3-25-1965

Official Zoning Resolution County Commissioners Zoning District No. 1 Volusia County, Florida

George W. Simons Jr

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OFFICIAL ZONING RESOLUTION
COUNTY COMMISSIONERS ZONING DISTRICT No. 1
VOLUSIA COUNTY, FLORIDA

DEANE SMITH — COMMISSIONER

ZONING COMMISSION
HUBERT S. TALTON, Chairman
J. C. McClure
RUDOLPH PETERSON, Secretary
FRANK I. SPARROW
RHODES SPELL
WILLIAM E. SHERMAN — Attorney

MRS. WINIFRED KONRAD, Recording Secretary

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ZONING RESOLUTION
COUNTY COMMISSIONERS ZONING DISTRICT NO. 1
OF
VOLUSIA COUNTY, FLORIDA
ADOPTED MARCH 25, 1965

ZONING COMMISSION
HUBERT S. TALTON—Chairman
J. C. McClure        
RUDOLPH PETERSON, Secretary
FRANK I. SPARRROW
RHODES SPELL

Prepared By:
George W. Simons, Jr.
Planning & Zoning Consultant
Jacksonville, Florida
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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 County Commissioner's District said Commissions being vested with the Authority to divide each of said County 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, the County Commissioner pursuant to the powers thus conferred, has appointed Mr. J.C. McClure, Mr. Rudolph Peterson, Mr. Frank I. Sparrow, Mr. Hubert S. Talton and Mr. Rhodes Spell, as the Zoning Commission for County Commissioner's District Number 1, pursuant to County Commissioner's Minute Book pages 479, 480 and 592, and

WHEREAS, pursuant to said law the Zoning Commission appointed for County Commissioner's District Number 1 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 with the confines of said District were given an opportunity to be heard, NOW THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF DISTRICT 1, VOLUSIA COUNTY, FLORIDA:

SECTION 1. DISTRICT ESTABLISHED.

In order to lessen congestion in the street, to secure safety from fire, panic and other dangers; 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 1, 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 County Commissioner's District Number 1, of Volusia County, Florida, as contained in Chapter 59, 1955, Acts of 1959, as amended by Chapter 63-2026 of Florida, Acts of 1963.
SECTION 2. DEFINITIONS.

This Resolution shall be known as the "Official Zoning Resolution of County Commissioner's District Number 1, 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 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 1, 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".

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.

AIRPORT. An area of land devoted to the landing and maintenance of aircraft including runways and accessory buildings.

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.

CAMP GROUNDS AND RECREATION AREAS. Any area designed or used for outdoor camping and recreation purposes.

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 of 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.

FARM. Any parcel of land used for gain in the raising of agricultural or horticultural products, live stock and poultry, including necessary farm structures. This shall not be interpreted to include land used for riding academies, livery or boarding stables, kennels or commercial dairying.

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.

FISH CAMP. Any premises, building or structure located upon any body of water which is designed for the renting and harboring of boats, equipment, or other fishing essentials.

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.

GROUP HOUSING. A group of detached dwellings in which each family is housed in a separate structure.

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

HARD SURFACE. This includes shell, clay, limestone and similar substances and shall not be limited to paving or parking area.

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.

KENNEL AND BREEDING FARM. Five or more household pets constitute a kennel in which dogs, cats, etc, 6 months of age or over are harbored.

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.

LIVESTOCK FEED LOT. Any area which is designed or used for the mass feeding of livestock in a limited area.

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.

MAIN STRUCTURE. A structure or building located on a lot or parcel of land, housing the use or uses permitted in the district in which it is located.

MARINAS. A dock or structure on land or water providing for the docking and storage of boats, not including commercial, maintenance or repair.

MARINE RAILWAY. A dock or structure on land or water providing for the docking, storage, construction, repair or maintenance of boats or vessels.
MINING. The removal of natural resources from the earth by means of digging, drilling or stripping.

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 of vehicles.

POULTRY FARM OR EGG PRODUCTION FARM. Any premises, building or structure, in or on which five hundred (500) or more chickens are harbored.

