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RESOLUTION 15

COMPREHENSIVE

ZONING REGULATIONS

For

COUNTY COMMISSIONERS DISTRICT FOUR

ZONING DISTRICT

VOLUSIA COUNTY, FLORIDA

ADOPTED:

February 15, 1961

COMPREHENSIVE

ZONING REGULATIONS

For

COUNTY COMMISSIONERS DISTRICT FOUR

ZONING DISTRICT

COUNTY COMMISSIONER

James L. Dixon

ZONING COMMISSION

William R. McElroy, Chairman

W. H. Morris, Secretary
R. L. Cobb
A.P. Henderson
T.N. Leisle

Millard B. Conklin, Attorney

Prepared by:
DeWITT McGEE & ASSOCIATES,
planning and municipal consultants
Daytona Beach, Florida

COMPREHENSIVE

ZONING REGULATIONS

for

COUNTY COMMISSIONERS DISTRICT 4 ZONING DISTRICT

VOLUSIA COUNTY, FLORIDA

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RESOLUTION NO. 15

A RESOLUTION ADOPTING, FOR COUNTY COMMISSIONERS DISTRICT 4 ZONING DISTRICT, VOLUSIA COUNTY, FLORIDA, COMPREHENSIVE ZONING REGULATIONS, THE ESTABLISHMENT OF ZONING DISTRICTS, DISTRICT BOUNDARIES, AND USES PERMITTED THEREIN, MINIMUM REQUIREMENTS AS TO SIZE OF LOTS AND PERCENTAGE OF LOT COVERAGE, BUILDING SETBACK LINES, YARD REQUIREMENTS, REQUIREMENTS AS TO SIZE, HEIGHT, LIVING AREA, AND USE OF BUILDINGS, HOUSES, MOBILE RESIDENCES AND ACCESSORY BUILDINGS, SANITARY REGULATIONS, PARKING AND OFF-STREET LOADING REQUIREMENTS, PROVIDING FOR SPECIAL USES, AND THE ADMINISTRATION OF SAID REGULATIONS, PROVIDING FOR APPEALS, AMENDMENTS, AND SPECIAL HEARINGS, REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH, AND PROVIDING WHEN THIS RESOLUTION SHALL TAKE EFFECT.

WHEREAS, by act of the legislature of the State of Florida as provided in Chapter 59-1955, (Senate Bill No. 1155), authority is conferred upon the Board of County Commissioners of Volusia County, Florida, to appoint a Zoning Commission for each County Commissioner's District or any districts therein; and

WHEREAS, the Board of County Commissioners of Volusia County, Florida, pursuant to Chapter 59-1955, (Senate Bill No. 1155), has appointed a Zoning Commission for the territory in County Commissioners District 4 outside of the corporate limits of any city or town or special zoning district having zoning commissioners therein; such Zoning Commission to be referred to as the County Commissioners District 4 Zoning Commission, Volusia County, Florida; and

WHEREAS, the County Commissioners District 4 Zoning Commission, Volusia County, Florida, has prepared a Comprehensive Plan on which these Comprehensive Zoning Regulations are based, in order to provide for the best use of all land within the jurisdiction of the County Commissioners District 4 Zoning District, Volusia County, Florida; and

WHEREAS, the County Commissioners District 4 Zoning Commission, Volusia County, Florida, has had in effect Interim Zoning Regulations since January, 1960, for the purpose of protecting the County Commissioners District 4 Zoning District, Volusia County, Florida from undesirable land use practices; and

WHEREAS, the County Commissioners District 4 Zoning Commission, Volusia County, Florida has prepared these Comprehensive Regulations to be enforced, and public hearings have been held as requi red by law;

NOW, THEREFORE, BE IT RESOLVED, by the County Commissioners District 4 Zoning Commission of Volusia County, Florida, for the purpose of promoting the public health, safety, morals, and general welfare of the people of the County Commissioners District 4 Zoning Commission, Volusia County, Florida, that the following regulations be adopted as the Comprehensive Zoning Regulations of County Commissioners District 4 Zoning Commission, Volusia County, Florida, together with accompanying map or maps as officially designated by the County Commissioners District 4 Zoning Commission, Volusia County, Florida, to be adopted herewith as part of this Resolution.

ARTICLE I

SHORT TITLE

This Resolution shall be known as the "Comprehensive Zoning Regulations for County Commissioners District 4, Volusia County, Florida". The map herein referred to is identified by the title, "Comprehensive Zoning Map of County Commissioners District 4, Volusia County, Florida, dated February 15, 1961, and all explanatory matter thereon is hereby adopted and made a part of this Comprehensive Zoning Resolution.

ARTICLE II

PURPOSE

This Resolution is enacted for the purpose of promoting the health, safety, morals, and general welfare of the people of County Commissioners District 4, Volusia County, Florida, and to be effective within all of the unincorporated territory of County Commissioners District 4, Volusia County, Florida, outside of the corporate limits of any city or town or special zoning district having zoning commissioners therein, and to regulate and restrict the height, number of stories, size of buildings and other structures on land and water, the percentage of lots that may be occupied, the size of yards, courts, and other open spaces, the density of population, the use of buildings, structures and land for trade, industry, residence, or other specific use, to be regulated for the safety, health, morals, and general public welfafe.

This Resolution is also designed to lessen congestion on the highways; to secure safety from fire, panic, and other dangers; to promote health and the general welfare, to provide adequate light and air; to prevent the overcrowding of land and water, to avoid undue concentration of population; to preserve and facilitate the development and display of the natural beauty and attractiveness of roadsides; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other requirements, with consideration given to the character of each district and its peculiar suitability for particular uses, and with a view to conserve the value of buildings and encourage the most appropriate use of land and water throughout the territory under the jurisdiction of County Commissioners District 4 Zoning Commission, Volusia County, Florida

ARTICLE III

ZONING DISTRICTS

Section 1. Establishment of Districts. For the purpose of the administration and enforcement of this Comprehensive Zoning Resolution, in accordance with the provisions of Article I and Article II of this Resolution, the unincorporated areas of County Commissioners District 4 Zoning District, Volusia County, Florida, outside the corporate limits of any city or town, or special zoning districts having zoning commissioners therein, are classified into zoning districts as follows:

1.1 Residential

1.1.1 R-1a, Single Family, Low Density

1.1.2 R-1b, Single Family, Medium Density

1.1.3 R-1c, Single Family, Modified

1.1.4 R-2, Multi-Family

1.1.5 RA, Residential - Limited Agricultural

1.2 Business

1.2.1 BR, Commercial, Retail Sales

1.2.2 BA, Commercial, Auto Oriented

1.3 Industrial

1.3.1 ML, Light Industry

1.3.2 MP, Industrial Parks

1.4 Agriculture, A

Section 2. District Boundaries.

2.1 Zoning districts are hereby established and declared to be in effect upon all land and water areas included within the boundaries of each district as shown on the Comprehensive Zoning Map of County Commissioners District 4 Zoning District, Volusia County, Florida.

2.2 Unless otherwise indicated on the Comprehensive Zoning Map of County Commissioners District 4 Zoning District, Volusia County, Florida, the boundaries of districts are lot or property lines, the centerline of streets, street rights-of-way, alleys, railroad rights-of-way, the corporate limits of municipalities as they exist at the time of the enactment of this Resolution, section lines, land grant lines, or such other geographical or topographical features as may be indicated, including rivers, streams, drainage canals, shorelines and channels.

2.3 Any unsubdivided property where a zoning district boundary line is shown and where no other feature exists which would indicate the exact location of the zoning district boundary line, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the zoning map.

ARTICLE IV

DEFINITIONS

For the purpose of the administration and enforcement of this Resolution, and unless otherwise stated in this Resolution, the following words shall have a meaning herein as indicated:

ALLEY. Any public or private right-of-way set aside for public travel less than thirty (30) ft. in width.

APARTMENT. A single building containing two or more living units.

AUTOMOTIVE VEHICLES. Any self-propelled vehicle or conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise or any substance, and shall include passenger cars, trucks, buses, motorcycles, scooters, but shall not include tractors, construction equipment or machinery, or any device used for performing a job except as stated above.

BUILDING. Any structure constructed or used for residence, business, industry, or other public or private purposes or accessory thereto and including tents, lunch wagons, dining cars, trailers, mobile homes, sheds, garages, carports, animal kennels, or structures, store rooms, billboards, signs, gasoline pumps and similar structures whether stationary or movable.

