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ARTICLE VI - OFF STREET PARKING AND LOADING

600 PURPOSE

The purpose of this section is to properly regulate the number of required off-street parking and loading spaces so as to provide for the needs of occupants, customers, visitors or others involved in use or occupancy of any building, structural improvement or place of assembly plus eliminating undue use of the surface street system for parking and loading purposes; to promote and protect the public health, safety, comfort, convenience and general welfare of the people; to define the powers and duties of the administrative officers responsible for the regulation of this Ordinance.

600.1 Parking - General Requirements

a. Applicability to Existing, New and Expanded Uses

- (1) Any building, improvement or use of land approved or erected after the effective date of this Ordinance shall include the necessary off-street parking space, subject to all controlling features of this Ordinance, in the number and dimensions hereinafter stipulated or as otherwise approved by the Zoning Administrator for the type use and zoning district in which such use may be located.
- (2) Whenever any building, improvement or use of land may be changed to a new use, whether conforming or nonconforming, the provision of off-street parking shall be required for the new use so approved. If any building, improvement or use of land be repaired, renovated, altered, expanded or redeveloped and should the cost of aforesaid changes exceed fifty (50) percent of its fair market value prior to such repair, renovation, alteration, expansion or redevelopment, the parking space requirements set forth in this Ordinance for the new use shall be provided. No existing parking facility which is a part of any building, improvement or use of land, whether on the same lot as the principal use or on a separate lot, shall be reduced in size below the number of spaces required for such principal use, and any and all accessory

uses, set forth in this Ordinance, except where a written report defining and documenting the feasibility of any such reduction is submitted by a qualified parking consultant and approved by the Zoning Administrator. This section shall not be construed to mean that parking structures at grade, below grade or above grade cannot later be provided in lieu of some or all of the parking spaces originally required under this Ordinance.

b. Submission of Plot Plan

No approval shall be granted for any building, improvement or use of land, including building permits, zoning permits, occupancy permits or any approval in any form, until a plot plan showing such off-street parking as is hereinafter required be submitted and approved by the Zoning Administrator. Such plot plan shall be prepared at a reasonable scale, showing property lines, the dimensions of the property, the size and arrangement of all parking spaces, the means of ingress and egress to such parking spaces and interior circulation within the parking area, the extent of any change required in existing site conditions to provide required parking and such other conditions as may be necessary to permit review and approval of the proposed parking.

c. District Requirements

In any instance where a specific use may be permitted in a lower zoning district, such use shall provide for parking space in accordance with the requirements of the highest district in which such use is first permitted.

d. Applicability of Zoning Ordinance, Building Codes, and Other City Ordinances

- (1) Any parking facility available to the general public on a permanent basis (for a term of one year or longer), and containing more than twenty (20) spaces, shall be designated as a Parking Area and shall be improved in accordance with the requirements for same as may be established by the Zoning Administrator for each zoning district. Any improvement, whether on the surface, below or above grade, shall be constructed in conformance with the local Building Code and such other codes and ordinances as may, in whole or in part, apply to the provisions of vehicular parking space under this Ordinance.

- (2) Any Parking Area as defined in Section 10 above shall be continually maintained in satisfactory condition so as to be safe and attractive and free of any hazard, nuisance or other unsafe condition.
- (3) No parking space to be provided under the terms of this Ordinance shall be located within the right-of-way of any street, roadway or public alley or outside prescribed set-back lines as established in the Zoning Ordinance, except where an exception may be granted for the encroachment of vehicular parking in a designated set-back.
- (4) All provisions of the Zoning Ordinance, Building Code, Plumbing Code, Electrical Code, Subdivision Regulations or other codes, regulations, ordinances or adopted procedures of the agency applicable to parking shall apply to each and every phase of the parking supply as applicable, except where such requirements may be waived in this Ordinance or by special action of the Zoning Administrator, as prescribed in this Ordinance.

600.2 Computation of Required Spaces

- a. In calculation total parking space requirements, credit may be granted to any use, other than those uses defined in Residential Zoning District Classifications, if adequate unused parking space meeting all requirements of the Ordinance is available within 250 feet of the use for which credit is assumed, and if it can be properly demonstrated that such parking spaces shall be reasonably available in the future for the use for which credit is assumed.
- b. Unless specifically instructed by the Zoning Administrator, the owner, builder, developer or operator of any building, improvement, or use of land may provide more parking spaces than the number required under this Ordinance.
- c. All parking spaces shall be accessible, at all times, from a street, alley or driveway intended to serve such off-street parking. However, parking spaces serving single family residential users may be located in garages and/or driveways where stacking of vehicles is necessary.

