

## CHAPTER 166

### ZONING REGULATIONS – GENERAL REGULATIONS

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**166.01 CONFORMANCE REQUIRED.** Except as hereinafter specified, no building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered – nor shall any building or land be used – which does not comply with all of the district regulations established by the Zoning Regulations for the district in which the building or land is located.

**166.02 CONTINUING EXISTING USES.** The lawful use of a building existing at the time of the enactment of the Zoning Regulations may be continued even though such use may not conform with the regulations of the Zoning Regulations for the district in which it is located. Any use in existence at the adoption hereof which was not an authorized nonconforming use under previous Zoning Ordinances shall not be authorized to continue as a nonconforming use pursuant to these Zoning Regulations or amendments thereto.

**166.03 NONCONFORMING USES IN ANY R DISTRICT.** No building or land devoted to a use not permitted by the Zoning Regulations in a Residential District in which such building or land is located, except when required by law, shall be enlarged, extended, constructed, reconstructed, substituted or structurally altered unless the use thereof is changed to a use permitted in the district in which such building, structure or premises is located, except as follows:

1. Substitution. If no structural alterations are made, a nonconforming use of a building or structure may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
2. Discontinuance. In the event that a nonconforming use of any building, structure, or land is discontinued for a period of two years, the use of the same shall conform thereafter to the uses permitted in the district in which it is located. The use of land upon which no building or structure is erected or constructed which does not conform to the provisions of the Zoning Regulations and the use of land upon which no building is erected or constructed which becomes nonconforming by reason of a subsequent change in the Zoning Regulations shall be discontinued within one year from the date of the change.
3. Replacing Damaged Buildings. Any nonconforming building or structure damaged more than 60 percent of its then fair market value, as determined by a qualified appraiser, exclusive of the foundations at the time of damage by fire, flood,

explosion, war, riot, or act of God, shall not be restored or reconstructed and used as before such happening; but if less than 60 percent is damaged above the foundation, it may be restored, reconstructed, or used as before, provided that it is done within six months of such happening.

**166.04 NONCONFORMING USES IN ANY DISTRICT OTHER THAN AN R DISTRICT.**

1. Structural Alterations and Enlargements. Any building or structure in any district other than an R District devoted to a use made nonconforming by the Zoning Regulations may be structurally altered or enlarged in conformity with the lot area, the lot frontage, and yard and height requirements of the district in which situated, provided such enlargement or alteration or construction shall be limited to buildings on land owned of record by the owner of the land devoted to the nonconforming use prior to the effective date of the Zoning Regulations. In the event of such structural alterations or enlargement of buildings, the premises involved may not be used for any nonconforming use other than the use existing on the effective date of the Zoning Regulations, other provisions of the Zoning Regulations notwithstanding.

2. Discontinuance. In the event that a nonconforming use of any building or premises is discontinued for a period of two years, the use of the same shall conform thereafter to the uses permitted in the district in which it is located. The use of land upon which no building or structure is erected or constructed which does not conform to the provisions of the Zoning Regulations, and the use of land upon which no building is erected or constructed, which becomes nonconforming by reason of a subsequent change in the Zoning Regulations, shall be discontinued within two years from the date of the change.

3. Replacing Damaged Buildings. Any nonconforming building or structure damaged more than 70 percent of its then fair market value, as determined by a qualified appraiser, exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot, or act of God, shall not be restored or reconstructed and used as before such happening; but if less than 70 percent is damaged above the foundation, it may be restored, reconstructed, or used as before, provided that it is done within six months of such happening. This subsection shall be in no way construed so as to limit the replacement, restoration, or reconstruction of a nonconforming residential use, building, or structure damaged in excess of 70 percent of its fair market value prior to damage, provided that such replacement, restoration, or reconstruction can be completed within 18 months of such happening.

**166.05 BUILDINGS TO HAVE ACCESS.** Every building hereafter erected or structurally altered in any R-1, R-1a, R-2 or R-3 District shall be on a lot or parcel having a frontage of not less than 40 feet on a public street or road.

**166.06 ACCESSORY BUILDINGS AND GARAGES.** No accessory building or structure that exceeds six (6) feet in height shall be erected in a required yard or court, except as provided hereinafter.

1. An accessory building or structure that is located entirely within the principal building area of the lot (the lot minus the required yards and courts), whether or not attached to the principal building, shall be subject to the regulations applicable to the principal building.

