a living unit. Bath facilities may not be private for the living unit, but shall be conveniently accessible to the living unit.

LOT A piece, parcel, tract or plot of land occupied or to be occupied by one (1) principal building and its accessory buildings and including the required yards and shall include all lots of record included in such piece, parcel, tract or plot of land, and all lots otherwise designated.

LOT OF RECORD. A lot whose existence, location and dimensions have been legally recorded or registered in a deed or on a plat, either prior to the effective date of this Resolution, or after the effective date of this Resolution.

LOT, SUBSTANDARD. Any lot of less than five thousand (5,000) square feet in area or less than fifty (50) feet in width at the front building line, in all districts except business districts.

LOT LINE. The property line abutting right-of-way line, or any line defining the exact location and boundary of a lot.

MARINE SERVICES. The use of any land, water or building for the storage, docking, service and repair of boats; fishing camps, dock facilities; the sale of fuel, lubricants, and marine supplies including boats and motors.

MARQUEES AND CANOPIES. Any shelter, cover, or projection, extending beyond the outer face of the building wall, of either a rigid or non-rigid material, either collapsible, removable, or of permanent rigid construction, designed and intended to be used for the purpose of shelter or protection for entrance and walkways.

MOBILE HOME. A movable living unit or similar portable structure having no foundation other than wheels, jacks, or blocks, sometimes referred to as trailers or trailer homes.

MOTEL. The term "motel" shall include the term "motor hotel", "tourist courts", and "transient accommodations", primarily for those persons traveling by automotive vehicles and consisting of two (2) or more units or buildings designed to provide sleeping accommodations with no common entrance or lobby.

NON-CONFORMING BUILDING. Any building which does not conform to the regulations for the district in which it is located.

NON-CONFORMING LOT. Any lot which does not meet the minimum dimensions, area, or other regulations of the district in which it is located.

NON-CONFORMING USE OF BUILDING. The use of any building other than a use specifically permitted in the district in which the lot or parcel of land is located.

NON-CONFORMING USE OF LAND. The use of any land other than a use specifically permitted in the district in which the lot or parcel of land is located.

PARKING SPACE. An area specifically and permanently designated for the off-street parking or storage of vehicles. Such space for passenger cars shall have a minimum width of eight and one-half (8-1/2) feet and a minimum length of eighteen (18) feet. When an area is designated to provide off-street parking facilities, a minimum of three hundred and fifty (350) square feet per parking space shall be used for computing the minimum total required parking area including driving lanes, maneuvering areas, and parking spaces. No part of such parking space or spaces shall exist upon any public right-of-way.

PERSON. The word "person" includes any individual, group of persons, firm, corporation, association, organization and any legal public entity.

PERSONAL SERVICES. Beauty parlor, shop or salon, barber shop, massage, reducing, or slenderizing studio, steam or turkish baths, or any similar use.

PROFESSIONAL SERVICES. The conduct of business in any of the following or related categories: law, architecture, engineering, medicine, dentistry, osteopaths, chiropractors, opticians, or consultants in these or related fields.

PUBLIC BODY. Any government or governmental agency of any municipality, Volusia County, State of Florida, or of the United States Government.

PUBLIC USE. The use of any land, water, or buildings by a municipality, public body or board, commission or authority, county, state, or the federal government or any agency thereof for a public service or purpose.

RESTAURANTS. An establishment where meals or prepared food, included beverages and confections, are served to customers. Restaurants are hereby classified and further defined into three (3) categories:

1. Type "1" Restaurants, Conventional. A restaurant with all service indoors with any combination of tables and/or booths, and providing no service to persons in vehicles or at walk up windows.
2. Type "2" Restaurants, Window Service. Specializing in the preparation of food dispensed by window or from counter service within the building which may be consumed on the premises or taken out for consumption off of the premises.
3. Type "3" Restaurants, Drive-Ins. Any restaurant serving food and/or beverages to persons in their automobiles for consumption on the premises. This type restaurant may also include service features of both Type "1" and Type "2" restaurants as herein defined; however, the service of persons in automobiles and consumption of food and beverages in automobiles on the premises shall cause any such restaurant to be classified as Type "3".

PERSON. The word "person" includes any individual, group of persons, firm, corporation, association, organization and any legal public entity.

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2. Type "2" Restaurants, Window Service. Specializing in the preparation of food dispensed by window or from counter service within the building which may be consumed on the premises, within the principal building, or taken out for consumption off of the premises.
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RETAIL SALES AND SERVICE. Retail sales and service shall include those business activities customarily providing retail convenience goods. Such uses shall include department stores, variety stores, drug and sundry stores, restaurants, delicatessens, cafeterias, grocery and markets, gift shops, wearing apparel, home and auto supply, furniture and appliances, hardware, package stores, cocktail lounges, news stands, book and stationery stores, shoe repair shops, luggage shops, bakeries and candy shops, (provided that products made on the premises are sold on the premises), camera and photo supply shops, radio and television sales and service, floor coverings, sporting goods, florists, jewelers, music and piano sales and service, art shops, pawn shops, electrical and lighting, and similar uses.

SEMI-PUBLIC BODY. Includes churches and organizations operating as a non-profit activity serving a public purpose or service and includes such organizations as non-commercial clubs and lodges, theater groups, recreational and neighborhood associations, and cultural activities.

SERVICE STATION. Any business engaged primarily in the servicing of automotive vehicles, including the sale and delivery of fuel, lubricants, and other products necessary to the operation of automotive vehicles including the sale and installation of accessories, tires, batteries, seat covers, tire repair, cleaning facilities minor engine tune-up and wheel balancing and aligning, brake service, but not including mechanical or body repair facilities, the sale or rental of vehicles or trailers.

SPECIAL USES. Includes public utilities, transportation terminals and facilities not owned and operated by a public body.

STREET. Any public or private right-of-way set aside for public travel thirty (30) feet or more in width. The word "street" shall also include the words "road", "avenue", "boulevard", "lane", "drive", "circle", "thoroughfare" and "highway".

STREET CENTERLINE. The line midway between the street right-of-way lines or the surveyed and platted centerline of a street which may or may not be the line midway between the existing right-of-way lines.

STREET RIGHT-OF-WAY LINE. The line which bounds the right-of-way set aside for use as a street.

STORY. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building used for human occupancy between the top-most floor and the roof. A basement or cellar not used for human occupancy shall not be counted as a story.

RETAIL SALES AND SERVICES. Retail sales and service shall include those business activities customarily providing retail convenience goods. Such uses shall include department stores, variety stores, drug and sundry stores, restaurants, delicatessens, cafeterias, grocery and markets, gift shops, wearing apparel, home and auto supply, furniture and appliances, hardware, package stores, cocktail lounges, news stands, book and stationery stores, shoe repair shops, luggage shops, bakeries and candy shops, (provided that products made on the premises are sold on the premises), camera and photo supply shops, radio and television sales and services, floor coverings, sporting goods, florists, jewelers, music and piano sales and service, art shops, pawn shops, electrical and lighting, and similar uses.

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SERVICE STATION. Any business engaged primarily in the servicing of automotive vehicles, including the sale and delivery of fuel, lubricants, and other products necessary to the operation of automotive vehicles, including the sale and installation of accessories, tires, batteries, seat covers, tire repair, cleaning facilities minor engine tune up and wheel balancing and aligning, brake service, but not including mechanical or body repair facilities, the sale or rental of vehicles or trailers.

SPECIAL USES. Includes public utilities, transportation terminals and facilities not owned and operated by a public body.

STREET. Any public or private right-of-way set aside for public travel, intended to be used for primary access to properties, and abutting properties at least along the front lot line; however, properties may have other intersecting streets abutting the side lot line, or other streets abutting the rear lot line.

STREET CENTERLINE. The line midway between the street right-of-way lines or the surveyed and platted centerline of a street which may or may not be the line midway between the existing right-of-way lines.

STREET RIGHT-OF-WAY LINE. The line which bounds the right-of-way set aside for use as a street.

STORY. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building used for human occupancy between the top-most floor and the roof. A basement or cellar not used for human occupancy shall not be counted as a story.

USE. Any activity, function, or purpose to which a parcel of land or building is put, and shall include the words "used", "arranged", or "occupied" for any purpose including all residential, commercial, business, industrial, public or any other use.

VACANT. A building or parcel of land shall be deemed vacant when it is neither occupied nor used, or when it is in a non-operative status for a period of one (1) year.

VEHICLE. Any self-propelled conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise or any substance, and shall include passenger cars, trucks, buses, motorcycles, scooters, but shall not include tractors, construction equipment, or machinery, or any device used in performing a job as stated above.

YARD. The open space existing on the same lot with a principal building, unoccupied and unobstructed by buildings from the ground to the sky, between the lot line and building line.