- d. The stipulated minimum parking space requirements set forth in this ordinance may be reduced by the Zoning Administrator, based upon the written findings of a qualified parking consultant, that the particular use(s) involved are adequately served by regularly scheduled public transportation which will provide levels of service such that the use of private passenger vehicles will be significantly reduced.
- e. Cumulative parking space requirements for mixed-use occupancies may be reduced where it can be demonstrated that the peak requirement of the several occupancies occur at different times (such as mid-day for office uses and evening for residential uses). Variances in the total number of spaces required by the addition of all uses as specified in this Ordinance may be considered if supported by a parking demand study prepared by a qualified parking consultant and approved by the Zoning Administrator.
- f. All partial space requirements shall be rounded to the next highest number of usable parking spaces.
- g. For certain multi-building uses involving campus or district areas, within clearly defined zoning district boundaries, the supply of required parking space for a particular use of building may be satisfied by an overall space supply for the campus or district providing that the aggregate supply of parking space shall be fully adequate for all of the uses within said district.

600.3 Parking Definitions

- a. All parking spaces shall be designated either "Standard" or "Small Car" depending upon the size of the car space. Minimum space dimensions shall be as follows: Standard car spaces shall be at least 8' 6" in width and 18' in length; small car spaces shall be at least 7' 6" in width and 15' in length. Unless so determined by the Zoning Administrator, up to thirty percent (30%) of the total spaces required may be designated for small car use.
- b. In all cases, employees shall mean the regular working staff-paid, volunteer or otherwise-at maximum strength and in full time equivalent numbers necessary to operate, maintain or service any given facility or use under normal levels of service. The use of

employee, occupant, or similar numbers to determine parking space requirements shall be used only where the use of square footage or other measurement factors are not feasible.

- c. Net Leasable Area shall include that portion of any building, improvements or use of land which is included in rental areas or normally used as a part of the quarters of any owner, tenant, occupant or uses of such premises. Areas commonly excluded in the calculation of Net Leasable Area may include entry halls or foyers; elevator shafts; stairways; janitor, electrical, mechanical or maintenance rooms; public rest rooms, etc. Common areas open to the public shall be included in the calculation of parking space requirements.

600.4 Uses Not Specified

For any use or classification not described below, the parking space requirement shall be as established by the Zoning Administrator.

600.5 Parking Space Requirements for Zoning Districts

The provision of this Ordinance shall apply to any building, improvement or use of land approved after the date of adoption of this Ordinance, in accordance with the provisions of this Ordinance as defined for specific Zoning Districts as herein defined.

a. Residential Districts

<u>Permitted or Conditional Use</u>	<u>Minimum Offstreet Parking Space Requirement</u>
Single Family - Lot area of 10,000 S.F. or greater	3.0 per dwelling unit
Single Family - Lot area of 10,000 S.F. or less	2.0 per dwelling unit
Single Family - Attached	2.0 per dwelling unit
Multi-Family - Studio	1.25 per dwelling unit
Multi-Family - 1 bd. rm.	1.5 per dwelling unit
Multi-Family - 2 bd. rm.	1.75 per dwelling unit
Multi-Family - 3(+) bd. rm.	2.0 per dwelling unit
Religious Institutions Churches, Temples, Chapels, etc.	1 per each 4 seats, based on total capacity

Permitted or Conditional Use

Minimum Offstreet Parking
Space Requirement

Convents, seminaries,
rectories, parish houses,
other religious uses

As determined by Zoning
Administrator

Nursing Homes and
Sanitariums

1 per each unit or room plus
1 for the owner or manager

Elementary and Middle Schools

1 per each classroom and
each other room used by
students

High Schools

1 per each classroom and
each other room used by students
plus 1 for each 10 full time
students

b. Commercial Districts

Permitted or Conditional Use

Minimum Offstreet Parking
Space Requirement

The following uses permitted in
General Commercial district;
amusement establishments,
bicycle sales and repair,
blueprinting and photocopy
establishments, convention
halls, motor vehicle sales,
physical culture and health
salons, second-hand stores,
schools (commercial, trade,
etc.), theatres.

1 per each 400 S.F. of net
leasable area as noted below
for specific functions: For
amusement establishments -
1 per each 300 S.F. of net
leasable area; for hotels
and motels, 1 per each room
plus additional spaces as
required for other functions
such as bar, restaurant, etc.;
meeting rooms for schools -
1 per each 3 full time or
regular students. For motion
picture theatres - 1 per each
3 seats. For Drive-In Banks,
and similar uses, 1 per each
350 S.F. of net leasable area
plus reservoir space as
determined by Zoning
Administrator.

Barber shops, beauty shops,
currency exchanges, drug
stores, dry cleaning receiving
stations, florist shops, gift
shops, hardware stores, resi-
dential dwelling units, home
occupations, etc. and accessory
uses incidental to such typical
uses listed above.

1 per each 350 S.F. of net
leasable area.

