

CHAPTER 168

ZONING ORDINANCE OFF-STREET PARKING

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168.01 PURPOSE AND SCOPE. The purpose of this chapter is to alleviate or prevent congestion of the public streets, and to promote the safety and welfare of the public by establishing minimum requirements for the off-street parking of motor vehicles in accordance with the use to which property is put. The off-street parking provisions shall apply as follows:

1. For all buildings and structures erected and all uses of land established after the effective date of the ordinance codified herein, accessory parking shall be provided as required by the regulations of the district in which such buildings or uses are located.
2. When the intensity of use of any building, structure, or premises shall be increased through addition of dwelling units, gross floor area, seating capacity, or other unit of measurement specified herein for required parking facilities, parking facilities as required herein shall be provided for such increase in intensity of use.
3. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking shall be provided for such new use.

168.02 EXISTING PARKING. Accessory off-street parking which is located on the same lot as the building or use served and which was in existence on the effective date of the ordinance codified herein or was provided voluntarily after such effective date shall not hereafter be reduced below, or if already less than, shall not further be reduced below the requirements of this Zoning Ordinance for a similar new building or use.

168.03 PERMISSIVE PARKING FACILITIES. Nothing herein shall be deemed to prevent the voluntary establishment of off-street parking facilities to serve any existing use of land or buildings provided that all regulations herein governing the location, design, improvement and operation of such facilities are adhered to.

168.04 DAMAGE OR DESTRUCTION. For any conforming or legally nonconforming building or use which is in existence on the effective date of the ordinance codified herein, which subsequent thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, reestablished or repaired, off-street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by the Zoning Ordinance for equivalent new uses or construction.

168.05 CONTROL OF OFF-SITE PARKING FACILITIES. When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No such off-site parking facilities shall be authorized and no permit shall be issued where the plans call for parking facilities other than on the same zoning lot until and unless the Board has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use of building.

168.06 SUBMISSION OF PLOT PLANS. Any application for a building permit shall include therewith a plot plan showing any parking facilities to be provided in compliance herewith.

168.07 USE OF PARKING FACILITIES. Off-street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements herein shall be used solely for the parking of passenger automobiles owned by occupants of the dwelling structures to which such facilities are accessory or by guests of said occupants.

168.08 JOINT PARKING FACILITIES. Off-street parking facilities for different buildings, structures or uses or for mixed uses may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces to be located together shall not be less than the sum of the separate requirements for use.

168.09 COMPUTATION. When determination of the number of off-street parking spaces required herein results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.

168.10 SIZE. A required off-street parking space shall be at least 8½ feet in width and at least 20 feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have a vertical clearance of at least 7 feet.

168.11 ACCESS. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. Permission must be obtained from the City to remove curb for a driveway. The driveway must be concrete or asphalt from the property line to the street, alley or other public thoroughfare. Residential driveways are further subject to the following:

1. Maximum width of 20 feet for single drive or 30 feet for a double drive.
2. Minimum driveway width of 10 feet.
3. Minimum 3-foot curb radius to driveway.
4. One driveway per residential lot except for corner lots where one driveway is allowed for each street for a maximum of two driveways and except for lots of sufficient size wherein two driveways are permitted providing a minimum of 60 feet can be maintained from the interior edge of each such driveway.

168.12 IN YARDS. In residential districts, off-street parking spaces may be located in any yards except required front yards. In business, manufacturing districts, off-street parking spaces may be located in any yard.

