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Official Zoning Resolution County Commissioners Zoning District No. 5 for Volusia County, Florida

George W. Simons Jr.

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OFFICIAL ZONING RESOLUTION
COUNTY COMMISSIONERS ZONING DISTRICT No. 5
VOLUSIA COUNTY, FLORIDA

MR. H. M. SAXON — COMMISSIONER

ZONING COMMISSION

JOHN A. BORNMANN — Chairman

DARWIN BRUCE

EDWARD HEALY

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JOHN E. CHISHOLM — Attorney

RUTH E. TREADWELL — Secretary

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JACKSONVILLE, FLORIDA

OFFICIAL ZONING RESOLUTION
COUNTY COMMISSIONERS DISTRICT #5

VOLUSIA COUNTY, FLORIDA

1964

WHEREAS, by provisions of Chapter 59-1955, Laws of Florida, Acts of 1959, as amended by Chapter 63-2026 Laws of Florida, Acts of 1963, 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 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 setback 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 County Commissioner's District Number 5 has made comprehensive study of existing land uses and prepared a Zoning Map with appropriate regulations appurtenant thereto to be enforced in said District as it existed on July 10, 1963, the effective date of Chapter 63-2026, Laws of Florida, Acts of 1963, and has held a public hearing thereon, after public notice, at which the persons, firms, or corporations interested in 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 5, VOLUSIA COUNTY, FLORIDA:

SECTION 1.

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 County Commissioner's District Number 5, 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 5 of Volusia County, Florida, as contained in Chapter 59-1955, Acts of 1959; as amended by Chapter 63 - 2026, Laws of Florida, Acts of 1963.

SECTION 2. DEFINITIONS

This Resolution shall be known as the "Official Zoning Resolution of County Commissioner's District Number 5, 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 5, Volusia County, Florida", and all supplementary maps attached thereto and made apart thereof, 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".

ACCESSORY USE OR BUILDING. A subordinate use or building customarily incident to and located upon the same lot occupied by the main use or building.

ALLEY. A roadway dedicated to public use which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

APARTMENT HOUSE. See Multiple Family Dwelling.

BOARDING (LODGING) HOUSE. A building other than a hotel, where lodging or meals or both are served for compensation.

BUILDING. A structure having a roof supported by columns or walls.

BUILDING, HEIGHT OF. The vertical distance from the mean finished grade to the highest point of the main building. The height of a wall is the vertical distance from the grade to the mean level of the top of the wall, including any dormers or gables on the wall.

CLINIC. A clinic is an establishment where patients, who are not lodged over night, are admitted for examination and treatment by one person or a 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.

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.

DWELLING. A building or portion thereof designed exclusively for residential occupancy, including one, two and multiple family dwellings, but not including hotels, boarding, lodging houses or house trailers whether such trailers are mobile or located in a stationary fashion as when on blocks or other foundation.

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

DWELLING, TWO FAMILY. A building designed for or occupied exclusively by two families.

DWELLING, MULTIPLE. A building designed for or occupied exclusively by three or more families.

FAMILY. Any number of related individuals living together as a single house-keeping unit.

FILLING (SERVICE) STATION. Any building, structure or land used for the 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.

GARAGE APARTMENT. An accessory building with storage capacity for not less than two automobiles, the second floor of which is designed as a residence for not more than one family.

GUEST HOUSE (TOURIST HOME). Any dwelling in which rooms are rented for guests or for lodging of transients and travelers for compensation and so advertised to the public.

HOME OCCUPATION. Any occupation in connection with which there is kept no stock in trade nor commodity sold upon the premises, no person employed other than the member of the immediate family residing upon the premises and no mechanical equipment used except such as is permissible for purely domestic or household purposes; and in connection with which there is used no sign other than an unlighted name plate not more than one square foot in area, nor display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling.

HOTEL. A building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, 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; such sleeping accommodation and dining rooms, restaurants or cafes, if existing, being conducted in the same building or accessory buildings in connection therewith.

JUNK YARD. An open area where waste, used or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, cloths, paper, rags, plumbing fixtures, rubber tires and bottles. A junk yard includes an automobile wrecking yard.

LAUNDRY, SELF-SERVICE (LAUNDROMAT). A business rendering a retail service by renting to the individual customer equipment for the washing, drying and otherwise processing laundry, with such equipment to be serviced and its use and operation supervised by the management.

LOT. 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 ordinance and having its principal frontage upon a street.

LOT, CORNER. A lot abutting upon two or more streets at their intersection.

LOT OF RECORD. A lot which is a part of a subdivision, the map of which has been recorded in the office of the Clerk of the Circuit Court of Volusia County, Florida.

LOT DEPTH. The depth of the lot is the distance measured in a mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite rear line of the lot.

LOT SUBSTANDARD. Any recorded lot that does not conform in area or width to the minimum requirements of this Resolution.

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

MOTEL, TOURIST COURT, MOTOR LODGE. A group of attached or detached buildings containing individual sleeping units, with automobile storage or parking space provided in connection therewith, designed for use primarily by automobile transients.

NON-CONFORMING USE. A building or land occupied by a use that does not conform with the regulations of the district in which it is located.

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 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.

PARKING LOT. An area or plot of land used for the storage or parking of vehicles.

SIGN, ADVERTISING. Any structure or part thereof on which lettered or pictorial matter is displayed for advertising or notice purposes.

STREET. A public thoroughfare which affords principal means of access to abutting property.

STREET LINE. The line between the street and abutting property.

STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the land and shall include swimming pools, tents, lunch wagons, diners, cap cars or trailers on wheels or other supports, intended for business use or as living quarters.

STRUCTURAL ALTERATIONS. Any change, except for repairs or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists or roof joists.

SUBDIVISION. The division of a parcel of land into two or more lots or parcels, either by plat into lots and blocks or by metes and bounds, for the purpose of transfer of ownership or development, or, if a new street is involved, any division of a parcel of land.

TRAILER OR MOBILE HOME. Any unit used for business purposes as an office, or for living and sleeping purposes and which is equipped with wheels or similar devices used for the purpose of transporting said unit from place to place, whether by motive power or other means.

TRAILER PARK. A duly licensed camp, park or other area established to carry on the business of parking or otherwise servicing trailers. The site plan and all sanitary facilities of a trailer park must conform to the requirements of the State and County health authorities. A trailer Park is designed primarily for transient or temporary residents who rent rather than own space.

