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Zoning Resolution of the North Peninsula Zoning Commission

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ZONING RESOLUTION
(INCLUDING SUPPLEMENTARY RESOLUTIONS)
of the
NORTH PENINSULA ZONING COMMISSION
VOLUSIA COUNTY, FLORIDA

ZONING COMMISSION

FRANK L. ABRAMS
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ZONING RESOLUTION, NORTH PENINSULA ZONING
DISTRICT, VOLUSIA COUNTY, FLORIDA

WHEREAS, Chapter 31,334, Laws of Florida, Special Acts of 1955, House Bill #850 as amended by Senate Bill No. 790 Acts of 1961, created and established the North Peninsula Zoning District of Volusia County, Florida and provided for the election of a North Peninsula Zoning Commission to prescribe therefore appropriate regulations to regulate and restrict the height, number of stories and size of buildings and other structures; the percentage of property that may be occupied by buildings; the set back lines; the size of yards and other open spaces; the density of population; the use of buildings, structures and land for trade, industry or other use, for the purpose of promoting the health, safety, morals and general welfare of the people, and

WHEREAS, pursuant to said law the Zoning Commission of the North Peninsula Zoning District has made comprehensive study of existing land uses and prepared a Zoning Map with appropriate regulations appurtenant thereto to be enforced in said District and has held a public hearing thereon, after public notice, at which the affected properties located within the confines of said District were given an opportunity to be heard, NOW THEREFORE BE IT RESOLVED BY THE NORTH PENINSULA ZONING DISTRICT, VOLUSIA COUNTY, FLORIDA.

ARTICLE 1.
GENERAL

SECTION 1. BASIS FOR REGULATIONS AND REQUIREMENTS HEREIN SET FORTH

The regulations and requirements herein set forth have been made in accordance with a comprehensive zoning plan, with reasonable consideration, among other things, to the prevailing land uses, growth characteristics and the character of the respective districts and their particular use of land throughout the District.

SECTION 2. INTERPRETATION, PURPOSE, AND CONFLICT

In their interpretation and application, the provisions of this resolution shall be the minimum requirements for the promotion of public health, safety, convenience, comfort, morals, prosperity and general welfare; to conserve the value of land and buildings and to protect the character and maintain the stability of residential, and commercial areas within the District and to promote the orderly and beneficial development of such area. Among other purposes, such provisions are intended to provide adequate light, air, privacy and convenience of access to property; to avoid undue concentration of population by regulation and limiting the height and bulk of buildings and structures; to size of open spaces surrounding buildings; to establish building lines; to divide the District into zones restricting and regulating therein the construction, reconstruction, alteration and use of buildings, structures and land for residence, commercial and other specified uses and to limit congestion in public streets by providing off-street parking of motor vehicles.

It is not intended by this resolution to interfere with or abrogate or annul any resolution, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this resolution, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this resolution, nor is it intended by this resolution to interfere with or abrogate or annul any easements between parties, except that, if this resolution imposes a greater restriction, this resolution shall control.

SECTION 3. DEFINITIONS

For the purpose of this resolution certain terms and words are hereby defined. Words in the present tense include the future; the singular number shall include the plural and the plural, the singular; the word "building" shall include the word "structure" and the word "lot" shall include the word "plot" or "parcel" and the word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".

(1) ACCESSORY. A building or use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal building or use.

(2) ADVERTISING STRUCTURE. Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed.

(3) ALLEY. A permanent public service way which affords a secondary means of access to the property thereon.

(4) APARTMENT HOUSE. See Multiple Family Dwelling.

(5) BOARDING OR LODGING HOUSE. A dwelling other than a hotel having

kitchen and used for the purpose of providing meals or lodging or both for compensation to persons other than members of the family occupying such dwelling.

(6) BUILDING. Any structure designed or built for the support, shelter or protection of persons, animals, chattels or property of any kind.

(7) BUILDING, HEIGHT OF. The verticle distance from the grade to the highest point of the coping of a flat roof or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. Where no grade has been established, the height of the building may be measured from the mean elevation of the finished lot at the front of the building.

(8) CLINIC. A clinic is an establishment where patients, who are not lodged over night, are admitted for examination and treatment by one person or group of persons practicing any form of healing or health building services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists or any such profession the practice of which is lawful in the State of Florida.

(9) CLUB. Buildings and facilities owned and operated by a corporation or association of persons for social or recreational purposes, but not operated primarily for profit or to render a service which is customarily carried on as a business.

(10) DWELLING. A building or portion thereof, designed or used exclusively for residential occupancy but not including hotels, lodging houses, motels or mobile homes.

(11) DWELLING, ONE FAMILY. A building designed for or occupied exclusively by one family.

(12) DWELLING, TWO FAMILY, (DUPLEX) A building designed for or occupied exclusively by two families, with separate housekeeping or cooking facilities for each family.

(13) DWELLING, MULTIPLE FAMILY. A building designed for or occupied exclusively by three or more families, with separate housekeeping and cooking facilities for each family.

(14) FAMILY. One or more persons living together as a single house-keeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

(15) FILLING STATION. See service station.

(16) GARAGE APARTMENT. An accessory building, not a part of or attached to the main building, a portion of which contains living quarters for not more than (1) family and an enclosed space for at least one automobile.

(17) GARAGE, PRIVATE. An accessory building or a portion of the principal building, used for storage of automobiles of the occupants of the principal building; a carport is a private garage.

(18) GARAGE, PUBLIC. A garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other vehicles.

(19) GARAGE, STORAGE. A building or operation thereof designed or used exclusively for the storage or parking of automobiles. Services other than storage at such storage garage shall be limited to refueling, washing, waxing and polishing.

(20) GUEST COTTAGE. Living quarters within a detached accessory building located on the same lot or parcel of land as the principal building, to be used exclusively for housing members of the family occupying the principal building and their non-paying guests; such quarter shall not be rented or otherwise used as a separate dwelling.

(21) GUEST (TOURIST) HOME. A private dwelling in which transient sleeping accommodations are provided for compensation, especially motor tourists or travelers.

(22) HOTEL. A building or other structure kept, used, or maintained and advertised as or held to the public to be a place where sleeping accommodations are supplied for any, catering primarily to transient guests, in which ten or more rooms are furnished for the accommodation of such guests, and having or not having one or more dining rooms, restaurants or cafes where meals are served to transient or other guests; such sleeping accommodations and dining rooms, restaurants and cafes, if existing, being conducted in the same building or accessory buildings in connection therewith.

(23) LAUNDRY, SELF SERVICE. A business that provides home-type washing, drying and/or machines for hire to be used by customers on the premises.

(24) LOT. A parcel of land occupied or intended for occupancy by a use permitted in this resolution including one principal building together with its accessory buildings, the yard areas and parking spaces required by this resolution and having its principal frontage upon a publicly owned or maintained street or upon an approved place. When a bungalow court is being considered, a lot shall refer to a parcel of land devoted to the individual buildings in such a bungalow court.

(25) LOT, CORNER. A parcel of land at the junction of and fronting on two or more intersecting streets.

(26) LOT, DEPTH. The depth of a lot is the distance measured in a mean direction of the side lines of the lot from the mid point of the front line to

the midpoint of the opposite rear line of the lot.

(27) LOT, FRONTAGE. The horizontal distance measured along the narrow width of a lot abutting a street right of way.

(28) LOT, INTERIOR. A lot other than a corner lot.

(29) LOT OF RECORD. A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Clerk of the Court of Volusia County, Florida; or a parcel of land, the deed of which was recorded in the office of the Clerk of the Court of Volusia County, Florida, on or before the effective date of this resolution.

(30) LOT, THROUGH. An interior lot having frontage on two parallel or approximately parallel streets.

(31) LOT, WIDTH. The mean horizontal distance between the side lot lines, measured at right angles to the depth.

(32) MOTEL. A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers, and providing for accessory off-street parking facilities adjacent to each unit and having individual unit entrances, opening to the outside. The term "motel" includes buildings designated as auto courts, tourist courts, motor lodges and similar appellations.

(33) NON-CONFORMING USE. A use, structure, or land lawfully occupied by a use that does not conform to the use regulations of the district in which it is located.

(34) NURSING (CONVALESCENT) HOME. A home for the aged, chronically ill or incurable persons in which three or more persons not of the immediate family are received, kept or provided for with food and shelter or care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

(35) SERVICE STATION. Any building, structure or land used for dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories and in connection with which is performed general automotive servicing as distinguished from automotive repairs.

(36) STORY. That portion of a building, other than a basement, including between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

(37) STREET. A public or private thoroughfare which affords the principal means of access to abutting property. This includes lanes, place, way or other means of ingress or egress regardless of the term used to designate.

(38) STREET RIGHT OF WAY LINE. The dividing line between a lot, tract or parcel of land and a contiguous street.

(39) STRUCTURE. Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards and poster panels.

(40) STRUCTURAL ALTERATIONS. Any change except for repair or replacement, in the supporting members of a building, such as being walls or partitions, columns, beams, or girders, or any substantial change in the roof or in interior walls.

(41) TRAILER. Any so-called house trailer or mobile home and other similar objects, which are designed for use as a place of abode, by one or more persons, both temporary and permanent, irrespective of whether they are actually used for such purpose.