PRINCIPAL BUILDING. A building in which is conducted the principal use of the lot on which it is situated. In a residence district any dwelling shall be deemed to be the principal building on the lot on which the same is situated. An attached carport, shed, garage or any other structure with one or more walls or a part of one wall being a part of the principal building and structurally dependent, totally or in part, on the principal building, shall comprise a part of the principal building and be subject to all regulations applicable to the principal building. A detached and structurally independent carport, garage, or other structure shall conform to the requirements of an accessory building. A detached and structurally independent garage, carport, or other structure conforming as an accessory building may be attached to the principal building by an open breezeway not to exceed six (6) ft. in width. A connecting

breezeway in excess of six (6) ft. and/or enclosed on one or both sides, including louvers, lattice or screening, shall cause the entire structures to be construed as the principal building and shall be subject to the regulations applicable to the principal building.

ACCESSORY BUILDING. A subordinate building, the use of which is incidental to that of the principal building on the same lot.

BASEMENT. That space of a building that is partly below grade which has more than half its height, measured from floor to ceiling, above the average established curb level or finished grade of the ground adjoining the building.

BUILDING AREA. That area within and bounded by the building lines established by required yards and setbacks.

BUILDING LINE. The line established within a lot or parcel of land by setback or yard requirements, measured perpendicular from the property line, street centerline, or other reference line or point as may be designated. Within the area between such building line and the property line, no principal building may be erected and no accessory building may be erected except as otherwise permitted in these regulations.

BUSINESS SERVICES. Any commercial activity, primarily conducted in an office, not involving the sale of goods or commodities available in the office, not dispensing personal services, and including such businesses as real estate brokers or agents, insurance, accountants, financial institutions, or any similar use.

CELLAR. That space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building.

CORNER LOT. Any lot situated at the intersection of two streets and abutting such streets on two adjacent sides.

DAY NURSERY. A day nursery is defined as a residence or building in which one or more children under seventeen (17) years of age are received, for full-time or part-time care, or training, and for whom board may or may not be provided, and that for such care or custody, remuneration shall be paid by the parents or legal guardians of the children, and shall include the terms kindergartens and schools for child care.

DWELLING. A house, apartment, or building designed or used primarily for human habitation. The word dwelling shall not include boarding or rooming houses, hotels, motels, tourist courts, or other structures for transient residents.

FAMILY. One or more persons occupying a premises in the form of a living unit and living as a single non-profit housekeeping unit.

FRONTAGE. The distance measured along a public street right-of-way.

HOTEL. A building designed to provide accommodations for transients or persons for short-time residence, with or without meals, providing for ten (10) or more sleeping rooms with no provisions for cooking in such rooms, and including customary accessory uses in connection with the principal use.

INDUSTRIAL USE. Any activity involving the manufacturing or treatment of any commodity including the assembly, packaging, canning, bottling, or processing of any item. To change any commodity in composition, form,size, shape, texture, or appearance is deemed to be an industrial process.

INTERIOR LOT. Any lot bound on both sides by other lots.

LIVING AREA. That area of a dwelling unit, enclosed, which is protected from the elements and heated, including interior halls, closets, utility and storage areas, but excluding garages, carports, screened porches, unenclosed and unheated areas, cellars.

LIVING UNIT. A room or rooms comprising the essential elements of a single housekeeping unit. Facilities for the preparation, storage and keeping of food for consumption within the premises shall cause a unit to be construed as a living unit. Bath facilities may not be private for the living unit, but shall be accessible to the living unit.

LOT. A piece, parcel, tract, or plot of land occupied or to be occupied by one principal building and its accessory buildings and including the required yards and shall include all lots of record included in such piece, parcel, tract or plot of land, and all lots otherwise designated.

> LOT OF RECORD. A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat prior to the effective date of this Resolution.
>
> LOT, SUBSTANDARD. Any lot of less than five thousand (5,000) sq. ft. in area or less than fifty (50) ft. in width at the front building line, in all districts except business districts.

LOT LINE. The property line, abutting right-of-way line, or any line defining the exact location and boundary of a lot.

MOBILE HOME. A movable living unit or similar portable structure having no foundation other than wheels, jacks, or blocks, sometimes referred to as trailers or trailer homes.

MOTEL. The term motel shall include the term motor hotel, tourist courts, and transient accommodations, primarily for those persons traveling by automotive vehicles and consisting of two or more units or buildings designed to provide sleeping accommodations with no common entrance or lobby.

NON-CONFORMING BUILDING. Any building which does not conform to the regulations for the district in which it is located.

NON-CONFORMING LOT. Any lot which does not meet the minimum dimensions, area, or other regulations of the district in which it is located.

NON-CONFORMING USE OF BUILDING. The use of any building other than a use specifically permitted in the district in which the building is located.

NON-CONFORMING USE OF LAND. The use of any land other than a use specifically permitted in the district in which the lot or parcel of land is located.

OCCUPIED. The use of a building or land for any purpose and shall include occupancy for residential, business, industrial, and public use. This shall include the use of land or buildings for manufacturing and storing facilities.

PARKING SPACE. An area specifically and permanently designated for the off-street parking or storage of vehicles. Such space for passenger cars shall have a minimum width of eight and one-half (8-1/2) feet and a minimum length of eighteen (18) feet. When an area is designated to provide off-street parking facilities, a minimum of three hundred fifty, (350) square feet per parking space shall be used for computing the minimum total required parking area including driving lanes, maneuvering areas, and parking spaces. No part of such parking space or spaces shall exist upon any public right-of-way.

PERSON. The word person shall include any individual, group of persons, firm, corporation, municipal corporations, associations, organizations, or any legal public entity.

PERSONAL SERVICES. Beauty parlor, shop, or salon, barber shop, massage, reducing, or slenderizing studio, steam or turkish baths, or any similar use.

PROFESSIONAL SERVICES. The conduct of business in any of the following or related categories: law, architecture, engineering, medicine, dentistry, osteopaths, chiropractors, opticians, or consultants in these or related fields.

PUBLIC BODY. Any government or governmental agency of Volusia County, Florida, the State of Florida, or the U. S. Government.

PUBLIC USE. The use of any land, water, or buildings by a municipality, public body or board, commission or authority, county, state, or the federal government or any agency thereof for a public service or purpose.

RETAIL SALES. Retail sales shall include variety stores, drug and sundry stores, restaurants, delicatessens, grocery and markets, gift shops, wearing apparel, home and auto supplies, furniture and appliances, hardware, package stores, cocktail lounges, news stands, book and stationery stores, shoe repair, luggage shops, bakeries (provided that products made on the premises are sold on the premises), candy shops, radio and television sales and service, floor coverings, and similar uses.

ROAD. Any public or private right-of-way, set aside for public travel thirty (30) ft. or more in width. The word road shall also include the word street, avenue, boulevard, lane, drive, thoroughfare, and highway.

> ROAD RIGHT-OF-WAY LINE. The property line which abounds the right-of-way set aside for use as a street. Where sidewalks exist and the exact location of the right-of-way of the street is unknown, the side of the sidewalk farthest from the centerline of the traveled street shall be considered as the right-of-way line.

> ROAD CENTERLINE. The midpoint between the street right-of-way or the surveyed centerline of the street.

SEMI-PUBLIC BODY. Includes churches and organizations operating as a non-profit activity serving a public purpose or service and includes such organizations as non-commercial clubs and lodges, theater groups, recreational and neighborhood associations, and cultural activities.

TRAILERS. Any portable or mobile structure or vehicle so constructed, arranged and designed as to provide temporary or permanent occupancy for living quarters, storage or office purposes, or for use as an accessory building regardless of whether equipped with wheels or resting on any type of temporary or permanent foundation, and including trailers identified as house trailers or mobile homes.

USE. Any activity, function, or purpose to which a parcel of land or building is put, and shall include the words used, arranged, or occupied, for any purpose including all residential, commercial, business, industrial, public or any other use.

VACANT. A building or parcel of land shall be deemed vacant when it is neither occupied nor used, or when it is in a non-operative status for a period of one year.

YARD. An open space on the same lot with a principal building, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this Resolution.

> FRONT YARD. The yard extending across the entire width of the lot between the front lot line and the front building line.
>
> REAR YARD. The yard extending across the entire width of the lot between the rear lot line and the rear building line.
>
> SIDE YARD. The yard extending from the front building line to the rear building line between the side lot line and the side building line.

ZONING COMMISSION. The term Zoning Commission shall mean the County Commissioners District 4 Zoning Commission, Volusia County, Florida.