168.13 DESIGN AND MAINTENANCE.

1. Open and Enclosed Parking Spaces. Accessory parking spaces located on the same lot as occupied by the use served may be open to the sky or enclosed in a building. Accessory parking spaces located in a residential district elsewhere than on the same lot occupied by the use served shall be open to the sky except when otherwise allowed.
2. Surfacing. All open off-street parking areas, except a single parking space accessory to a one-family dwelling, shall be improved with a compacted macadam base not less than four inches thick, surfaced with asphaltic concrete or some comparable all-weather, dustless material.
3. Screening and Landscaping. All open automobile parking areas containing more than four parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residential district or any institutional premises by a wall, fence or densely planted compact hedge not less than five feet or more than seven feet in height. Such required screening shall conform to the front and side yard setback requirements of the district in which the parking is located.
4. Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance.
5. Signs. Accessory signs are permitted on parking areas.
6. Repair and Service. No motor vehicle repair work of any kind shall be permitted in conjunction with accessory off-street parking facilities provided in a residential district. The sale of gasoline and motor oil in conjunction with accessory off-street parking facilities is not permitted in any residential district.

168.14 MAXIMUM NUMBER OF SPACES. The total number of accessory parking spaces provided for one-family, two-family or multiple-family dwellings or hotels shall not exceed that required herein for such use or for any equivalent new use by more than 50 percent or four spaces, whichever number is greater. However, when two or more uses are located on the same zoning lot, only one exemption in terms of floor area, as set forth in Section 168.16 of this chapter, shall be taken.

168.15 LOCATION OF ACCESSORY OFF-STREET PARKING FACILITIES. The location of off-street parking space in relation to the use served shall be as prescribed herein. All distances specified shall be walking distances between such parking spaces and a main entrance to the use served.

1. Residential Districts. Parking spaces accessory to dwellings shall be located on the same zoning lot as the use served. Spaces accessory to uses other than dwellings may be located on a lot adjacent to or directly across a street or alley from the lot occupied by the use served, but in no case at a distance in excess of 300 feet from such area.
2. Business and Manufacturing Districts. All required parking spaces shall be within 1,000 feet of the use served, except for spaces accessory to dwelling units (except those located in a transient hotel) which shall be within 300 feet of the use

served. However, no parking spaces accessory to a use in a business or manufacturing district shall be located in a residential district.

168.16 SCHEDULE OF PARKING REQUIREMENTS.

1. Residential Uses.
 - A. One-family dwellings and two-family dwellings. Two parking spaces shall be provided for each dwelling unit.
 - B. Multiple-family dwellings (including apartment hotels). Three parking spaces shall be provided for every two dwelling units. For lodging rooms located in an apartment hotel, one parking space shall be provided for each two lodging rooms.
 - C. Tourist courts, tourist homes, motels and motor hotels. One parking space shall be provided for each dwelling unit or lodging room.
 - D. Hotels, transient. One parking space for each dwelling unit and one parking space for each two lodging rooms shall be provided.
 - E. Lodging houses. One parking space shall be provided for each two lodging rooms, plus one space for the owner or manager.
 - F. Private clubs and lodges (with sleeping facilities for guests). One parking space shall be provided for each two lodging rooms plus parking spaces equal in number to ten percent (10%) of the capacity in persons (exclusive of lodging room capacity) of such club or lodge.
 - G. House trailer camps. One parking space shall be provided for each trailer space.
2. Retail and Services Uses Outside of the Central Business District.
 - A. Retail stores and banks. One parking space shall be provided for each 200 square feet of floor area in excess of 2,000 square feet. Drive-in banks or other similar drive-in establishments shall provide three stacking spaces per teller or customer service window.
 - B. Automobile service stations. One parking space shall be provided for each two employees.
 - C. Automobile laundry. Twenty (20) stacking spaces shall be provided for each wash rack, plus one parking space shall be provided for each four employees.
 - D. Bowling alleys. Three parking spaces shall be provided for each alley, plus such additional spaces as may be required herein for affiliated uses, bars, restaurants and the like.
 - E. Establishments dispensing food or beverages for consumption on the premises. One parking space shall be provided for each 300 square feet of floor area.
 - F. Furniture and appliance stores, household equipment or furniture repair shops. One parking space shall be provided for each 600 square feet of floor area in excess of 2,000 square feet.