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

STREET OR ROAD. 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, camp 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 blocks for the purpose of transfer of ownership or development.

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.
TRAILER SALES LOT. An area in which more than one trailer is parked, stored, or displayed, other than on use as a place of residence.

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, not to include junk yards.

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. GENERAL ZONING PROHIBITIONS.

Except as Hereinafter provided:

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

2. No building or structure shall be erected or moved, 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 Resolution for each and every building existing at the time of the passage of this Resolution 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 or structure hereafter erected or moved shall be located on a lot, and in no case shall there be more than one (1) main building and the customary accessory buildings on one (1) 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.

6. No livestock including horses, sheep, goats or cattle shall be pastured in any district except where permitted by these regulations.

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, County Commissioner's District Number 1, Volusia County, Florida, is divided into twelve (12) Districts, as follows:

R-R Rural - Residential Dwelling District.
R-1-AA Single Family Estate Dwelling District.
R-1-A Single Family Dwelling District.
R-1 Single Family Dwelling District.
R-2 Multiple Family Dwelling District.
R-3 Mobile Home Dwelling District.
A-1 General District (Agricultural, Multi-Purpose).
C-1-A Limited Commercial District.
C-1 Retail Commercial District.
C-2 General Commercial District.
M-1 Wholesale - Industrial District.
M-2 Heavy 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 County Commissioner's District Number 1, Volusia County, Florida", as said Commissioner's District existed on July 10, 1963, the effective date of Chapter 63-2026, Laws of Florida, Acts of 1963, excepting those areas within incorporated municipalities. 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 Zoning Commission of said District Number 1 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.
4. Where uncertainty exists as to boundaries of any district shown on said map, the following rules shall apply:

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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 DISTRICT

The "A-1" General District shall comprise all the territory in County Commissioner's District Number 1, as it existed on July 10, 1963, the effective date of Chapter 63-2026, Laws of Florida, Acts of 1963, except those areas shown upon the Zoning Map of said Zoning District as RR, R-1-AA, R-1-A, R-1, R-2, R-3, C-1-A, C-1, C-2, M-1 or M-2.

A. USES PERMITTED:

Within the "A-1" General District, no building, structure, land or water 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 livestock and poultry (except poultry farms).


4. Country, Yacht Clubs and associated parking areas, golf courses and areas for other sports.

5. Churches and other religious and charitable organizations and structures accessory thereto, and associated parking areas.
6. Schools.

7. Public recreation areas and parks owned and operated by the County and Community and their accessory buildings.

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 1 and with the public interest, the following uses may be permitted:

1. Saw mills and planning mills used for the removing and processing of timber.

2. Excavation of rock, sand and soil.

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

4. 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 fifteen hundred (1500) 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 and structures such as Florida Rooms, Utility Structures, Car Ports, and Garages, meeting County Codes and required setbacks may be allowed, with the provisions that plumbing fixtures and electrical connections associated with permanent cooking facilities are not allowed in any such buildings and structures.

   (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.

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 five hundred (500) foot set back from the front line, within which no vehicle, junk or other merchandise shall be displayed.
6. Mining, by excavation or the use of wells.

7. Camp Grounds or Recreation Areas.

8. Marinas.


10. Fishing Camps.

11. Livestock Feed Lots.


14. Forest Service Stations.

15. Fire Stations.


17. Utility Structures.

18. Cemeteries.

19. Kennels for household pets including dogs, cats etc, allowed in Districts A-1, C-2, M-1 and M-2.

C. BUILDING HEIGHT REGULATIONS:

No building or structure shall exceed thirty-five (35) feet in height, except silos, granaries, windmills, barns and other structures incidental to the operation of a farm or other agricultural or marine enterprise, and radio, television and forest service towers, and church steeples may exceed the above height limits.

D. BUILDING SITE AREA AND YARD REGULATIONS:

When any lands in the "A-1" General 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 twenty thousand (20,000) 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, 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 floor area of a dwelling, exclusive of attached roof-over porches, carports, terraces, patios and attached garages shall be seven hundred fifty (750) square feet, except structures defined as Mobile Homes.

G. OFF-STREET PARKING REGULATIONS:

See Section 17.