(42) TRAILER PARK. A duly licensed camp, park or other area established to carry on the business of parking or otherwise servicing trailers or mobile homes.

(43) YARD. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front or rear yard, the minimum horizontal distance between the lot line and the principal building shall be used.

(44) YARD, FRONT. A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the front lot line and the principal building.

(45) YARD, REAR. A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the principal building. On both corner and interior lots the rear yard shall in all cases be at the opposite end of the front yard.

(46) YARD, SIDE. A yard extending from the front yard to the rear yard and being the minimum horizontal distance from the side lot line to the principal building.

dimensions, shall be determined by use of the scale appearing on the map.

- (4) In case any further uncertainty exists, the zoning commission shall interpret the intent of the map as to location of such boundaries.
- (5) All areas within the limits of the District which are under water and not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area adjoins two or more districts the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district.

SECTION 2. RESTRICTIONS UPON LANDS, BUILDINGS, AND STRUCTURES

Except as hereinafter provided:

(A) Height. No structure or building shall be erected, nor shall any existing building be moved, reconditioned or structurally altered so as to exceed in height the limit established in this resolution, or amendments thereto, for the district in which such building or structure is located.

(B) Use. No building or structure shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designed or intended to be used for any purpose or in any manner other than a use designated in this resolution, or amendments thereto, as permitted in the district in which such land, building, structure or premises is or are located.

(C) Percentage of Lot Occupancy: No building or structure shall be erected nor shall any existing building or structure be moved, altered, enlarged or rebuilt, nor shall any open space surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with the building site requirements and the area and parking space and yard regulations established by this resolution or amendments thereto, for the district in which such building or structure is located.

(D) Open space use limitation: No yard or other open space provided about any building or structure for the purpose of complying with the regulations of this resolution, or amendments thereto, shall be considered as providing a yard or open space for any other building or structure.

(E) Required lot and occupancy: Every building or structure hereafter erected shall be located on a lot or tract as defined herein; and in no case shall there be more than one main building and customary accessory buildings on one lot.

(F) No building or premises shall be used for any trade, industry or purpose that is noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise, or that is dangerous to public health or safety.

ARTICLE III
R-1AA, R-1A, and R-1 SINGLE FAMILY DWELLING DISTRICT

The lands included within the R-1AA, and R-1A, and R-1 Single Family Dwelling District are developed with single family dwellings. The district is designed and established to preserve, protect, and enhance the single family characteristic.

SECTION 1 USES PERMITTED

Within any R-1AA, R-1A, and R-1 Single Family Dwelling District, no buildings, structure, or land shall be used except for one or more of the following uses.

1. Single family dwellings and accessory uses customarily incident thereto.

SECTION 2. CONDITIONAL USES.

When after review of an application and plans appurtenant thereto and hearing thereon, the Zoning Commission finds as a fact that the use or uses proposed are consistent with the general zoning plan of the North Peninsula Zoning District, and Zoning District R-1AA, R-1A or R-1 and with the public interest, the following uses may be permitted.

1. Churches
2. Schools
3. Parks and other recreation areas
4. Private docks or landing wharves for use of occupants of the premises

SECTION 3. BUILDING HEIGHT REGULATIONS

No building shall exceed two stories or 35 feet in height.

SECTION 4. BUILDING SITE AREA REQUIRED.

1. In the R-1AA District, each single family dwelling shall be located on a lot or parcel of land having an area of not less than fifteen thousand (15,000) square feet, and said lots or parcels of land shall have minimum widths of one hundred (100) feet.
2. In the R-1A District, each single family dwelling shall be located on a lot or parcel of land having an area of not less than ten thousand (10,000) square feet and said lot or parcel of land shall have a minimum width of one hundred (100) feet.
3. In the R-1 District, each single family dwelling shall be located on a lot or parcel of land having an area of not less than seven thousand (7000) square feet and said lot or parcel of land shall have a minimum width of seventy (70) feet.

4. Education and recreational buildings, churches and their accessory uses, and community buildings shall have a minimum site of one acre and said lot shall have a minimum width of one hundred fifty (150) feet.
5. All other conditional uses, shall provide minimum areas as determined by the Zoning Commission to provide for the use with adequate set back of structures from abutting residential lots.

SECTION 5. FRONT, REAR AND SIDE YARD REGULATIONS.

The following front, rear and side yards shall be observed, measured from the front, rear and side walls of the main structure to the road or street right-of-way line, to the rear and side lines of lot or parcel of land, respectively.

1. FRONT YARD: There shall be a front yard of not less than thirty (30) feet in depth in the R-1AA and R-1A Districts, and of not less than twenty (20) feet in the R-1 District. In no instance shall there be a front yard of less than seventy (70) feet from the center line of Ocean Shore Boulevard - A-1-A. On "Through Lots" having frontage on two streets, the required front yard shall be observed on both streets.
2. REAR YARD: There shall be a rear yard in the R-1AA, R-1A, and R-1 Districts of not less than 20% of the depth of the lot, and further provided that on no lot shall a major structure (other than a fence, out-door fireplace or the like) be constructed closer than $7\frac{1}{2}$ feet to the rear lot line.
3. SIDE YARD: There shall be a side yard of not less than twelve (12) feet in the R-1AA District, of not less than ten (10) in the R-1A District, and of not less than six (6) feet in the R-1 District. Churches, educational, and recreational buildings shall maintain a minimum side yard of twenty-five (25) feet.
 - (a) On corner lots the side yard shall be fifty (50) percent of the depths of the front yards of the lots to the rear of the corner lot and facing the intersecting street, and in no case closer than 15 feet of the lot line.
 - (b) In the case of reversed frontage, there shall be a side yard on the street side of the corner lot of not less than fifty (50) percent of the required front yards on the lots in the rear of such corner lot, and in no case closer than 15 feet of the lot line.
 - (c) No accessory building on a reversed corner lot shall project beyond the front yard line required in the lot in the rear and be located not nearer than five (5) feet from the side line of said lot.

SECTION 6. MINIMUM FLOOR AREA

- (a) The minimum required floor area of a one story dwelling, exclusive of attached roofed-over porches, carports, terraces, patios, utility rooms, and attached garages, shall be as follows:

MINIMUM FLOOR AREA PER ONE STORY DWELLING UNIT

<u>R-1AA</u>	<u>R-1A</u>	<u>R-1</u>
1600	1400	1000

- (b) The minimum first floor area of a two story dwelling shall be 1400 square feet of liveable area exclusive of attached roofed-over porches, carports, terraces, patios, utility rooms and attached garages in the R-1AA District; 1200 square feet in the R-1A District; and 800 square feet in the R-1 District.
- (c) There shall not be less than 400 square feet of liveable floor area on the second floor of any dwelling.

SECTION 7. LOT COVERAGE

Forty percent of the lot area is the maximum which may be covered by the principal and accessory buildings or structures located thereon.

SECTION 8. OFF-STREET PARKING

See Article 10.

Peninsula Zoning District where such products are offered for sale is declared to be unhealthy and contrary to the best interest of the public health within the North Peninsula Zoning District. (10-18-60)

16. A RESOLUTION PROVIDING FOR THE SAFE DISPOSAL OF HUMAN EXCREMENT.

After the effective date of this resolution, no building permit shall be issued for any building or structure within the boundaries of the North Peninsula Zoning District, where a septic tank is to be installed or used, before approval has been obtained from the Volusia County Health Department.

No septic tank shall be installed in the North Peninsula Zoning District, until a permit has been obtained from the Plumbing Inspector of said district.

Upon the completion of the installation of a septic tank and drainage field, and before they are covered with earth and put in Service, they shall be inspected, the septic tank shall be water tested for leakage and the entire installation shall be approved by the Volusia County Health Officer, or his duly authorized deputy.

Any person, firm or corporation (including plumbers) violating any provision of this resolution shall, upon conviction, be punished as provided by law. In addition to such penalty the Volusia County Health Officer, be and he is hereby authorized to condemn the installation of any septic tank where the approval, permit and inspection as herein provided, has not been complied with, notice of such condemnation to be in writing. The use of such septic tank after receiving notice of such condemnation shall be and constitute a separate violation of the provisions of this resolution and said Volusia County Health Officer, or any duly authorized deputy, is hereby authorized to enter upon the premises involved and disconnect such installation. (10-8-57)

17. A RESOLUTION TO ALLEVIATE CONGESTION OF GASOLINE SERVICE STATIONS.

That no building permit shall be issued for the construction or conversion of a building or structure to be used as a gasoline service station, or for the sale or distribution of gasoline or fuel oils; nor shall any such gasoline service station be constructed or built in the North Peninsula Zoning District, unless all parts and portions of such main service station building or structure be located 2000 feet or more from the nearest portion, part or wall of the main building or structure of another such gasoline service station or structure from which gasoline or fuel oil is distributed or sold located in the North Peninsula Zoning District. (2-18-58)

- (8) DISPLACEMENT: No non-conforming use shall be extended to displace a conforming use.
- (9) DISTRICT CHANGES: Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any non-conforming uses existing therein.

