

ZONING ORDINANCE
CITY OF SHAMOKIN
NORTHUMBERLAND COUNTY
PENNSYLVANIA
1964

The preparation of this Ordinance was financed in part through an urban planning grant from the Housing and Home Finance Agency, under provision of Section 701 of the Housing Act, of 1954, as amended...under the supervision of the Bureau of Community Development, Pennsylvania Department of Commerce.

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TABLE OF CONTENTS

ARTICLE	PAGE
TITLE, PURPOSE AND AUTHORITY.....	1
I DESIGNATION OF DISTRICT.....	3
District Boundaries.....	3
II GENERAL PROVISIONS.....	3
Apartments.....	3
Conversion Apartments.....	4
Dwelling Groups.....	4
Gardening.....	5
Manufacturing.....	5
Motels.....	5
Municipal Uses.....	6
Prohibited Uses.....	6
Public Utility Facilities.....	7
Height Regulations.....	7
Area Regulations.....	7
Yard Regulations.....	8
Front.....	8
Side.....	8
Buffer.....	8
Accessory Buildings.....	8
Projections into Yards.....	9
Obstructions to Vision.....	9
Fences and Walls.....	9
Courts.....	10
Habitable Floor Area.....	10
Reduction of Lot Dimensions.....	11
Drainage Strips.....	11
Private or Semi-Private Recreation Area.....	11
Swimming Pools - Private.....	11

III	NONCONFORMING BUILDINGS AND USES.....	12
	Continuations.....	12
	Alterations.....	12
	Extension or Enlargement.....	12
	Change of Use.....	13
	Abandonment.....	13
IV	SIGNS.....	13
	Signs in Residential Districts.....	13
	Business Identification.....	15
	General Regulations.....	15
V	OFF-STREET PARKING.....	16
	General Parking Regulations.....	16
	Facilities Required.....	16
	Loading and Unloading Space.....	18
VI	MOTOR VEHICLE ACCESS.....	19
	Driveways and Curbs.....	19
	Location of Gasoline Pumps.....	19
VII	ADMINISTRATION.....	20
	Amendments.....	20
	Board of Adjustment.....	20
	Enforcement.....	20
	Fees.....	22
	Violations.....	23
VIII	S-SLOPE DISTRICT.....	23
IX	R-MT RESIDENTIAL DISTRICT-	
	Multi-Family Town.....	24
X	C-C COMMERCIAL DISTRICT-	
	Central Commercial.....	25
XI	M-L MANUFACTURING DISTRICT-Limited.....	26
	GLOSSARY OF ZONING TERMS	
	VALIDITY	
	INTERPRETATION, PURPOSE, AND CONFLICT	
	REPEALER	
	ENACTMENT	

ORDINANCE NO. 141

ZONING ORDINANCE

AN ORDINANCE

Regulating and restricting the height, number of stories, and size of buildings and other structures, their construction, alteration, extension, repair, maintenance, and all facilities in or about such buildings and structures, the percentage of lot that may be occupied, the size, depth, and width of yards, and use of buildings, structures, and land for trade, industry, residence, or other purposes; establishing setback building lines upon public streets; establishing districts and the boundaries thereof for said purposes, providing for the appointment of a Board of Adjustment and setting forth the duties and functions of said Board; and providing for the administration and enforcement of this Ordinance and penalties for violation thereof.

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF SHAMOKIN.

TITLE, PURPOSE AND AUTHORITY

SHORT TITLE: This Ordinance shall be known and may be cited as the Shamokin Zoning Ordinance.

PURPOSE AND AUTHORITY: This Ordinance is adopted by virtue of the authority contained in the Third Class City Code, as amended, for the purpose of promoting the health, safety, morals, and the general welfare of the City of Shamokin.

ARTICLE 1

DESIGNATION OF DISTRICTS

A. ZONE DISTRICTS

For the purpose of this Ordinance, the City is hereby divided into districts which shall be designated as follows:

S SLOPE DISTRICT
R-MT RESIDENTIAL DISTRICT-Multi-Family Town
C-C COMMERCIAL DISTRICT-Central Commercial
M-L MANUFACTURING DISTRICT-Limited

B. ZONING MAP

The boundaries of the districts shall be as shown upon the map attached to and made a part of this Ordinance which shall be designated "Zoning Map." This map and all the notations, references, and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.

C. BOUNDARIES BETWEEN DISTRICTS

The boundaries between districts are, unless otherwise indicated, either the center lines of streets, alleys, railroad rights-of-way, lot lines, or such lines extended, or lines parallel thereto.

Where district boundaries approximate the location of the above lines, they shall be construed to be on those lines.

Where figures are shown on the Zoning Map between a street, alley, railroad, right-of-way, or lot line, and a district boundary line, they indicate that the district boundary line runs parallel to that line at a distance therefrom equivalent to the number of feet so indicated.

D. INTERPRETATION OF BOUNDARIES

When a district boundary line divides a lot held in single and separate ownership at the effective date of this Ordinance, the regulations of either abutting district may be construed by the owner to be applicable to the portion of such lot in the other abutting district for a distance of not more than fifty feet (50') beyond the district boundary line.

ARTICLE II

GENERAL PROVISIONS

The following regulations shall qualify or supplement the district regulations appearing elsewhere in this Ordinance:

A. USE REGULATIONS

1. Apartments: In Districts where permitted, apartment buildings shall be subject to the following regulations:

- a. The minimum habitable floor area is provided as required in Section F of this Article.
 - b. The building shall conform to the height, coverage, yard and area regulations of the district in which it is to be located.
 - c. The exterior appearance of the building shall be so constructed and maintained so as to retain the residential character of the neighborhood.
 - d. Fire escapes, when required, shall be in the rear of the building and shall not be located on any wall facing a street.
 - e. Off-Street parking shall be provided as required in Article V of this Ordinance.
 - f. Service entrances, trash and garbage and drying yards shall be enclosed and screened from the adjoining properties.
 - g. The plot shall be submitted for review and approval.
2. CONVERSIONS APARTMENTS: Any building existing at the effective date of this Ordinance may be converted to a dwelling for more than one family, in any district permitting residential uses, providing that:
- a. The minimum habitable floor area is provided as required in Section F of this Article.
 - b. The building to be converted shall conform to the height, coverage, and yard regulations for the district in which it is located.
 - c. The exterior appearance of the building shall be constructed and maintained so as to maintain the residential character of the neighborhood.
 - d. Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street.
 - e. The plans for the conversion of said building shall be submitted to the Board of Adjustment for review and approval.
 - f. Parking shall be provided in accordance with the provisions of Article V.
3. DWELLING GROUPS: A dwelling group may be erected, altered, changed, and used in any district permitting residential uses, provided that:
- a. Each dwelling in the group shall comply with the use, height, area, width, yard, and coverage regulations of the district in which it is located.

