

ORDINANCE NO. 2014-26

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CITY OF PORT ORANGE LAND DEVELOPMENT CODE; AMENDING CHAPTER 17, SECTION 10 RELATING TO THE PERMITTED USES FOR THE TWO-FAMILY RESIDENTIAL (R-2D) DISTRICT; AMENDING CHAPTER 18, SECTION 4, SUBSECTION (b)(15.6) RELATING TO SPECIAL DEVELOPMENT REQUIREMENTS FOR SINGLE-FAMILY DWELLINGS IN THE R-2D DISTRICT; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, prior to 1990, approximately 600 single-family homes were constructed throughout the City within the Two-Family Residential (R-2D) zoning district as part of a special exception use; and

WHEREAS, on April 17, 1990, City Council adopted Ordinance 1990-9 removing the special exception which allowed the single-family homes to be built within the Two-Family Residential (R-2D) zoning district; and

WHEREAS, since April 17, 1990, the single-family homes located within the Two-Family Residential (R-2D) zoning district have been considered legal non-conforming uses; and

WHEREAS, a destroyed or substantially damaged legal non-conforming single-family home could only be rebuilt if the cost to repair the damaged home was determined to be less than 60 percent of its current appraised value; and

WHEREAS, if the cost to repair a damaged non-conforming single-family home located within the Two-Family Residential (R-2D) zoning district is greater than 60 percent of its current appraised value, the only residential structure that could be rebuilt on the lot would be a duplex; and

WHEREAS, City Council directed staff to prepare an amendment to the Land Development Code (“LDC”) to allow existing single-family homes built or permitted on a lot zoned Two-Family Residential (R-2D) before April 17, 1990, as a permitted use; and

WHEREAS, the Planning Commission has recommended approval of the proposed amendments to the Land Development Code; and

WHEREAS, for purposes of this ordinance words with underlined (underlined) type shall constitute additions to the original text and words with strikethrough (~~strikethrough~~) type shall constitute deletions from the original text.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

SECTION 1: The City Council of the City of Port Orange hereby amends Chapter 17, Section 10 of the LDC to read as follows:

Chapter 17 - ZONING DISTRICT REGULATIONS

Section 10: - Two-family residential (R-2D) district.

- (a) *Purpose and intent.* The two-family residential (R-2D) district is intended to provide relatively affordable, urban density housing, and it is intended to serve as a transitional zone between multifamily and single-family residential uses.
- (b) *Permitted uses.*
 - (1) Antennas.
 - (2) Camouflaged communication towers.
 - (3) Two-family dwellings.
- (bb) *Permitted uses with special development requirements (chapter 18, section 4).*
 - (1) Community gardens (subsection 5.1).
 - (2) Single-family dwellings (subsection 15.6).
- (c) *Special exception uses (chapter 18, section 3).*
 - (1) Guyed, lattice and monopole communication towers (subsection 5).
- (d) *Single-family attached dwelling subdivision regulations.*
 - (1) Utility easements allowing service to each unit shall be provided.
 - (2) Access easements for maintenance of common walls and other facilities shall be provided.

- (3) Legal covenants, restrictions and similar provisions for the joint maintenance of structure shall be submitted to the department to be recorded contemporaneously with the plat.
- (4) Where two-family dwelling development is proposed, plans shall be presented for both units simultaneously.

SECTION 2: The City Council of the City of Port Orange hereby amends Chapter 18, Section 4(b)(15.6) of the LDC to read as follows:

Chapter 18 - CONDITIONAL USES, SPECIAL EXCEPTIONS AND PERMITTED USES WITH SPECIAL DEVELOPMENT REQUIREMENTS

Section 4: - Special development requirements for permitted uses.

(b) *Special development requirements.*

(15.6) Single-family dwellings (R-2D).

- (a) The single-family dwelling shall be located in one of the following R-2D zoned zero-lot-line subdivisions within the city or have been issued a building permit prior to April 17, 1990.
 - (1) Amber Village
 - (2) Gatewood
 - (3) Harbor Town Village
 - (4) Potato Patch
 - (5) Southern Oaks
 - (6) Taylor Woods
 - (7) The Groves
- (b) The dimensional requirements for single-family dwellings in the R-2D zoning district are as follows:
 - (1) Minimum lot area: 5,000 sq.ft.
 - (2) Minimum lot width: 50 ft.
 - (3) Maximum building coverage: 40%
 - (4) Building setbacks (ft.)
 - (a) Front: 20 or as identified on the subdivision plat, whichever is greater.
 - (b) Side: 10 (If located in an existing zero-lot-line subdivision listed above, then one side is 10 ft. and one side is 0 ft.) or as identified on the subdivision plat referenced in Section 4(b)15.6(a).
 - (c) Rear: 15 or as identified on the subdivision plat, whichever is greater.
 - (5) Maximum building height: 35 ft.

SECTION 3: CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 4: SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 5: EFFECTIVE DATE

This ordinance shall take effect immediately upon adoption.

MAYOR ALLEN GREEN

ATTEST:

Robin L. Fenwick, CMC, City Clerk

Passed on first reading on the day of

Passed and adopted on second and final reading on the day of

Reviewed and Approved: _____
Assistant City Attorney