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 18.

SECTION 6, R-R RURAL-RESIDENTIAL DWELLING DISTRICT

A. USES PERMITTED:

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

1. Single Family Dwellings and their customary accessory uses.

2. Two Family Dwellings.

3. Parks and Playgrounds owned and operated by the City, County, State or Federal Government.

B. CONDITIONAL USES:

1. Farming, including all types of agriculture and horticulture except (a) commercial dairies; (b) commercial kennels, rabbit, goat, and other commercial animal raising or training farms; (c) egg-producing ranches and farms devoted primarily to the hatching, raising, fattening and/or butchering of chickens, pigeons, turkeys and other poultry on a commercial scale; and, (d) hog and other livestock feeding for commercial purposes.
2. Home occupations.

3. County or Community owned or operated recreation and community buildings.

4. Churches or other religious and charitable organizations and their accessory educational and recreational buildings and playgrounds.

5. Utility structures and substations including telephone exchanges.

6. Elementary, Junior, Senior High, Nursery and Kindergarten schools, Colleges and other institutions of higher learning.

7. Country Clubs, Yacht Clubs and associated parking areas, golf courses and areas for other sports.


10. Fire stations.

C. BUILDING HEIGHT REGULATIONS:

No building or structure shall exceed thirty-five (35) feet in height except radio, television and forest service towers and church steeples.

D. BUILDING SITE AREA REGULATIONS:

Each Single Family and Two Family Dwellings shall have a lot area of not less than five (5) acres and a minimum width of two hundred (200) feet.

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, rear and side lines of lot or parcel of land respectively:

1. Front yard, one hundred (100) feet.

2. Rear yard, fifty (50) feet.

3. Side yard, thirty (30) feet.

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 (1500) square feet of living area; for a two (2) family dwelling it shall be seven hundred fifty (750) square feet per family.
G. OFF-STREET PARKING REGULATIONS:
See Section 17.

H. GENERAL PROVISIONS AND EXCEPTIONS:
See Section 18.

SECTION 7. 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 (1) 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.

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

1. County or Community 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, Colleges and other institutions of higher learning.
5. Country Clubs, Yacht Clubs and associated parking areas, golf courses and areas for other sports.
6. Greenhouses, but not to include the Commercial growing of plants.

C. BUILDING HEIGHT REGULATIONS:

No building or structure shall exceed thirty-five (35) feet in height except radio towers and church steeples.

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, 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 (1500) square feet of living area.

G. OFF-STREET PARKING REGULATIONS:

See Section 17.

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 and screened enclosures are excepted from this provision.

I. GENERAL PROVISIONS AND EXCEPTIONS:

See Section 18.

SECTION 8. R-1-A SINGLE FAMILY DWELLING DISTRICT.

A. USES PERMITTED:

Within 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. Public recreation areas and parks owned and operated by the County or Community and their accessory buildings.
B. CONDITIONAL USES:

When after review of an application and plans appurtenant thereto and public 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 1 and Zoning District R-1-A and with the public interest, the following uses may be permitted:

1. County owned and 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, Colleges and other institutions of higher learning.
5. Country Clubs, Yacht Clubs and associated areas, golf courses and areas for other sports.
6. Greenhouses, but not to include Commercial growing of plants.
7. Cemeteries.

C. BUILDING HEIGHT REGULATIONS:

No building or structure shall exceed 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.
Corner Lots: On corner lots, the front line set back of twenty-five (25) feet shall be maintained, but a ten (10) foot side line set back will be permitted on the street side line, provided the corner lot faces the same way as all other lots in the block.

If the building faces the large dimension of the lot, or where corner lots face a different street than other lots in the block, the twenty-five (25) foot set back shall be maintained from both streets; provided, however, nothing herein contained shall repeal any setback or building line heretofore established by the 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 roofer-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 17.

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 and screened enclosures are excepted from this provision.

I. GENERAL PROVISIONS AND EXCEPTIONS:

See Section 18.

SECTION 9. R-1 SINGLE FAMILY DWELLING DISTRICT

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.