MOBILE HOME SUBDIVISION. A subdivision of land recorded in the office of the Clerk of the Circuit Court of Volusia County, Florida, designed solely for the parking of mobile homes, the lots of which are sold for individual ownership and which provides dedicated streets, sewers, drainage, parks and other public use areas and facilities.

USED CAR LOT. A lot or group of contiguous lots, used only for the storage, display and sales of used automobiles.

YARD. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

YARD, FRONT. A yard across the full width of the lot, extending from the front line of the building to the front line of the lot, excluding steps.

YARD, REAR. A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

YARD, SIDE. An open unoccupied space on the same lot with the main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

SECTION 3. EXCEPT AS HEREINAFTER PROVIDED

1. No building shall be erected, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all the district regulations established by this ordinance for the district in which the building or land is located.

2. No building shall be erected, reconstructed or structurally altered, to exceed the height or bulk limits herein established for the district in which such building is located.

3. The minimum yards and other open spaces, including the intensity of use provisions contained in this ordinance for each and every building existing at the time of the passage of this ordinance or for any building hereafter erected or structurally altered, shall not be encroached upon or considered as yard or open space requirements or intensity of use requirements for any other building.

4. Every building hereafter erected shall be located on a lot, and in no case shall there be more than one main building and the customary accessory buildings on one lot.

5. The uses of all buildings and property publicly owned and engaged in the performance of a public function may be permitted in any district provided however, that such use is not obnoxious or detrimental to the health or welfare of the area, and specifically excluded as provided in the following sections.

SECTION 4. 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 5, Volusia County, Florida, is divided into eight (8) Districts, as follows:

A-1	General Agricultural Districts.
R-1	Single Family Dwelling District.
R-1-A	Single Family Dwelling District.
R-1-AA	Single Family Estate Dwelling District.
R-2	Multiple Family Dwelling District.
R-3	Mobile Home Dwelling District.
C-1	General Retail Commercial District.
C-1-A	Limited Commercial District.
C-2	General Commercial District.
M-1	Wholesale - Industrial District.

B. DISTRICT BOUNDARIES:

1. The boundaries of the various Districts shall be those boundaries shown upon a map designated the "Zoning Map of Commissioner's District Number 5, 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 5 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.

Where uncertainty exists as to boundaries of any district shown on said map, the following rules shall apply:

1. Where such district boundaries are indicated as approximately following section or quarter section lines, street lines, alley lines or lot lines, such lines shall be construed to be such boundaries.

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

3. Where a district boundary divides the area of a lot unequally, the district classification and regulations of the larger portion shall apply to the remaining smaller portion of the lot.

4. Where any public street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

5. In case any further uncertainty exists, the Zoning Commission shall interpret the intent of the map as to location of such boundaries.

SECTION 5. "A-1" GENERAL AGRICULTURAL DISTRICT

District "A-1" shall comprise all of the territory of County Commissioner's District Number 5, except those areas shown upon the Zoning Map of said Zoning District as R-1-AA, R-1-A, R-1, R-2, R-3, C-1, C-1-A, C-2 or M-1.

A. USES PERMITTED:

Within the "A-1" General Agricultural District no building, structure or land shall be used, except for one or more of the following uses:

1. General farming, timber, horticulture, including dairying and their accessory buildings and uses.
2. Commercial raising of live stock and poultry.
3. Single Family Dwellings -- bunkhouses when located on cattle ranches or farms.
4. Country (golf) clubs.
5. Churches and structures accessory thereto.
6. Schools.
7. 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 5 and with the public interest, the following uses may be permitted:

1. Commercial saw mills and planing mills used for the removing and processing of timber.

2. Commercial excavation of rock, sand and soil.

3. Drive-in Theatres.

4. Mobile Home subdivisions conforming to the provisions as set forth in the R-3 Mobile Home District.

5. Mobile Home parking on individually owned sites meeting the following requirements:

- (a) Area of site to be a minimum of twenty thousand (20,000) square feet with a minimum frontage of one hundred (100) feet to accommodate one (1) Mobile Home.
- (b) No Mobile Home shall be located within twenty-five hundred (2500) feet from a recorded subdivision, including assessor's subdivision.
- (c) Sanitary facilities, water supply, and electrical power supply must meet all the requirements of the building code and State Board of Health.
- (d) Buildings such as Florida Rooms, Utility Structures, Car Portes, and Garages, meeting County Codes and required setbacks may be allowed, with the provisions that plumbing fixtures and electrical connections associated with cooking facilities are not allowed in any buildings.
- (e) Minimum yard requirements in all directions to be not less than thirty (30) feet.
- (f) The number of occupants of the Mobile Home and its appurtenant or accessory structures, shall be limited to the sleeping accommodations for which the trailer was designed.

6. 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 five hundred (500) 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 (2½) stories or thirty-five (35) feet in height, except silos, granaries, windmills, barns and other structures incidental to the operation of a farm or other agricultural enterprise, and radio and television towers may exceed the above height limits.

D. BUILDING SITE AREA AND YARD REGULATIONS:

When any lands in the "A-1" General Agricultural District are sub-divided into building lots subsequent to the adoption of this Resolution, the following area and yard site area regulations shall be observed:

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 having a minimum width of one hundred (100) feet, measured at the building line.

E. 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:

1. Front yard, thirty (30) feet.
2. Rear yard, thirty (30) feet.
3. Side yards, ten (10) feet on each side of the main structure.

Provided, however, nothing herein contained shall repeal any setback 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. MINIMUM FLOOR AREA REQUIRED:

The minimum required first floor area of a dwelling, exclusive of attached roofed-over porches, carports, terraces, patios and attached garages shall be seven hundred fifty (750) square feet.

G. OFF-STREET PARKING REGULATIONS:

See Section 15.

H. LOT COVERAGE:

Forty percent (40%) of the lot area is the maximum that may be covered by the principal and accessory buildings located thereon. Swimming pools are excepted from this provision.

I. GENERAL PROVISIONS AND EXCEPTIONS:

See Section 16.

SECTION 6. R-1-AA SINGLE FAMILY ESTATE DWELLING DISTRICT

A. USES PERMITTED:

Within any R-1-AA Single Family Dwelling District, no building, structure, land, or water shall be used except for one or more of the following uses:

1. Single Family Dwellings and their customary accessory uses, when located on the same lot as the principal use.
2. Parks and playgrounds owned and operated by the City, County, State or Federal Government.