- b. The appropriate use of the property adjacent to the dwelling groups will be safeguarded.
 - c. All buildings within the development will be provided with adequate vehicular access.
 - d. All buildings within the development will be served with adequate sanitary sewage disposal and water supply.
 - e. Parking shall be provided in accordance with the provisions of Article V.
 - f. The plan of proposed development shall be submitted to the Board of Adjustment for review and approval.
4. GARDENING: The tilling of the soil, raising of crops, and gardening shall be permitted in any district.
5. MANUFACTURING: In order that the Board of Adjustment may have a reasonable basis upon which to review a proposed industrial operation for conformity to the requirements of the this Ordinance, the following data shall be submitted with an application for a permit:
- a. Plot plan.
 - b. Architectural plan.
 - c. Description of operation.
 - d. Engineering and architectural plans for water supply and sewage disposal.
 - e. Plans for prevention or control of noise, vibration, glare, fire hazards, air pollution, water pollution, and traffic.
 - f. Proposed fuel.
 - g. Number of shifts and maximum employment per shift.
 - h. Parking areas for employees and loading space for the shipping and receiving of materials.
 - i. Plan shall be submitted to the Board of Adjustment for review.
6. MOTELS: In districts where permitted, motels shall be subject to the following regulations:
- a. At least one (1) parking space shall be provided for each unit. Off-street parking and loading spaces for other facilities developed on the motel premises shall be provided as required by Article V.
 - b. Every unit to be provided with running water and toilet facilities.
 - c. With the application for a permit, a plan shall be submitted to the Zoning Officer showing the following:

- (1) Extent and area of the property.
- (2) Entrances, exits, driveways, roads, and walks.
- (3) Site Plan.
- (4) Plans for water, sewage disposal, and electricity or other utilities.

MUNICIPAL USES: In any district, a building may be erected, altered, or extended and land may be developed which is arranged, intended or designated for municipal uses, including recreation use.

PROHIBITED USES:

- a. Dwellings in the manufacturing district. Hereafter, a building shall not be erected or converted in the manufacturing district established on the Zoning Map, for use as a dwelling, unless the dwelling use is incidental to the principal use of the premises.
- b. The primary living and sleeping quarters of dwelling units shall not be permitted in cellars.
- c. The following uses are prohibited in all districts throughout the municipality:
 - (1) The incineration (not including individual home incinerators), reduction, or storage of garbage, offal, animals, fish, or refuse, unless by the authority of or under the supervision of the municipality.
 - (2) Dumps and dumping of any kind, other than a sanitary land fill, unless by the authority of or under the supervision of the municipality.
 - (3) The stripping of top soil for sale, exclusive of the process of grading a lot preparatory of the construction of a building for which a zoning permit has been issued, or when incidental to the expansion or operation of a lawfully permitted use.
 - (4) Junk yard.
 - (5) Abattoirs and slaughtering houses.
 - (6) The preparation, processing, or storage of coal or coal products, coal refuse, and/or culm.
 - (7) Billboards or Advertising. Signboards including poster boards, bulletins, and the like.

9. PUBLIC UTILITIES FACILITIES: Public utility facilities shall be permitted in any district without regard to the use and area regulations; provided, however, that buildings or structures erected for these utilities shall be subject to the following regulations:
- a. Front, side and rear yards shall be provided in accordance with the regulations of the district in which the facility is located.
 - b. Height shall be as required by the district regulations.
 - c. Unhoused equipment shall be enclosed with a chain link fence six feet (6') in height, topped with barbed wire.
 - d. Housed equipment-when the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yards shall be maintained in conformity with the district in which the facility is located.
 - e. Screen planting in residential districts-the required fence for unhoused equipment shall be surrounded by an evergreen planting as approved by the Planning Commission.
 - f. The external design of the building shall be in conformity with the buildings in the district.
 - g. Access for unhoused equipment-where vehicular access is across the front yard, the gate shall be constructed of solid materials having not less than 50% solid in ratio to open space.
 - h. Plans of the facility shall be submitted to the Planning Commission for review and approval.

HEIGHT REGULATIONS

- 1. The height of any building may exceed the maximum permitted height by one foot for each additional foot by which the width of each yard exceeds the minimum yard regulations for the district in which the building is located.
- 2. Height regulations shall not apply to spires, belfries, cupolas, penthouses, domes, not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, bulkheads, utility poles or towers, silos and ornamental or necessary mechanical appurtenances.
- 3. For all residential uses, accessory building shall not exceed fourteen feet (14') in height.

C. AREA REGULATIONS

- 1. On a lot held in single and separate ownership which does not fulfill the regulations for the minimum area and yard dimensions for the district in which it is

located, a building may be erected, altered, and used thereon providing the yard space to be provided is reviewed and approved by the Board of Adjustment.

YARD REGULATIONS

1. FRONT YARDS:

- a. When an unimproved lot is situated between two (2) improved lots, each having a principal building, which extends into the required front yard and has been so maintained since the effective date of this Ordinance, the front yard of such unimproved lot may be the same depth of the front yards of such two (2) adjacent improved lots, notwithstanding the yard requirements of the district in which it is located.
- b. Where an unimproved lot adjoins only one improved lot having thereon a principal building, within twenty-five (25) feet of the common side lot line, which extends into the required front yard of such improved lot and was prior to the effective date of this Ordinance, the front yard depth of such unimproved lot may be the average depth of the front yard of such adjacent improved lot and the front yard required for the district in which such unimproved lot is located, notwithstanding the yard requirements for such district. However, the second unimproved lot from the original improved lot must have at least the minimum front yard depth required in the district.
- c. An accessory building shall not be erected or substantially altered within any front yard.

2. SIDE YARDS:

- a. On a lot, held in single and separate ownership at the effective date of this Ordinance, with a lot width less than required by the zone district, only one (1) single family dwelling may be erected, subject to review and approval by the Board of Adjustment.
- b. Accessory buildings may be constructed in accordance with the following provisions:
 - (1) No accessory building or private garage shall be constructed in any required side yard.
 - (2) Where any alley is provided along the rear of the lot, an accessory building or private garage shall be located not less than five (5) feet from the rear lot line and not nearer the side lot line than the side yard requirement for the district.

3. BUFFER YARDS:

- a. Where a manufacturing use abuts a residential district, a buffer yard, of a width as hereafter required, shall be provided along the lot lines in addition to the yards required for the district in which it is located.

Buffer yards - minimum required width:
M-L--Manufacturing Limited--10'

- b. All buffer yard areas shall be planted and maintained with a vegetative material. A screen planting shall be planted and maintained to the full length of side and rear lot lines which do not abut streets.
 - c. Buffer yards shall not be used for parking.
 - d. Buffer yards other than interior side buffer yards may be crossed with access roads, service drives, and utility easements not more than twenty-four (24') feet in width, provided that the angle of the center line of the road, drive, or easement crosses the lot line and buffer yards at not less than thirty (30) degrees.
 - e. If a front yard of thirty (30) feet or more in depth is provided, the buffer yard may coincide with the front thirty (30) feet of the front yard.
4. PROJECTIONS IN YARDS:
- a. Cornices, eaves, gutters, bay windows, chimneys, or uncovered steps may project into the front, side or rear yard of a lot, not more than twenty-four (24) inches.
5. OBSTRUCTIONS TO VISION:
- a. Walls, fences, signs, or other structures shall not be erected or altered, and hedges, trees or other growth shall not be planted or maintained, which may cause danger to traffic on a street or road by obstructing the view.
 - b. Corner Lots-no wall, fence, sign or other structure in excess of three and one half (3 1/2) feet shall be erected or altered and no hedge or growth in excess of three and one half (3 1/2) feet shall be permitted within 10' of the intersection of street right-of-way lines.
6. FENCES AND WALLS:
- a. Fences and walls (excluding retaining walls) may be erected, altered, and maintained within the yards, provided that any such fence or wall in the front yard shall not exceed three and one half (3 1/2) feet in height, and any fence or wall in the side or rear yard may be six (6) feet or more in height, provided that any fence or wall exceeding six (6) feet in height shall contain openings therein equal to fifty (50) percent of the area of that portion of the wall or fence exceeding six (6) feet.