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

1. County or Community owned and operated recreation areas and parks 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, Nursery and Kindergarten Schools, Colleges and other institutions of higher learning.

5. Greenhouses, but not to include the Commercial growing of plants.

6. Cemeteries.

C. BUILDING HEIGHT REGULATIONS:

No building or structure shall exceed 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, ten (10) feet on each side of the structure.

Corner Lots: On corner lots, the front line setback of twenty-five (25) feet shall be maintained, but a ten (10) foot side line setback will be permitted on the street side line, provided the corner lot faces the same way as all other lots in the block.

If the building faces the large dimension of the lot, or where corner lots face a different street than other lots in the block, the twenty-five (25) foot setback shall be maintained from both streets; 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, 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 17.

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 and screened enclosures are excepted from this provision.

I. GENERAL PROVISIONS AND EXCEPTIONS:

See Section 18.

SECTION 10. R-2 MULTIPLE FAMILY DWELLING DISTRICT.

A. USES PERMITTED:

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


2. Two Family Dwellings - Duplexes.

3. Multiple Family Dwellings including Cooperative Apartment and Condominiums and Group Housing.

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. County or Community owned and operated recreation areas and parks and community buildings and libraries.


7. Elementary, Junior, Senior High, Nursery and Kindergarten Schools, Colleges and other institutions of higher learning.

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.

11. Churches and their accessory recreation buildings and playgrounds.

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 measured at the set-back line.

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). No lot shall be less than one hundred (100) feet in width.

4. For Group Housing there shall be a minimum of seven thousand five hundred (7,500) square feet per dwelling unit. No lot shall be less than one hundred (100) feet in width.

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 the main structure.

4. For Group Housing developments, there shall be a front setback of twenty-five (25) feet on the adjacent principal street to the site; a thirty (30) foot rear setback on the site; and ten (10) feet side setbacks on the site.

Provided, however, nothing herein contained shall repeal any setbacks 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 & 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, exclusive of attached roofed-over porches, carports, terraces, patios and attached garages.

F. OFF-STREET PARKING REGULATIONS:

See Section 17.

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 and screened enclosures are excepted from this provision.

H. GENERAL PROVISIONS:

See Section 18.

SECTION 11. R-3 MOBILE HOME DWELLING DISTRICT.

A. USES PERMITTED:

Within the R-3 Mobile Home Dwelling District no building, structure, land or water 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 Subdivision with such accessory uses that will comply with the Building, Plumbing, Electrical and Sanitary Codes adopted by the Board of County Commissioners or the Zoning Commission of the County Commissioner's District Number 1 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 seven thousand five hundred (7500) square feet, and have a frontage of not less than seventy five (75) 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 the State Board of Health Regulations.
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 permanent cooking facilities shall be allowed in any such buildings.

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. CONDITIONAL USES:

Trailer Parks subject to regulations as set forth in the C-1 Retail Commercial District.

C. 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 yards one (1) foot for each additional foot of height in excess of thirty-five (35) feet.

D. 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 seventy-five hundred (7500) square feet.

E. FRONT, REAR AND SIDE YARD REGULATIONS:

The minimum yard requirements for dwellings shall be the same as required in the R-2 Multiple Family Dwelling District. Mobile Homes shall conform to the R-3 requirements.

F. MINIMUM FLOOR AREA REQUIRED:

1. For Single Family Dwellings the minimum floor area 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 dwelling structures containing two (2) or more dwelling units, no unit shall have a living area of less than six hundred (600) square feet.
G. OFF-STREET PARKING REGULATIONS:

See Section 17.

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 expected from this provision.

I. GENERAL PROVISIONS AND EXCEPTIONS:

See Section 18.

SECTION 12. C-1-A LIMITED COMMERCIAL DISTRICT (NEIGHBORHOOD COMMERCIAL).

A. USES PERMITTED:

Within the C-1-A Limited Commercial District, no building, structure, land or water 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.


3. Restaurants.

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

5. Neighborhood filling stations, with incidentials, but not including major mechanical repairs such as welding or body rebuilding.

B. BUILDING HEIGHT REGULATIONS.

No building or structure shall exceed 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 shall be provided for off-street loading and off-street parking as provided by this Resolution.

