

TOWN OF DELL, ARKANSAS

ZONING CODE

**Prepared by the Dell Planning Commission
With the assistance of East Arkansas Planning & Development District**

Adopted by the Dell Town Council, Ordinance #2013-01, June 11, 2013

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CHAPTER 1. PURPOSE, AUTHORITY AND JURISDICTION

Article 1-1. Purpose

This Code is adopted to ensure the coordinated, adjusted and harmonious development of the Town of Dell, Arkansas. It divides the Town into zones and within these zones it prescribes the height, bulk, location and use of buildings, and it prescribes the use and character of land. This Code is designed to achieve the following results:

- A. To stabilize and conserve the value of property;
- B. To prevent the overloading of schools, streets, utilities and other services by limiting population density;
- C. To provide locations for land uses that are properly related to utilities, transportation, and other land uses;
- D. To eliminate congestion by separating conflicting types of traffic and by requiring parking and loading space off the streets;
- E. To improve living conditions, working conditions, and fire protection by requiring light, air and open space around buildings; and,

The Dell Planning Commission, having made a comprehensive study of present conditions and future growth of the Town and having prepared and adopted a General Land Use Plan, finds that the provisions of this Code would carry out the intent of the Land Use Development Plan and would promote, in accordance with present and future needs, the safety, order, convenience, efficiency and economy in the process of development, convenience in population distribution, for public utilities and other public improvements.

Article 1-2. Authority

The authority to enact this Code is granted by Act 186 of the 1957 Acts of Arkansas, as amended.

Article 1-3. Jurisdiction

This Code applies to all land within the corporate limits of Dell, Arkansas, as now or hereafter set, as portrayed on the Official Zoning Map.

CHAPTER 2. DEFINITIONS

Article 2-1. Definitions

Certain words in this Code are defined for the purposes hereof as follows:

1. Person The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. Access A permanently free and unobstructed means of entry and exit, at least twelve feet (12') wide, from a piece of property to a public street.
4. Accessory Structure A subordinate structure or a portion of the main structure located on
 and Use the same lot with the main structure, or a subordinate use of the land, either of which is customarily incidental to the main structure or to the principal use of the land.
5. Alley A public way not over twenty feet (20') in width affording only secondary means of access to abutting property.
6. Board of Adjustment The Dell Board of Adjustment, as established and constituted herein
7. Building, Height of The vertical distance from the grade of (elevation of the curb, sidewalk or average elevation of the ground around the structure) to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.
8. Commission The Dell Planning Commission. /
9. Conditional Use A use permitted in a zoning district only after review and approval by the Commission. Conditional uses are such that they may be compatible only on certain conditions in specific locations in a zoning district, or if the site is regulated in a certain manner.
10. Dwelling Any building or portion thereof designed or used exclusively for residential purposes.
11. Dwelling, Single Family A building designed for or occupied exclusively by one family.
12. Dwelling, Two Family A building designed for or occupied exclusively by two families.
13. Dwelling, Multiple A building containing more than two dwelling units.
14. Dwelling Unit A room or group of rooms within a dwelling and forming a single habitable unit with facilities for living, sleeping and cooking.
15. Family One or more persons occupying a dwelling and living as a single house keeping unit and doing their own cooking on the premises.
16. Garage, Private An accessory building used only for the housing of motor vehicles, boats and equipment used solely by the owner of the building, and not as a place of business or business storage.

17. Garage, Public A garage other than a private garage.
18. Home Occupation Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling and which is carried on wholly within a main building or accessory building by a member of a family residing on the premises, in connection with which there is no advertising other than an identification sign of not more than four square feet in area, and no other display or storage of materials or exterior indication of the home occupation or variation from the residential character of the main building or accessory building, and in connection with which not more than one person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odors, heat, or glare. When within the above requirements, a home occupation includes, but is not limited to, the following:
- (a) art studio;
 - (b) dressmaking;
 - (c) professional office of a physician, dentist, lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent, or other similar occupation;
 - (d) teaching, with musical instruction limited to one or two pupils at a time; however, a home occupation shall not be interpreted to include barber shops and restaurants.
19. Lot Land occupied or to be occupied by a structure or use and its accessory structures, and including such open spaces and parking as are required under this Code and having its principal frontage upon a public street. For the purposes of this Code, a lot may consist of more than one platted lot, provided that such platted lots are under common ownership. /
20. Lot, Corner A lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty five degrees (135°) within the lot lines.
21. Lot Coverage That portion of a lot covered by buildings or structures.
22. Lot Line or Property Line The boundary dividing a given lot from a street, alley, or adjacent lots.
23. Lot, Through A lot that has both ends fronting on a street. Either end may be considered the front.
24. Manufactured Home A detached single-family dwelling unit manufactured on or after June 15, 1976, in an off-site manufacturing facility for the installation and assembly at the building site as a permanent structure with transport features removed, bearing the seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards. Code of Federal Regulations, Title 24, Part 3280, 3282 and 442 USC 5401, et seq as amended in the United States Department of Housing and Urban Development.
26. Mobile Home Any vehicle or similar portable structure originally having no foundation other than wheels, jacks or skirtings and so designed or constructed as to permit

occupancy for dwelling or sleeping purposes, and built prior to June 15, 1976. Mobile homes, as defined herein, are not permitted within the town limits.

- 27. Multi-Family Residential See: Dwelling, Multiple
- 28. Nonconforming Any building or land lawfully occupied by a use at the time of passage of this Code which does not conform with the use requirements of the district within which it is located.
- 29. Open Space Any unoccupied space on the lot that is open and unobstructed to the sky and occupied by no structure or portion of structure whatever.
- 30. Parking Space A surfaced area, enclosed or unenclosed, sufficient in size to store one automobile [not less than nine feet (9')wide and twenty feet (20') long] connected to a public street or alley by a surfaced driveway and permanently reserved for the parking or storage of one motor vehicle.
- 31. Plat, lot A drawing of a lot showing its dimensions, the building arrangement thereon and such other information as may be needed for the enforcement of this Code.
- 32. Premises A lot, together with all buildings and structures thereon.
- 33. Principal Use The chief or main recognized use of a structure or of land.
- 34. Single-Family Residential See: Dwelling, Single Family
- 35. Story That portion of a structure included between the upper surface of any floor and the upper surface of the floor next above. Also any portion of a structure used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless the height of the surface of the first floor above the average elevation of the finished lot grade at the structure exceeds four feet (4').
- 36. Street A public way of more than thirty feet (30') in width, dedicated to, established by, or maintained by public authority.
- 37. Structure Anything constructed or erected, the use of which requires permanent attachment to the ground on foundation or pilings.
- 38. Two-Family Residential See: Dwelling, Two Family
- 39. Variance A modification of the requirements of this Code when authorized by the Board of Adjustment, after finding that the literal application of the provisions of this Code would cause undue and unnecessary hardship in view of certain facts and conditions applying to a specific parcel of property.
- 40. Yard An open and unoccupied space which is the horizontal distance from a lot line to a parallel main line of the structure.
- 41. Yard, Front A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

42. Yard, Rear

A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, unenclosed porches or entrance ways.