- b. All yards used for the storage of any material needed for the operation or conduct of a manufacturing or commercial enterprise shall be enclosed by a solid wall, uniformly painted board fence, or screen planting on all sides which face upon a street or face upon a lot in a more restricted zone.

E. COURTS

Courts shall conform to the following requirements:

1. An open space in the form of an inner court or outer court shall be provided in connection with any building or any residential or business district wherever any room therein which a person or persons live, sleep, or congregate, cannot be adequately lighted and ventilated. Such court shall be adjacent to such room, the windows of which shall open in such court. (This Section shall not apply to specialized commercial or manufacturing processes where controlled light and/or ventilation are required).
2. Outer Court:
 - a. The width of any outer court upon which windows open from a living room, bedroom, or dining room shall be not less than the height of any wall opposite such windows.
 - b. The depth of an outer court formed by walls on three (3) sides shall be not greater than one and one half (1 1/2) times the width.
3. Inner Court:
 - a. The least dimension of an inner court shall be not less than the full height of the walls enclosing such court, but not less than fifty (50) feet. This shall apply only when adequate light and ventilation cannot be provided.
 - b. An open and unobstructed passageway shall be provided for each inner court. Such passageway shall have sufficient cross section area and headroom for the passage of fire fighting equipment and shall be continuous from the inner court to a yard or an unobstructed open area with access to a street.

F. HABITABLE FLOOR AREA (See Zoning Glossary)

The minimum habitable floor area of a dwelling unit hereafter erected shall be six hundred (600) square feet. In case of apartment houses and conversion apartments, the minimum habitable floor area shall be not less than three hundred (300) square feet per apartment, except those apartments designed for and occupied exclusively by one person, which apartments shall each contain not less than one hundred fifty (150) square feet of habitable floor area.

G. REDUCTION OF LOT DIMENSIONS

The area, width, or depth of any lot shall not be reduced by subdivision, sale, or development so that the lot width, lot area, lot area per dwelling unit, courts, and yards, or other open spaces are smaller, or so that the coverage is greater, than prescribed herein.

H. DRAINAGE STRIPS

In all districts, no structure shall be permitted within fifteen (15) feet from the edge of any stream or existing natural drainage channel.

I. PRIVATE OR SEMI-PRIVATE RECREATION AREAS

As a special exception, private or semi-private recreation areas may be permitted in any residential district provided that:

1. Such use shall not be for gain or profit.
2. Parking shall be provided in accordance with the provisions of article V.
3. Social or fraternal clubrooms or buildings shall not be permitted.
4. A buffer yard of thirty (30) feet wide and a screen planting shall be provided of a height and type as approved by the Board of Adjustment.
5. Lighting shall be arranged so as not to shine directly on or reflect on any adjoining residential use.
6. Plans for the proposed development shall be submitted for review and approval.

J. SWIMMING POOLS - PRIVATE

Private swimming pools shall be a permitted accessory use in any district and shall comply with the following conditions and requirements:

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
2. It may not be located, including any walks, or paved areas or accessory structures adjacent thereto, closer than ten (10) feet to any property line of the property on which located.
3. For excavated swimming pools, the entire property on which located shall be so walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall to be not less than four (4) feet in height and maintained in good condition. When a fence is used, it shall not have any openings greater than four inches by six inches, except for approved gates; and when said fence is formed of metal or wire, such metal or wire shall be not less than 9 gauge.

ARTICLE III
NONCONFORMING BUILDINGS AND USES

All lawful uses of land or of a building, sign, or other structure existing on the effective date of this Ordinance may be continued, altered, reconstructed, changed, sold, or maintained, even though such use may not conform to the use, height, area, yard, and other regulations of the district in which it is located, provided such nonconforming conditions shall comply with the following:

A. CONTINUATIONS

1. The owner of the premises occupied by a lawful nonconforming use or building existing at the effective date of this Ordinance may secure a Certificate of Nonconformance which shall be for the purpose of insuring to the owner the right to continue a nonconforming building or use. (see Article VII, Administration, C-3.)
2. Business Identification Signs, nonconforming business identification signs on existing nonconforming uses may be continued and maintained provided that such signs shall conform to the general regulations, Article IV, Signs.

B. ALTERATIONS

1. Repairs and structural alterations may be made to a nonconforming building or a building occupied by a nonconforming use.
2. A nonconforming building which is damaged by fire, explosion, or Act of God, may be rebuilt and used for the same purposes, provided that: (1) The reconstruction of the building is commenced within one year from the date of the destroying of the building and is carried to completion without undue delay; and (2) the reconstruction building does not exceed in height, area, and volume the building destroyed; and (3) the reconstructed building shall comply with the area regulations of the district in which it is located.

C. EXTENSIONS OR ENLARGEMENTS

The extension and enlargement for nonconforming uses and/or buildings, existing on the effective date of this Ordinance, are permitted upon the lot occupied by the building and/or use or upon abutting lots, provided that:

1. The extension or enlargement of the building or use shall be provided with off-street loading and unloading space. Article V shall be used as a guide in determining the size and number of the spaces.
2. Plans for the extension or enlargement are submitted to the Board of Adjustment for review and approval.

D. CHANGE OF USE

A nonconforming use may be changed to another nonconforming use of the same or more restricted classification, whenever a nonconforming use has been changed to a more restricted classification, or to a conforming use, such use shall not hereafter be changed to a use of less restricted classification.

E. ABANDONMENT

If the nonconforming use of a building or land ceases for a period of two (2) years, the subsequent use of such building or land shall be in conformity with the provisions of the Ordinance.

ARTICLE IV
SIGNS

Signs may be erected and maintained only when in compliance with the provisions of this Article and any and all other ordinances and regulations relating to the erection, alteration, or maintenance of signs and similar devices.

A. SIGNS IN RESIDENTIAL DISTRICTS

The following types of signs, and no other, shall be permitted in Residential Districts:

1. Signs advertising the sale or rental of the premises upon which they are erected by the owner or broker or any other person interested in the sale or rental of such premises, may be erected and maintained, provided:
 - a. The size of any such sign is not in excess of six (6) square feet.
 - b. Not more than two (2) signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two (2) such signs may be erected on each frontage.
2. Signs advertising the sale and development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer, or other person interested in such sale or development, may be erected and maintained provided:
 - a. The size of any sign is not in excess of twenty (20) square feet, and
 - b. Not more than two (2) signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two (2) such signs may be erected on each frontage.

3. Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder, or agent, may be erected and maintained, provided:
 - a. The size of any sign is not in excess of six (6) square feet, and not in excess of four (4) feet in length.
 - b. Not more than one such sign is erected on each five hundred (500) feet of street frontage.
4. Signs bearing the word "sold" or the word "rented", with the name of the person effecting the sale or rental, provided the conditions in subsection 1 hereof, are complied with.
5. Signs of mechanics, painters, and other artisans during the period such persons are performing work on the premises on which such signs are erected, provided:
 - a. The size thereof is not in excess of twelve (12) square feet, and
 - b. Such signs are removed promptly upon completion of the work.
6. Signs indicating the private nature of a driveway, or trespassing signs provided that the size of any such sign shall not exceed two (2) square feet.
7. Signs of schools, colleges, churches, hospitals, sanitariums, or other institutions of a similar nature, provided:
 - a. The size of any such sign is not in excess of twenty (20) square feet, and
 - b. Not more than two (2) signs are placed on a property in single and separate ownership, unless such property fronts upon more than one street, in which event two (2) such signs may be erected on each frontage.
8. Signs advertising the sale of farm and garden products, provided:
 - a. The size of any such sign is not in excess of six (6) square feet, and
 - b. Not more than two (2) signs are used, and
 - c. The signs shall be displayed only when such products are on sale.

9. Signs advertising home occupations, shall be not larger than six (6) inches by eighteen (18) inches, bearing the name and occupation, or use (words only), conducted within the dwelling. Only one such sign shall be permitted on a dwelling. The permitted sign may be illuminated provided such lighting shall be shielded or indirect, but shall not include neon signs.
10. Signs necessary for the identification, operation and protection of public utility facilities.

B. BUSINESS IDENTIFICATION SIGNS

1. Signs bearing the name of the occupant and products manufactured, processed, sold, or displayed may be erected and maintained on the premises in commercial and industrial districts. The permitted business identification signs can be painted on or affixed to the outside wall of a building, provided that the sign is parallel to the building and does not extend more than eighteen (18) inches from the wall.
2. Existing Business Identification Signs on existing nonconforming uses may be continued and maintained provided that such signs shall conform to the General Regulations.

C. GENERAL REGULATIONS

The following regulations shall apply to all permitted sign uses:

1. Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.
2. Signs shall not be placed in such a position that they will cause danger to traffic on a street by obscuring the view.
3. Signs, other than an official traffic sign, "and signs necessary for identification, operation and protection of public utility facilities," shall not be erected within the lines of any street, unless authorized by the municipality for a special purpose and for a specified time.
4. Signs, including awnings, which project over a public right-of-way or sidewalk, shall be not less than eight feet (8') above the walk or ground.
5. Signs shall not project above the height limit permitted in any district in which they are located.
6. No permit shall be required for the erection, alteration, or maintenance of any signs permitted in a Residential District.
7. All signs shall be removed when the circumstances leading to their erection no longer apply.

ARTICLE V

OFF-STREET PARKING

ALL OF ARTICLE V, TITLED "OFF-STREET PARKING" IS INCLUDED ONLY AS A GUIDE AND IS NOT ENACTED AS A PART OF THIS ORDINANCE.

A. GENERAL PARKING REGULATIONS

1. Off-Street parking facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available to patrons throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.
2. Each parking space shall consist of not less than an average of three hundred twenty-five (325) square feet of usable area for each motor vehicle, including interior driveways. Notwithstanding the above, all parking spaces shall be ample in size for the vehicle for which use is intended. The net parking space per vehicle shall not be less than ten (10) feet wide and twenty (20) feet long. Parking spaces, and the approaches thereto, shall be stone, gravel, or paved. Outdoor parking space shall be deemed to be part of the open space of the lot on which it is located.
3. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. The garage may be constructed under a yard or court provided that the level of such yard or court shall conform to the general level of the other yards or courts on the lot. The space above any underground garage shall be deemed to be part of the open space of the lot on which it is located.

B. FACILITIES REQUIRED

Any of the following buildings hereafter erected and any building hereafter converted into one of the following buildings and any open area hereafter used for commercial purposes shall be provided with not less than minimum parking spaces as set forth below, which spaces shall be readily accessible to, and within a reasonable distance from, the building served thereby. Such spaces shall be on the same lot as the principal building or open area, except when otherwise authorized by the Board of Adjustment, conforming to the following regulations:

1. The required parking spaces shall be situated within six hundred (600) feet of the principal building or open area in question.
2. Legal assurance acceptable to the Board of Adjustment shall be provided by the applicant that the required number of parking spaces will be continuously available.

OFF-STREET PARKING shall be provided as follows:

1. DWELLINGS: Two (2) parking spaces for each dwelling unit.
2. APARTMENT HOUSES AND APARTMENT HOTELS: The total number of parking or garage spaces shall be not less than one and one half times the number of apartments in the building. A garage accessory to an apartment house or apartment hotel shall provide only for the storage of vehicles of the owner, tenants, and employees. No parking space shall be provided nor parking permitted in front yard areas of apartment houses and apartment hotels.
3. ROOMING HOUSES, HOTELS, MOTELS, AND TOURIST HOMES: At least one parking space for each guest room. If a restaurant in connection with the above is open to the public, the off-street parking facilities shall be not less than those required for restaurants, in addition to those required for guest rooms.
4. THEATERS, AUDITORIUM, CHURCHES, SCHOOLS, STADIUMS, OR ANY OTHER PLACE OF PUBLIC OR PRIVATE ASSEMBLY: At least one parking space for each four (4) seats provided for public or private assembly.
5. RETAIL STORES: At least one parking space for each one hundred (100) square feet of gross floor area, exclusive of areas not used for sale or display of merchandise.
6. RESTAURANTS AND BARS: At least one parking space for each fifty (50) square feet of gross floor area.
7. OFFICE BUILDING: At least one parking space for each two hundred (200) square feet of floor area, or fraction thereof.
8. INDUSTRIAL OR WHOLESALE ESTABLISHMENTS: At least one parking space for each two (2) employees per shift.
9. PUBLIC GARAGES OR AUTOMOBILE SERVICE STATIONS: At least one parking space for each four hundred (400) square feet of floor or ground area, or fraction thereof, devoted to repair or service facilities, which shall be in addition to the space allocated for the normal storage of motor vehicles.
10. HOSPITALS AND SANITARIUMS: At least one parking space for each three (3) patients for which accommodations are provided. Such spaces shall be in addition to those necessary for doctors and other administrative personnel.
11. OPEN AREAS USED FOR COMMERCIAL PURPOSES: At least one parking space for each one thousand five hundred (1,500) square feet of area, or fraction thereof.
12. DANCE HALLS, ROLLER RINKS, CLUBS, LODGES, AND OTHER SIMILAR PLACES: At least one parking space for each one hundred (100) square feet of floor area.

13. MORTUARIES, FUNERAL HOMES, AND UNDERTAKING ESTABLISHMENTS: At least one (1) parking space for each one hundred (100) square feet of floor area for public use. Such space shall be in addition to (a) employee parking needs; and (b) a service area for mobile equipment, such as hearses and ambulances.
14. SWIMMING POOLS, PUBLIC: At least one parking space for each four (4) persons for which locker facilities are provided, or one space for each twenty-five (25) square feet of water surface, whichever requires the greater number of parking space.
15. In addition to the above minimum requirements, additional space for visitor parking and salesmen shall be provided according to the specific requirements of each use.
16. No part of the public right-of-way of any street or road shall be used in computing the required area for parking.

C. LOADING AND UNLOADING SPACE

In addition to the off-street parking space required above, all commercial and industrial establishments, hospitals, or sanitariums, and other similar uses shall provide adequate off-street area for loading and unloading of supplies to and from vehicle.