<u>Permitted or Conditional Use</u>	<u>Minimum Offstreet Parking Space Requirement</u>
Private clubs, lodges and fraternal organizations, restaurants, radio and television service and repair shops, laundries (employing not more than two persons), etc. and accessory uses incidental to such typical uses listed above.	1 per each 350 S.F. of net leasable area
Automobile service stations and garages for minor repair (excluding body shop, engine repair, painting).	6 spaces for customer vehicles
Funeral Parlors	1 per each 3 chapel seats
Battery and tire stations, building material sales, bus terminals, contractor or construction yards, laundries, machinery sales, printing establishments, storage, warehousing and similar establishments, trailer sales and rental and special uses as may be permitted.	<p>1 per each 400 S.F. of net leasable area, or as noted below:</p> <p>For uses that include storage, testing, repairing or similar services - 1 per each 700 S.F. plus 1 per each 400 S.F. of office, sales or other space to be used by visitors, customers or salesmen.</p> <p>For auto laundries, 1 per each employee plus reservoir space for at least 6 times the bay capacity of the facility, with a minimum of 10.</p> <p>For other uses, as may be established by the Zoning Administrator and/or made a condition of Special Use Permits.</p>
Art galleries, banks and financial institutions, business machine sales and service, carpet stores, fur shops, garden supply stores, interior decorating shops, liquor shops, medical and dental clinics, offices for	<p>1 per each 400 S.F. of net leasable area or as noted below:</p> <p>For any medical office or clinic 1 per each 175 S.F. of net leasable area.</p>

<u>Permitted or Conditional Use</u>	<u>Minimum Offstreet Parking Space Requirement</u>
business and professional offices up to 50,000 square feet gross floor area per building, paint and wallpaper stores, post offices, sporting goods stores and accessory uses incidental to such typical uses listed above.	
Clinics, medical office buildings	1 per each 175 S.F. of gross floor area
Out-patient clinics, out-patient facilities a part of hospitals, medical centers, etc.	1 per each 175 S.F. of gross floor area
Nursing homes, sanitariums, convalescent homes, institutions for care of aged, children, etc.	0.5 per bed
Hospital, medical center, other treatment facility	1.75 per bed, plus the number required, based on S.F. measurements for office, clinic, testing, research, administrative, teaching and similar activities associated with the principal use, at 1 space per each 175 S.F. of gross floor area except for teaching facilities which shall be 1 per each 4 seats.
Office and/or research buildings or groups of buildings of similar nature which contain no manufacturing, assembly, warehousing, testing, storage or transfer activities or temporary buildings of any kind.	1 per each 350 S.F. of net leasable area
Office and/or research buildings or groups of buildings of similar nature which contain no manufacturing or assembly activities, no outside storage areas or no temporary buildings of any kind.	1 per each 350 S.F. of net leasable area
For other permitted uses in such districts parking space shall be provided on the basis of the appropriate category:	

<p><u>Permitted or Conditional Use</u></p> <ul style="list-style-type: none"> * for uses involving public assembly of groups of people for whatever reason * for uses involving institutional functions, medical facilities or similar operations 	<p><u>Minimum Offstreet Parking Space Requirement</u></p> <p>1 per each 4 seats, based on total capacity</p> <p>1 per each 200 S.F. of net leasable area</p>
<p>c. <u>Industrial Districts</u></p>	
<p><u>Permitted or Conditional Use</u></p> <p>Industrial buildings or groups of industrial buildings of similar nature which contain no heavy manufacturing activity; no storage or use of flammable material; no production of smoke or particulate matter or noxious fumes of any type; no undue noise; no open storage of any materials, components or other items except motor vehicles in operable condition.</p> <p>Other industrial uses except those involving refining, mining, smelting or similar uses; the storage, use or production of hazardous fluids, gases or other products; the production of noxious or toxic fumes or odors or whose activities result in noise levels above 74 db A (decibels) at the property line.</p> <p>Any industrial use not otherwise forbidden by state and/or local codes or the Zoning Administrator.</p>	<p><u>Minimum Offstreet Parking Space Requirement</u></p> <p>1 per each 1,000 S.F. plus 1 per each 350 S.F. of office, sales or similar space.</p> <p>1 per each 1,000 S.F. plus 1 per each 350 S.F. of office, sales or similar space.</p> <p>1 per each 1,250 S.F. plus 1 per each 350 S.F. of office, sales or similar space.</p>
<p>d. <u>Open Space District</u></p>	
<p><u>Permitted or Conditional Use</u></p> <p>Parks, athletic fields, tennis and pool facilities, golf courses, etc.</p>	<p><u>Minimum Offstreet Parking Space Requirement</u></p> <p>As determined by the Zoning Administrator.</p>

Permitted and Conditional Uses

Minimum Offstreet Parking
Space Requirement

Recreational and community center buildings, recreation clubs, related uses.