ZONING MAP. Zoning Map shall mean the Comprehensive Zoning Map of County Commissioners District 4 Zoning District, Volusia County, Florida, and shall include all explanatory matter thereon.

ZONING RESOLUTION. The term Zoning Resolution or Resolution shall refer to this Resolution entitled the "Comprehensive Zoning Regulations for County Commissioners District 4 Zoning District, Volusia County, Florida".

ARTICLE V

GENERAL PROVISIONS

Regulations under this article shall apply to all zoning districts and to all buildings, structures, and uses of land or water irrespective of the zoning district in which such use is located.

Section 1. Access Control. In order to promote the safety of motorists and the pedestrian and to minimize traffic congestion and conflict by reducing the magnitude of and the points of contact, the following regulations shall apply:

1.1 A point of access, that is, a driveway or other opening for vehicles onto a public road, shall not exceed twenty four (24) feet in width, except as otherwise provided in this section.

1.2 The maximum number of points of access permitted onto any one road shall be as follows:

Lot Width Abutting Road	Number of Points of Access
Less than 65 ft.	1
65 ft. - 200 ft.	2
Over 200 ft.	2, plus 1 for each additional 200 ft.

1.3 In lieu of any two (2) openings permitted onto any one road, there may be permitted a single point of access up to thirty-five (35) ft. in width.

1.4 There shall be a minimum distance of twelve (12) feet between any two (2) openings onto the same road.

1.5 No point of access shall be allowed within ten (10) feet of the intersection of the right-of-way lines of any public road.

1.6 No curbs shall be cut or altered, and no point of access or opening for vehicles onto a public road shall be established without a permit issued by the Building Inspector.

1.7 The Zoning Commission may require the construction of pull-over lanes for access to commercial uses generating significant traffic problems on U. S. Highway 1. The cost of these lanes shall be borne by the applicant and shall be constructed in cooperation with the State Highway Department standards and regulations. It shall be the responsibility of the applicant to contact the State Road Department Engineers and to arrive at a workable agreement with the State Road Department for the construction of pull-over lanes. A building permit shall not be issued until the Building Inspector or the Zoning Commission receives, in writing, sufficient evidence to indicate that such pull-over lanes will be constructed.

1.8 On commercial properties, where an applicant proposes development of an area abutting U. S. Highway 1, a distance of 300' or more, the Zoning Commission may require the applicant to construct a marginal access road; such road intended to provide limited access to U. S. Highway 1 and providing direct access to each business use along the property which it abuts. The cost of constructing such marginal access road shall be borne by the applicant.

Section 2. Authority to Enter Upon Private Property. Any member of the Zoning Commission or any of its authorized employees, in the performance of their duties under the provisions of this Resolution, may enter upon any land and make examinations and surveys as deemed necessary in the administration and enforcement of these regulations.

Section 3. Fences. Fences of solid face construction shall be permitted at all lot lines not to exceed heights as follows:

Front Yard	4'
Side Yard	5'
Rear Yard	6'

Chain link or wire fencing may not exceed six (6) feet in height at all property lines. Business and industrial properties shall be permitted fences of solid face construction not to exceed eight (8) feet in height. Any applicant desiring fences higher than those permitted in this section shall make application to the Zoning Commission with reasons for their request. The Zoning Commission shall have the authority to permit fences of additional height, provided that it is found to be in the best interests of the public welfare.

Section 4. Fee Exemptions. The United States of America, the State of Florida or any of its agencies, the County of Volusia, all municipalities and public bodies situated wholly within the boundaries of Volusia County, shall be exempt from the payment of any fee for a building, but any such permit will be issued to any of the above-named bodies upon application for any building construction, not contrary to the provisions of this Resolution. Fee shall not be required for public buildings of any kind when the construction is undertaken by a department or employees of the public body making the application.

Section 5. Houseboats. No houseboat, which is not propelled by its own power shall be permitted to fasten to a dock, anchor to land, or to remain in any of the waterways within the territory subject to these Regulations without a permit. Application for such permit shall be made to the Zoning Commission. The Zoning Commission is authorized to issue permits for said houseboat use and occupancy, provided said use and occupancy does not conflict with the uses of the immediate area; otherwise, a public hearing will be held before permitting such use and occupancy in a given area.

Section 6. Interpretation of Uses Permitted. In any district, where an application is made for a use not expressly permitted or prohibited, the Zoning Commission or its duly authorized employees, shall consider that use which is expressly permitted or prohibited most similar or allied to that use requested. The Zoning Commission shall be the final authority in the determination of such uses.

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

Section 8. Minimum Living Area. No living unit shall be constructed with a living area of less than six hundred (600) sq. ft. This section shall not apply to mobile residences or house trailers meeting all other requirements of this Resolution.

Section 9. Minimum Setbacks from the Centerline of all Roads. Required yards and setback lines abutting a road shall be measured from a line parallel to the centerline of the road which line shall be a distance from the centerline of the road according to the road classification as indicated on the official Land Use Plan for County Commissioners District 4 Zoning District, Volusia County, Florida, as follows:

U. S. Highways	80'
State Highways	60'
Thoroughfares	40'
Collector Routes	35'
All Other Roads	25'

All setback lines must also meet the front yard requirements as set forth in sections herein establishing minimum front yard requirements.

Section 10. Moving of Buildings. When any building is moved from any location within or without the County area of Volusia County to any location within the County area outside of the city limits of any city or town limits to any city or town, the building shall immediately be made to conform to all provisions of the County Building Code, plumbing resolutions, electical resolutions, and zoning resolutions of the County of Volusia. The person causing the building to be moved shall secure a building permit from the County Building Inspector and 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 the building codes, plumbing resolutions, electrical resolutions, and zoning resolutions of Volusia County, within six (6) months from the date of the issuance of building permit, said bond to be returned when all work has been completed in accordance therewith.

Section 11. Non-Conforming Buildings or Structures. Non-conforming buildings and structures shall be made to comply with these regulations only after destruction exceeding two-thirds (2/3) of the fair market value immediately prior to the time of destruction. An existing non-conforming building or structure may be maintained and repaired but shall not be added on to, altered, or enlarged to further the non-conformance; however, an existing non-conforming building or structure may be added on to or altered, provided that such additions or alterations are in compliance with these regulations.

Section 12. Non-Conforming Lot.

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

12.2 Dwellings on Non-Conforming Lots. The Building Inspector may issue a building permit for a single family dwelling on any non-conforming lot, excluding sub-standard lots, provided that the remedies set forth in this section cannot be complied with; that such use is permitted and that the regulations of the district in which the lot is located are met.

12.3 Dwellings on Sub-Standard Lots. Only the Zoning Commission may authorize the issuance of a building permit for a single family dwelling on a sub-standard lot, and only after it has been 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.

Section 13. Non-Conforming Use of Land. All non-conforming uses of land without principal buildings, including open storage, building supplies, vehicle, implement and machinery storage, not on the same lot with a plant, factory or sales facility, signs, billboards, junk yards, and commercial animal yards, and similar uses, shall comply with these regulations pertaining to uses permitted within three (3) years from the effective date of this Resolution.

Section 14. Non-Conforming Use of Buildings and Structures. The use of any building or structure not in conformance with these regulations pertaining to uses permitted, on the effective date of this Resolution, may not be:

14.1 Changed to another non-conforming use.

14.2 Re-established after discontinuance for a period of one year.

14.3 Extended, enlarged, or expanded.

14.4 Re-established after damage to building or structure exceeding two-thirds (2/3) of the fair market value of the building immediately prior to damage.

Section 15. Obstruction to Vision at Road Intersections. In order to minimize accidents caused by obstruction to vision at road intersections, the following regulations shall apply in all "R" Districts:

15.1 Within the area formed by the rights-of-way lines of intersecting roads, and a straight line connecting points on such rights-of-way lines at a distance of forty (40) feet from their point of intersection, such connecting line extending beyond the points to the curb lines, there shall be a clear space with no obstruction to vision between the height of three (3) feet and a height of eight (8) feet above the average grade of each road as measured at the centerline thereof.

15.2 The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

15.3 Trees shall be permitted in the clear space provided that foliage is cut away within the prescribed heights.

15.4 Lamp posts and street name sign posts shall also be permitted, provided that illuminating fixtures or name plates are not within the prescribed clear space.

Section 16. Off-Street Parking and Loading Facilities.