ARTICLE VIII
GENERAL PROVISIONS AND EXCEPTIONS

The foregoing regulations shall be subject to the following general provisions and exceptions:

- (a) SUBSTANDARD LOTS OF RECORD: When a lot or parcel of hard land has an area of frontage which does not conform with the requirements of the districts in which it is located, but was a lot of record in Volusia County, Florida, at the effective date of this resolution, such lot or parcel of land may be used for a single family dwelling in any residential district and in addition, in an R-2, Multiple Family Dwelling and Motel District, such lot may be used for a two family or multiple family dwelling, if it has a width of at least (50) feet; and provided that the minimum yards, lot coverage limitation, and off-street parking requirements are maintained. When two or more adjoining and vacant lots with continuous frontage are in a single ownership at the time of or after the adoption of these regulations and such adjoining lots have a frontage or lot area less than that required by the district in which they are located, such lots shall be considered as one tract in order to create one or more lots which conform to the minimum frontage and area requirements of the district, except that where such single lots have individual frontage of 50 feet or more this provision shall not apply. When two or more adjoining and vacant lots with continuous frontage are in a single ownership at the time of or after the adoption of these regulations and are substandard in land area and lot frontage, such lots shall be considered as one tract for future ownership, as indicated in the provisions above.
- (b) MEASUREMENT OF YARD SET BACKS:
- (1) Set backs shall be measured on a perpendicular to the property line to the nearest support for the roof of the structure.
 - (2) On irregular lots the side set backs shall be measured from the front building line when the lot frontage is narrower than the rear of the lot and from the rear building line when the rear of the lot is narrower than the front of the lot.
 - (3) The building line shall be determined from the extreme support of the roof of the principal building or appurtenance thereto. Roof projections (eaves) shall not exceed 30 inches into minimum yards.
- (c) AUTOMOBILE SERVICE STATION REQUIREMENTS
- (1) All pumps shall be set back at least 20 feet from the right

of way line, or where a future widening set back line has been established, this setback shall be measured from such line.

- (2) The number of curb breaks for an establishment shall not exceed two for each 100 feet of street frontage, each having a width of not more than 50 feet and located not closer than 10 feet to the street intersection. Two or more curb breaks on the same street shall be separated by an area of no less than 10 feet.

(d) LOCATION OF ACCESSORY BUILDINGS AND USES IN RESIDENTIAL AREAS.

- (1) When an accessory building is attached to a main structure by a breezeway, passage or otherwise, it shall comply with the setback or yard requirements of the main building.
- (2) A detached accessory building, shall not be closer than 6 feet to any other building on the same lot. Accessory buildings shall not be closer than three (3) feet to any side lot lines.
- (3) No detached accessory building shall be located on the front half of the lot.
- (4) The sum of the areas of all accessory buildings or structures shall not exceed 35 percent of the rear yard area.

(e) YARDS:

- (1) Every part of a required yard shall be open from its lowest point to the sky, unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features, chimneys.
- (2) An open unroofed porch or paved terrace may project into a required front yard for a distance of not exceeding ten (10) feet if area is not enclosed.
- (3) Where an alley exists at the rear of a lot, one half of the width of said alley may be computed as a part of the rear yard depth requirements.
- (4) Where an alley exists at the side of a lot, that side yard requirement may be reduced to five (5) feet.

(f) HEIGHT:

Chimneys, water, fire, radio and television towers, church spirals, domes, cupolas, stage towers and scenery lofts, cooling towers, elevator

bulkheads, smoke stacks, flagpoles, parapet walls and similar structures and their necessary mechanical appurtenances may be located above the height limits herein established; however, the height of these structures or appurtenances thereto shall not exceed the height limitations set forth by an airport zoning.

(g) FENCES, WALLS AND HEDGES:

- (1) No fence, wall or structure shall be erected, placed or maintained on any lot line or within any rear yard in residential areas more than four (4) feet in height, measured from the natural contour of the ground or adjoining lots or the particular lot (whichever is lower), except as follows:
 - a. Where a residential lot abutts a business lot upon which a business is located.
 - b. Where peculiar circumstances render it appropriate after approval of the Board of Adjustment.
 - c. Where a woven wire fence is used.
- (2) On a corner lot in a residential area no fence, wall, structure, hedge, planting or foliage shall be erected or established within twenty-five (25) feet of the corner which will obstruct the view of a driver of a vehicle approaching a street intersection, and in no case shall such fence, wall, hedge, structure, planting or foliage be of a height greater than three (3) feet above the abutting street level.
- (3) In business areas where a lot is used for residential purposes only, and an adjoining lot is used for residential purposes, Section (1) above shall apply.

(h) SPECIAL EXCEPTIONS:

- (1) No building, improvement, or structure shall be built, constructed, placed or kept on the east side of Ocean Shore Boulevard (A-1-A) from the north side of Roberta Road, to the Flagler County line, without a special permit approved by the North Peninsula Zoning Commission.
- (2) No advertising sign or signs shall be built, constructed, placed or kept on the east side of Ocean Shore Boulevard, (A-1-A) from the north side of Roberta Road, to the Flagler Line.

ARTICLE IX
COMMUNITY DEVELOPMENT PLAN

The owner or owners of any tract of land comprising an area of not less than one hundred (100) acres may submit to the Zoning Commission for review and recommendation, a plan for the use and development of the entire tract for residential and allied purposes. In its consideration of the plan, the Zoning Commission shall determine the affect of the planned development on the overall land use and traffic circulation plan of the North Peninsula Zoning District. In its consideration the Zoning Commission may require changes and modifications in the plan and may also hold a public hearing thereon. The Zoning Commission, before adoption of the Unit Plan, shall also hold a public hearing thereon.

The plan of development must meet the following conditions:

- (a) Property adjacent to the area included in the plan will not be adversely affected.
- (b) It must be consistent with the intent and purpose of the Zoning resolution to promote public health, safety, morals and general welfare.
- (c) The average lot area per family contained in the site, exclusive of the area occupied by streets, shall not be less than ten thousand (10,000) square feet and the yard spaces not less than those required in the R-1A District.

ARTICLE X
OFF-STREET PARKING AND LOADING REGULATIONS

SECTION 1. PARKING AND LOADING SPACES

Whenever the term "parking space" is referred to, it shall be either a garage or other structure or off-street storage space on the ground for the parking of passenger automobiles. Such space shall have an area of not less than two hundred (200) square feet and of appropriate dimensions, for each automobile intended to be parked exclusive of the necessary space for approach, turning and exit to any public alley, street or way. A "parking lot" shall mean any land used or permitted to be used for the parking of automobiles.

OFF-STREET LOADING AND UNLOADING SPACE. An open paved surfaced area other than a street or public way, the principal use of which is for standing, loading and unloading of motor trucks and trailers, to avoid undue interference with the public use of streets and alleys. Such space shall not be less than twelve (12) feet wide, thirty-five (35) feet long and fourteen (14) feet high, exclusive of access aisles and maneuvering space.

SECTION 2. OFF-STREET PARKING REGULATIONS

There shall be provided at the time of the erection of any principal building or structure, or at the time any principal building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, floor space for offices or seats, minimum off-street parking space with adequate means for ingress and egress by an automobile of standard size, in accord with the following requirements:

(a) OFF-STREET PARKING STANDARDS

	<u>Number Spaces</u>	<u>Per</u>
(1) Dwellings:		
(a) Single Family and duplex	1	Dwelling unit
(b) Apartments & Apt. hotel	1½	Dwelling unit
(c) Rooming & Boarding houses	1	Guest room
(2) Hotels, exclusive of requirements for restaurants & assembly rooms	1	2 sleeping units
(3) Motels and tourist guest homes, exclusive of requirements for restaurants and assembly rooms	1	Sleeping unit
(4) Nursing or convalescent home, welfare institutions.	1	5 beds

(5)	Church, mortuary	1	4 seats in main assembly hall. Where seats are not provided, each twenty (20) inches on benches or other similar seating shall be considered as one seat for the purpose of determining requirements hereunder.
(6)	Restaurants, bars, and night clubs, tearooms or the like.	1	3 seats
(7)	Stores (except grocery stores and meat markets) offices, and personal service establishments	1	200 sq. ft. Floor area.
(8)	Grocery stores, meat markets, and supermarkets	3	200 sq. ft. floor area exclusive of storage area.
(9)	Public office buildings, library, community center & post office.	1	200 sq. ft. floor area exclusive of storage area.
(10)	Medical and dental clinic	4	Doctor or dentist, but not less than 1 space per 200 sq. ft. of gross floor area.
(11)	Bowling Alleys	3	alley
(12)	Any and all uses or structures not specifically provided for in schedule, such parking space as the zoning commission shall determine to be necessary and consistent with the above, considering all the parking generating factors involved in the particular case.		

EXCEPTION:

(a) Whenever, after the effective date of this resolution there is a change in the number of employees or business visitors or in the lawful use of the premises or in any other unit or measurement specified in any of the foregoing paragraphs and whenever such change creates a need for an increase

or decrease of more than fifteen percent of the number of off-street automobile parking spaces as determined by the requirements of this section, more or less off-street parking facilities shall be provided within a reasonable time on the basis of the adjusted needs, as determined by this section. In case of unusual hardship arising out of the requirements of this paragraph, recourse may be had to the board of adjustment, in the manner provided by law.

(b) In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual uses, computed separately in accordance with this section; parking facilities for one use shall not be considered as providing the required parking facilities for any other use. Parking facilities required hereunder shall not be made available for use by motorists - parkers other than those for whom such facilities are reserved pursuant to this resolution.

