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ORDINANCE 2020-10

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA; AMENDING SECTION 72-241, CLASSIFICATIONS, BY ADDING MANUFACTURED MODULAR DWELLINGS AND MOBILE HOME DWELLINGS AS PERMITTED PRINCIPAL USES IN THE MH-1 MOBILE HOME PARK CLASSIFICATION SUBJECT TO CERTAIN CRITERIA; PROVIDING FOR CRITERIA FOR ALLOWANCE OF THE ADDED USES FOR MOBILE HOME SUBDIVISIONS LEGALLY ESTABLISHED PRIOR TO DECEMBER 22, 1994; PROVIDING FOR DIMENSIONAL REQUIREMENTS FOR MOBILE HOME SUBDIVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AUTHORIZING INCLUSION IN CODE; AND PROVIDING AN EFFECTIVE DATE.

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22

RECITALS AND LEGISLATIVE FINDINGS

23 WHEREAS, from time to time land development regulations should be amended to address
24 antiquated subdivisions;

25
26 WHEREAS, certain mobile home subdivisions were approved by court order or otherwise legally
27 established prior to December 22, 1994 in the MH-1 Mobile Home Park zoning classification;

28
29 WHEREAS, Volusia County sees a public purpose in addressing appropriate, historic
30 development in antiquated subdivisions while reducing the need for unnecessary variances or
31 creating incompatible adjacent zoning districts or spot zoning situations;

32
33 WHEREAS, the County determines that limited approval of manufactured modular and mobile
34 home dwelling units in a subdivision legally established prior to December 22, 1994 and within
35 a subdivision with a MH-1 zoning classification established prior to December 22, 1994 would
36 be compatible with existing development if regulated subject to dimensional requirements;

37
38 WHEREAS, the County determines that the minimum dimensional requirements within mobile
39 home subdivisions, are reasonable and compatible regulations based on the existing
40 development lot areas and development pattern of surrounding communities;

41
42 WHEREAS, the County determines that the proposed regulations are consistent with the Volusia
43 County Comprehensive Plan, Ordinance No. 90-10, as previously amended;

44
45 WHEREAS, pursuant to Section 163.3174, Florida Statutes, and Chapter 72, Article II, Division
46 11, section 72-413, Code of Ordinances, County of Volusia, the Volusia County Planning and

1 Land Development Regulation Commissions is designated as the local planning agency for the
2 unincorporated area of the County of Volusia, Florida;

3
4 WHEREAS, the notice and hearing procedures of Section 125.66(4)(b), Florida Statutes, have
5 been met.

6
7 BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS
8 FOLLOWS:

9
10 (Words in ~~strike-through~~ type are deletions; words in underscore type are
11 additions.)

12
13 **SECTION I:** Section 72-241 of Chapter 72 of the Code of Ordinances of the County of
14 Volusia is hereby amended as follows:

15 **Sec. 72-241 Classifications.**

16 * * * *

17 MH-1 MOBILE HOME PARK CLASSIFICATION

18 *Purpose and intent:* The purpose and intent of the MH-1 Mobile Home Park
19 Classification is to provide areas primarily for the use and development of mobile home
20 parks.

21 *Permitted principal uses and structures:* In the MH-1 Mobile Home Park Classification,
22 no premises shall be used except for the following uses and their customary accessory uses
23 or structures:

24 Communication towers not exceeding 70 feet in height above ground level.

25 Essential utility services.

26 Exempt excavations (refer to subsection 72-293(15)) and those which comply
27 with division 8 of the Land Development Code of Volusia County [article III] and
28 final site plan review procedures of this article.

29 Exempt landfills (refer to subsection 72-293(16)).

30 Fire stations.

31 Home occupations, class A (refer to section 72-283).

32 Houses of worship.

33 Mobile home parks meeting the requirements of section 72-285 and accessory
34 laundry buildings commissary, swimming pools and recreational facilities.

- 1 Public schools.
- 2 Publicly owned parks and recreational areas.
- 3 Publicly owned or regulated water supply wells.