D. FRONT, REAR AND SIDE YARD REGULATIONS:

1. For Dwellings and 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.

2. 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.

3. 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, same as required in the R-1 Single Family District and the R-2 Multiple Family District.

2. No minimum floor area for commercial uses.

F. OFF-STREET PARKING REGULATIONS:

See Section 17.

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 and screened enclosures are excepted from this provision.

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

H. GENERAL PROVISIONS AND EXCEPTIONS:

See Section 18.

SECTION 13. C-1 GENERAL COMMERCIAL DISTRICT.

A. USES PERMITTED:

Within the General Commercial District, no building, structure, land or water 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 1 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 two thousand four hundred (2,400) square feet of site per trailer and a minimum of fifty (50) trailer sites. All streets shall have a paved surface and be a minimum of twenty-five (25) feet in width.

C. BUILDING HEIGHT REGULATIONS:

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

D. BUILDING SITE AREA REGULATIONS:

1. For dwellings, same as for the R-2 Multiple Family 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 Single Family Dwelling District and R-2 Multiple Family 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. 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 or 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 R-1 Single Family Dwelling District and R-2 Multiple Family Dwelling District.

2. Commercial - No minimum floor area is required.

G. OFF-STREET PARKING REGULATIONS:

See Section 17.

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 and screened enclosures are excepted from this provision.

I. GENERAL PROVISIONS AND EXCEPTIONS:

See Section 18.

SECTION 14. C-2 GENERAL COMMERCIAL DISTRICT.

A. USES PERMITTED:

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

1. Any use permitted in the C-1 General Commercial District.

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.
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 thirty-five (35) feet in height.

C. BUILDING SITE AREA REGULATIONS:

1. For dwellings, same as for the R-1 Single Family Dwelling District and R-2 Multiple Family Dwelling District.

2. For Commercial Uses, no specific area requirement except that adequate area shall be provided for off-street loading and off-street parking as provided by this Resolution.

D. FRONT, REAR AND SIDE YARD REGULATIONS:

1. For dwellings, the same as required in the R-1 Single Family Dwelling District and R-2 Multiple Family 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. For structures located at street 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.

E. MINIMUM FLOOR AREA REQUIRED:

1. Dwellings - same as for the R-1 Single Family and R-2 Multiple Family Dwelling District.

2. Commercial buildings - no minimum floor area required.

F. OFF-STREET PARKING REGULATIONS:

See Section 17.

G. LOT COVERAGE:

1. For Commercial, no maximum lot coverage is required except yard requirements.

H. GENERAL PROVISIONS AND EXCEPTIONS:

See Section 18.
SECTION 15. M-1 WHOLESALE - LIGHT INDUSTRIAL DISTRICT.

A. USES PERMITTED:

Within the M-1 Wholesale - Light Industrial District no building structure, land or water 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.
5. Any Light 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 1, 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 thirty (30) 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 abut 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 REGULATIONS:

See Section 17.
G. LOT COVERAGE:

1. Fifty percent (50%) of the lot area is the maximum that may be covered by the principal and accessory buildings located thereon. Swimming pools and screened enclosures are excepted from this provision.

H. GENERAL PROVISIONS:

1. See Section 18.

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, dirt, fly ash, or any particular matter into the air. All fuel shall be either smokeless in nature or shall be used so as to prevent any emission of visible smoke, fly ash, or cinders into the air.

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 16. M-2 HEAVY INDUSTRIAL DISTRICT.

A. USES PERMITTED:

Within the M-2 Heavy Industrial District no building, structure, land or water shall be used except for one (1) or more of the following uses:

1. Any use permitted in the M-1 Wholesale - Light Industrial District.

B. CONDITIONAL USES:

Any other use that is not in conflict with any Resolution of Volusia County or Laws of the State of Florida regulating nuisances, provided however, that the following uses shall not be permitted until and unless the location site development plan and operation proposed for such use shall have been reviewed and approved by the Zoning Commission of the County Commissioner's District Number 1.

