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Zoning Resolution Commissioner's District Number 3 for Volusia County, Florida

George W. Simons Jr.

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ZONING RESOLUTION

COMMISSIONER'S

DISTRICT

Number 3

VOLUSIA COUNTY

FLORIDA

1959

ZONING RESOLUTION, COMMISSIONER'S DISTRICT NUMBER 3, VOLUSIA COUNTY, FLORIDA, 1959:

WHEREAS, by provisions of Chapter 59-1955, General Laws of 1959, authority is conferred upon the Board of County Commissioners of Volusia County, Florida, to appoint Zoning Commissions in each Commissioner's District, said commissions being vested with the Authority to divide each of said Commissioner's District into Zoning Districts and to prescribe therefor 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 appointed for Commissioner's District Number 3 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 ZONING COMMISSION OF DISTRICT 3, VOLUSIA COUNTY, FLORIDA:

SECTION 1. ESTABLISHMENT OF ZONING AND AUTHORITY

In order to lessen congestion in the street, to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, to conserve the value of buildings and encourage the most appropriate use of land in that portion of Volusia County known as Commissioner's District Number 3, as delineated on the official Zoning Map, there is hereby adopted and established an official zoning plan and appropriate regulations appurtenant thereto, pursuant to the authority conferred on the Zoning Commission of Commissioner's District Number 3 of Volusia County, Florida, as contained in Chapter 59-1955 General Laws of 1959.

SECTION 2. ESTABLISHMENT OF DISTRICTS AND REGULATIONS THEREFOR

A. ESTABLISHMENT OF DISTRICTS:

In order to classify, regulate and restrict the use of land, water, buildings and structures; to regulate and restrict the height and bulk of buildings; to regulate the area of yards and other open spaces about buildings; to regulate the intensity of land use, Commissioner's District Number 3, Volusia County, Florida, is divided into seven (7) Districts, as follows:

- ✓ A — General District.
- ✓ R-1 — Single Family Dwelling District.
- ✓ R-1-A — Single Family Dwelling District.
- ✓ R-2 — Multiple Family Dwelling District.
- ✓ C-1 — General Retail Commercial District.
- ✓ C-1-A — Limited Commercial District.
- ✓ M-1 — Wholesale-Industrial District.

B. 1. The boundaries of the various Districts shall be those boundaries shown upon a map designated the "Zoning Map of Commissioner's District Number 3, Volusia County, Florida". Said map and all the notations, references and other information shown thereon shall be as much a part of this resolution as if the information set forth thereon were all fully described and set out herein.

2. In the creation of the respective districts the Zoning Commission of said District Number 3 has given due and careful consideration to the peculiar suitability of each and every district for the particular regulations applied thereto.

3. The boundaries of the district shown upon the map adopted by this resolution or amendments thereto, are hereby adopted and approved and the regulations appurtenant thereto are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown upon said map.

SECTION 3. "A" - GENERAL DISTRICT

District "A" shall comprise all of the territory of County Commissioner's District Number 3, except R-1, R-1-A, R-2, C-1, C-1-A, and M-1 as shown upon the Zoning Map of said Zoning District.

A. USES PERMITTED

Within the A General District no building, structure or land shall be used, except for one or more of the following uses:

1. General farming, horticulture, including dairying and their accessory buildings and uses.
2. Commercial raising of live stock and poultry.

3. Single Family Dwellings.
4. Motels when located on State or Federal highways.
5. Country golf clubs.
6. Churches and structures accessory thereto.
7. Schools.
8. Public recreation areas and parks owned and operated by the County.

B. 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 District Number 3 and with the public interest, the following uses may be permitted:

1. Saw mills and planing mills used for the removing and processing of timber.
2. Excavation of rock, sand and soil.
3. Drive-in theatres.
4. Trailer parks.
5. Automobile dismantling and junk yards, shall be surrounded by a solid fence six (6) feet minimum in height, provided however, that said solid fence shall at all times be of sufficient height to conceal the contents of the yard from the view of the traveling public, and shall have a twenty five (25) foot set back from the front line, within which no vehicle, junk or other merchandise shall be displayed.