- G. Motor vehicle sales and machinery sales. One parking space shall be provided for each 300 square feet of floor area.
 - H. Theaters (indoor). One parking space shall be provided for each five seats.
 - I. Undertaking establishments, funeral parlors. Six parking spaces shall be provided for each chapel or parlor, plus one parking space for each funeral vehicle kept on the premises.
- 3. Offices, Business, Professional and Governmental. One parking space shall be provided for each 200 square feet of floor area.
 - 4. Wholesale Establishments (not including warehouses and storage buildings other than accessory). One parking space shall be provided for each 600 square feet of floor area in excess of 4,000 square feet.
 - 5. Establishments Engaged in Production, Processing, Cleaning, Servicing, Testing or Repair of Materials, Goods or Products. One parking space shall be provided for each two employees, plus one parking space for each vehicle used in the conduct of the enterprise.
 - 6. Warehouses and Storage Buildings. One parking space shall be provided for each two employees, plus one parking space for each vehicle used in the conduct of the enterprise.
 - 7. Community Service Uses.
 - A. Church, school, college and other institutional auditoriums. One parking space shall be provided for each three auditorium seats. Adequate space shall also be provided for buses used in connection with the activities of the institution, and all loading and unloading of passengers shall take place upon the premises.
 - B. Colleges, universities and business, professional and trade schools. One parking space shall be provided each three employees, and one parking space shall be provided for each four students based on the maximum number of students attending classes on the premises at any one time during any 24-hour period.
 - C. Health centers, government-operated. Three parking spaces shall be provided for each staff and visiting doctor.
 - D. Hospitals. One parking space shall be provided for each two hospital beds, plus one parking space for each two employees (other than staff doctors) plus one parking space for each doctor assigned to the staff.
 - E. Libraries, art galleries and museums, public. One parking space shall be provided for each 1,000 square feet of gross floor area.
 - F. Municipal or privately owned recreation buildings or community centers. One parking space shall be provided for each two employees, plus spaces adequate in number, as determined by the Zoning Administrator, to serve the visiting public.
 - G. Public utility and public service uses. One parking space shall be provided for each three employees plus space adequate in number, as determined by the Zoning Administrator, to serve the public.

- H. Schools, nursery, elementary and high. One parking space shall be provided for each employee.
8. Places of Assembly. Stadiums, arenas, auditoriums (other than church, college or institutional school), convention halls, dance halls, exhibition halls, skating rinks and other similar places of assembly. Parking spaces equal in number to 25 percent of the capacity in persons shall be provided.
9. Miscellaneous Uses.
- A. Fraternities, sororities and dormitories. One parking space shall be provided for each five active members plus one parking space for the manager thereof.
- B. Institutions for the care of the insane or mentally disabled. One parking space shall be provided for each staff doctor, plus spaces adequate in number, as determined by the Zoning Administrator, to serve the visiting public.
- C. Private clubs and lodges (without sleeping facilities for guests). Parking spaces equal in number to 10 percent of the capacity in persons shall be provided.
- D. Rest homes or nursing homes. One parking space shall be provided for each four beds, plus one parking space for each two employees (other than staff doctors), plus one parking space for each doctor assigned to the staff.
- E. Sanitariums, convalescent homes or institutions for the aged or for children. One parking space shall be provided for each four beds, plus one parking space for each two employees (other than staff doctors), plus one parking space for each doctor assigned to the staff.
- F. Theaters, automobile drive-in. Reservoir parking space equal to 10 percent of the vehicle capacity of such theaters shall be provided.
- G. For the following uses, parking spaces shall be provided in adequate number, as determined by the Zoning Administrator, to serve persons employed or residing on the premises as well as the visiting public.
- (1) Airports or aircraft landing fields; heliports;
 - (2) Convents and monasteries;
 - (3) Crematories and mausoleums;
 - (4) Fraternal or religious institutions;
 - (5) Outdoor amusement establishments; fairgrounds, permanent carnivals, kiddie parks and other similar amusement centers;
 - (6) Penal and correctional institutions;
 - (7) Rectories and parish houses;
 - (8) Swimming pools.
10. Mixed Uses. When two or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking space or portion thereof

shall serve as a required space for more than one use unless otherwise authorized by the Board.