(c) No house trailer or house boat trailer shall be parked anywhere in any zone of the district, either residence or business, except in the two trailer parks existing at present.

(d) All the following restrictions shall apply only in all of the residence Districts, but not in the business Districts:

1. No trucks, trailers or commercial vehicles shall at any time be parked on any part of any street right-of-way, unless for the purpose of loading or unloading, or other necessary purpose, and then only during the daylight hours. At no time shall any truck, trailer or commercial vehicle be left parked on the road right-of-way, or overnight, or over week ends.
2. No truck, other than a panel truck or pick-up truck, or in any event no truck larger than a three-quarter (3/4) ton size truck shall be kept on the premises in any residence zone. All trucks kept on the premises pursuant to this sub-section shall be kept in a completely enclosed garage.
3. Utility trailers shall not be parked in the open, anywhere in a residence zone, for more than fifteen (15) days in any one year, said utility trailer or trailers must be completely enclosed in a garage.
4. Boat trailers in any residence zone shall be limited to a size no larger than the size necessary to accommodate a sixteen (16) foot boat, and all boat trailers shall be parked and kept in the rear of the premises, or in a carport, or an enclosed garage.

SECTION 3. LOCATION OF PARKING FACILITIES

Special purpose off-street automobile parking facilities, to the extent required in section 4 of this article, may be provided either on the same

lot or premises with the parking generator or on any lot or premises a substantial portion of which, at least, is within 800 feet of such parking generator.

SECTION 4. COOPERATIVE ESTABLISHMENT AND OPERATION OF PARKING FACILITIES

Requirements for the provision of parking facilities, pursuant to Off-Street Parking Regulations, with respect to two or more property uses of the same or different types, may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common parking facility, cooperatively established and operated; provided, that the total number of spaces designated is not less than the sum of the individual requirements; provided further, that the specifications of the section on Location of Parking Facilities with respect to location are complied with.

In order to eliminate a multiplicity of entrances and exits, and diminish traffic hazards, to conserve space where space is at a premium, and to promote orderly development generally, the zoning commission is hereby authorized to plan and group parking facilities cooperatively for a number of parking generators in a given area, and especially in the congested business areas, in such a manner as to obtain a maximum of efficiency and capacity in parking and traffic movement.

SECTION 5. DESIGN STANDARDS

All off-street automobile parking facilities shall be designed with appropriate means of vehicular access to a street or alley as well as maneuvering areas. All parking for other than residences shall be suitably graded and surfaced as approved by the District Engineer.

SECTION 6. MAINTENANCE AND OPERATION

The parking facilities required pursuant to the section on Off-Street Parking Regulations shall be provided and maintained so long as the use exists which the facilities are designed to serve. Off-Street automobile parking facilities shall not be reduced in total extent, after their provision hereunder, except under the approval by the board of zoning adjustment and then only after proof that the parking spaces provided are no longer needed by reason of a change in use of the premises to which the parking facilities are adjunct, pursuant to the schedule of requirements contained in the Section on Off-Street Parking. Reasonable precautions must be taken by the owners or sponsors of particular uses to assure the use of the parking facilities only by the employees or the social or business visitors of the premises for which the facilities are provided. The parking facilities must be so designed and maintained as not to constitute a nuisance at any time, and must not be used in such a manner as to constitute a hazard or unreasonable impediment to traffic.

hereby repealed.

ARTICLE XVII
EFFECTIVE DATE

This resolution shall become effective ten days after adoption as provided by law.

Motion to adopt the Resolution made

By Commissioner Frederick E. Lauter

Motion Seconded

By Commissioner George W. Silva

Voting for the Motion

Commissioners Frank L. Abrams

Richard A. Hopke

Frederick E. Lauter

George W. Silva

Charles P. Tracy

Voting against the Motion

Commissioners _____

Resolution adopted the 9th day of July, A. D. 1962.

Richard A. Hopke
Chairman

ATTEST

Charles P. Tracy
Clerk

APPENDIX

(CONTAINING RELATED RESOLUTIONS OF THE NORTH PENINSULA ZONING DISTRICT)

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APPENDIX1. CONCERNING PERMITS

It shall not be lawful to construct, alter, repair, remove or demolish or to commence the construction, alteration repair, removal or demolition of a structure within said district without first filing with the Building Inspector an application in writing and obtaining a formal permit, which permit shall not be issued unless all the provisions of the law are complied with. Application shall be made by the owner or lessee, or agent or either, or the architect, engineer, or builder employed in connection with the proposed work. Such application shall contain the full names and addresses of the applicant and the owner, and if the owner is a body corporate, of its responsible officers. All applications shall be accompanied with a plan in duplicate, and also a plot plan, in duplicate, drawn to scale, showing the actual dimensions, ratio and angles of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary for the enforcement of the law. One copy of such plans shall be returned to the owner when approved by the Building Inspector. Where a lot is formed from part of a lot then already improved the separation must be effected in such manner as not to impair any of the provisions of the law, whether related to the then existing improvement or to the proposed new improvement.

No building permit shall be considered as valid after being transferred from one person, firm, partnership or corporation to another, unless such transfer has been recorded in writing with the building inspector, prior to the time construction is started. (8-20-57)

Any building permit issued, shall become invalid unless the work authorized by it shall have been commenced within ninety (90) days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one (1) year after the time the work is commenced; provided, that, for cause, one or more extensions of time, for periods not exceeding ninety (90) days each, may be allowed in writing by the Building Inspector. (8-19-58)

A copy of the permit shall be kept on the premises open to public inspection during the prosecuting of the work and until completion of the same.

The building inspector may revoke a permit in case there has been any false statements or misrepresentation as to a material fact in the application or plans on which the permit was based.

No permit as above provided shall be issued until after the following fees shall have been paid to the North Peninsula Zoning Commission, of Volusia County, Florida.

1. Where the valuation does not exceed \$100.00 no fee shall be required unless an inspection is necessary, in which event there shall be a fee of \$1.50;

2. For a valuation over \$100.00, up to and including \$15,000.00 the fee shall be \$3.00 per thousand or any fraction thereof;

3. For a valuation over \$15,000.00 up to and including \$100,000.00, the fee shall be \$45.00 for the first \$15,000.00, plus \$2.00 for each additional thousand or any fraction thereof:

4. For a valuation over \$100,000.00, up to and including \$500,000.00, the fee shall be \$215.00 for the first \$100,000.00, plus \$1.00 for each additional thousand or fraction thereof.

If, after completion, it is determined by the inspector issuing said permit that the cost of the work is more than was shown on the permit, then the permit shall be corrected accordingly and the additional fee paid.

In case any building or structure is erected, constructed, altered, repaired, converted or maintained or any building structure of land or water is used in violation of this Act or of any order or resolution or other regulation made under authority conferred hereby, the proper local authorities of said County, including the prosecutor in the County Judge's Court, in addition to other remedies, shall and any citizen residing in said District may, institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation to prevent the occupancy of said building structure on land or water or to prevent any illegal act, conduct, business or use in or about such premises.

Any person, firm partnership or corporation violating any of the provisions of this Act who shall fail to abide by and obey all orders and resolutions promulgated as herein provided for shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished as provided by law.

2. CERTIFICATE OF OCCUPANCY

"It shall be the duty of the building inspector to issue a Certificate of Occupancy within ten days after all work has been completed and final inspections made, construction of building and installations approved by the Building, Electrical and Plumbing Inspectors, as satisfactory and in compliance with all codes and resolutions in effect at the time of construction, and after having determined that the building and the proposed use thereof conform with all requirements herein set forth".

3. A RESOLUTION REGULATING THE COVERING OF ABSORPTIVE AREAS AND
REQUIRING DISPOSAL OF SURPLUS DRAINAGE.

Any property owner in the North Peninsula Zoning District, who has covered, permitted to be covered or proposes to cover the natural absorptive area of any portion of his land with concrete, asphalt, blacktop or any other nonabsorptive materials, thereby creating or aggravating a drainage condition, detrimental to the welfare and security of the residents and other property owners or injurious to public streets and/or private property, shall install sufficient catch basins, reservoirs and underground drains of adequate size or otherwise provide ways and means of confining or disposing of drainage from their property. (8-20-57).

4. SUPERVISION OVER THE COLLECTION AND DISPOSAL OF GARBAGE AND/OR TRASH.

No collection or pickup of any garbage and/or trash shall be made by any collector, persons or corporations without a special permit granted and issued by the North Peninsula Zoning Commission. Any person or corporation making application for the aforesaid special permit shall be required to have in his possession or at his disposal, the proper amount of automotive equipment, including at least one approved type of packer truck and other standby equipment as may be considered by the zoning commission as being adequate to perform satisfactory services in a safe and sanitary manner.

To facilitate the safeguarding of the public health and welfare of the residents in the North Peninsula Zoning District and in accordance with Laws of the State of Florida, a special permit to collect and provide safe and proper disposal of garbage and/or trash may be granted to persons or corporations making application for such permits and who meets all requirement and complies with the terms of this resolution and that such permits be approved in a public meeting of the zoning commission and issued for a period of one year, beginning on the first day of October, and must be renewed on or before the 30th, day of September, of each year and no permit shall be transferrable. Any holder of the aforesaid special permit shall make at least two (2) complete and satisfactory garbage collections each week, and at least two (2) complete and satisfactory trash collections each week.