FRONT YARD. The yard extending across the entire width of the lot between the front lot line and the front building line. The lot line of a lot abutting a public street shall be deemed the front lot line. The front yard of a corner lot shall be that yard abutting the street with the least frontage, unless otherwise determined on a recorded plat or in a recorded deed. The front yard of a lot existing between two (2) streets not intersecting at a corner of the lot, shall be that yard abutting the street on which adjoining properties face, unless otherwise determined on a recorded plat or in a recorded deed.

REAR YARD. The yard extending across the entire width of the lot between the rear lot line and the rear building line. The rear lot line shall be the lot line farthest removed from the front lot line. For the purpose of this Resolution the yard abutting the Atlantic Ocean Beach and Halifax River shall be deemed to be the rear yard.

SIDE YARD. The yard extending from the front building line to the rear building line between the side lot line and the side building line.

ZONING COMMISSION. The term "Zoning Commission" shall mean the duly constituted Zoning Commission of the South Peninsula Zoning District, Volusia County, Florida.

ZONING MAP. The term "Zoning Map" or "Zoning Maps" shall mean the official Zoning Map of The South Peninsula Zoning District, Volusia County, Florida.

ZONING RESOLUTION. The term "Zoning Resolution" shall mean the Zoning Resolution of the South Peninsula Zoning District, Volusia County, Florida including the Zoning Map and all amendments to such Zoning Resolution and Zoning Map.

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VACANT. A building or parcel of land shall be deemed vacant when it is neither occupied nor used, or when it is in a non-operative status for a period of one (1) year.

VARIANCE. A deviation or departure from the Regulation of this Resolution as may be granted by the Board of Adjustment upon appeal in specific cases where such variance will not be contrary to the public interest, and where, owing to special condition the literal enforcement of the provisions of this Resolution would result in unnecessary hardship.

VEHICLE. Any self-propelled conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise or any substance, and shall include passenger cars, trucks, buses, motorcycles, scooters, but shall not include tractors, construction equipment, or machinery, or any device used in performing a job as stated above.

YARD. The open space existing on the same lot with a principal building, unoccupied and unobstructed by buildings from the ground to the sky, between the lot line and building line.

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ARTICLE IV

ZONING DISTRICTS

Section 1. Establishment of Districts. Within the South Peninsula Zoning District, Volusia County, the following zoning districts are established:

1.1 Residential

- 1.1.1 RA, Residential - Apartment
- 1.1.2 R-1a, Single Family, Low Density
- 1.1.3 R-1b, Single Family, Medium Density
- 1.1.4 R-1c, Single Family, High Density
- 1.1.5 R-2, Limited Multiple Family
- 1.1.6 R-3, Unlimited Multiple Family
- 1.1.7 RP, Residential - Professional

1.2 T, Tourist Accommodations1.3 AE, Amusement - Entertainment1.4 Business

- 1.4.1 BR, Business and Professional
- 1.4.2 BR, Retail Sales and Services
- 1.4.3 MB, Marine Oriented Business

Section 2. District Boundaries.

- 2.1 Zoning districts are hereby established and declared to be in effect upon all land and water areas included within the boundaries of each district as shown on the Zoning Map of the South Peninsula Zoning District.
- 2.2 Unless otherwise indicated on the Zoning Map, the boundaries of zoning districts are the lot lines, the centerlines of streets, street rights-of-way, alleys, and the South Peninsula Zoning District boundaries as they exist at the time of the enactment of this Resolution, or other geographical or topographical features.

In unsubdivided property where a district boundary line is shown, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the map.

ARTICLE V

GENERAL PROVISIONS

Section 1 Abandoned Property. For any public property, street, or alley, which is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to the centerline of the property which is abandoned. In the event abandoned property is not divided at the centerline for abutting properties, the zoning districts applicable shall apply to such ownership line as determined by virtue of such abandonment.

Section 2. Access Control. In order to promote the safety of motorists and the pedestrian and to minimize traffic congestion and conflict by reducing the magnitude of and the points of contact, to all streets within the South Peninsula Zoning District except such streets as may be designated as state highways and subject to the regulations of the State Road Department, the following regulations shall apply:

- 2.1 A point of access, that is, a driveway or other opening for vehicles onto a public street, shall not exceed twenty-four (24) feet in width, except as otherwise provided in this Section.
- 2.2 The maximum number of points of access permitted onto any one (1) street shall be as follows:

<u>Lot Width Abutting Street</u>	<u>Number of Points of Access</u>
Less than 65 feet	1
65 feet - 200 feet	2
Over 200 feet	2, plus 1 for each additional 200 ft. or fraction thereof

- 2.3 In lieu of any two (2) openings permitted on any one (1) street there may be permitted a single point of access up to thirty-five (35) feet in width, however, service stations shall be permitted two (2) openings not to exceed thirty-five (35) feet each in width along any abutting public street, provided that such property abuts such street for a distance of not less than one hundred twenty (120) feet.
- 2.4 There shall be a minimum distance of twelve (12) feet between any two (2) openings onto the same street.
- 2.5 No point of access shall be allowed within ten (10) feet of the intersection of the right-of-way lines of any public street.
- 2.6 No curbs shall be cut or altered, and no point of access or opening for vehicles onto a public street shall be established without a permit issued by the Building Inspector.

Section 3. Churches and Schools. Public schools shall be subject to the regulations in this resolution, set forth in Article XIII, Public Uses.

- 3.1 Private schools, churches, and religious institutions shall be permitted in R-3, RP, BP, and BA-1 districts, provided that the following requirements are complied with:
 - 3.1.1 Off-street parking shall be complied with as set forth in Section 17 of this Article.
 - 3.1.2 The principal building and accessory building shall comply with the yard and setback requirements of the district in which it is located.
- 3.2 Private schools, churches and religious institutions may be permitted in other districts, subject to the approval of the Zoning Commission which shall hold a public hearing on such request, after giving fifteen (15) days due notice of the time and place of such hearing.

Section 4. Compound Uses. There shall be permitted compound uses of property providing that the following regulations are complied with.

- 4.1 That the entire area on which more than one (1) use is to be established is under the same ownership.
- 4.2 Each use shall meet the minimum requirements for off-street parking, loading and unloading facilities, and shall meet the minimum lot and building requirements for the districts in which the property is located.
- 4.3 A minimum area of two (2) acres must be provided on which the activities are situated.
- 4.4 A principal use must be established, and additional uses must be accessory to, compatible with, and complementary to the principal use.
- 4.5 Applications for compound uses shall be referred to the Zoning Commission for study and recommendations. The Zoning Commission shall hold a public hearing on such request after giving fifteen (15) days due notice, and the time and place of such hearing. The Zoning Commission may further establish requirements to be met concerning such application.
- 4.6 Such compound uses may be permitted in any district except single family residential districts.

Section 5. Convalescent Homes. Convalescent homes shall include homes for the aged, nursing homes, and such other activities designed to take care of the aged or persons unable to care for themselves without supervision or assistance. Convalescent homes shall be permitted in any R-3, RP, or T districts. Such uses shall comply with all regulations applicable to the district in which the use is located. Such uses shall comply with the off-street parking requirements as set forth in this Article. In addition, such uses shall meet the minimum requirements as set forth by State or Federal agencies regulating such activities, and shall, upon application, for either Building Permit or Occupancy Certificate submit certificates indicating approval by such State or Federal agencies.

Section 6. Fences. Fences of solid face construction, not exceeding four (4) feet in height, shall be permitted along all front yard lot lines, and not exceeding six (6) feet in height around side yard and rear lot lines. Wire fences with a maximum height of six (6) feet may be permitted at all property lines. In the event the principal building does not abut the rear building line, the six (6) foot fence of solid face construction may be extended up to a line extended from the rear face of the principal building parallel to the rear building line, and may cross the side yard to tie into the rear face of the principal building. Windbreaks around swimming pools or cabanas shall be limited to a height of six (6) feet.

Section 7. Interpretation of Uses Permitted. In business districts, where an application is made for a business use not expressly permitted or prohibited, the Building Inspector shall consider that use which is expressly permitted or prohibited most closely similar or allied to that use requested. In the event of doubt as to whether or not a specific use is similar to uses expressly prohibited or permitted, such permit shall be withheld until a request is made of the Zoning Commission and a recommendation is made by the Zoning Commission concerning the suitability of the use requested. In the event any applicant or citizen objects to a determination made by the Building Inspector or by the Zoning Commission, such person may appeal his case to the Board of Adjustment.

Section 8. Living Units in Zones Other Than Residential. Dwellings shall not be permitted in any business zone and single family dwellings shall not be permitted in any tourist zone. However, living units may be established within the principal building as accessory to any business use provided that such living units within the BR Zone shall not be on the ground floor.

Section 9. Marquees and Canopies.