43. Yard, Side

A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard, and being the minimum horizontal distance between a side lot line and side of the main buildings or any projections thereof.

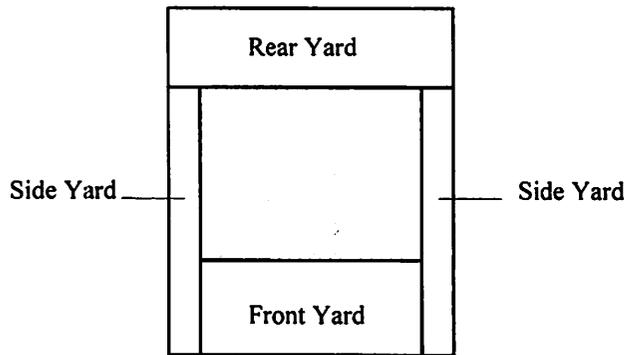


Figure 2.1 Required Yards on a Lot

Article 2-2. Zoning Map

The Planning Area is hereby divided into zoning districts as shown on the Official Area Zoning Districts Map which, together with explanatory information thereon, is hereby adopted by reference and declared to be a part of this Code. Boundary lines of the zoning districts, unless otherwise indicated by actual dimensions, are intended to follow lot lines, the center line of streets, alleys, corporate limits, the channels of waterways, or the boundaries of railroad rights-of-way. The Board of Adjustment shall interpret the district boundaries where said boundaries are not adequately described.

The Official Area Zoning Districts Map shall be identified by the signature of the Mayor, attested by the Town Clerk, bearing the seal of the Town, together with the date of adoption of the ordinance and indicating the adopting ordinance number.

CHAPTER 3. ZONING DISTRICTS

Article 3-1. Single Family Residential Zone (R-1)

DESCRIPTION: This zone is primarily single-family residential, low density areas for residential expansion. The predominant character of this zone is residential, protected from any commercials and industrial activities, except as herein provided.

PERMITTED USES:

1. Single-family structures
2. Parks and playgrounds

CONDITIONAL USES: The following uses are permitted, subject to review and conditions of the Commission and/or Town Council:

1. Churches
2. Libraries
3. Publicly owned and maintained buildings (with off-street parking)
4. Public and non-profit schools
5. Utility substations (if no staff is required and screening is provided)
6. Home occupations, as defined in Article 2-1, number 18, and subject to the requirements of Article 5-5.
7. Kindergartens and child care facilities (if off-street loading and unloading of children is provided).
8. Other uses deemed by the Planning Commission to be in character with the zone.

ACCESSORY USE Structures and uses deemed accessory and pertinent to the principal structure and use the Commission, not detrimental to the character of the zone and subject to the provisions of the zone, provided that such structures shall be located behind the principal structure.

MINIMUM LOT AREA

1. Single-family: 5,000 square feet
2. Churches: one platted city block; three acres if land is not platted.

MAXIMUM LOT COVERAGE

1. Corner lots: 40%
2. Interior lots: 50%
3. Non-residential uses: not more than 60%

MINIMUM LOT WIDTH Sixty feet (60') at the building line.

MINIMUM FRONT YARD Ten feet (10') from property line or twenty five feet (25') from centerline of existing right-of-way, whichever is greater.

- MINIMUM SIDE YARD
 1. Interior lots: seven and one half feet (7½') from each interior property line.
 2. Corner lots: fifteen feet (15') from side street property line or twenty five feet (25') from centerline of existing side street right- of-way, whichever is greater.
- MINIMUM REAR YARD Ten feet (10') from rear property line.:
- MAXIMUM HEIGHT OF STRUCTURES: Two (2) stories, and not to exceed thirty-feet (30').

Article 3-2. Mixed Use Residential Zone (R-2)

DESCRIPTION: This zone is primarily mixed density residential. The predominant character of this zone is residential, protected from any commercials and industrial activities, except as herein provided.

- PERMITTED USES:**
1. Single-family structures
 2. Two-family structures
 3. Multi-family structures (not to exceed 8 units in a single structure)
 4. Single manufactured homes, subject to requirements listed herein
 5. Parks and playgrounds

- CONDITIONAL USES:** The following uses are permitted, subject to review and conditions of the Commission and/or Town Council:
1. Churches
 2. Libraries
 3. Public owned and maintained buildings (with off-street parking)
 4. Professional offices, including medical clinics (with off-street parking and required screening)
 5. Public and non-profit schools
 6. Utility substations (if no staff is required and screening is provided)
 7. Agricultural crops, including truck gardens and farming, and orchards for growing or propagation of plants, trees and shrubs. Temporary stands or structures are permitted for seasonal sale of products raised on the premises. This does not include the raising for sale of fowls, birds, rabbits or other animals and fish or other creatures.
 8. Home occupations, as defined in Article 2-1, number 18, and subject to the requirements of Article 5-5.
 9. Hospitals and convalescent homes (with off- street parking).
 10. Kindergartens and child care facilities (if off-street loading and unloading of children is provided).
 11. Other uses deemed by the Planning Commission to be in character with the zone.

ACCESSORY USE	Structures and uses deemed accessory and pertinent to the principal structure and use the Commission, not detrimental to the character of the zone and subject to the provisions of the zone, provided that such structures shall be located behind the principal structure.
MINIMUM LOT AREA	<ol style="list-style-type: none"> 1. Single-family or two-family: 5,000 square feet 2. Churches: one platted city block; three acres if land is not platted.
MAXIMUM LOT COVERAGE	<ol style="list-style-type: none"> 1. Corner lots: 50% 2. Interior lots: 60% 3. Non-residential uses: not more than 60%
MINIMUM LOT WIDTH	Sixty feet (60') at the building line.
MINIMUM FRONT YARD	Ten feet (10') from property line or twenty five feet (25') from centerline of existing right- of-way, whichever is greater.
MINIMUM SIDE YARD	<ol style="list-style-type: none"> 1. Interior lots: five feet (5') from each interior property line. 2. Corner lots: fifteen feet (15') from side street property line or twenty five feet (25') from centerline of existing side street right- of-way, whichever is greater.
MINIMUM REAR YARD	Ten feet (10') from rear property line.
MAXIMUM HEIGHT OF STRUCTURES:	Two (2) stories, and not to exceed thirty-feet (30').

Article 3-3. Manufactured Home Park

DESCRIPTION: A residential use which, subject to development standards enumerated herein, and upon review and approval of the Commission, may be developed in certain districts, as herein specified.