C. BUILDING HEIGHT REGULATIONS

No building or structure shall exceed two and one-half stories or thirty-five feet in height, except silos, granaries, windmills, barns and other structures incidental to the operation of a farm or other agricultural enterprise, and radios and televisions towers, may exceed the above height limits.

BUILDING SITE AREA AND YARD REGULATIONS

When any lands in the A General District are sub-divided into building lots subsequent to the adoption of this resolution, the following area and yard regulations shall be observed.

1. LOT AREA PER FAMILY

Each single family dwelling shall be located on a lot or parcel of land having an area of not less than seven thousand five hundred (7500) square feet having a minimum width of seventy (70) feet, measured at the building line.

2. FRONT, REAR AND SIDE YARDS:

The following minimum front, rear and side yards shall be provided, measured from the front, rear and side walls

of the main structure to the road or street right-of-way line, rear and side lines of the lot or parcel of land, respectively.

(a) Front yard, Thirty (30) feet.

(b) Rear yard, Thirty (30) feet.

(c) Side yards, Ten (10) feet on each side of the main structure.

Provided, however, nothing herein contained shall repeal any set back or building line heretofore established by this Commission or the County Commission of Volusia County, Florida, with respect to any particular State or County Road.

E. OFF STREET PARKING REGULATIONS

See Section 12.

F. EXCEPTIONS:

Applications for uses not consistent with the foregoing shall be evaluated and determined by the Zoning Commission following an advertised public hearing thereon.

SECTION 4. R-1 and R-1-A SINGLE FAMILY DWELLING DISTRICTS

A. USES PERMITTED

Within any R-1 and R-1-A Single Family Dwelling District, no building, 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.

2. Churches.

3. Schools.

4. Parks and playgrounds.

B. 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 Zoning District Number 3, and Zoning District R-1 ~~and R-1-A~~ and with the public interest, the following uses may be permitted.

1. Home occupations, limited to the confines of the main dwelling.

2. Greenhouses.

C. BUILDING HEIGHT REGULATIONS:

No building or structure shall exceed two stories in height.

D. BUILDING SITE AREA REGULATIONS:

Each single family dwelling shall be located on a lot or parcel of land having an area of not less than six thousand (6000) square feet in the R-1 Single Family Dwelling Dis-

tract, and seven thousand five hundred (7500) square feet in the R-1-A single family dwelling district and said lots or parcels of land shall have minimum widths of Sixty (60) and Seventy (70) feet respectively measured at the building line.

E. 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, rear and side lines of lot or parcel of land respectively.

(a) Front yard Twenty five (25) feet.

(b) Rear yard, Thirty (30) feet.

(c) Side yards Seven and one half ($7\frac{1}{2}$) feet on each side of the structure.

Provided, however, nothing herein contained shall repeal any set back or building heretofore established by this Commission or the County Commission of Volusia County, Florida, with respect to any particular State or County Road.

F. OFF STREET PARKING REGULATIONS:

See Section 12.

G. EXCEPTIONS

Lots or parcels of land which were of record prior to the date of adoption of this resolution but do not conform to the minimum requirements of area and width as herein prescribed, can be used for single family dwelling, however, no side yards of less than Five (5) feet in width shall be provided.

SECTION 5. R-2 MULTIPLE FAMILY DWELLING DISTRICT:

A. USES PERMITTED:

Within the R-2 Multiple Family Dwelling District, no building, structure or land shall be used except for one or more of the following uses.