- 9.1 Fixed Marquees or Canopies. In any "B" district, there shall be permitted fixed marquees or canopies to overhang the public right-of-way not to exceed more than two-thirds ($2/3$) of the width of the sidewalk or no closer than two (2) feet to a vertical projection of the curb line; the lowest portion of such marquee or canopy shall be at least ten (10) feet above the sidewalk elevation. Fixed marquees and canopies may extend to a vertical projection of the street side of a sidewalk provided that a vertical distance of fourteen (14) feet is maintained between the sidewalk elevation of any marquee or canopy.

9.2 Awnings and Covered Walkways. Within any "B" district, there shall be permitted awnings, canopies or covered walkways of canvas or other non-permanent material not structurally tied into the principal building, provided that such awnings or covered walkways cover not more than two-thirds ($2/3$) of the width of the sidewalk, and in no case shall be closer than two (2) feet to a vertical projection of the curb line. Such canopies or covered walkways shall have a minimum vertical height of seven (7) feet above the sidewalk elevation. Within the "T" district, such awnings, canopies, or covered walkways may be erected within any front yard or side yard abutting a street, providing that such awnings, canopies, or covered walkways do not exceed six (6) feet in width; in no event shall such structures extend over any public right-of-way line. All such awnings, canopies, or covered walkways shall be specifically designed and intended for the protection of pedestrians.

9.3 Public Liability and Property Damage Insurance. All persons, firms, or corporations erecting marquees, canopies, or any projection over the public right-of-way of The South Peninsula Zoning District, shall be required to post a cash bond with said District or to secure public liability insurance against damage occasioned to any person or property as a result of any defect herein and/or falling thereof. Every such insurance policy shall be of form and substance approved by the Zoning Commission, shall be executed by an insurance company, or companies, authorized to do business in the State of Florida, and acceptable to the Zoning Commission, and shall be in the penal sum of Ten Thousand (\$10,000) Dollars for injury or death to any one (1) person, in the penal sum of Twenty Thousand (\$20,000) Dollars for injury or death to all persons caused by any one (1) accident, and in the penal sum of Five Thousand (\$5,000) Dollars for damage to property resulting from any one (1) accident, and each of said penal sums shall remain in full force and shall be undiminished during the effective period of said insurance. Every such insurance policy shall contain a provision whereby every company executing the same shall obligate itself to notify the Building Inspector of the South Peninsula Zoning Commission in writing at least thirty (30) days before any alteration, modification or cancellation of such policy is to become effective.

No permit shall be issued for the erection of any marquee, canopy, or any other projection extended over the sidewalks, or public property of The South Peninsula Zoning District unless and until such bond or liability insurance policy is filed with the South Peninsula Zoning Commission.

Section 10. Minimum Living Area. The minimum living area for any single family dwelling shall be no less than seven hundred fifty (750) square feet. The minimum living area for any living unit in a multiple family dwelling shall be no less than four hundred fifty (450) square feet.

Section 11. Minimum Setbacks From The Centerline Of All Streets. Required yards and setback lines abutting a street shall be measured from a line parallel to the centerline of the street and a distance from the centerline of the street as follows:

Regional Thoroughfares

40 Feet

South Atlantic Avenue, from the south corporate line of the City of Daytona Beach, south to Ponce Inlet.

Local Thoroughfares

40 Feet

Big Tree Road Bridge Approach from South Atlantic Avenue west to the Halifax River.

Reed Canal Road Bridge Approach from South Atlantic Avenue west to the Halifax River.

Dunlawton Boulevard Approach from South Atlantic Avenue west to the Halifax River.

Fozzard Boulevard Bridge Approach from South Atlantic Avenue west to the Halifax River.

Ponce Boulevard Bridge Approach from Shore Boulevard west to the Halifax River.

Peninsula Drive From the South Corporate Line of the City of Daytona Beach to Lighthouse Park.

All Other Streets

25 Feet

Said setback lines shall also conform to the front yard requirements as set forth in sections herewith relating to front yard requirements.

Section 12. Non-Conforming Buildings or Structures. Non-conforming buildings and structures shall be made to comply with these regulations only after destruction exceeding one and one-half (1-1/2) times the assessed valuation of the building or structure as fixed by the County Tax Assessor immediately prior to the time of destruction. An existing non-conforming building or structure may be maintained and repaired, but shall not be structurally added onto or altered to further the non-conformance; however, an existing non-conforming building or structure may be added onto or altered provided that such additions or alterations and use are in compliance with these regulations.

Section 10. Minimum Living Area. The minimum living area for any single family dwelling shall be no less than seven hundred fifty (750) square feet. The minimum living area for any living unit in a multiple family dwelling shall be no less than four hundred fifty (450) square feet.

Section 11. Minimum Setbacks From The Centerline Of All Streets. Required yards and setback lines abutting a street shall be measured from a line parallel to the centerline of the street and a distance from the centerline of the street as follows:

Regional Thoroughfares 40 Feet

South Atlantic Avenue, from the south corporate line of the City of Daytona Beach, south to Ponce Inlet.

Local Thoroughfares 40 Feet

Big Tree Road Bridge Approach from South Atlantic Avenue west to the Halifax River.

Reed Canal Road Bridge Approach from South Atlantic Avenue west to the Halifax River

Dunlawton Boulevard Approach from South Atlantic Avenue west to the Halifax River

Fozzard Boulevard Bridge Approach from South Atlantic Avenue west to the Halifax River.

Ponce Boulevard Bridge Approach from Shore Boulevard west to the Halifax River

Peninsula Drive from the South Corporate Line of The City of Daytona Beach to Lighthouse Park.

All Other Streets 25 Feet

Said setback lines shall also conform to the front yard requirements as set forth in Sections herewith relating to front yard requirements.

Section 12. Non-Conforming Buildings or Structures. Non-conforming buildings and structures shall be made to comply with these regulations only after destruction exceeding one and one-half (1-1/2) times the assessed valuation of the building or structure as fixed by the County Tax Assessor immediately prior to the time of destruction. An existing non-conforming building or structure may be maintained and repaired, but shall not be structurally added onto or altered to further the non-conformance; however, an existing non-conforming building or structure may be added onto or altered provided that such additions or alterations are in compliance with these regulations.

Section 13. Non-Conforming Lot.

- 13.1 Remedies. Where two (2) or more non-conforming lots with continuous frontage are under the same ownership, or where a non-conforming lot has continuous frontage with a large tract under the same ownership, such lot or lots shall be combined to form one (1) or more building sites meeting the lot requirements of the district in which they are located.
- 13.2 Dwelling On Non-Conforming Lots. The Building Inspector may issue a Building Permit for a single family dwelling on any non-conforming lot, excluding substandard lots, provided that the remedies set forth in paragraph 13.1 of this Section cannot be complied with; that such use is permitted, and that the regulations of the district in which the lot is located are met.
- 13.3 Dwellings on Substandard Lots. The South Peninsula Zoning Board may authorize the issuance of a Building Permit for a single family dwelling for a substandard lot, and only after it has been determined that remedies as set forth in this Section cannot be complied with.

Section 14. Non-Conforming Use Of Land. All non-conforming uses of land without principal buildings, including open storage, building supplies, vehicle, implement and machinery and commercial animal yards, and similar uses, shall comply with these regulations pertaining to uses permitted within three (3) years from the effective date of this Resolution.

Section 15. Non-Conforming Uses of Buildings and Structures.

- 15.1 The uses of any building or structure not in conformance with these regulations pertaining to uses permitted on the effective date of this Resolution may not be:
 - 15.1.1 Changed to another non-conforming use, except where it is determined by the South Peninsula Zoning Board that the design, construction and character of the building is unsuitable for uses permitted in the district in which such non-conforming uses is located.

- 15.1.2 Re-established after discontinuance for nine (9) months, except where it is determined by the South Peninsula Zoning Board that the design, construction and character of the building is unsuitable for uses permitted in the district in which such non-conforming use is located.
- 15.1.3 Extended, enlarged or expanded.
- 15.1.4 Rebuilt, or repaired after damage exceeding sixty (60) percent of the fair market value of the building, immediately prior to damage as fixed by the County Tax Assessor.
- 15.2 The use of all buildings and structures, except residential uses, shall be made to conform on the basis of the fair market value as fixed by the County Tax Assessor at the time of the effective date of this Resolution as follows:

<u>Market Value</u>			<u>Years</u>	
\$ 0	-	\$2,000	...	5 Years
2,001	-	5,000	...	10 Years
5,001	-	10,000	...	20 Years
10,001	-	25,000	...	30 Years
25,001	-	50,000	...	40 Years
50,001	-	and above	...	50 Years

Section 16. Obstruction To Vision At Street Intersections. In order to minimize accidents caused by obstruction to vision at street intersections, the following regulations shall apply in all "R" districts.