PERMITTED DISTRICT LOCATIONS:	<ol style="list-style-type: none"> 1. Mixed Use Residential (R-2) 2. Commercial (C), provided that all structures, mobile or permanent, are set back seventy-five feet (75') from the front property line.
DEVELOPMENT STANDARDS:	<p>The manufactured home park shall conform to the following requirements:</p> <ol style="list-style-type: none"> 1. The manufactured home park shall be located on well- drained site, properly graded to ensure rapid drainage and freedom from standing pools of water; 2. The minimum area for a manufactured home park shall be five (5) acres; 3. Manufactured home spaces shall be provided consisting of a minimum of four thousand (4,000) square feet for each space, and with not more than eight (8) spaces per acre; 4. Each manufactured home space shall be at least forty feet (40') wide;

5. manufactured homes shall be so harbored on each space that there shall be at least twenty feet (20') between the manufactured home and any manufactured home space line;
6. All manufactured home spaces shall abut on a driveway of not less than thirty feet (30') in width, which shall have unobstructed access to and be connected to at least one public street and which shall be constructed with gravel or hard surface;
7. Each manufactured home space shall be provided water, sewer and electrical service approved by the Arkansas Department of Health;
8. A natural (trees or plants) or artificial (fence) barrier or screening shall be provided on all boundaries of the manufactured home park at least at eye level, subject to the provisions for a visibility triangle at street intersections (see Article 3-7);
9. All structures, mobile or permanent, shall be set back a minimum of forty-five feet (45') from a manufactured home park property line abutting any street in a residential district.
10. Each dwelling unit sited in any manufactured home park after the effective date of enactment of this Code shall conform to the standards of the Federal Manufactured Housing Construction Safety Standards Act of 1974, and shall bear the seal of compliance with such standards.

Article 3-4. Downtown Commercial (DC)

DESCRIPTION: A zone for businesses providing goods and services in the central portion of the City, which are more oriented to serving the needs of residents than the motoring public and which, because of space limitations, require different design and density standards

PERMITTED USES:

The following uses are permitted outright:

1. Retail establishment providing goods and services including, but not limited to: antique shops, arts and crafts, amusement parlors, general merchandise and department stores, grocery stores, hardware, restaurants, barber and beauty shops, newsstands, shoes and clothing, theaters, drug stores, public utility offices, furniture stores, variety stores, automobile sales and service, gifts and souvenirs, florists, appliance sales and service, and feed stores;
2. Offices and bank building and uses;
3. Places of public assembly;
4. Government offices;

CONDITIONAL USES:

The following uses are permitted, subject to the review and conditions of the Commission and/or City Council.

1. Wholesaling and warehousing;
2. Bulk storage of non-combustible materials;
3. Agricultural enterprises;

4. Other uses deemed by the Commission to be in character with the zone.

ACCESSORY USES:	Structures and uses deemed accessory and pertinent to the principal structure and use by the Commission, not detrimental to the character of the zone and subject to the provisions of this zone.
MINIMUM LOT AREA:	None.
MAXIMUM LOT COVERAGE:	Eighty-five percent (85%)
MINIMUM LOT WIDTH:	None.
MINIMUM FRONT YARD:	None.
MINIMUM SIDE YARD:	None, except along the side of a lot abutting a lot in a residential district, in which case a side yard of twenty-five feet (25') shall be provided.
MINIMUM REAR YARD:	Ten feet (10') from the rear lot line or center of a platted alley, except on a lot abutting a lot in a residential district, in which case a rear yard of twenty-five feet (25') shall be provided.
MAXIMUM HEIGHT OF STRUCTURES:	Two (2) stories and not to exceed thirty-six feet (36')
OFF-STREET PARKING:	The off-street parking requirements of Chapter 4 shall apply.
LOADING AND UNLOADING:	The loading and unloading area requirements of Chapter 4 shall apply.
TEMPORARY USES:	The Commission may grant temporary permits for bazaars, carnivals, religious meetings, temporary recreation facilities, etc., provided that uses comply with regulations on parking, sanitation, safety, etc. for the area and do not constitute a nuisance for surrounding property.

Article 3-5. Highway Commercial (HC)

DESCRIPTION: A zone for businesses that serve highway traffic and for commercial activities permitted in the Downtown Commercial (DC) district, but subject to certain enumerated controls.

PERMITTED USES:	The following uses are permitted outright: <ol style="list-style-type: none">1. All uses permitted in the Downtown Commercial (DC) district.2. Highway and automobile oriented retail establishments providing goods and services including, but not limited to: fruit and vegetable stands, service stations, manufactured home sales, convenience stores, camper and trailer sales and service, drive-in restaurants, drive- in theaters and farm machinery service and sales.
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- CONDITIONAL USES:** All uses permitted in the Downtown Commercial (DC) district on a conditional basis are permitted in the Highway Commercial (HC) district, subject to review and conditions of the Commission and/or City Council.
- ACCESSORY USES:** Structures and uses deemed accessory and pertinent to the principal to the principal structure and use by the Commission, not detrimental to the character of the zone and subject to the provisions of this zone.
- MINIMUM LOT AREA:** None
- MAXIMUM LOT COVERAGE:** 50%
- MINIMUM LOT WIDTH:** None
- MINIMUM FRONT YARD:**
 1. Seventy-five feet (75') from the front property line or ninety feet (90') from the centerline of existing street right-of-way, whichever is greater, when parking is provided in front.
 2. Forty feet (40') from the front property line or fifty-five feet (55') from the centerline of existing street right-of-way, whichever is greater, when parking is not provided in front.
- MINIMUM SIDE YARD:** Ten feet (10') from side property line, except on a corner lot, in which case the minimum side yard shall be twenty-five feet (25') from the property line.
- MINIMUM REAR YARD:** Ten feet (10') from the property line.
- MAXIMUM HEIGHT OF STRUCTURES:** Two (2) stories and not to exceed thirty-six feet (36')
- ACCESS:** All access points or driveways to the property shall be reviewed and approved by the Commission.
- PROPERTY LINE SCREEN:** A planting or landscaping strip fifteen feet (15') wide shall be provided as a natural screening barrier along any property line which abuts a residential zoning district. Planting in this strip shall consist of cypress or similar tree approved by the Planning Commission, planted at a height of at least six feet (6').

Article 3-6. Industrial (I)

DESCRIPTION: A district intended to provide space for manufacturing activities, wholesaling, warehousing, storage, assembling, packaging and industrial activities having unusual or potentially deleterious operational characteristics where special attention must be paid to location and site development.

- PERMITTED USES:**
1. All uses permitted in the Highway Commercial (HC) district on a conditional basis;
 2. Any existing use which was in conformance with the requirements of this section, but which must be reconstructed, rehabilitated or replaced as a result of damage or destruction, provided that such replacement returns the facility to its previous conforming use.

3. The manufacturing, compounding, processing, packaging, storage or assembling of such products as prohibited in the commercial district, when it is found by the enforcement officer that the uses are not likely to create hazards of fire, explosions, noise, vibration, dust, lint or the emission of smoke, odor or toxic gases.

CONDITIONAL USES:

Industrial uses having by reason of their operation accompanying hazards, such as fire, explosion, noise, vibration, dust, lint or the emission of smoke, odor, or toxic gases, if not in conflict with any ordinance of the Town of Dell or with any law or statute of the State of Arkansas or the Federal government. These uses may be permitted only if it has been approved by the Town Council after public hearing and report by the Commission as provided in Article 8-1. The Town Council shall review the plans and statements and shall not permit such buildings, structures or uses until it has been shown that the public health, safety and general welfare will be properly protected and that necessary safeguards will be provided for the protection of surrounding property and persons. The Town Council, in reviewing the plans and statements, shall consult with other agencies created for the promotion of public health and safety.