1. Cement, lime or gypsum manufacture.

2. Fat rendering.

3. Fertilizer manufacture.

4. Garbage, offal or dead animal reduction or dumping.

5. Glue manufacture.
6. Paper and pulp manufacture.
7. Stock yards or slaughtering of animals.
8. Tannery.
9. Any other Heavy Industrial operation.

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 thirty (30) feet.
2. Rear yard - No rear yard shall be required except, for that which is necessary to provide for loading or 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 17.

G. LOT COVERAGE:

1. Fifty percent (50%) of the lot area is the maximum that may be covered by the principal and accessory buildings located thereon. Swimming pools and screened enclosures are excepted from this provision.

H. GENERAL PROVISIONS:

1. See Section 18.
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 inflamnable materials shall be provided with adequate devices against the hazards of fire and explosion.
4. There shall be no emission of visible smoke, dust, dirt, 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 17. 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:

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<th>No. Spaces</th>
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<td>1</td>
<td>Dwelling Unit</td>
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<tr>
<td>1 ½</td>
<td>Dwelling Unit</td>
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<tr>
<td>2</td>
<td>3 Guest Rooms</td>
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<td>1</td>
<td>2 Sleeping Units</td>
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<td>3 beds</td>
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<td>5 beds</td>
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<td>1</td>
<td>4 seats</td>
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<td>1</td>
<td>4 seats in main assembly hall</td>
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<td>1</td>
<td>3 seats</td>
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(9) Stores (except grocery stores and meat markets) offices, and personal service establishments, (including banks and similar establishments) or any other use not specifically indicated.

(10) Grocery Stores

(11) Public office building and library

(12) Medical and dental clinic

(13) Manufacturing, industrial and warehouse uses

(14) Bowling Alleys

(15) Private Clubs and Lodges

<table>
<thead>
<tr>
<th>No.</th>
<th>Spaces</th>
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<tr>
<td>1</td>
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<td>Grocery Stores</td>
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<td>Public office building and library</td>
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<td>Manufacturing, industrial and warehouse uses</td>
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<td>3</td>
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<td>Bowling Alleys</td>
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<tr>
<td>1</td>
<td>1</td>
<td>Private Clubs and Lodges</td>
</tr>
</tbody>
</table>

C. LOCATION OF OFF-STREET PARKING SPACES:

1. Parking spaces for all single family dwellings shall be located on the same lot as the main building; for multiple family buildings, parking spaces may be provided within three hundred (300) feet distant, as measured along the nearest pedestrian walkway. All parking spaces for single family dwellings shall be located back of the building line.

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.
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 twenty thousand (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 ten thousand (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 ten thousand (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.

E. EXCEPTIONS:

Parking space surfacing shall not be required on farms, private camps or country residences where the roads adjoining the parking areas are not hard surfaced.

SECTION 18. GENERAL PROVISIONS AND EXCEPTIONS:

The regulations set forth in this Resolution 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. There shall not be established in any zoned area a business for the sale of alcoholic beverages in the package or by the glass for consumption on the premises closer to any church, temple or school than is permitted by the Laws of Florida applying to this Zoning District.

5. Petitions, for or against any change in zoning including variances must contain the name and address of all petitioners. Petitions shall only contain the names of those owning an interest in or to land whether by deed, lease (rental) or lien within two thousand (2,000) feet of the nearest boundary of the land parcel described in the petition or application filed under this Resolution.

6. 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, rebuilt or altered except by permission of the Zoning Commission.

7. Signs. No sign shall be erected in any area larger than eight (8) square feet unless an application for the placing of such sign or billboard in the area is approved by the Building Inspector. No sign shall be permitted that overhangs any street or public way unless a variance is granted. No illuminated sign or sign illumination shall be permitted which is of such brightness or so located that it shall blind operators of motor vehicles or constitute a traffic hazard. Should any person be aggrieved by a decision of a Building Inspector granting or denying a permit for the placement of a sign, billboard, such person may appeal to 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 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, subject only to the procedures for appeal provided by Chapter 63-2026 Laws of Florida.