At least one loading berth shall be provided; however, should the gross floor area of the main building and buildings accessory thereto used for commercial and/or industrial purposes exceed ten thousand (10,000) square feet, one additional loading berth shall be provided for each ten thousand (10,000) square feet of gross floor area. The off-street loading berth shall be not less than the twelve (12) feet by forty-five (45) feet in size with an overhead clearance of fourteen (14) feet.

Hotels shall have at least one loading berth, with an additional loading berth when the gross floor area exceeds fifty thousand (50,000) square feet.

In no case where a building is erected, converted, or enlarged for commercial, manufacturing, or business purposes shall the public rights-of-way be used in computing the required loading or unloading space.

ARTICLE VI

MOTOR VEHICLE ACCESS

Whenever motor vehicle access is provided from the street or private road onto the lot, the following regulations shall apply:

A. DRIVEWAYS AND CURBS

Access to the lot shall comply with the following regulations:

1. Access shall be by not more than two (2) driveways for each one hundred (100) feet frontage on any street.
2. No two (2) of said driveways shall be closer to each other than twelve (12) feet, and no driveway shall be closer to a side property line than three (3) feet, and no flare shall cross and extended side property line.
3. Each driveway shall be not more than thirty-five (35) feet in width measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.
4. Driveways shall be no closer than ten (10) feet to the point of intersection of two property lines at any corner as measured along the property line, and shall not extend across such extended property line.
5. For non-dwelling uses, where there is an existing curb and gutter or sidewalks on the street or private road a safety island along the entire frontage of the property shall be provided, except for the permitted driveways. On the two ends and street or private road side of each such island shall be constructed a concrete curb, the height, location, and structural specifications of which shall be approved by the Municipal Engineer. Maximum and minimum curb return radii permitted and minimum driveway approach angles to the center line of the street or private road are required as shown on Plate 1, attached to this Ordinance and made by this reference as much a part of this Ordinance as if fully described and detailed herein.
6. For non-dwelling uses, where there is not existing curb and gutter or sidewalk, a curb, fence, or pipe rail not exceeding two (2) feet or less than eight (8) inches in height as shown on Plate 1, attached to this Ordinance, shall be constructed along the entire length of the property line, except in front of the permitted driveways.

B. LOCATION OF GASOLINE PUMPS

Gasoline pumps and all other service equipment shall be set back no less than twelve (12) feet from any lot line and shall be so located that vehicles stopped for service will not extend over the property line.

ARTICLE VII

ADMINISTRATION

A. AMENDMENTS

The City Council may amend all regulations and/or restrictions included herein, by complying with the requirements set forth in the Third Class City Code.

B. BOARD OF ADJUSTMENT

The City Council shall appoint a Board of Adjustment. Such Board shall have a number of members and such powers and authority as is set forth in the Third Class City Code.

C. ENFORCEMENT

A Zoning Officer shall be appointed by the City Council. He is hereby given the duty, power, and authority to enforce the provisions of this Ordinance. He shall examine all applications for permits, issue zoning permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all documents, and make such reports as may be required. Zoning Permits for construction and uses which are a special exception or a variance to requirements of this Ordinance shall be issued only upon written order of the Board of Adjustment.

1. ZONING PERMITS: A zoning permit shall be required prior to the erection, addition, or alteration of any building or structure or portion thereof; prior to the use or change in use of a building, structure, or land; and prior to the change or extension of a nonconforming use.

a. APPLICATIONS FOR PERMITS: All applications for zoning permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of the buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this Ordinance and all other pertinent ordinances. One copy of such plans shall be returned to the owner when such plans shall be approved. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

b. ISSUANCE OF PERMITS: A zoning permit shall not be issued until it is certified that the proposed building, addition, or alteration will comply with the provisions of the Ordinance.

2. TEMPORARY ZONING PERMITS: A temporary zoning permit may be authorized by the Board of Adjustment for a non-conforming structure or use which it deems beneficial to the public health or general welfare or which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the temporary zoning permit. Such temporary permits shall be issued for a specified period of time not to exceed one (1) year and may be renewed annually for an aggregate period not exceeding three (3) years. The method of application and issuance provided for "Zoning Permits" above shall also apply to temporary zoning permits.
3. CERTIFICATE OF NONCONFORMANCE: An application for a Certificate of Nonconformance may be made to the Board of Adjustment by the owner of any property which, at the time of the effective date of this Ordinance does not conform to the provisions of this Ordinance. Such application may be made within ninety (90) days after the effective date of this Ordinance, and the Certificate of Nonconformance shall set forth in detail all of the nonconforming conditions of said property. This certificate shall be for the purpose of insuring to such owner the right to continue a nonconforming building or use in accordance with the regulations of this Ordinance. A copy of the Certificate of Nonconformance shall be retained by the Board of Adjustment.
4. APPEALS: Application for Variances and Special Exceptions: An Appeal, or application for a special exception or variance from the terms of this Ordinance may be filed with the Zoning Officer, and shall state:
 - a. The name and address of the applicant or appellant.
 - b. The name and address of the owner of the real estate to be affected by such proposed exception or variance or appeal.
 - c. A brief description and location of the real estate to be affected by such proposed change or appeal.
 - d. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
 - e. A statement of the section of this Ordinance under which the variance or exception requested may be allowed, and reasons why it should be granted, or allowed, or a statement of the section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed, and reasons for the appeal.
 - f. A reasonably accurate description of the present improvements, and the additions or changes intended to

be made under this application, indicating the size of such proposed improvements, material, and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected as provided in paragraph 1.a. of this Section, indicating the location and size of the lot and size of improvements now erected, and proposed to be erected thereon.

5. BOARD OF ADJUSTMENT CERTIFICATE: It shall be the duty of the Secretary of the Board of Adjustment to issue a Board of Adjustment Certificate which shall indicate the action of the Board of Adjustment on applications for a special exception, or a variance, or Opinion on review. The Board of Adjustment may cancel or revoke a Board of Adjustment Certificate for any violation of the Ordinance, or of conditions imposed.

D. FEES

1. The fee for a zoning permit (or for a temporary zoning permit) shall be in accordance with Section 7B enacted 3/5/62, of the Building Ordinance.
2. Such fee shall be payable at the office of the Zoning Officer upon making application for such permit, and no permit shall be issued until such fee is paid.
3. CERTIFICATE OF NONCONFORMANCE: A fee of \$5.00, payable in advance, shall be paid to the Zoning Officer upon making application for a certificate of nonconformance.
4. BOARD OF ADJUSTMENT CERTIFICATE: A fee of \$25.00, payable in advance, shall be paid for each appeal or application to the Board of Adjustment for a special exception or variance to cover advertising cost, mailing notices, and charges of the stenographer for taking notes of the testimony, provided that if more than ten pages of testimony are taken in any case, the appellant or applicant shall reimburse the City for the cost of such additional testimony.
5. CHANGES OR ADMENDMENT IN THE ZONING ORDINANCE AND/OR ZONING MAP: A fee of \$10.00 payable in advance, shall be paid for each application for a change or amendment in the Zoning Ordinance and/or Zoning Map.
6. STATEMENT OF CLASSIFICATION OR COMPLIANCE: A fee of \$5.00 payable in advance shall be paid for each certified statement of district classification of any property and/or compliance of any property with the provisions of this Ordinance.