1. Any use permitted in the R-1 Single Family Dwelling District.

2. Multiple family dwellings. *including duplexes*

3. Accessory uses customarily incidental to the respective dwelling uses.

4. Boarding and Rooming Houses.

5. Kindergartens, day nurseries.

6. Convalescent or nursing homes.

7. Home occupations, limited to the confines of the main dwelling.

8. Hospitals, but not including animal hospitals.

9. Cooperative apartments

B. BUILDING HEIGHT REGULATIONS:

1. For single family dwellings, same as for the R-1 Single Family Dwelling District.
2. For multiple family dwellings, the height shall not exceed three (3) stories.

C. BUILDING SITE AREA REGULATIONS:

- ~~A~~ 1. For single family dwellings, same as for the R-1 Single Family Dwelling District.
2. For a two family dwelling, the area of the lot or parcel of land shall not be less than seven thousand five hundred (7500) square feet and have a minimum width of seventy (70) feet.
 3. For structures in excess of two (2) dwelling units, one thousand (1000) square feet of additional lot area shall be provided for each dwelling unit added in excess of two.

D. FRONT, REAR AND SIDE YARD REGULATIONS:

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

- (a) Front Yard, twenty five (25) feet.
- (b) Rear Yard, thirty five (35) feet.
- (c) Side Yard, ten (10) feet on each side of main structure.

Provided, however nothing herein contained shall repeal any set back or building line heretofore established by this Commission or the County Commission of Volusia County, Florida, with respect to any particular State or County Road.

E. OFF STREET PARKING REGULATIONS:

See Section 12.

F. EXCEPTIONS:

Lots or parcels of land which were of record prior to the date of adoption of this resolution but do not conform to the minimum requirements of area and width as herein prescribed can be used for single family dwelling, however no side yards of less than five (5) feet in width shall be provided.

SECTION 6. C-1 GENERAL COMMERCIAL DISTRICT:

A. USES PERMITTED

Within the C-1 General Commercial District, no building, structure or land shall be used except for one or more of the following uses.

1. Any use permitted in the C-1-A Limited Commercial District.

2. Any retail business, *or personal service establishment*

3. Automobile sales room with incidental repairs including mechanical and storage garage.

4. Second Hand car lot.

5. Drive-in restaurant and refreshment enterprises.

6. No industrial operation, material or equipment storage will be permitted in this District.

B. BUILDING HEIGHT REGULATIONS

No building or structure shall exceed two (2) stories in height.

C. BUILDING SITE AREA AND YARD REGULATIONS:

1. For dwellings, same as for the R-2 District.

2. For commercial structures a front yard of thirty (30) feet shall be required measured from the Right-of-way line to the wall of the main structure. For structures located at intersections, a side yard of fifteen (15) feet shall be provided on the intersecting street; provided, however, nothing herein contained shall repeal any set back or building line heretofore established by this Commission or the County Commission of Volusia County, Florida, with respect to any particular State or County Road.

D. OFF STREET PARKING:

See Section 12.

SECTION 7. C-1-A LIMITED COMMERCIAL DISTRICT

A. USES PERMITTED:

Within the C-1-A Limited Commercial District, no building, structure or land shall be used except for one or more of the following uses.

1. Any use permitted in the R-2 Multiple Family Dwelling District, ~~except schools and churches.~~

2. Motels, Hotels, Apartment Hotels.

3. Restaurants.

4. Filling stations with their incidental operations but not including major mechanical repairs, welding or body rebuilding.

5. Retail specialty shops, ~~personal service establishments,~~ Professional and Sales offices.

B. 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 District Number 3 and Zoning District C-1-A, and with the public interest, the following uses may be permitted.

1. Trailer Courts, equipped to meet the requirements of the State Board of Health as to water and sanitary facilities and providing at least two thousand four hundred (2400) square feet of site per trailer and a minimum of twelve (12) Trailer sites.

C. BUILDING HEIGHT REGULATIONS:

No building or structure shall exceed two (2) stories in height.