ACCESSORY USES:

Uses deemed by the Commission to be accessory and appropriate to the permitted uses, but not detrimental to the character of the zone.

PROHIBITED USES:

The following uses are prohibited in this district:

1. Hospitals;
2. Nursing homes and convalescence institutions;
3. Schools and educational institutions, including churches;
4. Hotels, motels, travel courts, dwellings and other buildings used for permanent or temporary housing of persons, except for dwelling for resident watchmen and caretakers employed on the premises in which case such use will be considered an accessory use.

MINIMUM SIDE YARD:

Forty feet (40')

MINIMUM LOT AREA:

None

MAXIMUM LOT COVERAGE:

Forty percent (40%)

MINIMUM LOT WIDTH:

None

MINIMUM FRONT YARD:

1. Seventy-five feet (75') from the front property line or ninety feet (90') from the centerline of existing street right-of-way, whichever is greater, when parking is provided in front.
2. Forty feet (40') from the front property line or fifty-five feet (55') from the centerline of existing street right-of-way, whichever is greater, when parking is not provided in front.

MINIMUM REAR YARD:

Forty feet (40')

MAXIMUM HEIGHT OF STRUCTURES:

1. Agricultural storage facilities: no limitation.
2. All other uses: Two (2) stories and not to exceed thirty-six feet (36'), except that the Board of Adjustment may waive the height requirements when it is demonstrated that the equipment and operation of the principle use require a

structure of greater height and proper precautions have been taken to guarantee the public safety, health and welfare.

- ACCESS TO PROPERTY:** All access points or driveways to the property shall be reviewed and approved by the Commission.
- PROPERTY LINE SCREEN:**
1. A planting or landscaping strip fifteen feet (15') wide abutting the front property line, shall be provided, subject to the requirements for a visibility triangle in Article 3-7;
 2. A natural (trees or plants) or artificial (fence) barrier or screening shall be provided on rear and side property lines, at least at eye level, subject to the requirements for a visibility triangle in Article 3-6, when such property line abuts a different zoning district.

Article 3-7. Supplementary District Requirements

- FENCES, WALLS, AND HEDGES:** Notwithstanding other provisions of this Code, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any front yard shall be over two and one half feet (2½') in height, except that there shall be no height limitation on any hedge, bush or tree planted along any property line of any residential lot abutting a state highway right-of-way.
- EXCEPTIONS TO HEIGHT LIMITATIONS:** The height limitations contained in Articles 3-1 through 3-5 do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- STRUCTURES TO HAVE ACCESS:** Every building hereafter erected or moved shall be on a lot adjacent to a public street, and all structures shall be so located on lots to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- VISIBILITY TRIANGLE AT INTERSECTIONS:** On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and a half feet (2½') and ten feet (10') above the centerline grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along said property lines twenty-five feet (25') from the points of intersection.

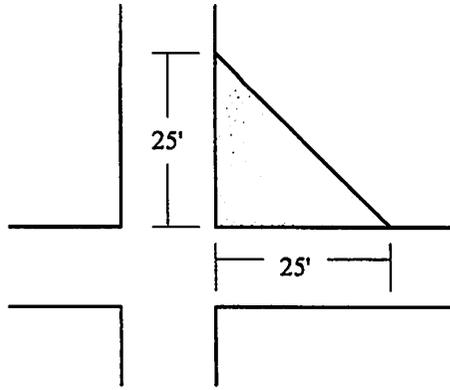


Figure 2. Visibility Triangle

CHAPTER 4. OFF-STREET PARKING AND LOADING REQUIREMENTS

Article 4-1. Purpose

It is the purpose of this chapter to specify the off-street parking and loading requirements for all uses permitted in this Code, and to describe design standards and other required improvements. All new developments and alterations to, or expansion of, existing developments shall comply with the applicable requirements of this chapter. The requirements of this chapter are intended to anticipate and meet the normal, routine characteristics of land use activities covered by this Code; waivers to these requirements may be considered by the Board of Adjustment, pursuant to the provisions of chapter 8 herein.

Article 4-2. Category of Uses and Conditions of Uses Covered

The provisions of this article shall apply to:

- A. Buildings and uses built or enlarged after the effective date of this Code;
- B. Extensions of existing parking lots by fifty percent (50%) or more of the number of existing stalls; all of the lot must be brought up to the standards of this Code.

Article 4-3. Location of Off-Street Parking

Off-street parking shall not be located in front or side set-backs, unless allowed in a particular district. The location of off-street parking shall be:

- A. Single-family residential: on the same lot with the building it is to serve;
- B. Multi-family dwelling: may be on a contiguous lot if within five hundred feet (500') of the dwelling;
- C. Other uses: may be in areas other than on the premises if a definite amount of parking area is set aside for a particular use in such a lot and such area is not located more than five hundred feet (500') from the premises.

Article 4-4. Parking Standards

ACTIVITY	NUMBER OF PARKING SPACES
A. Residential Uses	One (1) per dwelling unit, except that multi-family structures shall provide two (2) spaces per dwelling; multi-family structures with more than ten (10) dwelling units shall also provide one (1) space for each employee, and/or one (1) space for each five (5) dwelling units for recreation vehicles.
B. Commercial Uses	
1. Banks	Three (3) square feet of parking area for each one (1) square foot of gross floor area, except when part of a shopping center

- | | |
|---|--|
| 2. Professional Office | One (1) parking space for each two hundred (200) square feet of gross floor area, except when part of a shopping center. |
| 3. Shopping Center | Five and one half (5½) parking spaces per one thousand (1,000) square feet of gross leasable area. |
| 4. Restaurants | One (1) parking space for each three (3) seats, plus one (1) space for each employee, but not less than five (5) employee spaces |
| 5. Retail stores, Supermarkets, Department and Personal Service Shops | One (1) parking space for each one hundred (100) square feet of gross floor area, except when located in a shopping center. |
| 6. Other Retail, Furniture, Appliance, Hardware, Service, Clothing or Shoe Repair | One (1) parking space for each two hundred (200) square feet of gross floor area, except when located in a shopping center. |
| 7. Drive-in Business | One (1) parking space for each fifty (50) square feet of gross floor area, except when located in a shopping center. |
| 8. Uncovered New and Used Car Lots, Plant Nurseries | One (1) parking space for each two thousand (2,000) square feet of retail sales area. |
| 9. Motor Vehicle Repair and Service: | One (1) parking space for each four hundred (400) square feet of gross floor area. |
| C. Churches | One (1) parking space for each three (3) seating spaces. |
| D. Other Uses | For uses not specifically identified herein, parking shall be provided as specified for the use which, in the opinion of the Commission, is most similar to the use under consideration. In case of disagreement between the applicant and the Commission about interpretation, the Board of Adjustment will make the final determination as provided in Article 6-3 of this Code. |

Article 4-5. Drive-In Businesses

All banks, savings and loan associations, cleaning establishments, food dispensing establishments, and other business which maintain drive-in facilities which are intended to serve customers who remain in their motor vehicles during the business transactions, or are designed in such a manner that customers must leave their automobiles temporarily in a driving line located adjacent to the facility, shall provide stacking space for the stacking of motor vehicles. Such stacking space shall be separated from, and shall not be calculated as a part of the required off-street parking area. The stacking space, leading to the drive-up windows, shall be equal in length to four (4) car lengths per window.