16.1 Off-street parking spaces, as required in this section, shall be established in accordance with the definition of parking space, as set forth in this Resolution.

16.2 At the time of the erection of any main building or structure or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, floor area or seats, there shall be provided at that time minimum off-street parking space with adequate provisions for ingress and egress, in accordance with the following requirements, provided that such requirements do not, in the judgment of the Zoning Commission, constitute an undue hardship, or are impossible of accomplishment.

16.2.1 Dwelling structures, two (2) spaces for each dwelling unit.

16.2.2 Churches, temples or places of worship, one (1) space for each four (4) seating spaces in the main auditorium.

16.2.3 Country clubs, golf clubs, gun clubs, private clubs or lodges, one (1) space for each five (5) members.

16.2.4 General business, commercial or personal service establishments, one (1) space for each one hundred (100) sq. ft.

16.2.5 Hotel apartment, one (1) space for each dwelling unit.

16.2.6 Hospitals, sanitariums, convalescent homes, one (1) space for each four (4) patient beds, exclusive of spaces required for doctors, attendants, nurses, and ambulances, which shall require one (1) space for each patient bed.

16.2.7 Kennels and animal hospitals, one (1) space for each one hundred (100) sq. ft. of the total enclosed or covered area.

16.2.8 Libraries and museums, one (1) space for each one hundred (100) sq. ft. of the floor area opened to the public.

16.2.9 Medical or dental offices or clinics, three (3) spaces for each doctor, dentist or technician, or other employee.

16.2.10 Hotels, motels and tourist courts, one (1) space for each guest room or each bathroom, whichever is greatest, plus one (1) space for each three (3) employees.

16.2.11 Office buildings, one (1) space for each two hundred (200) sq. ft. of floor area used for office purposes.

16.2.12 Restaurants or other eating places, one (1) space for each fifty (50) sq. ft. of floor area devoted to patron use, plus one (1) space for each two (2) employees.

16.2.13 Rooming, boarding houses, dormitories, one (1) space for each bedroom.

16.2.14 Schools, public buildings, theaters, auditoriums, and places of assembly, one (1) space for each three (3) seats in the main auditorium or place of assembly.

16.2.15 Manufacturing and industrial concerns not catering to the retail trade, one (1) space for each two (2) employees on the largest working shift, plus one (1) space for each company vehicle operating from the premises.

16.3 Location.

16.3.1 Such parking space as required above shall in no part exist upon the right-of-way of any public road, alley, or walkway.

16.3.2 Parking spaces for all dwellings shall be located on the same lot with the main building to be served where possible.

16.3.3 Parking spaces for all other uses shall be provided on the same lot with the main building, or not more than five hundred (500) ft. distant, as measured along the nearest pedestrian walkway.

16.3.4 Parking requirements for two (2) or more uses, of the same or of different types, may be provided by the establishment of the required number of spaces of each use in a common parking area.

16.4 Off-Street Loading Requirements.

16.4.1 Every hotel, hospital, institution, commercial, or industrial building or similar use having a floor area of ten thousand (10,000) sq. ft. or more, and requiring the receipt or distribution by vehicle of materials or merchandise, shall have at least one (1) permanently maintained off-street loading space for each ten thousand (10,000) sq. ft. of gross floor area or fraction thereof.

16.4.2 Retail operations, wholesale operations, and industrial operations with a gross floor area of less than ten thousand (10,000) sq. ft. shall provide sufficient space for loading and unloading operations in order that the free movement of vehicles and pedestrians over a sidewalk, road, or alley shall not be impaired.

16.4.3 Every off-street loading and unloading space shall have direct access to a public street or alley, and shall have the following minimum dimensions:

Length, 30 ft; width, 12 ft; height, 14 ft.

16.5 Permanent Reservation. Areas reserved for off-street parking or loading, in accordance with the requirements of this section, shall not be reduced in area or encroached upon in any manner or changed to any other use unless the permitted use which it serves is discontinued or modified, except when equivalent parking or loading space is provided to the satisfaction of the Zoning Commission.

Section 17. Permitted Building Area. The principal building on any lot or parcel of land shall be erected within the area bound by the building lines established by setback or yard requirements. Accessory buildings may be erected within any building line established for the principal building and in required yards as may be otherwise provided in these regulations.

Section 18. Principal Building on a Lot. Only one (1) principal building and its customary accessory buildings may hereafter be erected on any lot of record. Any dwelling shall be deemed to be the principal building on the lot on which the same is located.

Section 19. Property Frontage. No building or structure shall be erected on a parcel of land which does not abut a public road for a minimum width of twenty (20) feet. No dwelling shall be erected on a lot which does not abut at least one (1) public road for at least fifty (50) feet, except that a minimum road abutment distance of twenty-five (25) feet shall apply to properties of an irregular shape provided that a minimum building line width of fifty (50) feet is met at the required front yard setback line.

Section 20. Sanitary Regulations.

20.1 All regulations of the State Sanitary and Plumbing Laws shall be observed.

20.2 No plumbing fixtures shall be installed unless water is supplied under pressure.

20.3 A septic tank, a pit privy and/or drains connected thereto shall not be placed closer than fifty (50) ft. to any well used for water supply, or within five (5) ft. of any building.

20.4 Liquid petroleum and bottle gas installations and services shall meet the current requirements of the National Board of Fire Underwriters.

20.5 Pit privies shall not be placed closer than two hundred (200) ft. to trailer camps, public schools, or hospitals.

Section 21. Shopping Centers. Shopping centers are hereby defined as a group of retail stores or shops under single ownership or management, with an area of five (5) acres or more, and with a minimum depth of 300', established as a shopping entity, with common parking facilities, ingress and egress, loading and unloading facilities.

Shopping centers shall be permitted in any commercial or industrial district, and may be developed in accordance with approval of a plat of a subdivision or development as approved by the Zoning Commission. A shopping center shall not be divided into separate lots for each store or use. No permit shall be issued for the construction of a shopping center until the plans and specifications, including the design of ingress and egress roads, parking facilities, and such other items as may be found of importance have been approved by the Zoning Commission. No building shall be erected closer than twenty-five (25) feet to any road right-of-way line. There shall be provided a minimum of one (1) parking space for each one-hundred (100) square feet of floor area designed to be used for business or shopping purposes. Such parking area, including maneuvering areas, ingress and egress roads and driving lanes, shall be paved and kept in good repair at all times with a hard, all-weather surface. All points of access shall be to a public road; however, there shall be no public roads or alleys within the shopping center property. All loading and unloading shall be done entirely within the shopping center property. Except as otherwise provided in this section, all uses within shopping centers shall conform with other regulations as set forth in this Resolution.

Section 22. Subdivision of Lots. No lot shall be reduced in area or subdivided, or no tract of land shall be subdivided or reduced in area in a manner which would result in causing any lot to have an area less than that required in the district in which it is located, as set forth in this Resolution, or would reduce the open spaces or yards required by this Resolution.

Section 23. Trailers and Mobile Homes. Trailers or mobile homes used for living purposes may be parked only in a trailer park approved by the State Board of Health, or must meet the requirements of a single permanent dwelling as provided in this Resolution, in districts expressly permitting trailers or mobile homes to be used as a single family dwelling. All trailers, in areas where permitted, must comply with the Building Code, Plumbing Code, Electrical Code, Sanitary Code, and the Mobile Home Regulations as adopted by the Zoning Commission. Mobile homes parked in permitted zones and not in approved trailer parks, shall in addition, be required to have their wheels removed and be immobile if such mobile home is to be parked for a period of thirty (30) days or over.

Section 24. Use of Public Rights-of-Way. The sale of merchandise from within the limits and confines of all public road or street rights-of-way lying within the territory under the jurisdiction of this Resolution is prohibited.

Section 25. Yards and Open Spaces. The minimum yards and other open spaces as required in this Resolution, existing at the time of the adoption of this Resolution, or for any building hereafter erected or altered, shall not be encroached upon or considered as yard or open space or use requirements for any other building.

ARTICLE VI

RESIDENTIAL DISTRICTS

Section 1. R-1a, r-1b, R-1c, R-2 Districts. Within these districts, as shown on the Zoning Map, the following regulations shall apply:

1.1 Uses Permitted.

1.1.1 Districts R-1a, R-1b and R-1c, single family dwellings, including customary accessory uses and buildings.

1.1.2 R-2 districts, single family and multi-family dwellings, and customary accessory uses, and buildings incidental thereto. Churches and schools may be permitted in these districts only after approval by the Zoning Commission.