2. Accessory buildings, except buildings housing animals or fowl, may be erected as a part of the principal building or may be connected thereto by a breezeway or similar structure; provided, said building shall comply with all yard requirements for a principal building.
3. The garage for any principal building may be located in a rear or side yard area, providing, however, that such garage building shall comply with the following requirements:
  - A. The garage, including eaves and overhangs, shall be set back no less than three feet from a lot line and shall be located no closer than 30 feet to any garage or principal building that is located on the opposite side of an abutting alley.
  - B. The garage building shall be considered an extension of the principal building and shall comply with all minimum yard requirements for the principal building other than the above exception.
  - C. The garage building shall not exceed one story or 15 feet in height.
4. An accessory structure that is adaptable to underground construction (such as a bomb or tornado shelter, garage, wine cellar, etc.) may be constructed beneath the ground surface of any yard area, providing said structure shall comply with the following requirements:
  - A. No portion of the structure shall be located less than two feet, measured horizontally, from any lot line from which a minimum surface yard area is required.
  - B. The surface area covering the structure shall be finished in a manner natural to the landscape so as to entirely conceal the underground structure.
  - C. No portion of the grade of the finished surface area above the structure may exceed a two-foot height increase above the normal finished grade of any required yard.
  - D. Ingress-egress to the underground structure shall be located within the allowable surface building area of the lot and shall not be located in any required yard area.
5. An accessory building or structure, regardless of height, which is constructed above the normal ground surface in any required yard area shall not occupy more than 30 percent of the yard area in which it is located; however, this regulation shall not be interpreted to prohibit the construction of a two-car garage, not to exceed 550 square feet gross building area.
6. A detached accessory building or structure shall be constructed at least 10 feet from the principal building.

**166.07 CORNER LOTS.** For corner lots, platted after the effective date of the Zoning Regulations, the street side yard shall be equal in width to the minimum required side yard for the district in which it is located, plus 20 feet; e.g., for a minimum required side yard of 10 feet, the minimum required street side yard shall be not less than 30 feet; provided, however, this regulation shall not be interpreted as to require a side street yard of greater width than the minimum required front yard width. For corner lots, platted after the effective date of the Zoning Regulations, the minimum required lot width shall be increased by an amount not less than 20 feet so as to allow for the additional required street side yard; e.g., for a minimum

required lot width of 60 feet, the minimum required width of a corner lot shall be not less than 80 feet. On corner lots platted and of record at the time of the effective date of the Zoning Regulations, the same regulations shall apply except that this regulation shall not be so interpreted as to reduce the buildable width of the corner lot facing an intersecting street and of record, or as shown by existing contract of purchase at the time of the effective date of the Zoning Regulations, to less than 28 feet or to prohibit the erection of an accessory building. On any corner lot, the depth of a front yard or side street yard abutting a major street shall be measured from the proposed right-of-way lines shown on the Official Major Thoroughfare Plan.

**166.08 FRONT YARD.** In any R District, there shall be a minimum front yard required as stated in the yard requirements for that particular district; provided, however, in no case shall the front yard depth be less than three-fourths of the smallest front yard depth of an existing building in the same block, located within 200 feet of either side lot line; provided, however, this regulation shall not be interpreted as to require a greater setback than double the minimum required front yard for the district in which it is located; and provided, however, this regulation shall not be interpreted as to permit a setback that is less than the minimum required front yard for the district in which it is located. The front yard depth of any lot abutting a major street shall be measured from the proposed right-of-way lines shown on the Official Major Thoroughfare Plan.

**166.09 FENCES, WALLS AND VISION CLEARANCE.**

1. On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of two and one-half feet and ten feet above the centerline grades of the area described as follows: that area bounded by the street right-of-way lines of a corner lot and a straight line joining points on said right-of-way lines 25 feet from the point of intersection of said right-of-way lines. This regulation does not apply to the C-2 District.

2. In any district, fences and walls not exceeding six feet in height are permitted within the limits of side and rear yards. Only a picket-style or ornamental fence, not exceeding four feet (4') in height, is permitted within the limits of front yards. In the case of retaining wall supporting embankments, the above requirements shall apply only to that part of the wall above the ground surface of the retained embankment.

*(Ord. 671 – Mar. 16 Supp.)*

A. In any district where a fence or wall is required by a section of the Zoning Regulations, the Subdivision Regulations or other regulations of the Code of Ordinances, to serve as a screening wall, buffer wall, or other separating or protective wall, the restrictions of subsection 1 above shall be subject to the requirements of the said specific regulations.

B. Grade for determining the maximum height above grade for fences and walls:

(1) For a fence or wall along a street right-of-way, grade shall be the highest point of the pavement lying between the intersection of the centerline and a projection of the side lot lines.

(2) For a fence or wall between the front lot line and the front building line, grade shall be prorated between the grade at the front lot line and the grades at the building.

(3) For a fence or wall along the rear lot line or between the front building line and rear lot line, grade shall be the grade at the building, or natural grade at the fence line, whichever is the higher.

C. Fences and walls on a corner lot shall comply with the vision clearance requirements of subsection 1 above.

3. Fences shall be built wholly on the owner's property unless it is otherwise agreed to by the owner of the adjacent property.

4. All newly constructed fences may be required to provide immediate access for utility servicing, by means of a seven-foot gate or an easily removable section of fence. The determination will be made by the City after doing a site investigation of existing easements. In addition, any new fence construction will not be permitted within three feet of a transformer door without installing a three-foot access gate.