Article 4-6. Loading and Unloading

- A. For all buildings hereafter erected, reconstructed or enlarged, adequate permanent off-street loading space shall be provided if the activity carried on is such that the building requires deliveries to it or shipments from it of people or merchandise. Such buildings and uses may include: warehouses, supermarkets, department stores, office buildings, industrial or manufacturing establishments, freight terminals, mortuaries, schools, nursery or day care centers and such other uses which, in the judgment of the Commission are similar in nature in regard to loading space requirements.
- B. No portion of a vehicle taking part in loading or unloading activities shall project into a public street or alley.
- C. Loading space shall be in addition to required off-street parking spaces.
- D. Space for loading berths may occupy all or any part of any required setback as long as the loading berth is uncovered. A covered loading area shall comply with the minimum setback requirements of the district in which the use is located.
- E. The space designated for loading and unloading shall be sufficient to accommodate both the size of vehicles and number of vehicles which can be expected for normal operational requirements.
- F. Where the loading and unloading of people and passengers is the normal loading activity, such activity shall be physically separated from traffic.

CHAPTER 5. GENERAL REGULATIONS

Article 5-1. Application

Within the corporate limits of the Town of Dell, as herein defined, all land shall be used and all building shall be built, altered, extended, moved and used in conformance with this Code.

Article 5-2. Annexed Area

Territory annexed after adoption of this Code shall be classified as Single Family Residential (R-1), and subject to the regulations of that land use classification, until the Zoning Map is amended to include the annexed territory.

Article 5-3. Completion of Existing Buildings

Nothing herein contained shall require any change in the plans, construction or designated use of a building which either:

- A. is actually under construction, at the time of adoption of this Code; or,
- B. has been approved for construction by appropriate approving agencies not more than thirty (30) days prior to the adoption of this Code, provided that construction is started on said building within sixty (60) days after adoption of this Code.

Article 5-4. Non-Conforming Uses

- A. A non-conforming use of structure:
 1. May be continued and is subject to such regulations as to the maintenance of premises and conditions of operation as may be required for the protection of adjacent property as approved by the Board of Adjustment; or,
 2. May be extended to any portion of a structure arranged or designed for such non-conforming use at the time of passage of this Code; or,
 3. May be changed to a similar use if no structural changes are necessary; but,
 4. Once changed to a conforming use, cannot be changed to a non-conforming use,
- B. A non-conforming structure may, with the approval of the Board of Adjustment, be:
 1. remodeled to maintain the premises in a safe and usable condition; or,
 2. added to, if said addition meets the area requirements of the district within which the structure is located.

Article 5-5. Occupations Permitted in Residential Structures

- A. An occupation may be carried on in a residential structure in a residential use district only if it does not:

1. involve the use of commercial vehicles;
2. require the use of more than two rooms otherwise normally considered as living space;
3. require the use of an accessory building or yard space or an activity outside the main structure not normally associated with residential uses. When a state statute or regulation requires the operation of an occupation separate from the living quarters, an accessory structure may be utilized, provided that it conforms to other regulations of the district in which it is located;
4. have a sign in excess of four (4) square feet to denote the business, occupation or profession, and such sign must be attached to the structure;
5. involve the external display of goods and services.

Article 5-6. Lot Area

On any lot separately owned in a residential use area at the time of passage of this Code and retained in continuous, separate ownership, a single-family structure may be erected even though the lot be of less width or area than required by the regulations of the residential use area in which the lot is located, provided all other area requirements are met.

Article 5-7. Area Not to be Diminished

The lot or yard areas required by this Code for a particular building or use at the time of passage of this Code or later constructed or established shall not be diminished and shall not be included as a part of the required lot, open space or yard area of any other building or use. If the lot, open space or yard areas required by this Code for a particular building or use are diminished below requirements, the continued existence of such building or use shall be deemed a violation and punished as provided in this Code.

Article 5-8. Conditional Use Provisions Not Non-Conforming

Any use which is permitted as a conditional use in a district under the terms of this Code, other than a change through Board of Adjustment action from a non-conforming use to another use not generally permitted in the district, shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

CHAPTER 6. BOARD OF ADJUSTMENT

Article 6-1. Organization

- A. A Board of Adjustment is hereby established, which shall consist of the membership of the Commission,.
- B. Terms of office shall be the same as membership on the Commission. Vacancies shall be filled, for the expired or unexpired term of any member whose term becomes vacant, in the same manner as the original appointments.
- C. Upon appointment, and annually thereafter, the Board shall meet, organize, and elect its own chairman, who shall serve for one (1) year or until the successor duly qualifies. The chairman may appoint a secretary who is not a member of the Board, who shall hold office until relieved by the board and who shall receive such compensation from the Town as may be affixed from time to time by the Town Council.

Article 6-2. Meetings

- A. Meetings of the Board shall be held at such times and at such place or places within the Town as the Board may designate, and may meet at any time on the call of the chairman.
- B. The Board shall keep minutes of its proceedings which shall contain as a minimum:
 - 1. Time, date and place of meeting;
 - 2. Names of members present;
 - 3. Citation, by number and description, of appeal or application;
 - 4. Pertinent facts of the case;
 - 5. Names of persons appearing and their interest in the case;
 - 6. Record of vote by name;
 - 7. Authority for any decision (citing ordinance or statute) and reasons for conditions imposed.

The minutes of the meeting shall be filed by the Secretary of the Board in the offices of the Town Clerk and shall be public record.

- C. The presence of three (3) members shall be necessary to constitute a quorum and the concurring vote of a majority of the entire Board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer, or to decide in favor of the applicant on any matter upon which it is required to pass under the zoning ordinance, or to authorize a variance from such regulations.
- D. The secretary of the Board shall notify each member of the Board of a scheduled or called meeting seven days in advance of the date of the meeting, by mail or in person.
- F. The Board shall establish procedures and by-laws for conduct of meetings, hearings, and public notices. Each session of the Board shall be a public meeting with public notice of said meeting and business to be carried on published in a newspaper of general circulation in the Town, at least one (1) time seven (7) days prior to the meeting.

Article 6-3. Powers and Duties

A. Appeals

The Board shall hear appeals from the decision of the administrative officer in respect to the enforcement and application of this Code; and may affirm or reverse, in whole or in part, said decision of the administrative officer.

B. Variances

1. When a property owner can show that a strict application of the terms of this Code relating to construction or alteration of buildings or structures will impose upon him practical difficulties or particular hardship, the Board may grant variances from the regulation if the variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such district in which the property is located. Variances may be granted only where by reason of:
 - a. of exceptional narrowness, shallowness, depth or shape of a specific piece of property of record on the date of the passage of this Code; or,
 - b. exceptional topographic or physiographic conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any provision of this Code would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of such property so as to constitute virtual confiscation of such property as distinguished from mere inconvenience to such owner, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan or this Code as established by the regulations and provisions contained herein.
2. In granting a variance, the Board may impose such conditions as are necessary to protect the public health, safety, or welfare, in accordance with the purpose and intent of the zoning regulations.
3. No non-conforming use of neighboring lands, structure, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
4. Under no circumstances shall the Board grant a variance to allow a use expressly or by implication prohibited by the terms of this Code in the district involved.