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 5, and Zoning District R-1-AA and with the public interest, the following uses may be permitted.

1. County owned or operated recreation and community buildings.
2. Churches and their accessory educational and recreational buildings and playgrounds.
3. Utility structures and substations including telephone exchanges.
4. Elementary, Junior, Senior High, Nursery and Kindergarten schools.
5. Golf Courses and Country Clubs.
6. Greenhouses, but not to include Commercial growing of plants.

C. BUILDING HEIGHT REGULATIONS:

No building or structure shall exceed two (2) stories or thirty-five (35) feet 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 twenty thousand (20,000) square feet and said lots or parcels of land shall have minimum widths of one hundred fifty (150) 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:

1. Front yard, thirty (30) feet.
2. Rear yard, thirty (30) feet.
3. Side yards, fifteen (15) feet on each side of the structure.

Provided, however, nothing herein contained shall repeal any setback 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. MINIMUM FLOOR AREA REQUIREMENT:

The minimum required first floor area of a Dwelling Unit exclusive of attached roofed-over porches, carports, terraces, patios and attached garages shall be one thousand-five hundred (1,500) square feet of living area.

G. OFF-STREET PARKING REGULATIONS:

See Section 15.

H. LOT COVERAGE:

Forty percent (40%) of the lot area is the maximum that may be covered by the principal and accessory buildings located thereon. Swimming pools are excepted from this provision.

I. GENERAL PROVISIONS AND EXCEPTIONS:

See Section 16.

SECTION 7. R-1-A SINGLE FAMILY DWELLING DISTRICT

A. USES PERMITTED:

With any R-1-A Single Family Dwelling District, no building, structure, land, or water shall be used except for one or more of the following uses:

1. Single Family Dwellings and their customary accessory uses, when located on the same lot as the principal use.
2. Parks and playgrounds owned and operated by the City, County, State or Federal Government.

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 5, and Zoning District R-1-A and with the public interest, the following uses may be permitted.

1. County owned or operated recreation and community buildings.
2. Churches and their accessory educational and recreational buildings and playgrounds.
3. Utility structures and substations including telephone exchanges.
4. Elementary, Junior, Senior High, Nursery and Kindergarten schools.
5. Golf Courses and Country Clubs.
6. Greenhouses, but not to include Commercial growing of plants.

C. BUILDING HEIGHT REGULATIONS:

No building or structure shall exceed two (2) stories or thirty-five (35) feet 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 ten thousand (10,000) square feet and said lots or parcels of land shall have minimum widths of one hundred (100) 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:

1. Front yard, twenty-five (25) feet.
2. Rear yard, thirty (30) feet.
3. Side yards, ten (10) feet on each side of the structure.

Provided, however, nothing herein contained shall repeal any setback 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. MINIMUM FLOOR AREA REQUIREMENT:

The minimum required first floor area of a Dwelling Unit exclusive of attached roofed-over porches, carports, terraces, patios and attached garages shall be one thousand (1,000) square feet of living area.

G. OFF-STREET PARKING REGULATIONS:

See Section 15.

H. LOT COVERAGE:

Forty percent (40%) of the lot area is the maximum that may be covered by the principal and accessory buildings located thereon. Swimming pools are excepted from this provision.

I. GENERAL PROVISIONS AND EXCEPTIONS:

See Section 16.

SECTION 8. R-1 SINGLE FAMILY DWELLING

A. USES PERMITTED:

Within any R-1 Single Family Dwelling District, no building, structure, land, or water shall be used except for one or more of the following uses:

1. Single Family Dwellings and their customary accessory uses, when located on the same lot as the principal use.

2. Parks and playgrounds when owned and operated by the City, County, State or Federal Government.

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 5, and Zoning District R-1 and with the public interest, the following uses may be permitted:

1. City owned operated recreation and community buildings and libraries.
2. Churches and their accessory educational and recreational buildings and playgrounds.
3. Utility structures and substations including telephone exchanges.
4. Elementary, Junior and Senior High schools.
5. Nursery schools and kindergartens.
6. Greenhouses, but not to include Commercial growing of plants.

C. BUILDING HEIGHT REGULATIONS:

No building or structure shall exceed two (2) stories or thirty-five (35) feet 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 seven thousand five hundred (7,500) square feet and said lots or parcels of land shall have minimum widths of seventy-five (75) 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.

1. Front yard, twenty-five (25) feet.
2. Rear yard, thirty (30) feet.
3. Side yards, seven and one-half (7½) feet on each side of the structure.

Provided, however, nothing herein contained shall repeal any setback 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. MINIMUM FLOOR AREA REQUIREMENT:

The minimum required first floor area of a dwelling, exclusive of attached roofed-over porches, carports, terraces, patios and attached garages shall be seven hundred-fifty (750) square feet.

G. OFF-STREET PARKING REGULATIONS:

See Section 15.

H. LOT COVERAGE:

Forty percent (40%) of the lot area is the maximum that may be covered by the principal and accessory buildings located thereon. Swimming pools are excepted from this provision.

I. GENERAL PROVISIONS AND EXCEPTIONS:

See Section 16.

SECTION 9. 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. Single Family Dwellings.
2. Two Family Dwellings - Duplexes.
3. Multiple Family Dwellings including Cooperative Apartments and Condominiums.
4. Accessory buildings and uses customarily incident to the above uses when located on the same lot and not involving the conduct of business.
5. City or County owned or operated recreation and community buildings and libraries.
6. Boarding and Rooming Houses.
7. Kindergartens, day nurseries.
8. Convalescent or nursing homes, orphanages and vocational schools.
9. Home occupations, limited to the interior of the main dwelling.
10. Hospitals, but not including animal hospitals or mental institutions.

B. BUILDING HEIGHT REGULATIONS:

1. No building shall exceed forty-five (45) feet in height.

2. Churches, libraries, community center buildings, educational and recreational buildings, and utility structures may not exceed forty-five (45) feet in height, except by increasing the minimum side yards one (1) foot for each additional foot of height in excess of forty-five (45) feet.

C. BUILDING SITE AREA REGULATIONS:

1. For Single Family Dwellings, same as for R-1 Single Family Dwelling District.

2. For a two (2) Family Dwelling, the area of the lot or parcel of land shall not be less than ten thousand (10,000) square feet and have a minimum width of one hundred (100) feet.

3. For structures in excess of two (2) dwelling units, one thousand (1,000) square feet of additional lot area shall be provided for each dwelling unit added in excess of two (2).