- 16.1 Within the area formed by the rights-of-way lines of intersecting streets, and a straight line connecting points on such rights-of-way lines at a distance of forty (40) feet from their point of intersection, such connecting line extending beyond the points to the curb lines, there shall be a clear space with no obstruction to vision between the height of three (3) feet and a height of eight (8) feet above the average grade of each street as measured at the centerline thereof.
- 16.2 The requirements of this Section shall not be deemed to prohibit any necessary retaining wall.
- 16.3 Trees shall be permitted in the clear space provided that foliage is cut away within the prescribed heights.

- 16.4 Lamp posts and street name sign posts shall also be permitted, provided that illuminating fixtures or name plates are not within the prescribed clear space.

Section 17. Off-Street Parking and Loading Facilities.

- 17.1 Parking Space Requirements. In every zone parking spaces shall be required as follows:
- 17.1.1 Single family dwellings, two (2) spaces for each single family dwelling unit.
 - 17.1.2 Multiple family dwellings, one (1) space for each unit.
 - 17.1.3 Churches, Temples, or places of worship, funeral homes, schools, public buildings, theaters, auditoriums, areas and places of assembly, one (1) space for each five (5) seats.
 - 17.1.4 Retail business, commercial, professional or personal service establishments, kennels, animal hospitals, libraries, museums, medical or dental offices or clinics, and office buildings, one (1) space for each two hundred square feet devoted to retail sales or to actual retail use for commercial, professional, or personal services. Shopping centers shall be required one (1) space for each two hundred (200) square feet of building area.
 - 17.1.5 Country clubs, golf clubs, tennis clubs and organizations designed to provide outdoor sporting or recreational activities, one (1) space for each five (5) members.
 - 17.1.6 Hotel apartments, one (1) space for each rental unit.
 - 17.1.7
 - a. Hospitals and Sanitariums, one (1) space for each patient bed.
 - b. Nursing Homes, Rest Homes and Convalescent Homes, one (1) space for each two (2) patient bed.
 - 17.1.8 Hotels, motels, motor courts, tourist courts, and any accommodation facility, one (1) space for each guest room or one (1) space for each bathroom, whichever is greatest, plus one (1) space for each three (3) employees.

- 17.1.9 Private clubs, lodges, fraternities, and sororities, one (1) space for each five (5) seats in the largest assembly area in the building.
- 17.1.10 Restaurants or other eating places (non-drive-ins), one (1) space for each four (4) seats, plus one (1) space for each three employees.
- 17.1.11 Rooming houses, boarding houses, and dormitories, one (1) space for each two (2) beds.

17.2 Location.

- 17.2.1 Such parking space as required in this Section shall in no part exist upon, and no portion of any vehicle shall overhang the right-of-way of any public road, street, alley, or walkway. There shall be no off-street parking in the front yards of residential districts except as normally exists in driveways.
- 17.2.2 Parking spaces for all dwellings shall be located on the same lot with the main building.
- 17.2.3 Parking spaces for all other uses shall be provided on the same lot with the main building, or not more than three hundred (300) feet distant, as measured along the nearest pedestrian walkway, provided that such area is under the same ownership as the principal use.
- 17.2.4 Parking requirements for two (2) or more uses, of the same or of different types, may be provided by the establishment of the required number of spaces for use in a common parking area, provided that all such uses being served by a common parking area are under the same ownership. Accessory uses shall not be required to have additional parking spaces other than those required by the principal use.

17.3 Off-Street Loading Requirements.

- 17.3.1 Every hotel, hospital, institution, or commercial building or similar use having a floor area of ten thousand (10,000) square feet or more, and requiring the receipt or distribution by vehicle of materials or merchandise, shall have at least one (1) permanently maintained off-street loading space for each ten thousand (10,000) square feet of gross floor area or fraction thereof.
- 17.3.2 Retail sales and services with a gross floor area of less than ten thousand (10,000) square feet shall provide sufficient space for loading and unloading operations in order that the free movement of vehicles and pedestrians over a sidewalk, street, or alley, shall not be impaired.
- 17.3.3 Every off-street loading and unloading space shall have direct access to a public street or alley, and shall have the following dimensions.

Length, twenty (20) feet; width, twelve (12) feet; height, fourteen (14) feet.

Section 18. Overhanging or Extruding Projections.

18.1 "R" and "T" Districts.

- 18.1.1 Every part of a required yard or court shall be open from its lowest point to the sky, unobstructed, except for the customary projection of sills, belts, courses, ornamental features, and eaves, except that marquees or canopies may extend out two-thirds ($2/3$) of the width of the sidewalk; provided, however, that none of the above projections shall extend into a required yard more than thirty-six (36) inches. Open or enclosed fire escapes, outside stairways, balconies, chimneys, flues, or other projections shall not extend into any required yard except, that uncovered steps may project not more than three (3) feet into any required yard.

- 18.2 Business Districts. There shall be no projection of sills, belts, courses, ornamental features, or eaves, over any public right-of-way. Within the "B" and AE districts, such structural or ornamental features may project not more than six (6) inches over the public right-of-way line provided that no projection shall extend beyond a vertical projection of the property line between the sidewalk or grade level and ten (10) feet above such sidewalk or grade level.

Section 19. Permits In Conflict With These Regulations. Permits for either construction of buildings or for the use of land or buildings which have been issued prior to the adoption of this Resolution and which are in violation with the regulations of this Resolution shall be declared void unless evidence is shown to establish that substantial expenditures have been made either for the preparation of plans for construction or for preliminary planning. Investment in real property for speculative purposes shall not be construed as an expenditure towards construction. Unless actual construction work, including grading and excavation is under way within six (6) months after the adoption of this Resolution, such permit shall become void.

Section 20. Permitted Building Area. The principal building on any lot or parcel of land shall be erected within the area bound by the building line established by setback or yard requirements. Accessory buildings may be erected within any building line established for the principal building and in required rear yards as may be otherwise provided in these regulations.

Section 21. Plaza Developments. Within any R-3, RP, or T districts, there shall be permitted plaza type developments. Such developments shall be designated and constructed as an integral unit under single ownership or management, consisting of apartment type living accommodations, and in addition professional services, business services, personal services, and retail sales and services, confined to within the principal building as accessory thereto. Such developments shall comply with the following lot and building requirements.

Minimum Area	5 acres
Minimum Lot Width	200 feet
Minimum Number of Living Units	100
Maximum Percent of Lot Coverage	25 %
Maximum Density	35 living units per acre
Maximum Percent of Total Business Floor Area For Business Use	25 %

Upon application for a permit for a plaza development, there shall be submitted complete plans and specifications including proposed lease or rental restrictions and regulations, a complete site plan showing ingress, egress, parking spaces, areas for automobile storage, and landscaping. Such developments shall be required to adequately provide for the services and facilities necessary for both the apartment and business uses, including playground or recreation areas and service areas. Such plans to be forwarded to the Zoning Commission for review and recommendation. The Zoning Commission shall report its findings within sixty (60) days after receipt of the application.

Section 22. Principal Building On A Lot. Only one (1) principal building and its customary accessory buildings shall hereafter be erected on any lot of record; except that two (2) or more principal buildings may be erected on a single lot or parcel of record as provided in Section 32, Group Housing; Section 25, Shopping Centers; Section 4, Compound Uses; and Section 21, Plaza Developments. Any dwelling shall be deemed to be the principal building on the lot on which the same is located.

Section 23. Property Frontage. In all districts except AE, no building or structure shall be erected on a parcel of land which does not abut a public street for a minimum width of twenty (20) feet. No dwelling shall be erected on a lot which does not abut at least one (1) public street for at least fifty (50) feet, except that a minimum street abutment distance of twenty-five (25) feet shall apply to properties of an irregular shape provided that a minimum building line width of fifty (50) feet is met at the required front yard setback line.

Section 24. Retaining Wall. Nothing in these regulations shall be construed to prohibit or to prevent the erection of a retaining wall on any property provided that such retaining wall does not adversely affect the natural flow of surface water, or create any other adverse effect upon adjacent or adjoining properties. However, any application for a retaining wall shall be subject to the approval of the Building Inspector before the issuance of a permit.

Section 25. Shopping Centers. Shopping centers are hereby defined as a group of retail stores or shops under single ownership or management with an area of five (5) acres or more, and with a minimum depth of three hundred (300) feet, established as a shopping entity with common parking facilities, ingress and egress, loading and unloading facilities. Shopping centers shall be permitted in any "B" district, and may be developed in accordance with the approval of a plat of a subdivision or development as approved by the Zoning Commission. A shopping center shall not be subdivided into separate lots for each store or use. No permits shall be issued for a shopping center until the plans and specifications, design of ingress and egress roads, and parking facilities have been approved by the Zoning Commission. No building shall be erected nearer than twenty-five (25) feet to any street line. There shall be provided one (1) parking space for each two hundred (200) square feet of total building area designed to be used for business or shopping purposes. Such parking area, including maneuvering space, ingress and egress roads, driving lanes,

Upon application for a permit for a plaza development, there shall be submitted complete plans and specifications including proposed lease or rental restrictions and regulations, a complete site plan showing ingress and egress, parking spaces, areas for automobile storage, and landscaping. Such developments shall be required to adequately provide for the services and facilities necessary for both the apartment and business uses, including playground or recreation areas and service areas. Such plans to be forwarded to the Zoning Commission for review and recommendation. The Zoning Commission shall report its findings within sixty (60) days after receipt of the application.