Article 6-4. Notices and Fees

- A. Whenever an appeal or application for a variance is made to the Board, the Board shall cause to have published at the expense of the appellant or applicant a notice of the time and place of the public hearing upon such appeal or application, which notice shall be published at least once not less than seven (7) days preceding the date of such hearing in an official paper or a paper of general circulation in the Town, said notice to designate the particular location with which the appeal or application is concerned, and a brief statement as to what the appeal or application consists of. The Board shall also give or cause to be given such additional notice of such hearing to interested persons and organizations as it shall deem feasible and practicable.
- B. The appellant or applicant shall be required to pay to the Town Clerk a filing fee of twenty five dollars (\$25.00) to cover such other costs as may be incurred in connection with such appeal or application.

CHAPTER 7. AMENDMENTS

Article 7-1. Initiation of Changes

Changes to the Zoning Regulations and/or the Zoning Map may be initiated by the Town Council, the Commission or one or more persons who own property within the area of the proposed change.

Article 7-2. Procedure for Amendments

- A. The Commission shall set hearings on all proposed changes to the Zoning Map at any of its regular monthly meetings or at special meetings called by the Commission for that purpose. Applications for changes to the Zoning Map shall be submitted to the Secretary of the Commission at least fifteen (15) days prior to the meeting to set the hearing.
- B. The Commission shall cause all persons that lease or own property within two hundred feet (200') of the proposed zone changes to be notified of the nature of the proposed change and of the time and place of the public hearing on the proposed change or, in the alternative, the Commission may direct persons interested in the change to provide for such notification and to furnish evidence thereof. In either event, all expenses incident to any amendments initiated by property owners shall be paid for by the petitioners.
- C. The Commission shall give fifteen (15) days notice of the public hearing in a newspaper of general circulation in the Town.
- D. Within forty five (45) days after receiving the application for a change in the Zoning Ordinance, the Commission shall hold a public hearing and make recommendations to the Town Council stating reasons. A copy of these recommendations shall be submitted to the applicant at the same time.
- E. No application for a change of the Zoning Ordinance may be re-submitted within twelve (12) months from the date of action by the Town Council, unless the Commission finds that a substantial reason exists for waiving this limitation.

CHAPTER 8. ADMINISTRATION AND ENFORCEMENT

Article 8-1. Administration

A. The provisions of this Code shall be administered and enforced by the enforcement officer, who shall be appointed by and serve at the pleasure of the Mayor. He may be provided with the assistance of such other persons as the Town Council may direct.

B. Zoning Permits Required

1. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the enforcement officer. No zoning permit shall be issued by the enforcement officer except in conformity with the provisions of this Code, unless he receives a written order from the Board of Adjustment in the form of an administrative review or variance as provided by this Code.
2. A building or zoning permit will be issued only when the application has been approved by the enforcement officer as meeting requirements of this Code. All applications for building or zoning permits shall be accompanied by a plan in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected and its location on the lot, and such other information as may be necessary to provide for the enforcement of this Code.

A record of such application and plats shall be kept in the office of the Town Clerk and submitted to the Commission at the next regular meeting for review.

3. Zoning and/or building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the enforcement officer, or the Commission, or the Town Council, authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangements or construction at variance with that authorized shall be deemed in violation of this code and punishable as provided herein.
4. Once a zoning permit is issued, the applicant shall commence construction of the structure for which the permit was approved within sixty (60) days of issuance. Failure to commence construction within this prescribed time-frame shall result in the revocation of the permit, and the applicant shall be required to re-apply for a new permit. Applicant may request a one-time extension of the permit, for a period not to exceed sixty (60) additional days, provided the request is received prior to the expiration date of the original permit.

C. Conditional Uses - Procedures

1. The Commission shall hear and decide only such special exceptions as it is specifically authorized to pass on by the terms of this Code and to decide such questions as are involved in determining whether conditional use should be granted, and to grant conditional use with such conditions and safeguards as are appropriate under this Code, or to deny conditional use when not in harmony with the purpose and intent of this Code. A conditional use shall not be granted by the Commission unless and until:
 - a. A written application for a conditional use is submitted, indicating the section of this Code under which the conditional use is sought and stating the grounds on which it is requested;
 - b. Notice shall be given at least seven (7) days in advance of public hearing in an official paper or a paper of general circulation in Dell. The owner of the property for which conditional use is sought or his agent shall be notified by mail. Notice of such hearing shall be posted on the property for which conditional use is sought, at least seven (7) days prior to the public hearing;

- c. The public hearing shall be held. Any party may appear in person, or be agent or attorney;
 - d. The Commission shall make a finding that it is empowered under the section of this Code described in the application to grant the conditional use, and that the granting of the conditional use will not adversely affect the public interest;
 - e. Before any conditional use shall be approved, the Commission shall make written findings certifying compliance with the specific rules governing individual conditional uses and the satisfactory provision and arrangement has been made concerning the following, where applicable:
 - (1) The proposed use in the proposed location will not be detrimental to other uses legally existing or permitted outright in the zoning district;
 - (2) The size of the site is adequate for the proposed use;
 - (3) The traffic generated by the proposed use will not unduly burden the traffic circulation system in the vicinity;
 - (4) the other performance characteristics of the proposed use are compatible with those of other uses in the neighborhood or vicinity;
 - (5) Adequate buffering devices such as fencing, landscaping, or topographic characteristics protect adjacent properties from adverse effects of the proposed use, including adverse visual or auditory effects;
 - (6) The other uses in the vicinity of the proposed site are such as to permit the proposed use to function effectively;
 - (7) The proposed use complies with the performance standards, parking requirements and other applicable provisions of this Code.
2. The decision of the Commission, with respect to any application for a conditional exception, shall be final, unless an appeal is made to the Town Council within ten (10) days after the Commission's decision. Said appeal shall be in writing to the Town Council and filed with the Town Clerk.
 3. Whenever an application for a conditional exception is made to the Commission, the Commission shall cause to have published at the expense of the applicant a notice of the public hearing as prescribed in C(1)(b) above. In addition, the applicant shall be required to pay to the Town Clerk a filing fee of twenty five dollars (\$25.00), no part of which is refundable, to cover such other costs as may be incurred in connection with such appeal or application.

Article 8-2. Complaints Regarding Violations

Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully state the causes and basis thereof and shall be filed with the enforcement officer. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Code.

Article 8-3. Penalty for Violation

Any person or corporation who shall violate any of the provisions of this Code or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than one hundred dollars (\$100.00). Each day such violation is permitted to exist shall constitute a separate

offense. The owner or owners of any building or premises or part thereof where anything in violation of this Code shall be placed, or shall exist, and any architect, engineer, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as herein before provided.