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.

1. Front yard, twenty-five (25) feet.

2. Rear yard, thirty-five (35) feet.

3. Side yard, ten (10) feet on each side of main structure.

Provided, however nothing herein contained shall repeal any setback 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. MINIMUM FLOOR AREA REQUIRED:

1. For Single Family Dwellings the minimum first floor area requirement shall be seven hundred fifty (750) square feet exclusive of terraces, attached roofed-over porches, carports, patios and attached garages and screened porches.

2. For two (2) Family Dwellings the minimum floor area per dwelling unit, exclusive of attached roofed-over porches, carports, terraces, patios and attached garages shall be seven hundred fifty (750) square feet.

3. For dwelling structures in excess of two (2) dwelling units, no unit shall have a net living area of less than six hundred (600) square feet.

F. OFF-STREET PARKING REGULATIONS:

See Section 15.

G. LOT COVERAGE:

Forty percent (40%) of the lot area is the maximum that may be covered by the principal and accessory buildings located thereon. Swimming pools are excepted from this provision.

H. GENERAL PROVISIONS:

See Section 16.

SECTION 10. R-3 MOBILE HOME DWELLING DISTRICT

A. USES PERMITTED:

Within the R-3 Mobile Home 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-2 Multiple Family Dwelling District.

2. Mobile Home Subdivisions with such accessory uses that will comply with the Building, Plumbing, Electrical and Sanitary Codes adopted by the Zoning Commission of District Number 5 and which conform to the following requirements:

- (a) The site area shall contain not less than fifty (50) individual units.
- (b) Each site shall front on a street or way having a dedicated width of not less than forty (40) feet.
- (c) The minimum site area (net) shall be not less than five thousand (5,000) square feet, and have a frontage of not less than fifty (50) feet.
- (d) The minimum yard requirements shall be six (6) feet for side yards; twenty (20) feet for rear yards; fifteen (15) feet for front yards and fifteen (15) feet for side yards abutting streets.
- (e) Water and sanitary facilities shall be in accord with State Board of Health Regulations.
- (f) Buildings such as Florida Rooms, Utility Buildings, Carports, and Garages, meeting the Building Codes and yard requirements, may be permitted however no plumbing fixtures and electrical connections associated with cooking facilities shall be allowed in any such buildings.
- (g) A maximum of one-sixth (1/6) of the site area or recorded lot area may be covered by approved structures, patios and awnings, and the combined area of the structures, patios, awnings, and the mobile home may not exceed one-third (1/3) of the lot area.

B. BUILDING HEIGHT REGULATIONS:

- 1. No building shall exceed thirty-five (35) feet in height.

2. Churches, libraries, community center buildings, educational and recreational buildings, and utility structures may not exceed thirty-five (35) feet in height, except by increasing the minimum side yards one (1) foot for each additional foot of height in excess of thirty-five (35) feet.

C. BUILDING SITE AREA REGULATIONS:

1. Each Single Family Dwelling shall be located on a lot or parcel of land having an area of not less than seventy-five hundred (7500) square feet and said lots or parcels of land shall have minimum widths of seventy-five (75) feet respectively measured at the building line.

2. For a two (2) Family Dwelling, the area of the lot or parcel of land shall not be less than ten thousand (10,000) square feet and have a minimum width of one hundred (100) feet.

3. For structures in excess of two (2) Dwelling Units, one thousand (1,000) square feet of additional lot area shall be provided for each dwelling unit added in excess of two (2).

4. Each mobile home dwelling unit shall be located on a lot or parcel of land having an area of not less than five thousand (5,000) square feet.

D. FRONT, REAR AND SIDE YARD REGULATIONS:

The minimum yard requirements shall be six (6) feet for side yards; twenty (20) feet for rear yards; fifteen (15) feet for front yards and fifteen (15) feet for side yards abutting streets.

E. MINIMUM FLOOR AREA REQUIRED:

1. For Single Family Dwellings the minimum floor area shall be seven hundred fifty (750) square feet of living area.

2. For dwelling structures containing two (2) or more dwelling units, no unit shall have a living area of less than seven hundred fifty (750) square feet.

F. OFF-STREET PARKING REGULATIONS:

See Section 15.

G. LOT COVERAGE:

Forty percent (40%) of the lot area is the maximum that may be covered by the principal and accessory buildings located thereon. Swimming pools are excepted from this provision.

H. GENERAL PROVISIONS AND EXCEPTIONS:

See Section 16.

SECTION 11. 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 (1) or more of the following uses:

1. Any use permitted in the R-2 Multiple Family Dwelling District.
2. Motels, Hotels, Apartment Hotels.
3. Restaurants.

4. Retail specialty shops, professional offices, personal service enterprises such as beauty and barber shops, dry cleaning and laundry pickup, boot stores and news stands, real estate and mortgage offices, banks and other financial businesses.

B. BUILDING HEIGHT REGULATIONS:

No building or structure shall exceed two (2) stories or thirty-five (35) feet in height.

C. BUILDING SITE AREA REGULATIONS:

1. Each Single Family Dwelling shall be located on a lot or parcel of land having an area of not less than seventy-five hundred (7500) square feet and said lots or parcels of land shall have minimum widths of seventy-five (75) feet respectively measured at the building line.

2. For a two (2) family dwelling, the area of the lot or parcel of land shall not be less than ten thousand (10,000) square feet and have a minimum width of one hundred (100) feet.

3. For structures in excess of two (2) dwelling units, one thousand (1,000) square feet of additional lot area shall be provided for each dwelling unit added in excess of two (2).

4. For Commercial Structures there is no specific area requirement except that adequate area be provided to meet all other requirements of this Resolution including off-street loading and unloading areas.

D. FRONT, REAR, AND SIDE YARD REGULATIONS:

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

3. There shall be a side yard of at least ten (10) feet on each side 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 setback 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.

4. A minimum rear yard of twenty (20) feet is required for loading and unloading purposes, and an enclosed area must be provided for storage of trash, not to extend more than four (4) feet into the rear yard.

E. MINIMUM FLOOR AREA REQUIRED:

1. Dwellings - The same as required in the R-1 and R-2 Dwelling District.
2. Commercial - No minimum floor area is required.

F. OFF-STREET PARKING REGULATIONS:

See Section 15.

G. LOT COVERAGE:

1. Forty percent (40%) of the lot area is the maximum that may be covered by the principal and accessory buildings located thereon. Swimming pools are excepted from this provision.