No collector of garbage and/or trash in the North Peninsula Zoning District shall charge a collection fee of more than two (\$2.00) dollars per month for each one family residence and to assure full compliance with the provisions and purposes of this resolution, the necessary inspections of equipment, and to supervise the orderly procedure of services relative to the protection of public health and welfare of the residents of the North Peninsula Zoning District, the payment of a permit charge in the amount of fifty (\$50.00) dollars shall be a prerequisite to the issuance of the aforesaid special permit which may be renewed on payment of twenty-five (\$25.00) dollars.

The aforesaid special garbage and/or trash collection permit may be revoked by a majority vote of the zoning commission for violating any portion of this resolution or for other causes shown and after public hearing thereon.

All resolutions and parts of resolutions in conflict herewith be and the same are hereby repealed.

This resolution as amended shall take effect upon adoption.

5. A RESOLUTION REGULATING THE KEEPING AND DISPOSAL OF GARBAGE, RUBBISH AND REFUSE.

All garbage shall be kept between collections in metal containers of the kind usually sold for this purpose, and shall be placed out for collection the same way. These containers shall have proper fitting covers which shall be kept on them at all times. Burying of garbage is prohibited.

Burning of rubbish is absolutely forbidden at any time unless in the clearing of land by a contractor, in which case the contractor shall request permission from the building inspector, and no such fire shall be left unattended at any time, day or night.

It shall be unlawful to throw garbage or rubbish of any kind on public or private lands, highways, on beach, anywhere in the North Peninsula Zoning District. (6-19-56)

6. RESOLUTION EFFECTING THE HEIGHT OF THE FLOOR LEVEL.

All Buildings and structures in any residentula district or zone of the North Peninsula Zoning District, except such buildings or structures designed and arranged as fronting on Florida State Highway A-1-A, Ocean Shore Boulevard, shall have a minimum ground floor level of eighteen (18) inches above the crown of the road or street on which the building or structure is designed and built as facing. (2-20-62)

7. FEES IN CONNECTION WITH REQUEST FOR VARIANCES, CHANGES, ADOPTION OR ENFORCEMENT OF REGULATIONS OR RESOLUTIONS.

Persons, firms or corporations shall file a written notification to the zoning commission and pay a fee in the amount of ten (\$10.00) dollars, plus cost in advance to be deposited with the Secretary-Clerk of the zoning commission in connection with all request for enforcement or variance of any regulation or resolution, presentation and passage of any resolution, regulation, repeal, amendment, supplement or change therein, and whenever the publication of legal notice may be required under provisions of Senate Bill No. 790 Legislative Acts of 1961.

8. REQUIREMENTS FOR THE ISSUANCE OF SPECIAL BUSINESS PERMITS

"No buildings, parts of a building, structure or premises in the North Peninsula Zoning District, shall be used for the operation of any business, unless and until the owner, agent or lessee has filed with the Secretary of the Zoning Commission, an application for and has been granted by the North Peninsula Zoning Commission, a special business permit. All applications for the aforesaid special business permit shall be heard in a regular scheduled or a special public meeting, within 15 days after the application has been filed with the Secretary. Such permits shall be issued for a period of twelve (12) months, the beginning date to designated by the Zoning Commission, and revoked for cause, and such permits shall be non-transferable and valid only for the location and type of business for which it was issued and when posted on the premises in a conspicuous place."

9. SOUTHERN STANDARD BUILDING CODE

The Southern Standard Building Code as used in the North Peninsula Zoning District, since 1955, is hereby readopted, together with all revisions as placed therein by Acts of the Southern Building Code Congress, to this date, and

Be it further resolved, that a supplement which provides added security from fires and other dangers and particularly applicable to this district, be incorporated in Chapter VI. of the aforesaid Southern Standard Building Code, which shall be as follows to witt:

That not less than sixty-five percent (65%) of the perimeter walls of the ground floor of all new buildings in the North Peninsula Zoning District shall be masonry construction.

10. CONTRACTOR DEFINED, CERTIFICATE OF COMPETENCY REQUIRED.

A general contractor, for all purposes of this resolution shall be any person, firm or corporation who enters into an agreement with another, for a consideration, either for a fixed contract price, or on a cost plus basis or for anything of value, or for a supervising fee, or for a management fee, or for a commission to construct, remodel, demolish, repair or supervise the construction, remodeling, demolition or repair of a building or buildings within the legally established limits of the North Peninsula Zoning District, of Volusia County, Florida, the cost of which exceeds the sum of Two Hundred (\$200.00) Dollars, or who hires labor for the construction of, or, who buys or supervises or advises the buying of materials for the construction of, or, who constructs, remodels, demolishes, repairs or supervises the construction, remodeling, demolition or repair of a building or buildings, for another within the limits of the North Peninsula Zoning District, the cost of which exceeds the sum of Two Hundred (\$200.00) Dollars, shall be held and considered as to be carrying on

the business of general contracting and shall obtain from the North Peninsula Zoning Commission, a Certificate of Competency as a general contractor and pay an initial fee of One Hundred (\$100.00) Dollars.

Any person may build in the North Peninsula Zoning District, one dwelling (home) on his own lot or parcel of land in any one calendar year without the contractors Certificate of Competency, but any such person who builds, in any one twelve months period, more than one dwelling in the North Peninsula Zoning District, shall be held, and considered as carrying on the business of builder and speculator and shall be required to obtain from the North Peninsula Zoning Commission a business occupations permit for each additional dwelling so constructed, and to pay a fee of Fifty (\$50.00) Dollars for such business occupations permits, and to furnish a deed of record as proof of the land ownership also a record of public liability insurance or bond in the amount as may be deemed necessary by the zoning commission as a prerequisite to the issuance of a building permit.

No building permit shall be issued or authority granted to any person, firm or corporation for the purpose of engaging in or working at or carrying on the business of general contracting in the North Peninsula Zoning District, unless such person, firm or corporation is in possession of a proper and valid Certificate of Competency as required under this resolution.

A Certificate of Competency may be issued to any person who has qualified under any one of the following requirements:

- (a) Having received a passing grade from examinations prepared and graded under the auspices of the Building Department, General Extension Division of the University of Florida.
- (b) Having received a passing grade from examinations prepared and graded under the auspices of the Building Department, Board of Examiners of Volusia County, Florida.
- (c) Having a valid and current Certificate of Competency and proper license to conduct a general contracting business in the City of Daytona Beach, or Ormond Beach, Florida.
- (d) Having been issued a building permit, conducted a contracting business and done construction work in the North Peninsula Zoning District, Prior to January 1, 1960.

All such Certificates issued under any of the above provisions shall be for a term of one year, beginning on the first day of the month of July in each year, and shall expire on the last day of June of the following year, unless suspended or revoked.

The aforesaid Certificate of Competency, as issued by the North Peninsula Zoning Commission, may be renewed without further examinations

on or before the date of expiration of each year, upon application by any legitimate holder of such a certificate and the payment of the renewal fee as provided under Section 20. Senate Bill No. 790 Acts of 1961, and any certificate of Competency remaining unrenewed after July 1st, of any year shall be considered as null and void.

The North Peninsula Zoning Commission may revoke any Certificate of Competency issued by it and require an examination of the person whose certificate has been revoked when, in the opinion of the inspector, the work of said person has been below the standards established by the commission, and it shall be unlawful for any person, firm or corporation who does not hold a current and valid Certificate of Competency, as herein provided, also liability insurance or bond as deemed necessary by the commission, and a proper Volusia County Occupations License as a general contractor, to work at, engage in, or carry on the business of general contracting within the boundaries of the North Peninsula Zoning District.

11. PLUMBERS AND ELECTRICIANS, CERTIFICATE OF COMPETENCY REQUIRED.

The terms, Master Plumber, Master Electrician, Journeyman Plumber, Journeyman Electrician and other members of the plumbing and electrical trades shall be as defined under the plumbing, electrical codes and resolutions of the North Peninsula Zoning District.

For the purpose of this resolution the specific limitations as to the type of work permissible and the occupational practices of the trade shall be as defined under provisions of the plumbing, electrical codes and resolutions of the North Peninsula Zoning District and all persons, firms or corporations doing plumbing or electrical work or conducting such a business in the aforesaid district, shall obtain from the North Peninsula Zoning Commission, and pay the initial fee which shall be Fifty (\$50.00) Dollars, for each Master Plumber or Master Electrician, and pay the initial fee, which shall be Twenty-Five (\$25.00) Dollars, for each Journeyman Plumber or Journeyman Electrician.

No plumbing or electrical permit shall be issued or authority granted to any person, firm or corporation for the purpose of engaging in or working or carrying on the business of plumbing installations or electrical wiring in the North Peninsula Zoning District, unless such person, actually doing the work, has in his possession a current and valid Certificate of Competency as required under this resolution.

A Certificate of Competency may be issued to any person who has qualified under any one of the following requirements:

- (a) Having received a passing grade from examinations prepared and graded under the auspices of the Building Department, General Extension Division of the University of Florida.

- (b) Having received a passing grade from examinations prepared and graded under the auspices of the Building Department, Board of Examiners of Volusia County, Florida.
- (c) Having a valid and current Certificate of Competency and proper license to conduct a plumbing or electrical business and to do Plumbing or electrical wiring in the City of Daytona Beach, or the City of Ormond Beach, Florida
- (d) Having been issued a plumbing or electrical permit and done plumbing or electrical wiring in the North Peninsula Zoning District, Prior to January 1, 1960.