E. VIOLATIONS

1. NOTICE OF VIOLATION: When written notice of a violation of any of the provisions of this Ordinance has been served by the Zoning Officer on the owner, agent, or occupant, such violation shall be discontinued immediately.
2. PENALTIES: Any owner, agent, or occupant of any entire building or premises in which any violation of this Ordinance has been committed or shall exist, and any owner, agent or occupant of any part of a building or premises in which any such violation has been committed or shall exist, and any person who knowingly commits, participates in or permits any such violation shall, upon conviction therefor, before any Alderman in a summary proceeding, be sentenced for each such violation to pay a fine not exceeding three hundred (\$300) dollars and in default thereof to undergo imprisonment in the County Jail for a period not exceeding thirty (30) days. Whenever any such person shall have been notified by the Zoning Officer, by prosecution or in any other manner, of such violation, each day thereafter that such violation shall continue shall constitute a separate violation hereof and may be punishable as such hereunder.
3. REMEDIES: In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Article, or any ordinance or other regulation made under authority conferred hereby, the City, or with their approval the Zoning Officer or other proper official, in addition to other remedies, may institute any appropriate action of proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

ARTICLE VIII

S-SLOPE DISTRICT

In the S-Slope District, the following regulations shall apply:

A. USES PERMITTED

1. Preservation of natural growth.
2. Municipal or State uses.

ARTICLE IX

R-MT-RESIDENTIAL DISTRICT

Multi-Family/Town

In the R-MT Residential District, the following regulations shall apply:

A. USES PERMITTED

1. Single family detached dwellings.
2. Single family semi-detached dwellings.
3. Two-family detached dwellings.
4. Apartments, when building is constructed on the basis of a floor area ratio of not more than four tenths (0.4).
5. Lodging and boarding houses.
6. Churches, or similar places of worship, parish houses and convents.
7. Public and private schools.
8. Municipal, State, or Federal buildings or uses.
9. Municipal parks, playgrounds, or recreation areas.
10. Home occupations.
11. Public utility facilities or uses.
12. Signs when erected and maintained in accordance with the provisions of the Article titled "SIGNS".
13. Accessory buildings and uses customarily incidental to the above uses.

B. HEIGHT REGULATIONS

The height of a building shall be not more than thirty-five feet (35') except for apartments, in which case the floor area ratio shall control.

C. AREA, WIDTH AND COVERAGE REGULATIONS

The lot area and lot width per dwelling unit shall be not less, and the coverage shall be no greater than indicated below:

	Lot Area Per Dwelling Unit (square feet)	Interior (feet)	LOT WIDTH Corner (feet)	Coverage (%)
Residential Uses..	1,875	25	--	45
Apartments.....	1,000	--	--	--

D. YARD REGULATIONS

Each lot shall have front, side, and rear yards of not less than the depth or width indicated below for all uses except apartments.

1. Front Yard - depth, ten (10) feet.
2. Side Yard or Yards -
 - a. Single family detached and two-family detached - two (2) side yards, one on each side of the main building, with a minimum width of three (3) feet and a total combined width of eight (8) feet.

3. Rear Yard - depth, fifteen (15) feet.
4. For apartment dwellings of one and two stories, there shall be front, side, and rear yards of not less than fifteen (15) feet. For each story over two (2), each yard shall be increased by five (5) feet.

E. HABITABLE FLOOR AREA

The minimum habitable floor area of a dwelling unit hereafter erected shall be six hundred (600) square feet. In case of apartment houses and conversion apartments, the minimum habitable floor area shall be not less than three hundred (300) square feet per apartment, except those apartments designed for and occupied exclusively by one person which apartments shall each contain not less than one hundred fifty (150) square feet of habitable floor area.

ARTICLE X

C-C COMMERCIAL DISTRICT

Central Commercial

In the C-C Commercial District, the following regulations shall apply:

A. USES PERMITTED

1. Amusement enterprises.
2. Automotive sales and service, service stations, and garages, provided that:
 - a. No repair work is performed out-of-doors.
 - b. All pumps and lubricating devices shall be located twelve (12) feet from the property line.
 - c. All fuels, oil, tires, or other accessories be stored within an enclosed structure.
3. Apartments in combination with commercial uses and apartment buildings.
4. Medical and dental clinics and labs.
5. Stores and shops for retail business.
6. Custom shops, such as furniture repair, refinishing, upholstery, cabinet making, and the like.
7. Banks, business, and professional offices.
8. Public Utility facilities and uses.
9. Mortuary and undertaking establishments.
10. Municipal, State, or Federal buildings or uses.
11. Printing and publishing houses.
12. Restaurants, cafes, and tea rooms.
13. Public or private schools.
14. Churches or similar places of worship including parish houses and convents.
15. Hotels and motels.
16. Accessory buildings and uses customarily incidental to the above uses.
17. Business identification signs when erected and maintained in accordance with the provisions of the Section appearing herein titled "SIGNS".
18. Other uses similar to those enumerated above.

The above specified uses shall be retail establishments, and shall be permitted only when such uses, operations, or products shall not be objectionable due to order, dust, smoke, noises, vibrations, or other similar causes.

B. HEIGHT REGULATIONS

The height of a building shall be not greater than five (5) stories or seventy-five (75) feet.

C. YARD REGULATIONS

1. None required for commercial uses.

2. For apartment buildings of one-two stories there shall be front, side, and rear yards of fifteen (15) feet; and for each story over two (2), the yards shall be increased by five (5) feet per story.

D. COVERAGE

No restriction on commercial uses.

ARTICLE XI

M-L MANUFACTURING DISTRICT

Limited

In the M-L Manufacturing District, the following regulations shall apply:

A. USES PERMITTED

1. All uses permitted in any residential district, provided a residential use shall be permitted only when accessory and incidental to one or more of the following permitted uses.
2. Automobile service stations, automobile sales, mobile home sales, service garages, auto sale lots, automobile assembling, auto body shops, painting, upholstery, reconditioning, vehicle repair or overhauling, tire retreading or recapping, and welding shops.
3. Bottling works and bookbinding.
4. Building materials storage, lumber yards, and lumber mills.
5. Blacksmith and machine shops, excluding punch presses over twenty (20) tons rated capacity, drop hammers, and automatic screw machines.
6. Carpenter, cabinet making, furniture repair and upholstery, electrician, metal working, tinsmith, plumbing, gas, steam or hot water fitting shops.
7. Mining and construction, contractors equipment, sales, service, and storage.
8. Laboratories and lithographing.
9. Laundries, cleaning, dyeing, carpet and rug cleaning.
10. Distribution plants, parcel delivery, and service industries.
11. Manufacturing, compounding, processing, or treatment of such products as drug, chemical, pharmaceutical, biological, medicinal, and food products, except where the end product is fish or meat, sauerkraut, vinegar, yeast, or where the major process is the rendering or refining of fats and oils.

12. Manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, film, fur, glass, hair, leather, paper, plastics, precious or semiprecious metals, or stones, shell, textiles, tobacco, wood, yarns, and paint not employing boiling process.
13. Manufacturing of pottery and figurines or other similar ceramic products, using only clay and kilns fired only by electricity or gas.
14. Municipal, Federal, and State buildings or uses.
15. Public utility facilities or uses.
16. Printing and newspaper publishing.
17. Freight and trucking terminals.
18. Electrical, optical, and textile manufacturing.
19. Wholesale and retail business, warehouses, and cold storage plants.
20. Customary agricultural operations, farming, nurseries, greenhouses.
21. Signs for Business Identification, when erected and maintained in accordance with the provisions of the Section appearing herein titled "SIGNS".
22. All uses similar to the above and not otherwise prohibited by law.
23. Accessory uses and buildings customarily incidental to the above uses.

The preceding uses are permitted only on the condition that they are not obnoxious or offensive by reason of the emission of order, dust, smoke, noise, gas, vibration, illumination, refuse matter, or water carried wastes.

B. HEIGHT REGULATIONS

The height of a building shall be not greater than thirty-five (35) feet.

C. YARD REGULATIONS

Each lot shall have front, side, and rear yards of not less than the depth or width indicated below:

1. Front yard - depth, ten (10) feet.
2. Side Yards (2) - width, ten (10) feet each side of a principal building, except where a side lot line abuts a railroad.
3. Rear Yard - depth, ten (10) feet, except where the rear lot line abuts a railroad.

Buffer yards shall be provided in accordance with the provisions of the section appearing herein titled "GENERAL PROVISIONS, Yard Regulations".

D. COVERAGE REGULATIONS

None

E. LOADING AND UNLOADING SPACE

All permitted uses shall provide for off-street loading and unloading spaces as follows:

1. Minimum - one (1) loading berth for each permitted use with a gross floor area of up to ten thousand (10,000) square feet. For each additional ten thousand (10,000) square feet of floor area, an additional berth shall be provided.
2. The required berth shall be not less than twelve (12) feet wide and forty-five (45) feet long with an overhead clearance of fourteen (14) feet.

GLOSSARY OF ZONING TERMS

It is not intended that this Glossary include only those words used or referred to in this Ordinance. The words are included in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Board of Adjustment.

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated:

Words used in the present tense include the future tense.

The singular includes the plural.

The word "person" includes a corporation as well as an individual.

The word "lot" includes the word "plot" or "parcel".

The term "shall" is always mandatory.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

1. **ACCESSORY USE:** A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.
2. **ALLEY:** A public thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.
3. **ALTERATIONS:** As applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.
4. **ALTERATIONS, STRUCTURAL:** Any change in the supporting members of a building such as bearing walls, columns, beams and girders.

5. **AMENDMENT:** A change in use in any district which includes revisions to the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the City Council.
6. **ANIMAL HOSPITAL:** A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits, and birds, or fowl by a veterinarian.
7. **APARTMENT HOUSE:** A building arranged, intended, or designed to be occupied by three or more families living independently of each other.
8. **CONVERSION APARTMENT:** A multi-family dwelling constructed by converting an existing building into apartments for more than one family without substantially altering the interior of the building.
9. **AREA, BUILDING:** The total of areas taken on a horizontal plan at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.
10. **AREA, LOT:** The total area within the lot lines.
11. **AUTO BODY SHOP:** Any structure or any building or part thereof, that is used for the repair or painting of bodies and fenders of motor vehicles.
12. **AUTO COURT:** A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "Auto Court" includes buildings designated as tourist courts, motor lodges, motels, and similar appellations.
13. **BASEMENT:** A story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for business or dwelling purposes, other than a game or recreation room.
14. **BOARDING HOUSE:** Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with or without meals. A rooming house or a furnished room house shall be deemed a boarding house.
15. **BUILDING:** Any structure having a roof supported by walls and intended for the shelter, housing, or enclosure of persons, animals, or chattle.
16. **BUILDING, ACCESSORY:** A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

17. **BUILDING, DETACHED:** A building surrounded by open spaces on the same lot.
18. **BUILDING, FRONT LINE OF:** The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.
19. **BUILDING, HEIGHT OF:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.
20. **BUILDING, MAIN:** A building in which is conducted the principal use of the lot on which it located.
21. **CARPORT:** A open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is an accessory building or extension.
22. **CELLAR:** A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.
23. **COURT:** An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.
24. **COURT, INNER:** A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.
25. **COURT, OUTER:** A court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley, or yard.
26. **COVERAGE:** That portion or percentage of the plot or lot area covered by the building area.
27. **CURB LEVEL:** The officially established grade of the curb in front of the mid-point of the lot.
28. **DOG KENNEL:** The keeping of four (4) or more dogs that are more than six (6) months old.
29. **DUMP:** A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, or part thereof, or waste material of any kind.

30. DWELLING: A building designed or used as the living quarters for one or more families. The term "dwelling", "one family dwelling", "multiple dwelling", "two family dwelling", or "dwelling group" shall not be deemed to include automobile court, rooming house, tourist home, or hotel.
31. DWELLING, ONE-FAMILY OR ONE-FAMILY DETACHED: A house accommodating but a single-family and having two (2) side yards.
32. DWELLING, ONE-FAMILY SEMI-DETACHED: A one-family house having one party wall and one side yard.
33. DWELLING, TWO-FAMILY DETACHED: A building having two (2) side yards and accommodating but two (2) families, with one (1) family living over the other.
34. DWELLING, MULTIPLE: A building used or designed as a residence for three (3) or more families living independently of each other and doing their own cooking therein, including apartment houses, group dwellings, and row dwellings.
35. DWELLING, GROUP: A group of two or more one-family, two-family or multiple dwellings occupying a lot in one ownership and having any yard in common.
36. DWELLING, ROW: A dwelling, the walls on two sides on which are common with the walls of adjoining dwellings and are party or lot line walls and consisting of more than two (2) dwelling units in a row.
37. DWELLING UNIT: A building or portion thereof providing complete housekeeping facilities for one family.
38. ELECTRIC SUBSTATION: An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public.
39. FAMILY: One (1) or more persons who live together in one (1) dwelling unit and maintain a common household. May consist of a single person or of two (2) or more persons, whether or not related by blood, marriage, or adoption. May also include domestic servants and gratuitous guests.
40. FARM: Any parcel of land containing ten (10) or more acres, which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables, and dog kennels.

41. **FILLING STATION (Automotive Service Station):** Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles.
42. **FLOOR AREA, OF A BUILDING:** The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.
43. **FLOOR AREA, HABITABLE:** The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms, or utility rooms, bathrooms, closets, nor unheated areas such as closed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area. The minimum total window area, measured between stops shall be ten (10) per cent of the habitable floor area of each room.
- 43a. **FLOOR AREA RATIO:** The ratio of floor area of a building to its lot area. When a floor area ratio of four-tenths (0.4) is specified, the floor area of a building constructed on a lot of 10,000 sq. ft. is limited to a maximum of 4,000 sq. ft. The number of stories being optional, the building area may be 4,000 square feet for one story, 2,000 sq. feet for two stories, etc.
44. **GARAGE, PRIVATE:** An enclosed or covered space for the storage of one or more motor vehicles, provided that no business, occupation, or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises.
45. **GARAGE, PUBLIC:** Any garage not a private garage and which is used for storage, repair, rental, servicing, or supplying of gasoline or oil to motor vehicles.
46. **GARDENING:** See Home Gardening.
47. **GRADE, ESTABLISHED:** The elevation of the center line of the streets as officially established by the municipal authorities.
48. **GRADE, FINISHED:** The complete surface of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