CHAPTER 9. SIGNS

Article 9-1. Purpose

The requirements established herein are designed to regulate sign structures in order to insure light, air and open space; to reduce hazards at intersections; to prevent accumulation of trash; to control and coordinate the type, placement and physical dimensions of signs within the various zoning classifications; and to protect property values of the entire community. The requirements for signs, billboards, and other advertising structures are described in this Chapter.

Article 9-2. General Provisions

- A. A permit shall be required for the erection, alteration or reconstruction of any sign unless otherwise noted and shall be issued by the Enforcement Officer in accordance with this Code.
- B. Signs must be constructed of durable materials, maintained in good condition and not permitted to become dilapidated.
- C. Except as otherwise specifically provided, no sign shall be erected closer than fifteen feet (15') to any front, side or rear property line.
- D. A sign becomes obsolete which conveys advertising or identification to services or uses non-existent. Obsolete signs must be removed by property owner, developer or former lessee of property upon which sign is located within thirty (30) days after receipt of written notice from proper City officials.
- E. Illumination devices shall be so placed and so shielded that rays therefrom or from the sign itself will not be directly cast into any residential district, or sleeping room in any district, or in the eyes of a vehicular driver.
- F. The number of the sign permit shall be affixed to the sign, in such manner and format as the City may require. At the time a permit is issued, the City shall provide a decal or sticker for this purpose.

Article 9-3. Exemptions

This chapter does not relate to building design, nor does it regulate the following:

- 1. Official traffic or governmental signs;
- 2. The copy and message of signs;
- 3. Window displays;
- 4. Product dispensers;
- 5. Scoreboards on athletic fields;
- 6. Flags of any nation, government, or non-commercial organization;
- 7. Gravestones;
- 8. Barber poles;
- 9. Religious symbols;
- 10. Commemorative plaques;
- 11. The display of street numbers;

12. Any display or construction not defined as a sign.

Article 9-4. Prohibited Signs.

1. *Signs imitating warning signals.* No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance or rescue vehicles, nor shall any sign use the words "stop", "danger", or any other word, phrase, symbol or character in a manner that might mislead or confuse a vehicular driver.
2. *Signs within street or highway right-of-way.* No sign whatsoever, whether temporary or permanent, except traffic signs and signals and information signs erected by a public agency, are permitted within any street or highway right-of-way.
3. *Roof signs.* Signs mounted on any roof or any sign not mounted on a vertical surface.
4. *Certain attached and painted signs.* Signs painted on or attached to trees, fence posts and telephone or other utility poles or signs painted on or attached to rocks or other natural features or painted on the roofs of buildings.
5. Rotating signs.
6. *Fluttering ribbons and banners.* Fluttering ribbons and banners and similar devices are prohibited within the front yard setback, except the flags of governments and their agencies.
7. *Portable signs.* Mobile signs, which can be transported from one location to another, either on or off site.

Article 9-5. Requirements Applying to Specified Signs

1. *Wall signs.* Signs on the walls of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:
 - a. *Signs on front surface of building.* The total area of signs on the exterior front surface of a building shall not exceed twenty-five percent (25%) of the front surface of the building.
 - b. *Signs on side and rear surface of building.* The total area of signs shall not exceed fifty percent (50%) of the exterior side or rear surface of the building respectively.
 - c. *Projecting signs.* Wall signs attached flat against a wall may extend not more than twenty-four inches (24") from the wall. Signs attached at an angle to a wall may extend outward from the wall of a building not more than five feet (5') and may be located not closer than eighteen inches (18") to a vertical plane at the street curb line. In no case shall signs project beyond property lines.
2. *Signs on work under construction.* Non-illuminated signs not exceeding sixty-four (64) square feet in area displaying the name of the building, the contractors, the architects, the engineers, the owners, and the financial, selling and/or development agencies are permitted upon the premises of any work under construction, alteration or removal. One such sign is permitted per street frontage and shall be removed within thirty (30) days after completion of the project.
3. *Temporary subdivision signs.* Temporary signs not exceeding sixty-four (64) square feet in area announcing a land subdivision development are permitted on the premises of the land subdivision. They shall be set back not less than fifteen feet (15') from the right-of-way of any street or from any boundary line of the land subdivision. Such signs shall be spaced not less than five hundred feet (500') apart within a single subdivision. They shall be removed when seventy-five percent (75%) of the lots are conveyed.

4. *Private directional signs.* Off-premise signs may be erected and maintained provided which provide directions churches or other places of worship, or to premises available for or in the process of development, provided that:
 - a. the size of any such sign is not in excess of six (6) square feet and not excess of four feet (4') in length; and,
 - b. not more than one (1) such sign is erected on each five hundred feet (500') of street frontage.
5. *Neon signs.* Signs which utilize neon lighting, either for the body of the sign or its border, shall comply with all relevant local, state and federal electrical requirements.
6. *Home occupation signs.* A sign identifying a home occupation must be physically attached to the structure, and may not to exceed 4 square feet.
7. *Compliance with electrical codes.* All electrical signs or equipment and devices used in electrical signs shall bear the label of Underwriters Laboratories, Inc., or other recognized independent testing laboratory approved by the Enforcement Officer. All materials and methods used for installation shall comply with the current adopted electrical code.
8. *Multi-family and group dwellings identification signs.* Such signs shall indicate nothing other than the name and/or address of the premises and name of the management and may not to exceed twelve (12) square feet in area.
9. *Advertising signs (non-billboard).* The sign shall be limited to the advertisement of products or goods provided on-site. Signs that advertise products or goods unrelated to the use of the building or site on which the sign is located, or signs painted on the sides of buildings are prohibited.
10. *Political signs.* Political signs shall not be erected more than sixty (60) days prior to the election or referendum date, and must be removed within ten (10) days following the election.
11. *Temporary signs advertising garage or yard sales.* Such signs may not exceed four (4) square feet in size, shall not be placed more than one day prior to the sale and must be removed within twenty-four (24) hours after the end of the sale.

Article 9.6. Billboards

A. Structures generally.

Billboard or outdoor advertising structures and other free-standing signs may be permitted in Highway Commercial (HC) or Industrial (I) districts. No billboard shall be erected without a permit from the Enforcement Officer.

B. Location, area and height.

All billboard structures erected so as to be visible from any public, state or federal road shall conform to the following standards:

1. *Setback.* All structures shall be set back not less than fifteen feet (15') from any property or right-of-way line.
2. *Spacing.* No billboard structure shall be permitted within five hundred feet (500') of another billboard along the same side of the street or road, or within three hundred feet (300') of any residential district, public park, public building or religious building.
3. *Structure type.* Such structures may include back-to-back V-structures and double-faced structures, provided they are joined by a mutual or attached frame.

4. Sign area and height.

- a. The maximum sign area permitted for each face of the structure shall not exceed 378 square feet. The maximum allowable sign area may be exceeded if approved by the Planning Commission, but under no condition can a sign face exceed 672 square feet or fourteen feet (14') high and forty-eight feet (48') wide.
- b. All signs shall be a minimum of ten feet (10') above the adjacent street, as measured from the lower portion of the sign face, unless otherwise approved by the Planning Commission.
- c. No sign, where permitted, shall exceed the height, as measured from either the level of the street or the ground surface, of fifty feet (50').