D. BUILDING SITE AREA REGULATIONS:

1. For dwellings, the same as required in the R-1 and R-2 Districts.

2. For commercial structures there is no specific area requirement.

E. FRONT, REAR AND SIDE YARD REGULATIONS:

1. For dwellings, the same as required in the R-1 and R-2 Districts.

2. For commercial structures a front yard of thirty (30) feet shall be required measured from the right-of-way line to the wall of the main structure. For structures located at intersections, a side yard of fifteen (15) feet shall be provided on the intersecting street; ~~provided, however,~~ nothing herein contained shall repeal any set back or building line heretofore established by this commission or the County Commission of Volusia County, Florida, with respect to any particular State or County Road.

F. OFF STREET PARKING REGULATIONS:

See Section 12.

SECTION 8. M-1 WHOLESALE-INDUSTRIAL DISTRICT:

A. USES PERMITTED

Within the M-1 Wholesale-Industrial District no building, structure or land shall be used except for one or more of the following uses.

1. Any use permitted in the C-~~2~~ General Commercial District except dwellings.

2. Contractor's storage yards.

3. Lumber and building material storage and sales.

4. Wholesale distribution warehouses.

5. Any industrial operation that is not deleterious to health by reason of the emission of fumes, dust, noise or vibration.

6. Nothing herein contained shall prevent the owner of the businesses herein authorized, or his employees, from living on such business premises; provided said quarters used for dwelling purposes shall comply with the requirements of R-2.

animals, vegetation, or any other form of property,

B. 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 District Number 3, and Zoning District M-1 and with the public interest, the following uses may be permitted.

1. Junk yards, which shall be surrounded by a solid fence six (6) feet minimum in height, provided however, that said solid fence shall at all times be of sufficient height to conceal the contents of the yard from the view of the traveling public, and shall have a twenty five (25) foot set back from the front lot line, within which no vehicle, junk or other merchandise shall be displayed.

2. Bulk plants for the storage of petroleum products not in excess of 50,000 gallons.

C. BUILDING HEIGHT, AREA AND YARD REGULATIONS:

None; provided, however, nothing herein contained shall repeal any set back or building line heretofore established by this Commission or the County Commission of Volusia County, Florida, with respect to any particular State or County Road.

D. OFF STREET PARKING REGULATIONS:

See Section 12.

SECTION 9. GENERAL PROVISIONS AND EXCEPTIONS:

1. All plats for the Subdivision of land shall be submitted to the Zoning Commission for examination and approval before being presented to the Board of County Commissioners for examination and recording, for the purpose of coordinating the design and intended use of the land to the zoning map adopted by this resolution or any amendment thereto.

2. Chimneys, church steeples, flag poles, ornamental towers, water towers, radio or television antennae may be erected above the highest limits established in this resolution.

3. Schools, Churches and other public structures may exceed the height limits herein established.

4. No fence, sign, trees or shrubs or other obstructions to vision shall be erected or maintained fifteen (15) feet from any corner property line at any street intersection.

5. House Trailers shall not be permitted in the area except in planned and approved Trailer Parks.

House Trailers not located within planned and approved Trailer Parks, shall be removed to such sites, except that a special revocable permit may be granted after a public Hearing for the use of a Trailer for a limited period.

House Trailers must be placed at rear of lot with a minimum set back from the front lot line of fifty (50) feet and a minimum of six (6) feet on the other three (3) sides.

All House Trailers shall have septic tanks and comply with the rules and regulations as prescribed by the State Board of Health.

6. Public utility structures such as Transformer Stations, Substations, Water Towers, and Pumping Plants shall observe the minimum yard provisions of the district in which they are located and further to be surrounded by a fence and screening or shrubs.

7. In a block between street intersections where a front yard line has been established that line shall govern, provided however, nothing herein contained shall repeal any set back or building line heretofore established by this Commission or the County Commission of Volusia County, Florida with respect to any particular State or County Road.

8. No package Alcoholic Beverages shall be sold for consumption on the premises within twenty five hundred (2500) feet of any Church, Temple, School or Residence.