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Section 23. Property Frontage. In all districts except AE, no building or structure shall be erected on a parcel of land which does not abut a public street for a minimum width of twenty (20) feet. No dwelling shall be erected on a lot which does not abut at least one (1) public or private street for at least fifty (50) feet, except that a minimum street abutment distance of twenty-five (25) feet shall be permitted for properties of an irregular shape provided that a minimum building line width of fifty (50) feet is met at the required front yard setback line.

Section 24. Retaining Wall. Nothing in these regulations shall be construed to prohibit or to prevent the erection of a retaining wall on any property provided that such retaining wall does not adversely affect the natural flow of surface water, or create any other adverse effect upon adjacent or adjoining properties. However, any application for a retaining wall shall be subject to the approval of the Building Inspector before the issuance of a permit.

Section 25. Shopping Centers. Shopping centers are hereby defined as a group of retail stores or shops under single ownership or management with an area of five (5) acres or more, and with a minimum depth of three hundred (300) feet, established as a shopping entity with common parking facilities, ingress and egress, loading and unloading facilities. Shopping centers shall be permitted in any "B" district, and may be developed in accordance with the approval of a plat of a subdivision or development as approved by the Zoning Commission. A shopping center shall not be subdivided into separate lots for each store or use. No permits shall be issued for a shopping center until the plans and specifications, design of ingress and egress roads, and parking facilities have been approved by the Zoning Commission. No building shall be erected nearer than twenty-five (25) feet to any street line. There shall be provided one (1) parking space for each two hundred (200) square feet of total building area designed to be used for business or shopping purposes. Such parking area, including maneuvering space, ingress and egress roads, driving lanes,

shall be paved and kept in good repair at all times with a hard, all-weather surface. All points of access shall be to a public street; however, there shall be no public streets or alleys within the shopping center. Loading and unloading shall be done entirely on the property of the shopping center. Except as otherwise provided in this Section, all uses within shopping centers shall conform with other regulations as set forth in this Resolution.

Section 26. Subdivision of Lots. No lot shall be reduced in area or subdivided, or no tract of land shall be subdivided or reduced in area in a manner which would result in causing any lot to have an area less than that required in the district in which it is located, as set forth in this Resolution, or would reduce the open spaces or yards required by this Resolution.

Section 27. Swimming Pool Shelters. Uncovered swimming pools and structures accessory thereto may be erected within the area between the Atlantic Ocean seawall line and the building line on properties abutting the Atlantic Ocean Beach and within any rear yard in accordance with the requirements for accessory buildings. Swimming pools existing within this area, and structures accessory thereto, shall be permitted to be covered with temporary plastic inflatable air-supported shelters of flame proof material, which may be maintained and inflated only during and between the months of November through March of each winter season. Shelters shall not cover any equipment pumping chlorine gas for purification of pool water, unless vented to the satisfaction of the Building Inspector. Shelters shall be used for the purpose of providing protection to the users of the swimming pool facilities during inclement weather. There shall be no advertising of any kind on the shelters, including signs, letters, symbols, insignias, or any device designed to attract public attention. The inflated shelters shall be set back from side lot lines as established by the side yard requirements in the district in which the principal use is located, and shall be erected no closer than fifteen (15) feet to the Atlantic Ocean seawall line. Prior to the erection of any such inflated shelter, a Building Permit shall be obtained for the erection of the same, after the same has been inspected and approved by said office, which permit shall expire on March 31st of each year and shall be renewable annually thereafter upon an inspection and approval of said inflated shelter by said office.

Section 28. Trailers and Mobile Homes. The use of a trailer or mobile home as a dwelling or living unit, or trailer sales establishments on any lot and trailer parks, shall not be permitted within the jurisdiction of the South Peninsula Zoning District.

Section 29. Use Performance Standards. In order to protect adjoining and adjacent properties from obnoxious, detrimental and adverse effects resulting from the operation of any business, trade, or profession, all uses permitted within all "T" and "B" districts shall comply with the following regulations:

- 29.1 Smoke, Dust and Dirt. There shall be no emission of visible smoke, dust, dirt, fly ash, or any particulate matter from any pipes, vents, or other openings, or from any other source, into the air. All fuel shall be either smokeless in nature or shall be used so as to prevent any emission of visible smoke, fly ash or cinders into the air.
- 29.2 Fumes, Vapors and Gases. There shall be no emission of any fumes, vapors, or gases of a noxious, toxic, or corrosive nature which can cause any damage or irritation to health, animals, vegetation, or to any form of property.
- 29.3 Sewage. There shall be no discharge at any point of liquid or solid wastes into any public sewage disposal system which will overload such system or create detrimental effects in the flow and treatment of public sewage. There shall be no discharge of any wastes into any private sewage disposal system, stream, or into the ground of a kind or nature which may contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements or conditions. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects, and there shall be no discharge from any sanitary sewer into any storm sewer.
- 29.4 Heat, Cold, Dampness, or Movement of Air. Activities which shall produce any adverse effect on the temperature, motion or humidity of the atmosphere beyond the lot line shall not be permitted.
- 29.5 Noise. The permitted level of noise or sound emission at the property line of the lot on which the principal use is located shall not at any time exceed the average noise level prevailing for any given hour, as generated by street and traffic activity. The determination of noise level shall be measured with a sound level meter that conforms to specifications published by the American Standards Association.
- 29.6 Odor. There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive, obnoxious, or unpleasant, beyond the property line on which the principal use is located. Any process, including the preparation of food, which may involve the creation and emission of any such odors shall be provided with both a primary and a secondary safeguard system so that odor control may be maintained in the event of failure of the primary safeguard system.
- 29.7 Glare. There shall be no direct glare visible from any residential district caused by unshielded flood lights or other sources of high intensity lighting.

Section 30. Yards and Open Spaces. The minimum yards and other open spaces required in this Resolution for each and every building existing at the time of the passage of this Resolution, or for any building hereafter erected or altered, shall not be encroached upon or considered as yard or open space or use requirements for any other building.

Section 31. General Provisions For "T" and "B" Districts.

- 31.1 **Facing of Uses.** When applicable, "T" and "B" districts uses shall face other tourist, or business districts across a street, and shall not face residential zones which may exist on an intersecting or rear street adjacent to such "T" or "B" zone.
- 31.2 **Access to Uses.** Where "T" or "B" district property abuts two (2) streets, and where that portion of such street abutting "T" or "B" district property also abuts any residential district, access to such "T" or "B" district property shall be provided only from the street not abutting a residential district.
- 31.3 **Screening of Property.** Any lot, other than a vacant lot, in a "T" or "B" zone which abuts a residential zone either on the side, on the rear, or across the street on the side or rear of such "T" or "B" property, shall provide screening for the protection of the residential property by erecting a four (4) foot masonry wall of solid face construction with a two (2) foot ornamental superstructure, totaling six (6) feet in height.

Section 32. Group Housing. More than one (1) single or multiple family dwellings may be constructed on any lot of record in any district permitting multiple family dwellings provided that:

- (a) The lot area has a minimum width of one hundred (100) feet; a minimum depth of one hundred (100) feet; and a minimum area of two (2) acres.
- (b) A plot plan is submitted showing a hypothetical lot, with lot lines, for each building, providing for the minimum lot and building requirements for each lot and building as required for dwellings in the district in which the dwelling is located, and provided that all of the other zoning regulations are complied with for the district in which each project is located.
- (c) Each hypothetical lot, as provided in (b) above abuts a public street for a minimum distance as required in the Subdivision Resolution of The South Peninsula Zoning District, and meets all other requirements of the Subdivision Resolution of The South Peninsula Zoning District.

Section 33. Safety Hazards. The Building Inspector of the South Peninsula Zoning Commission may refuse to issue a Building Permit or a Special Permit when it is determined that a safety hazard would result from the activity for which the Building Permit is sought.

Section 34. Disposal of Debris. In the clearing, excavation, and fill of land within the South Peninsula Zoning District, no debris shall be buried, but shall be burned and/or removed to an approved disposal area.