5. Criteria for Construction Approval

When reviewing a request for construction and siting of a billboard, the Planning Commission shall consider the extent to which the sign:

- a. will create or excessively increase traffic congestion or traffic hazards;
- b. adversely influences living conditions for the residents in the immediate area;
- c. adversely affects property values in adjacent areas in accordance with their present zoning and use;
- d. is a deterrent to the improvement or development of adjacent property in accordance with existing regulations;
- e. would constitute a grant of special privilege to an individual as contrasted to the general welfare of the community;
- f. is out of scale with the needs of the City as a whole or the immediate neighborhood; and,
- g. is in an area where land use changes would justify granting the request.

6. Site Plan Required.

A site plan prepared by a registered land surveyor, architect, landscape architect, or engineer shall be submitted with the request. It should include a boundary survey of the parcel, the exact location of the proposed sign and any other information deemed appropriate by the Planning Commission.

7. Lighting.

No flashing advertising signs shall be permitted, and all billboard structures where lighted shall be indirectly illuminated.

8. Compliance with State and Federal Regulations.

All signs located along federal or state highways shall conform to all applicable federal and/or state regulations.

Article 9-7. Permits.

Unless otherwise provided by this Chapter, all signs shall require permits and payment of fees as described in this article. Application for a permit for the erection, alteration or relocation of a sign, when allowed by this Chapter, shall be made to the Enforcement Officer on such form or forms as may be required to provide the information necessary to administer the provisions of the this Chapter.

A. Signs for which permit is not required.

1. Traffic, directional, warning or information signs authorized by any public agency.

2. Official notices issued by any court, public agency or officer.
3. Church bulletin boards or one non-illuminated “for sale”, “for rent” or “for lease” sign located not less than fifteen feet (15') back from the street right-of-way line, unless attached to the front wall of a building, and not exceeding:
 - a. six (6) square feet in area in residential districts; or,
 - b. twenty (20) square feet in other than residential districts.
4. Permitted home occupation signs
5. Maintenance of a sign or for a change of copy on painted, printed or manual changeable copy signs.

B. Types of permits and fees

1. *Initial permit.* All new applications for permits filed with the Enforcement Officer shall be accompanied by a payment of the initial permit fee for each sign according to the following schedule:
 - a. Off-premise signs \$ 100.00
 - b. On-premise signs \$ 25.00 for the first \$3,000.00 in value of sign (materials and labor)
\$4.00 per \$1,000.00, or part thereof, in value over \$3,000.00
 - c. Special event \$10.00
2. *Alteration Permit.* Whenever a previously permitted sign is to be altered, relocated on site, or replaced, applications for permits filed with the Enforcement Officer shall be accompanied by a payment of an alteration fee, based on the cost of alteration as a percentage of replacement cost, for each sign according to the following schedule:

a. Ground mounted signs:	Up to 25%	\$ 10.00
	26% to 50%	\$ 20.00
	51% to 75%	\$ 30.00
	Over 75%	\$ 40.00
b. Projecting signs:	Up to 25%	\$ 15.00
	26% to 75%	\$ 25.00
	Over 75%	\$ 35.00
c. Wall signs (including mansard and marquee)	Up to 75%	\$ 20.00
	Over 75%	\$ 30.00

C. Term of Permit

Each permit shall be valid for the following terms:

1. On-premise signs: for a period of ten (10) years; and,
2. Off-premise signs: for a period of five (5) years.
3. All sign owners are required to renew their sign permits prior to the expiration date of the permit without further notice from the City. The renewal fee shall be the same amount as the initial permit fee, except that in the event the fee schedule is amended by ordinance, the revised fee shall be the amount to be paid. Any sign with an expired permit is considered abandoned. Such sign is illegal and shall be removed by the sign owner at his expense.

- D. Refund for Denial. If a permit is denied, the permit fee will be refunded to the applicant.
- E. Penalty. If any sign is installed or placed on any property prior to receipt of a permit, the specified permit shall be doubled. However, payment of the doubled fee shall not relieve the responsible party of any other requirements or penalties prescribed in this chapter.

Article 9.8. Maintenance

- A. All freestanding signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary, and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.
- B. All signs shall be properly maintained at all times. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced.
- C. The Enforcement Officer shall have the right under section 12.14.0. to order the repair or removal of any sign which is defective, damaged, substantially deteriorated or presents a public hazard, as defined in the edition of the building code in force in the city.

Article 9-9. Nonconforming signs.

- A. Any sign that was legally erected prior to, but does not subsequently conform to the provisions as a result of, adoption of this Code will be allowed to remain and shall be considered as a nonconforming use, subject to the provisions of this article.
- B. A nonconforming sign shall lose this designation if the sign is altered in violation of this article. Such signs shall be deemed illegal and removed by the sign owner pursuant to section 12.14.0. of this article. This provision does not refer to change of copy or normal maintenance.
- C. The nonconforming sign is subject to all requirements of this Code regarding safety, maintenance and repair. However, any nonconforming sign that is damaged to the extent that the cost for complete repair exceeds fifty percent (50%) of the replacement cost of the sign, such sign shall be removed by the owner. Replacement of any nonconforming sign shall be done only in accordance with the requirements of this article.

Article 9-10. Districts Where Permitted

TYPE SIGN	ZONING DISTRICT				
	R-1	R-2	DC	HC	I
All signs not requiring a permit	P	P	P	P	P
One construction sign for each street frontage	P	P	P	P	P
One non-illuminated real estate sign per lot or premises	P	P	P	P	P
Political signs	P	P	P	P	P
Temporary signs advertising garage/yard sales	P	P	P	P	P
Billboard	X	X	X	P	P
Business identification sign, mounted on the principal structure	X	X	P	P	P
Advertising sign	X	X	C	P	P

Article 9-11. Violations.

- A. When, in the judgment of the Enforcement Officer, a violation of this Chapter exists, the Enforcement Officer shall issue a written order to the alleged violator. The order shall specify those sections of this Chapter of which the person may be in violation and shall state that the person has ten (10) days from the date of the order in which to abate the alleged violation or to appeal to the board of adjustment. If the violator fails to appeal or to correct the violation within the time allowed by this section, the sign shall be deemed illegal and removed by the sign owner.
- B. If, upon inspection, the Enforcement Officer finds that a sign is abandoned or structurally, materially, or electrically defective, or in any way endangers the public, or is not maintained in accordance with this Chapter or any other relevant ordinance, such sign or signs shall be deemed illegal and the Enforcement Officer shall issue a written order to the owner of the sign and/or the occupant of the premises stating the nature of the violation and requiring the sign to be repaired in conformance with this Chapter or removed within ten (10) days of the date of the order.
- C. Illegal signs are public nuisances. In the event of a failure to comply with the order of the Enforcement Officer, the City may institute legal proceedings including, without limitation, an action to abate the sign as a nuisance. Costs incurred by the City shall be charged to the owner of the sign and/or the owner of the property on which the sign is located. The costs may constitute a lien upon the property and may be collected by any appropriate lawful means.