1.2 Uses Prohibited.

1.2.1 The commercial raising of fowl, animals, or reptiles.

1.2.2 Breeding or raising of any insects or animals, other than customary pets.

1.2.3 Any business, commercial, or industrial uses.

1.3 Lot and Building Requirements. The principal building, except accessory buildings and other structures, shall be so located and constructed as to comply with the following requirements:

	R-1a	R-1b	R-1c	R-2
Minimum Living Area:				
Single Family	1,200 sq. ft.	1,000 sq. ft.	500 sq. ft. plus 100 sq. ft. for each bedroom	500 sq. ft. plus 100 sq. ft. for each bedroom
Multi-Family	-	-	-	450 sq. ft. plus 100 sq. ft. for each bedroom
Minimum Lot Area:				
a. with approved water	12,500 sq. ft.	8,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.
b. without water	15,000 sq. ft.	10,000 sq. ft.	10.,000 sq. ft.	10,000 sq. ft.

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ARTICLE VI

RESIDENTIAL DISTRICTS

Section 1. R-1a, R-1b, R-1c, R-2 Districts. Within these districts, as shown on the Zoning Map, the following regulations shall apply:

1.1 Uses Permitted.

1.1.1 Districts R-1a, R-1b and R-1c, single family dwellings, including customary accessory uses and buildings.

1.1.2 R-2 districts, single family and multi-family dwellings, and customary accessory uses, and buildings incidental thereto. Churches and schools may be permitted in these districts only after approval by the Zoning Commission.

1.2 Uses Prohibited.

1.2.1 The commercial raising of fowl, animals, or reptiles.

1.2.2 Breeding or raising of any insects or animals, other than customary pets.

1.2.3 Any business, commercial, or industrial uses.

1.3 Lot and Building Requirements. The principal building, except accessory buildings and other structures, shall be so located and constructed as to comply with the following requirements:

	R-1a	R-1b	R-1c	R-2
Minimum Living Area:				
Single Family	1,200 sq. ft.	1,000 sq. ft.	(600 sq. ft. plus 100 sq. ft. for each bedroom)	
Multi-Family	-	-	-	450 sq. ft. plus 100 sq. ft. for each bedroom
Minimum Lot Area:				
a. With approved water	12,500 sq. ft.	8,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.
b. Without water	15,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.

	R-1a	R-1b	R-1c	R-2
Minimum Lot Width or Building Line	100 ft.	75 ft.	60 ft.	60 ft.
Minimum Lot Depth	125 ft.	105 ft.	100 ft.	100 ft.
Minimum Front Yard	40 ft.	25 ft.	25 ft.	25 ft.
Minimum Side Yard:				
a. Abutting another lot	10 ft.	7-1/2 ft.	5 ft.	5 ft.
b. Abutting a road	25 ft.	25 ft.	25 ft.	25 ft.
Minimum Rear Yard	40 ft.	30 ft.	25 ft.	25 ft.

Accessory structures, excluding fences, may be erected within five (5) feet of any rear yard lot line.

Maximum Percent of Lot Coverage	30%	30%	30%	35%
Maximum Percent of Rear Yard Coverage	30%	30%	30%	35%

1.4 Mobile Homes in R-1c Districts. The R-1c districts are specifically set forth to provide areas in which persons may establish single family residance in a mobile home situated on a single lot and meeting all requirements of this article. Mobile homes existing as a single family dwelling in this district may be added onto for the purpose of expanding the living area. However, if it is the desire of the occupant, as indicated upon his permit application, such mobile home may be used for occupancy for a period of one year, during which time the construction of a single family dwelling may be undertaken. Following completion of the single family dwelling, upon expiration of the one year time limit, such mobile home shall be removed from the premiss s and otherwise shall conform to all the regulations of this Resolution. Mobile homes not meeting the requirements sst forth in this article shall have one year in which to comply.

	R-1a	R-1b	R-1c	R-2
Minimum Lot Width at Building Line	100 ft.	75 ft.	60 ft.	60 ft.
Minimum Lot Depth	125 ft.	105 ft.	100 ft.	100 ft.
Minimum Front Yard	40 ft.	30 ft.	25 ft.	25 ft.
Minimum Side Yard:				
a. Abutting another lot	10 ft.	7-1/2 ft.	5 ft.	5 ft.
b. Abutting a road	25 ft.	25 ft.	25 ft.	25 ft.
Minimum Rear Yard	40 ft.	30 ft.	25 ft.	25 ft.

Accessory structures, excluding fences, may be erected within 5 feet of any rear yard lot line.

Maximum Percent of Lot Coverage	30%	30%	30%	35%
Maximum Percent of Rear Yard Coverage	30%	30%	30%	35%

1.4 Mobile Homes in R-1c Districts. The R-1c districts are specifically set forth 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 article. Mobile homes existing as a single family dwelling in this district may be added onto for the purpose of expanding the living area. However, if it is the desire of the occupant, as indicated upon his permit application, such mobile home may be used for occupancy for a period of one year, during which time the construction of a single family dwelling may be undertaken. Following completion of the single family dwelling, upon expiration of the one year time limit, such mobile home shall be removed from the premises and otherwise shall conform to all the regulations of this Resolution. Mobile homes not meeting the requirements set forth in this article shall have one year in which to comply.

Section 2. RA - Residential - Limited Agricultural. Within these districts, as shown on the Zoning Map, the following regulations shall apply:

2.1 Uses Permitted:

2.1.1 All single-family residential uses, excluding mobile homes.

2.1.2 Limited agricultural uses not to exceed, per acre, the following:

a. Four thousand (4,000) chickens or other poultry
b. Horses for personal use.
c. Two (2) cows or other cattle
d. Six (6) goats or sheep

2.1.3 Such poultry and livestock pursuits permitted in this section shall be for personal use, except that poultry and poultry by-products may be sold off of the premises. No hogs or swine shall be permitted. The raising of all poultry and livestock shall be done in a manner so as to prevent obnoxious odors, the breeding of rodents, flies, or other insects, and so as not to otherwise create a nuisance of any kind.

The raising of chickens or other poultry in excess of two thousand (2,000) per acre shall require approval by the Zoning Commission of the layout, orientation and location of such buildings and structures to be used in connection with such poultry and poultry by-products. uses.

2.2 Uses Prohibited.

2.2.1 Commercial raising of fowl, animals or reptiles, except as otherwise provided in this section.

2.2.2 Any business, commercial or industrial use, except in connection with the agricultural pursuits otherwise permitted in this section.

Section 2. RA - Residential - Limited Agricultural. Within these districts, as shown on the Zoning Map, the following regulations shall apply:

2.1 Uses Permitted:

2.1.1 All single-family residential uses, excluding mobile homes.

2.1.2 Limited agricultural uses not to exceed, per acre, the following:

a. 2,000 chickens or other poultry
b. Horses for personal use
c. 2 cows or other cattle
d. 6 goats or sheep

2.1.3 Such poultry and livestock pursuits permitted in this section shall be for personal use, except that poultry and poultry by-products may be sold off of the premises. No hogs or swine shall be permitted. The raising of all poultry and livestock shall be done in a manner so as to prevent obnoxious odors, the breeding of rodents, flies, or other insects, and so as not to otherwise create a nuisance of any kind.

2.2 Uses Prohibited.

2.2.1 Commercial raising of fowl, animals, or reptiles, except as otherwise provided in this section.

2.2.2 Any business, commercial or industrial use, except in connection with the agricultural pursuits otherwise permitted in this section.

2.3 Lot and Building Requirements. The principal building, except accessory buildings and other structures shall be so located and constructed as to comply with the following regulations:

Minimum Living Area, Single Family	500 sq. ft. plus 100 sq. ft. for each bedroom
Minimum Lot Area	1 acre (43,560 sq. ft.) (including one-half street right-of-way)
Minimum Lot Width on Building Line	120 ft.
Minimum Lot Depth	150 ft.
Minimum Front Yard	40 ft.
Minimum Side Yard:	
a. Abutting another lot	10 ft.
b. Abutting a road	25 ft.
Minimum Rear Yard	40 ft.

Accessory Structures:

Accessory structures, excluding fences, may be erected within five (5) feet of any rear yard lot lines; however, poultry houses or any structure used for the keeping of livestock shall be set back a minimum of one hundred twenty five (125) feet from the front lot line, and a minimum distance of fifteen (15) feet from all side or rear lot lines.