Spaces equal to 30% of total permitted occupancy or as determined by Zoning Administrator.

Enclosed recreational buildings, specialized facilities and related uses.

As determined by the Zoning Administrator.

Open recreational facilities including camps, youth facilities, training facilities, etc.

As determined by the Zoning Administrator.

Gymnasiums, Stadiums, Field Houses, Grandstands and related facilities.

1 per each 4 seats or spectator spaces equal to 30% of total permitted occupancy.

Cemeteries

As determined by Zoning Administrator.

600.6 Loading -- General Requirements

- a. Applicability to Existing, New and Expanded Uses. The applicability of the loading regulations established by this Section shall be the same as provided with respect to parking regulations in Paragraphs B1 and B2 of this Section.
- b. Location of Required Loading Spaces. Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in any required front yard.

- c. Uses Not Specified. For uses not expressly listed in Subsection G of this Section, loading spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Land Use Administrator pursuant to his authority to interpret the provisions of this Ordinance.
- d. Responsibility. The duty to provide and maintain off-street loading and unloading spaces shall be the joint and several responsibilities of the owner, operator and lessee of the use for which off-street loading and unloading spaces are required.

600.7 Loading -- Design and Maintenance

Every loading space shall be designed, constructed and maintained in accordance with the standards and requirements herein set forth:

- a. Minimum Setbacks. Loading spaces shall comply with the setbacks required by Section 600.6(a) and no loading space shall be so located as to require or permit any vehicle it is designed to accommodate to extend into any front yard or across any lot line while being loaded or unloaded.
- b. Screening.
 - (1) Sufficient screening shall be provided along all lot lines abutting any residentially zoned or developed property to visually insulate the residential use from all operations, materials and vehicles within any loading space.
 - (2) Loading areas accessory to commercial uses shall be so located and screened as to be visually insulated from public awareness.
- c. Design Standards.
 - (1) Dimensions. No required loading space shall be less than 12 feet in width or 35 feet in length or have a vertical clearance of less than 10 feet.
 - (2) Access. Loading spaces shall be designed and arranged to provide access to a street or alley in a manner which will create the least possible interference with traffic movement. Unless approved in the course of Site Plan/Subdivision Review pursuant to Article V, Part 2, of this Ordinance access to and from loading spaces shall be approved by the Land Use Administrator.

- (3) Surface. Every loading space shall be surfaced with an asphaltic or portland cement binder pavement providing an all-weather, durable and dustless surface and shall be graded and drained to dispose of surface water accumulation by means of a positive storm water drainage system connected to a public sewer system. Individual stalls shall be clearly identified by markings 4 inches to 6 inches in width.
- (4) Lighting. Fixed lighting shall be so arranged to prevent direct glare of beams onto any public or private property or street.
- (5) Signs. No signs shall be displayed in any loading area except such signs as may be necessary for the orderly use of the loading space.

600.8 Loading -- Schedule of Required Spaces

Loading spaces shall be provided in sufficient number and of sufficient size so that no loading and unloading operations infringe upon any street, sidewalk or public property. In no event shall the number of loading spaces provided be less than the number determined in the following Schedule of Required Off-Street Loading Spaces except that in the case of demonstrated hardship, the Planning Commission may grant variance from loading requirements provided that an approved plan for delivery truck operations including but not limited to hours and staging of operation is attached to such variance.

<u>Schedule of Required Off-Street Loading Spaces</u>	
<u>Gross Floor Area</u>	<u>No. Loading Spaces</u>
10,000 sq. ft. to 23,999 sq. ft.	1
24,000 sq. ft. to 59,999 sq. ft.	2
60,000 sq. ft. to 95,999 sq. ft.	3
96,000 sq. ft. to 143,999 sq. ft.	4
144,000 sq. ft. to 191,999 sq. ft.	5
192,000 sq. ft. to 239,999 sq. ft.	6
240,000 sq. ft. to 293,999 sq. ft.	7
294,000 sq. ft. to 348,000 sq. ft.	8
For Each Additional 54,000 sq. ft.	1 (Additional)

ARTICLE VII - SIGNS

701 PERMITTED PERMANENT SIGNS

701.1 Subject to the other provisions of this section, only the following types of permanent signs are permitted throughout the City:

- a. P-1:
All signs and signals owned or operated by the City.
- b. P-2:
Identification signs for public and for semi-public facilities, such as schools, churches, hospitals, libraries, clubs and public utilities.
- c. P-3:
Nameplates identifying the owner or resident of a private property, excluding mailboxes.
- d. P-4:
Memorial or historical markers or tablets.
- e. P-5:
Signs indicating the private nature of a road, driveway, or other premises, and signs controlling the use of private property, such as the prohibition of hunting or fishing.
- f. P-6:
On-site directional signs.
- g. P-7:
Business signs.
- h. P-8:
Home occupation signs.