11. Other Uses. For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar use or as determined by the Zoning Administrator.

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CHAPTER 169

ZONING ORDINANCE SIGNS AND FENCES

169.01 Definitions

169.02 Residential District Signs

169.03 Business District and Manufacturing
District Signs

169.04 Downtown Business District Signs

169.05 Fences and Walls

169.06 Prohibited Materials for Fences

169.07 Public Fences

169.08 Vision Clearance

169.01 DEFINITIONS. For the purpose of this chapter, the following additional terms are defined:

1. "Awning" means a drop awning attached to a building by means of movable metal frames.
2. "Building or wall sign" means a sign other than a roof sign, which is supported by a building or wall.
3. "Canopy" means a flat top solid roof extending from a building or a slant top with slanted roof extending from a building.
4. "Changeable copy sign" means a sign characterized by changeable or movable copy.
5. "Fascia sign" means a single-faced building or wall sign which is parallel to the supporting wall.
6. "Freestanding sign" means a permanent sign which is supported by one or more uprights or braces in or upon the ground and not attached to any building or wall.
7. "Identification sign" means an on-premises sign that displays no more than the name, numerical address, crest, insignia or trademark, occupation or profession of an occupant of the premises or name of any building on the premises.
8. "Monument sign" means a sign affixed to a structure, built on a grade, in which the sign and the structure are an integral part of one another.
9. "Nonconforming sign" means a sign which would be allowed in the proper zone but which is prohibited in the specific zone in which it exists.
10. "On-premises sign" means a sign the primary purpose of which is to identify or direct attention to a profession, business, service, activity, product, campaign or attraction manufactured, sold or offered upon the premises where such sign is located.
11. "Prohibited sign" means a sign prohibited in the area designated by this chapter.
12. "Projecting sign" means a building or wall sign other than a fascia sign, supported only by the wall on which it is mounted.
13. "Roof sign" means a sign erected upon or above a roof or parapet of a building and affixed to that roof or parapet.

14. “Sign” means a any structure visible from the public right-of-way, including but not limited to a device or display, other than buildings or landscaping, used primarily for visual communication for the purpose of or having the result of bringing the subject thereof to the attention of a person, group of persons, or the public generally. The term sign includes, but is not limited to, any and all reading matter, letters, numerals, pictorial representations, emblems, trademarks, inscriptions and patterns, whether affixed to a building or separated from any building.

15. “Sign area” means the area determined by using actual dimensions where practicable or approximate dimensions when irregularity of sign shape warrants. Such area includes the extreme points or edges of the sign proper or of the display. The area of the sign composed of characters or words attached directly to a building or wall surface shall be the smallest trapezoid which encloses the whole group.

16. “Under canopy sign” means a sign attached to the underside of a canopy, marquee, building projection or any similar project from a building protruding over public or private sidewalk or right-of-way.

169.02 RESIDENTIAL DISTRICT SIGNS. In any Residential District the following non-flashing, non-illuminated signs are permitted under the conditions specified:

1. Nameplates and Identification Signs, subject to the following:
 - A. Area and Content, Residential. There shall be not more than one sign not exceeding two square feet in area for each dwelling unit, indicating the name or address of the occupant or a permitted occupation. Signs relating to home occupations must comply with Section 165.16 of this Zoning Ordinance.
 - B. Projection. No sign shall project beyond the property line into the public way.
 - C. Height. No free standing sign shall project higher than ten feet above curb level.
2. *For Sale* and *To Rent* Signs, subject to the following:
 - A. Area and Number. There shall be not more than one such sign per zoning lot. No sign shall exceed nine square feet in area or be closer than eight feet to any other zoning lot.
 - B. Projection. No sign shall project beyond the property line into the public way.
 - C. Height. No free standing sign shall project higher than ten feet above curb level.
3. Signs Accessory to Parking Areas, subject to the following: Signs designating parking area entrances or exits are limited to one sign for each such exit or entrance and to a maximum size of two square feet each. One sign per parking area, designating conditions for use or identity of such parking area and limited to a maximum size of nine square feet, shall be permitted.
4. Nonresidential signs are subject to the following:
 - A. Area and Number. The total sign surface area of a sign or combination of signs shall not exceed one-half square foot for each lineal foot