9. Petitions, for or against any change in Zoning must contain both the name and address of the petitioner. Petitions shall contain only the names of those living within a radius of not more than two thousand (2000) feet from the property involved, except in situations as shall be decided by the Zoning Commission.

10. Signs, advertising property for sale shall not be larger than eight (8) square feet.

All applications for the placing of Bill Boards in the area must be approved by the Zoning Commission.

11. All Districts except Dist. A & M-1 shall require a floor space of 600 Sq. Ft. for 1 bedroom and 700 Sq. Ft. for 2 Bed Room Homes.

Homes in excess of 2 bedrooms shall add 100 Sq. Ft. of Floor Space for each additional Bed Room.

12. No building of any nature shall be moved into the area without the approval of the Zoning Commission and the securing of a permit from the Building Inspector.

SECTION 10. NON-CONFORMING USES:

The lawful use of any building structure or land existing at the time of the adoption of this resolution, except house trailers not located within land in approved trailer courts, may be continued although such use does not conform with the provisions of this Resolution; provided the following conditions are met.

1. UNSAFE STRUCTURES OR BUILDINGS:

Any structures or buildings or portion thereof declared unsafe may be restored to a safe condition.

2. CONSTRUCTION STARTED PRIOR TO RESOLUTION:

Nothing herein shall require any change in plans, construction or designated use of a building or structure, the construction of which has started prior to the adoption of this resolution; provided such construction is in conformity with the prior zoning and set back regulations of the Zoning Commission of County Commissioner's District Number 3.

3. ALTERATIONS:

A non conforming building may be maintained and repairs and alterations may be made, except that in a building which is non-conforming as to use regulations, no structural alterations shall be made except those required by law. Repairs as plumbing or the changing of partitions or other interior alterations are permitted.

4. EXTENSION:

Buildings or structures or uses of land which are non-conforming shall not be extended or enlarged.

5. NON-CONFORMING USE OF LAND:

When a non-conforming use of land has been discontinued its future use shall revert to the uses permitted in the district in which said land is located.

6. CHANGE TO ANOTHER USE:

A non-conforming use now existing may be changed to another non-conforming use of equal or improved character when approved by the Zoning Commission.

7. RESTORATION:

A non-conforming building or structure which is hereafter damaged or destroyed to the extent of seventy five (75) per cent or more of its assessed value, by flood, fire, explosion, earthquake, war, riot or act of God may not be reconstructed or restored for use except in compliance with the regulations of this resolution.

8. ABANDONMENT:

A non-conforming use of land or of a building which has been vacated or abandoned shall not thereafter be occupied by any non-conforming use.

SECTION 11. DEFINITIONS

This resolution shall be known as the "Official Zoning Resolution of Commissioner's District Number 3, Volusia County, Florida" and for the purpose of this resolution certain words are defined as follows:

All words used in the present tense include the future; all words in the single number include the plural and the plural the singular; the word "building" includes the word

"structure" the word "shall" is mandatory and the word "Person" includes a firm, corporation or other corporate entity as well as a natural person. The word "map" shall mean the "Official Zoning Map of Commissioner's District Number 3, Volusia County, Florida", as described herein. The word "used" shall be deemed to include the words "Arranged", "Designed" or "intended to be used", and the word, "occupied" shall be deemed to include the words "arranged", "Designed" or "intended to be occupied".

1. A dwelling is any building or structure designed exclusively for residential occupancy. It shall be deemed and construed to include both the main portion of such structure and all projections therefrom, such as Bay, bow or oriel windows, exterior chimneys, covered porches or breezeways, including any garages incorporated in or forming a part thereof, but shall not include the eaves of such structures, nor any uncovered porch, stoop, or steps, or balustrades, the sides of which do not extend more than three (3) feet above the level of the ground floor of said building.

2. A dwelling may be designed for one, two or multiple family occupancy but not including hotels, clubs, motels, boarding or lodging houses or house trailers.