All such Certificate issued under any of the above provisions shall be for a term of one year, beginning on the first day of the month of July in each year, and shall expire on the last day of the month of June of the following year, unless suspended or revoked.

The aforesaid Certificate of Competency, as issued by the North Peninsula Zoning Commission, may be renewed without further examination on or before the date of expiration, being June 30th of each year, upon application by any legitimate holder of the certificate and the payment of the renewal fee as provided under Section 20. Senate Bill No. 790 Acts of the Florida State Legislature 1961, however, any Certificate of Competency remaining unrenewed after July 1st, of any year shall be considered as null and void and any holder of such certificate failing to apply for and pay the renewal fee as above provided on or before August 15th, of the current year shall be considered as a new application and required to file a new application and pay one-half of the initial fee.

The North Peninsula Zoning Commission may revoke any Certificate of Competency issued by it and require an examination of the person whose certificate has been revoked when, in the opinion of the inspector, the work of said person has been below the standards established by the commission, and it shall be unlawful for any person, firm or corporation who does not hold a current and valid Certificate of Competency, as herein provided, and liability insurance or bond as deemed necessary by the commission, also a proper Volusia County Occupations License as required of such persons, firms or corporations to work at, engage in, or carry on a plumbing installation or electrical wiring business or activity within the boundaries of the North Peninsula Zoning District.

12. REQUIRING APPROVAL BY THE VOLUSIA COUNTY HEALTH DEPARTMENT OF ARCHITECTURE PLANS FOR SANITATION FOR GROCERY STORES, FOOD MARKETS, BAKERY SHOPS, AND OTHER BUILDINGS DESIGNED TO BE USED FOR THE RETAIL OR WHOLESALE DISPENSING OF FOOD AND FOOD PRODUCTS..

No building permit shall be issued for the construction or modification of a building designed to be used for a grocery store, food market, bakery shop or other retail or wholesale dispensing of food or food products without the prior approval of the architecture plans for such building for sanitation by the Volusia County Health Department.

Establishments which require a license from the Florida Hotel and Restaurant Commission as a prerequisite to the dispensing of food or food products are excepted from the provisions of this resolution.

Proof of approval of architecture plans shall be made by filing with the building inspector of the North Peninsula Zoning District a letter from the Volusia County Health Department signed by an authorized member of its staff approving said plans for sanitation.

13. THE PROCEDURE FOR THE APPROVAL OF SUBDIVISION PLATS.

That approval of subdivision plats for subdivisions in the North Peninsula Zoning District shall be obtained from the North Peninsula Zoning Commission as prerequisite to the issuance of building permits for construction in said subdivisions.

That the approval of said subdivisions by the North Peninsula Zoning Commission shall be obtained by compliance with the following procedure:

- (a) The original and one copy of the proposed subdivision plat shall be filed in the office of the North Peninsula Zoning Commission with the Clerk of said Commission continuously for a period not less than fifteen days prior to consideration of same by the Commission at a regular or special meeting and the copy thereof shall be posted in the office of the Commission during said period.
- (b) The filing of the original and one copy of said plat shall be accompanied by a letter requesting approval thereof which shall be signed by the owners, their attorney, or two of the principal officers of a corporation, if a corporation be the owner, and said letter shall be accompanied by a filing fee of Twenty-five (\$25.00) Dollars.
- (c) That notice of the intention to seek approval of said subdivision plat shall be published in a meeting notice of the North Peninsula Zoning Commission not less than fifteen days prior to the meeting when same is to be considered. It shall be the duty of the owner of property to be subdivided to see that the filing fee set forth and letter set forth in paragraph B. of this section are filed with the Clerk sufficiently in advance of the fifteen days prior to the meeting when the proposed plat is to be considered to permit publication in accordance herewith. All costs of publication and processing of the proposed subdivision plat shall be paid for out of the filing fee as aforesaid.
- (d) Before the North Peninsula Zoning Commission, shall approve any subdivision plat or other division of land intended to establish a building lot or lots in the North Peninsula

zoning District, that every such lot shall be adjacent to and bordering on a public street or dedicated right of way, which shall be of proper and suitable width as to be acceptable for maintenance by the Board of County Commissioners, of Volusia County, also approval of the subdivision plat by the County Engineering Department, as to drainage, roads, grades and other items pertinent to this department shall be obtained prior to the meeting where same is to be considered; written proof of said approval shall be filed with the Clerk of the North Peninsula Zoning Commission at his office not later than 3:00 o'clock P.M. at least one day preceding the meeting at which the same is to be considered.

- (e) The plat shall comply with all zoning resolutions in effect at the time same is considered by the North Peninsula Zoning Commission.
- (f) The plat shall be prepared by a registered surveyor and comply with all state laws in effect at the time same is considered by the North Peninsula Zoning Commission.
- (g) All signature lines and spaces for writing except those for Volusia County Officials and Zoning Officials shall be filled in and completed on the original plat at the time of the filing of same.
- (h) Said plat shall provide for the continuation of any intersecting streets of contiguous subdivisions then in existence.
- (i) All street names and subdivision names on said plat shall be distinctive from any other street names or subdivision names then in existence in the North Peninsula Zoning District.
- (j) All subdivisions or parts thereof, where building lots are abutting in the rear, shall provide a 5 foot easement on each side of the rear property line and dedicated for future extension of public utilities, and such easements shall be recorded and indicated on maps and plats before approval by the North Peninsula Zoning Commission, provided the property owner may show justifiable cause why such easements should not be established. (8-20-57)
- (k) Upon approval of the plat, the presiding officer at the meeting when approved and the Clerk shall affix their signatures and date of said approval. The copy of the plat shall then be retained in the zoning commission office as a part of its permanent records and the original shall be forwarded to the Clerk of the Circuit Court of Volusia County, Florida for approval and recording in the Public Records of Volusia County, Florida.
- (l) Upon approval of the said plat by the County Commission of Volusia County, Florida, and recording according to law written proof of said approval and recording shall be filed with the clerk of the North Peninsula Zoning Commission.

Building permits for construction on property in said subdivision shall be issued.

14. PRECONSTRUCTION TERMITE TREATMENT

No certificate of occupancy shall be issued for buildings for which building permits are hereinafter issued except upon proof of preconstruction termite treatment by a pest control firm duly licensed by the State Board of Health in accordance with at least the minimum requirements for same established by this Resolution.

The ground area to be covered by the house and contiguous appurtenances and the ground area to be covered by any out buildings shall be treated by spraying with at least one of the following chemicals, to-wit:

Dieldrene, Aldren, Chlordane

The spraying treatment referred to shall be applied at the following minimum strength, to-wit:

One (1) gallon of the chemical used to every ten (10) square feet of ground area.

All foundation walls and all openings left for pipes, or conduits shall be sprayed on the interior with at least one of the chemicals referred to at the following minimum strength, to-wit:

Two (2) gallons of the chemical used to every Five (5) linear feet.

After completion of the foundation walls, a trench shall be dug around the outside thereof to a depth of not less than three (3") inches and sprayed thoroughly with the chemical used.

Proof of preconstruction termite treatment shall be made by filing a certificate signed by an officer of the pesticides firm doing the treatment that the house and ground area of the building described either by address or legal description have been treated for termites in accordance with the provisions of this Resolution, referring to same by number, and specifying the date or dates when said treatment was done. (5-17-60)

15. THE EXTERIOR DISPLAY OF FOOD OR FOOD PRODUCTS.

On or after the effective date of this Resolution, no building or structure within the North Peninsula Zoning District shall be used for the exterior display of food or food products not in sealed containers offered for sale, either public or private, at retail or wholesale, outside of the exterior walls of any such building or structure where such products are offered for sale.

The exterior display of food or food products not in sealed containers offered for sale, either public or private, at retail or wholesale, outside of the exterior walls of any building or structure within the North

Peninsula Zoning District where such products are offered for sale is declared to be unhealthy and contrary to the best interest of the public health within the North Peninsula Zoning District. (10-18-60)

16. A RESOLUTION PROVIDING FOR THE SAFE DISPOSAL OF HUMAN EXCREMENT.

After the effective date of this resolution, no building permit shall be issued for any building or structure within the boundaries of the North Peninsula Zoning District, where a septic tank is to be installed or used, before approval has been obtained from the Volusia County Health Department.

No septic tank shall be installed in the North Peninsula Zoning District, until a permit has been obtained from the Plumbing Inspector of said district.

Upon the completion of the installation of a septic tank and drainage field, and before they are covered with earth and put in Service, they shall be inspected, the septic tank shall be water tested for leakage and the entire installation shall be approved by the Volusia County Health Officer, or his duly authorized deputy.