ARTICLE VI

GENERAL PROVISIONS FOR RESIDENTIAL DISTRICTS

Section 1. Application. Within all residential districts (R-1a, R-1b, R-1c, R-2, R-3, and RP) as shown on the Zoning Map of The South Peninsula Zoning District, Florida, the following regulations shall apply:

1.1 Uses Permitted

- 1.1.1 Single-or multiple family dwellings as permitted in each district, plus business and professional uses as permitted in the RP district.
- 1.1.2 Customary general farming and gardening uses and buildings incidental thereto providing such general uses do not include commercial animal or poultry farms, kennels or the sale of agricultural products.
- 1.1.3 Accessory buildings or uses customary or incidental to any of the aforementioned permitted uses.

1.2 Accessory Buildings. Accessory buildings may be erected on any lot provided that such buildings are erected only in the permitted building area or the rear yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard and shall be located at least five (5) feet from all lot lines and from any other building on the same lot.

1.3 Existing Churches and Schools. Churches and schools existing as of the effective date of this Resolution, shall be identified as such on the Zoning Map and such churches and schools indicated on the Zoning Map will not be subject to the regulations of non-conforming use, and will have the same status as though specifically permitted in said district.

1.4 Private Parks, Recreational Areas and Facilities. The use of land, buildings and structures for park and recreational purposes serving a subdivision, development or neighborhood, owned, operated, and maintained by private interests as a non-profit activity, shall be permitted in any residential district, provided that adequate plans for the area and use are submitted to the Zoning Commission for approval. All buildings and structures approved by the Zoning Commission shall comply with all building regulations of the South Peninsula Zoning District.

ARTICLE VII

RESIDENTIAL - APARTMENT DISTRICTS

Section 1. RA Districts. Within these districts, as shown on the Zoning Map of The South Peninsula Zoning District, the following regulations shall apply:

- 1.1 Uses Permitted. Single family dwellings, multiple family dwellings, and customary accessory buildings incidental thereto. Churches and schools may be permitted only upon the affirmative vote of four-fifths (4/5) of the Zoning Commission.
- 1.2 Lot and Building Requirements. The principal building and accessory buildings shall be located and constructed in compliance with the following requirements:

<u>Principal Building:</u>	<u>Single Family</u>	<u>2 Through 4 Units</u>	<u>5 Units and Over</u>
Minimum Lot Area	9,375 sq. ft.	10,000 sq. ft.	12,000 sq. ft.
Minimum Lot Width at Building Line	75 ft.	80 ft.	100 ft.
Minimum Front Yard	30 ft.	30 ft.	30 ft.
Minimum Side Yard, Interior 80' Lots and Over	10 ft.	10 ft.	10 ft. plus 6" for each foot of bldg. height over 35 feet
Minimum Side Yard, Street	20 ft.	20 ft.	25 ft.
Minimum Rear Yard	25 ft.	25 ft.	25 ft. plus 6" for each foot of bldg. height over 35 feet
Maximum Percent of Lot Coverage	35 %	35 %	35 %
Maximum Building Height	35 ft.	35 ft.	None
Minimum Depth of Lot	100 ft.	100 ft.	100 ft.
<u>Accessory Buildings:</u>			
Minimum Setback From Lot Line			
Rear	7-1/2 ft.	7-1/2 ft.	7-1/2 ft.
Side	Same as principal building	Same as principal building	Same as principal building

ARTICLE VIII

SINGLE - FAMILY RESIDENTIAL DISTRICTS

Section 1. R-1a, R-1b, and R-1c Districts. Within these districts, as shown on the Zoning Map of The South Peninsula Zoning District, Florida, the following regulations shall apply:

- 1.1 Uses Permitted. Single family dwellings and customary accessory buildings incidental thereto.
- 1.2 Lot and Building Requirements. The principal building and accessory buildings shall be located and constructed in compliance with the following requirements:

<u>Principal Building:</u>	<u>R-1a</u>	<u>R-1b</u>	<u>R-1c</u>
Minimum Lot Area	9,375 sq. ft.	7,800 sq. ft.	7,000 sq. ft.
Minimum Lot Width at Building Line	75 ft.	65 ft.	50 ft.
Minimum Front Yard	30 ft.	30 ft.	25 ft.
Minimum Side Yard, Interior:			
80' Lots and Over	10 ft.	10 ft.	10 ft.
70' to 80' Lots	7-1/2 ft.	7-1/2 ft.	7-1/2 ft.
Less than 70' in Width	5 ft.	5 ft.	5 ft.
Minimum Side Yard, Street	30 ft.	30 ft.	25 ft.
Minimum Rear Yard	25 ft.	25 ft.	25 ft.
Maximum Percent of Lot Coverage	35 %	35 %	40 %
Maximum Building Height	35 ft.	35 ft.	35 ft.
Minimum Depth of Lot	100 ft.	100 ft.	100 ft.
<u>Accessory Buildings :</u>			
Minimum Setback From Lot Line			
Rear	7-1/2 ft.	7-1/2 ft.	7-1/2 ft.
Side	Same as principal building	Same as principal building	Same as principal building

ARTICLE IX

MULTIPLE FAMILY RESIDENTIAL DISTRICTS

Section 1. R-2 District, Limited Multiple Family; R-3 District, Unlimited Multiple Family; and RP Districts, Residential and Professional. Within these districts as shown on the Zoning Map of The South Peninsula Zoning District, the following regulations shall apply:

1.1 Uses Permitted

1.1.1 R-2 Districts. Single-family dwellings, multiple family dwelling units not exceeding four (4) units per building, and customary accessory buildings incidental thereto.

1.1.2 R-3 Districts. Single family and multiple family living units, churches, schools, and accessory buildings incidental thereto.

1.1.3 RP Districts. Single family dwellings, multiple family dwellings, business and professional services, excluding the retail sale of goods and commodities, churches, schools, and customary accessory buildings incidental thereto.

1.1.4 Off-Street Parking Lots. Off-street parking lots may be provided within two hundred (200) feet of any tourist, or business zone to provide off-street parking facilities as required by these regulations for such tourist or business uses in such zones, provided that such parking lots are screened as provided in Section 31.3 of Article V, and that access to such parking lots comply with Section 31.2 of Article V, and further provided that such parking lots shall be contiguous to the principal business use which they serve.

1.2 Lot and Building Requirements. The principal building and accessory buildings shall be located and constructed in compliance with the following requirements:

Lot and Building Requirements:R-2R-3 and RPPrincipal Building

Minimum Lot Area:

1 Unit	5,000 sq. ft.	5,000 sq. ft.
2 to 4 Units	7,000 sq. ft.	7,000 sq. ft.
5 Units and Over	--	8,500 sq. ft.

Minimum Lot Width at Building Line:

1 Unit	50 ft.	50 ft.
2 to 4 Units	65 ft.	65 ft.
5 Units and Over	80 ft.	80 ft.

Minimum Front Yard

25 ft.	25 ft.
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Minimum Side Yard, Interior:

1 Story, Lots less than 70' in Width	5 ft.	5 ft.
Lots Over 70' in Width	7-1/2 ft.	7-1/2 ft.
2 Stories	7-1/2 ft.	7-1/2 ft.
3 Stories and Over	--	7-1/2 ft. plus 6" for each foot of bldg. ht. over 35 ft.

Minimum Side Yard, Street:

1 Story	15 ft.	15 ft.
2 Stories	15 ft.	15 ft.

Minimum Rear Yard

25 ft.	25 ft. plus 6" for each foot of bldg. ht. over 35 ft.
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Maximum Percent of Lot Coverage

40 %	40 %
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Maximum Building Height

35 ft.	None
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Accessory Buildings

Minimum Setback From Lot Line:

Rear	7-1/2 ft.	7-1/2 ft.
Side	Same as principal building	Same as principal building

ARTICLE X

TOURIST DISTRICT

Section 1. T, Accommodation. Within this district, as shown on the Zoning Map of The South Peninsula Zoning District, the following regulations shall apply:

1.1 Uses Permitted.

Apartments, hotels, motels, and all accommodations, Type "1" restaurants, churches, clubs, lodges, parking lots and parking garages.

1.2 Uses Prohibited. All uses not expressly permitted herein.

1.3 Accessory Uses. Any apartment, hotel, motel, or tourist accommodation facility in any "T" district containing fifty (50) rental units or more shall be permitted to establish accessory uses within the principal building designed to serve only the guests of the facility, and accessible only from an interior court, lobby, or corridor, as follows:

Drug and sundry shops, florists, gift shops, confectionery stores, restaurants, coffee shops, news-stands, personal services, cocktail lounges.