2. For Commercial, no maximum lot coverage is required.

H. GENERAL PROVISIONS AND EXCEPTIONS:

See Section 16.

SECTION 12. 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 (1) 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 repairs and servicing incidental thereto, 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.
7. Filling stations with their incidental services but not including major mechanical repairs, welding or body rebuilding.

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 5 and Zoning District C-1, and with the public interest, the following uses may be permitted:

1. Trailer Parks, equipped to meet the requirements of the State Board of Health as to water and sanitary facilities and providing at least five thousand (5,000) square feet of site per trailer and a minimum of fifty (50) trailer sites. All streets shall have a minimum right-of-way width of thirty-five (35) feet and a paved roadway of a minimum of twenty-five (25) feet.

C. BUILDING HEIGHT REGULATIONS:

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

D. BUILDING SITE AREA REGULATIONS:

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

2. For Commercial Uses, no area requirement except that adequate area be provided to meet all other provisions of this Resolution.

E. FRONT, REAR, AND SIDE YARD REGULATIONS:

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

3. There shall be a side yard of at least ten (10) feet on each side 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 setback 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.

4. A minimum rear yard of twenty (20) feet is required for loading and unloading purposes, and an enclosed area must be provided for storage of trash, not to extend more than four (4) feet into the rear yard.

F. MINIMUM FLOOR AREA REQUIRED:

1. Dwellings - The same as required in the R-1 and R-2 Dwelling District.

2. Commercial - No minimum floor area is required.

G. OFF-STREET PARKING REGULATIONS:

See Section 15.

H. LOT COVERAGE:

1. Forty percent (40%) of the lot area is the maximum that may be covered by the principal and accessory buildings located thereon. Swimming pools are excepted from this provision.

2. For Commercial, no maximum lot coverage is required.

I. GENERAL PROVISIONS AND EXCEPTIONS:

1. Along both sides of U. S. Highway #1, there shall be a minimum setback of fifty (50) feet from the highway right-of-way line. Within this fifty (50) foot setback there shall be no buildings or other structures. (The intent of this provision is to provide an area for a future parallel access road to permit greater utilization of the highway frontage when the area is developed.)

2. See Section 16.

SECTION 13. C-2 GENERAL COMMERCIAL DISTRICT

A. USES PERMITTED:

Within the C-2 General Commercial District, no building, structures or land shall be uses except for one (1) or more of the following uses:

1. Any use permitted in the C-1 General Retail Commercial District except trailer parks.

2. Bakeries.

3. Bottling Plants.

4. Contractors' storage and equipment yards, when located entirely within a building or fenced area.

5. Dry cleaning and laundry plants.

6. Wholesale distribution warehouses.

7. Drive-in theatres.

8. Any other establishments of a commercial nature similar to those listed above.

B. BUILDING HEIGHT REGULATIONS:

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

C. BUILDING SITE AREA REGULATIONS:

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

2. For Commercial Uses, no area requirement except that adequate area be provided to meet all other provisions of this Resolution.

D. FRONT, REAR, AND SIDE YARD REGULATIONS:

1. For dwellings the same as required in the R-1 and R-2 Dwelling 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.
3. There shall be a side yard of at least ten (10) feet on each side 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 setback or building line heretofore established by this Commission or County Commission of Volusia County, Florida, with respect to any particular State or County Road.
4. A minimum rear yard of twenty (20) feet is required for loading and unloading purposes, and an enclosed area must be provided for storage of trash, not to extend more than four (4) feet into the rear yard.

E. MINIMUM FLOOR AREA REQUIRED:

1. Dwellings - The same as required in the R-1 and R-2 Dwelling District.
2. Commercial - No minimum floor area is required.

F. OFF-STREET PARKING REGULATIONS:

See Section 15.

G. LOT COVERAGE:

1. Forty percent (40%) of the lot area is the maximum that may be covered by the principal and accessory buildings located thereon. Swimming pools are excepted from this provision.
2. For Commercial, no maximum lot coverage is required.

H. GENERAL PROVISIONS AND EXCEPTIONS:

See Section 16.

SECTION 14. 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 (1) 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, animals, vegetation, or any other form of property, 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.

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 5, 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 five hundred (500) foot setback 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, and provided that adequate dikes are installed with a designed capacity of at least one-third (1/3) more than the contents of the storage tanks.

C. BUILDING HEIGHT REGULATIONS:

None, except that for each foot of building height in excess of thirty-five (35) feet, the required side and rear yards shall be increased one (1) foot for each foot of building height over thirty-five (35) feet.

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:

1. Front yard - There shall be a front yard of at least fifty (50) feet.

2. Rear yard - No rear yard shall be required except for that which is necessary to provide for loading and unloading facilities. In the event a rear property line does not abutt a public right-of-way, no building shall be constructed closer than twenty-five (25) feet to the rear lot line in order to provide right-of-way for a service area.

E. MINIMUM FLOOR AREA REQUIRED:

No minimum floor area is required.

F. OFF-STREET PARKING REGULATIONS:

See Section 15.

G. LOT COVERAGE:

1. Forty percent (40%) of the lot area is the maximum that may be covered by the principal and accessory buildings located thereon. Swimming pools are excepted from this provision.

H. GENERAL PROVISIONS:

1. See Section 16.

2. Screening - Any industrial use abutting a residential district shall provide screening for the protection of the residential property.

3. All activities and storage of inflammable materials shall be provided with adequate safety devices against the hazards of fire and explosion.

4. There shall be no emission of visible smoke, dust, dirty, fly ash, or any particular matter into the air. All fuel shall be either smokeless in nature or shall be used to as to prevent any emission of visible smoke, fly ash, or cinders into the air.

5. There shall be no discharge of wastes into any private sewage disposal system, stream, or into the ground of a kind or nature which may contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements or conditions. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.

SECTION 15. OFF-STREET PARKING AND LOADING REGULATIONS

A. DEFINITIONS:

1. For the purpose of this Resolution the term "off-street parking space" shall apply to space constructed of a hard surface and shall consist of a minimum net area of two hundred (200) square feet of appropriate dimensions, and not less than nine (9) feet in width, for parking an automobile, exclusive of access drives or aisles thereto or any street or alley right-of-way.