5. Fences located in R-1a, R-1, R-2, R-3, C-1, C-1a, C-2, C-3 and C-4 Districts must be constructed of materials commonly used in fence construction. Woven wire, electric, sheet metal, barbed wire, cloth, plastic sheeting, snow fencing, temporary or emergency fence material or salvage material will not be permitted for new fences. Any material other than commonly used fencing lumber, stone, or chain link must be approved. Hedges can be used as barriers or for landscaping purposes, provided no traffic hazards are created and no street signs are obscured from any direction of travel on any City street, intersection, driveway, sidewalk, or alley. Hedges and bushes shall not be planted any closer than three feet to any property line or easement line without approval.

**166.10 REQUIRED YARD CANNOT BE REDUCED.** No lot shall be reduced in size so as to make the width or total area of the lot or any yard or any other open space less than the minimum required by the Zoning Regulations. No part of a yard or other open space provided about any building or structure for the purpose of complying with the provisions of the Zoning Regulations shall be included as part of a yard or other open space required under the Zoning Regulations for another building or structure. Off-street parking and loading areas may occupy all or part of any required yard or open space except as otherwise specified in the Zoning Regulations.

**166.11 BUILDING LINES ON APPROVED PLATS.** Whenever the plat of a land subdivision approved by the Commission and on record in the Office of the County Recorder shows a setback building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in the Zoning Regulations unless specific yard requirements in the Zoning Regulations require a greater setback.

**166.12 OFF-STREET PARKING AND LOADING AREAS.** It is the intent of this section to prevent traffic congestion and to provide for proper traffic safety by preserving the public thoroughfares for the unimpaired movement of pedestrian and vehicular traffic. Therefore, it is recognized that the requirements of this section are minimum and that in certain uses of land, these requirements may be inadequate. Where review of the site plans and intended land use indicate, through the application of proven standards or experienced statistics, that the requirements herein are inadequate for the specific land use adaptation, a greater requirement for off-street parking space is justified and may be required to preserve the intent of this section.

1. Off-Street Loading Space Required. In any district except the C-3 Central Business District, in connection with every building or part thereof hereafter erected, having a gross floor area of 10,000 square feet or more and which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one off-street loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 10,000 square feet.

A. Each loading space shall be not less than 10 feet in width and 40 feet in length.

B. Such space may occupy all or any part of any required yard or court space; provided, however, not less than 20 percent of required yard areas shall remain open green landscape.

2. Off-Street Parking Area Required. In all districts, except the C-3 Central Business District, in connection with every industrial, commercial, business, trade, institutional, recreational, or dwelling use and similar uses, space for parking and storage of vehicles shall be provided in accordance with the following schedule; however, no parking area required hereunder shall be less than 1,000 square feet in area except in the case of dwellings and retail stores and shops under 500 square feet.

A. Automobile sales and service garages – one parking space for every 300 square feet of floor area and one parking space for every four persons regularly employed on the premises.

B. Banks and business and professional offices – one parking space for every 200 square feet of floor area and one parking space for each office in the principal building, or one and one-quarter parking spaces for each person regularly employed on the premises, whichever is greater.

C. Bowling alley – five spaces for each alley and one space for every five spectator seats.

D. Churches – one parking space for every four seats and one parking space for each classroom.

E. Dance halls, assembly halls – one parking space for every 100 square feet of floor area or one parking space for every four seats of maximum seating capacity, whichever is greater.

F. One- and two-family dwellings – two parking spaces for each dwelling unit, exclusive of private garages.

G. Multi-family dwellings – two parking spaces for each of the first 12 dwelling units and one and one-quarter parking spaces for each additional dwelling unit. One garage parking space for each dwelling unit may be counted as a portion of the parking requirement, or each garage parking space may be counted as a portion of the parking requirement when a separate visitor parking area equal to one parking space for each dwelling unit is provided.

H. Funeral homes, mortuaries – 15 parking spaces or one parking space for every four seats in the principal auditorium or four parking spaces for each service or viewing room, whichever is greatest. In addition, one parking

space for every two persons regularly employed on the premises shall be provided.

I. Furniture, appliance and other retail stores displaying large and bulky merchandise – one parking space for every 400 square feet of floor area.

J. Hospitals, sanitariums and rest homes – one parking space for every four patient beds and one parking space for every two persons regularly employed on the premises.

K. Hotels, motels, lodging houses – one parking space for each room or suite of rooms offered for tourist accommodations and one parking space for every two persons regularly employed on the premises.

L. Industrial or manufacturing plants – one parking space for every two employees on the maximum working shift; or one parking space for every 1,000 square feet of floor area up to 10,000 square feet and then one parking space for every additional 1,500 square feet thereafter, whichever is greater.

M. Restaurants, taverns, night clubs or similar places dispensing food, drink or refreshments – one parking space for every 50 square feet of floor area devoted to patron use within the establishment. In addition, one parking space must be provided for every four persons regularly employed or intended to be regularly employed on the premises.

N. Retail stores, supermarkets, drug and sundry stores, department stores, etc. – for all stores, one parking space for every 250 square feet of floor area.