1.4 Lot and Building Requirements. The principal building and accessory buildings shall be located and constructed in compliance with the following requirements:

Minimum Lot Area	10,000 sq. feet
Minimum Lot Width at Building Line	50 ft.
Minimum Front Yard	None
Minimum Side Yard, Interiors:	
Lots with street frontage of 100 feet or less	5 ft.
Lots with street frontage of over 100 feet	7-1/2 ft. plus 4" of each 40' of building height
Side Yard requirements shall not apply to buildings in which the principal use is of a non-accommodation nature	
Minimum Side Yard, Street	10 ft.
Minimum Rear Yard	10 ft. plus 4" for each foot over 35' of building height.

Lot and Building Requirements (Continued)

Maximum Percent of Lot Coverage	60 %
Maximum Building Height	None

- 1.5 Accessory Buildings. Accessory buildings may be erected on any lot provided that such buildings are erected only in the permitted area or rear yard. Accessory buildings shall not cover more than sixty (60) percent of any required rear yard, and shall be located at least five (5) feet from all lot lines and from any other building on the same lot.

ARTICLE XI

AMUSEMENT - ENTERTAINMENT DISTRICTS

Section 1. AE Districts, Amusement - Entertainment Districts. Within the AE District, as shown on the Zoning Map of The South Peninsula Zoning District, the following regulations shall apply:

- 1.1 Uses Permitted. Amusement, entertainment, and recreation facilities, including, but not limited to eating concessions, games, rides, auctions, gift, art, souvenir shops, and shows.
- 1.2 Uses Prohibited. Any living unit; business or professions not similar or accessory to the uses permitted.
- 1.3 Lot and Building Requirements. Lot and building requirements shall be as required for the BR District.

Section 2. AE District Special Uses Permitted. There may be permitted special uses of property within the AE District, provided that the following regulations are complied with:

- 2.1 Uses Permitted. Ocean piers, and observation towers, and such other uses as may not be otherwise expressly prohibited.
- 2.2 Lot and Building Requirements.
 - 2.2.1 No minimum lot and building requirements, shall apply to this district. However, the Zoning Commission may require such standards as may be deemed necessary in each case.
 - 2.2.2 Maximum building or structure height for observation towers shall not exceed one hundred fifty (150) feet above mean sea level.
 - 2.2.3 Maximum ocean eastward extension for ocean piers shall not exceed two thousand (2,000) feet easterly from the established bulkhead line.

2.3

ARTICLE XI

AMUSEMENT - ENTERTAINMENT DISTRICTS

Section 1. AE Districts, Amusement - Entertainment Districts. Within the AE District, as shown on the Zoning Map of The South Peninsula Zoning District, the following regulations shall apply:

- 1.1 Uses Permitted. Amusement, entertainment, and recreation facilities including, but not limited to eating concessions, games, rides, auctions, gift, art, souvenir shops, and shows.
- 1.2 Uses Prohibited. Any living unit; business or professions not similar or accessory to the uses permitted.
- 1.3 Lot and Building Requirements. Lot and building requirements shall be as required for the BR District.

Section 2. AE District Special Uses Permitted. There may be permitted special uses of property within the AE District, provided that the following regulations are complied with:

- 2.1 Uses Permitted. Ocean piers, and observation towers, and such other uses as may not be otherwise expressly prohibited.
- 2.2 Lot and Building Requirements.
 - 2.2.1 No minimum lot and building requirements, shall apply to this district. However, the Zoning Commission may require such standards as may be deemed necessary in each case.
 - 2.2.2 Maximum building or structure height for observation towers shall not exceed one hundred fifty (150) feet above mean sea level.
 - 2.2.3 Maximum ocean eastward extension for ocean piers shall not exceed two thousand (2,000) feet easterly from the established bulkhead line.
- 2.3 Existing Uses. Ocean piers existing as of the effective date of this Resolution shall not be construed as a non-conforming use.

2.3 Procedure for Application of Special Uses.

2.3.1 Applications for special uses in the AE district shall be referred to the Zoning Commission which shall hold a public hearing on such request after giving fifteen (15) days due notice in a newspaper of general circulation of the time and place of said hearing.

2.4.2 In determining whether AE district special uses shall be allowed, the Zoning Commission shall take into consideration the following standards: the congestion of the area, the proper and best use of the land, avoidance of undue concentration of population, and the Comprehensive Zoning Resolution of the South Peninsula Zoning District together with the plans and studies adopted in connection therewith.

2.4 Other Regulations. The Zoning Commission may further establish requirements and conditions to be met concerning such application for a special use for the purpose of promoting the health, safety, morals, and general welfare of the people of The South Peninsula Zoning District.

ARTICLE XII

BUSINESS DISTRICTS

Section 1. BP, Business and Professional; BR, Retail Sales and Services, and MB, Marine Oriented Business. Within these districts, as shown on the Zoning Map of the South Peninsula Zoning District, Volusia County, Florida, the following regulations shall apply:

1.1 Uses Permitted.

- 1.1.1 BP Districts. Apartments, hotels, motels, Type "1" restaurants, professional services, and business services.
- 1.1.2 BR Districts. All uses permitted in the BP districts, and in addition, retail sales and services, Type "2" restaurants, parking lots, parking garages, and theaters. Dry cleaning establishments shall be permitted in any "BR" district provided that:
- (1) only synthetic non-flammable solvents shall be used;
 - (2) boiler horsepower shall not exceed twenty-five (25) horsepower;
 - (3) Steam discharge shall not be to the exterior of the building, but shall be into a suitable vacuum or steam tank for condensation and discharge into the sanitary sewer system;
 - (4) the establishment shall not process work other than that which is brought in over the counter or by normal customer service delivery truck.
- 1.1.3 Service Stations and Type "3" Restaurants. Service stations and Type "3" restaurants shall be permitted in any BR district only upon application to the Zoning Commission and approval by the Zoning Commission after a public hearing giving fifteen (15) days notice of the time and place of such hearing. Approval of each application may be conditioned upon any requirements which the Zoning Commission may establish in order to protect surrounding properties and the general public welfare.
- 1.1.4 MB District. All uses permitted in the BR district, and in addition, fishing camps, service and major repair to boats, the sale of fuel, lubricants and supplies related to marine facilities.

ARTICLE XII

BUSINESS DISTRICTS

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1.1 Uses Permitted.

- 1.1.1 BP Districts. Apartment, hotels, motels, Type "1" restaurants, professional services, personal services, and business services.
- 1.1.2 BR Districts. All uses permitted in the BP districts, and in addition, retail sales and services, Type "2" restaurants, parking lots, parking garages, and theaters. Dry cleaning establishments shall be permitted in any "BR" district provided that:
- (1) only synthetic non-flammable solvents shall be used;
 - (2) boiler horsepower shall not exceed twenty-five (25) horsepower;
 - (3) steam discharge shall not be to the exterior of the building, but shall be into a suitable vacuum or steam tank for condensation and discharge into the sanitary sewer system;
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- 1.1.4 MB District. All uses permitted in the BR district, and in addition, fishing camps, service and major repair to boats, the sale of fuel, lubricants and supplies related to marine facilities.

- 1.2 Lot and Building Requirements. Except as otherwise provided in these regulations, there shall be no lot and building requirements for buildings, the principal use of which is for non-dwelling purposes. All buildings for which the principal use is for dwelling purposes, specifically including multiple family dwellings or apartment buildings, but excluding hotels and motels, shall meet the lot and building requirements as provided for the R-3 Zoning Districts. All uses permitted in any "B" districts are subject to the required minimum setback from the centerline of all streets as provided under the General Provisions of this Resolution.
- 1.3 Setbacks For Buildings and Structures in Business District. For every building or structure erected in any business district, there shall be provided a setback from the property line beginning at a height of no more than forty (40) feet from the first floor level, providing for three (3) inches of setback for each additional foot of building height over forty (40) feet for the side and rear of buildings. Front setbacks shall be applied at a height of no higher than eighty (80) feet from the first floor level providing for a setback of three (3) inches for each additional foot in height over eighty (80) feet.

ARTICLE XIII
PUBLIC^{& SPECIAL} USES

Section 1. Application. All uses of land and buildings not specifically provided for in any zoning district or in other provisions of this Resolution shall be subject to the regulations of this Article.

Section 2. Public Uses. A public use is hereby defined as the use of any public owned land by any public body or agency thereof. Public uses shall comply with the following regulations.

2.1 Uses Permitted.

- 2.1.1 Any public use may be permitted in accordance with an approved plat of any subdivision or development on which there is established an identified specific area for public use.
- 2.1.2 Any public use may be permitted in any district provided that the request for such use is officially made to the Zoning Commission by the public body desiring such use. The Zoning Commission shall determine whether or not such requested use is necessary and if the necessity is established, there shall be further established recommended requirements to be met concerning such use. The Zoning Commission shall hold a public hearing on such request after giving fifteen (15) days due notice of the time and place of such hearing.