B. OFF-STREET PARKING REGULATIONS:

At the time of 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, or seats; there shall be provided minimum off-street parking space with adequate means for ingress and egress from a public street or alley by an automobile of standard size, in accordance with the following requirements:

	<u>No. Spaces</u>	<u>Per</u>
(1) Dwellings:		
(a) Single Family and duplex	1	Dwelling unit
(b) Apartments and Apt. hotel	1½	Dwelling unit
(c) Rooming and Boarding houses	2	3 guest rooms
(2) Hotels, exclusive of requirements for restaurants and assembly rooms plus one space for each five employees.	1	2 sleeping units
(3) Motels and tourist homes, exclusive of requirements for restaurants and assembly rooms.	1	Sleeping
(4) Hospital and sanitariums	2	3 beds
(5) Nursing or convalescent home	1	5 beds
(6) Theatre or auditorium, including school auditoriums.	1	4 seats
(7) Church, mortuary	1	4 seats in main assembly hall
(8) Restaurants, bars, and night clubs	1	3 seats
(9) Stores (except grocery stores and meat markets) offices, and personal service establishments.	1	200 square feet non-storage floor area
(10) Grocery stores	1	100 square feet floor area exclusive of storage area
(11) Public office building and library	1	200 square feet floor area exclusive of storage area
(12) Medical and dental clinic	4	Doctor or dentist, but not less than 1 space per 200 square feet of gross floor area
(13) Manufacturing, industrial and warehouse uses	1	3 employees on largest work shift but not figured less than 1 space per 200 square feet of floor area exclusive of storage areas.
(14) Bowling Alleys	3	Alley
(15) Private Clubs and Lodges	1	3 seats in lodge or club assembly room.

C. LOCATION OF OFF-STREET PARKING SPACES:

1. Parking spaces for all dwellings shall be located on the same lot with the main building to be erected.
2. Parking spaces for other uses shall be provided on the same lot or not more than three hundred (300) feet distant, as measured along the nearest pedestrian walkway.
3. Parking requirements for two (2) or more uses, of the same or different types, may be satisfied by the allocation of the required number of spaces of each use in a common parking facility, provided that the total number of spaces is not less than the sum of the individual requirements and that the requirements of location are complied with.
4. Parking spaces for dwelling structures shall be located back of the building line.

D. OFF-STREET LOADING AND UNLOADING REGULATIONS:

At the time of construction of one (1) of the following categories of buildings, or at the time of structural alternation for an increase in size or capacity, there shall be provided minimum off-street loading or unloading space with adequate means of ingress and egress from a public street or alley in accordance with the following requirements:

1. Every hospital, institution, hotel, commercial, warehouse, or industrial building or similar use having a floor area in excess of 20,000 square feet requiring the reception, distribution by vehicle of materials and merchandise shall have at least one (1) permanently maintained off-street loading space for each 10,000 square feet of gross floor area or fraction thereof.
2. Wholesale operations and industrial operations with a gross floor area of less than 10,000 square feet shall provide one (1) sufficient space (not necessarily a full berth) so as not to hinder the free movement of vehicles and pedestrians over a sidewalk, street or alley.

SECTION 16. GENERAL PROVISIONS AND EXCEPTIONS

The foregoing regulations shall be subject to the following 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. 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.

3. 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 setback 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.

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

5. 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 (2,000) feet from the property involved, except in situations as shall be decided by the Zoning Commission.

6. 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.

7. Land Subject to Flooding. No building shall be moved onto or constructed on land subject to frequent flooding in any zone nor shall any existing building so located be enlarged, repaired, or altered except by permission of the Zoning Commission.

8. Interpretation of Uses Permitted. In any district, where application is made for a use not expressly permitted or prohibited, the Zoning Commission or its duly authorized employees, shall consider that use which is expressly permitted or prohibited most similar or allied to that use requested. The Zoning Commission shall be the final authority in the determination of such uses.

9. Moving of Buildings. When any building is moved from any location within or without Volusia County to any location within the limits of Volusia County District Number 5 the building shall immediately be made to conform to all provisions of the District Building Code, Plumbing Code, Electrical Code, and Zoning Resolution of District Number 5. The person causing the building to be moved shall secure a building permit from the District Building Inspector and shall post a performance bond with the Board of County Commissioners of Volusia County, Florida in the amount of \$1,000, conditioned upon the building being made to conform to all the building codes, within ninety (90) days from the date of issuance of the building permit, said bond to be returned when all work has been completed in accordance therewith. No building shall be moved into any R-1-A Residential Dwelling District until said building has been approved by the Zoning Commission after a public hearing has been held.

10. Established Setback Lines for Street Widening. Where setback lines have been established on Federal, State, County and local highways or streets, the required front yards and side yards of corner lots shall be measured from said setback lines.

11. Height Exceptions. Schools, Churches, and other public structures may exceed the height limits herein established, but only after a thorough review of plot plans to ascertain the affect upon the adjoining properties.

Chimneys, water, fire, radio and television towers, church spires, domes, cupolas, stage towers and scenery lofts, cooling towers, elevator bulkheads, Drive-in Theatre screens, smoke stacks, flagpoles, parapet walls and similar structures and their necessary mechanical appurtenances may be located above the height limits herein established; however, the heights of these structures or appurtenances thereto shall not exceed the height limitations set forth by an airport zoning in the area.

12. Mobile Homes. Mobile Homes or trailers shall not be permitted in the area except in the R-3 Mobile Home Dwelling District and the A-1 Agricultural District. The R-3 Mobile Home Dwelling District is specifically designed to provide areas in which persons may establish single family residence in a mobile home situated on a single lot and meeting all requirements of this Resolution. Mobile Homes existing as a single family dwelling in this district may be added onto for the purpose of expanding the living area.

13. Substandard and Non-conforming Lots of Record.

(a) When a lot or parcel of land has an area or frontage which does not conform with the requirements of the district in which it is located, but was a lot of record in a recorded subdivision of 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, providing the minimum yard requirements and percentage coverage are maintained.

(b) Where two (2) or more non-conforming lots with continuous frontage are under the same ownership, or where a non-conforming lot has continuous frontage with a larger tract under the same ownership, such lot or lots shall be combined to form one (1) or more lots meeting the minimum lot requirements of the district in which they are located.

(c) The Zoning Commission may authorize the issuance of a building permit for a single family dwelling on a sub-standard lot, and only after it has determined that remedies as set forth in this section cannot be complied with. The Zoning Commission may also grant such variances on lot and building requirements in cases of hardship, provided that such variances do not create any condition detrimental to the public health, safety, and general welfare.