O. Schools and other places of education or instruction:

(1) Elementary, junior high and other places for under driving age students – one parking space for each person regularly employed on the premises. In addition, one parking space for every 20 student desks or classroom seating facilities.

(2) High Schools – one parking space for each person regularly employed on the premises. In addition, one parking space for every 10 student desks or classroom seating facilities.

(3) Colleges, trade schools and other places of young adult learning – one parking space for each person regularly employed on the premises. In addition, one parking space for every four student desks or classroom seating facilities.

(4) Parking spaces required by subparagraphs (1), (2) and (3) above shall be in addition to requirements for sports arenas, auditorium, etc.

P. Sports arenas, theaters, auditoriums and other similar places of public assembly – one parking space for every four persons of maximum standing and seating capacity.

Q. Wholesale establishments or warehouses – one space for each person regularly employed on the premises.

3. In case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use that is mentioned and to which said use is similar shall apply.

4. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than 10 feet in width in the case of a dwelling, and not less than 20 feet in width in all cases leading to the loading or unloading spaces and parking or storage areas required hereunder in such manner as to secure the most appropriate development of the property in question. Except where provided in connection with a use permitted in a residential district, such easement of access or access drive shall not be located in any residential district.

5. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:

A. No part of any parking space shall be closer than five feet to any established street right-of-way or alley line. In case the parking lot adjoins an R District, it shall be set back at least five feet from the R District boundary and shall be effectively screen planted.

B. Any off-street parking area, including any commercial parking lot for more than two vehicles shall be surfaced with an asphaltic or Portland cement binder pavement or such other surface as shall be approved by the City Engineer so as to provide a durable and dustless surface; shall be so graded and drained as to dispose of all surface water accumulation within the area; and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.

C. Any lighting used to illuminate any off-street parking area, including any commercial parking lot, shall be so arranged as to reflect the light away from adjoining premises in any R District.

6. Off-street parking facilities for all uses, except one- and two-family dwellings fronting on a residential street, shall be designed so as to permit entrance and exit by forward movement of the vehicle. The backing or backward movement of vehicles from an off-street parking facility onto a major thoroughfare, including all thoroughfares designated on the Official Major Thoroughfares Plan as other than residential streets, is strictly prohibited.

**166.13 PENDING APPLICATIONS FOR BUILDING PERMITS.** Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any building, or part thereof, for which approvals and required building permits have been granted before the enactment of the Zoning Regulations, the construction in conformance with such plans shall have been started prior to the effective date of the Zoning Regulations and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control.

**166.14 SIGNS AND BILLBOARDS.** The purpose of this section is to permit such signs as will not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public morals, health or safety; and further, to regulate such permitted signs in such a way as to create land use patterns compatible with other major land use objectives and



to prevent such signs from causing annoyance or disturbance to the citizens and residents of the City.

1. Definitions. The following words and terms as used in this section shall be deemed to mean and be construed as follows, unless the context specifically indicates otherwise.

A. “Awning” means any structure made of cloth or metal with a metal frame attached to a building and projecting over a public or private thoroughfare or public easement, when the same is so erected as to permit its being raised to position flat against the building when not in use.

B. “Billboard” means any structure, regardless of the base materials used in construction of the same, that is erected, maintained or used for public display of posters, painted signs, wall signs (whether the structure is placed on the wall or painted on the wall itself), pictures, or other pictorial reading matter that advertises a business or attraction that is not carried on or manufactured in or upon the premises upon which said billboard is located.

C. “Canopy” means any structure, other than an awning, made of cloth or metal with metal frames attached to a building and projecting over a public or private thoroughfare or public easement, and carried by a frame supported by the ground or sidewalk.

D. “Marquee” means any hood or awning of permanent construction projecting from the wall of a building and extending over a public or private thoroughfare or public easement.

E. “Off-premises,” as used in this section, means the purpose is to advertise, identify, and/or direct attention to a profession, business, service, activity, product, campaign, or attraction that is not carried on, sold, offered, or manufactured in or upon the premises.

F. “On-premises,” as used in this section, means the primary purpose is to advertise, identify, and/or direct attention to a profession, business, service, activity, product, campaign, or attraction that is carried on, sold, offered, or manufactured in or upon the premises.

G. “Sign” means and includes every sign, billboard, free-standing sign, wall sign, or roof sign, as well as other signs of every description and character as defined herein and includes any announcement, declaration, demonstration, display, illustration, or insignia used to advertise or promote the interests of any person or firm when the same is placed out of doors in view of the general public.

H. “Sign area” means that area of a sign’s exposed facing, determined by the Building Inspector using actual dimensions where practical, or approximate dimensions when irregularity of a sign shape warrants. Such area shall be measured from the extreme points or edges of the sign, painted background, or the peripheral encasement or structural trim which forms part of the sign proper or the display; provided however, the area of a sign composed of characters or words attached directly to a building’s wall surface shall be the smallest rectangle that encloses the whole group of characters or words.