Section 3. Special Uses. Special uses shall be permitted as follows:

- 3.1 Public utilities not owned and operated by a public body, including telephone and telegraph, electricity, natural and artificial gas, shall be permitted in any district subject to the approval of the Zoning Commission which shall hold a public hearing on such request after giving fifteen (15) days due notice of the time and place of such hearing.
- 3.2 Experimental, testing, and scientific research and development establishments, including both marine and non-marine existing as of the effective date of this Resolution, and as indicated on the Zoning Map, including the Battelle Memorial Institute property, are hereby established as conforming uses. Additional experimental, testing, and scientific research development establishments, both marine and non-marine, shall be permitted in any district only after approval of the Zoning Commission which shall hold a public hearing on each request after giving fifteen (15) days due notice of the time and place of such hearing. Approval shall be subject to any conditions and requirements which the Board may feel necessary in order to protect the general public welfare and safety.

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2.1 Uses Permitted.

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- 2.1.2 Any public use may be permitted in any district provided that the request for such use is officially made to the Zoning Commission by the public body desiring such use. The Zoning Commission shall determine whether or not such requested use is necessary and if the necessity is established, there shall be further established recommended requirements to be met concerning such use. The Zoning Commission shall hold a public hearing on such request after giving fifteen (15) days due notice of the time and place of such hearing.

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- 3.2 Experimental, testing, and scientific research and development establishments, including both marine and non-marine existing as of the effective date of this Resolution, and as indicated on the Zoning Map, including the Battelle Memorial Institute property, are hereby established as conforming uses. Additional experimental, testing, and scientific research development establishments, both marine and non-marine, shall be permitted in any district only after approval of the Zoning Commission which shall hold a public hearing on each request after giving fifteen (15) days due notice of the time and place of such hearing. Approval shall be subject to any conditions and requirements which the Board may feel necessary in order to protect the general public welfare and safety.

Section 4. Lot and Building Requirements. All public and special uses shall meet the lot and building requirements of the district in which they are located unless it is determined by the Board of Adjustment that such lot and building requirements would not permit the best use of the land and would not provide the best return of the public investment. In the event a variance is found necessary, such variance shall be submitted to the Board of Adjustment for approval.

ARTICLE XIV

ADMINISTRATION AND ENFORCEMENT

Section 1. Administration. This Resolution shall be administered and enforced by the Building Inspector of the South Peninsula Zoning District. All administrative decisions and determinations shall be made by the Building Inspector, or such other persons as may be duly authorized by the South Peninsula Zoning Commission.

Section 2. Enforcement. Upon receipt of information, and upon verification by the Building Inspector that any of the provisions of this Resolution are being violated, the Building Inspector shall notify in writing the person responsible for such violation indicating the provision or regulations being violated, and shall order the necessary steps to abate such violation. The Building Inspector under the direction of the Zoning Commission shall have the power to order the discontinuance of the use of any land, water, or building, the removal of any building, addition, or other structure, the discontinuance of any work being done, or any other act in violation of this Resolution.

Section 3. Authority To Enter Upon Private Property. The Building Inspector, and any inspector under the direction of the South Peninsula Zoning Commission, in the performance of their functions and duties under the provisions of this Resolution, may enter upon any land and make examinations and surveys as deemed necessary in the administration and enforcement of this Resolution.

Section 4. Remedies. In addition to other remedies, the South Peninsula Zoning Commission, through the Attorney of the South Peninsula Zoning District, may institute any appropriate action or procedure to bring about compliance with any of the provisions of this Resolution.

Section 5. Building Permits. Following the adoption and effective date of this Resolution, no building shall be constructed, reconstructed, altered or extended, until plans and specifications have been submitted, approved, and a Building Permit has been issued indicating that such use is in compliance with the provisions and regulations of this Resolution.

Section 6. Special Permits. There shall be no excavation, cut or fill of earth or debris, no curb shall be cut or access opened onto a public street, and no building shall be moved until a permit has been obtained in accordance with the provisions and regulations of this Resolution.

Section 7. Variances. Variance may be granted by appeal to the Board of Adjustment established by Florida Statutes No. _____, 19____ by any person, officer, bureau, or agent of any public body affected by any decision of the Building Inspector. Such appeals shall be made within sixty (60) days after a decision by the Building Inspector by filing with the Building Inspector an official notice of appeal to the Board of Adjustment, and specifying the grounds thereof. The Building Inspector shall transmit to the Board of Adjustment all information and records relative to the action appealed from.

Section 8. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, and shall also cause all construction to cease until final action is taken by the Board of Adjustment; unless the Building Inspector certifies to the Board of Adjustment after the Notice of Appeal has been filed with him, that for reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Building Inspector and on due cause shown.

Section 9. Certificate of Occupancy. No land, water, building or any part thereof shall be used and no existing use of land, water, or building shall be changed until a Certificate of Occupancy is issued stating that such use of land, water, building or any part thereof is found to be in conformity with the provisions of this Resolution. A Certificate of Occupancy shall be required for all construction requiring a Building Permit. A Certificate of Occupancy shall also be required for any change of use, or for any alteration, or modification of any existing building or structure. Any change of occupancy, of business uses, professional uses, personal services, and retail sales and services shall require an Occupancy Certificate. A fee of five (\$5.00) dollars shall be paid for each application for a Certificate of Occupancy when a Building Permit is not required.

Within three (3) days after notification to the Building Inspector that any land, water, or building or any part thereof is ready for occupancy use, it shall be the duty of the Building Inspector to make or have made a final inspection thereof and to issue a Certificate of Occupancy if it is found that such land, water, or building or any part thereof are in conformance with the provisions of this Resolution; or, if such Certificate of Occupancy is refused, the Building Inspector shall state in writing to the applicant the reasons for such refusal, citing the regulations being violated and remedies which may bring about compliance.

Section 10. Violations and Penalties. Any person, who violates, neglects, or refuses to comply with any of the provisions of this Resolution, or who shall fail to secure a Building Permit or a Certificate of Occupancy, as required by this Resolution, or who shall fail to comply with any order issued by the Building Inspector or the Board of Adjustment issued pursuant to these regulations shall be deemed guilty of a misdemeanor, and upon conviction in any court of competent jurisdiction shall be punished by a fine not exceeding five hundred (\$500.00) dollars, or by imprisonment for a term not exceeding sixty (60) days or by both fine and imprisonment in the discretion of the court. Every such person shall be deemed guilty of a separate offense for every day such violation shall continue to after due notice.

ARTICLE XV

AMENDMENT

Section 1. Rezoning Request. Any property owner or his duly authorized agent may request that his property be rezoned provided that rezoning request forms are filed in triplicate along with a survey of the land requested for rezoning, with the South Peninsula Zoning Commission, and that a fee of thirty (\$30.00) dollars is paid for each rezoning request. Two (2) copies of each request shall be forwarded to the Zoning Commission for action.

Section 2. Amendment Request. Any property owner or his duly authorized agent may request that any regulation in this Resolution be changed, deleted, or amended, or that a new provision be added provided that such request is made in writing, filed in triplicate, with the South Peninsula Zoning Commission, and that a fee of thirty (\$30.00) dollars is paid for each request.

Section 3. Administrative Amendment. Any department of any municipality within the South Peninsula Zoning District may initiate a request for amendment to this Resolution. Any such request shall be forwarded to the Zoning Commission for action. The Zoning Commission may initiate recommendations for amendment of this Resolution at any time it is determined that such amendment is in the best interests of the public health, safety, and general welfare, and not in conflict with the Land Use Plan, or any other plans as may be adopted or amendments thereto.

Section 4. Procedure. Every request for amendment by any property owner, and City Department, Board, or Commission shall be reviewed and acted upon by the Zoning Commission. However, no amendment to this Zoning Resolution or the Zoning Map shall become effective until after a public hearing on each amendment shall be held by the Zoning Commission at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in the newspaper of general circulation within the South Peninsula Zoning District.

ARTICLE XVI

LEGAL STATUS PROVISIONS

Section 1. Saving Clause. Should any Article, Section, subsection, provision, or clause of this Resolution be declared by any court of competent jurisdiction to be unconstitutional or invalid for any reason whatsoever, the same shall not effect the validity of this Resolution as a whole or any part thereof other than the part judicially determined to be invalid.

Section 2. Interpretation. The regulations set forth in this Resolution shall be considered to be minimum requirements, for the purpose of promoting the general public health, safety, and welfare of the people of the South Peninsula Zoning District, Volusia County, Florida.

Section 3. Conflict With Other Legal Documents. Where other laws, ordinances, or private restrictive covenants in recorded deeds or any other legally binding agreements impose greater restrictions and limitations than those provided herein, such laws, ordinances, covenants, or agreements shall not be abrogated by these regulations.

Section 4. Repeal. All Resolutions, or amendments thereto, in conflict with these Zoning Regulations are hereby repealed to the extent of such conflict.

Section 5. Effective Date. This Resolution shall take effect as provided by law.