Maximum Percent of Lot Coverage	30%
Maximum Percent of Rear Yard Coverage	30%

2.3 Lot and Building Requirements. The principal building, except accessory buildings and other structures shall be so located and constructed as to comply with the following regulations:

Minimum Living Area, Single Family	600 sq. ft. plus 100 sq. ft. for each bedroom
Minimum Lot Area	1 acre (43,560 sq. ft.) (Including one half street right-of-way)
Minimum Lot Width on Building Line	125'
Minimum Lot Depth	150'
Minimum Front Yard	40'
Minimum Side Yard:	
a. abutting another lot	10'
b. abutting a road	25'
Minimum Rear Yard	40'
Accessory structures, excluding fences, may be erected within 5 feet of any rear yard lot line.	
Maximum Percent of Lot Coverage	20%
Maximum Percent of Rear Yard Coverage	20%

ARTICLE VII

COMMERCIAL DISTRICTS

Section 1. Application. Within all commercial districts (BR and BA), as shown on the Zoning Map, all regulations set forth in this article shall be complied with.

Section 2. General Provisions.

2.1 Facing of commercial uses. When applicable, commercial uses shall face other commercial or industrial districts, and shall not face residential districts which may front on an intersecting or rear road adjacent to such commercial districts.

2.2 Screening of Commercial Property. Any commercial use abutting a residential district in which dwellings exist within three hundred (300) feet or less, shall provide screening for the protection of the residential property as follows:

2.2.1 A four (4) foot masonry wall of solid face construction with a two (2) foot ornamental superstructure, totaling six (6) feet in height, shall be erected; or there shall be a chain link fence with a minimum height of six (6) feet screened from the residential side by dense evergreen foliage maintained to a minimum height of six (6) feet. Such screening shall be erected and maintained by the owner or occupant of the commercial property.

2.2.2 On any lot in a commercial zone which abuts a lot lying within a residential zone, there shall be provided a minimum setback of five (5) feet for the principal building and accessory buildings on the property in the commercial zone along property lines abutting properties existing within a residential zone.

2.3 Commercial Use Performance Standards. In order to protect adjoining and adjacent properties from obnoxious, detrimental, and adverse effects resulting from the operation of any commerce, trade, or profession, all uses permitted within all commercial districts shall comply with the following regulations:

2.3.1 Smoke, Dust, and Dirt. There shall be no emission of visible smoke, dust, dirt, fly ash, or any particulate matter from any pipes, vents, or other openings, or from any other source, 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.

2.3.2 Fumes, Vapors, and Gases. There shall be no emission of any fumes, vapors, or gases of a noxious, toxic, or corrosive nature which can cause any damage or irritation to health, animals, vegetation, or to any form of property.

2.3.3 Sewage. 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.

2.3.4 Heat, Cold, Dampness, or Movement of Air. Activities which shall produce any adverse effect on the temperature, motion, or humidity of the atmosphere beyond the lot line shall not be permitted.

2.3.5 Noise. The permitted level of noise or sound emission at the property line of the lot on which the principal use is located shall not at any time exceed the average noise level prevailing for any given hour, as generated by road and traffic activity. The determination of noise level shall be measured with a sound level meter that conforms to specifications published by the American Standards Association.

2.3.6 Odor. There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive, obnoxious, or unpleasant, beyond the property line on which the principal use is located. Any process, including the preparation of food, which may

involve the creation and emission of any such odors shall be provided with both a primary and a secondary safeguard system so that odor control may be maintained in the event of failure of the primary safeguard system.

2.3.7 Glare. There shall be no direct glare visible from any residential district caused by unshielded floodlights or other sources of high intensity lighting.

Section 3. Uses Permitted.

3.1 Commercial districts, retail, (BR). Business services, professional services, personal servi ces, and retail sales and services, customarily providing shoppers' retail convenience goods. In these districts, the following uses shall be prohibited:

Drive-in eating establishments, drive-in theaters, the sale of automobiles and all automotive services, service stations, except those which may be provided and approved in conjunction with a shopping center plan.

3.2 Commercial, auto-oriented Districts, (BA). All uses permitted in the BR district, and in addition, automotive sales, automotive service facilities, including service stations, all automotive repair, drive-in eating establishments, drive-in theaters, motels and all tourist accommodations, trailer parks.

Section 4. Uses Prohibited. Any industrial, manufacturing, and residential use. However, living units may be constructed within the principal building as accessory to any commercial use.

Section 5. Lot and Building Requirements. The principal building, accessory buildings, and other land uses shall be located so as to comply with the following requirements:

5.1 Minimum Lot Area:

	BR	BA
Minimum Lot Area:	5,000 sq. ft.	10,000 sq. ft.

	BR	BA
Minimum Lot Width:	50'	100'
Minimum Lot Depth:	125'	150'
Minimum Front Yard:	25'	50'
Minimum Side Yard:		
a. abutting interior property line:	5' (1 story) 7-1/2' (2 stories) 10' (over 35 ft. in height)	5' (1 story) 7-1/2' (2 stories) 10' (over 35 ft. in height)
b. abutting side road	25'	25'

Minimum Rear Yard: No rear yard shall be required except for that which is necessary to provide for loading and unloading facilities off of public property. In the event a rear property line does not abut a public right-of-way, no building shall be constructed closer than 25' to the rear property line in order to provide right-of-way for a service alley.

Maximum Building Height: None, except that for each foot of building height in excess of 35', the required side and rear yards shall be 10' plus 4" for each foot of building height over 35'.

Maximum Percent of Lot Coverage: None, except that provisions must be made for off-street parking as required in these regulations.

Accessory Buildings: Accessory buildings shall be permitted on any portion of the lot on which the principal building is situated, provided however,

BR	BA
	that no accessory building shall be within the front yard, or no closer than 5' to any lot line.

5.2 Adjacent Residential Uses. No commercial use or structure shall be placed closer than 20' to an existing residence.

ARTICLE VIII

INDUSTRIAL DISTRICTS

Section 1. Application. Within all industrial districts (ML and MP), as shown on the Zoning Map, all regulations set forth in this article shall be complied with.

Section 2. General Provisions.

2.1 Facing of Industrial Uses. When applicable, industrial uses shall face other commercial or industrial districts, and shall not face residential districts which may front on an intersecting or rear road adjacent to such industrial districts.

2.2 Screening of Industrial Property. Any industrial use abutting a residential district in which dwellings exist within three hundred (300) feet or less, shall provide screening for the protection of the residential property as follows:

2.2.1 A four (4) foot masonry wall of solid face construction with a two (2) foot ornamental superstructure, totaling six (6) feet in height, shall be erected; or there shall be a chain link fence with a minimum height of six (6) feet screened from the residential side by dense evergreen foliage maintained to a minimum height of six (6) feet. Such screening shall be erected and maintained by the owner or occupant of the industrial property.

2.2.2 On any lot in an industrial zone which abuts a lot lying within a residential zone or tourist zone, there shall be provided a minimum setback of five (5) feet for the principal building and accessory buildings on the property in the industrial zone along property lines abutting properties existing within a residential zone.

Section 3. Industrial Use Performance Standards. All uses in industrial districts shall comply with the standards set forth in this section regulating the emission or existence of dangerous, detrimental, and objectionable elements.

3.1 Measurement at the point of emission shall be determined for the following items:

3.1.1 Fire and Explosion Hazards. All activities and all storage of inflammable and explosive materials at any point shall be provided with adequate safety devices against the hazards of fire and explosion including adequate fire-fighting and fire suppression equipment.

3.1.2 Radioactive Emissions. There shall be no radiation emitted from radioactive materials or by-products exceeding a dangerous level of radioactive emissions at any point. Radiation limitations shall not exceed quantities established as safe by the U.S. Bureau of Standards.

3.1.3 Electromagnetic Interference. For the purpose of these regulations, electromagnetic interference shall be defined as disturbances of an electromagnetic nature which are generated by the use of electrical equipment, other than planned and intentional sources of electromagnetic energy, which would interfere with the proper operation of electromagnetic receptors of quality and proper design.

No person shall operate or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes which does not comply with the current regulations of the Federal Communications Commission regulations regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission regulations shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious re-radiation conducted energy in power or telephone systems or harmonic content.

The determination of "abnormal degradation in performance" and "of quality and proper design" shall be

made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Radio Manufacturers Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply: (1) American Institute of Electrical Engineers, (2) Institute of Radio Engineers, and (3) Radio Manufacturers Association.