- I. “Sign, bulletin board” means a sign containing a surface area upon which is displayed the name of a religious institution, charitable organization, school, library, community center, or similar institution and the announcement of its services or activities.
- J. “Sign, directional” means a sign for the purpose of control of all modes of traffic located on private property.
- K. “Sign, directory” means an identification sign containing the name of a building, complex, or center, and the names and addresses of two or more businesses are part of the same sign structure.
- L. “Sign, free standing” means any sign that is supported by one or more uprights or braces in or upon the ground and not attached to any building or wall, and includes pole and ground signs, as regulated by this chapter.
- M. “Sign, ground” means an on-premises statue, memorial, or work of art or an on-premises, free standing sign (other than a pole sign) which is supported in or upon the ground and not attached to any building or wall.
- N. “Sign, identification” means an on-premises sign that displays no more than the name, address, crest or insignia, occupation or profession of an occupant of the premises, name of any building on the premises, or the trademark of the occupant.
- O. “Sign, pole” means an on-premises, free standing sign that is supported by one or more uprights not greater than 12-inch diameter and not attached to, or braced by, any other structure. Pole signs shall have a clear open space of not less than 10 feet between the base line of said sign and the ground level. No pole sign shall exceed a thickness of 12 inches.
- P. “Sign, portable” means a free standing sign not permanently anchored or secured to the ground or any building or wall.
- Q. “Sign, projecting” means a sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.
- R. “Sign, public” means a sign of a non-commercial nature and in the public interest, erected by or upon the order of a public officer in the performance of his or her public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest, and all other similar signs, including signs designating hospitals, libraries, schools, airports, and other institutions or places of public interest or concern.
- S. “Sign, real estate” means a sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed.
- T. “Sign, roof” means a sign erected upon or above a roof or parapet of a building.
- U. “Sign, service” means a sign identifying rest rooms, public telephone facilities, first aid stations, fallout shelters, and other similar public service facilities.
- V. “Sign, wall” means any sign attached to, or erected against the wall or painted on the surface of the wall of a building, with the exposed face of the sign in a plane parallel to the plane of said wall, and includes fascia signs.

2. Permit Required. It is unlawful for any person to erect, alter, or relocate within the City any sign or other advertising structure as defined in this chapter without first obtaining a permit from the Zoning Administrator.
3. Application for Permit. Applications for permits shall be made upon forms provided by the Zoning Administrator, and shall contain or have attached thereto the following information:
  - A. Applicant Information. Name, address, and telephone number of the applicant.
  - B. Plans and Specifications. One drawing of the plans and specifications and method of construction and attachment to the building or in the ground. Such drawing shall show location of sign or signs and shall certify the distance from each other and from signs or adjacent property.
  - C. Erector. Name of the person, firm, corporation or association erecting the structure.
  - D. Consent. Written consent of the owner or lessee of the building, structure, or land to which or on which the structure is to be erected.
  - E. Valuation. Valuation of sign.
  - F. Insurance. Insurance policy or bond as required.
  - G. Other. Such other information as the building inspector shall require to show full compliance with this and all other laws and ordinances of the City.
4. Permit Issued. It shall be the duty of the Zoning Administrator, upon the filing of an application for a permit to examine such plans and specifications and other data, and the premises upon which it is proposed to erect the sign or other advertising structure, and if it appears that the proposed structure is in compliance with all the requirements of this chapter, approved site plans, and all other requirements and laws of the City, the Zoning Administrator shall then issue a permit. If the work authorized under an erection permit has not been completed within six months after date of issuance, the said permit shall become null and void and refund of the fee will not be allowed.
5. Permit Fees. Every applicant, before being granted a permit hereunder, shall pay to the City Clerk a permit fee for each such sign or other advertising structure regulated by this section and as prescribed in this subsection. The fee shall be as follows:
  - A. Signs 16 square feet or less – \$10.00.
  - B. Signs over 16 square feet and not more than 100 square feet – \$25.00.
  - C. Signs over 100 square feet – \$50.00, plus \$.20 per square foot over 100 square feet.

In computing the area of a sign, only one face of a double face sign shall be taken as the area of the sign.

6. Inspection. The Zoning Administrator may inspect, from time to time as deemed necessary, each sign or other advertising structure regulated by this section for the purpose of ascertaining whether the same is in compliance with this section.

7. Compliance. If the Zoning Administrator finds that any sign or advertising structure regulated herein is being maintained in violation of the provisions of this section, the Zoning Administrator shall promptly give written notice to the permittee thereof or to the owner of the premises on which the sign is located. The notice shall state in writing the reason or reasons why such sign – and the keeping, owning, maintenance, construction, and display or operation thereof – is unlawful under the terms of this chapter. The notification shall provide that unless such violation is corrected within 30 days, said sign shall be removed at the owner's expense.

8. Signs Not to Constitute Traffic Hazard. No sign or other advertising structure on private property as regulated by this section shall be erected:

A. At or near the intersection of any streets or near a private access to a public street in such a manner as to obstruct free and clear vision; or

B. At any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device;

C. Which makes use of the words "STOP," "LOOK," "DRIVE-IN," "DANGER," or any other word, phrase, symbol, or character in such manner as to interfere with, mislead or confuse the motoring public.