of a lot frontage but in no case more than 50 square feet in area per zoning lot. No sign shall be closer than eight feet to any other zoning lot.

B. Projection. No sign shall project beyond the property line into the public way.

C. Height. No free standing sign shall project higher than ten feet above curb level.

D. Signs may be illuminated from within or with exterior lighting but signs with flashing or strobing lights are prohibited and revolving signs that give the impression of movement are prohibited. The illumination of the sign shall not cause a nuisance.

E. The sign shall not be allowed to obstruct traffic or pedestrian vision. It must meet the setbacks specified in Section 169.08 of this chapter.

F. The surface area of a sign shall be determined by measuring the surface area of a rectangle formed as follows:

(1) A horizontal line along the uppermost letter, lettering or insignia of the surface; and

(2) A horizontal line along the lowermost letter, lettering or insignia; and

(3) A vertical line along the letter, lettering or insignia on the farthest-left portion of the surface of the sign; said line extending to the two horizontal lines; and

(4) A vertical line along the letter, lettering or insignia located farthest right on the surface extending to the two horizontal lines.

5. Development Signs. Temporary or permanent development or subdivision name signs are allowed. The following design standards are required:

A. The sign shall be a free-standing sign or a monument sign.

B. The sign shall not project onto the public way or onto any public utility easements.

C. The sign area shall be no larger than 64 square feet or 32 square feet per sign face if double sided.

D. The sign and other appurtenances shall be no higher than eight feet.

E. Temporary signs shall only be allowed for the purpose of identification of property for sale or rent within the subdivision. Permanent signs shall only include the name of the subdivision or development as platted and filed in the office of the Delaware County Recorder and include no advertising or the name of any commercial enterprise of any type. The sign may not be erected until after the final plat has been approved, provided the sign complies with other applicable provisions of this section.

F. The sign may be illuminated so long as the illumination does not impair traffic visibility. Flashing lights are not allowed.

G. The sign shall not be allowed to obstruct traffic or pedestrian vision. It must meet the setbacks specified in Section 169.08 of this chapter.

H. No more than one sign shall be allowed at the street entrance to a subdivision, unless however, the sign is divided into two signs located on both sides of a street and provided that the sum of the two signs does not exceed 64 square feet.

6. Any sign now or hereafter existing which, for a period of ninety (90) days, no longer advertises a bona fide business conducted, or a product sold or a service offered, shall be taken down and removed by the owner or owners of the building or premises upon which it is located within 30 days of written notice from the Building Official.

169.03 BUSINESS DISTRICT AND MANUFACTURING DISTRICT SIGNS.

In any Business District (B-1, B-2 and B-3) or Manufacturing District (M-1, M-2), the following signs are permitted under the conditions specified:

1. Signs relating only to the name and use of buildings or premises upon which they are placed. Advertising signs and outdoor billboards advertising products or matters not relating to the occupancy and use of the premises shall not be permitted.
2. Signs attached to a building or buildings shall not project more than 18 inches from the wall upon which they are attached. Signs must be attached to parapet walls or other wall surfaces made a part of the main structure. Signs erected on a separate super-structure attached to the roof of the building or to any other part of the building above the roof line shall be permitted. No sign shall project higher than four feet above the parapet line or the roof line, whichever is higher.
3. The gross surface area of all business signs on a zoning lot shall not exceed in square foot of area two times the lineal frontage of such zoning lot. Each side of a building which abuts upon more than one street shall be considered as a separate frontage.
4. For integrated shopping centers in single ownership and management or under unified control, one additional sign may be erected not exceeding 100 square feet in area advertising only the name and the location of the integrated shopping center. Such sign shall be placed so as to be entirely within the property line of the premises upon which the sign is located and the bottom edge of such sign shall be at least eight feet above the level of the ground and the overall height shall not exceed 20 feet above curb level or above the adjoining ground level if such ground level is above the street level.
5. No sign may be painted, pasted or similarly posted directly on the surface of any wall, nor shall any sign be permitted to be placed on any wall, fence or standard facing the side of any adjoining lot located in a residential district.
6. Signs attached to or hung from a marquee or canopy shall be completely within the borderline of the outer edge of the marquee or canopy and shall in no instance be lower than eight feet above the ground or surface over which the marquee or canopy is constructed.
7. Signs, clocks or other advertising devices erected upon standards or separate supports shall be placed as to be entirely within the property lines of the premises upon which located and no part of the sign or standard shall have a total height greater than 20 feet above the level of the street upon which the sign faces, or above the adjoining ground level if such ground level is above the street level, nor shall the surface of any such sign exceed an area of 100 square feet.

8. No illuminated sign shall be of the flashing or intermittent type. Signs which may be in conflict with public traffic signals shall not be permitted. Illuminated signs shall be shaded so as not to shine on adjacent residential properties. Time/temperature signs, with changing fascia displaying time and/or temperature only, shall not be deemed flashing or an intermittent type. Intermittent and/or sequencing message signs may be allowed as a conditional use.
9. Traffic or directional signs designating entrances, exits and conditions of use of parking facilities accessory to the main use of the premises may be maintained provided they are located within the property lines of the subject lot.
10. Any sign now or hereafter existing which, for a period of 90 days, no longer advertises a bona fide business conducted, or a product sold or a service offered, shall be taken down and removed by the owner or owners of the building or premises upon which it is located within 30 days of written notice from the Building Official.

169.04 DOWNTOWN BUSINESS DISTRICT SIGNS. The following additional sign, awning and canopy requirements shall apply within the following area of the Downtown Business District: centerline of Marion Street on the south, centerline of Brewer Street on the east, centerline of Butler Street on the north, and centerline of River Street on the west.

1. General Requirements for Signs.
 - A. No sign shall be erected in any corner of any lot defined by a triangle two of its sides 20 feet each, congruent with the property lines and measured from the corner pin or within a 5-foot setback from any property line.
 - B. If a building has two or more occupants, said occupants may jointly erect and maintain a sign provided the joint sign is in conformance with the provisions of this section.
2. Signs Permitted.
 - A. One on-premises identification and/or advertising fascia sign shall be allowed on the front wall of the building. If the building is higher than one story, then the maximum size of signage permitted shall be determined by using 25 percent of the area of the face (or front wall) of the building that is occupied by the business. Said sign may be non-illuminated or internally or externally lighted with a non-flashing light source.
 - B. A fascia sign not to exceed 65 percent of the maximum square footage allowed for fascia signs shall be permitted in those instances where a commercial business shall have frontage on two intersecting streets.
 - C. No more than one on-premises identification under canopy sign not to exceed six square feet in area per sign face per building frontage shall be permitted and may be non-illuminated or illuminated by an internal non-flashing light source.
3. Special Requirements for Signs.
 - A. Under canopy signs shall not exceed 16 inches in width or 75 percent of the length of the canopy to which it is attached. No portion of such sign shall be less than seven feet above grade level.
 - B. Fascia signs shall project no more than 18 inches from the building and shall not extend above the roof line.