14. Location of Buildings and Structures in Residential Areas.

(a) No detached accessory building shall be located on the front half of a lot.

(b) When an accessory building is attached to a principal structure by a breezeway, roofed passage otherwise, it shall comply with the dimensional requirements of the principal building.

(c) A detached accessory building, also a garage apartment, shall not be closer than twenty (20) feet to the principal building, nor closer than five (5) feet to the side and rear lot lines, nor closer than six (6) feet to any other accessory building on the same lot.

(d) An accessory building may not exceed twelve (12) feet in height nor may occupy more than thirty-five (35) percent of a required rear yard.

(e) No dwelling shall be erected on a lot or portion of a lot which does not abutt upon a public street with a minimum frontage of at least twenty-five (25) feet.

15. Yard and Measurement of Setbacks.

(a) 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 and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than thirty (30) inches.

(b) On double frontage lots, the required front yard shall be provided on each street.

(c) Open or enclosed fire escapes, fire proof outside stairways and balconies projecting into a minimum yard or court not more than three and one-half (3½) feet and the ordinary projection of chimneys and flues are permitted.

(d) Where setback lines are established on streets, roads or highways, the front yard of all lots and the side yard of corner lots shall be measured from said setback lines.

16. Temporary Buildings. No temporary buildings will be permitted in any district, except temporary buildings used in conjunction with construction work only may be permitted in any district.

17. Automobile Service Station Requirements.

(a) All pumps shall be setback at least fifteen (15) feet from the right-of-way line, or where a future widening setback line has been established, this setback shall be measured from such line.

(b) The number of curb breaks for an establishment shall not exceed two (2) for each one hundred (100) feet of street frontage, each having a width of not more than thirty (30) feet or less than twenty-five (25) feet and located not closer than fifteen (15) feet to a street intersection. Two (2) or more curb breaks on the same street shall be separated by an area of not less than ten (10) feet.

(c) When the station abutts a residential district, it shall be separated therefrom by a solid wall or equivalent planting screen at least six (6) feet high.

18. Fences, Walls and Hedges.

(a) No fence, wall, structure, hedge or other continuous planting shall be erected, placed or maintained on any lot line or within any front, rear or side yard in residential areas more than four (4) feet in height, measured from the natural contour of the ground or adjoining lots of the particular lot (whichever is lower), except as follows:

- (1) Where a residential lot abutts a business or industrial lot upon which a business is located.
- (2) Where peculiar circumstances render it appropriate after approval of the Board of Adjustment.

(b) 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.

19. Swimming Pool Regulations.

No swimming pool or family pool shall be so located designed, operated, or maintained as to interfere with the right of the adjoining premises.

(a) Lights. Lights used to illuminate any swimming pool shall be so arranged and shadowed as to reflect light away from adjoining premises.

(b) Setbacks. The following setbacks shall be maintained:

- (1) Minimum front setback. Same as requirements for a residence located on the parcel where the pool is to be constructed, provided, however, that in no case is the pool to be located closer to a front line than the main or principal building is located.
- (2) Minimum side setback. Not less than ten (10) feet from the side lot line.
- (3) Minimum rear setback. Not less than ten (10) feet from the rear lot line.
- (4) If the swimming pool is not part of the main structure, it shall be located not less than ten (10) feet from the main structure.

(c) Fences. All swimming pools shall be enclosed by a fence, wall or equivalent barrier at least forty-two (42) inches in height.

(d) Screened Enclosures. Screen enclosures in R-1-AA, R-1-A, R-1, R-2, and R-3 districts enclosing swimming pools shall be erected no closer than seven and one-half (7½) feet to an interior side property line or ten (10) feet to a rear property line. Such enclosures, if attached to the principal residence or building, shall not be considered a part of such residence or building but as an accessory building.

20. Community Development Plan.

The owner or owners of any tract of land comprising an area of not less than fifty (50) 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 other uses. In its consideration of plan the Zoning Commission shall determine the effect of the planned development on the overall land use and traffic circulation plans of the District. It shall also determine whether the plan conforms to all the requirements of the County Subdivision Regulations. In its consideration the Zoning Commission may require changes and modifications in the plan and may also hold a public hearing thereon before approving the plan.

The plan of development shall meet the following conditions:

(a) Property adjacent to the area included within the plan will not be adversely affected.

(b) It must be consistent with the intent and purpose of the zoning ordinance to promote public health, safety, morals and general welfare.

(c) No lot included within the proposed development plan shall have an area of less than seventy-five hundred (7500) square feet and the required yard spaces shall be not less than those required in the R-1 District.

21. Reduction of Living Area.

The required first floor area in the R-1 Single Family Dwelling District and A-1 General Agricultural Districts may be reduced in amount not to exceed twenty percent (20%), providing the applicant for such reduction first submits his plans to the Zoning Commission for their review and approval.

22. Use of Structures.

All plans for a structure and definitions of its uses in Commercial and Industrial areas must be submitted to the Zoning Commission for approval before a building permit can be issued.

SECTION 17. NON-CONFORMING USES

A. LANDS:

The lawful use of land, except such use permitted under temporary non-conforming permits, existing at the time of the passage of this Resolution, although such use does not conform to the provisions of this Resolution, may be continued; provided, that no such non-conforming use shall be enlarged or increased, nor shall any non-conforming use be extended to occupy a greater area of this Resolution. If such non-conforming use is discontinued for a continuous period of ninety (90) days, any future use of said land shall be in conformity with the provisions of this Resolution.

B. EXISTING BUILDINGS:

The lawful use of a building or structure, except such use permitted under temporary non-conforming permits, existing at the time of the passage of this Resolution may be continued, although such use does not conform to the provisions of Resolution. Such use may be extended throughout the building, provided no structural alterations, except those required by law or Resolutions, or ordered by an authorized officer to assure the safety of the building, are made therein. No such use shall be extended to occupy any land outside such building. If such non-conforming building is removed or the non-conforming use of such building is discontinued for a continuous period of ninety (90) days every future use of such premises shall be in conformity with the provisions of this Resolution.

C. RESTORATION:

A non-conforming building or structure which is hereafter damaged or destroyed to the extent of seventy-five percent (75%) 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.

D. DISTRICTS CHANGED:

When a district shall hereafter be changed, any then existing non-conforming use in such changed district may be continued or changed to a use of similar or higher classification; provided, all other regulations governing the new use are complied with. Whenever a non-conforming use has been discontinued or changed to a higher classification or to a conforming use, such use shall not thereafter be changed to a non-conforming use of a lower classification.