701.2 Performance and Location Standards for Permanent Signs

The following table outlines the standards to which each of the permitted permanent sign types must conform.

SIGN TYPE	P-1	P-2	P-3	P-4	P-5	P-6	P-7	P-8
Maximum Area for one sign	-	20 sq. ft.	1 sq. ft.	12 sq. ft.	4 sq. ft.	2 sq. ft.	2 sq. ft. each one ft. of building front, but not more than 100 sq. ft.	1-1/2 sq. ft.
Maximum number of signs per lot	-	2	1 per dwelling unit	1	-	2	2	1
Minimum setback from public right-of-way	2 ft.	10 ft.	2 ft.	2 ft.	10 ft.	2 ft.	10 ft.	10 ft.
Maximum height to top, if sign is attached to bldg.	-	Height of building	-	-	-	-	Height of building	6 ft.
Maximum Height to top, if sign is freestanding	-	10 ft.	6 ft.	10 ft.	6 ft.	-	18 ft.	6 ft.
Maximum projection from bldg. face, if attached parallel to bldg. face	-	12 in.	12 in.	12 in.	12 in.	12 in.	12 in.	12 in.
District(s) permitted	All	All	All	All	All	All	All C & I districts	All

701.3 Off-site directional signs are a conditional use.

702 PERMITTED TEMPORARY SIGNS

702.1 Subject to other provisions of this section, only the following types of temporary signs are permitted throughout the City:

a. T-1:

Signs identifying architects, engineers, contractors, tradesmen or other engaged in construction work, on the premises wherein their work is proceeding. Such signs shall be removed as soon as the work ceases or is completed.

b. T-2:

Real estate signs, on individual properties that are for sale, rent, or lease or which have been sold, rented or leased. The former type shall be permitted for as long as the property remains for sale or rent, but the latter type shall be removed within a week of the date of the sale or rental agreement.

c. T-3:

Real estate signs similar to those described in 702.1.b but located in housing developments or large acreages which include more than one house lot. Such signs shall be removed when ninety (90) percent of the properties have been developed. Signs announcing proposed commercial or industrial development of the site may be erected for a maximum of one year.

d. T-4:

Signs advertising the temporary sale of products, when such sale is conducted in accordance with all the provisions of City Ordinances. Such signs shall be displayed only when the products are on sale.

e. T-5:

Temporary directional signs for a period not exceeding one week.

702.2 Performance and Location Standards for Temporary Signs

The following table outlines the standards to which each of the permitted temporary sign types must conform.

SIGN TYPE	T-1	T-2	T-3	T-4	T-5
Maximum area for one sign	20 sq. ft.	6 sq. ft.	32 sq. ft.	6 sq. ft.	2 sq. ft.
Maximum number of signs	One for each trade or	2 per lot	2 per development	2 per lot	2 per development
Minimum setback from public right-of-way	25 ft. or bldg. face	10 ft. or bldg. face	25 ft. or bldg. face	10 ft.	2 ft.
Maximum height to top, if sign attached to bldg.	bldg. height	bldg. height	bldg. height	bldg. height	bldg. height
Maximum height to top, if sign freestanding	10 ft.	10 ft.	10 ft.	10 ft.	-
Maximum projection from bldg. face, if attached parallel to bldg. face	12 in.	12 in.	12 in.	12 in.	12 in.
Districts permitted	All	All	All	All	All

703. PROHIBITED SIGNS

The following types of signs shall not be permitted in the City:

- 703.1 Signs of such a design and location that they interfere with, compete for attention with, or may be mistaken for, a traffic signal. This shall include any sign visible from the public right-of-way which uses an arrow device or the word "Stop". It shall also include signs in which the colors red and green are used either in direct illumination or in high reflection by the use of special preparation such as fluorescent paint or glass.
- 703.2 Any sign located in or extending into a public cartway, except those owned or operated by a duly constituted government.
- 703.3 Any freestanding sign within an area bounded by the intersection of two rights-of-way and points twenty feet from such intersection along the rights-of-way, except directional signs less than three feet in height.
- 703.4 Freestanding signs over a public sidewalk area.
- 703.5 Flashing or oscillating signs.
- 703.6 Signs attached perpendicular to any building, and projecting over the main travelled portion of a sidewalk, as set forth in the Sidewalk Ordinance.
- 703.7 Signs erected upon or attached to the roof of any building.

704. GENERAL REGULATIONS FOR ALL SIGNS

- 704.1 Signs must be constructed of durable material, maintained in good condition and not allowed to become dilapidated.
- 704.2 Overhead signs shall be at least nine feet high, measured from the ground or pavement to the bottom-most part of the sign.
- 704.3 Advertising painted upon, or displayed upon, a barn or other building or structure shall be regarded as an advertising sign board and the regulations pertaining thereto shall apply.