3. A lot or tract is a parcel of land occupied or to be occupied by one main building and its accessory buildings with such open and parking spaces as are required by the provisions of this resolution.

4. A lot or tract of record is a part of the land subdivision, the map of which has been recorded in the office of the Clerk of the Court of Volusia County, Florida.

5. A street or road is any public or private thoroughfare which affords the principal means of access to abutting property. It may be designated on the map as a street, avenue, boulevard, drive, place, court, road, terrace, way, circle, lane, walk, path or otherwise.

6. An accessory use is a use customarily incident and accessory to the principal use of land or building located on the same lot.

7. A yard is the open space on the same lot or tract with the main building, unoccupied and unobstructed from the ground upward. A front yard is that area between the front wall or line of the building and the front line of the lot and extending from one side yard to the other. A side yard is that area between the side wall of the building and the side line of the lot, and a rear yard is that area extending from one side yard to the other lying between the rear line of the building and the rear lot line.

8. A motel is a group of two or more attached, detached or semi-detached buildings containing guest rooms or apartments with automobile storage or parking space provided in connection therewith, used primarily by automobile transients.

9. A personal service establishment is any business that serves primarily the needs of people as opposed to the purchasing of a commodity in a retail establishment. Among such establishments are banks, barber shops, beauticians, mortuaries, professional and other offices, theatres and laundromats.

SECTION 12. OFF STREET PARKING REGULATIONS

1. Dwellings, at least one parking space of at least two hundred (200) square feet shall be provided exclusive of the driveway connecting the parking space with the street.

2. Churches, there shall be provided one off street parking space of at least two hundred (200) square feet for each eight (8) people, accommodated within the church auditorium.

3. Hotels, one space for three (3) bedrooms plus one additional space for each five (5) employees.

4. Hotel apartments, one space for each dwelling unit.

5. Motels, one space for each guest bedroom plus one space for the resident manager or owner.

6. Restaurants, one space for each seventy five (75) square feet of floor area devoted to patron use, plus one space for each four (4) employees.

7. General business, commercial or personal service establishments, one space for each five hundred (500) square feet of non-storage floor area.

8. Medical or dental offices or clinics, six (6) spaces for each doctor or dentist.

9. Offices, one space for each four hundred (400) square feet of floor area uses for office purposes.

10. Theatres, auditoriums, one space for each four (4) seats.

SECTION 13. INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provisions of this resolution they shall be construed as the minimum requirements for the promotion of the public safety, health, morals and general welfare. It is not the intention of this resolution to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this resolution imposes a greater restriction upon the use of buildings or land or requires

larger space than is imposed or required by other resolutions, rules or regulations, or by easements, covenants or agreements, the provisions of this resolution shall govern.

SECTION 14. VALIDITY:

Should any section, clause or provision of this resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the resolution as a whole or any part thereof other than the part so declared invalid, each section, clause and provision hereof being declared severable.

SECTION 15. AMENDMENTS:

The Zoning Commission may from time to time, on its own motion or on petition, after a public hearing of which at least fifteen (15) days notice has been given in a newspaper of general circulation, amend, supplement or change, modify or repeal the boundaries or regulations herein or subsequently established. Before any action shall be taken, however, the party or parties proposing or recommending a change in the regulations or district boundaries or classification, shall deposit with the Zoning Commission the sum of twenty (20) dollars to cover the approximate cost of the procedure.

SECTION 16. EFFECTIVE DATE:

That this resolution shall take effect immediately upon its adoption.

ADOPTED on the 14th day of October, A. D., 1959.
ZONING COMMISSION OF COUNTY COMMISSIONER'S
DISTRICT 3, OF VOLUSIA COUNTY, FLORIDA

BY:

JOHN K. LARSON
Chairman

MICHAEL G. MOSAK
WILLIAM C. FAIR
FRANK J. WETSEL
SIDNEY J. MEYER

ATTEST:

MICHAEL G. MOSAK
Secretary