9. Signs Extending Over City Property. It is unlawful for any person to erect or maintain any sign or other advertising structure that extends over public property or a public easement. An exception may be granted by the Council for a marquee, canopy, awning, or projection of a wall sign, if existing building setback does not provide sufficient space to accommodate same.

10. Insurance. Every sign or other advertising structure covered by this section shall be registered with the Zoning Administrator by the person maintaining or owning the same, and said person shall furnish to the City a certificate of liability insurance with a municipality endorsement included, either as a single policy or as a rider to a blanket policy showing the City as additional named insured in the amount of \$100,000.00 – \$300,000.00 bodily injury and \$50,000.00 property damage, or single limit liability of \$300,000.00. In addition, the City shall receive at least 30 days' prior written notice of any cancellation or change in any of the required insurance policies under this provision. Said certificate of insurance shall be so conditioned as to defend, indemnify, protect and save harmless the City and its employees from and against any and all liability, claims, losses of whatsoever kind or nature, arising out of or by reason of the erection, hanging, repair or maintenance of such sign or signs. No certificate of insurance shall be required on:

A. Any sign whose location and distance from public property is equal or greater than the height of the sign plus 10 feet; or

B. Other advertising structure that is not located on or does not project over a public thoroughfare or easement.

11. Exemptions. The provisions and regulations of this section do not apply to the following signs:

A. Real Estate Signs. Real estate signs, not exceeding 12 square feet in area, which advertise the sale, rental or lease of the premises upon which said sign is located only. Such real estate signs shall not be located on public property and shall be limited to one sign for each parcel listed.

- B. Name Plates. Name plates identifying a resident address or appurtenant home occupation or permitted uses, not exceeding one square foot in area.
  - C. Within Building. Signs located within the interior of a building.
  - D. Bulletin Boards. Bulletin boards, not over eight square feet in area, for public, charitable or religious institutions when the same are located on the premises of said institution.
  - E. Memorial Signs. Memorial signs; provided, when said sign is constructed into the wall of a building, it is not greater in area than five percent of the total square footage of each wall facing a street frontage.
  - F. Political Signs. Political signs, not exceeding six square feet, when located on private property.
  - G. Public Signs. Public signs of a non-commercial nature and in the public interest, erected by or upon the order of a public officer in the performance of his or her public duty.
  - H. Service Signs. Service signs identifying restrooms, public telephone facilities, first aid stations, fall-out shelters and other similar public service facilities.
12. Municipal Signs Exempt. Traffic control or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary emergency or non-advertising signs as may be approved by the City Council or authorized public official shall be exempt of the provisions and regulations of this section.
13. On-Premises Signs. See following Tables.

**Table 166-1 – On-Premises Signs in R-1a, R-1, R-2 and R-3 Districts**

Number of Signs	Size	Height	Setback (ROW)
1 temporary real estate sign per street frontage	2 square feet	10 feet	10 feet
1 name plate identifying a resident address	1 square foot	4 feet	5 feet
Churches, schools, government buildings and other permitted uses: 1 free standing identification sign or 1 bulletin board per street frontage	30 square feet	10 feet	15 feet
Residential subdivision, PUD, or apartments: 1 identifying wall sign or 1 identifying ground sign per apartment complex:			
Ground sign	15- to 25-foot circumference (note 1)	5- to 15-foot (note 2)	10 feet
Wall sign	15 square feet (max) (note 3)	---	---
Combined wall signs	not in excess of 30 square feet per apartment complex		
Home occupations	2 square feet	10 feet	no more than 5 feet from principal structure
<p>Note 1: Sign area may be increased one foot in circumference for each additional one foot of setback, to a maximum of 25 feet in circumference, provided the height is maintained at 5 feet or less.</p> <p>Note 2: The height may increase one foot for each additional one-foot setback, to a maximum height of 15 feet.</p> <p>Note 3: The area shall be determined by the smallest rectangle that encloses the words or characters of a sign.</p>			

**Table 166-2 – On-Premises Signs in C-1, C-2, C-3 and C-4 Districts**

Number of Signs	Size	Height	Setback (ROW)
1 temporary real estate sign per street frontage	12 square feet	10 feet	10 feet
1 name plate identifying a resident address	1 square foot	4 feet	5 feet
Churches, schools, government buildings and other permitted uses: 1 free standing identification sign or 1 bulletin board per street frontage	30 square feet	10 feet	10 feet
1 free standing identification or directory sign per street frontage:			
1 ground sign	15- to 25-foot circumference maximum (note 1)	5- to 15-foot maximum (note 2)	10-foot minimum setback
or 1 pole sign	40 square feet to 100 square feet maximum (note 3)	20 feet to 30 feet maximum (note 4)	5 feet to 45 feet or more
Combined wall signs	not in excess of 5 percent of total square footage of each wall on street frontage; however, wall signs shall not exceed 30 square feet per apartment complex		
Home occupations	2 square feet	10 feet	no more than 5 feet from principal structure
Upon application by a merchants' association, permission may be granted by the Council to erect and maintain ground signs or wall signs of a directional, orientational, or identifying nature, when the same are developed in a unified theme for the entire district. The Council may provide conditions under which the association shall be required to maintain said signs.	12 square feet	6.5 feet	none required (note 5)
<p>Note 1: Sign area may increase one foot in circumference for each additional one foot of setback, to a maximum size of 25 feet in circumference.</p> <p>Note 2: Sign height may be increased by one foot for each additional five feet of setback, to a maximum height of 15 feet.</p> <p>Note 3: Sign area may increase two square feet for each additional foot of setback, to a maximum area of 100 square feet.</p> <p>Note 4: Sign height may be increased by one foot for each additional four feet of setback, to a maximum height of 30 feet.</p> <p>Note 5: May be located in public right-of-way, at Council's discretion.</p>			