- 704.4 Each sign shall be removed when the circumstances leading to its erection no longer apply.
- 704.5 In all districts, only those signs referring directly to materials, products, services performed, made, sold or displayed on the premises shall be permitted.
- 704.6 Permits shall be required for the erection, alteration or maintenance of the following sign types: P-2, P-7, P-8, T-1, and T-3.
- 704.7 Signs may be interior lighted with non-glaring lights, or may be illuminated by shielded floodlights or spotlights shielded so there is no direct light transmitted to other properties or public rights-of-way.
- 704.8 Traffic signs of approved design.

ARTICLE VIII - ADMINISTRATION AND ENFORCEMENT

801 GENERAL PROCEDURE

Persons desiring to undertake any new construction, structural alteration, or changes in the use of a building or lot shall apply to the Zoning Officer for a Zoning Permit by filling out the appropriate application form and by submitting the required fee. The Zoning Officer will then either issue or refuse the Zoning Permit or refer the application to the Zoning Hearing Board. After the Zoning Permit has been received by the applicant, he may proceed to undertake the action permitted by the Zoning Permit and upon completion of such action shall apply to the Zoning Officer for an Occupancy Permit where such a Permit is required. If the Zoning Officer finds that the action of the applicant has been taken in accordance with the Zoning Permit, he will then issue an Occupancy Permit allowing the premises to be occupied.

802 ZONING PERMIT TYPES

Under the terms of this Ordinance, the following classes of Zoning Permits may be issued:

802.1 Permitted Uses:

A Zoning Permit for a Permitted Use may be issued by the Zoning Officer on his own authority.

802.2 Special Exception Uses:

A Zoning Permit for a Special Exception may be issued by the Zoning Officer after a review and upon the order of the Zoning Hearing Board.

802.3 Conditional Uses:

A Zoning Permit for a conditional use may be issued by the Zoning Officer after review by the Planning Commission and upon the order of the governing body.

802.4 Zoning Permit After an App l or a Request for a Variance:

A Zoning Permit may be issued by the Zoning Officer upon the order of the Zoning Hearing Board and after a public hearing held by the Board for the purpose of deciding upon the appeal or a request for a variance.

803 ZONING AND OCCUPANCY PERMITS AND CERTIFICATES

803.1 Zoning Permits:

The purpose of the Zoning Permit is to determine compliance with the provisions of this Ordinance, and no person shall erect, alter, or convert any structure, building, or part thereof, nor alter the use of any land, subsequent to the adoption of this Ordinance, until a Zoning Permit has been issued by the Zoning Officer. All applications for Zoning Permits shall be writing on forms to be furnished by the Zoning Officer. Zoning Permits shall be issued in duplicate and one copy shall be kept conspicuously on the premises and no person shall perform building operations of any kind unless a Zoning Permit is being displayed as required by this Ordinance. The Zoning Officer or the Board may revoke a Zoning Permit at any time if it appears that the application is in any material respect false or misleading, or that work being done upon the premises differs materially from that called for in the application. Prior to the issuance of any building permit, the Building Permit Officer shall review the application for permit to determine if all other necessary governmental permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 166-537, as amended); the Dam Safety and Encroachments Act (Act 1978-325, as amended); the U.S. Clean Water Act, Section 404, 33, U.S.C. 1334; and the Pennsylvania Clean Streams Act (Act 1937-394, as amended). No permit shall be issued until this determination has been made.

803.2 Time Limit for Application:

An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that reasonable extensions of time for additional periods not exceeding ninety days each may be granted at the discretion of the Zoning Officer.

803.3 Expiration of Permit:

The permit shall expire after one year from the date of issuance; provided, however, that the same may be extended every six months for a period not to exceed an additional one year.

803.4 Occupancy Permits:

The purpose of an Occupancy Permit is to certify that the premises comply with the provisions of this Ordinance and other applicable regulations and may be used for the purposes set forth in the Occupancy Permit. Prior to the use or occupancy of any land or building for which a Zoning Permit is required or for any change of use of any existing building or for any change of use of land, an Occupancy Permit shall be secured from the Zoning Officer. A copy of the Occupancy Permit shall be kept upon the premises, and shall be displayed upon request made by any officer of the municipality. All Applications for Occupancy Permits shall be in writing on forms to be furnished by the Zoning Officer.

803.5 Certificate of Non-Conformity:

All uses or structures lawfully existing prior to the adoption of this ordinance, not in conformance with the requirements presently applicable thereto, shall be identified by the Zoning Officer. Such non-conforming uses or structures shall be registered through the issuance of a Certificate of Non-Conformity by the Zoning Officer. This Certificate shall be for the purpose of insuring to the owner or occupant of the premises the right to continue such non-conformity.