4 Manufactured modular dwelling, (only on Lots in Mobile Home Subdivisions
5 legally established prior to December 22, 1994 and zoned MH-1 prior to
6 December 22, 1994).

7 Mobile home dwelling.

8 *Permitted special exceptions:* Additional regulations/requirements governing permitted
9 special exceptions are located in sections 72-293 and 72-415 of this article.

- 10 Dogs and cats boarded as personal pets exceeding the number permitted in
11 subsection 72-306(a).
- 12 Excavations only for stormwater retention ponds for which a permit is required
13 by this article.
- 14 Mobile home sales accessory to a mobile home park.
- 15 Off-street parking areas (refer to subsection 72-293(14)).
- 16 Public uses not listed as a permitted principal use.
- 17 Public utility uses and structures (refer to subsection 72-293(1)).

18 *Dimensional requirements for mobile home parks:*

- 19 *Minimum project size:* Ten acres.
- 20 *Maximum spaces per net acre of land:* Seven.
- 21 *Minimum mobile home space size:*
 - 22 Space area: 5,000 square feet.
 - 23 Space width: 50 feet.
 - 24 Space depth: 50 feet.
- 25 *Minimum yard size:*
 - 26 Front yard: Ten feet.
 - 27 Rear yard: Seven and one-half feet.
 - 28 Side yard:
 - 29 Abutting any space: Seven and one-half feet.

1 Waterfront yard: 25 feet.

2 *Minimum floor area: 480 square feet.*

3 *Dimensional requirements for Mobile Home Subdivisions legally established prior to*
4 *December 22, 1994 and zoned MH-1 prior to December 22, 1994:*

5 *Minimum lot size:*

6 *Area: 5,000 square feet.*

7 *Width: 50 feet.*

8 *Depth: 50 feet.*

9 *Minimum yard requirements:*

10 *Front yard: Ten feet.*

11 *Rear yard: Seven and one-half feet.*

12 *Side yard: Seven and one-half feet.*

13 *Waterfront yard: 25 feet.*

14 *Minimum floor area: 480 square feet.*

15 *Maximum lot coverage: The total lot area covered with principal and accessory*
16 *buildings shall not exceed 35 percent.*

17 *Final site plan requirements:* Final site plan approval meeting the requirements of
18 division 3 of the Land Development Code [article III] is required.

19 *Off-street parking and loading requirements:* Off-street parking and loading areas
20 meeting the requirements of sections 72-286 and 72-287 shall be constructed.

21 *Landscape buffer requirements:* A landscaped buffer area meeting the requirements of
22 section 72-284 shall be constructed.

23 *Skirting requirement:* The area between the ground and floor level of the mobile home
24 dwelling shall be enclosed with block or decorative skirting.

25 * * * *

26 **SECTION 2: SEVERABILITY** - Should any word, phrase, sentence, subsection or section
27 be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional,
28 then that word, phrase, sentence, subsection or section so held shall be severed from this

1 ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full
2 force and effect.

3 **SECTION 3: CONFLICTING ORDINANCES** - All ordinances, or part thereof, in conflict
4 herewith are, to the extent of such conflict, repealed.

5 **SECTION 4: AUTHORIZING INCLUSION IN CODE.** The provisions of this ordinance
6 shall be included and incorporated into the Code of Ordinances of the County of Volusia, as
7 additions or amendments thereto, and shall be appropriately renumbered to conform to the
8 uniform numbering system of the Code.

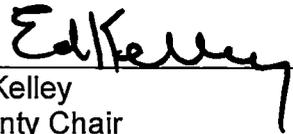
9 **SECTION 5: EFFECTIVE DATE.** This ordinance shall take effect upon electronic filing
10 of a certified copy with the Department of State.

11 ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN
12 MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C.
13 KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA,
14 THIS 25th DAY OF AUGUST A.D., 2020.

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18 ATTEST:

COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA

19
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Ed Kelley
County Chair

23 George Recktenwald
24 County Manager