Any person, firm or corporation (including plumbers) violating any provision of this resolution shall, upon conviction, be punished as provided by law. In addition to such penalty the Volusia County Health Officer, be and he is hereby authorized to condemn the installation of any septic tank where the approval, permit and inspection as herein provided, has not been complied with, notice of such condemnation to be in writing. The use of such septic tank after receiving notice of such condemnation shall be and constitute a separate violation of the provisions of this resolution and said Volusia County Health Officer, or any duly authorized deputy, is hereby authorized to enter upon the premises involved and disconnect such installation. (10-8-57)

17. A RESOLUTION TO ALLEVIATE CONGESTION OF GASOLINE SERVICE STATIONS.

That no building permit shall be issued for the construction or conversion of a building or structure to be used as a gasoline service station, or for the sale or distribution of gasoline or fuel oils; nor shall any such gasoline service station be constructed or built in the North Peninsula Zoning District, unless all parts and portions of such main service station building or structure be located 2000 feet or more from the nearest portion, part or wall of the main building or structure of another such gasoline service station or structure from which gasoline or fuel oil is distributed or sold located in the North Peninsula Zoning District. (2-18-58)

All persons, partnerships, companies or corporations, or their transferees or assigns, owning or leasing water distribution systems or water mains, or selling water delivered through water systems or water mains now existing in the North Peninsula Zoning District, shall make all water distribution systems and/or all water mains, either principal or other, presently existing in the North Peninsula Zoning District, comply with the provisions of this resolution within one (1) year from the date of adoption. (8-21-58)

20. PROHIBITING AND/OR REGULATING THE KEEPING OF CERTAIN LIVE STOCK, ANIMALS, FOWLS, POULTRY ETC.

The raising, harboring, or maintaining of livestock, in any number is prohibited, including goats, horses, monkeys, pigs or any other animals; chinchilla, hamsters, rabbits, and all rodents; chickens, ducks, geese, and all other fowl, pigeons and bees, cats, dogs, canaries and parakeets, the last four to be permitted only in reasonable numbers, but not to be raised for sale. (8-21-56)

21. PROHIBITING THE DUPLICATION OF STREET NAMES, AND FOR THE ADOPTION OF A UNIFORM HOUSE NUMBERING SYSTEM

The North Peninsula Zoning Commission, shall not recognize or approve the duplication of any like or similar street, drive or boulevard name in the North Peninsula Zoning District.

All house numbering shall be in conformity with the following plan:

- (a) All houses or buildings fronting on any street, drive or boulevard running east and west, shall start with the lowest numbers on the east end of the street, and with odd numbers allocated to the north side of the street, and the even numbers to the south side of the street.
- (b) All houses or buildings fronting on any street, drive or boulevard running north and south, shall start with the lowest block number at the south end of the block, and shall conform to the same block numbers as allocated on Ocean Shore Boulevard, and with the odd numbers allocated to the east side of the street, and the even numbers to the west side of the street.

The Building Inspector, and/or the enforcement officer is hereby authorized and instructed to enforce the provisions of this resolution. (8-20-57).

22. CONCERNING THE SALE, SERVICE AND DISPENSING OF ALCOHOLIC BEVERAGES AND LIQUORS.

No saloon, cocktail lounge, beer parlor, tavern or similar establishment shall be approved or permitted to operate at a distance closer than

(2500) feet of another such establishment nor closer the (300) feet of any public or parochial school or any established church and provided further that this section shall not be applicable to properly licensed establishments legally operating in a non-conforming status as of the effective date of this resolution.

No persons, partnerships or corporations doing business in any of the aforesaid classifications in the North Peninsula Zoning District, shall sell, serve, furnish or permit the consumption of alcoholic beverages or liquors in any part of the establishment or upon the business premises except during the legally designated hours for doing business which shall not be earlier than 10:00 o'clock, A.M. nor later than 2:00 o'clock A.M. but provided the Sunday business opening hour shall be in conformity with the regulations of Volusia County, as applied to the unincorporated areas of the county, and provided further, that exceptions to the established hours of operation during holidays or special occasions may be granted by a favorable vote of four-fifths of all members of the North Peninsula Zoning Commission, and on written request of the owners or operators of the business.

No building or parts of a building, structure or premises in the North Peninsula Zoning District shall be used for the operation of a saloon, cocktail lounge, beer parlor, tavern or similar establishment, unless and until the owner, agent or lessee has filed with the secretary of the zoning commission, an application for and has been granted by the zoning commission, a special building use permit as provided under Section 2. Senate Bill No. 790, Legislative Acts of 1961.

All applications for said special permit filed after January 1, 1962, shall be heard in a regular scheduled meeting or a duly called special public meeting within 15 days after the application has been filed and on approval by a majority of the members of the zoning commission, a permit shall be issued for the calendar year and all such permits shall expire on the 31st, day of December, and must be renewed on or before the 10th, day of January, each year thereafter. The aforesaid special building use permits shall be non-transferable and valid only for the specific location, the classification and the operation of the type of business for which it was issued and when posted in a conspicuous place on the premises.

The aforesaid special permit may be revoked at any time for failure to comply with the provisions as contained in this resolution or other laws and regulations for the security of public health and the general welfare of the residents and property owners in the North Peninsula Zoning District, provided such action shall be effective only after a public hearing thereon and by a majority vote of the members of the North Peninsula Zoning Commission.

This resolution shall not apply to or effect the operations of a restaurant or similar food dispensing establishment, operating exclusively as such and where the service of beer and wine is incidental to the handling and service of food. (1-16-62)

23. PLUMBING CODE.

Requirements as set out in the Southern Standard Plumbing Code, and supplements thereto was adopted February 19, 1957.

24. ELECTRICAL CODE.

Requirements as set out in the National Electric Code, and supplements thereto, and as contained in North Peninsula Electrical Resolution #2, which was adopted February 21, 1956.

25. RESTRICTIONS UPON STORAGE OF CONSTRUCTION EQUIPMENT AND MATERIAL.

SECTION 1: Any developer, builder, or contractor performing his services as such developer, builder, or contractor in the North Peninsula Zoning District may store construction equipment, material, or supplies in either a temporary or permanent building as hereinafter defined and under the conditions hereinafter set forth and in no other kind of building in said District.

SECTION 2: A temporary building as set forth in Section 1. hereof is defined to be any structure with a floor area not greater than 64 square feet and a height not exceeding 10 feet that is erected without foundation or other attachment to the earth of a permanent nature and that is erected for the storage of construction equipment, materials, and supplies in the servicing of other buildings under construction, and provided further, that any developer, builder or contractor in the process of developing a multiple building project involving three or more houses in the same plat, at the same time, and upon written request to the building inspector, exceptions may be made and permitting the area of such temporary buildings as set forth in Section 1. to be increased to 150 square feet, and providing that this exception shall in no way effect or change any other section or portion of this resolution. (11-21-61)

A permanent building as set forth in Section 1 hereof is defined to be a permanent type building designed as a garage to be used in connection with a house to be built, in the process of being built, or already built on the same or contiguous lots.

SECTION 3: A temporary building may be located on or in the immediate vicinity of the construction site for any building or buildings for which a building permit is issued by the building inspector of the North Peninsula Zoning District for a period not to exceed six (6) months subsequent to the issuance of a building permit for the building for which a building permit is issued, unless the time be extended as hereinafter set forth.

SECTION 4: A permanent building shall in all respects comply with the building regulations and zoning regulations in existence at the time the building permit therefore is applied for.

SECTION 5: A building permit shall be issued for a garage building to be used as set forth in Section 2 hereof only when a building permit for the adjoining house to be built in connection therewith is issued simultaneously and said permit shall specifically state the intended use for such purposes.

SECTION 6: No building permit except as referred to in Section 3 hereof shall be required in connection with a temporary building.

SECTION 7: No permanent building shall be used for the purposes of storing construction equipment, material, or supplies for a period exceeding one (1) year unless the time be extended as hereinafter set forth.

SECTION 8: An extension of time for a period of 90 days for the use of a temporary building in one location or permanent building as herein defined for the storage of construction equipment, material, or supplies may be obtained within the discretion of the North Peninsula Zoning Commission upon application to it in writing stating good grounds therefore, and said extension may be renewed from time to time in like manner for periods of 90 days each.

SECTION 9: Every owner of a building for the storage of construction equipment, material, and supplies in conflict herewith shall have ten (10) days from the effective date hereof to bring said building into conformity or cease the use thereof which is in violation herewith, and to remove said building from the North Peninsula Zoning District if it can not be used in conformity with any other resolution of said district applicable to the zone in which said building is located. (12-5-60)

26. ESTABLISHING A BUILDING LINE UPON ATLANTIC OCEAN SEASHORE.

SECTION 1: There is hereby established along the Atlantic Ocean Sea Shore in the North Peninsula Zoning District a building line beyond which in an Easterly direction therefrom no building or other structure may be constructed except as hereinafter provided.

SECTION 2: That for the purpose of locating said building line there is hereby established a reference line Easterly of Highway A-1-A which line is set forth by designation as "Reference Line" on the map as attached to the original resolution plats or drawings which maps, plats, or drawings are hereby made a part hereof as if set forth therein in exact description.

SECTION 3: That said building line shall be parallel to and Westerly of the said reference line a distance of 20 feet in the North Peninsula Zoning District beginning with the Southerly boundary of said District, thence running Northerly to a point of intersection with an Easterly projection of the Southerly line of Roberta Road in said District as now constituted.