SECTION 18. ZONING COMMISSION

A Zoning Commission is hereby established which shall consist of five (5) members to be appointed by the Board of County Commissioners.

The Zoning Commission shall have the following duties and powers:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Inspector.

(2) To hear and decide special exceptions to the terms of any zoning resolution.

(3) To authorize upon appeal in specific cases such variance from the terms of any zoning resolution as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions thereof would result in unnecessary hardship.

(4) To approve or disapprove new or different uses in any Zoning District.

(5) To hear application for change of zoning and to determine the same.

(6) To hear requests for the creation of new zoning areas or district and to approve or disapprove the creation of the same and to adopt zoning regulations pertaining thereto.

In exercising the above mentioned powers, the Zoning Commission by the concurring vote of four (4) members may reverse or affirm, wholly or partly, or may modify the order, requirement, decision of determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the official from whom the appeal is taken.

In considering all proposed variations to this Resolution the Commission shall, before making any finding in a specific case, first determine that the proposed variation will not constitute any change in the Districts shown on the Zoning Map and will not impair an adequate supply of light and air to adjacent property, or materially increase the congestion in public streets, or increase the public danger of fire and safety, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, morals and general welfare of the City.

Any person or persons, jointly or severally aggrieved by any decision of the Commission, or any taxpayer, or any officer, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision to the office of the Commission, otherwise the decision of the Commission will be final.

The Zoning Commission shall fix a reasonable time for the hearing of appeals or other matters referred to it and give notice to the parties and decide the same within a reasonable time. At the hearing any party may appear in person or be represented by agent or attorney.

SECTION 19. BOARD OF ZONING APPEALS.

(a) The Board of County Commissioner's of Volusia County, Florida, shall appoint a Board of Zoning Appeals hereinafter called the Board. The Board shall consist of five (5) members, and to serve at the pleasure of the Board of County Commissioners, one (1) member shall be appointed from each County Commissioner's District and all members shall be duly qualified, electors and freeholders of the District from which such member is appointed. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant by the Board of County Commissioners.

(b) The Board shall adopt rules in accordance with Chapter 63-2026 and appropriate regulations of the several Zoning Commissions. The Board shall choose from among its members a chairman, vice-chairman and secretary. Meetings of the Board shall be held at the call of the chairman and at such times as the Board may determine. All meetings of the Board shall be open to the public and at such place or places in the County as the Board may designate by Resolution from time to time. The Board shall keep minutes of its proceedings showing the vote of its members, and indicating the facts relied upon in rendering its decision, and other pertinent information, all of which shall, when completed, be filed among the records of the Board and shall be maintained as public records in the office of the Board of County Commissioners.

(c) Appeals to the Board may be taken by any person aggrieved by any decision, or failure or refusal to render a decision within thirty (30) days after application is made therefor, on the part of a Zoning Commission. Such appeal shall be taken within thirty (30) days after the rendition of the decision; or if no decision is made before the expiration of the thirty (30) day period herein before provided for then such appeal shall be taken within thirty (30) days thereafter. An appeal shall be taken by filing within the time above limited with the Zoning Commission from whom the appeal is taken and with the Board a Notice of Appeal specifying the grounds thereof and payment of a fee not to exceed twenty-five (25) dollars payable to the Board of County Commissioners. The Zoning Commission from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(d) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Commission from whom the appeal is taken certifies to the Board after notice of appeal shall have been filed that by reason of facts stated in the certificate a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order that may be granted by the Board or by a Court of Competent Jurisdiction.

(e) The Board shall fix a reasonable time for the hearing of the appeal and give due public notice thereof, and decide the same within thirty (30) days after the filing of the appeal, otherwise, the appeal shall be deemed to be denied. Upon the hearing, any party may appear in person or by agent or attorney and the attorney for the Zoning Commission in which the matter or action appealed from originated shall represent the Board.

(f) The Board shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by any Zoning Commission appointed pursuant to this Resolution.
- (2) In exercising any of the foregoing powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination of any said Zoning Commission and may make such order requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Board from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the said Zoning Board or to decide in favor of the applicant.

(g) Any person or persons, jointly or severally, aggrieved by any decision of the Board, may, whenever ten (10) days have expired after the decision of the Board, and there is pending before the Board no application for reconsideration of the decision, treat the decision of the Board as a final exhausting of the administrative remedies awarded under the provisions of the Resolution so that review of the decision of the Board may be sought in a Court of Competent Jurisdiction.

SECTION 20. INTERPRETATION, PURPOSE, AND CONFLICT

In interpreting and applying the provisions of the 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 annual 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 21. CHANGES AND 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 dover the approximate cost of the procedure.

SECTION 22. ERRORS AND VIOLATIONS

(1) The Building Inspector is hereby designated and authorized to enforce this Resolution.

(2) Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Resolution shall be fined not less than five (5) dollars nor more than fifty (50) dollars, or shall be imprisoned in the County Jail, for not more than thirty (30) days, or both, in the discretion of the Court. Each day that a violation is permitted to exist shall constitute a separate offense.

(3) The issuance or granting of a permit or approval of plans and/or specifications shall not be deemed or construed to be a permit for, or an approval of a violation of any of the provisions of this Resolution. No permit presuming to give the authority to violate or cancel the provisions of this Resolution shall be valid, except insofar as work or use which it authorizes is lawful.

(4) The issuance of a permit upon plans and specifications shall not prevent the Building Inspector from thereafter requiring the correction of errors in said plans and specifications, or preventing building operations being carried on thereunder when in violation of this Resolution, or any other Resolution of the County Commissioner's District Number 5, Volusia County, Florida.

SECTION 23. 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 24. REPEALING PROVISION

All Resolutions or parts of Resolutions in conflict herewith, or inconsistent with the provisions of this Resolution, are hereby repealed.

SECTION 25. EFFECTIVE DATE

This Resolution shall become effective immediately upon passage.

Motion to adopt the Resolution made

By Commissioner Darwin Bruce

Motion Seconded

By Commissioner J. M. Stevens

Voting for the Motion

Commissioners John A. Bornmann

Darwin Bruce

Edward Healy

J. M. Stevens

John E. Chisholm

Ruth E. Treadwell

Voting against the Motion

Commissioners _____

Resolution adopted the 6th day of April, A. D. 1964.

John A. Bornman
Chairman