**Table 166-3 – On-Premises Signs in M-1 and M-2 Districts**

Number of Signs	Size	Height	Setback (ROW)
1 temporary real estate sign per street frontage	32 square feet	10 feet	10 feet
1 name plate identifying a resident address or appurtenant to a home occupation or a permitted use	1 square foot	4 feet	5 feet
Churches, schools, government buildings and other special permitted uses: 1 free standing identification sign or 1 bulletin board	30 square feet	10 feet	15 feet
1 free standing identification or directory sign per street frontage:			
1 ground sign	15- to 25-foot circumference maximum (note 1)	5- to 15-foot maximum (note 2)	10-foot minimum setback
or 1 pole sign	40 square feet to 100 square feet maximum (note 3)	20 feet to 30 feet maximum (note 4)	5 feet to 45 feet
Combined wall signs	not in excess of 5 percent of total square footage of each wall on street frontage		
Note 1: Sign area may increase one foot in circumference for each additional one foot of setback, to a maximum size of 25 feet in circumference.			
Note 2: Sign height may be increased by one foot for each additional five feet of setback, to a maximum height of 15 feet.			
Note 3: Sign area may increase two square feet for each additional foot of setback, to a maximum area of 100 square feet.			
Note 4: Sign height may be increased by one foot for each additional four feet of setback, to a maximum height of 30 feet.			

**Table 166-4 – On-Premises Signs in the A-1 District**

Number of Signs	Size	Height	Setback (ROW)
1 temporary real estate sign per street frontage	32 square feet	10 feet	10 feet
1 name plate identifying a resident address or appurtenant to a home occupation or a permitted use	1 square foot	4 feet	5 feet
Churches, schools, government buildings and other special permitted uses: 1 free standing identification sign or 1 bulletin board	30 square feet	10 feet	15 feet
1 free standing sign per street frontage, designating sale of produce, crops or livestock	30 square feet	10 feet	20 feet



14. Access Identification. Two free standing directional signs intended to identify an access into or out of a lot shall be permitted per access; provided however, said sign shall be no greater than 10 square feet in area and two and one-half feet in height.
15. Marquees, Awnings and Canopies.
  - A. General Provision. The term “sign” in this section does not apply to a marquee, awning, or canopy unaccompanied by lettering when projecting from the wall of a building above an entrance and extending over a public right-of-way or public easement.
  - B. Locations. No marquee, awning, or canopy shall be permitted to extend over City property unless approval is granted by the Council.
  - C. Height Regulation. No part of any marquee, awning, or canopy shall be less than eight feet above ground level.
16. Statues, Monuments and Religious Symbols.
  - A. Definition. Statues, monuments or religious symbols unaccompanied by lettering, when applied to the cornice, tower, spire, or yard of a place of worship or private property.
  - B. Regulation. All statues, monuments and religious symbols greater than five feet in height if placed in the front yard shall require Council approval prior to erection. The Council reserves the right to accept or reject the application.
17. Political Campaign Signs. Political campaign signs shall not be erected earlier than 45 days prior to the date balloting takes place for the candidate or issue indicated on the sign and shall be removed no later than seven days after said balloting date.
18. Projecting Signs.
  - A. Thickness Limitation. The thickness measured between the principal faces of any projecting sign shall not exceed 12 inches.
  - B. Height. No part of any projecting sign shall be less than 10 feet above ground level, except as provided for under specific zoning districts.
  - C. Location. Every projecting sign shall be at least 10 feet above any sidewalk area over which it is erected, and a distance not greater than two feet from the wall to which it is attached, measuring from the point of the sign nearest thereto. Every projecting sign to be erected over public or private driveways or thoroughfares shall be placed not less than 15 feet above the level of same.
  - D. Projecting Over Public Property. It is unlawful for any projecting sign to be located over public property or a public easement unless approval is granted by the Council.
19. Temporary Signs.
  - A. Definition. Temporary signs include any construction, real estate, political, portable or other sign, banner, pennant, valance and advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or

other materials, with or without frames, intended to be displayed for a short period of time only.