- C. Canopy signs shall be no more than 18 inches from the building. On all canopy signs, store identification must be under canopy or against the building.
4. Removal of Signs. All signs prohibited within the area designated by this section shall be removed when a new structural change is made, a new business ownership takes place, a sign is declared hazardous or when sign needs repairing in an amount meeting or exceeding 50 percent of its current value.
5. Prohibited Signs. The following signs are prohibited signs and shall not be allowed:
 - A. Monument signs, except church signs.
 - B. Roof signs.
 - C. Right angle or 90-degree signs.
6. General Requirements for Awnings and Canopies.
 - A. Awnings shall not extend more than two-thirds (2/3) of the width of the sidewalk and have an eight-foot clearance from the sidewalk.
 - B. Flat top canopies shall not be more than 12 inches in height or extend more than two-thirds (2/3) of the width of the sidewalk, and have an eight-foot clearance from the sidewalk.
 - C. Slant top canopies shall not extend more than four feet from the building and have an eight-foot clearance from the sidewalk.
7. Exceptions.
 - A. Gasoline service stations can continue sign use and be subject to sign ordinances governing signs in areas outside of area covered by this section.
 - B. A single time/temperature sign with change of fascia allowed for display of said time and temperature.
 - C. Signs, clocks or other advertising devices erected upon standards, separate supports or upright braces and anchored securely in the ground, not attached to or from any building or wall, shall be allowed to be 90 degrees or right-angle to the road or street abutting the property it is erected upon. Said sign shall be placed entirely within the property lines of the premises. No part of the sign or standard shall have a total height greater than 20 feet above the level of the street upon which the sign abuts, or above the adjoining ground level if such ground level is above the street level. The surface area of said sign shall not exceed 100 square feet.
8. Permit Required. No sign shall be placed or erected within the area regulated by this section without first obtaining a permit therefore. The permit shall be in the form of a building permit and shall be obtained in accordance with the building permit provisions of Chapter 170 of this Code of Ordinances.

169.05 FENCES AND WALLS. In any A-1, R-1, R-2, R-3, R-3C, or R-4 District, fences and walls not exceeding seven feet in height are permitted within the limits of side and rear yards. A fence or wall not exceeding four feet in height is permitted within the limits of front yards. In the case of retaining walls supporting embankments, the above requirements shall apply only to that part of the wall above the ground surface of the retained embankment. In all

other districts, fences and walls not exceeding eight feet are permitted within the limits of any yard as long as intersection visibility is not hindered. All fences must have a minimum setback requirement of three feet from the property line except where the property line borders street right-of-way. (The setback requirement shall be required for alley right-of-way.) It will be the property owner's responsibility to maintain the property on both sides of the fence. A fence or wall may be placed on the property line between adjoining properties if all adjoining property owners affected by said fence or wall agree in writing to the erection of the fence or wall on the property line. Said written agreement must provide that the property owners are responsible to maintain the property on their respective sides of the fence or wall. Said written agreement must be binding on all current owners of the property and all subsequent owners of the property so long as the fence or wall remains in place. In addition, said written agreement shall be filed of record with the County Recorder.

169.06 PROHIBITED MATERIALS FOR FENCES. Barbed wire and electric wire shall not be permitted except on agriculturally (A-1) zoned properties for purposes of containing livestock or in industrial districts when it is required for security reasons; however, in industrial districts the barbed wire shall not be closer than six feet to the ground and shall not overhang any public right-of-way. Woven wire shall only be permitted in Agricultural (A-1) districts and in the side or rear yards of all residential districts. Corrugated metal fences are prohibited in all residential districts.

169.07 PUBLIC FENCES. Fences surrounding school yards or public parks shall be exempt from the height provisions as herein stated provided that visibility at intersections is not hindered.

169.08 VISION CLEARANCE. On any corner lot in any district, no fence, wall or other structure shall be erected, and no foliage plant shall be permitted to grow to a height of more than three feet above the elevation of the established curb grade at the intersection of the streets, on any part which is bounded by street lines of the intersecting streets and within a line connecting two points on said street lines 20 feet from their point of intersection. The street lines, for the purpose of this section, are deemed to begin at the edge of the street right-of-way and not the street surface or curb line.