49. **HOME GARDENING:** The cultivation of herbs, fruits, flowers, or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of livestock, and permitting the sale of produce raised thereon.
50. **HOME OCCUPATION:** Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling and no goods are publicly displayed on the premises other than signs as provided herein.
51. **HOSPITAL:** Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, preventorium, clinic, rest home, nursing home, convalescent home, and any other place for the diagnoses, treatment, or other care of ailments, and shall be deemed to be limited to places for the diagnoses, treatment, or other care of human ailments.
52. **HOTEL:** A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in any accessory building.
53. **HOUSE TRAILER:** Any portable or mobile vehicle used or designed to be used for living purposes and with its wheels, rollers, or skids in place or not in place or a permanent or semi-permanent foundation is constructed underneath.
54. **JUNK YARD:** A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.
55. **LAUDERETTE:** A business premises equipped with individual clothes washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.
56. **LIGHTING:**
 - A. **Diffused:** That form of lighting wherein the light passes from the source through a translucent cover or shade.
 - B. **Direct or Flood:** That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.
 - C. **Indirect:** That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

57. **LINE, STREET:** The dividing line between the street and the lot.
58. **LODGING HOUSE:** A building in which three (3) or more, but not more than fifteen (15) rooms are rented and in which no table board is furnished.
59. **LOT:** Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area and width required by this Ordinance for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a zoning permit for a building on such land.
60. **LOT, CORNER:** A parcel of land at the junction of and abutting on two or more intersecting streets.
61. **LOT, INTERIOR:** A lot other than a corner lot.
62. **LOT LINES:** The lines bounding a lot as defined herein.
63. **MOBILE HOME:** A vehicle so constructed as to permit its use as a conveyance upon the street or highway and duly titled as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.
64. **DEPENDENT MOBILE HOME:** A mobile home which is not equipped with a toilet and/or bathtub or shower.
65. **INDEPENDENT MOBILE HOME:** A mobile home equipped with a toilet and bathtub or shower.
66. **MOTEL:** A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed with separate entrances and designed for year-round occupancy, primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges, and similar terms.
67. **NONCONFORMING USE:** A use which does not conform to the regulations of a district in which it is located.
68. **NONCONFORMING BUILDING:** A building or structure which does not conform to all the height, area, court, and yard regulations of the district in which it is located.
69. **NONCONFORMING SIGN:** A sign which does not conform to the regulations of the district in which it is located.

70. **NURSING OR CONVALESCENT HOME:** A building with less than fifteen (15) sleeping rooms where persons are housed and lodged and furnished with meals and nursing care for hire.
71. **OPEN SPACE:** The unoccupied space open to the sky on the same lot with the building.
72. **PARKING SPACE:** The space within a building, or on a lot or parking lot, for the parking or storage of one (1) automobile.
73. **PLAT:** A map, plan, or layout showing the subdivision of land and indicating the location and boundaries of individual properties.
74. **PREMISES:** Any lot, parcel, or tracts of land and any building constructed thereon.
75. **PRIVATE ROAD:** A legally established right-of-way, other than a street, which provides the primary vehicular access to a lot.
76. **RESIDENTIAL HOTEL:** A hotel used by sixteen (16) or more permanent guests only and not by transients.
77. **RIDING ACADEMY:** An establishment where horses are kept for riding or driving, or are stabled for compensation, or incidental to the operation of any club, association, ranch, or similar establishment.
78. **SANITARIUM, SANATORIUM:** A private hospital, whether or not such facility is operated for profit.
79. **SCREEN PLANTING:** A vegetative material as approved by the Planning Commission, with a maximum height of six to seven feet and of sufficient density to screen the view in adjoining districts of the structures and uses on the premises upon which the screen planting is located.
80. **SIGN:** Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal, or similar organization.
81. **STABLE, PRIVATE:** An accessory building in which horses are kept for private use and not for hire, remuneration exhibition, or sale.
82. **STABLE, PUBLIC:** A building in which any horses are kept for remuneration, hire, exhibition, or sale.
83. **STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

84. **STREET:** A public thoroughfare or private road which affords primary vehicular access to abutting properties.
85. **STREET LINE:** The dividing line between the street and lot, also known as right-of-way line.
86. **SUBDIVISION:** An area of land divided by the owner or agent either by lots, or by metes and bounds into lots or parcels, two or more in number, for the purpose of conveyance, transfer, improvement, or sale. The appurtenant roads, streets, lanes, alleys, and ways dedicated or intended to be dedicated to public uses, or the use of purchasers or owners of lots fronting thereon are included. The word "Subdivision" includes the words Re-Subdivision, Plat, Replat, Plan or Replan.
87. **TELEPHONE EXCHANGE BUILDING:** A building and its equipment erected and used for the purpose of facilitation, transmission, and exchange of telephone and radio messages between subscribers, and other business of the Telephone Company; provided that in a residential district a telephone central office shall not include public business facilities, storage of material, trucks or repair facilities, or housing of repair crews.
88. **THEATER:** A building or part of a building devoted to the showing of moving pictures or theatrical productions on a commercial basis.
89. **THEATER, OUTDOOR DRIVE-IN:** An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions on a commercial basis to patrons seated in automobiles or on outdoor seats.
90. **TOURIST HOME:** A dwelling in which overnight accommodations are used by transient guests for compensation.
91. **TRAILER COACH:** (See Mobile Home).
92. **TRAILER PARK:** A tract of land:
 - a. Where two (2) or more trailer coaches are parked or
 - b. Which is used by the public as a parking space for two (2) or more trailer coaches.
93. **USE:** The specific purpose for which land or a building is designated, arranged, intended, on for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.
94. **VARIANCE:** The permission granted by the Board of Adjustment with full public approval, following a public hearing that has been properly advertised as required by law, for an adjustment to some regulation which if strictly adhered to would result in an unnecessary hardship, and where the

permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Ordinance.

95. WINDOW: An opening to the outside, other than a door, which provides all or part of the required natural light, natural ventilation, or both, to an interior space.
96. YARD: An unoccupied space, other than a court, open to the sky, on the same lot with a building or structure.
97. YARD, FRONT: A yard extending the full width of the lot and situated between the street (or private road) line and the front building lines. The depth of the front yard shall be measured between the front building line and the street (or private road) line.
98. YARD, REAR: A yard extending the full width of the lot and situated between the rear lot line and the rear building line. The depth of the rear yard shall be measured between the rear lot line and the rear building line.
99. YARD, SIDE: A yard between the side building line and the side lot extending from the front yard to the rear yard. Any lot line not a rear lot line or a front lot line shall be deemed a side lot line.

VALIDITY, INTERPRETATION, PURPOSE, AND CONFLICT

VALIDITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole, or of any other part thereof.

INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provision of this Ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, and the general welfare of the City and its citizens. It is not intended by this Ordinance to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the City, which are not in conflict with any provisions of this Ordinance, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such ordinance, rules, regulations, or permits, or by easements, covenants, building restrictions, or agreements, the provisions of this Ordinance shall control.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

ENACTMENT

Enacted and ordained into an Ordinance the 8th day of February, 1965.

LESTER W. WELLER, Mayor

Attest:

WILLIAM R. STRAUSSER, City Clerk