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 1, 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 1. The person causing the building to be moved shall post a performance bond with the Board of County Commissioners of Volusia County, Florida in the amount of $1,000.00 conditioned upon the building being made to conform to all 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-R, R-1-AA or 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 any area except in the R-3 Mobile Home Dwelling District, the A-1 General District and in trailer parks as set forth in this Resolution. 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 these Districts 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) When a subdivision of land or portion thereof contains lots or parcels of land that do not conform to the lot area or lot frontage provisions of this Resolution and said land is under one (1) ownership and has remained unimproved or undeveloped for a period of three (3) years from the effective date of this Resolution, this Zoning Commission, after public hearings, may require the owner of said tract or lots to replat same to conform to the minimum area and frontage provisions of this Resolution for the District in which the lands are located.

(c) Whenever 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 unplatted land 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, provided that if such non-conforming lot or lots shall have at least 75 feet of frontage and shall comply with lot area requirements for the district in which they are located, they may each be used as lots.

(d) The Zoning Commission may authorize the issuance of a building permit for a single family dwelling on a sub-standard lot, but 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 in front of the setback line.

(b) When an accessory building is attached to a principal structure by a breezeway, roofed passage or otherwise it shall comply with the dimensional requirements of the principal building as set forth in these Zoning Regulations.

(c) An accessory building may not occupy more than thirty-five percent (35%) of a required rear yard.

(d) A detached accessory building, also a garage apartment, shall not be 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.

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 setback shall be provided on each street as provided for the District in which the lots are located.

(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. **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 lines.

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

17. **Temporary Buildings.** No buildings in the nature of shacks or work sheds will be permitted in any district, except buildings used in conjunction with construction work in progress.
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 abuts a business or industrial lot upon which a business is located.
(2) Where peculiar circumstances render it appropriate after approval of the Zoning Commission.
(3) Except fences and plantings designed to preserve privacy in side or back yards located wholly behind the front setback line should be permitted if they do not unreasonably destroy the rights of adjoining property owners.

(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 rights of the land owners 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 \(7\frac{1}{2}\) 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 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 Resolution 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 seven thousand five hundred \(7,500\) square feet and the required yard spaces shall be not less than those required in the R-1 District.

21. **Water and Sanitary Facilities:** Water and Sanitary facilities in all residential and commercial establishments in all districts, shall comply with requirements of the State Board of Health as to water and sanitary facilities for the class of construction and location and type of.

22. **Hospitals, Nursing Homes and Other Health Facilities.** In all Districts in which schools, universities and nursery schools are permitted, hospitals, nursing homes and health facilities shall be permitted whether such facilities are devoted to providing care for mental or for physical disabilities. Provided that land areas devoted to such facilities are sufficient to permit the proper care of patients or inmates and further provided that any existing facilities may be improved or reconstructed so as to provide the same or similar class or classes of care, as provided on the date of this resolution, without the addition of land area to that existing on that date.
SECTION 19. 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 than existed prior to the enactment 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 this 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 office 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. DISTRICT 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 20. ZONING COMMISSION.

A Zoning Commission is hereby organized which consists of the five (5) members heretofore appointed by the Board of County Commissioners of Volusia County and their successors.

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 following the public hearing, 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 variances to this Resolution the Commission shall, before making any finding in a specific case, first determine that the proposed variance 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.

The decision of this Zoning Commission shall be final when rendered, unless an appeal is presented to the Zoning Board of Appeals by Chapter 63-2026 Laws of the Acts of 1963, pursuant to the requirements imposed by that Act or by the regulations of the Zoning Board of Appeals.

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 to the public as in all other matters before the Zoning Commission 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 21. 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 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 the Resolution shall govern.
SECTION 22. 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 cover the approximate cost of the procedure.

SECTION 23. ENFORCEMENT.

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

(2) 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 is authorized is lawful.

(3) 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 Zoning Board of the County Commissioner's District Number 1, Volusia County, Florida.

SECTION 24. 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 25. REPEALING PROVISION.

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

SECTION 26. EFFECTIVE DATE.

This Resolution shall become effective immediately upon the passage.

The Resolution and Maps appurtenant thereto and a part of the Resolution was adopted March 25, 1965.