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CHAPTER 170
ZONING ORDINANCE
ADMINISTRATION AND ENFORCEMENT

170.01 Administrative Official
170.02 Building Permits Required
170.03 Application for Permit
170.04 Expiration of Building Permit

**170.05 Construction and Use to be as Provided
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170.01 ADMINISTRATIVE OFFICIAL. An administrative official designated by the Council shall administer and enforce the Zoning Ordinance. Said administrative official may be provided with the assistance of such other persons as the City Manager may direct. If the administrative official finds that any of the provisions of this Zoning Ordinance are being violated, the administrative official shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The administrative official shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal work being done or shall take any other action authorized by this Zoning Ordinance to ensure compliance with or to prevent violation of the provisions hereof.

170.02 BUILDING PERMITS REQUIRED. No building or other structure shall be erected, moved, added to or structurally altered without a permit therefore, issued by the administrative official. No building permit shall be issued by the administrative official except in conformity with the provisions of this Zoning Ordinance, unless the administrative official receives written order from the Board in the form of an administrative review, special exception or variance as provided herein.

170.03 APPLICATION FOR PERMIT. All applications for building permits shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration or other similar drawing so required by the administrative official. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this Zoning Ordinance.

170.04 EXPIRATION OF BUILDING PERMIT. If the work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; it shall be canceled by the administrative official; and written notice thereof shall be given to the persons affected.

170.05 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLANS AND PERMITS. Building permits issued on the basis of plans and specifications approved by the administrative official authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or

construction. Use, arrangement or construction at variance with that authorized shall be deemed violation of the Zoning Ordinance.

170.06 INVESTIGATION FEES; WORK WITHOUT PERMIT.

1. Investigation. Whenever any work for which a permit is required by the Zoning Ordinance has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.
2. Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee that would be required by this Zoning Ordinance if a permit were to be issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Code of Ordinances or any penalty prescribed by law.

170.07 AMENDMENTS.

1. Hearing Required; Notice. The Council may, on its own motion or as the result of a petition by a private party, amend, supplement, change and/or repeal this Zoning Ordinance including the boundaries of zoning districts. No such action shall be effective until a public hearing on the amendment, supplement, change and/or repeal has been held by the Council, at which parties in interest and citizens shall have an opportunity to be heard. Notice of time and place of public hearing shall be published in a newspaper of general circulation in the City not more than 20 days in advance and at least 7 days prior to the public hearing and in no case shall the public hearing be held earlier than the next regularly scheduled Council meeting following the published notice.
2. Planning Commission Report Required; Hearing. Before the Council holds its public hearing, the proposed amendment, supplement, change, modification or repeal shall be referred to the Commission for its recommendations and report. No report or recommendation shall be made to the Council until the Commission holds a public hearing, at which parties in interest and citizens shall have an opportunity to be heard. Not less than 7 or more than 20 days' notice of time and place of such hearing shall be published in a newspaper of general circulation in the City. This notice may be published concurrently with the notice required in subsection 1 above. If the Commission makes no report or recommendation within 30 days, it shall be considered to have made a report approving the proposed amendment, supplement, modification, change or repeal.
3. Unfavorable Report or Protest; Council Vote Required. If the Commission recommends against, or if a protest against signed by the owners of 20 percent or more of either of the area of the lots included in the proposed change or of those immediately adjacent in the rear thereto extending the depth of one lot or not to exceed 200 feet therefrom or of those directly opposite thereto, extending the depth of one lot or not to exceed 200 feet from the street frontage of such opposite lots, such amendment, supplement, change, modification or repeal shall not become effective except by favorable vote of at least three-fourths of all the members of the Council.

4. Application Fee. A nonrefundable fee shall be paid by the applicant to the City at the time of filing application for amendment, supplement, change, modification or repeal. The fee shall be in an amount established by the Council.

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