B. Special Permission. Banners and stringers may be used for special occasions with Council approval. There shall be no more than two such occasions per year; such occasions shall not exceed 10 days. Community festivals or other similar events may be exempted from the provisions of this section with the approval of the Council.

20. Free Standing Signs.

A. Letters to Be Secured. All letters, figures, characters, or representations in cut-out or irregular form maintained in conjunction with, attached to, or superimposed on a free standing sign shall be safely and securely built or attached to the sign structure.

B. Height Limitation. The measurement of the height of a sign shall be taken vertically from the average finished grade nearest the supporting base or columns to the highest point of said sign; however, no mounding of earth may be permitted to achieve a greater sign height.

C. Setback Line. The setback of a sign shall be measured to that portion of the sign nearest the street or property bounds, which shall include the air space above same.

D. Space Between Sign and Ground and Other Signs and Structures. Pole signs shall have a clear open space of not less than 10 feet between the base line of said sign and the ground level. Except for directional signs of a traffic control nature, no free standing sign shall be closer than 50 feet to another separate sign structure.

E. Size of Sign. The total area of a sign shall be actual square footage of one sign face. Double face signs may be permitted with the maximum square footage permitted on each side. Multi-faced signs shall not exceed two times the area of single face signs. Where the circumference is used to measure a ground sign the external boundary or perimeter of the sign shall be measured per plan view at the widest point.

21. Off-Premises Signs.

A. General Provision. No off-premises sign or billboard shall be permitted within 100 feet of any dwelling unit, public parkway, public park or property line of public or parochial school site, church site, hospital site, cemetery, similar institution or zoning district not permitting billboards or off-premises signs. Furthermore, no billboards or off-premises sign shall be permitted to face and be located within 300 feet of an R District.

B. Permitted Zones. Off-premises signs and billboards that conform with the provisions of this section shall be permitted in the following zoning districts:

M-1 Light Industrial District  
M-2 Heavy Industrial District  
A-1 Agricultural District

## C. Setback, Size and Height Requirements.

(1) No off-premises sign or billboard shall be established closer to the street right-of-way than the minimum building setback line for that zoning district.

(2) The following size and height standards shall apply to all off-premises signs and billboards regardless of zoning district:

	Size*	Max. Height
Single	350 square feet	35 feet
Double	675 square feet	35 feet
*Plus an additional 300 square feet for extensions.		

Furthermore there shall be a minimum distance of 10 feet between ground level at the base of the supporting uprights and the bottom of the sign face.

## D. Spacing of Off-Premises Advertising Signs.

(1) On Federal and State highways, Federal and State regulations for spacing and setbacks shall apply; provided, however, if the regulations of this chapter are found more restrictive, the more restrictive requirement shall apply.

(2) No off-premises advertising sign or billboard shall be established within 300 feet of any other off-premises advertising sign facing the same direction.

22. Billboards Prohibited. All billboards, as defined in paragraph 1(B) of this section, are hereby prohibited in all zoning districts.

23. Electronic Signs. Electronic Signs are permitted within the City of Carlisle. The sign must comply with the same size as a monument sign or pole sign, however, the electronic display area must not exceed more than 25 percent of the sign area. Electronic signs are prohibited in residential zoned districts. The display cannot exist of flashing, pulsating, rotating, beacons or moving lights. Any digital display must appear for a minimum of 8 seconds. A marquee sign that scrolls can be no larger than 1 foot high by 12 feet long.

*(Ord. 697 – Mar. 17 Supp.)*

**166.15 SIDEWALK AND CONCRETE APPROACH REQUIREMENTS.** All new construction within the City limits shall require sidewalks to be installed. All new construction within the City limits shall require a concrete approach extending to the sidewalk if the approach will abut any concrete or asphalt street. Concrete approaches will not be required where they would abut a seal-coated street.

**166.16 STORM SHELTERS.** All new mobile home parks or additions to existing mobile home parks shall be required to provide a storm safety facility containing minimum floor area of 10 square feet per mobile home unit. The facility may serve in a dual capacity as an indoor recreation facility as so designated by the owner. The facility may be built above or below the ground but shall be structured in such a manner as to provide all mobile home park residents with adequate shelter from tornadoes or other forms of severe weather.

**166.17 BUILDING STANDARDS.** The following standards shall apply to all family detached dwellings, that is, site-built dwellings, manufactured homes, and including multiple dwelling units; however, such standards are not applicable to mobile homes as defined herein. The following standards shall apply:

1. The minimum width of the main body of the dwelling unit shall be not less than 20 feet.
2. The pitch of the main roof shall not be less than one foot rise for every four feet of horizontal run. This requirement shall not apply to manufactured housing if the housing otherwise complies with 42 U.S.C. Sec. 5403.
3. Roofing material must either be or simulate asphalt or wood shingles or tile.
4. Exterior materials must either be or simulate materials traditionally used for site-built homes in the area.
5. Ceiling heights shall be not less than seven feet, six inches.
6. Each bedroom shall contain usable floor space, excluding closets, of not less than eight feet in any major dimension, together with a minimum of 80 square feet usable floor space per double bed.

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