Recognizing the special nature of many of the operations which will be conducted because of the research and educational activities, it shall be unlawful for any person, firm or corporation to operate or cause to be operated, to maintain or cause to be maintained any planned or intentional source of electromagnetic energy, the radiated power from which exceeds 1000 watts, without a permit.

3.1.4 Smoke, Dust, and Dirt. There shall be no emission of visible smoke, dust, dirt, fly ash, or any particulate matter from any pipes, vents, or other openings, or from any other source, 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.

3.1.5 Fumes, Vapors, and Gases. There shall be no emission of any fumes, vapors, or gases of a noxious, toxic, or corrosive nature which can cause any damage or irritation to health, animals, vegetation, or to any form of property.

3.1.6 Industrial Wastes. 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.

3.2 Measurement at the property line on which the principal use is located of the emission shall be determined for the following items:

3.2.1 Vibration. There shall be no perceptible earth vibrations. All stamping machines, punch presses, press brakes, hot forgings, steam, board hammers or similar devices shall be placed on shock absorption mountings and on suitable reinforced concrete footings. No machine shall be loaded beyond the capacity as prescribed by the manufacturer.

3.2.2 Heat, Cold, Dampness, or Movement of Air. Activities which shall produce any adverse effect on the temperature, motion, or humidity of the atmosphere beyond the lot line shall not be permitted.

3.2.3 Noise. The permitted level of noise or sound emission at the property line of the lot on which the principal use is located shall not exceed the values given in the following table in any octave band of frequency. The sound pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conforms to specifications published by the American Standards Association.

MAXIMUM SOUND PRESSURE LEVEL IN DECIBELS

(1 Decibel = 0.0002 Dynes per Square Centimeter.)

Cycles Per Second	District ML	District MP
Below 75	70	73
75 - 150	65	68
150 - 300	57	60
300 - 600	50	53
600 - 1,200	44	47
1,200 - 2,400	38	41
2,400 - 4,800	32	35
4,800 and Over	30	33

3.2.4 Odor. There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the points of measurement. Any process which may involve the creation or emission of any such odors shall be provided with both a primary and a secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system. There is hereby established, as a guide in determining such quantities of offensive odors, Chapter 5, "Air Pollution Abatement Manual", Copyright 1951, by Manufacturing Chemists, Incorporated, Washington, D.C.

3.2.5 Glare. There shall be no direct or sky reflected glare, whether from floodlights, high temperature processing, combustion, welding, or otherwise, so as to be visible at the specified points of measurement.

Section 4. Uses Permitted.

4.1 ML Districts. All uses permitted in the BA district, and in addition, lumber and building supplies, heating, air conditioning, sheet metal, welding, plumbing, electrical, laundries and dry cleaners, bakeries, bottling plants, printing, light manufacturing and processing, wholesaling, warehousing, freight, trucking, moving and storage facilities, trailer parks.

4.2 MP Districts. Any industrial use provided that such use complies with the performance standards set forth in this article.

Section 5. Uses Prohibited. Within the ML and MP districts, no dwellings shall be permitted. However, accessory living units may be provided in conjunction with the principal use for the purpose of housing caretakers, managers, or persons in a similar capacity.

Section 6. Lot and Building Requirements. The principal building and accessory buildings shall be located and constructed in compliance with the following requirements:

6.1 Minimum Lot Areas.	ML	MP
Minimum Lot Area:	5,000 sq. ft.	20,000 sq. ft.

	ML	MP
Minimum Lot Width:	50'	100'
Minimum Lot Depth:	125'	150'
Minimum Front Yard:	25'	50'
Minimum Side Yard:		
a. abutting interior property line:	5' (1 story) 7-1/2' (2 stories) 10' (over 35 ft. in height)	5' (1 story) 7-1/2' (2 stories) 10' (over 35 ft. in height)
b. abutting side road:	25'	25'

Minimum Rear Yard: No rear yard shall be required except for that which is necessary to provide for loading and unloading facilities off of public property. In the event a rear property line does not abut a public right of way, no building shall be constructed closer than 25' to the rear private line in order to provide right of way for a service alley.

Maximum Building Height: None except that for each foot of building height in excess of 35', the required side and rear yards shall be 10' plus 4" for each foot of building height over 35'.

Maximum Percent of Lot Coverage: None, except that provisions must be made for off-street parking as required in these regulations.

Accessory Buildings: Accessory buildings shall be permitted on any portion of the lot on which the principal building is situated, provided, however, that no accessory building shall be within the front yard, or no closer than 5' to any lot line.

6.2 Adjacent Residential Uses. No industrial use or structure shall be placed closer than 20' to an existing residence.

Section 7. Administration and Enforcement of Performance Standards. Every application for individual uses shall be subject to the following procedure:

7.1 Application. Application for a building permit or certificate of occupancy for any individual use shall be submitted to the Building Inspector. The applicant shall also submit, in duplicate, a plan of the proposed construction or development, including a description of the proposed machinery operations, products, and specifications for the mechanisms and techniques used in restricting the emission of dangerous and objectionable elements as referred to in Section 3.1.6 of this article. The applicant shall also acknowledge, in writing, his understanding of the applicable performance standards and shall submit an agreement to conform with such performance standards at all times. No applicant will be required to reveal any secret process, and any information submitted will be treated as confidential if requested.

7.2 Review of Application. If, after review of such application by the Building Inspector, there is found to be any reasonable doubt as to the likelihood of conformance, the Building Inspector shall refer the application to the Zoning Commission. The Zoning Commission may determine whether or not the building permit should be issued. In the event the Zoning Commission is unable to determine whether or not the applicant will conform to the performance standards as set forth in this article, the Zoning Commission may, on its own initiative, request advice and recommendations from specialists or consultants in such technical fields as might be deemed necessary. Costs of such consultants or specialists shall be borne by the applicant.

7.3 Enforcement. The Building Inspector shall cause any alleged violations of the performance standards to be investigated, and if there is found to be reasonable ground that a violation exists, such violation shall be so noted and shall be treated as all other violations of this Resolution.

ARTICLE IX

AGRICULTURAL DISTRICT

Section 1. Application. All land within the jurisdiction of the County Commissioners District 4 Zoning Commission, Volusia County, Florida, not otherwise indicated as within any other zoning district, shall be in the Agricultural district ("A"), and subject to the regulations of this article.

Section 2. Uses Permitted.

2.1 Single-Family Dwellings with their customary uses, on the basis of one (1) dwelling for each five (5) acres of land or more under the same ownership.

2.2 All agricultural pursuits, and structures incidental thereto, including dairy products, livestock, poultry and poultry products, field crops, truck crops, citrus groves, and horticultural specialties.

2.3 The processing, packaging, and sale of agricultural products and commodities which are raised on the premises. Retail roadside sales shall be permitted only from conforming or temporary structures on private property. Such temporary structures may be permitted within the required front yard.

2.4 Public parks, recreation areas, game preserves, and historical areas.

Section 3. Lot and Building Requirements. The principal building, accessory buildings, and other land uses shall be located so as to comply with the following requirements:

3.1 Minimum Land Area for Dwellings..... 5 acres.

3.2 Minimum Front Yard.....25 ft.

3.3 Minimum Side Yard:
a. Abutting another lot.....7-1/2 ft.
b. Abutting a public right of way..... 25 ft.

3.4 Minimum Rear Yard..... 30 ft.

3.5 Accessory buildings used for dairy barns, hog pens, poultry houses, or stables, shall be no closer than fifty (50) ft. to any lot or property line. All other accessory structures, excluding fences, shall be no closer than five (5) ft. to any property line.

ARTICLE X

SPECIAL USES

Section 1. Application. The following special uses shall be permitted in any zone, only upon application and approval of the Zoning Commission and after a public hearing, after fifteen (15) days due notice:

> Schools, public, private, and parochial, including nurseries, kindergartens, and schools for retarded or exceptional persons. Public and private golf courses, riding academies, clubs, lodges, recreational and entertainment activities, homes for the aged, delinquent, homeless, nursing and convalescent homes, eleemosynary institutions. Churches, seminaries and religious activities. Funeral homes, cemeteries, mausoleums and crematories. Public buildings, and uses including jails, prisons, detention homes and correctional institutions. Public and private utility buildings, structures and uses.

Section 2. Additional Regulations. For each of these special uses permitted, the Zoning Commission may establish such regulations and requirements in order to protect the best interests of the public health, safety, morals, and general welfare.

Section 3. Lot and Building Requirements. Lot and building requirements shall meet those requirements as established for the district in which the special use is to be located, or such requirements as may be established by the Zoning Commission.