804 ZONING OFFICER

804.1 Appointment of Enforcement Officer:

This Ordinance shall be enforced by the Zoning Officer, who shall be appointed by the Governing Body of the municipality.

804.2 Deputy Zoning Officer:

The Zoning Officer may designate an employee of the City as his Deputy who shall exercise all the powers of the Zoning Officer as may be delegated by the Zoning Officer.

804.3 Duties and Powers:

The Zoning Officer shall receive and examine all applications required under the terms of this Ordinance and shall issue or refuse permits within thirty days of the receipt of the application or shall refer said application to the appropriate body. The Zoning Officer shall issue a written notice of violation to any person, firm, or corporation violating any provisions of this Ordinance. He shall keep records of applications, or permits, or certifications issued, of variances granted, of inspections made, of reports rendered and of notice or orders issued, and perform all other duties as called for in this Ordinance. The Zoning Officer may require such drawings, plans, surveys or other documentation as necessary for the enforcement of this Ordinance.

805 ZONING HEARING BOARD

805.1 Board is Hereby Created:

The Governing Body of the municipality does hereby create a Zoning Hearing Board as provided for by the laws of the Commonwealth of Pennsylvania. The existing Board shall continue under the procedures stated herein.

805.2 Appointment of Members:

Members of the Board and their successors shall be appointed on the expiration of their respective terms, to serve three years. An appointment to fill a casual vacancy shall be only for the unexpired portion of the term.

805.3 Duties and Powers:

The Board shall be responsible for the interpretation of this Ordinance, and shall adopt and make available to the public, rules for the exercise of its functions. The duties and powers of the Board shall be to hear and decide appeals where it is alleged that an error has been made in the enforcement of this Ordinance, hear and decide requests for Special Exception Uses and variances. The Board shall perform such other duties as may be provided or made necessary by the Ordinance, including the interpretation of boundaries, the holding of public hearings, the referral of any pertinent matter to the Commission for review and recommendations, and the maintenance of records on all decisions and findings.

805.4 Referral to the Commission:

The Board may refer to the Commission all applications for Special Exceptions, and any other applications or appeals which in the opinion of the Board require review by the Commission. In its review, the Commission shall determine compliance with the standards set forth in this Ordinance and in all cases, shall report in writing its findings and recommendations to the Board within thirty days.

806 VARIANCES

The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. Subject to the provisions of the Pennsylvania Municipalities Planning Code (Act 247), the Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided the following findings are made where relevant in a given case.

- 806.1 That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
- 806.2 That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that authorization of a variance is therefore necessary to enable the reasonable use of the property.
- 806.3 That such unnecessary hardship has not been created by the appellant.
- 806.4 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- 806.5 That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

807 APPEALS AND PUBLIC HEARINGS

807.1 Appeal From a Decision of the Zoning Officer:

Any person or official of the municipality aggrieved or affected by any provision of this Ordinance or by any decision, including

any order to stop, cease, and desist issued by the Zoning Officer may appeal. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the Zoning Officer and with the Zoning Hearing Board, a notice of appeal specifying with the grounds thereof.

807.2 Expiration of Appeal Decision:

Unless otherwise specified by the Board, a decision on any appeal or request for a variance shall expire if the applicant fails to obtain any necessary Zoning Permit, or comply with the conditions of said authorized permit within six months from the date of authorization thereof.

807.3 Appeal from Decision of Board:

Any appeal from a decision of the Zoning Hearing Board shall be made to the Court. In case of an appeal from the Board to the Court of Common Pleas, the Board shall make the return required by law, and shall promptly notify the Solicitor to the municipality of such appeal and furnish him with a copy of the return including transcript of testimony. Any offer of the Board not appealed within thirty days shall be final.

807.4 Stay of Proceedings:

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Officer certified to the Board, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board after notice to the Zoning Officer, or by the Court of Common Pleas.

807.5 Information Required on Appeals to the Board:

All appeals from a decision of the Zoning Officer and application to the Board shall be in writing on forms prescribed by the Board. Every appeal or application shall include the following:

- a. The name and address of the applicant, or appellant.
- b. The name and address of the owner of the zone lot to be affected by such proposed change or appeal.
- c. A brief description and location of the zone lot to be affected by such proposed change, or appeal.
- d. A statement of the present zoning classification of the zone lot in question, the improvements thereon and the present use thereof.
- e. A statement of the section of this Ordinance under which the appeal is made, and reasons why it should be granted, or a statement of the section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed, and the reasons for this 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 property to be affected indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereof.

807.6 Public Hearings to be Held by Board:

Upon filing with the Board of an appeal or a request for a variance as required by the terms of this Ordinance, or for such other purposes as provided herein where the Board

deems it in the public interest, the Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest and decide the same within forty-five days after the hearing, or if said hearing is continued, within forty-five days after said continued hearing. If the Zoning Hearing Board does not make a decision within forty-five days after the hearing or continued hearing, it shall be deemed that such Board has decided in favor of the person or official of the municipality aggrieved or affected who is seeking relief. Upon the hearing, any party may appear in person or by agent or by attorney.