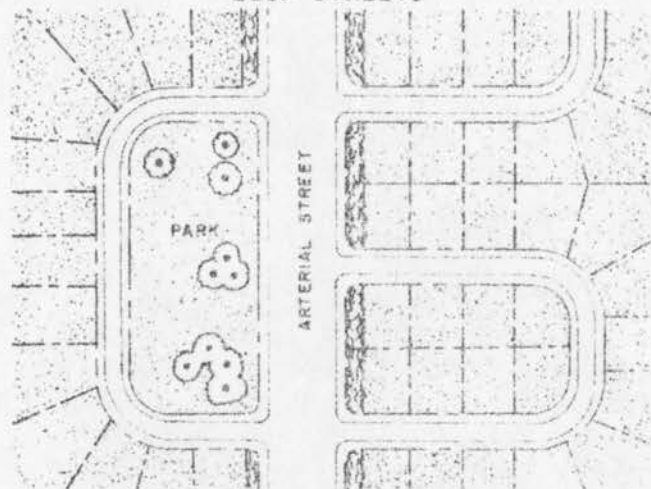
SECTION 4: Notwithstanding the foregoing provisions the following structures may be built Easterly of said building line upon application to and approval by the North Peninsula Zoning Commission but in no event shall any such structure be permitted to be built Easterly of the reference line herein established:

- a. Wooden steps without risers for pedestrian use to permit access to and from the Beach.
- b. Approachways to the Beach for pedestrian or vehicular traffic.
- c. Retaining walls.

SECTION 5: That before any of the foregoing exceptions may be considered for the granting of a building permit detailed plans shall be filed in the same office of the Commission for a period not less than fifteen (15) days continuously, prior to the meeting when same is to be considered and the person, groups of persons, or corporation seeking such building permit shall publish one time in the News-Journal a notice that said plans have been filed in the office of the North Peninsula Zoning District and that the applicant shall seek approval of said plans for a building permit at a meeting of the North Peninsula Zoning Commission not less than fifteen days after said publications. Proof of publication in accordance herewith shall be filed with the Clerk of said Commission at the office of the Commission at least one day before the meeting at which the application is to be considered. (8-18-59)

STREET DESIGNS FOR RESIDENTIAL AREAS

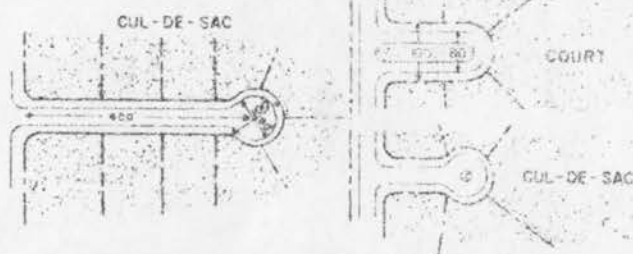
LOOP STREETS



A

LOOP STREETS PROVIDE EXCELLENT BUILDING SITES FREE OF THE HAZARDS OF THROUGH TRAFFIC. WHEN COMBINED WITH SMALL DECORATIVE PARKS HIGHLY DESIRABLE LOTS ARE OBTAINED.

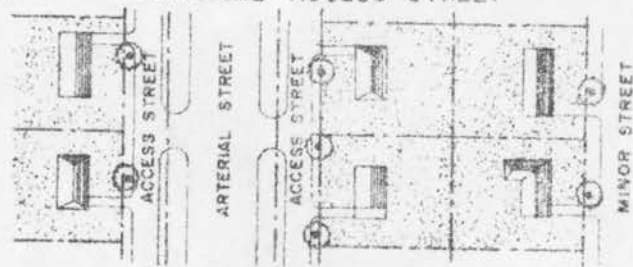
PLANNED DEAD-END STREETS



B

FOR SECLUDED LOTS FREE OF ANY UNNECESSARY TRAFFIC. AVOID CUL-DE-SACS OF EXCESSIVE LENGTHS; SHORTER LENGTHS PROVE MORE SUCCESSFUL.

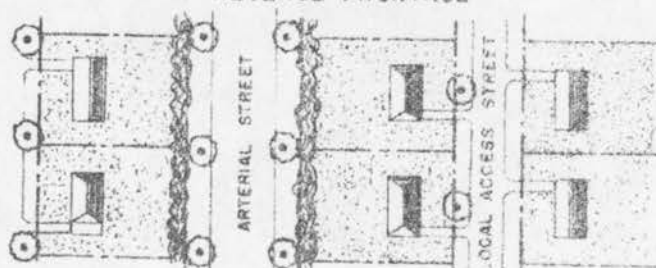
MARGINAL ACCESS STREET



C

WHERE HOMES MUST FACE MAJOR TRAFFIC ARTERIES ATTRACTIVE SITES CAN BE PROVIDED ON PRIVATE ACCESS STREETS.

REVERSE FRONTAGE



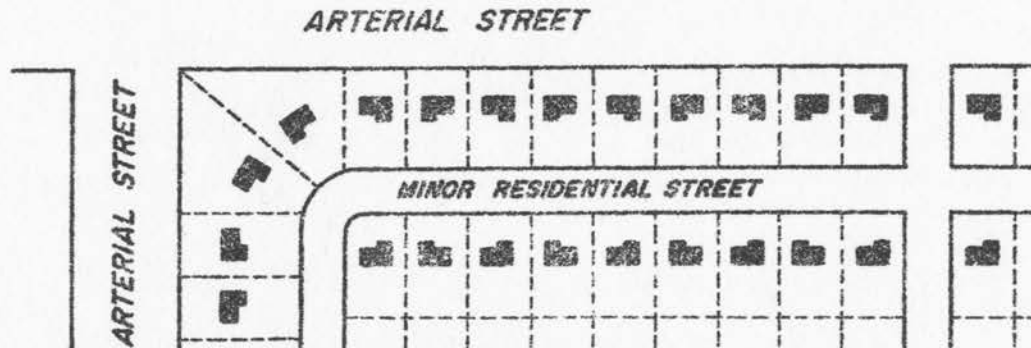
D

REVERSE FRONTAGE CREATES DESIRABLE BUILDING SITES AND ALSO PROTECTS THE MAXIMUM EFFICIENCY OF THE MAJOR TRAFFIC ARTERY.

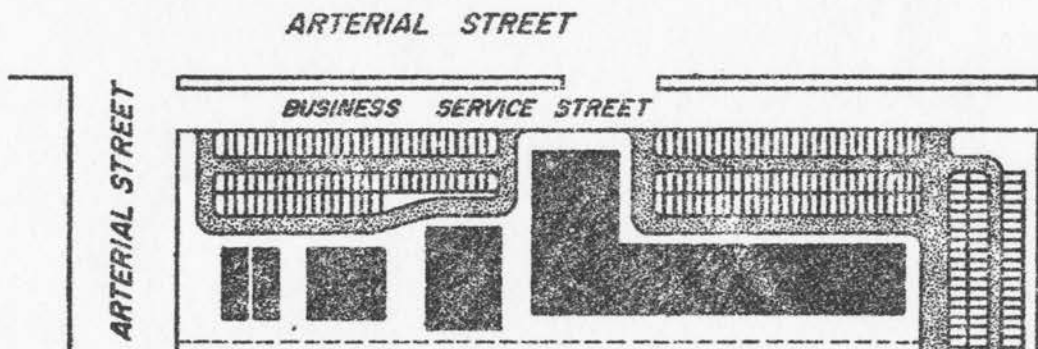
SUGGESTED TREATMENT ALONG ARTERIAL STREETS IN SUBDIVISIONS AND COMMERCIAL AREAS

EXAMPLE "A"—RESIDENTIAL AREAS WITH REVERSED FRONTAGE

HOUSES FACING ON THE MINOR RESIDENTIAL STREET

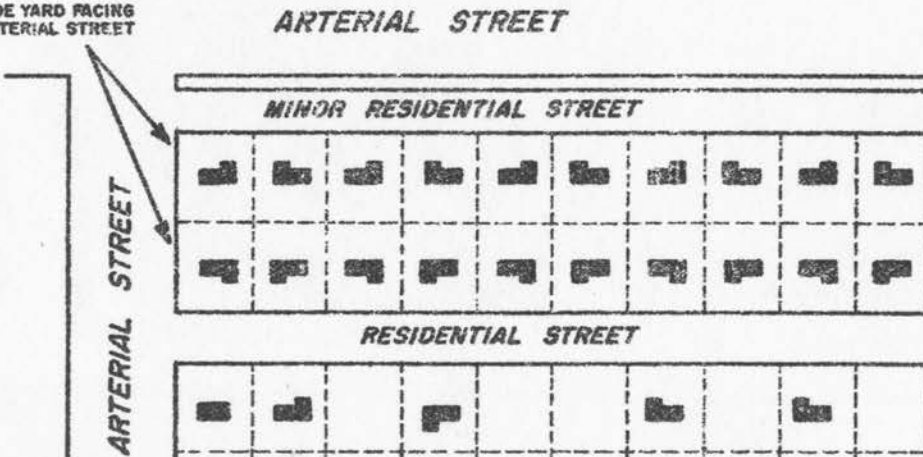


EXAMPLE "B"—COMMERCIAL AREAS WITH PARALLEL SERVICE STREET



EXAMPLE "C"—RESIDENTIAL AREAS WITH RESIDENTIAL SERVICE STREETS PARALLEL TO ARTERIAL STREETS OR INTERSECTING ARTERIAL STREETS

NOTE: SIDE YARD FACING
ARTERIAL STREET



NOTE: SIDE YARD FA.
ARTERIAL ST