ARTICLE XI

APPEALS AND AMENDMENTS

Section 1. Appeals. Any person aggrieved by any decision of the Building Inspector or of the Zoning Commission may appeal to the Zoning Commission for adjustment. Such appeal shall be taken within thirty (30) days after a decision by the Building Inspector or the Zoning Commission by filing with the Zoning Commission a notice of appeal and specifying the grounds thereof, and a payment of a twenty ($20.00) dollar fee for each appeal. The officer or board from whom the appeal is taken shall forthwith transmit to the Zoning Commission all the papers constituting the records from which the act appealed from was taken.

Section 2. Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer or board from whom the appeal is taken certifies to the Zoning Commission after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to lives or property. In such case proceedings shall not be stayed otherwise than by an order which may be granted by the Zoning Commission or by a court of record on application, on notice to the Officer or Board from which the appeal is taken, and on due cause shown.

Section 3. Hearing. The Zoning Commission shall hear an appeal within thirty (30) days after notice of appeal, give fifteen (15) days' public notice thereof, as well as due notice to the parties in interest, and decide the same within thirty (30) days after hearing. Upon the hearing any party may appeal in person, by agent, or by attorney.

Section 4. Powers of Zoning Commission on Appeals. The powers of the Zoning Commission on Appeals shall be:

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

4.2 To hear and decide special exceptions to the terms of any zoning resolution.

4.3 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. However, in no event shall the Zoning Commission grant a variance for any use of land, buildings, or structures.

Section 5. Amendments. Any owner of property within the Commissioners District 4 Zoning District, Volusia County, Florida, may request an amendment to this Resolution, including both the Zoning Map and Zoning Regulations. An application for amendment shall be made in triplicate and filed with the secretary of the Zoning Commission.

Section 6. Public Hearing on Amendment Request. The Zoning Commission shall, before holding any public hearings pertaining to any special use request, appeal, or amendment, give at least fifteen (15) days' notice of the time and place of such hearing and the purpose of the same, by publication in a newspaper of general circulation in the territory of the County Commissioners District 4 Zoning Commission, Volusia County, Florida. The Building Inspector shall cause a notice to be posted on each property which is the subject of a rezoning or amendment request, for at least fifteen (15) days prior to the public hearing, and said notice specifying the time and place of such hearing and the purpose of the same.

Section 7. Fee for Amendment Request. Any applicant for a special use request or amendment requiring a public hearing, shall pay a fee of twenty ($20.00) dollars for each hearing. Such fee shall be paid at the time of filing the application for a special use request or amendment.

Section 8. Administrative Amendment. The Zoning Commission, or any local public entity of Volusia County, Florida, may request amendments to both the Zoning Regulations and the Zoning Map. No fee shall be required for administrative amendment requests. However, the procedure for public hearing and amendment shall comply with the procedures set forth in this article for amendment.

Section 9. Powers of Zoning Commission on Amendment. The Zoning Commission shall have the following powers to amend these Zoning Regulations:

9.1 To hear applications for a change of zoning and to determine the same.

9.2 To hear requests for the creation of new zoning areas or districts and to approve or disapprove the creation of the same and to adopt zoning regulations pertaining thereto.

9.3 To approve or disapprove new or different uses in any zoning district.

ARTICLE XII

ADMINISTRATION

Section 1. Application. It shall be unlawful to construct, alter, remove or demolish or to commence the construction, alteration, removal or demolition of a building or structure within any territory under the jurisdiction of the Zoning Commission without first filing with the Building Inspector or Zoning Commission an application in writing and obtaining a permit.

Section 2. Requirements for Permit.

2.1 An applicant for a permit, in addition to other requirements in this Resolution, shall submit one each of the following:

2.1.1 Prints or drawings, at an appropriate scale, of the building or buildings and structures to be built upon the lot.

2.1.2 A site plan showing the location of the building or buildings on the property, distances to property lines and other buildings or structures, and off-street parking spaces as required under the provisions of this Resolution showing access and maneuvering space.

2.1.3 Where the building, existing or to be constructed, will be devoted to more than one use, such plans shall show the percentages and areas of each use with details thereof.

2.2 Application for permit shall be made by the owner or lessee, or agent or either, or the architect, engineer, or builder employed in connection with the proposed work.

2.3 If a permit is issued, a copy shall be delivered by the Building Inspector to the county assessor of taxes.

Section 3. Additional Requirements.

3.1 A building permit shall be issued only in compliance with requirements set forth in the following documents:

3.1.1 Southern Standard Building Code.

3.1.2 Florida State Sanitary Code.

3.1.3 National Plumbing Code.

3.1.4 National Electrical Code.

3.1.5 Rules of the Hotel and Restaurant Commission, State of Florida.

3.1.6 The County Commissioners District 4 Zoning Commission, Volusia County, Florida, Resolution, regulating mobile home parks.

3.2 Plans, specifications and supervision of all commercial buildings and structures shall be prepared by registered architects and engineers in accordance with, and when required by, Florida laws and statutes pertaining thereto.

Section 4. Issuance of Building Permit. It shall be the duty of the Zoning Commission or its authorized employees upon receiving the application for permits, provided for herein, to examine same within a reasonable time after filing, not to exceed thirty (30) days. If, after examination, it finds no objections to the same, and it appears that the proposed work will be in compliance with any and all rules and regulations made by the Zoning Commission and, the proposed construction or work will be safe, it shall approve such application and issue a permit for same. If its examination reveals otherwise, it shall reject such application, noting its findings in a report to be attached to the application and delivering a copy to the applicant.

Section 5. Certificate of Occupancy. It shall be the duty of the Building Inspector to issue a Certificate of Occupancy after it has been determined that the building has been constructed in accordance with the provisions of the permit and that such building is designed, arranged, and appears to be intended for use as specified on the building permit. In no event shall such building be occupied or used until such occupancy permit is issued by the Building Inspector.

Section 6. Expiration of Building Permit. Unless work on any building or structure is commenced within six (6) months after the issuance of a building permit, such permit shall then become void.

Section 7. Posting of Permit. A copy of the permit shall be posted in a conspicuous place on the premises and visible during construction and until the completion of same.

Section 8. Authority to Revoke Permit. The Zoning Commission may revoke any permit issued in case there has been any false statement or misrepresentation as to a material fact in the application of plans on which the permit was based.

Section 9. Permit Fees. No permit shall be issued until fees have been paid in accordance with those provided for in the Southern Standard Building Code.

Section 10. Remedies. In case any building or structure is erected, constructed, reconstructed, altered, converted or any building structure on land or water is used in violation of this Resolution, the proper local authorities in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alterations, conversion, or use, to restrain, correct or abate such violation to prevent the occupancy of said building, structure on land or water or to prevent any illegal act, conduct, business or use in or about such premises.

Section 11. Violations. Any person, firm, partnership or corporation violating any of the provisions of this act or who shall fail to abide by and obey all orders and resolutions promulgated as herein provided for shall be punished as provided by law.

ARTICLE XIII

LEGAL STATUS PROVISIONS

Section 1. Saving Clause. If any section, sentence, clause, phrase, or word of this Resolution, is for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Resolution; and it shall be construed to have been the legislative intent to pass this Resolution without such unconstitutional, invalid or inoperative part therein; and the remainder of this Resolution, after the exclusion of such part or parts shall be deemed and held to be valid as if such parts had not been included herein; or if this Resolution or any provisions thereof shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other person, property or circumstances.

Section 2. Interpretation. In interpreting and applying the provisions of this Resolution they shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare of the county.

Section 3. Conflict with Other Legal Documents. It is not intended by this Resolution to interfere with or abrogate or annul any easements, covenants or other agreements between parties: provided, however, that where the Resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other Resolutions, rules, regulations, laws, or by easements, covenants, or agreements, the provisions of this Resolution shall control.

Section 4. Repeal Clause. All resolutions or parts of resolutions heretofore adopted by County Commissioners District 4 Zoning Commission, Volusia County, Florida, and in conflict herewith, be, and the same are hereby repealed.

Section 5. Effective Date. This Resolution shall become effective upon the date of its adoption and passage.

PASSED BY THE COUNTY COMMISSIONERS DISTRICT 4 ZONING COMMISSION, OF VOLUSIA COUNTY, FLORIDA, THIS 15th DAY OF February, 1961.

W. R. McElroy
Chairman

ATTEST: W. H. Morris
Secretary