808 SPECIAL EXCEPTIONS

To hear and decide only such special exceptions to the terms of this Ordinance upon which the Board is specifically authorized to pass upon by the terms of this Ordinance, the granting of a special exception when specifically authorized by the terms of the Ordinance shall be subject to the following conditions and guiding principles.

- 808.1 Such use shall be one which is specifically authorized as a Special Exception Use in said District.
- 808.2 Such permits shall only be granted subject to any applicable conditions and safeguards as required by this Ordinance.
- 808.3 Such permit may be granted subject to additional reasonable conditions and safeguards as may be deemed by the Board to be advisable and appropriate.
- 808.4 Such use shall be found by the Board to be in harmony with the general purpose and intent of this Ordinance.
- 808.5 Such use shall not adversely affect the character of the District, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.

- 808.6 Such use shall be such appropriate size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.
- 808.7 The notification of abutting property owners.
- 808.8 Uses shall meet the provisions and requirements of the City Subdivision and Land Development Ordinance, as amended.
- 808.9 Should the applicant fail to obtain the necessary permits within six months' period, or having obtained the permit should he fail to commence work thereunder within such six months' period, it shall be conclusively presumed that the applicant or his application waived, withdrawn, or abandoned his appeal or his application and all provisions, conditional use and permits granted to him shall be deemed automatically rescinded by the City Council.

809. AMENDMENTS

The City Council may from time to time, after public notice and hearing as hereinafter prescribed, amend, supplement, change, or repeal this Ordinance including the Zoning Map. Any amendment, supplement, change or repeal may be initiated by the City Planning Commission, the Council or by a petition to Council. Such amendment, supplement, change or repeal shall be submitted to the City Planning Commission and to the County Planning Commission for their recommendations and shall be specifically found by the Council to be in accordance with the spirit and intent of the formally adopted portions of the Comprehensive Plan before final action shall be taken.

809.1 Amendments Initiated by the City Planning Commission

When an amendment, supplement, change or repeal is initiated by the City Planning Commission, City Council shall at least thirty (30) days prior to the date of the hearing on the proposed amendment submit the amendment to the County Planning Commission for its review and recommendations.

809.2 Amendments Initiated by City Council

When an amendment, supplement, change or repeal is initiated by Council, it shall submit the proposal to both the City Planning Commission and the County Planning Commission for review and recommendations at least thirty (30) days prior to the date fixed for the public hearing to consider the amendment, supplement, change or repeal.

809.3 Curative Amendment Initiated by Landowner

When a landowner desires to challenge on substantive grounds, the validity of the Ordinance or map or any provision thereof, said landowner may submit a curative amendment to the Council with a written request that his challenge and proposed amendments be heard and decided as provided in the Pennsylvania Municipalities Planning Code, as amended.

809.4 Procedure for Petition

The petition for amendment, supplement, change or repeal shall contain as fully as possible all relevant information and shall be signed by at least one record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. The fee established by resolution of City Council shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein.

809.5 Public Hearing

City Council shall fix a time and place for a public hearing at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in one newspaper of general circulation in the City once each week for two successive weeks, the first publication shall be not more than thirty days and not less than fourteen days prior to the date of said hearing.

809.6 Authentication of Official Zoning Map

Whenever there has been a change in the boundary of a Zoning District or a reclassification of the Zoning District adopted in accordance with the above, the change on the official map shall be made, and shall be duly certified by the City Clerk and shall thereafter be refiled as part of the permanent records of the City.

810. VIOLATIONS

810.1 Governing Body May Initiate Appropriate Action

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 Ordinance, or of any Ordinance or regulation made under authority conferred hereby, the Governing Body of the municipality, or, with their approval, the Zoning Officer or other proper official, in addition to other remedies, may institute in the name of the municipality any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation and 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.

810.2 Violation Punishable

Any persons, firm or corporation violating any provision of this Ordinance shall, upon conviction, be punished by a fine not to exceed five hundred dollars (\$500) for any offense, recoverable with costs, together with judgment or imprisonment not exceeding thirty days if the amount of said judgment is not paid. Each day that a violation is permitted shall constitute a separate offense.

811 FEES

Fees for permits and administration of the provisions of this Ordinance shall be established by resolution.

812 EFFECTIVE DATE

This Ordinance shall take effect immediately.

ADOPTED THIS 7th day of March, 1984

CITY COUNCIL, CITY OF JEANNETTE

Michael J. Alexander
Mayor

SEAL

ATTEST:

Paul J. Eschey
City Clerk

APPROVED THIS 7th day of March, 1984

Michael J. Alexander
Mayor